

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

EIGHTY-FIFTH LEGISLATURE
REGULAR SESSION, 2022
FIFTY-EIGHTH DAY

Charleston, West Virginia, Thursday, March 10, 2022

The Senate met at 11:19 a.m.

(Senator Blair, Mr. President, in the Chair.)

Prayer was offered by the Honorable Stephen Baldwin, a senator from the tenth district.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Mike Caputo, a senator from the thirteenth district.

Kate Boytek of Logan, West Virginia, proceeded in the singing of "Amazing Grace".

Pending the reading of the Journal of Wednesday, March 9, 2022,

At the request of Senator Grady, unanimous consent being granted, the Journal was approved and the further reading thereof dispensed with.

The Senate proceeded to the second order of business and the introduction of guests.

At the request of Senator Takubo, unanimous consent being granted, the Senate proceeded to the consideration of

Senate Resolution 54, Congratulating Fairmont Senior High School Polar Bears football team for winning 2021 Class AA state championship.

On unfinished business, coming up out of regular order, was reported by the Clerk.

At the request of Senator Caputo, unanimous consent being granted, the resolution was taken up for immediate consideration and reference to a committee dispensed with.

The question being on the adoption of the resolution, and on this question, Senator Caputo demanded the yeas and nays.

The roll being taken, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard,

Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Woelfel—1.

So, a majority of those present and voting having voted in the affirmative, the President declared the resolution (S. R. 54) adopted.

The Senate proceeded to the third order of business.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage of

Eng. Senate Bill 135, Relating to acquisition and disposition of property by urban development authority.

A message from the Clerk of the House of Delegates announced the amendment by that body, passage as amended, to take effect from passage, and requested the concurrence of the Senate in the House of Delegates amendment, as to

Eng. Com. Sub. for Senate Bill 274, Requiring secretary of DHHR to allocate CPS workers by Bureau of Social Services' district annually.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendment to the bill was reported by the Clerk:

On page 6, line 121, by striking subsection (b) in its entirety and inserting in lieu thereof a new subsection (b) to read as follows:

“(b) The secretary shall annually allocate Child Protective Services workers by districts of the Bureau for Social Services and report the allocation process to the Legislative Oversight Commission on Health and Human Resources Accountability by July 1 each year.”

On motion of Senator Takubo, the Senate concurred in the House of Delegates amendment to the bill.

Engrossed Committee Substitute for Senate Bill 274, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 274) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 274) takes effect from passage.

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

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage of

Eng. Senate Bill 440, Establishing Uniform Commercial Real Estate Receivership Act.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage of

Eng. Com. Sub. for Senate Bill 470, Relating generally to health care decisions.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage of

Eng. Com. Sub. for Senate Bill 508, Requiring certain attire for deer hunters with muzzleloaders.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage of

Eng. Com. Sub. for Senate Bill 535, Providing for revocation of school personnel certification or licensure in certain circumstances.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage of

Eng. Senate Bill 591, Relating to process for filling vacancies in state Legislature.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage, to take effect from passage, of

Eng. Com. Sub. for Senate Bill 595, Relating to Dangerousness Assessment Advisory Board.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage of

Eng. Com. Sub. for Senate Bill 616, Relating to confidentiality of court files and law-enforcement records of certain enumerated offenses.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the adoption of

Com. Sub. for Senate Concurrent Resolution 29, Nitro WW I Memorial Bridge.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the adoption of

Senate Concurrent Resolution 37, Harrison County Veterans Memorial Bridge.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the adoption of

Com. Sub. for Senate Concurrent Resolution 38, Cox Brothers' Veteran Memorial Bridge.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the adoption of

Com. Sub. for Senate Concurrent Resolution 45, US Army CPL John D. Doyle, Sr. Memorial Road.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended, with its Senate amended title, to take effect from passage, of

Eng. Com. Sub. for House Bill 2177, Permitting the issuance of a state issued identification card without a photo on the card under certain conditions.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendment, as amended by the House of Delegates, passage as amended, with its House of Delegates amended title, and requested the concurrence of the Senate in the House of Delegates amendment to the Senate amendment, as to

Eng. Com. Sub. for House Bill 4003, Relating generally to commercial benefit of substances removed from waters of the state by the treatment of mine drainage.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendment to the Senate amendment to the bill was reported by the Clerk:

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for House Bill 4003—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §22-2-10, relating generally to the ownership and commercial benefit of substances removed from waters of the state by the

treatment of mine drainage; restating public policies concerning the maintenance of reasonable standards of purity and quality of the waters of the state consistent with public health and the protection of all forms of life; providing for legislative findings, intent, and purpose, including that treatment of mine drainage reduces environmental harm by reducing toxic substances and pollution in the waters of the state, that such treatment may produce valuable concentrations of materials which may be utilized for commercial gain, and that said materials are part of the water; stating the legislative intent of fulfilling the state's obligations to maintain reasonable standards of purity and quality of the waters of the state by encouraging investments into the treatment of mine drainage; providing that all chemical compounds, elements, and other potentially toxic materials found within the waters of this state and derived from the treatment of mine drainage which have economic value may be used, sold, or transferred by the Department of Environmental Protection or its designee for commercial gain and benefit; providing that all funds received by said department shall be deposited and used at the discretion of the secretary into already established environmental funds; providing that all chemical compounds, elements, and other potentially toxic materials found within the waters of this state and derived from the treatment of mine drainage which have economic value may be used, sold, or transferred by any party who successfully removes the same from the waters of this state for commercial gain and benefit; providing for the protection of existing and future contracts; and providing a severability clause.

On motion of Senator Takubo, the Senate concurred in the foregoing House of Delegates amendment to the Senate amendment to the bill.

Engrossed Committee Substitute for House Bill 4003, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4003) passed with its House of Delegates amended title.

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

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended, with its Senate amended title, of

Eng. Com. Sub. for House Bill 4065, Allowing the Division of Natural Resources to teach hunter's safety courses in school.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amended title, passage as amended, to take effect from passage, of

Eng. Com. Sub. for House Bill 4141, Authorizing the Governor's Committee on Crime, Delinquency and Corrections to promulgate a legislative rule relating to Law Enforcement Training and Certification Standards.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended, with its Senate amended title, to take effect from passage, and requested the concurrence of the Senate in the changed effective date, as to

Eng. Com. Sub. for House Bill 4380, Relating to transportation of athletic teams.

On motion of Senator Takubo, the bill was taken up for consideration.

On further motion of Senator Takubo, the Senate concurred in the changed effective date of the bill, that being to take effect from passage, instead of ninety days from passage.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: Beach—1.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4380) takes effect from passage.

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

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendment to, and the passage as amended, of

Eng. Com. Sub. for House Bill 4406, To establish the West Virginia Military Hall of Fame.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amended title, passage as amended, of

Eng. House Bill 4438, Applying current requirements for certain voting systems to be independent and non-networked to all voting systems that seek certification in West Virginia.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amended title, passage as amended, to take effect from passage, of

Eng. Com. Sub. for House Bill 4499, Relating to making the procurement process more efficient by modifying and updating outdated processes and requirements.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amended title, passage as amended, of

Eng. Com. Sub. for House Bill 4562, Relating generally to the suspension and dismissal of school personnel by board and the appeals process.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended, with its Senate amended title, of

Eng. Com. Sub. for House Bill 4583, Clarifying the definition of incapacity so that incarceration in the penal system or detention outside of the United States may not be inferred as resulting in a lack of capacity to execute a power of attorney.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended, with its Senate amended title, of

Eng. Com. Sub. for House Bill 4596, Relating generally to additional persons qualifying for the provisions of the Law-Enforcement Officers Safety Act.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendment to, and the passage as amended, of

Eng. House Bill 4647, Relating to the Board of Funeral Service Examiners.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amended title, passage as amended, to take effect from passage, of

Eng. Com. Sub. for House Bill 4785, Relating to judicial vacancies.

A message from the Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

House Concurrent Resolution 97—Requesting the Division of Highways name a 1.7 mile stretch of highway, beginning at the intersection of Route 20/1 and County Route 20, also known as Mulberry Ridge Road, in Roane County, West Virginia, the “U. S. Army Air Corps Private Albert J. Sutphin Memorial Highway”.

Referred to the Committee on Transportation and Infrastructure.

A message from the Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

House Concurrent Resolution 99—Requesting the Division of Highways name a bridge bearing the Bridge Number: 20-N14/80-000.1 ()(20A928), (38.36406,-81.69170) locally known as CENTRAL AVENUE OVERPASS, carrying City N14/80 over CSX RR & FIRST AVENUE in Kanawha County,” as the “Lt. Col. Mitchell M. Mickel Memorial Bridge”.

Referred to the Committee on Transportation and Infrastructure.

Executive Communications

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



Jim Justice
Governor of West Virginia

March 9, 2022

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

Dear Mr. Clerk:

Enclosed for filing in your office, pursuant to the provisions of law, is the following bill:

Senate Bill No. Six Hundred Thirty-Nine (639), which was presented to me on March 3, 2022.

You will note that I have approved this bill on March 9, 2022.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jim Justice".

Jim Justice
Governor

JJ/mh

cc: The Honorable Stephen J. Harrison, Clerk



Jim Justice
Governor of West Virginia

March 9, 2022

The Honorable Stephen J. Harrison, Clerk
West Virginia House of Delegates
State Capitol
Charleston, West Virginia 25305

Dear Mr. Clerk:

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

House Bill No. Four Thousand Forty-Eight (4048), which was presented to me on March 3, 2022.

House Bill No. Four Thousand Two Hundred Ninety-Nine (4299), which was presented to me on March 3, 2022.

House Bill No. Four Thousand Three Hundred Eight (4308), which was presented to me on March 3, 2022.

House Bill No. Four Thousand Three Hundred Twelve (4312), which was presented to me on March 3, 2022.

Committee Substitute for House Bill No. Four Thousand Three Hundred Sixty-Nine (4369), which was presented to me on March 3, 2022.

You will note that I have approved these bills on March 9, 2022.

Sincerely

A handwritten signature in black ink, appearing to read "Jim Justice".

Jim Justice
Governor

JJ/mh
cc: The Honorable Lee Cassis

State Capitol | 1900 Kanawha Blvd., East, Charleston, WV 25305 | (304) 558-2000

The Senate proceeded to the fourth order of business.

Senator Tarr, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Eng. House Bill 2300, Including Family Court Judges in the Judges' Retirement System.

With an amendment from the Committee on the Judiciary pending;

And reports the same back with the recommendation that it do pass as amended by the Committee on the Judiciary to which the bill was first referred.

Respectfully submitted,

Eric J. Tarr,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Eng. H. B. 2300) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Tarr, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Eng. Com. Sub. for House Bill 4002, Creating the Certified Sites and Development Readiness Program.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Eric J. Tarr,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 4002) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Tarr, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Eng. Com. Sub. for House Bill 4025, Providing exemption to severance tax for severing rare earth elements and other critical minerals.

Eng. House Bill 4450, Removing the \$0.50 fee charged and deposited in the Combined Voter Registration and Driver's Licensing Fund for each driver's license issued by the Department of Motor Vehicles.

Eng. House Bill 4463, To increase the compensation members of the State Athletic Commission may receive for their attendance and participation in the commission's public meetings.

Eng. Com. Sub. for House Bill 4613, Relating to increasing the multiplier for use in determining accrued benefit in the West Virginia Municipal Police Officers and Firefighters Retirement System.

And,

Eng. Com. Sub. for House Bill 4688, Relating to Emergency Medical Services Retirement System Act.

And reports the same back with the recommendation that they each do pass.

Respectfully submitted,

Eric J. Tarr,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bills (Eng. Com. Sub. for H. B. 4025, 4613, and 4688, and Eng. H. B. 4450 and 4463) contained in the preceding report from the Committee on Finance were each taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill 4111, Relating to the prescriptive authority of advance practice registered nurses.

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

And has also amended same.

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

Respectfully submitted,

Charles S. Trump IV,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 4111) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Tarr, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Eng. Com. Sub. for House Bill 4252, To reduce copay cap on insulin and devices.

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

And reports the same back with the recommendation that it do pass as amended by the Committee on Health and Human Resources to which the bill was first referred.

Respectfully submitted,

Eric J. Tarr,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 4252) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Tarr, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Eng. House Bill 4307, Increase some benefits payable from Crime Victims Compensation Fund.

With an amendment from the Committee on the Judiciary pending;

And reports the same back with the recommendation that it do pass as amended by the Committee on the Judiciary to which the bill was first referred.

Respectfully submitted,

Eric J. Tarr,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Eng. H. B. 4307) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill 4377, To update the involuntary commitment process.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Charles S. Trump IV,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 4377) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Tarr, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Eng. Com. Sub. for House Bill 4393, To increase the managed care tax if the managed care organization receives a rate increase.

Now on second reading, having been read a first time and referred to the Committee on Finance on March 8, 2022;

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Eric J. Tarr,
Chair.

Senator Tarr, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Eng. Com. Sub. for House Bill 4408, Relating to contracts for construction of recreational facilities in state parks and forests.

And has amended same.

And,

Eng. Com. Sub. for House Bill 4439, Creating a special revenue account known as the Military Authority Reimbursable Expenditure Fund.

And has amended same.

And reports the same back with the recommendation that they each do pass, as amended.

Respectfully submitted,

Eric J. Tarr,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bills (Eng. Com. Sub. for H. B. 4408 and 4439) contained in the preceding report from the Committee on Finance were each taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Tarr, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Eng. Com. Sub. for House Bill 4502, Establishing the BUILD WV Act.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Eric J. Tarr,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 4502) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on the Judiciary has had under consideration

Eng. House Bill 4522, Relating to the expungement of criminal records.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Charles S. Trump IV,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Eng. H. B. 4522) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Tarr, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Eng. House Bill 4571, Modifying foundation allowance to account for transportation by electric powered buses.

With an amendment from the Committee on Education pending;

And reports the same back with the recommendation that it do pass as amended by the Committee on Education to which the bill was first referred.

Respectfully submitted,

Eric J. Tarr,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Eng. H. B. 4571) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Maroney, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

Eng. Com. Sub. for House Bill 4607, To remove opioid treatment programs from requiring a certificate of need.

And has amended same.

And,

Eng. House Bill 4627, To provide for no more than two licensed laboratories for medical cannabis testing in this state.

And has amended same.

And reports the same back with the recommendation that they each do pass, as amended.

Respectfully submitted,

Michael J. Maroney,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bills (Eng. Com. Sub. for H. B. 4607 and Eng. H. B. 4627) contained in the preceding report from the Committee on Health and Human Resources were each taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill 4668, Relating to air bag fraud.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Charles S. Trump IV,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 4668) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Tarr, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Eng. Com. Sub. for House Bill 4756, Relating to authorizing municipalities to create pension funding programs to reduce the unfunded liability of certain pension and relief funds.

With an amendment from the Committee on Pensions pending;

And reports the same back with the recommendation that it do pass as amended by the Committee on Pensions to which the bill was first referred.

Respectfully submitted,

Eric J. Tarr,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 4756) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Tarr, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Eng. House Bill 4845, Establishing the Katherine Johnson Academy.

With an amendment from the Committee on Education pending;

And has also amended same.

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

Respectfully submitted,

Eric J. Tarr,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Eng. H. B. 4845) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time, and ordered to second reading.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 11:55 a.m., the Senate recessed until 4 p.m. today.

The Senate reconvened at 4:13 p.m. and proceeded to the sixth order of business.

Senator Rucker offered the following resolution:

Senate Concurrent Resolution 61—Requesting the Joint Committee on Government and Finance study how public libraries are funded and supported.

Whereas, Public libraries have a long and varied history serving the people of West Virginia; and

Whereas, Public libraries serve as anchor institutions for information, education, and the gathering of people for recreation and work; and

Whereas, Public libraries assist the community with needs such as literacy programs, reading materials, internet access, personal computers, and other technology; and

Whereas, West Virginia's 55 counties are served by 97 library systems charged with promoting a love of reading, access to information, and enhancing their quality of life through community-driven programs. Local public libraries provide services through 171 public library locations located in all 55 counties; and

Whereas, Support to public libraries has traditionally been focused on core library functions such as books and children's programs, the demands on facilities and operating budgets have increased; and state funding for public libraries has not increased in more than 10 years; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance study how public libraries are funded and supported; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2023, on its findings, conclusions, and recommendations, together with drafts of any legislation necessary to effectuate its recommendations; and, be it

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

Which, under the rules, lies over one day.

Senator Baldwin offered the following resolution:

Senate Resolution 56—Recognizing James Monroe High School Mavericks Youth Leadership Association students for their participation in the Harvard University Model United Nations Conference.

Whereas, The Harvard Model United Nations is a four-day international relations simulation for high school students, which provides an exciting opportunity for young leaders to debate the most pressing issues of the day and to draft innovative creative solutions; and

Whereas, After a rigorous selection process, six James Monroe High School students earned the honor of being selected to compete in the Harvard University Model United Nations Conference: Lauren Ballard, Jordan Feamster, Luke Fraley, Luke Jackson, Emma Ballard, and Sadie Maxey; and

Whereas, In a Model United Nations debate, student delegates represent a country that are assigned to them and work together with other delegates to develop solutions to problems as broad as drug abuse, world terrorism, use of drones in warfare, and online privacy and security; and

Whereas, Lauren Ballard, who served as Head Delegate for the Mavericks, won an Outstanding Delegate award for her overall effectiveness at steering the debate and simultaneously advancing her country's (Mongolia) interests while working with other countries to find solutions to the problem of violence against indigenous women; and

Whereas, Emma Ballard won a Diplomatic Commendation award for her skill at exhibiting leadership and empathy to the problem of violence against indigenous women; and

Whereas, James Monroe High School has twice earned the privilege to compete in this prestigious conference and has been the only high school chosen from West Virginia in recent history; and

Whereas, Acceptance into this highly competitive debate competition is a testament to the skills of the students of the Maverick debate team, including but not limited to: Public speaking, negotiation, teamwork, leadership, and policy crafting; therefore, be it

Resolved by the Senate:

That the Senate recognizes James Monroe High School Mavericks Youth Leadership Association students for their participation in the Harvard University Model United Nations Conference; and, be it

Further Resolved, The Senate extends its sincere congratulations to the James Monroe High School Mavericks for their admirable performance and exceptional academic achievement, and wishes each of the students well on a bright future ahead; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the James Monroe High School Mavericks debate team.

Which, under the rules, lies over one day.

Senator Grady offered the following resolution:

Senate Resolution 57—Congratulating the Point Pleasant High School Black Knights wrestling team for winning the 2022 Class AA state championship.

Whereas, The Black Knights wrestling team had an outstanding year on the mats, culminating in them winning their 4th consecutive title and 7th state title in school history; and

Whereas, The Black Knights wrestling team is led by head coach John Bonecutter, who was also named 2022 Wrestling Coach of the Year, and assistant coaches: Jed Ott, James Casto, Micah Powell, George Smith, and Andrew Lambert, videographer; and

Whereas, The Black Knights wrestling team consists of team members: Gunner Andrick, Justin Barte, Conner Blessing, Brayden Connolly, Tanner Epling, Mackandle Freeman, Dylan Keefer, Ethan Kincaid, Ethan Marcum, Luke Moffitt, Ciah Nutter, Colby Price, Derek Raik, Donovan Rainey, Andrew Schoon, Kolton Weaver, Nathan Wood, Josh Woyan; and

Whereas, The Black Knights wrestling team outscored Fairmont Senior 233 points to 116.5 points to earn their team state championship. Individual state champions were: Derek Raik, 160 pounds, four-time state champion, and Most Outstanding Wrestler; Justin Barte, 145 pounds and four-time state champion; Josh Woyan, 152 pounds; Gunner Andrick, 126 pounds; Conner Blessing, 120 pounds; and Nathan Wood, 113 pounds. As well as individual state placers: Kolton Weaver, 285 pounds, runner-up; Colby Price, 220 pounds, 4th place; and Mackandle Freeman, 138 pounds, 5th place; and

Whereas, The Point Pleasant High School wrestling team is an exemplary model to all West Virginians of what can be accomplished with dedication, commitment, and teamwork, and will be remembered as one of the best wrestling teams ever assembled in West Virginia high school history; therefore, be it

Resolved by the Senate:

That the Senate hereby congratulates the Point Pleasant High School wrestling team for winning the 2022 Class AA state championship; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the Point Pleasant High School wrestling team.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

Senate Resolution 52, Highlighting West Virginia's once-in-a-lifetime opportunity to strengthen national security and energy independence and supply world energy markets.

On unfinished business, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the resolution was laid over one day, retaining its place on the calendar.

Senate Resolution 53, Designating March 10, 2022, as World Kidney Day at Legislature.

On unfinished business, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the resolution was taken up for immediate consideration, reference to a committee dispensed with, and adopted.

Senate Resolution 55, Congratulating Bridgeport High School baseball team for winning 2021 Class AAA state championship.

On unfinished business, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the resolution was laid over one day, retaining its place on the calendar.

The Senate proceeded to the eighth order of business.

Eng. House Bill 2631, Provide for WVDNR officers to be able to work "off duty".

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending discussion,

The question being "Shall Engrossed House Bill 2631 pass?"

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Lindsay, Maroney, Martin, Maynard, Nelson, Plymale, Roberts, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Karnes, Phillips, and Romano—3.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 2631) passed.

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

Eng. House Bill 2631—A Bill to amend and reenact §20-1-7e of the Code of West Virginia, 1931, as amended, relating to allowing off duty Natural Resources Police Officers to contract to work for a private person or entity during off duty hours if work does not violate Division of Natural Resources law or rules regarding location or nature; expanding authority of chief natural resources police office to enter contract for certain services with quasi-public entities; and requiring Division of Natural Resources contracts with public and private entities for certain services provide liability immunity for Natural Resources Police Officers.

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

Eng. Com. Sub. for House Bill 4020, Relating to reorganizing the Department of Health and Human Resources.

On third reading, coming up in regular order, with the unreported Finance committee amendment pending, and with the right having been granted on yesterday, Wednesday, March 9, 2022, for further amendments to be received on third reading, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar, with the right to amend on third reading remaining in effect and with the unreported Finance committee amendment pending.

Eng. Com. Sub. for House Bill 4050, Defining terms related to livestock trespassing.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Lindsay, Maroney, Martin, Maynard, Nelson, Plymale, Roberts, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Karnes, Phillips, and Romano—3.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4050) passed with its title.

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

Eng. House Bill 4296, To revise outdated provisions within Chapter 23 of the West Virginia Code, which pertains to workers' compensation.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Lindsay, Maroney, Martin, Maynard, Nelson, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Karnes and Phillips—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 4296) passed with its title.

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

Eng. Com. Sub. for House Bill 4311, Creating criminal penalties for illegal voting activity.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Clements, Grady, Hamilton, Jeffries, Maroney, Martin, Maynard, Nelson, Plymale, Roberts, Rucker, Smith,

Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—27.

The nays were: Caputo, Geffert, Lindsay, Romano, and Stollings—5.

Absent: Karnes and Phillips—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4311) passed.

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

Eng. Com. Sub. for House Bill 4311—A Bill to amend and reenact §3-9-17 of the Code of West Virginia, 1931, as amended, relating to unlawfully voting generally; creating certain crimes of illegal voting and deceiving voters; prohibiting knowingly and willfully voting or attempting to vote multiple times in the same or equivalent elections as a felony offense and establishing penalties therefor; prohibiting voting or attempting to vote when not entitled to do so as a felony offense and establishing penalties therefor; prohibiting knowingly and willfully procuring or assisting in procuring the acceptance of illegal votes or rejection of legal votes as a felony offense and establishing penalties therefor; and prohibiting knowing and willfully altering ballots or defrauding voters as a felony offense and establishing penalties therefor.

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

Eng. Com. Sub. for House Bill 4329, To clarify the definition of an "interested person" for purposes of the West Virginia Small Estate Act.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Lindsay, Maroney, Martin, Maynard, Nelson, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Karnes and Phillips—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4329) passed with its title.

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

Eng. House Bill 4331, West Virginia's Urban Mass Transportation Authority Act.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Lindsay, Maroney, Maynard, Nelson, Plymale, Roberts,

Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—30.

The nays were: Azinger and Martin—2.

Absent: Karnes and Phillips—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 4331) passed.

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

Eng. House Bill 4331—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §8-27-21a, relating to allowing union or labor organization dues or fees to be deducted from the wages of employees of an urban mass transportation authority which receives federal funding from the Federal Transit Administration.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Lindsay, Maroney, Maynard, Nelson, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—30.

The nays were: Azinger and Martin—2.

Absent: Karnes and Phillips—2.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 4331) takes effect from passage.

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

Eng. Com. Sub. for House Bill 4441, Creating a Class M air rifle stamp.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Lindsay, Maroney, Martin, Maynard, Nelson, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Karnes and Phillips—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4441) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Lindsay, Maroney, Martin, Maynard, Nelson, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Karnes and Phillips—2.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4441) takes effect from passage.

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

Eng. Com. Sub. for House Bill 4466, Relating to School Building Authority's review of school bond applications.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Lindsay, Maroney, Martin, Maynard, Nelson, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Karnes and Phillips—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4466) passed.

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

Eng. Com. Sub. for House Bill 4466—A Bill to amend and reenact §18-9D-15 of the Code of West Virginia, 1931, as amended, relating to seeking contribution of School Building Authority funds to support a local capital improvement bond finance plan; providing for application to the School Building Authority; requiring initial approval prior to conducting bond levy election; requiring conditional language in materials referencing School Building Authority; limiting use of financial assistance provided; establishing time limit for project completion; allowing extension to the time limit in extenuating circumstances; exempting new provisions from applying to any proposed capital improvement bond levy scheduled to be submitted to the voters on or before December 31, 2022; and deleting obsolete provisions.

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

Eng. Com. Sub. for House Bill 4540, To update all retirement plans to comport with federal law.

On third reading, coming up in regular order, with the right having been granted on yesterday, Wednesday, March 9, 2022, for amendments to be received on third reading, was read a third time.

There being no amendments offered,

Engrossed Committee Substitute for House Bill 4540 was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Lindsay, Maroney, Martin, Maynard, Nelson, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Karnes and Phillips—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4540) passed with its title.

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

At the request of Senator Trump, unanimous consent being granted, the Senate returned to the second order of business and the introduction of guests.

The Senate again proceeded to the eighth order of business, the next bill coming up in numerical sequence being

Eng. Com. Sub. for House Bill 4560, Relating generally to motor vehicle dealers, distributors, wholesalers and manufacturers.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Lindsay, Maroney, Martin, Maynard, Nelson, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Karnes and Phillips—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4560) passed.

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

Eng. Com. Sub. for House Bill 4560—A Bill to amend and reenact §17A-6A-2, §17A-6A-3, §17A-6A-5, §17A-6A-8a, §17A-6A-10, §17A-6A-11, §17A-6A-12, §17A-6A-13, §17A-6A-15, §17A-6A-15a, §17A-6A-15c, and §17A-6A-18 of the Code of West Virginia, 1931, as amended, all relating generally to motor vehicle dealers, distributors, wholesalers and manufacturers;

expanding stated purpose of article; defining terms; clarifying behaviors which do not constitute good cause for a dealer to be sanctioned; addressing compensation for certain dealer actions; clarifying prohibited practices of a manufacturer and distributor; modifying provisions related to dealer successorship or change in executive management; addressing payment to dealers for diagnostic work; clarifying limits of manufacturers and distributors indemnification of dealers; addressing severability; establishing prohibitions against misuse of dealer data; clarifying responsibilities of and restrictions on dealers, manufacturers, distributors and third parties; acknowledging that manufacturer performance standards take local market circumstances into account; and adding to the list of parties subject to West Virginia law; clarifying governing law; amending terms related to cancellations of dealer agreements; modifying circumstances not constituting good cause to cancel an agreement; clarifying the standard of proof in termination, cancellation and nonrenewal disputes; modifying compensation terms when contract is discontinued; setting interest rate where payments to dealers from manufacturers or distributors are untimely; increasing the notice period for dealers where a manufacturer or distributor does not approve a successor dealer or executive manager; clarifying provision related to determination of distance between dealerships; restricting manufacturer and distributor use of dealership property; modifying obligations under warranties; clarifying indemnity practices; identifying unlawful practices; and clarifying manufacturer performance standards.

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

Without objection, the Senate returned to the fifth order of business.

Filed Conference Committee Reports

The Clerk announced the following conference committee report had been filed at 4:40 p.m. today:

Eng. Com. Sub. for House Bill 4333, Relating to the sunset of the Board of Hearing-Aid Dealers and Fitters.

The Senate again proceeded to the eighth order of business, the next bill coming up in numerical sequence being

Eng. Com. Sub. for House Bill 4570, To allow veterinary telehealth in West Virginia with out of state providers.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Lindsay, Maroney, Martin, Maynard, Nelson, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Karnes and Phillips—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4570) passed with its title.

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

Eng. Com. Sub. for House Bill 4644, Prohibiting the restriction, regulation, use or administration of lawn care and pest care products.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Beach, Boley, Brown, Caputo, Clements, Grady, Hamilton, Maroney, Martin, Maynard, Nelson, Plymale, Roberts, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—27.

The nays were: Baldwin, Geffert, Jeffries, Lindsay, and Romano—5.

Absent: Karnes and Phillips—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4644) passed with its title.

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

Eng. Com. Sub. for House Bill 4712, Require the prompt enrollment in payment plans for costs, fines, forfeitures, restitution, or penalties in circuit court and magistrate court.

On third reading, coming up in regular order, with the unreported Judiciary committee amendment pending, and with the right having been granted on yesterday, Wednesday, March 9, 2022, for further amendments to be received on third reading, was read a third time.

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

On motions of Senators Trump and Clements, the following amendment to the bill was reported by the Clerk:

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

CHAPTER 8. MUNICIPAL CORPORATIONS.

ARTICLE 10. POWERS AND DUTIES OF CERTAIN OFFICERS.

§8-10-2b. Payment plan; failure to pay will result in late fee and judgment lien; suspension of licenses for failure to pay fines and costs or failure to appear in court.

(a) Upon request and subject to the following requirements, the municipal court clerk or, upon a judgment rendered on appeal, the clerk shall establish a payment plan for a person owing costs, fines, forfeitures, restitution, or penalties imposed by the court for a motor vehicle violation as defined in §17B-3-3a of this code, a criminal offense as defined in §17B-3-3c of this code, or other applicable municipal ordinances, so long as the person signs and files with the clerk an affidavit stating that he or she is financially unable to pay the costs, fines, forfeitures, restitution, or penalties imposed:

(1) A \$25 administrative processing fee shall be paid at the time the payment form is filed or, in the alternative, the fee may be paid in no more than five equal monthly payments;

(2) Unless incarcerated, a person must pay in full the costs, fines, forfeitures, restitution, or penalties or enroll in a payment plan no later than 90 calendar days after the date the court enters upon the entry of the order assessing the costs, fines, forfeitures, restitution, or penalties; and

(3) If the person is incarcerated, he or she ~~may~~ must pay in full the costs, fines, forfeitures, restitution, or penalties or enroll in a payment plan within 90 30 calendar days after release.

(b) The West Virginia Supreme Court of Appeals shall develop a uniform payment plan form and financial affidavit for requests for the establishment of a payment plan pursuant to subsection (a) of this section. The forms shall be made available for distribution to the offices of municipal clerks, and municipal clerks shall use the payment plan form and affidavit form developed by the Supreme Court of Appeals when establishing payment plans.

(c)(1) The payment plan shall specify: (A) The number of payments to be made; (B) the dates on which such payments are due; (C) the amount due for each payment; (D) all acceptable payment methods; and (E) the circumstances under which the person may receive a late fee, have a judgment lien recorded against him or her, or have the debt sent to collections for nonpayment; and

(2) The monthly payment under the payment plan shall be calculated based upon all costs, fines, forfeitures, restitution, or penalties owed within the court, and shall be two percent of the person's annual net income divided by 12, or \$10, whichever is greater; Provided, That if this calculation results in a payment plan lasting more than three years, the monthly payments shall be set by dividing the total amount owed by 36.

(3) The court may review the reasonableness of the payment plan, and may on its own motion or by petition, waive, modify, or convert the outstanding costs, fines, forfeitures, restitution, or penalties to community service if the court determines that the individual has had a change in circumstances and is unable to comply with the terms of the payment plan.

(d)(1) The clerk may assess a \$10 late fee each month if a person fails to comply with the terms of a payment plan and if any payment due is not received within 30 days after the due date, and the person:

(A) Is not incarcerated;

(B) Has not brought the account current;

(C) Has not made alternative payment arrangements with the court; or

(D) Has not entered into a revised payment plan with the clerk before the due date.

(2) If after 90 days, a payment has not been received, the clerk may do one or both of the following: (A) Record a judgment lien as described in subsection (f) of this section; or (B) consign the delinquent costs, fines, forfeitures, restitution, or penalties to a debt collection agency contained on the Tax Commissioner's list of eligible debt collection agencies established and maintained pursuant to §14-1-18c of this code, an internal collection division, or both: *Provided*, That the entire amount of all delinquent payments collected shall be remitted to the court and may

not be reduced by any collection costs or fees: *Provided, however,* That the collection fee may not exceed 25 percent of the delinquent payment amount. The clerk may send notices, electronically or by U.S. mail, to remind the person of an upcoming or missed payment.

(e)(1) If after 90 days of a judgment a person fails to enroll in a payment plan and fails to pay their costs, fines, forfeitures, restitution, or penalties, the clerk may assess a \$10 late fee and shall notify the person of the following:

(A) That he or she is 90 days past due in the payment of costs, fines, forfeitures, restitution, or penalties imposed pursuant to a judgment of the court;

(B) That he or she has failed to enroll in a payment plan;

(C) Whether a \$10 late fee has been assessed; and

(D) That he or she may be the subject of a judgment lien or have his or her debt sent to a collection agency if the overdue payment of costs, fines, forfeitures, restitution, or penalties is not resolved within 30 days of the date of the notice issued pursuant to this subsection.

(2) If after 30 days from the issuance of a notice pursuant to subdivision (1) of this subsection a payment has not been received, the clerk may do one or both of the following:

(A) Record a judgment lien as described in subsection (f) of this section; or

(B) Consign the delinquent costs, fines, forfeitures, restitution, or penalties to a debt collection agency contained on the Tax Commissioner's list of eligible debt collection agencies established and maintained pursuant to §14-1-18c of this code, an internal collection division, or both: *Provided,* That the entire amount of all delinquent payments collected shall be remitted to the court and may not be reduced by any collection costs or fees: *Provided, however,* That the collection fee may not exceed 25 percent of the delinquent payment amount.

(f) To record a judgment lien, the clerk shall notify the prosecuting attorney of the county of nonpayment and shall provide the prosecuting attorney with an abstract of judgment. The prosecuting attorney shall file the abstract of judgment in the office of the clerk of the county commission in the county where the defendant was convicted and in any county in which the defendant resides or owns property. The clerk of the county commission shall record and index these abstracts of judgment without charge or fee to the prosecuting attorney and when recorded, the amount stated to be owed in the abstract constitutes a lien against all property of the defendant: *Provided,* That when all the costs, fines, fees, forfeitures, restitution, or penalties for which an abstract of judgment has been recorded are paid in full, the clerk of the municipal court shall notify the prosecuting attorney of the county of payment and provide the prosecuting attorney with a release of judgment, prepared in accordance with the provisions of §38-12-1 of this code, for filing and recordation pursuant to the provisions of this subdivision. Upon receipt from the clerk, the prosecuting attorney shall file the release of judgment in the office of the clerk of the county commission in each county where an abstract of the judgment was recorded. The clerk of the county commission shall record and index the release of judgment without charge or fee to the prosecuting attorney.

(g) Any driver's license suspension entered by the Division of Motor Vehicles prior to July 1, 2016, for the failure to appear or otherwise respond in court or for nonpayment of costs, fines, forfeitures, restitution, or penalties is null and void. A person whose driver's license was

suspended ~~on or after July 1, 2016, but~~ prior to July 1, 2020, solely for the nonpayment of costs, fines, forfeitures, restitution, or penalties, if otherwise eligible, shall have his or her license reinstated:

(1) Upon payment in full of all outstanding costs, fines, forfeitures, restitution, or penalties and a \$25 reinstatement fee paid to the Division of Motor Vehicles; or

(2) Upon establishing a payment plan pursuant to subsection (a) of this section and the payment of a \$25 administrative fee. The clerk shall notify the Division of Motor Vehicles that a payment plan is in effect, and upon receipt of the notification, the division shall waive the reinstatement fee.

(h) If a person charged with a motor vehicle violation as defined in §17B-3-3a of this code or criminal offense fails to appear or otherwise respond in court, the municipal court clerk shall notify the Division of Motor Vehicles of the failure to appear: *Provided*, That notwithstanding any other provision of this code to the contrary, for residents of this state, the municipal court clerk shall wait at least 90 days from the date of the person's failure to appear or otherwise respond before notifying the Division of Motor Vehicles thereof. Upon notice, the Division of Motor Vehicles shall suspend the person's driver's license or privilege to operate a motor vehicle in this state until such time that the person appears as required.

CHAPTER 50. MAGISTRATE COURTS.

ARTICLE 3. COSTS, FINES, AND RECORDS.

§50-3-2. Costs in criminal proceedings.

(a) In each criminal case before a magistrate court in which the defendant is convicted, whether by plea or at trial, there is imposed, in addition to other costs, fines, forfeitures, or penalties ~~as may be~~ allowed by law:

(1) Costs in the amount of \$60, of which \$5 of that amount shall be deposited in the Courthouse Facilities Improvement Fund created by §29-26-6 of this code;

(2) an amount equal to the one-day per diem provided for in §15A-3-16(g) of this code; and

(3) costs in the amount of \$30 to be deposited in the Regional Jail Operations Partial Reimbursement Fund created by §15A-3-16 of this code. A magistrate may not collect costs in advance. Notwithstanding any other provision of this code, a person liable for fines and court costs in a criminal proceeding in which the defendant is confined in a jail or prison and not participating in a work-release program shall not be held liable for the fines and court costs until ~~one hundred eighty~~ 180 days after completion of the term in jail or prison. A magistrate court shall deposit \$5 from each of the criminal proceedings fees collected pursuant to this section in the Court Security Fund created in §51-3-14 of this code. A magistrate court shall, on or before the 10th day of the month following the month in which the fees imposed in this section were collected, remit an amount equal to the one-day per diem provided for in §15A-3-16(g) of this code from each of the criminal proceedings in which the fees specified in this section were collected ~~to~~ to the magistrate court clerk, or if there is no magistrate court clerk to the clerk of the circuit, together with information ~~as may be~~ required by the rules of the Supreme Court of Appeals and the rules of the Office of Chief Inspector. These moneys are paid to the sheriff who shall distribute the

moneys solely in accordance with the provisions of §7-5-15 of this code. Amendments made to this section during the 2001 regular session of the Legislature are effective after June 30, 2001.

(b) A magistrate shall assess costs in the amount of \$2.50 for issuing a sheep warrant and the appointment and swearing appraisers and docketing the proceedings.

(c) In each criminal case which must be tried by the circuit court ~~but~~ in which a magistrate renders some service, costs in the amount of \$10 shall be imposed by the magistrate court and is shall be certified to the clerk of the circuit court in accordance with the provisions of §62-5-6 of this code.

(d) The clerk of a magistrate court shall charge and collect a fee of \$10 for services rendered by the clerk for processing criminal bonds and the fees which shall be assessed as costs of the proceeding due only upon conviction.

(e) All fees collected pursuant to this subsection shall be deposited in the Courthouse Facilities Improvement Fund created by §29-26-6 of this code. Nothing in this subsection may be construed to impose a fee for the processing of a personal recognizance bond.

(f) The clerk of a magistrate court shall charge and collect a fee of \$25 for services rendered by the clerk for processing a bail piece and the fee shall be paid by the surety at the time of issuance. All fees collected pursuant to this subsection shall be deposited in the Courthouse Facilities Improvement Fund created by §29-26-6 of this code.

§50-3-2a. Payment by electronic payments, credit card payments, cash, money orders, or certified checks; payment plan; failure to pay fines results in a late fee and judgment lien.

(a) A magistrate court may accept electronic payments, credit cards, cash, money order, or certified check for payment of all costs, fines, fees, forfeitures, restitution, or penalties in accordance with rules promulgated by the Supreme Court of Appeals. Any charges made by the credit company shall be paid by the person responsible for paying the cost, fine, forfeiture, restitution, or penalty.

(b) Upon request and subject to the following requirements, the magistrate clerk shall establish a payment plan for a person owing costs, fines, forfeitures, restitution, or penalties imposed by the court, so long as the person signs and files with the clerk, an affidavit stating that he or she is financially unable to pay the costs, fines, forfeitures, restitution, or penalties imposed:

(1) A \$25 administrative processing fee shall be paid at the time the payment form is filed or, in the alternative, the fee may be paid in no more than five equal monthly payments;

(2) Unless incarcerated, a person must pay in full the costs, fines, forfeitures, restitution, or penalties or enroll in a payment plan no later than 180 calendar days after the date the court enters upon the entry of the order assessing the costs, fines, forfeitures, restitution, or penalties; and

(3) If the person is incarcerated, he or she ~~may~~ must pay in full the costs, fines, forfeitures, restitution, or penalties or enroll in a payment plan within 180 30 calendar days after release.

(c) The West Virginia Supreme Court of Appeals shall develop a uniform payment plan form and financial affidavit for requests for the establishment of payment plan pursuant to subsection (a) of this section. The forms shall be made available for distribution to the offices of magistrate clerks, and magistrate clerks shall use the payment plan form and affidavit form developed by the Supreme Court of Appeals when establishing payment plans.

(d)(1) The payment plan shall specify: (A) The number of payments to be made; (B) the dates on which the payments are due; (C) the amount due for each payment; (D) all acceptable payment methods; and (E) the circumstances under which the person may receive a late fee, have a judgment lien recorded against him or her, or have the debt sent to collections for nonpayment.

(2) The monthly payment under the payment plan shall be calculated based upon all costs, fines, forfeitures, restitution, or penalties owed within the court, and shall be two percent of the person's annual net income divided by 12, or \$10, whichever is greater: Provided, That if this calculation results in a payment plan lasting more than three years, the monthly payments shall be set by dividing the total amount owed by 36.

(3) The court may review the reasonableness of the payment plan, and may on its own motion or by petition, waive, modify, or convert the outstanding costs, fines, forfeitures, restitution, or penalties to community service if the court determines that the individual has had a change in circumstances and is unable to comply with the terms of the payment plan.

(e)(1) The clerk may assess a \$10 late fee each month if a person fails to comply with the terms of a payment plan, and if any payment due is not received within 30 days after the due date, and the person:

- (A) Is not incarcerated;
- (B) Has not brought the account current;
- (C) Has not made alternative payment arrangements with the court; or
- (D) Has not entered into a revised payment plan with the clerk before the due date.

(2) If, after 90 days, a payment has not been received, the clerk may do one or both of the following: (A) Record a judgment lien as described in subsection (f) of this section; or (B) consign the delinquent costs, fines, forfeitures, restitution, or penalties to a debt collection agency contained on the State Tax Commissioner's list of eligible debt collection agencies established and maintained pursuant to §14-1-18c of this code, an internal collection division, or both: *Provided, That the entire amount of all delinquent payments collected shall be remitted to the court and may not be reduced by any collection costs or fees: Provided, however, That the collection fee may not exceed 25 percent of the delinquent payment amount.* The clerk may send notices, electronically or by U.S. mail, to remind the person of an upcoming or missed payment.

(f)(1) If after 180 days of a judgment, a person fails to enroll in a payment plan and fails to pay his or her costs, fines, forfeitures, restitution, or penalties, the clerk may assess a \$10 late fee and shall notify the person of the following:

- (A) That he or she is 180 days past due in the payment of costs, fines, forfeitures, restitution, or penalties imposed pursuant to a judgment of the court;

(B) That he or she has failed to enroll in a payment plan;

(C) Whether a \$10 late fee has been assessed; and

(D) That he or she may be the subject of a judgment lien or have his or her debt sent to a collection agency if the overdue payment of costs, fines, forfeitures, restitution, or penalties is not resolved within 30 days of the date of the notice issued pursuant to this subsection.

(2) If after 30 days from the issuance of a notice pursuant to subdivision (1) of this subsection, a payment has not been received, the clerk may do one or both of the following:

(A) Record a judgment lien as described in subsection ~~(f)~~ (g) of this section; or

(B) Consign the delinquent costs, fines, forfeitures, restitution, or penalties to a debt collection agency contained on the Tax Commissioner's list of eligible debt collection agencies established and maintained pursuant to §14-1-18c of this code, an internal collection division, or both: *Provided*, That the entire amount of all delinquent payments collected shall be remitted to the court and may not be reduced by any collection costs or fees: *Provided, however*, That the collection fee may not exceed 25 percent of the delinquent payment amount.

(g) To record a judgment lien, the clerk shall notify the prosecuting attorney of the county of nonpayment and shall provide the prosecuting attorney with an abstract of judgment. The prosecuting attorney shall file the abstract of judgment in the office of the clerk of the county commission in the county where the defendant was convicted and in any county wherein the defendant resides or owns property. The clerk of the county commission shall record and index these abstracts of judgment without charge or fee to the prosecuting attorney and when recorded, the amount stated to be owed in the abstract constitutes a lien against all property of the defendant: *Provided*, That when all the costs, fines, fees, forfeitures, restitution, or penalties for which an abstract of judgment has been recorded are paid in full, the clerk of the municipal court shall notify the prosecuting attorney of the county of payment and provide the prosecuting attorney with a release of judgment, prepared in accordance with the provisions of §38-12-1 of this code, for filing and recordation pursuant to the provisions of this subdivision. Upon receipt from the clerk, the prosecuting attorney shall file the release of judgment in the office of the clerk of the county commission in each county where an abstract of the judgment was recorded. The clerk of the county commission shall record and index the release of judgment without charge or fee to the prosecuting attorney.

(h) Any driver's license suspension entered by the Division of Motor Vehicles prior to July 1, 2016, for the failure to appear or otherwise respond in court or for nonpayment of costs, fines, forfeitures, restitution, or penalties is null and void. A person whose driver's license was suspended on or after July 1, 2016, but prior to July 1, 2020, solely for the nonpayment of costs, fines, forfeitures, restitution, or penalties, if otherwise eligible, shall have his or her license reinstated:

(1) Upon payment in full of all outstanding costs, fines, forfeitures, restitution, or penalties and a \$25 reinstatement fee paid to the Division of Motor Vehicles; or

(2) Upon establishing a payment plan pursuant to subsection (a) of this section and the payment of a \$25 administrative fee. The clerk shall notify the Division of Motor Vehicles that a payment plan is in effect, and upon receipt of the notification, the division shall waive the reinstatement fee.

(i)(1) If any costs, fines, fees, forfeitures, restitution, or penalties imposed or ordered by the magistrate court for a hunting violation described in chapter 20 of this code are not paid within 180 days from the date of judgment and the expiration of any stay of execution, the magistrate court clerk or, upon a judgment rendered on appeal, the circuit clerk shall notify the Director of the Division of Natural Resources of the failure to pay. Upon notice, the Director of the Division of Natural Resources shall suspend any privilege the person failing to appear or otherwise respond may have to hunt in this state, including any hunting license issued to the person by the Division of Natural Resources, until all the costs, fines, fees, forfeitures, restitution, or penalties are paid in full.

(2) If any costs, fines, fees, forfeitures, restitution, or penalties imposed or ordered by the magistrate court for a fishing violation described in Chapter 20 of this code are not paid within 180 days from the date of judgment and the expiration of any stay of execution, the magistrate court clerk or, upon a judgment rendered on appeal, the circuit clerk shall notify the Director of the Division of Natural Resources of the failure to pay. Upon notice, the Director of the Division of Natural Resources shall suspend any privilege the person failing to appear or otherwise respond may have to fish in this state, including any fishing license issued to the person by the Division of Natural Resources, until all the costs, fines, fees, forfeitures, restitution, or penalties are paid in full.

(j)(1) If a person charged with any criminal violation of this code fails to appear or otherwise respond in court, the magistrate court shall notify the Commissioner of the Division of Motor Vehicles thereof within 90 days of the scheduled date to appear unless the person sooner appears or otherwise responds in court to the satisfaction of the magistrate. Upon notice, the Division of Motor Vehicles shall suspend any privilege the person failing to appear or otherwise respond may have to operate a motor vehicle in this state, including any driver's license issued to the person by the Division of Motor Vehicles, until final judgment in the case and, if a judgment of guilty, until all costs, fines, fees, forfeitures, restitution, or penalties imposed are paid in full. The suspension shall be imposed in accordance with the provisions of §17B-3-6 of this code.

(2) In addition to the provisions of subdivision (1) of this subsection, if a person charged with any hunting violation described in Chapter 20 of this code fails to appear or otherwise respond in court, the magistrate court shall notify the Director of the Division of Natural Resources of the failure thereof within 15 days of the scheduled date to appear unless the person sooner appears or otherwise responds in court to the satisfaction of the magistrate. Upon notice, the Director of the Division of Natural Resources shall suspend any privilege the person failing to appear or otherwise respond may have to hunt in this state, including any hunting license issued to the person by the Division of Natural Resources, until final judgment in the case and, if a judgment of guilty, until all costs, fines, fees, forfeitures, restitution, or penalties imposed are paid in full.

(3) In addition to the provisions of subdivision (1) of this subsection, if a person charged with any fishing violation described in Chapter 20 of this code fails to appear or otherwise respond in court, the magistrate court shall notify the Director of the Division of Natural Resources of the failure thereof within 15 days of the scheduled date to appear unless the person sooner appears or otherwise responds in court to the satisfaction of the magistrate. Upon notice, the Director of the Division of Natural Resources shall suspend any privilege the person failing to appear or otherwise respond may have to fish in this state, including any fishing license issued to the person by the Division of Natural Resources, until final judgment in the case and, if a judgment of guilty, until all costs, fines, fees, forfeitures, restitution, or penalties imposed are paid in full.

(k) In every criminal case which involves a misdemeanor violation, a magistrate may order restitution where appropriate when rendering judgment.

(l) Notwithstanding any provision of this code to the contrary, except as authorized by this section, payments of all costs, fines, fees, forfeitures, restitution, or penalties imposed by the magistrate court in civil or criminal matters shall be made in full. Partial payments of costs, fines, fees, forfeitures, restitution, or penalties made pursuant to this section shall be credited to amounts due in the following order:

- (1) Regional Jail Fund;
- (2) Worthless check payee;
- (3) Restitution;
- (4) Magistrate Court Fund;
- (5) Worthless Check Fund;
- (6) Per diem regional jail fee;
- (7) Community Corrections Fund;
- (8) Regional Jail Operational Fund;
- (9) Law-Enforcement Training Fund;
- (10) Crime Victims Compensation Fund;
- (11) Court Security Fund;
- (12) Courthouse Improvement Fund;
- (13) Litter Control Fund;
- (14) Sheriff arrest fee;
- (15) Teen Court Fund;
- (16) Other costs, if any; and
- (17) Fine.

**CHAPTER 59. FEES, ALLOWANCES, AND COSTS; NEWSPAPERS; LEGAL
ADVERTISEMENTS.**

ARTICLE 1. FEES AND ALLOWANCES.

§59-1-10. Fees to be charged by clerk of county commission.

For the purpose of this section, the word "page" is defined as being a paper or electronic writing of not more than legal size, 8 1/2" x 14".

(a) When a writing is admitted to the record, for receiving proof of acknowledgment ~~thereof, of the writing,~~ entering an order in connection ~~therewith,~~ with the writing, endorsing clerk's certificate of recordation ~~thereon~~ on the writing and indexing in a proper index, the clerk of the county commission shall charge and collect the following fees:

(1) ~~Twenty-five~~ Thirty dollars for a deed of conveyance (with or without a plat), trust deed, fixture filing, or security agreement concerning real estate lease.

(2) Forty dollars for a trustee's report of sale for any property for which additional information and filing requirements are required by ~~section eight-a, article one, chapter thirty-eight~~ §38-1-8a of this code. Twenty dollars of each recording fee received pursuant to this subdivision shall be deposited into the county's general revenue fund and \$20 paid quarterly by the clerk of the county commission to the West Virginia Housing Development Fund established in ~~article eighteen, chapter thirty-one~~ §31-18-1 *et seq.* of this code.

(3) Ten dollars for a financing, continuation, termination, or other statement or writing permitted to be filed under chapter ~~forty-six~~ 46 of this code.

(4) Ten dollars for a plat or map (with no deed of conveyance).

(5) No charge for a service discharge record.

(6) Ten dollars for any document or writing other than those referenced in subdivisions (1), (2), (3), (4) and (5) of this subsection.

(7) One dollar for each additional page for documents or writings containing more than five pages.

For any of the documents admitted to record pursuant to this subsection, if the clerk of the county commission has the technology available to receive these documents in electronic form or other media, the clerk shall set a reasonable fee to record these writings not to exceed the cost for filing paper documents.

(8) Of the fees collected pursuant to subdivision (1), subsection (a) of this section, \$10 shall be deposited in the county general revenue fund in accordance with ~~section twenty-eight~~ §59-1-28 of this code, \$5 shall be deposited in the county reappraisal fund and dedicated to the operation of the assessor's office mapping division, ~~\$3~~ \$8 shall be deposited in the Courthouse Facilities Improvement Fund created by ~~section six, article twenty-six, chapter twenty-nine~~ §29-26-6 of this code, \$1 to the county 9-1-1 center and \$2 shall be deposited in the county general fund and dedicated to the operation of the county clerk's office. Four dollars of the fees collected pursuant to subdivision (1), subsection (a) of this section and \$5 of the fees collected pursuant to subdivision (6), subsection (a) of this section shall be paid by the county clerk into the State Treasury and deposited in equal amounts ~~for deposit~~ into the Farmland Protection Fund created in ~~in article twelve, chapter eight-a~~ §8A-12-1 *et seq.* of this code for the benefit of the West Virginia Agricultural Land Protection Authority and into the Outdoor Heritage Conservation Fund created in ~~in article two-g, chapter five-b~~ §5B-2G-7(f) of this code. The funds deposited in the State Treasury pursuant to this subdivision may only be used for costs, excluding personnel costs, associated with purpose of land conservation, as defined in ~~subsection (f), section seven, article two-g, chapter five-b~~ §5B-2G-7(f) of this code.

(b) Five dollars for administering any oath other than oaths by officers and employees of the state, political subdivisions of the state, ~~or a public or quasi-public entity of the state,~~ or a political subdivision of the state, taken in his or her official capacity.

(c) Fifty-five dollars for issuance of marriage a license and other duties pertaining to the marriage license (including preparation of the application, administering the oath, registering and recording the license, mailing acknowledgment of minister's return to one of the licensees, and notification to a licensee after ~~sixty~~ 60 days of the nonreceipt of the minister's return). This fee is reduced to \$35 if the applicants present a premarital education course completion certificate issued pursuant to ~~section seven hundred one, article two, chapter forty eight~~ §48-2-701 of this code and dated within one year of the application for a marriage license.

(1) One dollar of the marriage license fee received pursuant to this subsection shall be paid by the county clerk into the State Treasury as a state registration fee in the same manner that license taxes are paid into the Treasury under ~~article twelve, chapter eleven~~ §11-12-1 et seq. of this code;

(2) Fifteen dollars of the marriage license fee received pursuant to this subsection shall be paid by the county clerk into the State Treasury for the Family Protection Shelter Support Act in the same manner that license taxes are paid into the Treasury under ~~article twelve, chapter eleven~~ §11-12-1 et seq. of this code;

(3) Ten dollars of the marriage license fee received pursuant to this subsection shall be deposited in the Courthouse Facilities Improvement Fund created by ~~section six, article twenty-six, chapter twenty-nine~~ §29-26-6 of this code; and

(4) If a premarital education course completion certificate is not presented, the county clerk shall, on or before the 10th ~~tenth~~ day of each month, transmit \$20 of the marriage license fee received pursuant to this subsection to the State Treasurer for deposit in the State Treasury as follows:

(A) Five dollars to the credit of the Family Protection Shelter Support Act in the same manner that license taxes are paid into the Treasury under ~~article twelve, chapter eleven~~ §11-12-1 et seq. of this code.

(B) Five dollars to the credit of the special revenue account, hereby created, designated the Fund for Civil Legal Services for Low Income Persons, which shall consist of all gifts, grants, bequests, transfers, appropriations, or other donations or payments which may be received and administered by the Division of Justice and Community Services from any governmental entity or unit or any person, firm, foundation, or corporation for the purposes of this section, and all interest or other return earned from investment of the fund. Expenditures from the fund shall be made by the Director of the Division of Justice and Community Services and shall be limited to grants to nonprofit agencies which provide civil legal services to low income persons made at his or her discretion. Any balance in the fund at the end of each fiscal year shall not revert to the General Revenue Fund but shall remain in the fund and be expended as provided by this section.

(C) Ten dollars to the credit of the Marriage Education Fund created pursuant to ~~section seven hundred two, article two, chapter forty eight~~ §48-2-702 of this code.

(d) (1) One dollar and fifty 50 cents for a copy of any writing or document, if it is not otherwise provided for.

(2) One dollar for each additional page if the writing or documents contains more than two pages.

(3) One dollar for annexing the seal of the commission or clerk to any paper.

(4) Five dollars for a certified copy of a birth certificate, death certificate, or marriage license.

(e) For copies of any record in electronic form or a medium other than paper, a reasonable fee set by the clerk of the county commission not to exceed the costs associated with document search and duplication.

CHAPTER 62. CRIMINAL PROCEDURE.

ARTICLE 4. RECOVERY OF FINES IN CRIMINAL CASES.

§62-4-17. Suspension of licenses for failure to appear in court; payment plan; failure to pay fines will result in late fee and judgment lien.

(a) Upon request and subject to the following requirements, the circuit clerk shall establish a payment plan for a person owing costs, fines, forfeitures, restitution, or penalties imposed by the court, so long as the person signs and files with the clerk an affidavit stating that he or she is financially unable to pay the costs, fines, forfeitures, restitution, or penalties imposed:

(1) A \$25 administrative processing fee shall be paid at the time the payment form is filed or, in the alternative, the fee may be paid in no more than five equal monthly payments;

(2) Unless incarcerated, a person must pay in full the costs, fines, forfeitures, restitution, or penalties or enroll in a payment plan no later than 180 calendar days after the date the court enters upon the entry of the order assessing the costs, fines, forfeitures, restitution, or penalties; and

(3) If the person is incarcerated, he or she must pay in full the costs, fines, forfeitures, restitution, or penalties or enroll in a payment plan within 480 90 calendar days after release.

(b) The Supreme Court of Appeals shall develop a uniform payment plan form and financial affidavit for requests for the establishment of payment plan pursuant to subsection (a) of this section. The forms shall be made available for distribution to the offices of circuit clerks and circuit clerks shall use the payment plan form and affidavit form developed by the Supreme Court of Appeals when establishing payment plans.

(c)(1) The payment plan shall specify: (A) The number of payments to be made; (B) the dates on which such payments are due; (C) the amount due for each payment; (D) all acceptable payment methods; and (E) the circumstances under which the person may receive a late fee, have a judgment lien recorded against them, or have the debt sent to collections for nonpayment.

(2) The monthly payment under the payment plan shall be calculated based upon all costs, fines, forfeitures, restitution, or penalties owed within the court, and shall be two percent of the person's annual net income divided by 12, or \$10, whichever is greater: Provided, That if this calculation results in a payment plan lasting more than five years, the monthly payments shall be set by dividing the total amount owed by 60.

(3) The court may review the reasonableness of the payment plan, and may on its own motion or by petition, waive, modify, or convert the outstanding costs, fines, forfeitures, restitution, or penalties to community service if the court determines that the individual has had a change in circumstances and is unable to comply with the terms of the payment plan.

(d)(1) The clerk may assess a \$10 late fee each month if a person fails to comply with the terms of a payment plan, and if any payment due is not received within 30 days after the due date, and the person:

- (A) Is not incarcerated;
- (B) Has not brought the account current;
- (C) Has not made alternative payment arrangements with the court; or
- (D) Has not entered into a revised payment plan with the clerk before the due date.

(2) If, after 90 days, a payment has not been received, the clerk may do one or both of the following: (A) Record a judgment lien as described in subsection (f) of this section; or (B) consign the delinquent costs, fines, forfeitures, restitution, or penalties to a debt collection agency contained on the Tax Commissioner's list of eligible debt collection agencies established and maintained pursuant to §14-1-18c of this code, an internal collection division, or both: *Provided*, That the entire amount of all delinquent payments collected shall be remitted to the court and may not be reduced by any collection costs or fees: *Provided, however*, That the collection fee may not exceed 25 percent of the delinquent payment amount. The clerk may send notices, electronically or by U.S. mail, to remind the person of an upcoming or missed payment.

(e)(1) If after 180 days of a judgment a person fails to enroll in a payment plan and fails to pay his or her costs, fines, forfeitures, restitution, or penalties, the clerk may assess a \$10 late fee and shall notify the person of the following:

(A) That he or she is 180 days past due in the payment of costs, fines, forfeitures, restitution, or penalties imposed pursuant to a judgment of the court;

(B) That he or she has failed to enroll in a payment plan;

(C) Whether a \$10 late fee has been assessed; and

(D) That he or she may be the subject of a judgment lien or have his or her debt sent to a collection agency if the overdue payment of costs, fines, forfeitures, restitution, or penalties is not resolved within 30 days of the date of the notice issued pursuant to this subsection.

(2) If after 30 days from the issuance of a notice pursuant to subdivision (1) of this subsection, a payment has not been received, the clerk may do one or both of the following:

(A) Record a judgment lien as described in subsection (f) of this section; or

(B) Consign the delinquent costs, fines, forfeitures, restitution, or penalties to a debt collection agency contained on the Tax Commissioner's list of eligible debt collection agencies established and maintained pursuant to §14-1-18c of this code, an internal collection division, or both: *Provided*, That the entire amount of all delinquent payments collected shall be remitted to the

court and may not be reduced by any collection costs or fees: *Provided, however,* That the collection fee may not exceed 25 percent of the delinquent payment amount.

(f) To record a judgment lien, the clerk shall notify the prosecuting attorney of the county of nonpayment and shall provide the prosecuting attorney with an abstract of judgment. The prosecuting attorney shall file the abstract of judgment in the office of the clerk of the county commission in the county where the defendant was convicted and in any county wherein the defendant resides or owns property. The clerk of the county commission shall record and index these abstracts of judgment without charge or fee to the prosecuting attorney, and when recorded, the amount stated to be owed in the abstract constitutes a lien against all property of the defendant: *Provided,* That when all the costs, fines, fees, forfeitures, restitution, or penalties for which an abstract of judgment has been recorded are paid in full, the clerk of the municipal court shall notify the prosecuting attorney of the county of payment and provide the prosecuting attorney with a release of judgment, prepared in accordance with the provisions of §38-12-1 of this code, for filing and recordation pursuant to the provisions of this subdivision. Upon receipt from the clerk, the prosecuting attorney shall file the release of judgment in the office of the clerk of the county commission in each county where an abstract of the judgment was recorded. The clerk of the county commission shall record and index the release of judgment without charge or fee to the prosecuting attorney.

(g) Any driver's license suspension entered by the Division of Motor Vehicles prior to July 1, 2016, for the failure to appear or otherwise respond in court or for nonpayment of costs, fines, forfeitures, restitution, or penalties is null and void. A person whose driver's license was suspended on or after July 1, 2016, but prior to July 1, 2020, solely for the nonpayment of costs, fines, forfeitures, restitution, or penalties, if otherwise eligible, shall have his or her license reinstated:

(1) Upon payment in full of all outstanding costs, fines, forfeitures, restitution, or penalties and a \$25 reinstatement fee paid to the Division of Motor Vehicles; or

(2) Upon establishing a payment plan pursuant to subsection (a) of this section and the payment of a \$25 administrative fee. The clerk shall notify the Division of Motor Vehicles that a payment plan is in effect, and upon receipt of the notification, the division shall waive the reinstatement fee.

(h) If a person charged with a criminal offense fails to appear or otherwise respond in court after having received notice to do so, the court shall notify the Division of Motor Vehicles thereof within 15 days of the scheduled date to appear unless such person sooner appears or otherwise responds in court to the satisfaction of the court. Upon such notice, the Division of Motor Vehicles shall suspend the person's driver's license or privilege to operate a motor vehicle in this state until such time that the person appears as required.

Following discussion,

The question being on the adoption of the amendment offered by Senators Trump and Clements to the bill, the same was put and prevailed.

Engrossed Committee Substitute for House Bill 4712, as just amended, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Lindsay, Maroney, Martin, Maynard, Nelson, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Karnes and Phillips—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4712) passed.

At the request of Senator Trump, as chair of the Committee on the Judiciary, and by unanimous consent, the unreported Judiciary committee amendment to the title of the bill was withdrawn.

On motions of Senators Trump and Clements, the following amendment to the title of the bill was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill 4712—A Bill to amend and reenact §8-10-2b of the Code of West Virginia, 1931, as amended; to amend and reenact §50-3-2 and §50-3-2a of said code; to amend and reenact §59-1-10 of said code; and to amend and reenact §62-4-17 of said code, all relating generally to costs, fines, forfeiture, restitution and penalties; requiring a person, unless incarcerated, to pay all costs, fines, forfeiture, restitution and penalties upon entry of the order assessing them in municipal court, magistrate court, and circuit court; reducing the time period allowed for enrollment for incarcerated persons in municipal court, magistrate court, and circuit court payment plans and limiting the maximum length of payment plans: voiding driver's license suspensions entered prior to July 1, 2016, for the failure to appear or otherwise respond in court or for nonpayment of costs, fines, forfeitures, restitution, or penalties; increasing fees to the Courthouse Facilities Improvement Authority; imposing a \$10 processing fee for criminal bail bonds, other than personal recognizance bonds, to be deposited in the fund; imposing a \$25 fee for the processing of bail pieces, to be deposited in the fund; and increasing the fee for a deed of conveyance with the increase dedicated to the fund.

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

Eng. House Bill 4778, Permit banks to transact business with any one or more fiduciaries on multiple fiduciary accounts.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Senators Trump and Nelson, respectively, requested rulings from the Chair as to whether they should be excused from voting under Rule 43 of the Rules of the Senate.

The Chair replied that any impact on Senators Trump and Nelson would be as a member of a class of persons and that they would be required to vote.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Lindsay, Maroney, Martin, Maynard, Nelson,

Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Karnes and Phillips—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 4778) passed with its title.

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

Eng. Com. Sub. for House Bill 4779, Permit banks the discretion to choose whether to receive deposits from other banks, savings banks, or savings and loan associations when arranging for the re-deposits of county, municipal, and state funds.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Senators Trump and Nelson, respectively, requested rulings from the Chair as to whether they should be excused from voting under Rule 43 of the Rules of the Senate.

The Chair replied that any impact on Senators Trump and Nelson would be as a member of a class of persons and that they would be required to vote.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Lindsay, Maroney, Martin, Maynard, Nelson, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Karnes and Phillips—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4779) passed.

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

Eng. Com. Sub. for House Bill 4779—A Bill to amend and reenact §7-6-2 of the Code of West Virginia, 1931, as amended; to amend and reenact §8-13-22a of said code; to amend and reenact §12-1-4 of said code; and to amend and reenact §18-9-6 of said code, all relating to county, municipal, state, and county Board of Education public depositories; and giving those public depositories which re-deposit public monies to ensure they are federally insured the discretion on whether or not to accept a reciprocal deposit.

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

Eng. House Bill 4842, Relating to obscene matter to minors.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Lindsay, Maroney, Martin, Maynard, Nelson, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Karnes and Phillips—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 4842) passed.

At the request of Senator Trump, as chair of the Committee on the Judiciary, and by unanimous consent, the unreported Judiciary committee amendment to the title of the bill was withdrawn.

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

Eng. House Bill 4842—A Bill to amend and reenact §61-8-9 of the Code of West Virginia, 1931, as amended; and to amend and reenact §61-8C-3 of said code, all relating to crimes against minors and child pornography; creating the felony offense of indecent exposure to children 16 years of age or younger and establishing penalties therefore; and clarifying the groups of persons to whom the criminal prohibitions related to child pornography are inapplicable when such persons are performing their official or employment duties.

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

The Senate proceeded to the ninth order of business.

Senate Bill 731, Making supplementary appropriation to Department of Tourism, Tourism Workforce Development Fund.

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

Senate Bill 732, Making supplementary appropriation to Hospital Finance Authority, Hospital Finance Authority Fund.

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

Senate Bill 733, Supplementing and amending appropriation to Executive, Governor's Office.

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

Eng. Com. Sub. for House Bill 2733, Relating to the establishment of a Combat Action Badge and Combat Action Ribbon special registration plates.

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

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

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

ARTICLE 3. ORIGINAL AND RENEWAL OF REGISTRATION; ISSUANCE OF CERTIFICATES OF TITLE.

§17A-3-14. Registration plates generally; description of plates; issuance of special numbers and plates; registration fees; special application fees; exemptions; commissioner to promulgate forms; suspension and nonrenewal.

(a) The division, upon registering a vehicle, shall issue to the owner one registration plate for a motorcycle, trailer, semitrailer, or other motor vehicle.

(b) Registration plates issued by the division shall meet the following requirements:

(1) Every registration plate shall be of reflectorized material and have displayed upon it the registration number assigned to the vehicle for which it is issued; the name of this state, which may be abbreviated; and the year number for which it is issued or the date of expiration of the plate.

(2) Every registration plate and the required letters and numerals on the plate shall be of sufficient size to be plainly readable from a distance of 100 feet during daylight: *Provided*, That the requirements of this subdivision shall not apply to the year number for which the plate is issued or the date of expiration.

(3) Registration numbering for registration plates shall begin with the number two.

(c) The division may not issue, permit to be issued, or distribute any special registration plates except as follows:

(1) The Governor shall be issued two registration plates, on one of which shall be imprinted the numeral one and on the other the word one.

(2) State officials and judges may be issued special registration plates as follows:

(A) Upon appropriate application, the division shall issue to the Secretary of State, State Superintendent of Schools, Auditor, Treasurer, Commissioner of Agriculture, and the Attorney General, the members of both houses of the Legislature, including the elected officials of both houses of the Legislature, the justices of the Supreme Court of Appeals of West Virginia, the representatives and senators of the state in the Congress of the United States, the judges of the West Virginia circuit courts, active and retired on senior status, the judges of the United States district courts for the State of West Virginia and the judges of the United States Court of Appeals for the fourth circuit, if any of the judges are residents of West Virginia, a special registration plate for a Class A motor vehicle and a special registration plate for a Class G motorcycle owned by the official or his or her spouse: *Provided*, That the division may issue a Class A special registration plate for each vehicle titled to the official and a Class G special registration plate for each motorcycle titled to the official.

(B) Each plate issued pursuant to this subdivision shall bear any combination of letters and numbers not to exceed an amount determined by the commissioner and a designation of the office. Each plate shall supersede the regular numbered plate assigned to the official or his or her spouse during the official's term of office and while the motor vehicle is owned by the official or his or her spouse.

(C) The division shall charge an annual fee of \$15 for every registration plate issued pursuant to this subdivision, which is in addition to all other fees required by this chapter.

(3) The division may issue members of the National Guard forces special registration plates as follows:

(A) Upon receipt of an application on a form prescribed by the division and receipt of written evidence from the chief executive officer of the Army National Guard or Air National Guard, as appropriate, or the commanding officer of any United States armed forces reserve unit that the applicant is a member thereof, the division shall issue to any member of the National Guard of this state or a member of any reserve unit of the United States armed forces a special registration plate designed by the commissioner for any number of Class A motor vehicles owned by the member. Upon presentation of written evidence of retirement status, retired members of this state's Army or Air National Guard, or retired members of any reserve unit of the United States armed forces, are eligible to purchase the special registration plate issued pursuant to this subdivision.

(B) The division shall charge an initial application fee of \$10 for each special registration plate issued pursuant to this subdivision, which is in addition to all other fees required by this chapter. Except as otherwise provided herein, effective July 1, 2007, all fees currently held in the special revolving fund used in the administration of this section and all fees collected by the division shall be deposited in the State Road Fund.

(C) A surviving spouse may continue to use his or her deceased spouse's National Guard forces license plate until the surviving spouse dies, remarries, or does not renew the license plate.

(4) Specially arranged registration plates may be issued as follows:

(A) Upon appropriate application, any owner of a motor vehicle subject to Class A registration, or a motorcycle subject to Class G registration, as defined by this article, may request that the division issue a registration plate bearing specially arranged letters or numbers with the maximum number of letters or numbers to be determined by the commissioner. The division shall attempt to comply with the request wherever possible.

(B) The commissioner shall propose rules for legislative approval in accordance with the provisions of §29A-1-1 *et seq.* of this code regarding the orderly distribution of the plates: *Provided*, That for purposes of this subdivision, the registration plates requested and issued shall include all plates bearing the numbers two through 2,000.

(C) An annual fee of \$15 shall be charged for each special registration plate issued pursuant to this subdivision, which is in addition to all other fees required by this chapter.

(5) The division may issue honorably discharged veterans special registration plates as follows:

(A) Upon appropriate application, the division shall issue to any honorably discharged veteran of any branch of the armed services of the United States a special registration plate for any number of vehicles titled in the name of the qualified applicant with an insignia designed by the Commissioner of the Division of Motor Vehicles.

(B) The division shall charge a special initial application fee of \$10 in addition to all other fees required by law. This special fee is to compensate the Division of Motor Vehicles for additional costs and services required in the issuing of the special registration. All fees collected by the division shall be deposited in the State Road Fund: *Provided*, That nothing in this section may be construed to exempt any veteran from any other provision of this chapter.

(C) A surviving spouse may continue to use his or her deceased spouse's honorably discharged veterans license plate until the surviving spouse dies, remarries, or does not renew the license plate.

(6) The division may issue disabled veterans special registration plates as follows:

(A) Upon appropriate application, the division shall issue to any disabled veteran who is exempt from the payment of registration fees under the provisions of this chapter a registration plate for a vehicle titled in the name of the qualified applicant which bears the letters "DV" in red and also the regular identification numerals in red.

(B) A surviving spouse may continue to use his or her deceased spouse's disabled veterans license plate until the surviving spouse dies, remarries, or does not renew the license plate.

(C) A qualified disabled veteran may obtain a second disabled veterans license plate as described in this section for use on a passenger vehicle titled in the name of the qualified applicant. The division shall charge a one-time fee of \$10 to be deposited into the State Road Fund, in addition to all other fees required by this chapter, for the second plate.

(7) The division may issue recipients of the distinguished Purple Heart medal special registration plates as follows:

(A) Upon appropriate application, there shall be issued to any armed service person holding the distinguished Purple Heart medal for persons wounded in combat a registration plate for a vehicle titled in the name of the qualified applicant bearing letters or numbers. The registration plate shall be designed by the Commissioner of the Division of Motor Vehicles and shall denote that those individuals who are granted this special registration plate are recipients of the Purple Heart. All letterings shall be in purple where practical.

(B) Registration plates issued pursuant to this subdivision are exempt from all registration fees otherwise required by the provisions of this chapter.

(C) A surviving spouse may continue to use his or her deceased spouse's Purple Heart medal license plate until the surviving spouse dies, remarries, or does not renew the license plate.

(D) A recipient of the Purple Heart medal may obtain a second Purple Heart medal license plate as described in this section for use on a passenger vehicle titled in the name of the qualified applicant. The division shall charge a one-time fee of \$10 to be deposited into the State Road Fund, in addition to all other fees required by this chapter, for the second plate.

(8) The division may issue survivors of the attack on Pearl Harbor special registration plates as follows:

(A) Upon appropriate application, the owner of a motor vehicle who was enlisted in any branch of the armed services that participated in and survived the attack on Pearl Harbor on December 7, 1941, the division shall issue a special registration plate for a vehicle titled in the name of the qualified applicant. The registration plate shall be designed by the Commissioner of the Division of Motor Vehicles.

(B) Registration plates issued pursuant to this subdivision are exempt from the payment of all registration fees otherwise required by the provisions of this chapter.

(C) A surviving spouse may continue to use his or her deceased spouse's survivors of the attack on Pearl Harbor license plate until the surviving spouse dies, remarries, or does not renew the license plate.

(D) A survivor of the attack on Pearl Harbor may obtain a second survivors of the attack on Pearl Harbor license plate as described in this section for use on a passenger vehicle titled in the name of the qualified applicant. The division shall charge a one-time fee of \$10 to be deposited into the State Road Fund, in addition to all other fees required by this chapter, for the second plate.

(9) The division may issue special registration plates to nonprofit charitable and educational organizations authorized under prior enactment of this subdivision as follows:

(A) Approved nonprofit charitable and educational organizations previously authorized under the prior enactment of this subdivision may accept and collect applications for special registration plates from owners of Class A motor vehicles together with a special annual fee of \$15, which is in addition to all other fees required by this chapter. The applications and fees shall be submitted to the Division of Motor Vehicles with the request that the division issue a registration plate bearing a combination of letters or numbers with the organization's logo or emblem, with the maximum number of letters or numbers to be determined by the commissioner.

(B) The commissioner shall propose rules for legislative approval in accordance with the provisions of §29A-3-1 *et seq.* of this code regarding the procedures for and approval of special registration plates issued pursuant to this subdivision.

(C) The commissioner shall set an appropriate fee to defray the administrative costs associated with designing and manufacturing special registration plates for a nonprofit charitable or educational organization. The nonprofit charitable or educational organization shall collect this fee and forward it to the division for deposit in the State Road Fund. The nonprofit charitable or educational organization may also collect a fee for marketing the special registration plates.

(10) The division may issue specified emergency or volunteer registration plates as follows:

(A) Any owner of a motor vehicle who is a resident of the State of West Virginia and who is a certified paramedic or emergency medical technician, a member of a paid fire department, a member of the State Fire Commission, the State Fire Marshal, the State Fire Marshal's assistants, the State Fire Administrator, and voluntary rescue squad members may apply for a special license plate for any number of Class A vehicles titled in the name of the qualified applicant which bears the insignia of the profession, group, or commission. Any insignia shall be designed by the

commissioner. License plates issued pursuant to this subdivision shall bear the requested insignia in addition to the registration number issued to the applicant pursuant to the provisions of this article.

(B) Each application submitted pursuant to this subdivision shall be accompanied by an affidavit signed by the fire chief or department head of the applicant stating that the applicant is justified in having a registration with the requested insignia, proof of compliance with all laws of this state regarding registration and licensure of motor vehicles, and payment of all required fees.

(C) Each application submitted pursuant to this subdivision shall be accompanied by payment of a special initial application fee of \$10, which is in addition to any other registration or license fee required by this chapter. All special fees shall be collected by the division and deposited into the State Road Fund.

(11) The division may issue specified certified firefighter registration plates as follows:

(A) Any owner of a motor vehicle who is a resident of the State of West Virginia and who is a certified firefighter may apply for a special license plate which bears the insignia of the profession, for any number of Class A vehicles titled in the name of the qualified applicant. Any insignia shall be designed by the commissioner. License plates issued pursuant to this subdivision shall bear the requested insignia pursuant to the provisions of this article. Upon presentation of written evidence of certification as a certified firefighter, certified firefighters are eligible to purchase the special registration plate issued pursuant to this subdivision.

(B) Each application submitted pursuant to this subdivision shall be accompanied by an affidavit stating that the applicant is justified in having a registration with the requested insignia, proof of compliance with all laws of this state regarding registration and licensure of motor vehicles, and payment of all required fees. The firefighter certification department, section, or division of the West Virginia University fire service extension shall notify the commissioner in writing immediately when a firefighter loses his or her certification. If a firefighter loses his or her certification, the commissioner may not issue him or her a license plate under this subdivision.

(C) Each application submitted pursuant to this subdivision shall be accompanied by payment of a special initial application fee of \$10, which is in addition to any other registration or license fee required by this chapter. All special fees shall be collected by the division and deposited into the State Road Fund.

(12) The division may issue special scenic registration plates as follows:

(A) Upon appropriate application, the commissioner shall issue a special registration plate displaying a scenic design of West Virginia which displays the words "Wild Wonderful" as a slogan.

(B) The division shall charge a special one-time initial application fee of \$10 in addition to all other fees required by this chapter. All initial application fees collected by the division shall be deposited into the State Road Fund.

(13) The division may issue honorably discharged Marine Corps League members special registration plates as follows:

(A) Upon appropriate application, the division shall issue to any honorably discharged Marine Corps League member a special registration plate for any number of vehicles titled in the name of the qualified applicant with an insignia designed by the Commissioner of the Division of Motor Vehicles.

(B) The division may charge a special one-time initial application fee of \$10 in addition to all other fees required by this chapter. This special fee is to compensate the Division of Motor Vehicles for additional costs and services required in the issuing of the special registration and shall be collected by the division and deposited in the State Road Fund: *Provided*, That nothing in this section may be construed to exempt any veteran from any other provision of this chapter.

(C) A surviving spouse may continue to use his or her deceased spouse's honorably discharged Marine Corps League license plate until the surviving spouse dies, remarries, or does not renew the license plate.

(14) The division may issue military organization registration plates as follows:

(A) The division may issue a special registration plate for the members of any military organization chartered by the United States Congress upon receipt of a guarantee from the organization of a minimum of 100 applicants. The insignia on the plate shall be designed by the commissioner.

(B) Upon appropriate application, the division may issue members of the chartered organization in good standing, as determined by the governing body of the chartered organization, a special registration plate for any number of vehicles titled in the name of the qualified applicant.

(C) The division shall charge a special one-time initial application fee of \$10 for each special license plate in addition to all other fees required by this chapter. All initial application fees collected by the division shall be deposited into the State Road Fund: *Provided*, That nothing in this section may be construed to exempt any veteran from any other provision of this chapter.

(D) A surviving spouse may continue to use his or her deceased spouse's military organization registration plate until the surviving spouse dies, remarries, or does not renew the special military organization registration plate.

(15) The division may issue special nongame wildlife registration plates and special wildlife registration plates as follows:

(A) Upon appropriate application, the division shall issue a special registration plate displaying a species of West Virginia wildlife which shall display a species of wildlife native to West Virginia as prescribed and designated by the commissioner and the Director of the Division of Natural Resources.

(B) The division shall charge an annual fee of \$15 for each special nongame wildlife registration plate and each special wildlife registration plate in addition to all other fees required by this chapter. All annual fees collected for nongame wildlife registration plates and wildlife registration plates shall be deposited in a special revenue account designated the Nongame Wildlife Fund and credited to the Division of Natural Resources.

(C) The division shall charge a special one-time initial application fee of \$10 in addition to all other fees required by this chapter. All initial application fees collected by the division shall be deposited in the State Road Fund.

(16) The division may issue members of the Silver Haired Legislature special registration plates as follows:

(A) Upon appropriate application, the division shall issue to any person who is a duly qualified member of the Silver Haired Legislature a specialized registration plate which bears recognition of the applicant as a member of the Silver Haired Legislature.

(B) A qualified member of the Silver Haired Legislature may obtain one registration plate described in this subdivision for use on a passenger vehicle titled in the name of the qualified applicant. The division shall charge an annual fee of \$15, in addition to all other fees required by this chapter, for the plate. All annual fees collected by the division shall be deposited in the State Road Fund.

(17) Upon appropriate application, the commissioner shall issue to a classic motor vehicle or classic motorcycle, as defined in §17A-10-3a of this code, a special registration plate designed by the commissioner. An annual fee of \$15, in addition to all other fees required by this chapter, shall be charged for each classic registration plate.

(18) Honorably discharged veterans may be issued special registration plates for motorcycles subject to Class G registration as follows:

(A) Upon appropriate application, there shall be issued to any honorably discharged veteran of any branch of the armed services of the United States a special registration plate for any number of motorcycles subject to Class G registration titled in the name of the qualified applicant with an insignia designed by the Commissioner of the Division of Motor Vehicles.

(B) A special initial application fee of \$10 shall be charged in addition to all other fees required by law. This special fee is to be collected by the division and deposited in the State Road Fund: *Provided*, That nothing in this section may be construed to exempt any veteran from any other provision of this chapter.

(C) A surviving spouse may continue to use his or her deceased spouse's honorably discharged veterans license plate until the surviving spouse dies, remarries, or does not renew the license plate.

(19) Racing theme special registration plates:

(A) The division may issue a series of special registration plates displaying National Association for Stock Car Auto Racing themes.

(B) An annual fee of \$25 shall be charged for each special racing theme registration plate in addition to all other fees required by this chapter. All annual fees collected for each special racing theme registration plate shall be deposited into the State Road Fund.

(C) A special application fee of \$10 shall be charged at the time of initial application as well as upon application for any duplicate or replacement registration plate, in addition to all other fees required by this chapter. All application fees shall be deposited into the State Road Fund.

(20) The division may issue recipients of the Navy Cross, Distinguished Service Cross, Distinguished Flying Cross, Air Force Cross, Bronze Star, Silver Star, or Air Medal special registration plates as follows:

(A) Upon appropriate application, the division shall issue to any recipient of the Navy Cross, Distinguished Service Cross, Distinguished Flying Cross, Air Force Cross, Silver Star, Bronze Star, or Air Medal, a registration plate for any number of vehicles titled in the name of the qualified applicant bearing letters or numbers. A separate registration plate shall be designed by the Commissioner of the Division of Motor Vehicles for each award that denotes that those individuals who are granted this special registration plate are recipients of the Navy Cross, Distinguished Service Cross, Distinguished Flying Cross, Air Force Cross, Silver Star, Bronze Star, or Air Medal as applicable.

(B) The division shall charge a special initial application fee of \$10 in addition to all other fees required by law. This special fee shall be collected by the division and deposited in the State Road Fund: *Provided*, That nothing in this section exempts the applicant for a special registration plate under this subdivision from any other provision of this chapter.

(C) A surviving spouse may continue to use his or her deceased spouse's Navy Cross, Distinguished Service Cross, Distinguished Flying Cross, Air Force Cross, Silver Star, Bronze Star, or Air Medal special registration plate until the surviving spouse dies, remarries, or does not renew the special registration plate.

(21) The division may issue honorably discharged veterans special registration plates as follows:

(A) Upon appropriate application, the division shall issue to any honorably discharged veteran of any branch of the armed services of the United States with verifiable service during World War II, the Korean War, the Vietnam War, the Persian Gulf War, or the War Against Terrorism a special registration plate for any number of vehicles titled in the name of the qualified applicant with an insignia designed by the commissioner denoting service in the applicable conflict.

(B) The division shall charge a special one-time initial application fee of \$10 in addition to all other fees required by law. This special fee shall be collected by the division and deposited in the State Road Fund: *Provided*, That nothing contained in this section may be construed to exempt any veteran from any other provision of this chapter.

(C) A surviving spouse may continue to use his or her deceased spouse's honorably discharged veterans' registration plate until the surviving spouse dies, remarries, or does not renew the special registration plate.

(22) The division may issue special volunteer firefighter registration plates as follows:

(A) Any owner of a motor vehicle who is a resident of West Virginia and who is a volunteer firefighter may apply for a special license plate for any Class A vehicle titled in the name of the qualified applicant which bears the insignia of the profession in white letters on a red background. The insignia shall be designed by the commissioner and shall contain a fireman's helmet insignia on the left side of the license plate.

(B) Each application submitted pursuant to this subdivision shall be accompanied by an affidavit signed by the applicant's fire chief, stating that the applicant is a volunteer firefighter and

justified in having a registration plate with the requested insignia. The applicant must comply with all other laws of this state regarding registration and licensure of motor vehicles and must pay all required fees.

(C) Each application submitted pursuant to this subdivision shall be accompanied by payment of a special one-time initial application fee of \$10, which is in addition to any other registration or license fee required by this chapter. All application fees shall be deposited into the State Road Fund.

(23) The division may issue special registration plates which reflect patriotic themes, including the display of any United States symbol, icon, phrase, or expression which evokes patriotic pride or recognition. The division shall also issue registration plates with the words "In God We Trust":

(A) Upon appropriate application, the division shall issue to an applicant a registration plate of the applicant's choice, displaying a patriotic theme as provided in this subdivision, for a vehicle titled in the name of the applicant. A series of registration plates displaying patriotic themes shall be designed by the Commissioner of the Division of Motor Vehicles for distribution to applicants.

(B) The division shall charge a special one-time initial application fee of \$10 in addition to all other fees required by law. This special fee shall be collected by the division and deposited in the State Road Fund.

(C) The provisions of §17A-3-14(d) of this code are not applicable for the issuance of the license plates designated by this subdivision.

(24) Special license plates bearing the American flag and the logo "9/11/01":

(A) Upon appropriate application, the division shall issue special registration plates which shall display the American flag and the logo "9/11/01".

(B) An annual fee of \$15 shall be charged for each plate in addition to all other fees required by this chapter.

(C) A special application fee of \$10 shall be charged at the time of initial application as well as upon application for any duplicate or replacement registration plate, in addition to all other fees required by this chapter. All application fees shall be deposited into the State Road Fund.

(25) The division may issue a special registration plate celebrating the centennial of the 4-H youth development movement and honoring the Future Farmers of America organization as follows:

(A) Upon appropriate application, the division may issue a special registration plate depicting the symbol of the 4-H organization which represents the head, heart, hands, and health, as well as the symbol of the Future Farmers of America organization which represents a cross section of an ear of corn for any number of vehicles titled in the name of the qualified applicant.

(B) The division shall charge a special initial application fee of \$10 in addition to all other fees required by law. This special fee shall be collected by the division and deposited in the State Road Fund.

(C) The division shall charge an annual fee of \$15 for each special 4-H Future Farmers of America registration plate in addition to all other fees required by this chapter.

(26) The division may issue special registration plates to educators in the state's elementary and secondary schools and in the state's institutions of higher education as follows:

(A) Upon appropriate application, the division may issue a special registration plate designed by the commissioner for any number of vehicles titled in the name of the qualified applicant.

(B) The division shall charge a special initial application fee of \$10 in addition to all other fees required by law. This special fee shall be collected by the division and deposited in the State Road Fund.

(C) The division shall charge an annual fee of \$15 for each special educator registration plate in addition to all other fees required by this chapter.

(27) The division may issue special registration plates to members of the Nemesis Shrine as follows:

(A) Upon appropriate application, the division may issue a special registration plate designed by the commissioner for any number of vehicles titled in the name of the qualified applicant. Persons desiring the special registration plate shall offer sufficient proof of membership in Nemesis Shrine.

(B) The division shall charge a special initial application fee of \$10 in addition to all other fees required by law. This special fee shall be collected by the division and deposited in the State Road Fund.

(C) An annual fee of \$15 shall be charged for each plate in addition to all other fees required by this chapter.

(D) Notwithstanding the provisions of §17A-3-14(d) of this code, the time period for the Nemesis Shrine to comply with the minimum 100 prepaid applications is hereby extended to January 15, 2005.

(28) The division may issue volunteers and employees of the American Red Cross special registration plates as follows:

(A) Upon appropriate application, the division shall issue to any person who is a duly qualified volunteer or employee of the American Red Cross a specialized registration plate which bears recognition of the applicant as a volunteer or employee of the American Red Cross for any number of vehicles titled in the name of the qualified applicant.

(B) The division shall charge a special initial application fee of \$10 in addition to all other fees required by law. This special fee shall be collected by the division and deposited in the State Road Fund.

(C) An annual fee of \$15 shall be charged for each plate in addition to all other fees required by this chapter.

(29) The division shall issue special registration plates to individuals who have received ~~either the Combat Infantry Badge or the Combat Medic Badge~~ the U.S. Army Combat Infantryman Badge, Combat Action Badge, or Combat Medical Badge; the U.S. Marine Corps, U.S. Navy, or U.S. Coast Guard Combat Action Ribbon; or the U.S. Air Force Combat Action Medal as follows:

(A) Upon appropriate application, the division shall issue a special registration plate designed by the commissioner for any number of vehicles titled in the name of the qualified applicant. Persons desiring the special registration plate shall offer sufficient proof that they have received ~~either the Combat Infantry Badge or the Combat Medic Badge~~ the U.S. Army Combat Infantryman Badge, Combat Action Badge, or Combat Medical Badge; the U.S. Marine Corps, U.S. Navy, or U.S. Coast Guard Combat Action Ribbon; or the U.S. Air Force Combat Action Medal.

(B) The division shall charge a special initial application fee of \$10 in addition to all other fees required by law. This special fee shall be collected by the division and deposited in the State Road Fund.

(30) The division may issue special registration plates to members of the Knights of Columbus as follows:

(A) Upon appropriate application, the division shall issue a special registration plate designed by the commissioner for any number of vehicles titled in the name of the qualified applicant. Persons desiring the special registration plate shall offer sufficient proof of membership in the Knights of Columbus.

(B) The division shall charge a special initial application fee of \$10 in addition to all other fees required by law. This special fee shall be collected by the division and deposited in the State Road Fund.

(C) An annual fee of \$15 shall be charged for each plate in addition to all other fees required by this chapter.

(D) Notwithstanding the provisions of §17A-3-14(d) of this code, the time period for the Knights of Columbus to comply with the minimum 100 prepaid applications is hereby extended to January 15, 2007.

(31) The division may issue special registration plates to former members of the Legislature as follows:

(A) Upon appropriate application, the division shall issue a special registration plate designed by the commissioner for any number of vehicles titled in the name of the qualified applicant. Persons desiring the special registration plate shall offer sufficient proof of former service as an elected or appointed member of the West Virginia House of Delegates or the West Virginia Senate.

(B) The division shall charge a special initial application fee of \$10 in addition to all other fees required by law. This special fee shall be collected by the division and deposited in the State Road Fund. The design of the plate shall indicate total years of service in the Legislature.

(C) An annual fee of \$15 shall be charged for each plate in addition to all other fees required by this chapter.

(32) Democratic state or county executive committee member special registration plates:

(A) The division shall design and issue special registration plates for use by democratic state or county executive committee members. The design of the plates shall include an insignia of a donkey and shall differentiate by wording on the plate between state and county executive committee members.

(B) An annual fee of \$25 shall be charged for each democratic state or county executive committee member registration plate in addition to all other fees required by this chapter. All annual fees collected for each special plate issued under this subdivision shall be deposited into the State Road Fund.

(C) A special application fee of \$10 shall be charged at the time of initial application as well as upon application for any duplicate or replacement registration plate, in addition to all other fees required by this chapter. All application fees shall be deposited into the State Road Fund.

(D) The division shall not begin production of a plate authorized under the provisions of this subdivision until the division receives at least 100 completed applications from the state or county executive committee members, including all fees required pursuant to this subdivision.

(E) Notwithstanding the provisions of §17A-3-14(d) of this code, the time period for the democratic executive committee to comply with the minimum 100 prepaid applications is hereby extended to January 15, 2005.

(33) The division may issue honorably discharged female veterans' special registration plates as follows:

(A) Upon appropriate application, there shall be issued to any female honorably discharged veteran, of any branch of the armed services of the United States, a special registration plate for any number of vehicles titled in the name of the qualified applicant with an insignia designed by the Commissioner of the Division of Motor Vehicles to designate the recipient as a woman veteran.

(B) A special initial application fee of \$10 shall be charged in addition to all other fees required by law. This special fee shall be collected by the division and deposited in the State Road Fund: *Provided*, That nothing in this section may be construed to exempt any veteran from any other provision of this chapter.

(C) A surviving spouse may continue to use his deceased spouse's honorably discharged veterans license plate until the surviving spouse dies, remarries, or does not renew the license plate.

(34) The division may issue special registration plates bearing the logo, symbol, insignia, letters, or words demonstrating association with West Liberty State College to any resident owner of a motor vehicle. Resident owners may apply for the special license plate for any number of Class A vehicles titled in the name of the applicant. The special registration plates shall be designed by the commissioner. Each application submitted pursuant to this subdivision shall be accompanied by payment of a special initial application fee of \$15, which is in addition to any other registration or license fee required by this chapter. The division shall charge an annual fee of \$15 for each special registration plate in addition to all other fees required by this chapter. All special fees shall be collected by the division and deposited into the State Road Fund.

(35) The division may issue special registration plates to members of the Harley Owners Group as follows:

(A) Upon appropriate application, the division may issue a special registration plate designed by the commissioner for any number of vehicles titled in the name of the qualified applicant. Persons desiring the special registration plate shall offer sufficient proof of membership in the Harley Owners Group.

(B) The division shall charge a special initial application fee of \$10 in addition to all other fees required by law. This special fee shall be collected by the division and deposited in the State Road Fund.

(C) An annual fee of \$15 shall be charged for each plate in addition to all other fees required by this chapter.

(36) The division may issue special registration plates for persons retired from any branch of the armed services of the United States as follows:

(A) Upon appropriate application, there shall be issued to any person who has retired after service in any branch of the armed services of the United States, a special registration plate for any number of vehicles titled in the name of the qualified applicant with an insignia designed by the Commissioner of the Division of Motor Vehicles to designate the recipient as retired from the armed services of the United States.

(B) A special initial application fee of \$10 shall be charged in addition to all other fees required by law. This special fee shall be collected by the division and deposited in the State Road Fund: *Provided*, That nothing in this section may be construed to exempt any registrants from any other provision of this chapter.

(C) A surviving spouse may continue to use his or her deceased spouse's retired military license plate until the surviving spouse dies, remarries, or does not renew the license plate.

(37) The division may issue special registration plates bearing the logo, symbol, insignia, letters, or words demonstrating association with or support for Fairmont State ~~College~~ University as follows:

(A) Upon appropriate application, the division may issue a special registration plate designed by the commissioner for any number of vehicles titled in the name of the qualified applicant.

(B) The division shall charge a special initial application fee of \$10 in addition to all other fees required by law. This special fee shall be collected by the division and deposited in the State Road Fund.

(C) An annual fee of \$15 shall be charged for each plate in addition to all other fees required by this chapter.

(38) The division may issue special registration plates honoring the farmers of West Virginia, and the division may issue special beekeeper pollinator registration plates as follows:

(A) Upon appropriate application, the division shall issue a special registration plate depicting a farming scene or other apt reference to farming, whether in pictures or words, at the discretion

of the commissioner. Upon appropriate application, the division shall issue a special registration plate displaying a pollinator species or advocating its protection as prescribed and designated by the commissioner.

(B) The division shall charge a special initial application fee of \$10 for each plate in addition to all other fees required by law. This special fee shall be collected by the division and deposited in the State Road Fund.

(C) An annual fee of \$15 shall be charged for each plate in addition to all other fees required by this chapter.

(39) The division shall issue special registration plates promoting education as follows:

(A) Upon appropriate application, the division shall issue a special registration plate displaying a children's education-related theme as prescribed and designated by the commissioner and the State Superintendent of Schools.

(B) The division shall charge a special initial application fee of \$10 in addition to all other fees required by law. This special fee shall be collected by the division and deposited in the State Road Fund.

(C) An annual fee of \$15 shall be charged for each plate in addition to all other fees required by this chapter.

(40) The division may issue members of the 82nd Airborne Division Association special registration plates as follows:

(A) The division may issue a special registration plate for members of the 82nd Airborne Division Association upon receipt of a guarantee from the organization of a minimum of 100 applicants. The insignia on the plate shall be designed by the commissioner.

(B) Upon appropriate application, the division may issue members of the 82nd Airborne Division Association in good standing, as determined by the governing body of the organization, a special registration plate for any number of vehicles titled in the name of the qualified applicant.

(C) The division shall charge a special one-time initial application fee of \$10 for each special license plate in addition to all other fees required by this chapter. All initial application fees collected by the division shall be deposited into the State Road Fund: *Provided*, That nothing in this section may be construed to exempt the applicant from any other provision of this chapter.

(D) A surviving spouse may continue to use his or her deceased spouse's special 82nd Airborne Division Association registration plate until the surviving spouse dies, remarries, or does not renew the special registration plate.

(41) The division may issue special registration plates to applicants supporting law-enforcement officers, to retired members of the West Virginia State Police, and ~~the division may issue special registration plates~~ to survivors of wounds received in the line of duty as a member with a West Virginia law-enforcement agency as follows:

(A) Upon appropriate application, the division shall issue a special registration plate designed by the commissioner which recognizes, supports, and honors the men and women of law-

enforcement and includes the words "Back the Blue". Upon appropriate application, the division shall issue to any member of a municipal police department, sheriff's department, the State Police, or the law-enforcement division of the Division of Natural Resources who has been wounded in the line of duty and awarded a Purple Heart in recognition thereof by the West Virginia Chiefs of Police Association, the West Virginia Sheriffs' Association, the West Virginia Troopers Association, or the Division of Natural Resources a special registration plate for one vehicle titled in the name of the qualified applicant with an insignia appropriately designed by the commissioner.

(B) For special registration plates supporting law-enforcement officers, the division shall charge a special initial application fee of \$10 in addition to all other fees required by law. This special fee shall be collected by the division and deposited in the State Road Fund. An annual fee of \$15 shall be charged for each plate supporting law-enforcement officers in addition to all other fees required by this chapter.

(C) Registration plates issued pursuant to this subdivision to survivors of wounds received in the line of duty as a member with a West Virginia law-enforcement agency are exempt from the registration fees otherwise required by the provisions of this chapter. A surviving spouse may continue to use his or her deceased spouse's special registration plate until the surviving spouse dies, remarries, or does not renew the plate. Survivors of wounds received in the line of duty as a member with a West Virginia law-enforcement agency may obtain a license plate as described in this subdivision for use on a passenger vehicle titled in the name of the qualified applicant. The division shall charge a one-time fee of \$10 to be deposited into the State Road Fund, in addition to all other fees required by this chapter, for the second plate.

(D) Upon appropriate application, the division may issue special registration plates designed by the commissioner for any number of vehicles titled in the name of the qualified applicant who offers sufficient proof of being a retired member of the West Virginia State Police. The division shall charge a special initial application fee of \$10 in addition to all other fees required by law. This special fee shall be collected by the division and deposited in the State Road Fund.

(42) The division may issue a special registration plate for persons who are Native-Americans and residents of this state:

(A) Upon appropriate application, the division shall issue to an applicant who is a Native-American resident of West Virginia a registration plate for a vehicle titled in the name of the applicant with an insignia designed by the Commissioner of the Division of Motor Vehicles to designate the recipient as a Native-American.

(B) The division shall charge a special one-time initial application fee of \$10 in addition to all other fees required by law. This special fee shall be collected by the division and deposited in the State Road Fund.

(C) An annual fee of \$15 shall be charged for each plate in addition to all other fees required by this chapter.

(43) The division may issue special registration plates commemorating the centennial anniversary of the creation of Davis and Elkins College as follows:

(A) Upon appropriate application, the division may issue a special registration plate designed by the commissioner to commemorate the centennial anniversary of Davis and Elkins College for any number of vehicles titled in the name of the applicant.

(B) The division shall charge a special initial application fee of \$10. This special fee shall be collected by the division and deposited in the State Road Fund.

(C) An annual fee of \$15 shall be charged for each plate in addition to all other fees required by this chapter.

(44) The division may issue special registration plates recognizing and honoring breast cancer survivors. The division may also issue special registration plates to support a cure for childhood cancer:

(A) Upon appropriate application, the division may issue a special registration plate designed by the commissioner to recognize and honor breast cancer survivors, such plate to incorporate somewhere in the design the "pink ribbon emblem", for any number of vehicles titled in the name of the applicant. Upon appropriate application, the division may also issue a special registration plate designed by the commissioner to support a cure for childhood cancer, such plate to incorporate somewhere in the design the gold ribbon emblem with "WV Kids Cancer Crusaders" below or next to the emblem and "Cure Childhood Cancer" at the bottom of the plate, for any number of vehicles titled in the name of the applicant.

(B) The division shall charge a special initial application fee of \$10. This special fee shall be deposited in the State Road Fund.

(C) An annual fee of \$15 shall be charged for each plate in addition to all other fees required by this chapter.

(45) The division may issue special registration plates to members of the Knights of Pythias or Pythian Sisters as follows:

(A) Upon appropriate application, the division may issue a special registration plate designed by the commissioner for any number of vehicles titled in the name of the qualified applicant. Persons desiring the special registration plate shall offer sufficient proof of membership in the Knights of Pythias or Pythian Sisters.

(B) The division shall charge a special initial application fee of \$10 in addition to all other fees required by law. This special fee shall be collected by the division and deposited in the State Road Fund.

(C) An annual fee of \$15 shall be charged for each plate in addition to all other fees required by this chapter.

(46) The commissioner may issue special registration plates for whitewater rafting enthusiasts as follows:

(A) Upon appropriate application, the division may issue a special registration plate designed by the commissioner for any number of vehicles titled in the name of the qualified applicant.

(B) The division shall charge a special initial application fee of \$10 in addition to all other fees required by law. This special fee shall be collected by the division and deposited in the State Road Fund.

(C) The division shall charge an annual fee of \$15 for each special registration plate in addition to all other fees required by this chapter.

(47) The division may issue special registration plates to members of Lions International as follows:

(A) Upon appropriate application, the division may issue a special registration plate designed by the commissioner in consultation with Lions International for any number of vehicles titled in the name of the qualified applicant. Persons desiring the special registration plate shall offer sufficient proof of membership in Lions International.

(B) The division shall charge a special initial application fee of \$10 in addition to all other fees required by law. This special fee shall be collected by the division and deposited in the State Road Fund.

(C) An annual fee of \$15 shall be charged for each plate in addition to all other fees required by this chapter.

(48) The division may issue special registration plates supporting organ donation and adoption as follows:

(A) Upon appropriate application, the division may issue a special registration plate designed by the commissioner which recognizes, supports, and honors organ and tissue donors and includes the words "Donate Life", and the division may issue a special registration plate designed by the commissioner which supports and encourages adoption and includes the words "Choose Life".

(B) The division shall charge a special initial application fee of \$10 in addition to all other fees required by law. This special fee shall be collected by the division and deposited in the State Road Fund.

(C) An annual fee of \$15 shall be charged for each plate in addition to all other fees required by this chapter.

(49) The division may issue special registration plates to members of the West Virginia Bar Association as follows:

(A) Upon appropriate application, the division may issue a special registration plate designed by the commissioner in consultation with the West Virginia Bar Association for any number of vehicles titled in the name of the qualified applicant. Persons desiring the special registration plate shall offer sufficient proof of membership in the West Virginia Bar Association.

(B) The division shall charge a special initial application fee of \$10 in addition to all other fees required by law. This special fee shall be collected by the division and deposited in the State Road Fund.

(C) An annual fee of \$15 shall be charged for each plate in addition to all other fees required by this chapter.

(50) The division may issue special registration plates bearing an appropriate logo, symbol, or insignia combined with the words "SHARE THE ROAD" designed to promote bicycling in the state as follows:

(A) Upon appropriate application, the division may issue a special registration plate designed by the commissioner for any number of vehicles titled in the name of the applicant.

(B) The division shall charge a special initial application fee of \$10 in addition to all other fees required by law. This special fee shall be collected by the division and deposited in the State Road Fund.

(C) An annual fee of \$15 shall be charged for each plate in addition to all other fees required by this chapter.

(51) The division may issue special registration plates honoring coal miners and the coal industry ~~as follows, as well as other professions, as set forth in this subdivision as follows:~~

(A)(i) Upon appropriate application, the division shall issue a special registration plate depicting and displaying coal miners in mining activities as prescribed and designated by the commissioner and the board of the National Coal Heritage Area Authority.

(ii) The division may ~~also~~ issue registration plates with the words "Friends of Coal".

(iii) The division may issue special registration plates recognizing the occupation of linemen, showing appreciation for workers who construct and maintain utility lines, and depicting a scene or other apt reference to the occupation of linemen, whether in words or pictures, at the discretion of the commissioner.

(B) The division shall charge a special initial application fee of \$10 in addition to all other fees required by law. This special fee shall be collected by the division and deposited in the State Road Fund.

(C) An annual fee of \$15 shall be charged for each plate in addition to all other fees required by this chapter.

(D) The provisions of §17A-3-14(d) of this code are not applicable for the issuance of license plates designated by this subdivision.

(52) The division may issue special registration plates to present and former Boy Scouts, and to present and former members of the Civil Air Patrol as follows:

(A) Upon appropriate application, the division may issue a special registration plate designed by the commissioner for any number of vehicles titled in the name of the qualified applicant. Persons desiring the special registration plate shall offer sufficient proof of present or past membership in the Boy Scouts as either a member or a leader, or in the Civil Air Patrol, as applicable. The special registration plates for the Civil Air Patrol shall be designed by the commissioner in cooperation with the Civil Air Patrol.

(B) The division shall charge a special initial application fee of \$10 in addition to all other fees required by law. This special fee shall be collected by the division and deposited in the State Road Fund.

(C) An annual fee of \$15 shall be charged for each plate in addition to all other fees required by this chapter.

(53) The division may issue special registration plates to present and former Boy Scouts who have achieved Eagle Scout status as follows:

(A) Upon appropriate application, the division may issue a special registration plate designed by the commissioner for any number of vehicles titled in the name of the qualified applicant. Persons desiring the special registration plate shall offer sufficient proof of achievement of Eagle Scout status.

(B) The division shall charge a special initial application fee of \$10 in addition to all other fees required by law. This special fee shall be deposited in the State Road Fund.

(C) An annual fee of \$15 shall be charged for each plate in addition to all other fees required by this chapter.

(54) The division may issue special registration plates recognizing and memorializing victims of domestic violence:

(A) Upon appropriate application, the division may issue a special registration plate designed by the commissioner to recognize and memorialize victims of domestic violence, such plate to incorporate somewhere in the design the "purple ribbon emblem", for any number of vehicles titled in the name of the applicant.

(B) The division shall charge a special initial application fee of \$10. This special fee shall be deposited in the State Road Fund.

(C) An annual fee of \$15 shall be charged for each plate in addition to all other fees required by this chapter.

(55) The division may issue special registration plates bearing the logo, symbol, insignia, letters, or words demonstrating association with, or support for, the University of Charleston as follows:

(A) Upon appropriate application, the division may issue a special registration plate designed by the commissioner for any number of vehicles titled in the name of the qualified applicant.

(B) The division shall charge a special initial application fee of \$10 in addition to all other fees required by law. This special fee shall be collected by the division and deposited in the State Road Fund.

(C) An annual fee of \$15 shall be charged for each plate in addition to all other fees required by this chapter.

(56) The division may issue special registration plates to members of the Sons of the American Revolution as follows:

(A) Upon appropriate application, the division may issue a special registration plate designed by the commissioner in consultation with the Sons of the American Revolution for any number of vehicles titled in the name of the qualified applicant. Persons desiring the special registration plate shall offer sufficient proof of membership in the Sons of the American Revolution.

(B) The division shall charge a special initial application fee of \$10 in addition to all other fees required by law. This special fee shall be collected by the division and deposited in the State Road Fund.

(C) An annual fee of \$15 shall be charged for each plate in addition to all other fees required by this chapter.

(57) The commissioner may issue special registration plates for horse enthusiasts as follows:

(A) Upon appropriate application, the division may issue a special registration plate designed by the commissioner for any number of vehicles titled in the name of the qualified applicant.

(B) The division shall charge a special initial application fee of \$10 in addition to all other fees required by law. This special fee shall be collected by the division and deposited in the State Road Fund.

(C) The division shall charge an annual fee of \$15 for each special registration plate in addition to all other fees required by this chapter.

(58) The commissioner may issue special registration plates to the next of kin of a member of any branch of the armed services of the United States killed in combat as follows:

(A) Upon appropriate application, the division shall issue a special registration plate for any number of vehicles titled in the name of a qualified applicant depicting the Gold Star awarded by the United States Department of Defense as prescribed and designated by the commissioner.

(B) The next of kin shall provide sufficient proof of receiving a Gold Star lapel button from the United States Department of Defense in accordance with Public Law 534, 89th Congress, and criteria established by the United States Department of Defense, including criteria to determine next of kin.

(C) The division shall charge a special initial application fee of \$10 in addition to all other fees required by law. This special fee shall be collected by the division and deposited in the State Road Fund.

(D) The provisions of §17A-3-14(d) of this code are not applicable for the issuance of special license plates designated by this subdivision.

(59) The commissioner may issue special registration plates for retired or former justices of the Supreme Court of Appeals of West Virginia as follows:

(A) Upon appropriate application, the division may issue a special registration plate designed by the commissioner for any number of vehicles titled in the name of the qualified applicant.

(B) The division shall charge a special initial application fee of \$10 in addition to all other fees required by law. This special fee shall be collected by the division and deposited in the State Road Fund.

(C) The division shall charge an annual fee of \$15 for each special registration plate in addition to all other fees required by this chapter.

(D) The provisions of §17A-3-14(d) of this code are not applicable for the issuance of special license plates designated by this subdivision.

(60) Upon approval by the commissioner of an appropriate application, and upon all requirements of this subdivision being satisfied, the division may issue special registration plates for Class A and Class G motor vehicles to members of an organization for which a special registration plate has not been issued pursuant to any other subdivision in this subsection prior to January 1, 2010, in accordance with the provisions of this subdivision:

(A) An organization desiring to create a special registration plate must comply with the following requirements to be eligible to apply for the creation and issuance of a special registration plate:

(i) The organization must be a nonprofit organization organized and existing under Section 501(c)(3) of Title 26 of the Internal Revenue Code and based, headquartered, or have a chapter in West Virginia;

(ii) The organization may be organized for, but may not be restricted to, social, civic, higher education, or entertainment purposes;

(iii) The organization may not be a political party and may not have been created or exist primarily to promote a specific political or social belief, as determined by the commissioner in his or her sole discretion;

(iv) The organization may not have as its primary purpose the promotion of any specific faith, religion, religious belief, or antireligion;

(v) The name of the organization may not be the name of a special product or brand name, and may not be construed, as determined by the commissioner, as promoting a product or brand name; and

(vi) The organization's lettering, logo, image, or message to be placed on the registration plate, if created, may not be obscene, offensive, or objectionable as determined by the commissioner in his or her sole discretion.

(B) Beginning July 1, 2010, an organization requesting the creation and issuance of a special registration plate may make application with the division. The application shall include sufficient information, as determined by the commissioner, to determine whether the special registration plate requested, and the organization making the application, meet all of the requirements set forth in this subdivision. The application shall also include a proposed design, including lettering, logo, image, or message to be placed on the registration plate. The commissioner shall notify the organization of the commissioner's approval or disapproval of the application.

(C)(i) The commissioner may not begin the design or production of any license plates authorized and approved pursuant to this subdivision until the organization which applied for the special registration plate has collected and submitted collectively to the division applications completed by at least 250 persons and collectively deposited with the division all fees necessary to cover the first year's basic registration, one-time design and manufacturing costs, and to cover the first year additional annual fee for all of the applications submitted.

(ii) If the organization fails to submit the required number of applications and fees within six months of the effective date of the approval of the application for the plate by the commissioner, the plate will not be produced until a new application is submitted and is approved by the commissioner: *Provided*, That an organization that is unsuccessful in obtaining the minimum number of applications may not make a new application for a special plate until at least two years have passed since the approval of the previous application of the organization.

(D) The division shall charge a special initial application fee of \$25 for each special license plate in addition to all other fees required by law. This special fee shall be collected by the division and deposited in the State Road Fund.

(E) The division shall charge an annual fee of \$15 for each special registration plate in addition to all other fees required by this chapter.

(F) Upon appropriate application, the division may issue a special registration plate designed by the commissioner in consultation with the organization for any number of vehicles titled in the name of a qualified registration plate applicant. Persons desiring the special registration plate shall offer sufficient proof of membership in the organization.

(G) The commissioner shall discontinue the issuance or renewal of the registration of any special plate issued pursuant to this subdivision if:

(i) The number of valid registrations for the specialty plate falls below 250 plates for at least 12 consecutive months; or

(ii) The organization no longer exists or no longer meets the requirements of this subdivision.

(d) The minimum number of applications required prior to design and production of a special license plate shall be as follows:

(1) The commissioner may not begin the design or production of any license plates for which eligibility is based on membership or affiliation with a particular private organization until at least 100 persons complete an application and deposit with the organization a check to cover the first year's basic registration, one-time design and manufacturing costs, and to cover the first year additional annual fee. If the organization fails to submit the required number of applications with attached checks within six months of the effective date of the original authorizing legislation, the plate will not be produced and will require legislative reauthorization: *Provided*, That an organization or group that is unsuccessful in obtaining the minimum number of applications may not request reconsideration of a special plate until at least two years have passed since the effective date of the original authorization: *Provided, however*, That the provisions of this subdivision are not applicable to the issuance of plates authorized pursuant to §17A-3-14(c)(60) of this code.

(2) The commissioner may not begin the design or production of any license plates authorized by this section for which membership or affiliation with a particular organization is not required until at least 250 registrants complete an application and deposit a fee with the division to cover the first year's basic registration fee, one-time design and manufacturing fee, and additional annual fee, if applicable. If the commissioner fails to receive the required number of applications within six months of the effective date of the original authorizing legislation, the plate will not be produced and will require legislative reauthorization: *Provided*, That if the minimum number of applications is not satisfied within the six months of the effective date of the original authorizing legislation, a person may not request reconsideration of a special plate until at least two years have passed since the effective date of the original authorization.

(e)(1) Nothing in this section requires a charge for a free prisoner of war license plate or a free recipient of the Congressional Medal of Honor license plate for a vehicle titled in the name of the qualified applicant as authorized by other provisions of this code.

(2) A surviving spouse may continue to use his or her deceased spouse's prisoner of war license plate or Congressional Medal of Honor license plate until the surviving spouse dies, remarries, or does not renew the license plate.

(3) Qualified former prisoners of war and recipients of the Congressional Medal of Honor may obtain a second special registration plate for use on a passenger vehicle titled in the name of the qualified applicant. The division shall charge a one-time fee of \$10 to be deposited into the State Road Fund, in addition to all other fees required by this chapter, for the second special plate.

(f) The division may issue special 10-year registration plates as follows:

(1) The commissioner may issue or renew for a period of no more than 10 years any registration plate exempted from registration fees pursuant to any provision of this code or any restricted use antique motor vehicle license plate authorized by §17A-10-3a of this code: *Provided*, That the provisions of this subsection do not apply to any person who has had a special registration suspended for failure to maintain motor vehicle liability insurance as required by §17D-2A-3 of this code or failure to pay personal property taxes as required by §17A-3-3a of this code.

(2) An initial nonrefundable fee shall be charged for each special registration plate issued pursuant to this subsection, which is the total amount of fees required by §17A-3-3, §17A-10-3a, or §17A-10-15 of this code for the period requested.

(g) The provisions of this section may not be construed to exempt any registrant from maintaining motor vehicle liability insurance as required by §17D-2A-3 of this code or from paying personal property taxes on any motor vehicle as required by §17A-3-3a of this code.

(h) The commissioner may, in his or her discretion, issue a registration plate of reflectorized material suitable for permanent use on motor vehicles, trailers, and semitrailers, together with appropriate devices to be attached to the registration to indicate the year for which the vehicles have been properly registered or the date of expiration of the registration. The design and expiration of the plates shall be determined by the commissioner. The commissioner shall, whenever possible and cost effective, implement the latest technology in the design, production, and issuance of registration plates, indices of registration renewal and vehicle ownership documents, including, but not limited to, offering Internet renewal of vehicle registration and the use of bar codes for instant identification of vehicles by scanning equipment to promote the

efficient and effective coordination and communication of data for improving highway safety, aiding law enforcement, and enhancing revenue collection.

(i) Any license plate issued or renewed pursuant to this chapter which is paid for by a check that is returned for nonsufficient funds is void without further notice to the applicant. The applicant may not reinstate the registration until the returned check is paid by the applicant in cash, money order, or certified check and all applicable fees assessed as a result thereof have been paid.

(j) The division shall, upon request of a qualifying applicant, exempt one nonexempt military special registration plate per qualifying applicant from all registration fees. For purposes of this subsection:

(1) "Exempt military special registration plate" means a special registration plate related to military service that is issued pursuant to this section for which registration fees are exempt pursuant to this section or §17A-10-8 of this code, including, but not limited to, a special registration plate issued to one of the following:

(A) A disabled veteran pursuant to §17A-3-14(c)(6), §17A-10-8(4), or §17A-10-8(5) of this code;

(B) A recipient of the Purple Heart medal pursuant to §17A-3-14(c)(7) of this code;

(C) A survivor of the attack on Pearl Harbor pursuant to §17A-3-14(c)(8) of this code;

(D) A former prisoner of war pursuant to §17A-10-8(6) of this code; or

(E) A recipient of the Congressional Medal of Honor pursuant to §17A-10-8(7) of this code.

(2) "Nonexempt military special registration plate" means a special registration plate related to military service that is issued pursuant to this section for which registration fees are not exempt pursuant to this section or §17A-10-8 of this code, including, but not limited to, special registration plate issued to one of the following:

(A) A member of the National Guard forces pursuant to §17A-3-14(c)(3) of this code;

(B) An honorably discharged veteran pursuant to §17A-3-14(c)(5) or §17A-3-14(c)(21) of this code;

(C) An honorably discharged Marine Corps League member pursuant to §17A-3-14(c)(13) of this code;

(D) A member of a military organization pursuant to §17A-3-14(c)(14) of this code;

(E) A recipient of the Navy Cross, Distinguished Service Cross, Distinguished Flying Cross, Air Force Cross, Bronze Star, Silver Star, or Air Medal pursuant to §17A-3-14(c)(20) of this code;

(F) A recipient of the Combat Infantry Badge or the Combat Medic Badge pursuant to §17A-3-14(c)(29) of this code;

(G) An honorably discharged female veteran pursuant to §17A-3-14(c)(33) of this code;

(H) A person retired from any branch of the armed services of the United States pursuant to §17A-3-14(c)(36) of this code; or

(I) A member of the 82nd Airborne Division Association pursuant to §17A-3-14(c)(40) of this code.

(3) "Qualifying applicant" means an applicant who qualifies for an exempt military special registration plate, and who also qualifies for a nonexempt military special registration plate, who requests that the division issue one such nonexempt military special registration plate instead of such exempt military special registration plate in order to have such nonexempt military special registration plate be exempt from the payment of registration fees.

The bill (Eng. Com. Sub. for H. B. 2733), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill 2838, Authorize the ordering of restitution to the state for reimbursement of costs incurred for misuse of public funds, and to create the State Auditor's Public Integrity and Fraud Fund for use of said funds.

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

Eng. House Bill 3082, Stabilizing funding sources for the DEP Division of Air Quality.

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

Eng. Com. Sub. for House Bill 3231, Public Utilities not required to pay interest on security deposits.

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

Eng. Com. Sub. for House Bill 4008, Relating to Higher Education Policy Commission funding formula.

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

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

On page one, after the enacting clause by inserting the following:

ARTICLE 1. GOVERNANCE.

§18B-1-1F. STATE COLLEGE AND UNIVERSITY EXEMPTION STATUS.

(a) The Legislature finds that:

(1) Efficiencies, entrepreneurialism, and the effectiveness of governing boards in fulfilling certain goals can be incentivized through the accountability and autonomy associated with exemption status for state colleges and universities based on meeting certain criteria; and

(2) Leading higher education authorities in the nation identify common, key performance indicators as an important measure of institutional effectiveness, including, but not limited to, enrollment benchmarks, fiscal benchmarks, and student success benchmarks.

(b) The following definitions apply to terms used in this section:

(1) "Administratively exempted schools" means state colleges and universities:

(A) That achieve and maintain three out of five of the following:

(i) Graduation rates: A three-year average graduation rate of not less than 45 percent;

(ii) Retention rates: A three-year average retention rate of not less than 60 percent; and

(iii) Credit head count enrollment: A three-year credit head count enrollment increase, or a decrease of not more than five percent over the same period;

(iv) Days of cash reserved: A three-year average of not less than 50 days cash reserved; and

(v) Composite Financial Index: A Composite Financial Index of not less than one as reported in the college and university's audited financial statements; or

(B) Whose governing board requests a review by the chancellor of any special circumstances and the commission grants administratively exempted status based on those special circumstances as verified by the chancellor after his or her review.

(2) "Composite Financial Index" means the benchmarking tool used by the Higher Learning Commission as a financial indicator and developed specifically for the higher education industry and is a combination of several different ratios, each of which is comprised of data that, when analyzed further, can provide insight into an institution's financial health and inform decision-making processes;

(3) "Credit headcount enrollment" means the total number of unique students, but not counting dual-enrolled high school students, who enrolled in credit-bearing classes during the fall, spring, and summer terms in a given academic year at a specific institution;

(4) "Days of cash reserved" means the audited end of fiscal year cash balance, multiplied by 365, and then divided by the audited total expenses less depreciation, and less other post employment benefit and pension liability expenses;

(5) "Graduation rates" means the proportion of first time in college students who obtain a bachelor's degree within six years, as further defined by and reported to the commission;

(6) "Retention rates" means the proportion of first-time, fall term, full-time freshmen students who are in continuing enrollment in the fall term of the next succeeding year; and

(7) "State college and university" shall have the same meaning as provided in §18B-1-2 of this code.

(c) Any state college and university may apply to the commission for designation as an administratively exempted school. The commission shall make its determination as to whether to grant or deny exemption designation based on the definition of administratively exempted school.

The commission shall propose rules for legislative approval pursuant to §29A-3A-1 *et seq.* of this code to implement the provisions of this section and that addresses loss of an administratively exempted designation. The rule shall at least include the following:

(1) After the first year an administratively exempted school fails to meet three of the five criteria under the definition of administratively exempted schools, the commission may advise the institution on strategies that may be implemented in order to meet three of the five criteria before the following year;

(2) An institution may not lose its designation as an administratively exempted school until it has failed to meet three of the five criteria under the definition of administratively exempted schools for two consecutive years;

(3) If an institution is administratively exempt based on special circumstances, the commission may revoke the administratively exempted status of a state college and university if it determines that the special circumstance that the state college and university's administratively exempted status is based on no longer exists; and

(4) The commission shall provide notice to the institution at least 30 days before revoking the institution's administratively exempted status.

(d) Notwithstanding any other provision of this code to the contrary:

(1) West Virginia University, including West Virginia University Potomac State College and West Virginia University Institute of Technology; Marshall University; and the West Virginia School of Osteopathic Medicine, which are statutorily exempted schools under §18B-1-2 of this code, are institutions of unique characteristics and their continuing inclusion as a statutorily exempted school is confirmed; and

(2) No other state institution of higher education maintains exempted school status pursuant to any other provision of this code except any exempted school status designated by the commission pursuant to this section: Provided, That notwithstanding any provision of this section to the contrary, any college or university shall be exempt from the requirement that the commission approve the establishment of new four-year programs on their own campuses for programs incentivized within the funding formula established in §18B-1B-4 of this code if the state appropriation to that school is less than 40 percent of their operating expenses for three consecutive years.

(e) Notwithstanding any other provision of this code to the contrary, any state college and university that applies and is designated by the commission as an administratively exempted school is exempt from the following:

(1) The required approval of capital projects to ensure that capital projects and facility needs are managed effectively pursuant to §18B-1B-4(a)(10) of this code;

(2) The development and approval of institutional mission definitions pursuant to §18B-1B-4(a)(34) of this code;

(3) The program approval required pursuant to §18B-1B-4(a)(35) of this code;

(4) The rules providing guidance to the governing boards in filling vacancies in the office of the president pursuant to §18B-1B-6(d) of this code;

(5) The commission's rule governing and controlling acquisitions and purchases pursuant to §18B-5-4 of this code, upon adoption by the board of governors of said school of its own rule governing and controlling acquisitions and purchases pursuant to §18B-5-4 of this code, following the procedures for adoption of rules provided for in this code;

(6) The required approval of capital improvement projects exceeding \$3 million pursuant to §18B-19-6 of this code;

(7) The required approval of lease-purchase agreements for capital improvements and equipment of \$1.5 million or greater pursuant to §18B-19-11 of this code; and

(8) The required approval of real estate transactions, lease purchase, and new building construction exceeding \$1 million pursuant to §18B-19-13 of this code.

(g) Not later than the January interims of each year, the commission shall submit a report to the Legislative Oversight Commission on Education Accountability relating to the administratively exempted schools eligibility criteria established by this section, providing the data for each of the three preceding years, as available, and the three-year average thereof, for each of the state institutions of higher education under its jurisdiction. The commission shall share the report with the institutions.

The bill (Eng. Com. Sub. for H. B. 4008), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill 4021, Relating to the Medical Student Loan Program.

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

Eng. Com. Sub. for House Bill 4059, Clarifying that new Department of Health and Human Resources' Deputy Commissioners are exempt from civil service.

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

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

On page two, section four, line thirty-four, by striking out the word "and";

On page two, section four, line thirty-five, after the word "areas" by changing the period to a semicolon and inserting the word "and;";

And,

After line thirty-five, by inserting a new subdivision, designated subdivision (16), to read as follows:

(16) Any person hired as an attorney beginning July 1, 2022.

The bill (Eng. Com. Sub. for H. B. 4059), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill 4087, Allowing variance in state fire code for certain buildings used solely for emergency equipment storage.

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

Eng. Com. Sub. for House Bill 4098, Relating to Geothermal Energy Development.

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

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

Eng. House Bill 4110, Relating to staffing levels at multi-county vocational centers.

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

Eng. Com. Sub. for House Bill 4112, Provide consumers a choice for pharmacy services.

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

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

Eng. Com. Sub. for House Bill 4285, Relating to real estate appraiser licensing board requirements.

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

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

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

ARTICLE 38. THE REAL ESTATE APPRAISER LICENSING AND CERTIFICATION ACT.

§30-38-10. Civil liability for board members; liability limitations of professionals reporting to board; disqualification of board members from disciplinary proceedings or actions.

(a) Members of the board will be immune from individual civil liability for actions taken in good faith and without malice, within the scope of their duties as board members.

(b) Any person licensed or certified by this board who reports or otherwise provides evidence of violations of this article or the board's rules by another person engaging in real estate appraisal activity to the board, is not liable for making the report if it is made without malice and in the reasonable belief that the report is warranted by the facts known to him or her at the time.

(c) No member of the board may participate in or vote on a disciplinary proceeding or action concerning a real estate appraisal activity in which he or she has previously participated or in

which he or she has given testimony or been engaged to give testimony, or in which the board member has a conflict of interest. In any such instance, the board member shall recuse himself or herself from the proceeding or action.

§30-38-11. Applications for license or certification; renewals.

(a) An individual who desires to engage in real estate appraisal activity in this state shall make application for a license, in writing, ~~in~~ on a form as the board may prescribe. ~~In addition to any other information required, the applicant's Social Security number will be recorded on the application~~

(b) To assist the board in determining whether grounds exist to deny the issuance of a license to an applicant, the board may require the fingerprinting of every applicant for an original license.

(c) The payment of the appropriate fee must accompany all applications for original certification and renewal of certification and all applications to take an examination.

(d) At the time of filing an application for original certification or for renewal of certification, each applicant shall sign a pledge to comply with the standards of professional appraisal practice and the ethical rules to be observed by an appraiser. Each applicant shall also certify that he or she understands the types of misconduct, as set forth in this article, for which disciplinary proceedings may be initiated.

(e) To obtain a renewal of license or certification under this article, the holder of a current license or certification shall make application and pay the prescribed fee to the board no earlier than 120 days nor later than 30 days prior to the expiration date of the current license or certification. Each application for renewal must be accompanied by evidence in the form prescribed by the board that the applicant has completed the continuing education requirements for renewal specified in this article and the board's rules.

(f) If the board determines that an applicant for renewal has failed to meet the requirements for renewal of license or certification through mistake, misunderstanding, or circumstances beyond the control of the applicant, the board may extend the term of the applicant's license or certification for a period not to exceed six months upon payment by the applicant of a prescribed fee for the extension. If the applicant for renewal of license or certification satisfies the requirements for renewal during the extension period, the beginning date of his or her renewal license or certificate shall be the day following the expiration of the certificate previously held by the applicant.

(g) If a state-licensed or certified real estate appraiser under this article fails to renew his or her license or certification prior to its expiration or within any period of extension granted by the board pursuant to this article, the applicant may obtain a renewal of his or her license or certification by satisfying all of the requirements for renewal and filing an application for renewal, accompanied by a late renewal fee, within two years of the date that his or her license or certification expired.

(h) The board may deny the issuance or renewal of a license or certification for any reason enumerated in this article or in the rules of the board, or for any reason for which it may refuse an initial license or certification.

(i)(1) If the board denies issuance of a renewal of a license or certification, or denies an initial license or certification application, the board shall provide a written statement to the applicant for an initial license or certification, or applicant for a renewal of a license or certification, clearly describing the deficiencies of the application for his or her license or certificate.

(2) The board shall provide this statement to an initial applicant or a renewal applicant within 15 calendar days of its decision to deny licensure or certification. The board may send its statement through the United States mail, electronic mail service, or both, to ensure it reaches the applicant or renewal applicant.

(3) If the basis for the denial is due to submitted appraisals failing to conform to the Uniform Standards of Professional Appraisal Practice (USPAP), the board shall provide written guidance to the applicant describing, in detail, each aspect of each submitted appraisal that does not conform to USPAP and the corrective action necessary to remedy nonconformity. The board shall provide 60 days to the applicant to remedy any nonconformity. The applicant shall resubmit any corrected appraisals on or before the 60th day and the board shall reevaluate the appraisals only pertaining to any nonconformity. If the nonconformity or nonconformities are remedied and resubmitted on or before the 60th day, the board shall accept the appraisal for purposes of issuing a license.

§30-38-17. Standards of professional appraisal practice.

Each real estate appraiser licensed or certified under this act shall comply with generally accepted standards of professional appraisal practice and generally accepted ethical rules to be observed by a real estate appraiser. Generally accepted standards of professional appraisal practice are currently evidenced by the uniform standards of professional appraisal practice promulgated by the appraisal foundation. ~~The board may, after a public hearing or public comment period held in accordance with provisions of §29A-3-1 et seq., adopt revised versions or make modifications of or additions to the uniform standards of professional appraisal practice.~~

The bill (Eng. Com. Sub. for H. B. 4285), as amended, was then ordered to third reading.

Eng. House Bill 4288, Relating to expanding the practice of auricular acudetox to professions approved by the acupuncturist board.

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

Eng. Com. Sub. for House Bill 4336, Providing for the valuation of natural resources property.

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

Eng. House Bill 4355, Relating to the disclosure by state institutions of higher education of certain information regarding textbooks and digital courseware and certain charges assessed for those items.

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

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

Eng. Com. Sub. for House Bill 4373, To exclude fentanyl test strips from the definition of drug paraphernalia.

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

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

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

CHAPTER 47. REGULATION OF TRADE.

ARTICLE 19. DRUG PARAPHERNALIA.

§47-19-3. Drug paraphernalia defined.

(a) The following items, if marketed for use or designed for the use with controlled substances, are considered drug paraphernalia for the purpose stated in section one of this article:

(1) Kits marketed for use, or designed for use in planting, propagating, cultivating, growing, or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived;

(2) Kits marketed for use, or designed for use in manufacturing, compounding, converting, producing, processing or preparing controlled substances;

(3) Isomerization devices marketed for use, or designed for use in increasing the potency of any species of plant which is a controlled substance;

(4) Testing equipment marketed for use, or designed for use in identifying, or in analyzing the strength, effectiveness or purity of controlled substances; Provided, That fentanyl test strips shall not be considered drug paraphernalia for the purpose stated in section one of this article;

(5) Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances;

(6) Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, marketed for use, or designed for use in cutting controlled substances;

(7) Separation gins and sifters marketed for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana;

(8) Blenders, bowls, containers, spoons and mixing devices used, intended for use, or designed for use in compounding controlled substances;

(9) Capsules, balloons, envelopes and other containers marketed for use, or designed for use in packaging small quantities of controlled substances;

(10) Hypodermic syringes, needles and other objects marketed for use, or designed for use in parenterally injecting controlled substances into the human body;

(11) Paper of colorful design, with names oriented for use with controlled dangerous substances and displayed: *Provided*, That white paper or tobacco oriented paper not necessarily designed for use with controlled substances is not covered;

(12) Pipes displayed in the proximity of roach clips, or literature encouraging illegal use of controlled substances, are covered by this article: *Provided*, That pipes otherwise displayed are not covered by this article;

(13) Roach clips: meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand;

(14) Miniature cocaine spoons, and cocaine vials; or

(15) Chillums or bongs.

(b) In determining whether an object is marketed for use or designed for use as drug paraphernalia, the State Tax Commissioner or other authority should consider the following:

(1) The proximity of the object, in time and space, to a controlled substance;

(2) The existence of any residue of controlled substances on the object;

(3) Instructions, oral or written, provided with the object concerning its use;

(4) Descriptive materials accompanying the object which explain or depict its use;

(5) National and local advertising concerning its use;

(6) The manner in which the object is displayed for sale;

(7) Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;

(8) Direct or circumstantial evidence of the ratio of sales of the object or objects to the total sales of the business enterprise;

(9) The existence and scope of legitimate uses for the object in the community.

CHAPTER 60A. UNIFORM CONTROLLED SUBSTANCES ACT.

ARTICLE 4. OFFENSES AND PENALTIES.

§60A-4-403a. Prohibition of illegal drug paraphernalia businesses; definitions; places deemed common and public nuisances; abatement; suit to abate nuisances; injunction; search warrants; forfeiture of property; penalties.

(a) Any person who conducts, finances, manages, supervises, directs or owns all or part of an illegal drug paraphernalia business is guilty of a misdemeanor, and, upon conviction thereof,

shall be fined not more than \$5,000, or confined in jail not less than six months nor more than one year, or both.

(b) A person violates subsection (a) of this section when:

(1) The person conducts, finances, manages, supervises, directs, or owns all or part of a business which for profit, in the regular course of business or as a continuing course of conduct, manufactures, sells, stores, possesses, gives away or furnishes objects designed to be primarily useful as drug devices.

(2) The person knows or has reason to know that the design of such objects renders them primarily useful as drug devices.

(c) As used in this section, "drug device" means an object usable for smoking marijuana, for smoking controlled substances defined as tetrahydrocannabinols, or for ingesting or inhaling cocaine, and includes, but is not limited to:

(i) Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;

(ii) Water pipes;

(iii) Carburetion tubes and devices;

(iv) Smoking and carburetion masks;

(v) Roach clips; meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand;

(vi) Chamber pipes;

(vii) Carburetor pipes;

(viii) Electric pipes;

(ix) Air-driven pipes;

(x) Chillums;

(xi) Bongos;

(xii) Ice pipes or chillers; and

(xiii) Miniature cocaine spoons, and cocaine vials.

In any prosecution under this section, the question whether an object is a drug device shall be a question of fact.

(d) A place where drug devices are manufactured, sold, stored, possessed, given away or furnished in violation of this section shall be deemed a common or public nuisance. Conveyances or vehicles of any kind shall be deemed places within the meaning of this section and may be proceeded against under the provisions of subsection (e) of this section. A person who shall

maintain, or shall aid or abet or knowingly be associated with others in maintaining such common or public nuisance shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not more than \$1,000, or by confinement in jail not more than six months for each offense, and judgment shall be given that such nuisance be abated or closed as a place for the manufacture, sale, storage, possession, giving away or furnishing of drug devices.

(e) The prosecuting attorney or a citizen of the county or municipality where a nuisance as defined in subsection (d) is located, may maintain a suit in the name of the state to abate and perpetually enjoin the same. Circuit courts shall have jurisdiction thereof. The injunction may be granted at the commencement of the suit and no bond shall be required if such action for injunction be brought by the prosecuting attorney. If such suit for injunction be brought or maintained by a citizen of the county or municipality where such nuisance is alleged to be located, then the court may require a bond as in other cases of injunction. On the finding that the material allegations of the complaint are true, the court or judge thereof in vacation shall order the injunction for such period of time as it or he or she may think proper, with the right to dissolve the injunction upon the application of the owner of the place, if a proper case is shown for such dissolution.

The continuance of the injunction as provided in this section may be ordered, although the place complained of may not at the time of hearing be unlawfully used.

(f) If there be complaint on oath or affirmation supported by affidavit or affidavits setting forth the facts for such belief that drug devices are being manufactured, sold, kept, stored or in any manner held, used or concealed in a particular house or other place with intent to engage in illegal drug paraphernalia business in violation of law, a magistrate or a circuit court, or the judge thereof in vacation to whom such complaint is made, if satisfied that there is probable cause for such belief, shall issue a warrant to search such house or other place for such devices. Such warrants, except as herein otherwise provided, shall be issued, directed and executed in accordance with the laws of West Virginia pertaining to search warrants. Warrants issued under this section for the search of any automobile, boat, conveyance or vehicle, or for the search of any trunk, grip or other article of baggage, for such devices, may be executed in any part of the state where the same are overtaken, and shall be made returnable before any magistrate or circuit court, or the judge thereof in vacation, within whose jurisdiction such automobile, boat, conveyance, vehicle, trunk, grip or other article of baggage, or any of them, were transported or attempted to be transported.

An officer charged with the execution of a warrant issued under this section, may, whenever it is necessary, break open and enter a house, or other place herein described.

(g) Any property, including money, used in violation of the provisions of this section may be seized and forfeited to the state.

(h) Nothing in this chapter prohibits the possession, sale or purchase of fentanyl test strips.

The bill (Eng. Com. Sub. for H. B. 4373), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill 4389, Relating to repealing school innovation zones provisions superseded by Innovation in Education Act.

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

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

On motion of Senator Takubo, at 5:12 p.m., the Senate recessed.

The Senate reconvened at 5:21 p.m. and resumed consideration of the remainder of its second reading calendar, the next bill coming up in numerical sequence being

Eng. House Bill 4419, Allowing candidate committees and campaign committees to make contributions to affiliated state party executive committees.

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

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

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

ARTICLE 8. REGULATION AND CONTROL OF ELECTIONS.

§3-8-5c. Contribution limitations.

(a)(1) A person, political party, or political action committee may not, in an election cycle:

(A) Contribute more than \$2,800, directly or indirectly, to a candidate's committee for a candidate seeking nomination, including by making contributions to the candidate's committee; or

(B) Contribute more than \$2,800, directly or indirectly, to a candidate's committee for a candidate seeking election, including by making contributions to the candidate's committee: *Provided*, That a candidate may receive contributions for the general election prior to nomination, however, such funds may not be expended until after the date of the nomination is declared.

(2) The contribution limits of this section apply only to elections to be held after the effective date of this section and do not apply to candidate committees that were created for elections held prior to the effective date of this section.

(b) A person, except candidate committees and caucus campaign committees, may not, directly or indirectly, make contributions to a state party executive committee, or any subsidiary, branch, or local unit thereof, or a caucus campaign committee which, in the aggregate, exceed \$10,000 in any calendar year: *Provided*, That a person may not earmark or otherwise designate any portion of a contribution made pursuant to this subsection to be used to support or oppose the election of a particular candidate: *Provided, however*, That any such designation or earmark that accompanies a contribution made pursuant to this subsection may not be binding on the entity that receives the contribution.

(c) A person may not, directly or indirectly, make contributions to a political action committee, related to a particular election, which, in the aggregate, exceed \$5,000.

(d) Candidate committees and caucus campaign committees may make contributions to their affiliated state party executive committees, or any subsidiary, branch, or local unit thereof, or a caucus campaign committee up to \$75,000.

(e) The amendments to this section enacted during the regular session of the Legislature, 2022, shall not be effective until November 9, 2022.

§3-8-9b. Coordinated expenditures by political party committees and political party caucuses in connection with certain statewide candidates.

(a) Notwithstanding the provisions of §3-8-9a of this code, the state committee of a political party and caucus campaign committee may make coordinated expenditures ~~in an amount not to exceed \$5,000 in connection in any amount~~ with the general election campaign of the candidate for each of the following offices: Governor, Attorney General, Auditor, Commissioner of Agriculture, Secretary of State, Treasurer, State Senate, and House of Delegates.

(b) Any communication that results from a political expenditure and is made in coordination with a state committee of a political party and caucus campaign committee must contain a disclaimer that clearly identifies that the expenditure is coordinated with the candidate or candidate's committee with whom it was coordinated.

(c) The amendments to this section enacted during the regular session of the Legislature, 2022, shall not be effective until November 9, 2022.

§3-8-10. Use of certain contributions.

(a) Notwithstanding any provision of this code to the contrary, amounts received by a candidate as contributions that are in excess of any amount necessary to defray his or her expenditures may be:

(1) Used by the candidate to defray any usual and customary expenses incurred in connection with his or her duties as a holder of public office; and

(2) Contributed by the candidate, after the general election, to:

(A) Any charitable organization or subsequent campaign by the same candidate, without limitation;

(B) Any national committee in accordance with federal requirements;

(C) Any state party executive committee or state party legislative caucus committee, in ~~an amount not to exceed \$15,000 in a calendar year~~ any amount; or

(D) Any local committee of any political party or any other candidate for public office, in accordance with the existing limitations on contributions.

(b) The State Election Commission shall promulgate emergency and legislative rules, in accordance with the provisions of §29A-1-1 *et seq.* of this code, to establish guidelines for the administration of this section.

(c) The amendments to this section enacted during the regular session of the Legislature, 2022, shall not be effective until November 9, 2022.

The bill (Eng. H. B. 4419), as amended, was then ordered to third reading.

Eng. House Bill 4433, Providing that retirement benefits are not subject to execution.

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

Eng. Com. Sub. for House Bill 4488, Relating to coal mining and changing fees for permitting actions.

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

Eng. Com. Sub. for House Bill 4492, Creating the Division of Multimodal Transportation.

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

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

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

CHAPTER 17. ROADS AND HIGHWAYS.

ARTICLE 16B. PUBLIC PORT AUTHORITY.

§17-16B-1. Creation of authority.

[Repealed].

§17-16B-2. Board of directors — Members, officers, qualifications, terms, oath, compensation, quorum and delegation of power.

[Repealed].

§17-16B-3. Executive director; appointment; powers and duties; compensation.

[Repealed].

§17-16B-5. Definitions.

[Repealed].

§17-16B-6. Powers and duties of authority.

[Repealed].

§17-16B-7. Special West Virginia public port authority operations fund.

[Repealed].

§17-16B-7a. Special Railroad and Intermodal Enhancement Fund; purposes.

[Repealed].

§17-16B-7b. Study of feasibility intermodal facility at Prichard, West Virginia.

[Repealed].

§17-16B-8. Designation of local port authority districts, powers and duties; plan for development.

[Repealed].

§17-16B-9. Construction and operation of facilities by private enterprise; leasing of facilities by port authority.

[Repealed].

§17-16B-10. Foreign trade zones; free trade zones; ports of entry and customs zones.

[Repealed].

§17-16B-11. Study of feasibility of establishment of export trading company.

[Repealed].

§17-16B-12. Division of tourist trains and transportation; duties.

[Repealed].

§17-16B-13. Disclaimer of any liability of state of West Virginia.

[Repealed].

§17-16B-14. Prohibition on funds inuring to the benefit of or being distributable to directors, employees, officers or private persons; prohibition against certain financial interests; criminal penalties.

[Repealed].

§17-16B-15. Port revenue bonds — Generally.

[Repealed].

§17-16B-16. Public port revenue bonds — Trust agreements.

[Repealed].

§17-16B-17. Tolls, rents, fees, charges and revenues.

[Repealed].

§17-16B-18. Trust funds.

[Repealed].

§17-16B-19. Remedies.

[Repealed].

§17-16B-20. Exemption from taxes.

[Repealed].

§17-16B-21. Preliminary expenses.

[Repealed].

§17-16B-22. Public port revenue refunding bonds — Generally.

[Repealed].

ARTICLE 16C. DIVISION OF PUBLIC TRANSIT.

§17-16C-1. Creation of division.

[Repealed].

§17-16C-2. Designation of department.

[Repealed].

§17-16C-3. Powers and duties of the division.

[Repealed].

§17-16C-5. Assistance of other state agencies.

[Repealed].

ARTICLE 16F. WEST VIRGINIA DIVISION OF MULTIMODAL TRANSPORTATION FACILITIES.

§17-16F-1. Legislative findings and creation of division.

(a) The Legislature finds and declares that there is a need to streamline the execution and implementation of the state's multimodal transportation goals and reduce related costs by consolidating existing multimodal authorities to a single division, known as the West Virginia Division of Multimodal Transportation Facilities, under the Secretary of Transportation pursuant to the provisions of chapter 5F of this code. The Department of Transportation, through the West Virginia Division of Multimodal Transportation Facilities, is designated as the agency of this state responsible for administering all federal and state programs related to public ports, railroads, aeronautics, airports, and air navigation facilities.

(b) On July 1, 2022, the Public Port Authority, the West Virginia State Rail Authority, Division of Public Transit, and the West Virginia State Aeronautics Commission are reestablished, reconstituted, and continued as the West Virginia Division of Multimodal Transportation Facilities, an agency of the state. The purpose of the division is to administer all federal and state programs related to public ports, railroad transportation and commerce, public transit, aeronautics, airports,

and air navigation facilities in the State of West Virginia, and thereby to encourage and facilitate growth and economic development opportunities utilizing such transport facilities. The powers and duties heretofore imposed upon the Public Port Authority, the West Virginia State Rail Authority, Division of Public Transit, and the West Virginia State Aeronautics Commission are transferred to and imposed upon the West Virginia Division of Multimodal Transportation Facilities in the manner prescribed by this article.

(c) It is the intent of this article to consolidate into the West Virginia Division of Multimodal Transportation Facilities those entities and employees performing functions which will be facilitated by their consolidation. The Department of Transportation shall provide appropriate office locations necessary to fulfill the functions of the division.

(d) On the effective date of this article, all real property interests, vehicles, equipment contracts or agreements, interests under any existing insurance policy, and records belonging to the Public Port Authority, the West Virginia State Rail Authority, the Division of Public Transit, and the West Virginia State Aeronautics Commission shall be transferred to the West Virginia Division of Multimodal Transportation Facilities. Any state funds, special revenue funds, and all accounts created for the benefit or use of the Public Port Authority, the West Virginia State Rail Authority, the Division of Public Transit, and the West Virginia State Aeronautics Commission are transferred to the West Virginia Division of Multimodal Transportation Facilities in accordance with the provisions of this article.

§17-16F-2. Secretary's Powers and duties.

The Secretary of the Department of Transportation or his or her designee shall be the chief operating officer of the division who shall:

(1) Administer the operations of the division, consistent with the provisions of this article, by allocating the functions, activities, and personnel of the division among the various sections;

(2) Coordinate with the Secretary of the Department of Economic Development and any other applicable departments or agencies to facilitate economic development utilizing transportation facilities;

(3) Supervise payrolls and audit payrolls, reports, or transactions for conformity with the provisions of this article;

(4) Plan, evaluate, administer, and implement multimodal transportation programs and policies in the state as set forth in this article;

(5) Utilize professional staff within the Department of Transportation to assist in the operations of the division and authorize reimbursement therefor;

(6) Assist the Governor in multimodal transportation matters; and

(7) Make a report by June 30, and every year thereafter, to the Governor and all other special or periodic reports as may be required and post all reports on its website. Reports to the Legislature are not required; however, upon request of any member or committee, a report must be provided and may be provided electronically. Paper copies of any report shall be provided upon request.

§17-16F-3. Definitions.

As used in this article, unless the context indicates another or different meaning or intent:

"Aeronautics" means the art and science of flight, including, but not limited to, transportation by aircraft; the operation, construction, repair, or maintenance of aircraft, aircraft power plants, and accessories, including the repair, packing, and maintenance of parachutes; and the design, establishment, construction, extension, operation, improvement, repair, or maintenance of airports or other air navigation facilities.

"Aircraft" means any contrivance now known, or hereafter invented, used, or designed for navigation of or flight in the air whether manned or unmanned.

"Air navigation" means the operation or navigation of aircraft in the air space over this state or upon any airport within this state.

"Air navigation facility" means any facility other than one owned or controlled by the federal government used in, available for use in, or designed for use in aid of air navigation, including airports, and any structures, mechanisms, lights, beacons, markers, communications system, or other instrumentalities or devices used or useful as an aid or constituting an advantage or convenience to the safe taking off, air navigation, and landing of aircraft or the safe and efficient operation or maintenance of an airport, and any combination of any or all of such facilities.

"Airport" means any area of land or water which is used, or intended for use, for the landing and takeoff of aircraft and any appurtenant areas which are used, or intended for use, for airport buildings or other airport facilities or rights-of-way, together with all airport buildings and facilities located thereon.

"Bond" means a revenue bond or rate issued by the division to effectuate the intents and purposes of this article.

"Commissioner" means the chief operating officer and administrative head of the Multimodal Division, when such person is appointed by the Secretary of Transportation.

"Commuter rail" means a transit mode that is an electric or diesel propelled railway for urban passenger train service consisting of local short distance travel operating between a central city and adjacent suburbs. Service must be operated on a regular basis by or under contract with a transit operator for the purpose of transporting passengers within urbanized areas or between urbanized areas and outlying areas. The rail service, using either locomotive-hauled or self-propelled railroad passenger cars, is generally characterized by multi-trip tickets, specific station-to-station fares, or railroad employment practices and usually has only one or two stations in the central business district. It does not include heavy rail, rapid transit, light rail, or streetcar transit service. Intercity rail service is excluded except for that portion of service operated by or under contract with a public transit agency for predominantly commuter services. Only the predominantly commuter service portion of an intercity route is eligible for inclusion when determining commuter rail route miles.

"Development plan" means a document which details the overall strategy of the division for the proper planning and sustainable development of an area and consists of a written statement and accompanying maps.

"Division" means the West Virginia Division of Multimodal Transportation Facilities.

"Heavy rail" means a transit mode that is an electric railway with the capacity for a heavy volume of traffic. It is characterized by high speed and rapid acceleration passenger rail cars operating singly or in multicar trains on fixed rails, separate rights-of-way from which all other vehicular and foot traffic are excluded, sophisticated signaling and high platform loading.

"Income" means and includes all money accruing to the division or part thereof from any source.

"Intermodal transportation" means the successive transport of goods or passengers using more than one mode of transportation, including air, rail, ship, or roadway.

"Light rail" means a transit mode that typically is an electric railway with a light volume traffic capacity. It is characterized by passenger rail cars operating singly or in short, usually two-car trains, on fixed rails in shared or exclusive rights-of-way, low- or high-platform loading, and vehicle power drawn from an overhead electric line via a trolley or a pantograph.

"Multimodal transportation" means the consideration or connection of various modes of transportation, including air, rail, ship, or roadway.

"Municipality" means any county, city, town, village, or other political subdivision of this state.

"Municipal" means pertaining to a municipality.

"Operation fund" means the special West Virginia Public Port Operation Fund as created by §17-16F-12 of this code.

"Operation of aircraft" or "operate aircraft" means the use, navigation, or piloting of aircraft in the airspace over this state or upon the ground within this state.

"Owner" means and includes all individuals, co-partnerships, associations, corporations, companies, transportation companies, public service corporations, the United States or any of its agencies or instrumentalities, common carriers by rail and railroad companies having any title or interest in any rail properties authorized to be acquired, leased, or used by this article.

"Person" means any individual, firm, corporation, partnership, company, foreign or domestic association, including railroads, joint stock association, or body politic and includes any trustee, receiver, assignee, or other similar representative.

"Port" or "public port" means ports, airports, wayports, terminals, buildings, roadways, rights-of-way, rails, rail lines, facilities for rail, water, highway or air transportation, and such structures, equipment, facilities, or improvements as are necessary.

"Predominantly commuter services" means that for any given trip segment (i.e., distance between two stations), more than 50 percent of the average daily ridership travels on the train at least three times a week.

"Public port development" or "public port project" means any activities which are undertaken with respect to public ports.

"Rail properties" means assets or rights owned, leased, or otherwise controlled by a railroad or other person which are used, or useful, in rail transportation service: *Provided*, That rail properties do not include any properties owned, leased or otherwise controlled by a railroad not in reorganization, unless it consents to such properties' inclusion in the particular transaction.

"Rail service" means both freight and passenger service.

"Railroad" means a common carrier by railroad as defined in Section 10102 of the Interstate Transportation Act (49 U.S.C. § 10102).

"Railroad project" means the initiation, acquisition, construction, maintenance, repair, equipping, or operation of rail properties or rail service, or the provisions of loans or grants to or with government agencies, or to persons for such purposes, by the division.

"Wayport" means an airport used primarily as a location at which passengers and cargo may be transferred between connecting flights of air carriers engaged in air commerce, but also allows passengers to initiate and terminate flights and shipments of cargo to originate and terminate at the airport or similar type facility.

"West Virginia Commuter Rail Access Fund" means the special West Virginia Commuter Rail Access Fund created by §17-16F-27 of this code.

"West Virginia Railroad Maintenance Fund" means the West Virginia Railroad Maintenance Fund created by §17-16F-17 of this code.

§17-16F-4. Powers and duties of division.

The division shall perform all acts necessary and proper to carry out the purposes of this article and is granted the following powers and duties:

(1) To promote, supervise, and support safe, adequate, and efficient transportation throughout the state;

(2) To preserve roadway, railroad, waterway, and airway facilities,

(3) To help facilitate economic development in this state utilizing transportation facilities;

(4) To meet and cooperate with similar divisions, authorities, or bodies of any of the several states contiguous with this state, whose purpose in their respective states is to establish an interstate or intermodal transportation network;

(5) To take all steps appropriate and necessary to effect siting, development, and operation of public ports, railroads, or airport facilities within the state;

(6) To employ managers, superintendents, and other sufficiently trained and qualified personnel and retain or contract with consulting engineers, financial consultants, accountants, attorneys, and other consultants and independent contractors when necessary to carry out the provisions of this article and fix their compensation or fees. All expenses are payable from the proceeds of revenue bonds or notes issued by the division, from revenues and funds appropriated for this purpose by the Legislature, or from grants from the federal government which may be used for such purpose;

(7) To make and enter into all contracts and agreements with any federal, state, county, municipal agency, or private entity and execute all instruments necessary or incidental to the performance of its duties and the execution of its powers including, but not limited to, the power to make contracts and agreements in accordance with the provisions set forth in this article;

(8) To acquire, purchase, lease, construct, own, hold, operate, maintain, equip, use, and control, by eminent domain or other means, any land, property, rights, franchises, easements, ports, and such terminals, buildings, roadways, rights-of-way, rails and such structures, equipment, facilities, any and every kind or character of motive powers and conveyances or appliances necessary or proper to carry goods, wares, and merchandise over, along, upon or through the railway, waterway or airway, or other conveyance of such transportation system, excluding pipelines or improvements, as are necessary or incident to carry out the provisions of this article, upon such terms and at such price as may be considered by it to be reasonable and to take title in the name of the state;

(9) To lease, sell, or otherwise dispose of real and personal property in the exercise of its powers and the performance of its duties as set forth in this article;

(10) To act on behalf of the state and to represent the state in the planning, financing, development, construction, and operation of any port, transit facility, railroad, or aeronautics project or any facility related to any such project, with the concurrence of the affected public agency. Other state agencies and local governmental entities in this state shall cooperate to the fullest extent the division deems appropriate to effectuate the duties of the division;

(11) To act as agent for the United States of America, or any of its agencies, departments, corporations, or instrumentalities, in any manner coming within the purposes or powers of the division;

(12) To expend funds available for the purpose of studying any proposed railroad project, which may include consulting with engineers. All expenses incurred in conducting the study and necessary engineering shall be paid from the funds established in §17-16F-17 of this code;

(13) To report annually to the Legislature by December 31 of each year the status of projects, operations, financial condition, and other necessary information relating to the statewide multimodal transportation system and activities in accordance with this article and any report may be made electronically with paper copies provided upon request to any member of the Legislature;

(14) To meet with political subdivisions of the state to assess both specific and general transportation needs of the state in terms of transportation, as well as consider feasibility studies for the purpose of determining the best site locations for transportation centers, terminals, railroads, airports, ports and harbors, and foreign trade zones;

(15) To apply for and accept loans, grants or gifts of money, property, or service from the United States, any political subdivision, any public or private sources available, or any public or private lender or donor, to give such evidences of indebtedness as may be required and to permit the state Board of Investments to invest, as provided by this code, any funds received by the division pursuant to the provisions of this code;

(16) To make loans and grants, out of any appropriation made to the division by the Legislature or out of any funds at its disposal, to governmental agencies and persons for carrying

out any multimodal transportation projects by any governmental agency or person in accordance with rules adopted under this article;

(17) To issue revenue bonds or request other appropriate state agencies to issue and administer revenue bonds to finance port, railroad, transit, or aeronautics projects;

(18) To collect reasonable fees and charges in connection with making and servicing loans, notes, bonds, obligations, commitments, and other evidence of indebtedness, and in connection with providing technical, consulting, and project assistance services; and

(19) To act, through the Department of Transportation, the division is hereby designated as the agency of this state responsible for administering all federal and state programs relating to public transportation and public transit facilities.

§17-16F-5. Rules of division.

(a) All rules promulgated by the Public Port Authority, the West Virginia State Rail Authority, the Division of Public Transit, or the West Virginia State Aeronautics Commission in effect at the time of creation of the division shall continue in full force and effect until revised or repealed by the division.

(b) The division, upon consultation with the Secretary of the Department of Transportation, may propose legislative rules for promulgation in accordance with §29A-3-1 *et seq.* of this code to implement the purposes of this article. The division may promulgate any necessary emergency rules to implement the provisions of this article pursuant to the provisions of §29A-3-15 of this code.

§17-16F-6. Advisory Boards.

(a) The division may convene advisory boards composed of members with subject-matter expertise and experience in the various modes of transportation under the purview of the division.

(b) Any such advisory board may advise the division on issues and assist the division as requested.

(c) The Secretary of the Department of Transportation shall be the chairperson of any such advisory board: *Provided*, That the secretary may appoint a designee to act in his or her stead at meetings.

(d) The Secretary of the Department of Transportation shall not receive any compensation for serving as chairperson. Any appointed members of a board shall receive the same compensation and expense reimbursement as is paid to members of the Legislature for their interim duties as recommended by the citizens legislative compensation commission and authorized by law for each day or substantial portion thereof engaged in the discharge of official duties. All compensation and expenses incurred shall be payable from funds applicable to the advisory board from the corresponding section within the division or from funds appropriated for such purpose by the Legislature and no liability or obligation shall be incurred by the section beyond the extent to which moneys are available from funds of the section or from such appropriations.

§17-16F-7. Annual report.

(a) The division shall prepare and file a comprehensive report annually by December 31 with the Governor and the Joint Committee on Government and Finance setting forth the overall strategic plan for both short term and long term for goals and accomplishments of the purposes set forth in this article. Incidental to the development of a comprehensive strategic plan for multimodal transportation, the division shall analyze the intermodal shipment of products and passengers through the state, and shall be authorized to collect and analyze such information, which is maintained in the ordinary course of business by the person, firm, or corporation providing such information, pertaining to the transportation of products and passengers which has been moved by rail, water, or air to and from points within and without this state.

(b) Any such information and data supplied to the division shall be for exclusive use of the division. Such information is deemed confidential and is not subject to disclosure under the Freedom of Information Act, §29B-1-1 et seq. of this code. The division shall not publicly disclose this information and data to any person, firm, corporation, or agent. It is unlawful for any employee of this State to divulge or make known in any manner any information obtained pursuant to this subsection or disclose information concerning the personal or business affairs of any individual or the business of any single firm or corporation, or disclose any particulars set forth or disclosed in any report or other information provided to the division. Violation of this subsection by any employee or former employee will result in a misdemeanor, and upon conviction thereof, is punishable by a fine of not more than \$1,000 or by imprisonment for not more than one year, or by both, together with costs of prosecution.

§17-16F-8. Financial interest in contracts prohibited; penalty.

No employee of the division may be financially interested, directly or indirectly, in any contract of any person with the division, or in the sale of any property, real or personal, to or from the division. This section does not apply to contracts or purchases of property, real or personal, between the division and any governmental agency. Violation of this subsection by a division employee will result in a misdemeanor, and upon conviction thereof, is punishable by a fine of not more than \$1,000 or by imprisonment for not more than one year, or by both, together with costs of prosecution.

§17-16F-9. Public purpose of activities; property of public utilities and common carriers.

(a) The division is authorized to acquire any lands or interests pursuant to this article. The planning, acquisition, establishment, construction, improvement, maintenance, and operation of public port, railroad, transit, airport, or air navigation facilities, whether by the state separately or jointly with any municipalities and the exercise of any other powers granted to the division are declared to be public and governmental functions, exercised for a public purpose, and matters of public necessity. All lands and other property and privileges acquired and used by or on behalf of the state in the manner and for the purposes enumerated in this article are declared to be acquired and used for governmental purposes and as a matter of public necessity.

(b) The division shall take or distribute property or facilities belonging to any public utility or to a common carrier, which property or facilities are required for the proper and convenient operation of such public utility or common carrier, if provision is made for the restoration, relocation, or duplication of such property or facilities elsewhere at the cost of the division.

(c) The division shall make reasonable policies for the installation, construction, maintenance, repair, renewal, relocation, and removal of railroad or public utility facilities in, on, over or under any public port, railroad, airport, or air navigation facility project. Whenever the division determines that any such facilities installed or constructed in, on, over, or under property of the division pursuant to such policies must be relocated, the railroad or public utility owning or operating such facilities shall relocate or remove them in accordance with the order of the division. The cost and expenses of such relocation or removal, including the cost of installing such facilities in a new location, the cost of any lands or any rights or interests in lands and the cost of any other rights acquired to accomplish such relocation or removal, may be paid by the division as a part of the cost of such project.

(d) When relocating or removing facilities, the railroad or public utility owning or operating them, and its successors or assigns, shall maintain, and operate such facilities, with the necessary appurtenances in the new location in, on, over, or under the property of the division for as long a period and upon the same terms as it had the right to maintain and operate such facilities in their former location.

(e) In the condemnation of property authorized by this section, the division shall proceed in the name of the State in the manner provided by chapter 54 of this code.

§17-16F-10. Construction and operation of facilities by private enterprise; leasing of facilities by division.

(a) The division shall foster and encourage the participation of private enterprise in the development of railroad, waterway, transit, and airway facilities to the fullest extent it deems practicable in the interest of limiting the necessity of construction and operation of such facilities by the division. In this respect, the division shall advertise and solicit for the construction, operation, maintenance, or a combination thereof for any facility included in the development plan in accordance to plans, specifications, policies, or guidance prepared by the division.

(b) When the division considers it advisable and practicable, it may include certain facilities in the development plan to be installed by private enterprise and leased back to the division on an installment contract or option to purchase: *Provided*, That any such lease back arrangement must be financially feasible, and any bonds or loans utilized to enter into such lease back arrangement shall be repayable in full from the expected rentals to be generated by such facility.

§17-16F-11. Foreign trade zones; free trade zones; ports of entry and customs zones.

The division shall develop, maintain, and operate foreign trade zones, free trade zones, ports of entry and customs zones under such terms and conditions as are or may be prescribed by federal law, and to keep foreign trade zone status for, and to assist in the applications for foreign trade zone status of political subdivisions and eligible private corporations under federal law.

§17-16F-12. Special West Virginia Public Port Operations Fund; West Virginia Multimodal Division Operations Fund; other funds transferred to the Division of Multimodal Transportation.

(a) The special West Virginia Public Port Authority Operations Fund created by prior enactment of §17-16B-7 of this code, is continued and shall be known as the West Virginia Multimodal Division Fund. The moneys in the fund shall only be expended to fulfill the provisions

of this article. At the end of each fiscal year, any unexpended funds in this account shall be appropriated and available for expenditure for the subsequent fiscal year.

(b) Any fund utilized for any purpose within the State Aeronautics Commission, the Division of Public Transit, the Public Port Authority, or the State Rail Authority shall be transferred to the Division of Multimodal Transportation and continued until such time when the division determines a fund is unnecessary or may be better managed by combining certain funds to best serve the interests of the division and the public.

§17-16F-13. Additional powers and duties of division related to railroad projects.

(a) The secretary shall appoint necessary staff to oversee and manage the facilities and operations of the state rail section. Staff are covered by the Department of Transportation merit-based personnel system and the Classification and Compensation Career Plan. The division shall facilitate railroad transportation and commerce within the state by exercising those powers of the state necessary to qualify for rail services continuation subsidies pursuant to the provisions of the federal Fixing America's Surface Transportation Act of 2015 and any future amendments and regulations from the federal government.

(b) The division shall carry out railroad projects or direct railroad projects to be carried out pursuant to a lease, sublease, or agreement with any person or governmental agency; shall make loans and grants to or with governmental agencies or to persons for railroad projects; and shall issue bonds of this state, payable solely from revenues, to pay the cost of such projects. The division will not undertake a railroad project unless it is consistent with any applicable development plans for railroad projects previously approved.

(c) The division shall establish, fund, construct, reconstruct, acquire, repair, replace, operate, and maintain railroads and railroad projects.

(d) The division shall make available the use of services of any railroad project to one or more persons, one or more governmental agencies or any combination.

(e) The division shall engage in research and development with respect to railroads.

(f) The division shall make and enter into contracts and agreements to acquire rolling stock or equipment with a value of \$1 million or less exempt from the provisions of §5A-3-1 *et seq.* of this code. The secretary may propose rules for promulgation for adoption by the Legislature in accordance with the provisions of §29A-3-1 *et seq.* of this code which set forth the methods for determining value of rolling stock or equipment to be purchased and any other rules as may be needed.

(1) Where rolling stock, equipment or trackage of the division is in need of immediate maintenance, repair, or reconstruction to avoid a cessation of its operations, economic loss, the inability to provide essential service to customers, or would otherwise be a danger to rail personnel or the public, the following requirements and procedures for entering into the contract or agreement to remedy the condition shall be in lieu of those provided in §5A-3-1 *et seq.* of this code or any pursuant promulgated legislative rule:

(A) If the cost under the contract or agreement involves an expenditure of more than \$1,000, but \$50,000 or less, the division shall award the contract to or enter into the agreement with the

lowest responsible bidder based upon at least three oral bids made pursuant to the requirements of the contract or agreement; or

(B) If the cost under the contract or agreement, other than one for compensation for personal services, involves an expenditure of more than \$50,000, but \$150,000 or less, the division shall award the contract to or enter into the agreement with the lowest responsible bidder based upon at least three bids, submitted to the division in writing on letterhead stationery, made pursuant to the requirements of the contract or agreement.

(2) Notwithstanding any provision of this code to the contrary, a contract or lease for the operation of a railroad project constructed and owned by the division or an agreement for cooperation in the acquisition or construction of a railroad project authorized by this article is not subject to the provisions of §5A- 3-1 *et seq.* of this code or any promulgated legislative rule and the division shall enter into the contract or lease or the agreement pursuant to negotiation and upon such terms and conditions and for a period of time as it finds to be reasonable and proper under the circumstances and in the best interests of proper operation or of efficient acquisition or construction of the railroad project.

(3) The division may reject any bids. A bond with good and sufficient surety, approved by the division, is required of all contractors in an amount equal to at least 50 percent of the contract price, conditioned upon the faithful performance of the contract.

(g) The division shall purchase fire and extended coverage and liability insurance for any railroad project, and for any offices of the division insurance protecting the division, officers and employees against liability, if any, for damage to property or injury to or death of persons arising from its operations and be a member of, and to participate in, the state workers' compensation insurance.

(h) The division shall charge, alter, and collect rates, rentals and other charges for the use or services of any railroad project as provided in this article.

(i) The division may purchase railroad tracks being abandoned by any common carrier.

(j) The division shall acquire rail properties both within and not within the jurisdiction of the Surface Transportation Board and rail properties within the purview of the federal Fixing America's Surface Transportation Act of 2015, any amendments to it, and any other relevant federal legislation.

(k) The division shall assume the agreements and contracts currently in effect for the State Rail Authority and may enter into agreements with owners of rail properties for the acquisition of rail properties or use, or both, of rail properties upon the terms, conditions, rates, or rentals that can best effectuate the purposes of this article.

(l) The division shall acquire rail properties and other property of a railroad in concert with another state or states as is necessary to ensure continued rail service in this state.

(m) The division shall provide in the state plan for the equitable distribution of federal rail service continuation subsidies among state, local, and regional transportation authorities.

(n) The division shall maintain adequate programs of investigation, research, promotion, and development in connection with the purposes of the division and to provide for public participation.

(o) The division shall provide satisfactory assurances on behalf of the state that fiscal control and fund accounting procedures will be adopted by the state necessary to assure proper disbursement of and accounting for federal funds paid to the state as rail service continuation subsidies.

(p) The division shall comply with the regulations of the Secretary of Transportation of the United States Department of Transportation affecting federal rail service continuation programs.

(q) The division shall maximize federal assistance to the state under Title IV of the federal Regional Rail Reorganization Act of 1973 or any current or future federal statutes and to qualify for rail service continuation subsidies pursuant to the federal Fixing America's Surface Transportation Act of 2015 or any future federal statutes.

§17-16F-14. Additional authority regarding the Maryland Area Regional Commuter.

(a) The division shall coordinate all activities with the Maryland Transit Administration for the operation of the commuter rail operation between Maryland, the Washington, D.C. metropolitan area, and West Virginia. Any payments of track access fees pursuant to the agreement shall be paid from the fund created in §17-16F-27 of this code as provided by appropriation of the Legislature.

§17-16F-15. Rail operations; purchases.

(a) The division may sell, transfer, or lease all, or any part of, the rail properties and other property acquired under the provisions of this article to any responsible person, firm, or corporation for continued operation of a railroad or other public purpose: *Provided*, That approval for the continued operation or other public purpose, is granted by the Surface Transportation Board of the United States, whenever approval is required. The sale, transfer, or lease shall be for a price and subject to any further terms and conditions which the division deems necessary and appropriate to this article.

(b) After acquiring any railroad lines within the state, the division shall assist any responsible person, firm, or corporation to secure, as promptly as possible, any order or certificate required by the Surface Transportation Board for the performance of railroad service. The division shall also give any assurances or guarantees which are necessary or desirable to carry out the purposes of this article.

(c) The division shall take whatever steps are necessary to determine the absolute fee simple title ownership of all rail properties of any railroad within the state. The determination may include the status of the rail properties with respect to easements, rights-of-way, leases, reversionary rights, fee simple title ownership, and any related title matters. The division may retain attorneys, experts, or other assistants, and issue any contracts as are necessary to make the title determination.

(d) All rail properties offered for sale by any railway corporation within the state after the enactment date of this article shall be offered first for sale to the state.

(e) The division shall cooperate with other states when purchasing rail properties within this state. The division shall also acquire railroad rights in other states and rail properties lying in other states to carry out the intentions and purposes of this article. In carrying out the powers and duties

conferred by this article, the division shall enter into general contractual arrangements, including joint purchasing and leasing of rail properties with other states.

(f) In weighing the varied interests of the residents of this state, the division shall consider the individual interest of any county or municipality expressing a desire to acquire a portion, or all, of the abandoned real estate located within its jurisdiction. The division may acquire the abandoned property for subsequent conveyance to the county or municipality.

(g) The division may utilize federal funds, grants, gifts, or donations which are available and any sums that are appropriated in carrying out the purposes of this article. The division may also apply for discretionary or other funds available under the provisions of the federal Regional Rail Reorganization Act of 1973 or any current or future federal programs.

(h) The division may apply for an acquisition and modernization loan, or a guarantee of a loan, pursuant to the federal Regional Rail Reorganization Act of 1973, or any other federal programs, within the limit of funds appropriated for those purposes.

(i) The division may purchase any railroad rolling stock, equipment, and machinery necessary for the operation and maintenance of any rail properties purchased by it on behalf of the state, with any funds made available for this purpose. The division may also acquire and have available a pool of equipment and machinery which may be utilized by the operators of the rail properties for the purpose of track maintenance and other related railroad activities upon terms and conditions determined appropriate. Notwithstanding any the provisions of this code to the contrary, the division and the Commissioner of the Division of Highways may enter into contracts or agreements for the lease or purchase and maintenance of any vehicles required for its purposes.

(j) The division may contract for the rebuilding or relocation of any rail properties acquired pursuant to this article, within the provisions of the federal Regional Rail Reorganization Act of 1973 or any current or future federal statutes, or any other applicable legislation. The division may also spend any sums appropriated, as well as any other available funds, for the modernization, rebuilding, and relocation of any rail properties owned by the state or by a private carrier. The division shall do any maintenance on any rail properties owned by the state as is necessary in the public interest.

(k) The division may contract with any domestic or foreign person, firm, corporation, agency, or government to provide, maintain, or improve rail transportation service on the rail properties acquired by the state under this article.

(l) Whenever the division determines that any rail properties acquired by the state are no longer needed for railroad purposes, it shall, with the permission of the Governor, permanently or temporarily transfer the rail properties to any other state department or agency or political subdivision of the state, which shall utilize the properties for a public purpose. Whenever more than one department or agency or political subdivision wishes to utilize the property, the division shall resolve such a conflict and make a prompt determination of the reasonable and proper order of priority, taking into consideration any applicable state plans, policies, or objectives. If no state department or agency or political subdivision wants the properties, the division may sell them.

§17-16F-16. Railroad Maintenance Fund.

The Railroad Maintenance Fund heretofore created is hereby continued and shall be administered by the division. Expenditures are authorized from collections but are to be made only in accordance with appropriation by the Legislature and in accordance with the provisions of §12-3-1 et seq. of this code and upon fulfillment of the provisions of §11B-2-1 et seq. of this code. Any balance remaining in the special revenue account at the end of any state fiscal year does not revert to the General Revenue Fund but remains in the special revenue account and shall be used solely in a manner consistent with the state rail portions of this article. All costs and expenses incurred pursuant to this article for state rail, including administrative, shall be paid from those funds. The division may expend, out of any funds available for the purpose, such moneys as are necessary for the study of any proposed railroad project and may use its engineering and other forces, including consulting engineers for the purpose of effecting such study. All such expenses incurred by such study and engineering shall be paid from the Railroad Maintenance Fund.

§17-16F-17. Division empowered to issue bonds, renewal notes and refunding bonds; requirements and manner of such issuance.

(a) The division, with approval of the secretary, may raise the cost of one or more railroad projects or parts of railroad projects by the issuance of railroad maintenance revenue bonds and notes of the state in such principal amount as the division deems necessary, but the aggregate amount of all issues of bonds and notes outstanding at one time for all projects authorized hereunder may not exceed that amount capable of being serviced by revenues received from such projects.

(b) The division, with approval of the secretary, may issue renewal notes, issue bonds to pay the notes and whenever it deems refunding expedient, refund any bonds by the issuance of railroad maintenance revenue refunding bonds of the state, whether the bonds to be refunded have or have not matured, and issue bonds partly to refund bonds then outstanding and partly for any other authorized purpose. The refunding bonds shall be sold, and the proceeds applied to the purchase, redemption, or payment of the bonds to be refunded. Except as may otherwise be expressly provided by the division, every issue of its bonds or notes pursuant to this section are obligations of the division payable out of the revenues of the State Rail Section, which are pledged for such payment, without preference or priority of the first bonds issued, subject only to any agreements with the holders of particular bonds or notes pledging any particular revenues. Such pledge is valid and binding from the time the pledge is made, and the revenue so pledged and thereafter received by the division is immediately subject to the lien of such pledge without any physical delivery or further act and the lien of any such pledge is valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the division irrespective of whether the parties have notice.

(c) All bonds and notes have and are declared to have all the qualities of negotiable instruments.

(d) The bonds and notes authorized by the division, with approval of the secretary, shall bear the date and shall mature at such time, in the case of any note or any renewals not exceeding five years from the date of issue of the original note, and in the case of any bond not exceeding 50 years from the date of issue, as the authorization may provide. The bonds and notes shall bear interest at a rate, be in denominations, be in the form, either coupon or registered, carry registration privileges, be payable in a medium of payment, at place and be subject to any terms of redemption that the division may authorize. The bonds and notes shall be sold by the division

at public or private sale, at or not less than the price the division determines. The bonds and notes shall be executed by the commissioner. The official seal of, or a facsimile, shall be affixed or printed and attested, manually or by facsimile signature, by the commissioner, which may be made by facsimile or electronic signature. Any coupons attached shall bear the signature, facsimile signature, or electronic signature of the commissioner. In case the commissioner whose signature, a facsimile signature, or an electronic signature, appears on any bonds, notes or coupons ceases to be commissioner before delivery of the bonds or notes, the signature, facsimile or electronic signature is nevertheless sufficient for all purposes the same as if he or she had remained in their respective positions until delivery and in case the seal of the commissioner has been changed after a facsimile has been imprinted on such bonds or notes the facsimile seal will continue to be sufficient for all purposes.

(e) Any authorization of any bonds or notes or any issue shall contain provisions, subject to agreements with bondholders or noteholders as may then exist, as part of the contract with the holders, as to pledging all or any part of the revenues of the State Rail Section to secure the payment of the bonds or notes or of any issue; the use and disposition of revenues of the State Rail Section; a covenant to fix, alter and collect rates, rentals and other charges so that pledged revenues will be sufficient to pay the costs of operation, maintenance and repairs, pay principal of and interest on bonds or notes secured by the pledge of such revenues and provide any reserves that may be required by the applicable authorization or trust agreement; the setting aside of reserve funds, sinking funds or replacement and improvement funds and the regulation and disposition; the crediting of the proceeds of the sale of bonds or notes to and among the funds referred to or provided for in the authorization of issuance of the bonds or notes; the use, lease, sale or other disposition of any railroad project or any other assets of the division; limitations on the purpose to which the proceeds of sale of bonds or notes may be applied and pledging such proceeds to secure the payment of the bonds or notes or of any issue; notes issued in anticipation of the issuance of bonds, the agreement of the commissioner to do all things necessary for the authorization, issuance and sale of such bonds in such amounts that may be necessary for the timely retirement of the notes; limitations on the issuance of additional bonds or notes; the terms upon which additional bonds or notes may be issued and secured; the refunding of outstanding bonds or notes; the procedure, if any, by which the terms of any contract with bondholders or noteholders may be amended or abrogated, the amount of bonds or notes the holders of which must consent and the manner in which such consent may be given; limitations on the amount of moneys to be expended by the division for operating, administrative or other expenses of the division; securing any bonds or notes by a trust agreement; and any other matters, of like or different character, which in any way affect the security or protection of the bonds or notes.

(f) No person executing the bonds or notes is liable personally on the bonds or notes or be subject to any personal liability or accountability by reason of the issuance.

§17-16F-18. Trustee for bondholders; contents of trust agreement.

(a) In the discretion of the commissioner, any railroad maintenance bonds or notes or railroad maintenance refunding bonds issued by them under this article may be secured by a trust agreement between the commissioner and a corporate trustee, which trustee may be any trust company or banking institution having the powers of a trust company within or without this state.

(b) Any such trust agreement shall pledge or assign revenues of the State Rail Section to be received, but shall not convey or mortgage any railroad project in whole or in part. Any such trust agreement or any authorization providing for the issuance of such bonds or notes may contain such provisions for protecting and enforcing the rights and remedies of the bondholders or

noteholders as are reasonable and proper and not in violation of law, including covenants setting forth the duties of the division in relation to the acquisition of property, the construction, improvement, maintenance, repair, operation, and insurance of the railroad project in connection with which such bonds or notes are authorized, the rentals or other charges to be imposed for the use or services of any railroad project, the custody, safeguarding, and application of all moneys and provisions for the employment of consulting engineers in connection with the construction or operation of such railroad project. Any banking institution or trust company incorporated under the laws of this state which may act as depository of the proceeds of bonds or notes or of revenues shall furnish such indemnifying bonds or pledge such securities as are required by the division. Any such trust agreement may set forth the rights and remedies of the bondholders and noteholders and of the trustee and may restrict individual rights of action by bondholders and noteholders as customarily provided in trust agreements or trust indentures securing similar bonds. Such trust agreement may contain such other provisions as the commissioner deems reasonable and proper for the security of the bondholders or noteholders. All expenses incurred in carrying out the provisions of any trust agreement may be treated as a part of the cost of the operation of the railroad project. Any trust agreement or authorization of the issuance of railroad maintenance revenue bonds may provide the method whereby the general administrative overhead expenses of the division shall be allocated among the several projects acquired or constructed by it as a factor of the operating expenses of each such project.

§17-16F-19. Legal remedies of bondholders and trustees.

Any holder of railroad maintenance revenue bonds issued under the authority of this article or any of the appertaining coupons and the trustee under any trust agreement, except to the extent the rights given by this article may be restricted by the applicable authorization or trust agreement, may by civil action, mandamus, or other proceedings, protect and enforce any rights granted under the laws of this state or granted under this article, by the trust agreement or by the authorization of issuance of bonds, and may enforce and compel the performance of all duties required by this article, or by the trust agreement or authorization, to be performed by the commissioner, division or any employee, including the fixing, charging and collecting of sufficient rentals or other charges.

§17-16F-20. Bonds and notes not debt of state, county, municipality, or of any political subdivision; expenses incurred pursuant to article.

(a) Railroad maintenance revenue bonds and notes and railroad maintenance revenue refunding bonds issued under authority of this article and any coupons in connection therewith do not constitute a debt or a pledge of the faith and credit or taxing power of this state or of any county, municipality, or any other political subdivision of this state, and the holders or owners have no right to have taxes levied by the Legislature or taxing authority of any county, municipality, or any other political subdivision of this state for the payment of the principal or interest, but such bonds and notes are payable solely from the revenues and funds pledged for their payment as authorized by this article unless the notes are issued in anticipation of the issuance of bonds or the bonds are refunded by refunding bonds issued under authority of this article, which bonds or refunding bonds are payable solely from revenues and funds pledged for their payment as authorized by this article. All bonds and notes shall contain on the face of a statement to the effect that the bonds or notes, as to both principal and interest, are not debts of the state or any county, municipality, or political subdivision, but are payable solely from revenues and funds pledged for their payment.

(b) All expenses incurred in carrying out the provisions of this article are payable solely from funds provided under authority of this article. The division is not authorized to incur indebtedness or liability on behalf of or payable by the state or any county, municipality, or political subdivision.

§17-16F-21. Use of funds by division; restrictions.

All moneys, properties and assets acquired by the division, whether as proceeds from the sale of railroad maintenance revenue bonds or as revenues or other source which are attributable to a railroad project or purpose, shall be held by it in trust for the purposes of carrying out his or her powers and duties, and shall be used and reused in accordance with the purposes and provisions of this article. Such moneys may at no time be commingled with other public funds. Such moneys, except as otherwise provided in any authorization of the issuance of railroad maintenance revenue bonds or in any trust agreement securing the same, or except when invested pursuant to §17-16F-23 of this code, shall be kept in appropriate depositories and secured as provided and required by law. The authorization of the issuance of bonds of any issue or the trust agreement securing bonds shall provide that any person to whom, or any banking institution or trust company to which, moneys are paid shall act as trustee of such moneys and hold and apply them for the purposes hereof, subject to the conditions this article and the authorization or trust agreement provide.

§17-16F-22. Investment of funds by division.

Funds of the State Rail Section in excess of current needs, except as otherwise provided in any authorization for the issuance of railroad maintenance revenue bonds or in any trust agreement securing the same, may be invested by the West Virginia Investment Management Board as authorized to invest under §12-6-1 *et seq.* of this code. Income from all such investments of moneys in any fund shall be credited to such funds as the commissioner determines, subject to the provisions of any authorization or trust agreement and such investments may be sold at such times as the commissioner, determines.

§17-16F-23. Rentals and other revenues from railroad projects; contracts and leases of division; cooperation of other governmental agencies; bonds of such agencies.

(a) The division shall charge, alter, and collect rates, rentals, or other charges for the use or services of any project, and contract in the manner provided by this section with one or more persons, one or more governmental agencies, or a combination, desiring the use or services, and fix the terms, conditions, rates, rentals, or other charges for use or services. The rentals or other charges are not subject to supervision, or regulation by any other division, authority, department, commission, board, bureau, or agency of the state, and the contract may provide for acquisition by a person or governmental agency of all or any part of a railroad project for consideration payable over the period of the contract or otherwise as the division in its sole discretion determines to be appropriate, but subject to the provisions of any authorized issue of railroad maintenance revenue bonds or notes or railroad maintenance revenue refunding bonds of the division or any trust agreement securing the same. Any governmental agency which has power to construct, operate, and maintain railroad projects may enter into a contract or lease with the division whereby the use or services of any railroad project of the division will be made available to such governmental agency and pay for such use or services such rentals or other charges as may be agreed to by such governmental agency and the division.

(b) Any governmental agency or agencies shall cooperate with the division in the acquisition or construction of a railroad project and shall enter into such agreements with the division when

necessary, facilitating cooperation and safeguarding the respective interests of the parties, which agreements shall provide for such contributions by the parties in such proportion as may be agreed upon and such other terms as may be mutually satisfactory to the parties, including without limitation the authorization of the construction of the project by one of the parties acting as agent for all of the parties and the ownership and control of the project by the division to the extent necessary or appropriate for purposes of the issuance of railroad maintenance revenue bonds by the commissioner. Any governmental agency may provide contributions as is required under the agreements by the appropriation of money or, if authorized by a favorable vote of the electors to issue bonds or notes or levy taxes or assessments and issue notes or bonds in anticipation of the collection, by the issuance of bonds or notes or by the levying of taxes or assessments and the issuance of bonds or notes in anticipation of the collection, and by the payment of such appropriated money or the proceeds of such bonds or notes to the division pursuant to such agreements.

(c) Any governmental agency, pursuant to a favorable vote of the electors in an election held for the purpose of issuing bonds to provide funds to acquire, construct or equip, or provide real estate and interests in real estate for a railroad project, whether or not the governmental agency at the time of such election had the authority to pay the proceeds from such bonds or notes issued in anticipation to the division as provided in this section, may issue such bonds or notes in anticipation of the issuance and pay the proceeds to the division in accordance with an agreement between such governmental agency and the division: *Provided*, That the legislative authority of the governmental agency finds and determines that the railroad project to be acquired or constructed by the division in cooperation with such governmental agency will serve the same public purpose and meet substantially the same public need as the facility otherwise proposed to be acquired or constructed by the governmental agency with the proceeds of such bonds or notes.

§17-16F-24. Maintenance, operation, and repair of projects; reports to Governor and Legislature.

(a) Each railroad project, when constructed and placed in operation, shall be maintained, and kept in good condition by the division. Each project shall be operated by the division's employees pursuant to a contract or lease with a governmental agency or person. All public or private property damaged or destroyed while carrying out the provisions of this article shall be restored or repaired to its original condition, or as nearly as practicable or adequate compensation made out of funds provided in accordance with the provisions of this article.

(b) As soon as possible after the close of each fiscal year, the authority shall make an annual report of its activities for the preceding fiscal year to the Governor and the Joint Committee on Government and Finance. Each such report shall set forth a complete operating and financial statement covering the authority's operations during the preceding fiscal year. The authority shall cause an audit of its books and accounts to be made at least once each fiscal year by certified public accountants and the cost thereof may be treated as a part of the cost of construction or of operations of its projects. Any report under this section may be made electronically and paper copies may be provided upon request.

§17-16F-25. Railroad maintenance bonds lawful investments.

By the provisions of §12-6-1 *et seq.* of this code, notwithstanding any code section to the contrary, all railroad maintenance revenue bonds issued pursuant to this article are lawful investments for the West Virginia Investment Management Board and are also lawful investments for banking institutions, societies for savings, building and loan associations, savings and loan

associations, deposit guarantee associations, trust companies, insurance companies, including domestic for life and domestic not for life insurance companies.

§17-16F-26. West Virginia Commuter Rail Access Fund.

There is continued a special fund in the State Treasury known as the West Virginia Commuter Rail Access Fund. The fund shall be administered by the division and shall consist of appropriations by the Legislature. Subject to legislative appropriation, the division shall administer the fund to pay track access fees pursuant to agreement as required by this article. Balances in the fund at the end of any fiscal year shall not expire but shall be expended for those purposes in ensuing fiscal years.

§17-16F-27. State rail plan required.

(a) The division shall establish, administer, and coordinate a state plan for rail transportation and local rail services. In establishing and updating the plan, the division may request input from freight and rail passenger associations.

(b) The plan shall, at a minimum, comply with the provisions of the laws and regulations of the United States relating to capturing and administering federal moneys for rail transportation, local rail services, and intermodal facilities as deemed necessary by the division.

§17-16F-28. Additional powers and duties of division related to aeronautics, airports, and air navigation projects.

(a) The secretary shall appoint necessary staff to oversee and manage the facilities and operations of the aeronautics section. Staff are covered by the Department of Transportation merit based system and the Career, Classification, and Compensation Plan. The division shall encourage, foster, and assist in the development of aeronautics in this state and encourage the establishment of airports and air navigation facilities. The division shall cooperate with and assist the federal government, the municipalities of this state, and other persons in the development of aeronautics and shall act to coordinate the aeronautical activities of these bodies and persons. Municipalities are authorized to cooperate with the division in developing aeronautics and aeronautics facilities in this state. The division is given the power and authority to make such policies as it may consider necessary and advisable for the public safety, governing the designing, laying out, locating, building, equipping, and operating of all airports and the conduct of all other phases of aeronautics.

§17-16F-29. State financial assistance for county, municipal and regional airports.

The division, out of any appropriation funds made by the Legislature or any funds at its disposal, may make funds available by grant or otherwise to counties, municipalities, and regional airport authorities, created under the provisions of chapter 8 of this code, for the planning, acquisition, construction, improvement, maintenance, or operation of airports owned or operated or to be owned or operated by such counties, municipalities, or regional airport authorities. Acceptance of any moneys by any such county, municipality, or regional airport authority, shall constitute consent by the recipient that a reasonable use of such airport may be made, upon request of the division, by the United States, the state, or any of their respective agencies, including the National Guard of West Virginia for State purposes related or incidental to aeronautics. Such financial assistance may be furnished in connection with federal or other financial aid for the same purpose.

§17-16F-30. Financial aid.

(a) The division shall cooperate with the United States, and any agency or department, in the planning, acquisition, construction, improvement, maintenance, and operation of airports and other air navigation facilities in this state and may accept federal aid either outright or by way of matching, in whole or in part, as required, and when funds for matching are available to the division, comply with the provisions of the laws and regulations of the United States for the expenditure of federal moneys upon such airports and other air navigation facilities.

(b) The division may accept, receive, and receipt for federal moneys and other moneys, either public or private, for and on behalf of this state, or any municipality, for the planning, acquisition, construction, improvement, maintenance, and operation of airports and other air navigation facilities, whether such work is to be done by the state or by such municipality, or jointly, aided by grants of aid from the United States, upon such terms and conditions as are or may be prescribed by the laws, rules, or regulations of the United States. The division shall be designated as the agency of the state and shall act as agent of any municipality upon the request of such municipality, in accepting, receiving, and receipting for such moneys on its behalf for airports or other air navigation facility purposes, and in contracting for the planning, acquisition, construction, improvement, maintenance, or operation of airports or other air navigation facilities, financed, either in whole or in part, by federal moneys. Any such municipality shall enter an agreement with the division prescribing the terms and conditions of such agency in accordance with federal laws and regulations and with this article. Such moneys paid by the United States shall be retained by the state or said municipalities under such terms and conditions as may be imposed by the United States in making such grants.

(c) All contracts for the planning, acquisition, construction, improvement, maintenance, and operation of airports, or other air navigation facilities made by the division, either as the agent of the State or as the agent of any municipality, shall be made pursuant to the laws of this state: *Provided*, That where the planning, acquisition, construction, improvement, maintenance, and operation of any airport or other air navigation facility is financed wholly or partially with federal moneys, the division, as agent of the State or of any municipality, shall execute contracts in the manner prescribed by the federal laws, rule, or regulations, notwithstanding State law to the contrary.

(d) All moneys accepted for disbursement by the division pursuant to this section shall be deposited in the State Treasury, and, unless otherwise prescribed by the authority from which the money is received, kept in separate funds, designated according to the purposes for which the moneys were made available, and held by the State in trust. All such moneys are appropriated for the purposes for which the same were made available and shall be expended in accordance with federal laws and regulations and with the provisions of this article. The division shall, whether acting for this state or the agent of any municipality, when requested by the United States or any agency or department or by the state or municipality for which the money has been made available, disburse such moneys for the designated purposes, but this shall not preclude any other authorized method of disbursement.

(e) The state or municipality shall cooperate with the United States, and any agency or department, in the acquisition, construction, improvement, maintenance, and operation of airports and other air navigation facilities in this state and shall accept federal aid, either by way of outright grant or by matching the same, in whole or in part, as required to comply with the provisions of the laws and regulations of the United States for the expenditure of federal moneys upon such airports and other air navigation facilities.

§17-16F-31. Establishment and operation of state airports.

(a) The commissioner is authorized on behalf of and in the name of the State, out of appropriations and other moneys made available for such purposes, to plan, establish, construct, maintain, and operate airports and air navigation facilities within the state. For these purposes the director may, by purchase, gift, devise, lease, condemnation, or otherwise, acquire such property, real or personal, as is necessary to permit safe and efficient operation of the airports and air navigation facilities. In like manner, the director may acquire existing airports and air navigation facilities: *Provided*, That he or she may not acquire or take over any airport or air navigation facility owned or controlled by a municipality of this or any other state without the consent of the municipality.

(b) The commissioner may by sale, lease, or otherwise, dispose of property, airport, air navigation facility, or portion thereof or interest therein. Any disposal by lease shall be made pursuant to the terms of §8-28-7 of this code. Any disposal by sale or otherwise shall be in accordance with the laws of this state governing the disposition of other property of the state, except that in the case of disposal to any municipality or state government or the United States for aeronautical purposes incident thereto the sale or other disposal may be effected in such manner and upon such terms as the director determines are in the best interest of the state.

(c) Nothing contained in this article shall be construed to limit any right, power, or authority of the State or a municipality to regulate airport hazards by zoning.

(d) The commissioner may exercise any powers granted by this section jointly with any municipalities or agencies of the state government, with other states or their municipalities, or with the United States.

(e) In the condemnation of property authorized by this section, the director shall proceed in the name of the State in the manner provided by §54-1-1 *et seq.* of this code.

(f) The acquisition of any lands or interests therein pursuant to this article, the planning, acquisition, establishment, construction, improvement, maintenance, and operation of airports and air navigation facilities, whether by the state separately or jointly with any municipalities, and the exercise of any other powers herein granted to the director are hereby declared to be public and governmental functions, exercised for a public purpose, and matters of public necessity. All lands and other property and privileges acquired and used by or on behalf of the State in the manner and for the purposes enumerated in this article shall and are hereby declared to be acquired and used for public and governmental purposes and as a matter of public necessity.

§17-16F-32. Use of state and municipal facilities and services.

The division shall use the facilities and services of other agencies of the state and of the municipalities to the utmost extent possible, and such agencies and municipalities shall make available their facilities and services in furtherance of aeronautics in this state.

§17-16F-33. Disposition of fees.

All fees or other moneys collected by the division under the provisions of this article shall be paid into the State Treasury in the manner provided in §12-2-1 *et seq.* of this code, and shall be deposited in a separate account and be used and expended only to carry out the provisions of this article. The fees or other moneys so paid into the State Treasury shall constitute and be

treated as an excepted fund, and all the provisions of §12-2-2 of this code, applicable to the funds excepted from the general provisions for the deposit and payment of state funds, shall be applicable to the fund derived from collections made pursuant to the provisions of this article.

§17-16F-34. Severability.

If any provision of this article or the application to any person or circumstance shall be held invalid, such invalidity shall not affect the provisions or applications of this article which can be given effect without the invalid provisions or application, and to this end the provisions of this article are declared to be severable.

CHAPTER 29. MISCELLANEOUS BOARDS AND OFFICERS.

ARTICLE 2A. STATE AERONAUTICS COMMISSION.

§29-2A-1. Definitions.

[Repealed].

§29-2A-2. Short title; continuation of commission; membership and compensation; quorum.

[Repealed].

§29-2A-3. Powers and duties of commission.

[Repealed].

§29-2A-4. Organization of commission; meetings; reports; offices.

[Repealed].

§29-2A-5. Director of aeronautics; appointment, qualifications, compensation, powers and duties; staff.

[Repealed].

§29-2A-6. State financial assistance for county, municipal, and regional airports.

[Repealed].

§29-2A-7. Federal aid.

[Repealed].

§29-2A-8. Establishment and operation of state airports.

[Repealed].

§29-2A-10. Public purpose of activities.

[Repealed].

§29-2A-11. Operation of aircraft while under influence of alcohol, controlled substances or drugs; criminal penalties.

[Repealed].

§29-2A-11a. Implied consent to test; administration at direction of law-enforcement officer; designation of type of test; definition of law-enforcement officer.

[Repealed].

§29-2A-11b. Preliminary analysis of breath to determine alcoholic content of blood.

[Repealed].

§29-2A-11c. How blood test administered; additional test at option of person tested; use of test results; certain immunity from liability incident to administering test.

[Repealed].

§29-2A-11d. Interpretation and use of chemical test.

[Repealed].

§29-2A-11e. Right to demand test.

[Repealed].

§29-2A-11f. Fee for withdrawing blood sample and making urine test; payment of fees.

[Repealed].

§29-2A-12. Operation of aircraft at low altitude or in careless and reckless manner; penalty.

[Repealed].

§29-2A-13. Unauthorized taking or operation of aircraft; penalty.

[Repealed].

§29-2A-14. Federal license required for operation of aircraft.

[Repealed].

§29-2A-20. Enforcement of aeronautics laws.

[Repealed].

ARTICLE 18. WEST VIRGINIA STATE RAIL AUTHORITY.

§29-18-1. Short title.

[Repealed].

§29-18-2. Declaration of policy and responsibility; purpose and intent of article; findings.

[Repealed].

§29-18-3. Definitions.

[Repealed].

§29-18-4. West Virginia state rail authority continued; organization of authority; appointment of members; term of office, compensation and expenses; director of authority; termination date.

[Repealed].

§29-18-4a. Supervision of West Virginia State Rail Authority; executive director's compensation.

[Repealed].

§29-18-5. Authority may construct, maintain, etc., railroad maintenance projects.

[Repealed].

§29-18-6. Powers, duties and responsibilities of authority generally.

[Repealed].

§29-18-7. Operations; purchases.

[Repealed].

§29-18-8. Creation of railroad maintenance authority fund.

[Repealed].

§29-18-9. Expenditure of funds for study and engineering of proposed projects.

[Repealed].

§29-18-10. Authority empowered to issue bonds, renewal notes and refunding bonds; requirements and manner of such issuance.

[Repealed].

§29-18-11. Trustee for bondholders; contents of trust agreement.

[Repealed].

§29-18-12. Legal remedies of bondholders and trustees.

[Repealed].

§29-18-13. Bonds and notes not debt of state, county, municipality or of any political subdivision; expenses incurred pursuant to article.

[Repealed].

§29-18-14. Use of funds by authority; restrictions thereon.

[Repealed].

§29-18-15. Investment of funds by authority.

[Repealed].

§29-18-16. Rentals and other revenues from railroad projects; contracts and leases of authority; cooperation of other governmental agencies; bonds of such agencies.

[Repealed].

§29-18-17. Maintenance, operation and repair of projects; reports by authority to Governor and Legislature.

[Repealed].

§29-18-18. Railroad maintenance bonds lawful investments.

[Repealed].

§29-18-19. Exemption from taxation.

[Repealed].

§29-18-20. Acquisition of property by authority; governmental agencies authorized to convey, etc., property.

[Repealed].

§29-18-21. Property of public utilities and common carriers.

[Repealed].

§29-18-22. Financial interest in contracts prohibited; penalty.

[Repealed].

§29-18-23. Meetings and records of authority to be kept public.

[Repealed].

§29-18-24. Creation of the West Virginia Commuter Rail Access Fund.

[Repealed].

§29-18-25. State rail plan required.

[Repealed].

The bill (Eng. Com. Sub. for H. B. 4492), as amended, was then ordered to third reading.

Eng. House Bill 4496, Allowing interest and earnings on federal COVID-19 relief moneys to be retained in the funds or accounts where those moneys are invested.

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

Eng. Com. Sub. for House Bill 4497, Extending the regional jail per diem through July 1, 2023.

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

Eng. Com. Sub. for House Bill 4511, To make numerous amendments to modernize and increase efficiencies in the administration of the West Virginia Unclaimed Property Act.

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

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

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

ARTICLE 8. UNIFORM UNCLAIMED PROPERTY ACT.**§36-8-1. Definitions.**

As used in this article:

~~(1)~~ "Administrator" means the State Treasurer.

~~(2)~~ "Apparent owner" means a person whose name appears on the records of a holder as the person entitled to property held, issued, or owing by the holder.

~~(3)~~ "Business association" means a corporation, joint stock company, investment company, partnership, unincorporated association, joint venture, limited liability company, business trust, trust company, safe deposit company, financial organization, insurance company, mutual fund, utility, or other business entity consisting of one or more persons, whether or not for profit.

~~(4)~~ "Domicile" means the state of incorporation of a corporation and the state of the principal place of business of a holder other than a corporation.

"Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

"Electronic mail" means a communication by electronic means which is automatically retained and stored and may be readily accessed or retrieved.

(5) "Financial organization" means a savings and loan association, bank, banking organization, or credit union.

(6) "Holder" means a person obligated to hold for the account of, or deliver or pay to, the owner property that is subject to this article.

(7) "Insurance company" means an association, corporation, or fraternal or mutual benefit organization, whether or not for profit, engaged in the business of providing life endowments, annuities or insurance, including accident, burial, casualty, credit life, contract performance, dental, disability, fidelity, fire, health, hospitalization, illness, life, malpractice, marine, mortgage, surety, wage protection, and workers' compensation insurance.

(8) "Mineral" means gas; oil; coal; other gaseous, liquid and solid hydrocarbons; oil shale; cement material; sand and gravel; road material; building stone; chemical raw material; gemstone; fissionable and non-fissionable ores; colloidal and other clay; steam and other geothermal resource; or any other substance defined as a mineral by the law of this state.

(9) "Mineral proceeds" means amounts payable for the extraction, production or sale of minerals, or, upon the abandonment of those payments, all payments that become payable thereafter. The term includes amounts payable:

(i) For the acquisition and retention of a mineral lease, including bonuses, royalties, compensatory royalties, shut-in royalties, minimum royalties, and delay rentals;

(ii) For the extraction, production, or sale of minerals, including net revenue interests, royalties, overriding royalties, extraction payments, and production payments; and

(iii) Under an agreement or option, including a joint operating agreement, unit agreement, pooling agreement, and farm-out agreement.

(10) "Money order" includes an express money order and a personal money order, on which the remitter is the purchaser. The term does not include a bank money order or any other instrument sold by a financial organization if the seller has obtained the name and address of the payee.

(11) "Owner" means a person who has a legal or equitable interest in property subject to this article or the person's legal representative. The term includes a depositor in the case of a deposit, a beneficiary in the case of a trust other than a deposit in trust, and a creditor, claimant, or payee in the case of other property.

(12) "Person" means an individual, business association, financial organization, estate, trust, government, governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.

(13) "Property" means tangible personal property described in section three of this article or a fixed and certain interest in intangible personal property that is held, issued, or owed in the course of a holder's business, or by a government, governmental subdivision, agency or instrumentality, and all income or increments therefrom. The term includes property that is referred to as or evidenced by:

~~(i)~~ Money, virtual currency, check, draft, warrant for payment issued by the State of West Virginia, deposit, interest, or dividend;

~~(ii)~~ Credit balance, customer's overpayment, gift certificate, security deposit, refund, credit memorandum, unpaid wage, unused ticket, mineral proceeds, or unidentified remittance;

~~(iii)~~ Stock or other evidence of ownership of an interest in a business association or financial organization;

~~(iv)~~ A bond, debenture, note, or other evidence of indebtedness;

~~(v)~~ Money deposited to redeem stocks, bonds, coupons, or other securities or to make distributions;

~~(vi)~~ An amount due and payable under the terms of an annuity or insurance policy, including policies providing life insurance, property and casualty insurance, workers' compensation insurance, or health and disability insurance; and

~~(vii)~~ An amount distributable from a trust or custodial fund established under a plan to provide health, welfare, pension, vacation, severance, retirement, death, stock purchase, profit sharing, employee savings, supplemental unemployment insurance, or similar benefits.

~~(14)~~ "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

~~(15)~~ "State" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico or any territory or insular possession subject to the jurisdiction of the United States.

~~(16)~~ "United States savings bond" means property, tangible or intangible, in the form of a savings bond issued by the United States Treasury whether in paper form, electronic or paperless form, along with the proceeds thereof.

~~(17)~~ "Utility" means a person who owns or operates for public use any plant, equipment, real property, franchise, or license for the transmission of communications or the production, storage, transmission, sale, delivery, or furnishing of electricity, water, steam, or gas as defined in §24-1-2 of this code.

"Virtual currency" means a digital representation of value, including cryptocurrency, used as a medium of exchange, unit of account, or store of value, which does not have legal tender status recognized by the United States. The term does not include:

(A) The software or protocols governing the transfer of the digital representation of value;

(B) Game-related digital content; or

(C) A loyalty card or gift card.

§36-8-2. Presumptions of abandonment.

(a) Property is presumed abandoned if it is unclaimed by the apparent owner during the time set forth below for the particular property:

(1) Traveler's check, 15 years after issuance;

(2) Money order, seven years after issuance;

(3) Stock or other equity interest in a business association or financial organization, including a security entitlement under article eight of the uniform commercial code, five years after the earlier of: (i) The date of the most recent dividend, stock split, or other distribution unclaimed by the apparent owner; or (ii) the date of the second mailing of a statement of account or other notification or communication that was returned as undeliverable or after the holder discontinued mailings, notifications, or communications to the apparent owner;

(4) Debt of a business association or financial organization, other than a bearer bond or an original issue discount bond, ~~five~~ three years after the date of the most recent interest payment unclaimed by the apparent owner;

~~(5) A noninterest bearing demand, savings, or time deposit, including a deposit that is automatically renewable, five years after the earlier of maturity or the date of the last indication by the owner of interest in the property; an interest bearing demand, savings, or time deposit including a deposit that is automatically renewable, seven years after the earlier of maturity or the date of the last indication by the owner of interest in the property. A deposit that is automatically renewable is deemed matured for purposes of this section upon its initial date of maturity, unless the owner has consented to a renewal at or about the time of the renewal and the consent is in writing or is evidenced by a memorandum or other record on file with the holder. A demand, savings, or time deposit, including a deposit that is automatically renewable, five years after the maturity of the deposit, except a deposit that is automatically renewable is deemed matured on its initial date of maturity unless the apparent owner consented in a record on file with the holder to renewal at or about the time of the renewal;~~

(6) Money or credits owed to a customer as a result of a retail business transaction, three years after the obligation accrued;

(7) Gift certificate, three years after December 31, of the year in which the certificate was sold, but if redeemable in merchandise only, the amount abandoned is deemed to be 60 percent of the certificate's face value;

(8) Amount owed by an insurer on a life or endowment insurance policy or an annuity that has matured or terminated, three years after the obligation to pay arose or, in the case of a policy or annuity payable upon proof of death, three years after the insured has attained, or would have attained if living, the limiting age under the mortality table on which the reserve is based;

(9) Property distributable by a business association or financial organization in a course of dissolution, one year after the property becomes distributable;

(10) Property received by a court as proceeds of a class action, and not distributed pursuant to the judgment, one year after the distribution date;

(11) Property held by a court, government, governmental subdivision, agency, or instrumentality, one year after the property becomes distributable;

(12) Wages or other compensation for personal services, one year after the compensation becomes payable;

(13) Deposit or refund owed to a subscriber by a utility, ~~two~~ one ~~years~~ year after the deposit or refund becomes payable;

(14) Property in an individual retirement account, defined benefit plan, or other account or plan that is qualified for tax deferral under the income tax laws of the United States, three years after the earliest of the date of the distribution or attempted distribution of the property, the date of the required distribution as stated in the plan or trust agreement governing the plan, or the date, if determinable by the holder, specified in the income tax laws of the United States by which distribution of the property must begin in order to avoid a tax penalty;

(15) Warrants for payment issued by the State of West Virginia which have not been presented for payment, within six months of the date of issuance;

(16) All funds held by a fiduciary, including the state Municipal Bond Commission, for the payment of a note, bond, debenture, or other evidence of indebtedness, ~~five~~ three years after the principal maturity date, or if such note, bond, debenture, or evidence of indebtedness is called for redemption on an earlier date, then the redemption date, such premium or redemption date to also be applicable to all interest and premium, if any, attributable to such note, bond, debenture, or other evidence of indebtedness; ~~and~~

(17) Any virtual currency held or owing by any banking organization, corporation, custodian, exchange, or other entity engaged in virtual currency business activity, three years after the owner's last indication of interest in the property; and

~~(17)~~ (18) All other property, ~~five~~ three years after the owner's right to demand the property or after the obligation to pay or distribute the property arises, whichever first occurs.

(b) At the time that an interest is presumed abandoned under subsection (a) of this section, any other property right accrued or accruing to the owner as a result of the interest, and not previously presumed abandoned, is also presumed abandoned.

(c) Property is unclaimed if, for the applicable period set forth in subsection (a) of this section, the apparent owner has not communicated in writing or by other means reflected in a contemporaneous record prepared by or on behalf of the holder, with the holder concerning the property or the account in which the property is held, and has not otherwise indicated an interest in the property. A communication with an owner by a person other than the holder or its representative who has not in writing identified the property to the owner is not an indication of interest in the property by the owner.

(d) An indication of an owner's interest in property includes:

(1) The presentment of a check or other instrument of payment of a dividend or other distribution made with respect to an account or underlying stock or other interest in a business association or financial organization or, in the case of a distribution made by electronic or similar means, evidence that the distribution has been received;

(2) Owner-directed activity in the account in which the property is held, including a direction by the owner to increase, decrease, or change the amount or type of property held in the account;

(3) The making of a deposit to or withdrawal from a bank account;

(4) The payment of a premium with respect to a property interest in an insurance policy; but the application of an automatic premium loan provision or other nonforfeiture provision contained in an insurance policy does not prevent a policy from maturing or terminating if the insured has died or the insured or the beneficiary of the policy has otherwise become entitled to the proceeds before the depletion of the cash surrender value of a policy by the application of those provisions; and

(5) For demand, savings and time deposits held by a financial organization, any indication of the owner's interest in any demand, savings and time deposit held by the financial organization for that owner is an indication of the owner's interest in all demand, savings, and time deposits held by that financial organization.

(e) Property is payable or distributable for purposes of this article notwithstanding the owner's failure to make demand or present an instrument or document otherwise required to obtain payment.

§36-8-8. Payment or delivery of abandoned property.

(a) Except for property held in a safe deposit box or other safekeeping depository, upon filing the report required by §36-8-7 of this code, the holder of property presumed abandoned shall pay, deliver, or cause to be paid or delivered to the administrator the property described in the report as unclaimed, but if the property is an automatically renewable deposit, and a penalty or forfeiture in the payment of interest would result, the time for compliance is extended until a penalty or forfeiture would no longer result. Property held in a safe deposit box or other safekeeping depository may not be delivered to the administrator until 120 days after filing the report required by §36-8-7 of this code.

(b) If the property reported to the administrator is a security or security entitlement under article eight of the uniform commercial code, the administrator is an appropriate person to make an indorsement, instruction, or entitlement order on behalf of the apparent owner to invoke the duty of the issuer or its transfer agent or the securities intermediary to transfer or dispose of the security or the security entitlement in accordance with article eight of the uniform commercial code.

(c) If the holder of property reported to the administrator is the issuer of a certificated security, the administrator has the right to obtain a replacement certificate pursuant to article eight, section four hundred eight of the uniform commercial code, but an indemnity bond is not required.

(d) An issuer, the holder, and any transfer agent or other person acting pursuant to the instructions of and on behalf of the issuer or holder in accordance with this section is not liable to the apparent owner and must be indemnified against claims of any person in accordance with section 10 of this article.

(e) If the property reported is virtual currency, the holder shall liquidate the virtual currency anytime within 30 days of filing the report and remit the proceeds to the administrator. The owner shall have no recourse against either the holder or the administrator for any gain in value after liquidation.

§36-8-10. Custody by state; recovery by holder; defense of holder.

(a) In this section, payment or delivery is made in "good faith" if:

(1) Payment or delivery was made in a reasonable attempt to comply with this article;

(2) The holder was not then in breach of a fiduciary obligation with respect to the property and had a reasonable basis for believing, based on the facts then known, that the property was presumed abandoned: *Provided*, That no fiduciary shall be deemed to be in breach of a fiduciary obligation for purposes of this section by virtue of paying or delivering property to the administrator prior to the expiration of the period for holding unclaimed or abandoned property contained in the instrument under which such fiduciary is acting; and

(3) There is no showing that the records under which the payment or delivery was made did not meet reasonable commercial standards of practice.

(b) Upon payment or delivery of property to the administrator, the state assumes custody and responsibility for the safekeeping of the property. A holder who pays or delivers property to the administrator in good faith is relieved of all liability arising thereafter with respect to the property.

(c) A holder who has paid money to the administrator pursuant to this article may subsequently make payment to a person reasonably appearing to the holder to be entitled to payment. Upon a filing by the holder of proof of payment and proof that the payee was entitled to the payment, the administrator shall promptly reimburse the holder for the payment without imposing a fee or other charge. If reimbursement is sought for a payment made on a negotiable instrument, including a traveler's check or money order, the holder must be reimbursed upon filing proof that the instrument was duly presented and that payment was made to a person who reasonably appeared to be entitled to payment. The holder must be reimbursed for payment made even if the payment was made to a person whose claim was barred under §36-8-19(a) of this code.

(d) A holder who has delivered property other than money to the administrator pursuant to this article may reclaim the property if it is still in the possession of the administrator, without paying any fee or other charge, upon filing proof that the apparent owner has claimed the property from the holder.

(e) The administrator may accept a holder's affidavit as sufficient proof of the holder's right to recover money and property under this section.

(f) If a holder pays or delivers property to the administrator in good faith and thereafter another person claims the property from the holder or another state claims the money or property under its laws relating to escheat or abandoned or unclaimed property, the administrator, upon written notice of the claim, shall defend the holder against the claim and indemnify the holder against any liability on the claim resulting from payment or delivery of the property to the administrator.

(g) Property removed from a safe deposit box or other safekeeping depository is received by the administrator subject to the holder's right to be reimbursed for the cost of the opening and to any valid lien or contract providing for the holder to be reimbursed for unpaid rent or storage charges in an amount not to exceed \$150. The administrator shall reimburse the holder ~~out of the proceeds remaining after deducting the expense incurred by the administrator in selling the property~~ after the property has been claimed and returned to the apparent owner using funds in the Unclaimed Property Fund.

§36-8-13. Deposit of funds

(a) The administrator shall record the name and last known address of each person appearing from the holders reports to be entitled to the property and the name and last known address of each insured person or annuitant and beneficiary and with respect to each policy or annuity listed in the report of an insurance company, its number, the name of the company, and the amount due.

(b) The Unclaimed Property Fund is continued. The administrator shall deposit all funds received pursuant to this article in the Unclaimed Property Fund, including the proceeds from the sale of abandoned property under §36-8-12 of this code. The administrator may invest the Unclaimed Property Fund with the West Virginia Board of Treasury Investments or the Investment Management Board and all earnings shall accrue to the fund and are available for expenditure in accordance with the article. In addition to paying claims of unclaimed property duly allowed, the administrator may deduct the following expenses from the Unclaimed Property Fund:

(1) Expenses of the sale of abandoned property;

(2) Expenses incurred in returning the property to owners, including without limitation the costs of mailing and publication to locate owners;

(3) Reasonable service charge; and

(4) Expenses incurred in examining records of holders of property and in collecting the property from those holders.

(c) The Unclaimed Property Trust Fund is continued within the State Treasury. The administrator may invest the Unclaimed Property Trust Fund with the West Virginia Board of Treasury Investments and all earnings shall accrue to the fund and are available for expenditure in accordance with this article. After deducting the expenses specified in subsection (b) of this section and maintaining a sum of money from which to pay claims duly allowed, the administrator shall transfer the remaining moneys in the Unclaimed Property Fund to the Unclaimed Property Trust Fund.

~~(d) (1) On July 1, 2009, the unclaimed property administrator shall transfer the amount of \$8 million from the Unclaimed Property Trust Fund to the Prepaid Tuition Trust Escrow Fund~~

~~(2) On or before December 15 of each year, notwithstanding any provision of this code to the contrary, the administrator shall may transfer the sum of \$1 million from the Unclaimed Property Trust Fund to the Prepaid Tuition Trust Escrow Jumpstart Savings Trust Fund, until the an actuary certifies there are sufficient funds to pay out all contracts satisfy all obligations and administrative expenses of the Jumpstart Savings Program.~~

~~(e) On or before June 1, 2007, the unclaimed property administrator shall transfer the amount of \$2 million from the Unclaimed Property Trust Fund to the Deferred Compensation Matching Fund for operation of the deferred compensation matching program for state employees. On or before June 1, 2008, the unclaimed property administrator shall transfer the amount of \$1 million from the Unclaimed Property Trust Fund to the Deferred Compensation Matching Fund for operation of the matching program.~~

~~(f) On or before June 1, 2013, the unclaimed property administrator shall transfer the amount of \$3,631,846.55 from the Unclaimed Property Trust Fund to the Municipal Pensions and Protection Fund for the purpose of satisfying any amounts due as of April 27, 2012 to policemen's~~

~~and firemen's pension and relief funds in accordance with section fourteen-d, article three, chapter thirty-three of this Code~~

~~(g)~~ (e) After transferring any money required by ~~subsections (d) through (f)~~ subsection (d) of this section, the administrator shall transfer moneys remaining in the Unclaimed Property Trust Fund to the General Revenue Fund.

§36-8-15. Filing claim with administrator; handling of claims by administrator.

(a) A person, excluding another state, claiming property paid or delivered to the administrator may file a claim on a form prescribed by the administrator and verified by the claimant.

(b) Within 90 days after a claim is filed, the administrator shall allow or deny the claim and give written notice of the decision to the claimant. If the claim is denied, the administrator shall inform the claimant of the reasons for the denial and specify what additional evidence is required before the claim will be allowed. The claimant may then file a new claim with the administrator or maintain an action under section 16 of this article.

(c) Within 30 days after a claim is allowed, the property or the net proceeds of a sale of the property must be delivered or paid by the administrator to the claimant.

(d) The administrator may waive the requirement in subsection (a) and may pay or deliver property directly to a person who does not file a claim if:

(1) The person receiving the property or payment is shown to be the apparent owner included on a report filed pursuant to this act;

(2) The administrator reasonably believes the person is entitled to receive the property or payment; and

(3) The property has a value of less than \$5,000.

§36-8-25. Records of abandoned property.

Records of abandoned property kept by the administrator are available for inspection and copying only by an owner of such property as to the particular property he or she owns, or by his or her personal representative, next of kin, attorney at law, or such person entitled to inherit from the owner conducting a legal audit thereof. These records are exempt from the provisions of the West Virginia Freedom of Information Act, chapter 29B of this code: *Provided*, That nothing in this section prevents the administrator from disclosing the monetary value of an unclaimed property or the general nature or type of said property to any person that the administrator reasonably believes to be the apparent owner of said property or a person entitled to claim the property on the apparent owner's behalf.

§36-8-33. Report by administrator.

(a) Not later than six months after the end of the state's fiscal year, the administrator shall compile and publish a report on the West Virginia Treasury website. The report must contain the following information about property deemed unclaimed for the preceding fiscal year for the state:

(1) The total amount and value of all property paid or delivered under this act to the administrator, separated into:

(A) The portion voluntarily paid or delivered; and

(B) The portion delivered as the result of an examination under the act.

(2) The total amount and value of all property paid or delivered by the administrator to persons that made claims for property held by the administrator under this act.

(b) The report required under subsection (a) of this section is a public record and is subject to disclosure pursuant to the West Virginia Freedom of Information Act, Chapter 29B of this code.

The bill (Eng. Com. Sub. for H. B. 4511), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill 4559, Providing for legislative rulemaking relating to the disposition of unidentified and unclaimed remains in the possession of the Chief Medical Examiner.

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

Eng. Com. Sub. for House Bill 4563, Provide for a license plate for auto mechanics.

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

Eng. Com. Sub. for House Bill 4565, To exempt temporary employees and employees of the Higher Education Policy Commission from automatic enrollment into the state's 457 (b) plan.

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

Eng. House Bill 4566, Creating the Economic Enhancement Grant Fund.

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

Eng. House Bill 4568, To allow phased rehabilitations of certified historic structures.

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

Eng. Com. Sub. for House Bill 4608, To require the State Fire Commission to propose minimum standards for persons to be certified as probationary status volunteer firefighters.

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

Eng. Com. Sub. for House Bill 4629, Relating to procedures for certain actions against the state.

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

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

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

ARTICLE 17. PROCEDURES FOR CERTAIN ACTIONS AGAINST THE STATE.

§55-17-3. Preliminary procedures; service on Attorney General; notice to the Legislature.

(a)(1) Notwithstanding any provision of law to the contrary, at least 30 days prior to the institution of an action against a ~~government~~ governmental agency, the complaining party or parties ~~must~~ shall provide the chief officer of the ~~government~~ governmental agency and the Attorney General written notice, by certified mail, return receipt requested, of the alleged claim and the relief desired. Upon receipt, the chief officer of the ~~government~~ governmental agency shall ~~forthwith~~ immediately forward a copy of the notice to the President of the Senate and the Speaker of the House of Delegates. The provisions of this subdivision do not apply in actions seeking injunctive relief where the court finds that irreparable harm would have occurred if the institution of the action was delayed by the provisions of this subsection.

(2) The written notice to the chief officer of the ~~government~~ governmental agency and the Attorney General required by subdivision (1) of this subsection is considered to be provided on the date of mailing of the notice by certified mail, return receipt requested. If the written notice is provided to the chief officer of the ~~government~~ governmental agency as required by subdivision (1) of this subsection, any applicable statute of limitations is tolled for 30 days from the date the notice is provided and, if received by the ~~government~~ governmental agency as evidenced by the return receipt of the certified mail, for 30 days from the date of the returned receipt.

(3) A copy of any complaint filed in an action as defined in §55-17-2 of this code ~~section two of this article~~ shall be served on the Attorney General.

(b) (1) Notwithstanding any procedural rule or any provision of this code to the contrary in an action instituted against a ~~government~~ governmental agency that seeks a judgment, as defined in ~~section two of this article~~ §55-17-2 of this code, the chief officer of the ~~government~~ governmental agency which is named a party to the action shall, upon receipt of service, ~~forthwith~~ immediately give written notice thereof, together with a copy of the complaint filed, to the President of the Senate and the Speaker of the House of Delegates.

(2) Upon request, the chief officer of the ~~government~~ governmental agency shall furnish the President of the Senate and Speaker of the House with copies of pleadings filed and discovery produced in the proceeding and other documents, information, and periodic reports relating to the proceeding as may be requested.

(3) The chief officer of a ~~government~~ governmental agency who fails without good cause to comply with the provisions of this subsection is guilty of misfeasance. This subsection does not require a notice or report to the President of the Senate and the Speaker of the House that no action has been instituted or is pending against a governmental agency during a specified period.

(c) The requirements for notice and delivery of pleadings and other documents to the President of the Senate or Speaker of the House of Delegates pursuant to the provisions of this

section do not constitute a waiver of any constitutional immunity or protection that proscribes or limits actions, suits, or proceedings against the Legislature or the State of West Virginia.

(d) The exercise of authority granted by the provisions of this section does not subject the Legislature or any member of the Legislature to any terms of a judgment.

(e) If 90 days elapse after service of notice required by subsection (a) of this section has been effected and action has not been instituted, then the notice shall be considered to have expired, and before an action may be instituted, the complaining party or parties must provide new notice as required by subsection (a) of this section which shall be accompanied by a second or subsequent notice fee to the attorney general and by a second or subsequent notice fee to the chief officer of the governmental agency: *Provided*, That no further tolling of any applicable statute of limitations shall occur during any second or subsequent notice.

§55-17-3a. Legislature and its presiding officers never to be named as parties to a civil action in court.

(a) Article V of the Constitution of West Virginia provides that the legislative, executive, and judicial departments of the government of West Virginia shall be separate and distinct, so that neither shall exercise the powers properly belonging to either of the others.

(b) It is an unconstitutional violation of the separation of powers mandated by Article V of the Constitution of West Virginia for:

(1) Any court of this state to issue a writ of mandamus, a writ of prohibition, or an injunction against the Legislature; or

(2) Any person to name the Legislature or the presiding officers thereof, in any action challenging the constitutionality of a statute.

(c) Pursuant to the separation of powers required by Article V of the West Virginia Constitution, if any suit is filed seeking relief under subdivision (1), subsection (a) of this section, or if any suit is filed naming the legislature, or the presiding officers thereof, in violation of the provisions of subdivision (2), subsection (a) of this section, the court must, upon motion, summarily dismiss the action, or dismiss the parties improperly joined.

(c) This section shall be applied retrospectively and retroactively to all actions pending at the time of the enactment of this section.

On motion of Senator Trump, the following amendment to the Judiciary committee amendment to the bill (Eng. Com. Sub. for H. B. 4629) was reported by the Clerk and adopted:

On page two, section three, line forty-three, before the words "to the attorney general" by inserting the words "of \$250";

And,

On pages two and three, section three, lines forty-three and forty-four, before the words "to the chief officer" by inserting the words "of \$250".

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

The bill (Eng. Com. Sub. for H. B. 4629), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill 4634, Relating to occupational licensing or other authorization to practice.

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

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

Eng. Com. Sub. for House Bill 4636, Clarifying when business and occupation taxes owed to a city or municipality are considered to be remitted on time.

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

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

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

ARTICLE 13. TAXATION AND FINANCE.

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

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

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

(b) *Maximum tax rates.* — In no case shall the rate of ~~such~~ the municipal business and occupation or privilege tax on a particular activity exceed the maximum rate imposed by the state, exclusive of surtaxes, upon any business activities or privileges taxed under §11-13-2a, 11-13-2b, 11-13-2c, 11-13-2d, 11-13-2e, 11-13-2g, 11-13-2h, 11-13-2i, and 11-13-2j of this code, as ~~such~~ those rates were in effect under §11-13-1 *et seq.* of this code, on January 1, 1959, or in excess of one percent of gross income under §11-13-2k of this code, or in excess of three-tenths of one percent of gross value or gross proceeds of sale under §11-13-2m of this code. The rate of municipal business and occupation or privilege tax on the activity described in subdivision (2), subsection (a) of this section shall be ten one-hundredths of one percent. The rate of municipal business and occupation or privilege tax on the activity of a health maintenance organization holding a certificate of authority under the provisions of §33-25A-1 *et seq.* of this code, shall not

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

(c) *Effective date of local tax.* — Any taxes levied pursuant to the authority of this section may be made operative as of the first day of the then current fiscal year or any date thereafter: *Provided*, That any new imposition of tax or any increase in the rate of tax upon any business, occupation or privilege taxed under §11-2E-1 *et seq.* of this code, ~~shall apply~~ applies only to gross income derived from contracts entered into after the effective date of ~~such~~ the imposition of tax or rate increase, and which effective date shall not be retroactive in any respect: *Provided, however*, That no tax imposed or revised under this section upon public utility services may be effective unless and until the municipality provides written notice of the same by certified mail to said public utility at least 60 days prior to the effective date of said tax or revision thereof.

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

(e) *Activity in two or more municipalities.* — Whenever the business activity or occupation of the taxpayer is engaged in or carried on in two or more municipalities of this state, the amount of gross income, or gross proceeds of sales, taxable by each municipality shall be determined in accordance with ~~such legislative regulations as~~ rules as prescribed by the Tax Commissioner ~~may prescribe~~. It ~~being~~ is the intent of the Legislature that multiple taxation of the same gross income, or gross proceeds of sale, under the same classification by two or more municipalities shall not be allowed, and that gross income, or gross proceeds of sales, derived from activity engaged in or carried on within this state, that is presently subject to state tax under §11-13-2c or §11-13-2h of this code, which is not taxed or taxable by any other municipality of this state, may be included

in the measure of tax for any municipality in this state, from which the activity was directed, or in the absence thereof, the municipality in this state in which the principal office of the taxpayer is located. Nothing in this subsection shall be construed as permitting any municipality to tax gross income or gross proceeds of sales in violation of the Constitution and laws of this state or the United States, or as permitting a municipality to tax any activity that has a definite situs outside its taxing jurisdiction.

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

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

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

§8-13-13. Special charges for municipal services.

(a) Notwithstanding any charter provisions to the contrary, a municipality which furnishes any essential or special municipal service, including, but not limited to, police and fire protection, parking facilities on the streets or otherwise, parks and recreational facilities, street cleaning, street lighting, street maintenance and improvement, sewerage and sewage disposal, and the collection and disposal of garbage, refuse, waste, ashes, trash, and any other similar matter, has plenary power and authority to provide by ordinance for the installation, continuance, maintenance, or improvement of the service, to make reasonable regulations of the service, and to impose by ordinance upon the users of the service reasonable rates, fees, and charges to be collected in the manner specified in the ordinance.

(b) Any sewerage and sewage disposal service and any service incident to the collection and disposal of garbage, refuse, waste, ashes, trash, and any other similar matter is subject to the provisions of chapter 24 of this code.

(c) A municipality shall not have a lien on any property as security for payments due under subsection (a) of this section except as provided in subsection (d) of this section.

(d) A municipality ~~has authority to~~ may enact an ordinance, pursuant to this section, permitting it to file a lien on real property located within the municipal corporate limits for unpaid and delinquent fire, police, or street fees. The ordinance must provide an administrative procedure for the municipality's assessment and collection of the fees. The administrative procedure must require that, before any lien is filed, the municipality will give notice to the property owner, by certified mail, return receipt requested, that the municipality will file the lien unless the delinquency is paid by a date stated in the notice, which must be no less than 90 days from the date the notice is mailed. The administrative procedure must include the right to appeal to the circuit court of the

county in which the real property is located. The circuit court shall consider the appeal under its general authority, including but not limited to §51-2-2(f) of this code.

(e) Notwithstanding the provisions of §8-11-4 of this code, any ordinance enacted or substantially amended under the provisions of this section shall be published as a Class II legal advertisement in compliance with the provisions of §59-3-1 *et seq.* of this code. The publication area for the publication is the municipality.

(f) In the event 30 percent of the qualified voters of the municipality, by petition duly signed by them in their own handwriting and filed with the recorder of the municipality within 45 days after the expiration of the publication, protest against the ordinance as enacted or amended, the ordinance shall not become effective until it is ratified by a majority of the legal votes cast by the qualified voters of the municipality at a regular municipal election or special municipal election, as the governing body directs. Voting shall not take place until after notice of the submission is given by publication as provided in subsection (e) of this section.

(g) The powers and authority granted to municipalities and to the governing bodies of municipalities in this section are in addition and supplemental to the powers and authority named in any charters of the municipalities.

(h) Notwithstanding any other provisions of this section, if rates, fees, and charges provided in this section are imposed by the governing body of a municipality for the purpose of replacing, and in amounts approximately sufficient to replace in its general fund amounts appropriated to be paid from ad valorem taxes upon property within the municipality, pursuant to an election duly called and held under the Constitution and laws of the state to authorize the issuance and sale of the municipality's general obligation bonds for public improvement purposes, the call for the election shall state that the governing body of the municipality proposes to impose rates, fees, and charges in specified amounts under this section for the use of one or more of the services specified in subsection (a) of this section, which shall be related to the public improvement proposed to be made with the proceeds of the bonds, no notice, publication of notice, or referendum, or election or other condition or prerequisite to the imposition of the rates, fees, and charges shall be required or necessary other than the legal requirements for issuance and sale of the general obligation bonds.

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

The bill (Eng. Com. Sub. for H. B. 4636), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill 4662, Relating to licensure of Head Start facilities in this state.

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

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

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

ARTICLE 2. STATE RESPONSIBILITIES FOR CHILDREN.**§49-2-115a. Head Start program licenses.**

(a) A Head Start program in good standing with the United States Department of Health and Human Services pursuant to 42 USC §9381 et seq. may request to be deemed a licensee to operate a child care program for the sole purpose of utilizing the West Virginia Clearance for Access: Registry and Employment Screenings program. At the discretion of the secretary, a deemed license may not permit the licensee to access the other services provided by the Bureau for Family Assistance as it relates to the specific deemed child care license.

(b) The section may not be construed to prevent the department from investigating complaints regarding the health, safety, or welfare of children.

(c) The department shall propose a legislative rule for promulgation by July 1, 2022, to effectuate this section.

The bill (Eng. Com. Sub. for H. B. 4662), as amended, was then ordered to third reading.

Eng. House Bill 4743, Relating to security and surveillance requirements of medical cannabis organization facilities.

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

Eng. Com. Sub. for House Bill 4787, Creating the Highly Automated Motor Vehicle Act.

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

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

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

CHAPTER 17H. FULLY AUTONOMOUS VEHICLE ACT.**ARTICLE 1. FULLY AUTONOMOUS VEHICLES.****§17H-1-1 Short Title.**

This article may be cited as the "Fully Autonomous Vehicle Act".

§17H-1-2 Statement of intent and purpose.

The Legislature finds that continuing advances in technology have improved and are expected to continue to improve the safety and operation of fully autonomous vehicles such that these vehicles should be legally permitted to be operated in West Virginia pursuant to the provisions of this act.

§17H-1-3 Definitions.

The following words and phrases when used in this article shall have, unless the context clearly indicates otherwise, the meanings given to them in this section.

"Automated driving system" or "ADS" means the hardware and software that are collectively capable of performing the entire dynamic driving task on a sustained basis, regardless of whether it is limited to a specific operational design domain.

"Dynamic driving task" or "DDT" means all of the real-time operational and tactical functions required to operate a vehicle in on-road traffic, excluding the strategic functions such as trip scheduling and selection of destinations and waypoints, and including without limitation:

(1) Lateral vehicle motion control via steering;

(2) Longitudinal motion control via acceleration and deceleration;

(3) Monitoring the driver environment via object and event detection, recognition, classification, and response preparation;

(4) Object and event response execution;

(5) Maneuver planning; and

(6) Enhanced conspicuity via lighting, signaling, and gesturing.

"DDT fallback" means the response by the person or human driver to either perform the DDT or achieve a minimal risk condition after occurrence of a DDT performance-relevant system failure or upon operational design domain exit, or the response by an automated driving system to achieve minimal risk condition given the same circumstances.

"Fully autonomous vehicle" means a motor vehicle equipped with an automated driving system (ADS) designed to function without a human driver as a level 4 or 5 system under SAE J3016.

"Human driver" means a natural person in the vehicle with a valid license to operate a motor vehicle who controls all or part of the dynamic driving task (DDT).

"Minimal risk condition" means a condition in which a person, human driver, or an ADS may bring a vehicle after performing the DDT fallback in order to reduce the risk of a crash when a given trip cannot or should not be completed.

"On-demand autonomous vehicle network" means a transportation service network that uses a software application or other digital means to dispatch or otherwise enable the pre-arrangement of transportation with fully autonomous vehicles for purposes of transporting passengers or goods, including for-hire transportation and transportation of goods or passengers for compensation.

"Operational design domain" or "ODD" means operating conditions under which a given ADS is specifically designed to function, including, but not limited to, environmental, geographical, and time-of-day restrictions, and/or the requisite presence or absence of certain traffic or roadway characteristics.

"Person" means a natural person, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, governmental agency, public corporation, or any legal or commercial entity.

"Platooning" means a situation when no more than three fully autonomous vehicles are traveling in concert, pursuant to a pre-determined written travel plan that identifies the vehicles and proposed route.

"Request to intervene" means notification by an ADS to a human driver, that the human driver should promptly begin or resume performance of part or all of the DDT.

"SAE J3016" means the *Taxonomy and Definitions for Terms Related to Driving Automation Systems for On-Road Motor Vehicles* published by the Society of Automotive Engineers (SAE) International in April, 2021.

§17H-1-4 Construction.

Nothing in this article shall be construed to:

(1) Prohibit a human driver from operating a fully autonomous vehicle to control all or part of the DDT;

(2) Prohibit a fully autonomous vehicle from operating without a human driver; or

(3) Prohibit a person from operating a vehicle with ADS that is not a fully autonomous vehicle on the public roads of this state.

§17H-1-5 Operation of fully autonomous vehicles without a human driver.

(a) A person may operate a fully autonomous vehicle on the public roads of this state without a human driver provided that the ADS is engaged and the vehicle meets the following conditions:

(1) If a failure of the ADS occurs which renders the system unable to perform the entire dynamic driving task (DDT) relevant to its intended operational design domain, the fully autonomous vehicle will achieve a minimal risk condition;

(2) The fully autonomous vehicle is capable of operating in compliance with the applicable traffic and motor vehicle safety laws and regulations of this state when reasonable to do so, unless an exemption has been granted by the Department of Transportation; and

(3) When required by federal law, the vehicle bears the required manufacturer's certification label indicating that at the time of its manufacture it has been certified to be in compliance with all applicable Federal Motor Vehicle Safety Standards, including reference to any exemption granted by the National Highway Traffic Safety Administration.

(b) Prior to operating a fully autonomous vehicle on the public roads of this state without a human driver, a person as defined in this article shall submit a law enforcement interaction plan to the department that describes:

(1) How to communicate with a fleet support specialist who is available during the times the vehicle is in operation;

(2) How to safely remove the fully autonomous vehicle from the roadway and steps to safely tow the vehicle;

(3) How to recognize whether the fully autonomous vehicle is in autonomous mode; and

(4) Any additional information the manufacturer or owner deems necessary regarding hazardous conditions or public safety risks associated with the operation of the fully autonomous vehicle.

§17H-1-6. Operation of a fully autonomous motor vehicle with an ADS by a human driver.

(a) A person may operate a motor vehicle equipped with an ADS capable of performing the entire dynamic driving task (DDT) if:

(1) The ADS will issue a request to intervene whenever the ADS is not capable of performing the entire DDT, with the expectation that the person will respond appropriately to the request; and

(2) The ADS is capable of being operated in compliance with the applicable provisions of rules and regulations promulgated under this article, unless an exemption has been granted by the Department of Transportation or the National Highway Traffic Safety Administration.

(b) Nothing in this article prohibits or restricts a human driver from operating a fully autonomous vehicle equipped with controls that allow for the human driver to control all or part of the DDT.

§17H-1-7 Operation of fully autonomous commercial and motor carrier vehicles.

(a) A fully autonomous vehicle that is also a commercial vehicle under West Virginia law may operate pursuant to state laws governing the operation of commercial motor vehicles, except that any provision that by its nature reasonably applies only to a human driver does not apply to a vehicle operating with the ADS engaged.

(b) A fully autonomous vehicle that is also a motor carrier vehicle requiring a commercial driver's license pursuant to federal or state law may operate pursuant to Federal and State laws governing commercial drivers and the operation of commercial motor vehicles, except any provision which by its nature reasonably applies only to a human driver shall not apply to a fully autonomous vehicle operating with the ADS engaged. This section shall not apply to a school bus.

§17H-1-8 Operation of an on-demand autonomous motor vehicle network.

An on-demand autonomous motor vehicle network shall be permitted to operate pursuant to State laws governing the operation of transportation network companies, taxis, or any other ground transportation for-hire of passengers, with the exception that any provision of such laws that reasonably applies only to a human driver would not apply to the operation of fully autonomous vehicles with the ADS engaged on an on-demand autonomous vehicle network.

§17H-1-9 Licensing, titling, and registration.

(a) When an automated driving system (ADS) installed on a motor vehicle is engaged:

(1) The ADS is considered the driver or operator for the purpose of assessing compliance with applicable traffic or motor vehicle laws and shall be considered to satisfy electronically all physical acts required by a driver or operator of the vehicle; and

(2) The ADS is considered to be licensed to operate the vehicle.

(b) A fully autonomous vehicle shall be properly registered in accordance with the laws of this state. If a fully autonomous vehicle is registered in this state, the vehicle shall be identified on the registration as a fully autonomous vehicle. The requirements under this article relating to exhibiting a driver's license and registration card are satisfied if the license and vehicle registration card are in the fully autonomous vehicle physically or electronically, and available for inspection by a police officer.

§17H-1-10 Insurance.

Before operating a fully autonomous motor vehicle on public roads in this state without a human driver, a person shall submit proof of financial responsibility satisfactory to the Department of Motor Vehicles that the fully autonomous vehicle is covered by insurance or proof of self-insurance that satisfy the applicable laws of this state.

§17H-1-11 Control.

(a) Unless otherwise provided in this article and notwithstanding any other provision of this code, fully autonomous vehicles and automated driving systems are governed exclusively by this article. The Department of Transportation is the sole and exclusive state agency that may implement the provisions of this article.

(b) A state agency, political subdivision, municipality, or local entity may prohibit the operation of fully autonomous vehicles, ADS, or on-demand autonomous vehicle networks, or otherwise enact or keep in force rules or ordinances that would impose taxes, fees, or other requirements (including performance standards), specific to the operation of fully autonomous vehicles, ADS, or on-demand autonomous vehicle networks in addition to the requirements of this act.

§17H-1-12 Platooning.

(a) General rule. The department shall be the lead state agency on fully autonomous vehicle platooning under this section.

(b) Platoon restrictions. A platoon shall observe the following restrictions:

(1) A maximum of three vehicles shall be in a platoon;

(2) Vehicles in a platoon shall travel only on limited access highways or interstate highways, unless otherwise permitted by the Department or the West Virginia Division of Highways;

(3) The department or the West Virginia Division of Highways, as applicable under subdivision (2) of this subsection, may restrict movement under this section for operational or safety reasons, including, but not limited to, emergency conditions; and

(4) Consistent with applicable federal and state laws, the lead vehicle in a platoon may operate with a driver and non-lead vehicles may operate with an ADS engaged, with or without a driver.

(c) Plan for general platoon operations. A person may operate a platoon on a highway of this state if the person files and reviews a plan for general platoon operations with the department. The department shall review the plan in consultation with the State Police and the Division of Highways, as applicable. If the plan is not rejected by the department within 30 days after receipt of the plan, the person may operate the platoon.

(d) Non-lead vehicles. Non-lead vehicles in a platoon are not subject to violations of this code relating to following too closely.

(e) Visual identifiers required. Each vehicle in a platoon must be marked with a visual identifier. The department, after consultation with the State Police and the Division of Highways shall establish the criteria and placement of the visual identifier.

§17H-1-13 Fully autonomous vehicles not exempt from state laws pertaining to ownership.

Unless expressly stated in this section, fully autonomous vehicles, whether traveling individually or in a platoon, are not exempt from any other laws or rules applicable to the ownership and operation of any non-fully autonomous vehicle in this state.

§17H-1-14 Duties following crashes involving fully autonomous vehicles.

In the event of a crash:

(1) The fully autonomous vehicle shall remain at the scene of the accident when required by State law consistent with its capability under §17H-1-5; and

(2) The owner of the highly automated motor vehicle, or a person on behalf of the vehicle owner, shall promptly report any crashes or collisions consistent with §17C-4-1, et seq. of this code.

§17H-1-15 Fully autonomous vehicle equipment standards.

A fully autonomous vehicle that is designed to be operated exclusively by an ADS for all trips is not subject to motor vehicle equipment laws or rules of this state that:

(1) relate to or support motor vehicle operation by a human driver seated in the vehicle; and

(2) are not relevant for an ADS.

The bill (Eng. Com. Sub. for H. B. 4787), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill 4826, Relating to e-sports.

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

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

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

ARTICLE 22D. WEST VIRGINIA LOTTERY SPORTS WAGERING ACT.

§29-22D-3. Definitions.

For the purposes of this article, the following terms have the meanings ascribed to them in this section:

(1) "Adjusted gross sports wagering receipts" means an operator's gross sports wagering receipts from West Virginia Lottery sports wagering, less winnings paid to wagerers in such games.

(2) "Collegiate sport or athletic event" means a sport or athletic event offered or sponsored by, or played in connection with, a public or private institution that offers educational services beyond the secondary level.

(3) "Commission" or "State Lottery Commission" means the West Virginia Lottery Commission, created by §29-22-1 *et seq.* of this code.

(4) "Director" means the Director of the West Virginia State Lottery Commission, appointed pursuant to §29-22-6 of this code.

(5) "E-sports event" means leagues, competitive circuits, tournaments, or similar competitions where individuals or teams play video games, typically for spectators, either in person or online, for the purpose of prizes, money, or entertainment.

~~(56)~~ "Gaming equipment" or "sports wagering equipment" means any mechanical, electronic, or other device, mechanism, or equipment, and related supplies used or consumed in the operation of West Virginia Lottery sports wagering at a licensed gaming facility including, but not limited to, a kiosk installed to accept sports wagers.

~~(67)~~ "Gaming facility" means a designated area on the premises of an existing historic resort hotel, licensed under §29-25-1 *et seq.* of this code, to operate video lottery and table games or the facility of an entity authorized to operate racetrack video lottery machines pursuant to §29-22A-1 *et seq.* of this code.

~~(78)~~ "Government" means any governmental unit of a national, state, or local body exercising governmental functions, other than the United States government.

~~(89)~~ "Gross sports wagering receipts" means the total gross receipts received by a licensed gaming facility from sports wagering.

~~(910)~~ "License" means any license applied for or issued by the commission under this article including, but not limited to:

(A) A license to act as agent of the commission in operating West Virginia Lottery sports wagering at a licensed gaming facility (operator license or West Virginia Lottery sports wagering license);

(B) A license to supply a gaming facility licensed under this article to operate sports wagering with sports wagering equipment or services necessary for the operation of sports wagering (supplier license);

(C) A license to be employed at a racetrack or gaming facility licensed under this article to operate West Virginia Lottery sports wagering when the employee works in a designated gaming area that has sports wagering or performs duties in furtherance of or associated with the operation of sports wagering at the licensed gaming facility (occupational license); or

(D) A license to provide management services under a contract to a gaming facility licensed under this article to operate sports wagering (management services provider license).

~~(4011)~~ "Licensed gaming facility" means a designated area on the premises of an existing historic resort hotel, pursuant to §29-25-1 *et seq.* of this code, or the facility of an entity authorized to operate racetrack video lottery machines, pursuant to §29-22A-1 *et seq.* of this code licensed under this article to conduct West Virginia Lottery sports wagering.

~~(4412)~~ "Lottery" means the public gaming systems or games regulated, controlled, owned, and operated by the State Lottery Commission in the manner provided by general law, as provided in this article, §29-22-1 *et seq.*, §29-22A-1 *et seq.*, §29-22B-1 *et seq.*, §29-22C-1 *et seq.*, and §29-25-1 *et seq.* of this code.

~~(4213)~~ "National criminal history background check system" means the criminal history record system maintained by the Federal Bureau of Investigation based on fingerprint identification or any other method of positive identification.

~~(4314)~~ "Operator" means a licensed gaming facility which has elected to operate a sports pool and other authorized West Virginia Lottery sports wagering activities.

~~(4415)~~ "Professional sport or athletic event" means an event at which two or more persons participate in sports or athletic events and receive compensation in excess of actual expenses for their participation in such event.

~~(4516)~~ "Sports event" or "sporting event" means any professional sport or athletic event, any collegiate sport or athletic event, motor race event, e-sports event, or any other special event authorized by the commission under this article.

~~(4617)~~ "Sports pool" means the business of accepting wagers on any sports event by any system or method of wagering.

~~(4718)~~ "Sports wagering account" means a financial record established by a licensed gaming facility for an individual patron in which the patron may deposit and withdraw funds for sports wagering and other authorized purchases, and to which the licensed gaming facility may credit winnings or other amounts due to that patron or authorized by that patron.

~~(4819)~~ "Sports wagering agreement" means a written agreement between the commission and one or more other governments whereby persons who are physically located in a signatory jurisdiction may participate in sports wagering conducted by one or more operators licensed by the signatory governments.

~~(4920)~~ "Sports wagering fund" means the special fund in the State Treasury created in §29-22D-17 of this code.

(~~2021~~) "Supplier" means a person that requires a supplier license to provide a sports wagering licensee with goods or services to be used in connection with operation of West Virginia Lottery sports wagering.

(~~2422~~) "Wager" means a sum of money or thing of value risked on an uncertain occurrence.

(~~2223~~) "West Virginia Lottery sports wagering" or "sports wagering" means the business of accepting wagers on sporting events, and other events, the individual performance statistics of athletes in a sporting event or other events, or a combination of any of the same by any system or method of wagering approved by the commission including, but not limited to, mobile applications and other digital platforms that utilize communications technology to accept wagers originating within this state. The term includes, but is not limited to, exchange wagering, parlays, over-under, moneyline, pools, and straight bets. The term does not include:

(A) Pari-mutuel betting on the outcome of horse or dog races authorized by §19-23-12a and §19-23-12d of this code;

(B) Lottery games of the West Virginia State Lottery authorized by §29-22-1 *et seq.* of this code;

(C) Racetrack video lottery authorized by §29-22A-1 *et seq.* of this code;

(D) Limited video lottery authorized by §29-22B-1 *et seq.* of this code;

(E) Racetrack table games authorized by §29-22C-1 *et seq.* of this code;

(F) Video lottery and table games authorized by §29-25-1 *et seq.* of this code; and

(G) Daily Fantasy Sports (DFS).

(~~2324~~) "West Virginia Lottery sports wagering license" means authorization granted under this article by the commission to a gaming facility that is already licensed under §29-22A-1 *et seq.* or §29-25-1 *et seq.* of this code, which permits the gaming facility as an agent of the commission to operate West Virginia Lottery sports wagering in one or more designated areas or in one or more buildings owned by the licensed gaming facility on the grounds where video lottery is conducted by the licensee or through any other authorized platform developed by the gaming facility. This term is synonymous with "operator's license".

The bill (Eng. Com. Sub. for H. B. 4826), as amended, was then ordered to third reading.

Eng. House Bill 4829, Modifying definitions of certain school cafeteria personnel.

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

Eng. House Bill 4848, Relating to nonintoxicating beer, wine and liquor licenses.

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

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

Without objection, the Senate returned to the third order of business.

A message from the Clerk of the House of Delegates announced the amendment by that body, passage as amended, to take effect July 1, 2022, and requested the concurrence of the Senate in the House of Delegates amendment, as to

Eng. Senate Bill 531, Increasing annual salaries of certain state employees.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendment to the bill was reported by the Clerk:

On page two, section five, by striking out the language on lines twenty-one through page four, line seventy in its entirety and inserting in lieu thereof the following:

"ANNUAL SALARY SCHEDULE (BASE PAY)

SUPERVISORY AND NONSUPERVISORY RANKS

Cadet During Training	\$ 38,524	<u>\$48,524</u>
Cadet Trooper After Training	45,784	<u>55,784</u>
Trooper Second Year	46,796	<u>56,796</u>
Trooper Third Year	47,179	<u>57,179</u>
Senior Trooper	47,578	<u>57,578</u>
Trooper First Class	48,184	<u>58,184</u>
Corporal	48,790	<u>58,790</u>
Sergeant	53,091	<u>63,091</u>
First Sergeant	55,242	<u>65,242</u>
Second Lieutenant	57,392	<u>67,392</u>
First Lieutenant	59,543	<u>69,543</u>
Captain	61,694	<u>71,694</u>
Major	63,844	<u>73,844</u>
Lieutenant Colonel	65,995	<u>75,995</u>

ANNUAL SALARY SCHEDULE (BASE PAY)

ADMINISTRATION SUPPORT SPECIALIST CLASSIFICATION

I	\$46,796	<u>\$56,796</u>
II	47,578	<u>57,578</u>
III	48,184	<u>58,184</u>
IV	48,790	<u>58,790</u>
V	53,091	<u>63,091</u>
VI	55,242	<u>65,242</u>
VII	57,392	<u>67,392</u>
VIII	59,543	<u>69,543</u>

~~Beginning on July 1, 2024~~ Effective July 1, 2022, designated individuals within the forensic laboratory shall receive annual base salaries payable at least twice per month as follows:

ANNUAL SALARY SCHEDULE (BASE PAY)

EVIDENCE CUSTODIAN

I	\$35,650	<u>\$45,650</u>
II	37,978	<u>47,978</u>
III	41,639	<u>51,639</u>
IV	44,666	<u>54,666</u>

FORENSIC TECHNICIAN

I	\$37,850	<u>\$47,850</u>
II	39,544	<u>49,544</u>
III	43,426	<u>53,426</u>

FORENSIC SCIENTIST

I	\$45,050	<u>\$55,050</u>
II	47,234	<u>57,234</u>
III	49,338	<u>59,338</u>
IV	51,737	<u>61,737</u>
V	55,263	<u>65,263</u>

VI	59,063	<u>69,063</u>
FORENSIC SCIENTIST SUPERVISOR		
I	\$61,762	<u>\$71,762</u>
II	65,326	<u>75,326</u>
III	69,104	<u>79,104</u>
IV	73,108	<u>83,108</u> ".

On motion of Senator Takubo, the Senate concurred in the House of Delegates amendment to the bill.

Engrossed Senate Bill 531, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Lindsay, Maroney, Martin, Maynard, Nelson, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Karnes and Phillips—2.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 531) passed with its title.

Senator Takubo moved that the bill take effect July 1, 2022.

On this question, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Lindsay, Maroney, Martin, Maynard, Nelson, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Karnes and Phillips—2.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 531) takes effect July 1, 2022.

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

A message from the Clerk of the House of Delegates announced the amendment by that body, passage as amended, to take effect from passage, and requested the concurrence of the Senate in the House of Delegates amendment, as to

Eng. Com. Sub. for Senate Bill 250, Budget Bill.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendment to the bill was reported by the Clerk:

On page one after the enacting clause by striking the remainder of the bill and inserting in lieu thereof the following:

TITLE I – GENERAL PROVISIONS.

Section 1. General policy. – The purpose of this bill is to appropriate money necessary for the economical and efficient discharge of the duties and responsibilities of the state and its agencies during the fiscal year 2023.

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 2023" shall mean the period from July 1, 2022, through June 30, 2023.

"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 2023, 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, 2023, 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 2023.

LEGISLATIVE

Fund 0165 FY 2023 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	321,392
Repairs and Alterations (R).....	06400	35,000
Technology Repair and Modernization (R).....	29800	80,000
Expenses of Members (R)	39900	450,000
BRIM Premium (R).....	91300	<u>44,482</u>
Total		\$ 5,952,206

The appropriations for the Senate for the fiscal year 2022 are to remain in full force and effect and are hereby reappropriated to June 30, 2023. Any balances so reappropriated may be transferred and credited to the fiscal year 2022 accounts.

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

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

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

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

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

2 - House of Delegates

Fund 0170 FY 2023 Org 2200

Compensation of Members (R)	00300	\$	3,000,000
Compensation and Per Diem of Officers and Employees (R).....	00500		575,000
Current Expenses and Contingent Fund (R)	02100		4,399,031
Expenses of Members (R)	39900		1,350,000
Capital Outlay, Repairs and Equipment (R).....	58900		500,000
BRIM Premium (R).....	91300		<u>80,000</u>
Total.....		\$	9,904,031

The appropriations for the House of Delegates for the fiscal year 2022 are to remain in full force and effect and are hereby reappropriated to June 30, 2023. Any balances so reappropriated may be transferred and credited to the fiscal year 2022 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 2023 Org 2300

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

The appropriations for the Joint Expenses for the fiscal year 2022 are to remain in full force and effect and are hereby reappropriated to June 30, 2023. Any balances reappropriated may be transferred and credited to the fiscal year 2022 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 2023 Org 2400

Personal Services and Employee Benefits (R).....	00100	\$	124,201,587
Current Expenses (R)	13000		21,063,451

Repairs and Alterations (R).....	06400	40,000
Equipment (R).....	07000	2,482,300
Military Service Members Court (R)	09002	300,000
Judges' Retirement System (R).....	11000	777,000
Buildings (R)	25800	10,000
Other Assets (R)	69000	200,000
BRIM Premium (R).....	91300	<u>834,000</u>
Total.....		\$ 149,908,338

The appropriations to the Supreme Court of Appeals for the fiscal years 2020, 2021 and 2022 are to remain in full force and effect and are hereby reappropriated to June 30, 2023. 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 2023 Org 0100

Personal Services and Employee Benefits.....	00100	\$ 3,332,448
Current Expenses (R)	13000	799,000
Repairs and Alterations.....	06400	25,000
Equipment.....	07000	1,000
National Governors Association	12300	60,700
Herbert Henderson Office of Minority Affairs	13400	396,726
Community Food Program	18500	1,000,000
Office of Resiliency (R)	18600	605,234

BRIM Premium.....	91300	<u>183,645</u>
Total.....		\$ 6,403,753

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 2022 are hereby reappropriated for expenditure during the fiscal year 2023.

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 2023 Org 0100

Personal Services and Employee Benefits.....	00100	\$ 396,421
Current Expenses (R)	13000	182,158
Repairs and Alterations.....	06400	5,000
Equipment.....	07000	<u>1,000</u>
Total.....		\$ 584,579

Any unexpended balance remaining in the appropriation for Current Expenses (fund 0102, appropriation 13000) at the close of the fiscal year 2022 is hereby reappropriated for expenditure during the fiscal year 2023.

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 2023 Org 0100

Milton Flood Wall (R).....	75701	\$ 3,500,000
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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), Local Economic Development Assistance – Surplus (fund 0105, appropriation 26600), Business and Economic Development Stimulus (fund 0105, appropriation 58600), Civil Contingent Fund (fund 0105, appropriation 61400), Milton Flood Wall (fund 0105, appropriation 75701), Milton Flood Wall – Surplus (fund 0105, appropriation 75799), Natural Disasters – Surplus (fund 0105, appropriation 76400), and Local Economic Development Assistance (fund 0105, appropriation 81900) at the close of the fiscal year 2022 are hereby reappropriated for expenditure during the fiscal year 2023.

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 2023 Org 1200

Personal Services and Employee Benefits.....	00100	\$	2,461,609
Current Expenses (R)	13000		13,429
BRIM Premium.....	91300		<u>12,077</u>
Total.....		\$	2,487,115

Any unexpended balance remaining in the appropriation for Current Expenses (fund 0116, appropriation 13000) at the close of the fiscal year 2022 is hereby reappropriated for expenditure during the fiscal year 2023.

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 2023 Org 1300

Personal Services and Employee Benefits.....	00100	\$	2,649,270
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		\$ 3,514,380

Any unexpended balance remaining in the appropriation for Current Expenses (fund 0126, appropriation 13000) at the close of the fiscal year 2022 is hereby reappropriated for expenditure during the fiscal year 2023.

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 2023 Org 1400

Personal Services and Employee Benefits.....	00100	\$ 6,559,737
Current Expenses (R)	13000	848,115
Animal Identification Program	03900	134,060
State Farm Museum.....	05500	87,759
Gypsy Moth Program (R)	11900	1,051,759
WV Farmers Market.....	12801	150,467
Black Fly Control.....	13700	456,724
HEMP Program.....	13701	363,162
Donated Foods Program.....	36300	45,000
Veterans to Agriculture Program (R)	36301	262,432
Predator Control (R).....	47000	176,400
Bee Research	69100	72,752
Microbiology Program	78500	102,854
Moorefield Agriculture Center.....	78600	1,017,582
Chesapeake Bay Watershed.....	83000	115,453
Livestock Care Standards Board.....	84300	8,820

BRIM Premium.....	91300	138,905
State FFA-FHA Camp and Conference Center	94101	756,707
Threat Preparedness	94200	75,618
WV Food Banks	96900	426,000
Senior's Farmers' Market Nutrition Coupon Program	97000	<u>55,835</u>
Total.....		\$ 12,906,141

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 2022 are hereby reappropriated for expenditure during the fiscal year 2023.

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 2023 Org 1400

Personal Services and Employee Benefits.....	00100	\$ 836,549
Unclassified	09900	77,059
Current Expenses (R)	13000	317,848
Soil Conservation Projects (R)	12000	9,962,895
BRIM Premium.....	91300	<u>34,428</u>
Total.....		\$ 11,228,779

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 2022 are hereby reappropriated for expenditure during the fiscal year 2023.

12 - Department of Agriculture –

Meat Inspection Fund

(WV Code Chapter 19)

Fund 0135 FY 2023 Org 1400

Personal Services and Employee Benefits.....	00100	\$	695,260
Unclassified	09900		7,090
Current Expenses	13000		<u>82,605</u>
Total		\$	784,955

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 2023 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 2023 Org 1400

Personal Services and Employee Benefits.....	00100	\$	102,573
Unclassified	09900		<u>950</u>
Total		\$	103,523

15 - Attorney General

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

Fund 0150 FY 2023 Org 1500

Personal Services and Employee Benefits (R).....	00100	\$	3,114,386
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		970,283
Better Government Bureau	74000		283,648
BRIM Premium.....	91300		<u>120,654</u>
Total		\$	5,203,194

Any unexpended balances remaining in the appropriations for Personal Services and Employee Benefits (fund 0150, appropriation 00100), Unclassified (fund 0150, appropriation 09900), Current Expenses (fund 0150, appropriation 13000), Criminal Convictions and Habeas Corpus Appeals (fund 0150, appropriation 26000), and Agency Client Revolving Liquidity Pool (fund 0150, appropriation 36200) at the close of the fiscal year 2022 are hereby reappropriated for expenditure during the fiscal year 2023.

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 2023 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 2022 are hereby reappropriated for expenditure during the fiscal year 2023.

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 2023 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 2023 Org 0201

Personal Services and Employee Benefits.....	00100	\$ 452,199
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.....		\$ 15,603,867

Any unexpended balance remaining in the appropriation for Financial Advisor (fund 0186, appropriation 30400) at the close of the fiscal year 2022 is hereby reappropriated for expenditure during the fiscal year 2023.

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 2023 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 2023 Org 0209

Personal Services and Employee Benefits.....	00100	\$ 65,453
Unclassified	09900	1,400
Current Expenses	13000	53,563
GAAP Project (R).....	12500	632,332
BRIM Premium.....	91300	<u>20,675</u>
Total.....		\$ 773,423

Any unexpended balance remaining in the appropriation for GAAP Project (fund 0203, appropriation 12500) at the close of the fiscal year 2022 is hereby reappropriated for expenditure during the fiscal year 2023.

21 - Division of General Services

(WV Code Chapter 5A)

Fund 0230 FY 2023 Org 0211

Personal Services and Employee Benefits.....	00100	\$	2,860,163
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		\$	27,906,883

Any unexpended balance remaining in the appropriation for Capital Outlay, Repairs and Equipment (fund 0230, appropriation 58900) at the close of the fiscal year 2022 is hereby reappropriated for expenditure during the fiscal year 2023.

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 2023 Org 0213

Personal Services and Employee Benefits.....	00100	\$	1,072,747
Unclassified	09900		144
Current Expenses	13000		1,285

Repairs and Alterations.....	06400		200
BRIM Premium.....	91300		<u>6,922</u>
Total.....		\$	1,081,298

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 2023 Org 0215

Personal Services and Employee Benefits.....	00100	\$	823,542
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.....		\$	1,282,021

Any unexpended balance remaining in the appropriation for Buildings (fund 0615, appropriation 25800) at the close of the fiscal year 2022 is hereby reappropriated for expenditure during the fiscal year 2023.

24 - Commission on Uniform State Laws

(WV Code Chapter 29)

Fund 0214 FY 2023 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 2023 Org 0219

Personal Services and Employee Benefits.....	00100	\$	999,883
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Unclassified	09900	1,000
Current Expenses	13000	145,295
Equipment.....	07000	50
BRIM Premium.....	91300	<u>8,740</u>
Total		\$ 1,154,968

26 - Ethics Commission

(WV Code Chapter 6B)

Fund 0223 FY 2023 Org 0220

Personal Services and Employee Benefits.....	00100	\$ 624,669
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		\$ 737,544

27 - Public Defender Services

(WV Code Chapter 29)

Fund 0226 FY 2023 Org 0221

Personal Services and Employee Benefits.....	00100	\$ 1,859,148
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	22,155,232
Appointed Counsel Fees (R).....	78800	12,691,113
BRIM Premium.....	91300	<u>10,575</u>
Total		\$ 37,181,108

Any unexpended balance remaining in the appropriation for Appointed Counsel Fees (fund 0226, appropriation 78800) at the close of the fiscal year 2022 is hereby reappropriated for expenditure during the fiscal year 2023.

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 2023 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 2023 Org 0225

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

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

30 - West Virginia Prosecuting Attorneys Institute

(WV Code Chapter 7)

Fund 0557 FY 2023 Org 0228

Forensic Medical Examinations (R).....	68300	\$	143,697
Federal Funds/Grant Match (R)	74900		<u>109,007</u>

Total		\$	252,704
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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 2022 are hereby reappropriated for expenditure during the fiscal year 2023.

31 - Real Estate Division

(WV Code Chapter 5A)

Fund 0610 FY 2023 Org 0233

Personal Services and Employee Benefits.....	00100	\$	704,366
Unclassified	09900		124
Current Expenses	13000		137,381
Repairs and Alterations.....	06400		100
Equipment.....	07000		2,500
BRIM Premium.....	91300		<u>9,784</u>
Total.....		\$	854,255

DEPARTMENT OF COMMERCE

32 - Division of Forestry

(WV Code Chapter 19)

Fund 0250 FY 2023 Org 0305

Personal Services and Employee Benefits.....	00100	\$	4,798,258
Salary and Benefits of Cabinet Secretary and Agency Heads.....	00201		111,674
Unclassified	09900		21,435
Current Expenses	13000		558,024
Repairs and Alterations.....	06400		80,000
BRIM Premium.....	91300		<u>98,754</u>
Total.....		\$	5,668,145

Any unexpended balance remaining in the appropriation for Equipment (fund 0250, appropriation 07000) at the close of the fiscal year 2022 is hereby reappropriated for expenditure during the fiscal year 2023.

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 2023 Org 0306

Personal Services and Employee Benefits.....	00100	\$	1,645,283
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		1,117,464
BRIM Premium.....	91300		<u>24,486</u>
Total		\$	2,980,156

Any unexpended balance remaining in the appropriation for Mineral Mapping System (fund 0253, appropriation 20700) at the close of the fiscal year 2022 is hereby reappropriated for expenditure during the fiscal year 2023.

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 2023 Org 0308

Personal Services and Employee Benefits.....	00100	\$	1,606,616
Current Expenses	13000		227,000
Repairs and Alterations.....	06400		28,000
Equipment.....	07000		15,000
BRIM Premium.....	91300		<u>8,500</u>
Total		\$	1,885,116

35 - Division of Natural Resources

(WV Code Chapter 20)

Fund 0265 FY 2023 Org 0310

Personal Services and Employee Benefits.....	00100	\$	17,724,945
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		151,662
Upper Mud River Flood Control.....	65400		166,304
Other Assets	69000		100
Land (R).....	73000		100
Law Enforcement	80600		2,628,555
BRIM Premium.....	91300		<u>45,141</u>
Total.....		\$	24,211,308

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 2022 are hereby reappropriated for expenditure during the fiscal year 2023.

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 2023 Org 0314

Personal Services and Employee Benefits.....	00100	\$	9,662,673
Unclassified	09900		111,016
Current Expenses	13000		1,396,141
Coal Dust and Rock Dust Sampling	27000		493,803
BRIM Premium.....	91300		<u>80,668</u>
Total.....		\$	11,744,301

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 2023 Org 0319

Personal Services and Employee Benefits.....	00100	\$	240,032
Unclassified	09900		3,480
Current Expenses	13000		<u>118,138</u>
Total.....		\$	361,650

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 2023 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 2023 Org 0327

Personal Services and Employee Benefits.....	00100	\$	1,313,774
Salary and Benefits of Cabinet Secretary and Agency Heads.....	00201		153,750
Unclassified	09900		1,490
Current Expenses	13000		<u>353,147</u>
Total.....		\$	1,822,161

40 - State Board of Rehabilitation –

Division of Rehabilitation Services

(WV Code Chapter 18)

Fund 0310 FY 2023 Org 0932

Personal Services and Employee Benefits.....	00100	\$	11,913,813
Current Expenses	13000		558,815
Independent Living Services	00900		429,418
Workshop Development.....	16300		1,817,427
Supported Employment Extended Services	20600		77,960
Ron Yost Personal Assistance Fund.....	40700		333,828
Employment Attendant Care Program.....	59800		131,575
BRIM Premium.....	91300		<u>77,464</u>
Total.....		\$	15,340,300

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

DEPARTMENT OF TOURISM

41 - Department of Tourism –

Office of the Secretary

(WV Code Chapter 5B)

Fund 0246 FY 2023 Org 0304

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

Any unexpended balances remaining in the appropriations for Tourism – Development Opportunity Fund (fund 0245, appropriation 11601), Tourism – Brand Promotion (fund 0246, appropriation 61803), Tourism – Public Relations (fund 0246, appropriation 61804), Tourism – Events and Sponsorships (fund 0246, appropriation 61805), Tourism – Industry Development (fund 0246, appropriation 61806), and State Parks and Recreation Advertising (fund 0246, appropriation 61900) at the close of the fiscal year 2022 are hereby reappropriated for expenditure during the fiscal year 2023.

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 2023 Org 0307

Personal Services and Employee Benefits.....	00100	\$	4,712,222
Unclassified	09900		108,055
Current Expenses	13000		4,715,464
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		982,630
Mainstreet Program	79400		170,493
BRIM Premium.....	91300		3,157
Hatfield McCoy Recreational Trail	96000		<u>198,415</u>

Total \$ 12,534,591

Any unexpended balances remaining in the appropriations for Unclassified – Surplus (fund 0256, appropriation 09700), Partnership Grants (fund 0256, appropriation 13100), Local Economic Development Partnerships (fund 0256, appropriation 13300), Global Economic Development Partnership (fund 0256, appropriation 20201), and Guaranteed Work Force Grant (fund 0256, appropriation 24200) at the close of the fiscal year 2022 are hereby reappropriated for expenditure during the fiscal year 2023.

From the above appropriation for Current Expenses (fund 0256, appropriation 13000), \$50,000 shall be used for the Western Potomac Economic Partnership \$100,000 shall be used for Advantage Valley, \$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.

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 \$30,000 per county served by an economic development or redevelopment corporation or authority.

DEPARTMENT OF EDUCATION

43 - State Board of Education –

School Lunch Program

(WV Code Chapters 18 and 18A)

Fund 0303 FY 2023 Org 0402

Personal Services and Employee Benefits.....	00100	\$	360,144
Current Expenses	13000		<u>2,118,865</u>
Total		\$	2,479,009

44 - State Board of Education –

State Department of Education

(WV Code Chapters 18 and 18A)

Fund 0313 FY 2023 Org 0402

Personal Services and Employee Benefits.....	00100	\$	4,719,032
Unclassified (R).....	09900		420,000

Current Expenses (R)	13000	4,580,000
Teachers' Retirement Savings Realized.....	09500	56,337,000
Center for Professional Development (R).....	11500	150,000
Increased Enrollment	14000	3,260,000
Safe Schools.....	14300	4,530,281
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
Technology Repair and Modernization.....	29800	951,003
HVAC Technicians	35500	529,650
Early Retirement Notification Incentive.....	36600	300,000
MATH Program	36800	336,532
Assessment Programs (R)	39600	3,909,374
Benedum Professional Development Collaborative (R).....	42700	429,775
Governor's Honors Academy (R)	47800	1,059,270
21st Century Fellows.....	50700	274,899
English as a Second Language.....	52800	96,000
Teacher Reimbursement.....	57300	297,188
Hospitality Training	60000	275,498
Youth in Government	61600	100,000
High Acuity Special Needs (R).....	63400	1,500,000
Foreign Student Education.....	63600	100,899
State Board of Education Administrative Costs	68400	280,429
IT Academy (R).....	72100	500,000
Early Literacy Program.....	75600	5,711,675
School Based Truancy Prevention (R)	78101	2,047,366

Communities in Schools (R).....	78103	4,903,026
Mastery Based Education	78104	125,000
Mountain State Digital Literacy Program	86401	415,500
21st Century Learners (R).....	88600	1,790,508
BRIM Premium.....	91300	342,859
21st Century Assessment and Professional Development	93100	2,009,701
21st Century Technology Infrastructure Network Tools and Support (R)	93300	9,764,417
Special Olympic Games.....	96600	25,000
Educational Program Allowance	99600	<u>516,250</u>
Total		\$ 119,944,849

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 2022 are hereby reappropriated for expenditure during the fiscal year 2023.

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.

45 - State Board of Education –

Aid for Exceptional Children

(WV Code Chapters 18 and 18A)

Fund 0314 FY 2023 Org 0402

Special Education – Counties	15900	\$	7,271,757
Special Education – Institutions	16000		4,078,883
Education of Juveniles Held in Predispositional Juvenile Detention Centers.....	30200		683,479
Education of Institutionalized Juveniles and Adults (R)	47200		<u>21,195,471</u>
Total		\$	33,229,590

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 2022 is hereby reappropriated for expenditure during the fiscal year 2023.

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

46 - State Board of Education –

State Aid to Schools

(WV Code Chapters 18 and 18A)

Fund 0317 FY 2023 Org 0402

Other Current Expenses	02200	\$	159,503,818
Advanced Placement	05300		594,563
Professional Educators	15100		904,942,470
Service Personnel.....	15200		303,757,447
Fixed Charges.....	15300		105,298,651
Transportation.....	15400		65,257,311

Improved Instructional Programs	15600	51,974,496
Professional Student Support Services	65500	61,488,888
21st Century Strategic Technology Learning Growth	93600	26,443,757
Teacher and Leader Induction	93601	<u>5,478,876</u>
Basic Foundation Allowances		1,684,740,277
Less Local Share		(473,697,218)
Adjustments		<u>(2,397,711)</u>
Total Basic State Aid.....		1,208,645,348
Public Employees' Insurance Matching.....	01200	214,702,113
Teachers' Retirement System	01900	73,032,069
School Building Authority (R)	45300	24,000,000
Retirement Systems – Unfunded Liability.....	77500	<u>301,401,000</u>
Total		\$ 1,821,780,530

Any unexpended balances remaining in the appropriations for School Building Authority (fund 0317, appropriation 45300) at the close of the fiscal year 2022 are hereby reappropriated for expenditure during the fiscal year 2023.

The above appropriation for School Building Authority (fund 0317, appropriation 45300) shall be transferred to the School Construction Fund (fund 3952).

47 - State Board of Education –

Vocational Division

(WV Code Chapters 18 and 18A)

Fund 0390 FY 2023 Org 0402

Personal Services and Employee Benefits.....	00100	\$ 1,376,322
Unclassified	09900	268,800
Current Expenses	13000	883,106
Wood Products – Forestry Vocational Program.....	14600	82,713
Albert Yanni Vocational Program	14700	132,123
Vocational Aid.....	14800	24,516,692

Adult Basic Education	14900	5,460,891
Jobs & Hope	14902	3,478,337
Program Modernization.....	30500	884,313
High School Equivalency Diploma Testing (R)	72600	807,935
FFA Grant Awards	83900	11,496
Pre-Engineering Academy Program.....	84000	<u>265,294</u>
Total.....		\$ 38,168,022

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 2022 are hereby reappropriated for expenditure during the fiscal year 2023.

48 - State Board of Education –

West Virginia Schools for the Deaf and the Blind

(WV Code Chapters 18 and 18A)

Fund 0320 FY 2023 Org 0403

Personal Services and Employee Benefits.....	00100	\$ 10,573,588
Unclassified (R).....	09900	110,000
Current Expenses (R)	13000	2,250,696
Repairs and Alterations.....	06400	164,675
Equipment.....	07000	77,000
Buildings (R)	25800	45,000
Capital Outlay and Maintenance (R)	75500	1,670,000
BRIM Premium.....	91300	<u>130,842</u>
Total.....		\$ 15,021,801

Any unexpended balances remaining in the appropriations for Unclassified (fund 0320, appropriation 09900), Current Expenses (fund 0320, appropriation 13000), Buildings (fund 0320, appropriation 25800) and Capital Outlay and Maintenance (fund 0320, appropriation 75500) at the close of the fiscal year 2022 are hereby reappropriated for expenditure during the fiscal year 2023.

DEPARTMENT OF ARTS, CULTURE, AND HISTORY

49 - Division of Culture and History

(WV Code Chapter 29)

Fund 0293 FY 2023 Org 0432

Personal Services and Employee Benefits.....	00100	\$	3,513,485
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.....		\$	5,445,479

Any unexpended balances remaining in the appropriations for Unclassified (fund 0293, appropriation 09900), WV Women's Suffragist Memorial (fund 0293, appropriation 22101), 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 2022 are hereby reappropriated for expenditure during the fiscal year 2023.

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.

50 - Library Commission

(WV Code Chapter 10)

Fund 0296 FY 2023 Org 0433

Personal Services and Employee Benefits.....	00100	\$	1,119,022
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.....		\$	1,557,068

51 - Educational Broadcasting Authority

(WV Code Chapter 10)

Fund 0300 FY 2023 Org 0439

Personal Services and Employee Benefits.....	00100	\$	3,274,206
Salary and Benefits of Cabinet Secretary and Agency Heads.....	00201		120,106
Current Expenses.....	13000		113,844
Mountain Stage.....	24900		300,000
Capital Outlay and Maintenance (R).....	75500		49,250
BRIM Premium.....	91300		<u>47,727</u>
Total.....		\$	3,905,133

Any unexpended balance remaining in the appropriation for Capital Outlay and Maintenance (fund 0300, appropriation 75500) at the close of the fiscal year 2022 is hereby reappropriated for expenditure during the fiscal year 2023.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

52 - Environmental Quality Board

(WV Code Chapter 20)

Fund 0270 FY 2023 Org 0311

Personal Services and Employee Benefits.....	00100	\$	88,590
Current Expenses	13000		28,453
Repairs and Alterations.....	06400		800
Equipment.....	07000		500
Other Assets	69000		400
BRIM Premium.....	91300		<u>791</u>
Total		\$	119,534

53 - Division of Environmental Protection

(WV Code Chapter 22)

Fund 0273 FY 2023 Org 0313

Personal Services and Employee Benefits.....	00100	\$	4,144,818
Salary and Benefits of Cabinet Secretary and Agency Heads.....	00201		168,000
Current Expenses	13000		85,816
Water Resources Protection and Management.....	06800		583,086
Dam Safety	60700		245,842
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>1,040,868</u>
Total		\$	6,586,199

54 - Air Quality Board

(WV Code Chapter 16)

Fund 0550 FY 2023 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

55 - Department of Health and Human Resources –

Office of the Secretary

(WV Code Chapter 5F)

Fund 0400 FY 2023 Org 0501

Personal Services and Employee Benefits.....	00100	\$	387,664
Unclassified	09900		6,459
Current Expenses	13000		50,613
Commission for the Deaf and Hard of Hearing.....	70400		<u>228,560</u>
Total		\$	673,296

56 - Division of Health –

Central Office

(WV Code Chapter 16)

Fund 0407 FY 2023 Org 0506

Personal Services and Employee Benefits.....	00100	\$	13,051,133
Unclassified	09900		671,795
Current Expenses	13000		5,388,459
Chief Medical Examiner (R)	04500		8,887,105
State Aid for Local and Basic Public Health Services.....	18400		15,672,592

Safe Drinking Water Program (R).....	18700	1,915,528
Women, Infants and Children.....	21000	38,621
Early Intervention	22300	8,134,060
Cancer Registry	22500	211,359
Office of Drug Control Policy (R).....	35401	554,230
Statewide EMS Program Support (R).....	38300	1,711,912
Office of Medical Cannabis (R)	42001	1,487,219
Black Lung Clinics.....	46700	170,885
Vaccine for Children.....	55100	341,261
Tuberculosis Control	55300	335,307
Maternal and Child Health Clinics, Clinicians Medical Contracts and Fees (R).....	57500	5,905,414
Epidemiology Support.....	62600	1,530,473
Primary Care Support	62800	1,233,045
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	898,169
Maternal Mortality Review	83400	50,841
Diabetes Education and Prevention	87300	97,125
BRIM Premium.....	91300	169,791
State Trauma and Emergency Care System	91800	1,936,450
WVU Charleston Poison Control Hotline	94400	<u>712,942</u>
Total.....		\$ 76,225,716

Any unexpended balances remaining in the appropriations for Chief Medical Examiner (fund 0407, appropriation 04500), Safe Drinking Water Program (fund 0407, appropriation 18700), Office of Drug Control Policy (fund 0407, appropriation 35401), Office of Drug Control Policy – Surplus (fund 0407, appropriation 35402), Statewide EMS Program Support (fund 0407, appropriation 38300), Office of Medical Cannabis (fund 0407, appropriation 42001), Medical

Cannabis Surplus (fund 0407, appropriation 42099), Maternal and Child Health Clinics, Clinicians and Medical Contracts and Fees (fund 0407, appropriation 57500), Capital Outlay and Maintenance (fund 0407, appropriation 75500), Emergency Response Entities – Special Projects (fund 0407, appropriation 82200), and Tobacco Education Program (fund 0407, appropriation 90600) at the close of the fiscal year 2022 are hereby reappropriated for expenditure during the fiscal year 2023.

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.

57 - Consolidated Medical Services Fund

(WV Code Chapter 16)

Fund 0525 FY 2023 Org 0506

Personal Services and Employee Benefits.....	00100	\$	1,693,100
Current Expenses	13000		14,113
Behavioral Health Program (R)	21900		70,186,648
Institutional Facilities Operations (R).....	33500		150,992,263
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		\$	226,972,222

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 2022 are hereby reappropriated for expenditure during the fiscal year 2023.

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 2023, organization 0506, for the operation of the institutional facilities. The secretary of the Department of Health and Human Resources is authorized to utilize up to ten percent of the funds from the Institutional Facilities Operations appropriation to facilitate cost effective and cost saving services at the community level.

58 - Division of Health –

West Virginia Drinking Water Treatment

(WV Code Chapter 16)

Fund 0561 FY 2023 Org 0506

West Virginia Drinking Water Treatment

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

59 - Human Rights Commission

(WV Code Chapter 5)

Fund 0416 FY 2023 Org 0510

Personal Services and Employee Benefits.....	00100	\$	1,003,911
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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		\$ 1,462,003

60 - Division of Human Services

(WV Code Chapters 9, 48, and 49)

Fund 0403 FY 2023 Org 0511

Personal Services and Employee Benefits.....	00100	\$ 56,055,526
Salary and Benefits of Cabinet Secretary and Agency Heads	00201	45,531
Unclassified	09900	5,688,944
Current Expenses	13000	13,050,824
Child Care Development	14400	3,118,451
Medical Services.....	18900	308,117,213
Social Services	19500	226,056,151
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	60,164
I/DD Waiver	46600	108,541,736
Child Protective Services Case Workers	46800	32,251,148
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	6,711,478
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	43,681,857
Traumatic Brain Injury Waiver	83500	800,000
Indigent Burials (R)	85100	1,550,000
CHIP Administrative Costs	85601	701,815
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>7,217,367</u>
Total.....		\$ 883,584,310

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 2022 are hereby reappropriated for expenditure during the fiscal year 2023.

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

61 - Department of Homeland Security –

Office of the Secretary

(WV Code Chapter 5F)

Fund 0430 FY 2023 Org 0601

Personal Services and Employee Benefits.....	00100	\$	780,510
Salary and Benefits of Cabinet Secretary and Agency Heads.....	00201		168,000
Unclassified (R).....	09900		30,000
Current Expenses	13000		91,636
Repairs and Alterations.....	06400		500
Equipment.....	07000		500
Fusion Center (R)	46900		2,739,870
Other Assets	69000		500

Directed Transfer	70000	32,000
BRIM Premium.....	91300	22,563
WV Fire and EMS Survivor Benefit (R)	93900	<u>200,000</u>
Total		\$ 4,066,079

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 2022 are hereby reappropriated for expenditure during the fiscal year 2023.

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

62 - Division of Emergency Management

(WV Code Chapter 15)

Fund 0443 FY 2023 Org 0606

Personal Services and Employee Benefits.....	00100	\$ 2,177,053
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	1,449,990
Mine and Industrial Accident Rapid Response Call Center	78100	489,577
Early Warning Flood System (R).....	87700	1,290,499
BRIM Premium.....	91300	<u>96,529</u>
Total		\$ 6,254,637

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 2022 are hereby reappropriated for expenditure during the fiscal year 2023.

63 - Division of Corrections and Rehabilitation –

West Virginia Parole Board

(WV Code Chapter 62)

Fund 0440 FY 2023 Org 0608

Personal Services and Employee Benefits.....	00100	\$	310,869
Unclassified	09900		10,000
Current Expenses	13000		334,440
Salaries of Members of West Virginia Parole Board.....	22700		734,286
BRIM Premium.....	91300		<u>6,149</u>
Total		\$	1,395,744

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.

64 - Division of Corrections and Rehabilitation –

Central Office

(WV Code Chapter 15A)

Fund 0446 FY 2023 Org 0608

Personal Services and Employee Benefits.....	00100	\$	250,577
Salary and Benefits of Cabinet Secretary and Agency Heads	00201		126,000
Current Expenses	13000		<u>2,400</u>
Total		\$	378,977

65 - Division of Corrections and Rehabilitation –

Correctional Units

(WV Code Chapter 15A)

Fund 0450 FY 2023 Org 0608

Employee Benefits	01000	\$	1,258,136
Unclassified	09900		1,578,800
Current Expenses (R)	13000		57,690,483
Children's Protection Act (R)	09000		838,437
Facilities Planning and Administration (R)	38600		1,274,200
Charleston Correctional Center	45600		3,530,502
Beckley Correctional Center	49000		2,633,846
Anthony Correctional Center	50400		6,281,339
Huttonsville Correctional Center	51400		19,975,709
Northern Correctional Center	53400		8,154,113
Inmate Medical Expenses (R)	53500		62,226,064
Pruntytown Correctional Center	54300		8,946,953
Corrections Academy	56900		1,983,466
Information Technology Services	59901		2,759,052
Martinsburg Correctional Center	66300		4,482,115
Parole Services	68600		6,023,661
Special Services	68700		5,894,456
Investigative Services	71600		3,502,991
Capital Outlay and Maintenance (R)	75500		2,000,000
Salem Correctional Center	77400		11,678,166
McDowell County Correctional Center	79000		2,542,590
Stevens Correctional Center	79100		7,863,195
Parkersburg Correctional Center	82800		6,418,300
St. Mary's Correctional Center	88100		15,081,470
Denmar Correctional Center	88200		5,367,552
Ohio County Correctional Center	88300		2,211,029

Mt. Olive Correctional Complex.....	88800	23,032,441
Lakin Correctional Center	89600	11,141,496
BRIM Premium.....	91300	<u>2,527,657</u>
Total		\$ 288,898,219

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 2022 are hereby reappropriated for expenditure during the fiscal year 2023.

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).

66 - Division of Corrections and Rehabilitation –

Bureau of Juvenile Services

(WV Code Chapter 15A)

Fund 0570 FY 2023 Org 0608

Statewide Reporting Centers	26200	\$ 6,991,498
Robert L. Shell Juvenile Center.....	26700	2,649,168
Resident Medical Expenses (R).....	53501	3,604,999
Central Office	70100	1,779,854
Capital Outlay and Maintenance (R)	75500	250,000
Gene Spadaro Juvenile Center	79300	2,789,569
BRIM Premium.....	91300	115,967
Kenneth Honey Rubenstein Juvenile Center (R).....	98000	5,941,605

Vicki Douglas Juvenile Center.....	98100	2,471,185
Northern Regional Juvenile Center	98200	2,876,302
Lorrie Yeager Jr. Juvenile Center.....	98300	2,537,852
Sam Perdue Juvenile Center	98400	2,741,571
Tiger Morton Center.....	98500	2,754,083
Donald R. Kuhn Juvenile Center	98600	5,287,575
J.M. "Chick" Buckbee Juvenile Center	98700	<u>2,615,359</u>
Total.....		\$ 45,406,587

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 2022 are hereby reappropriated for expenditure during the fiscal year 2023.

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).

67 - West Virginia State Police

(WV Code Chapter 15)

Fund 0453 FY 2023 Org 0612

Personal Services and Employee Benefits.....	00100	\$ 73,886,203
Salary and Benefits of Cabinet Secretary and Agency Heads	00201	139,300
Children's Protection Act.....	09000	1,040,805
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	6,812,749

Handgun Administration Expense	74700	80,918
Capital Outlay and Maintenance (R)	75500	250,000
Retirement Systems – Unfunded Liability.....	77500	35,000
Automated Fingerprint Identification System	89800	2,229,846
BRIM Premium.....	91300	<u>5,743,921</u>
Total.....		\$ 105,570,357

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 2022 are hereby reappropriated for expenditure during the fiscal year 2023.

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.

68 - Fire Commission

(WV Code Chapter 29)

Fund 0436 FY 2023 Org 0619

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

(WV Code Chapter 5F)

Fund 0585 FY 2023 Org 0622

Personal Services and Employee Benefits.....	00100	\$ 3,186,789
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.....		\$ 3,737,034

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 2022 are hereby reappropriated for expenditure during the fiscal year 2023.

70 - *Division of Justice and Community Services*

(WV Code Chapter 15A)

Fund 0546 FY 2023 Org 0623

Personal Services and Employee Benefits.....	00100	\$	591,795
Current Expenses (R)	13000		233,360
Repairs and Alterations.....	06400		1,804
Child Advocacy Centers (R).....	45800		2,209,526
Community Corrections (R).....	56100		4,599,155
Statistical Analysis Program.....	59700		50,122
Sexual Assault Forensic Examination Commission (R).....	71400		79,340
Qualitative Analysis and Training for Youth Services (R)	76200		136,732
Law Enforcement Professional Standards.....	83800		170,172
Justice Reinvestment Initiative (R).....	89501		2,333,795
BRIM Premium.....	91300		<u>2,123</u>
Total.....		\$	10,407,924

Any unexpended balances remaining in the appropriations for Current Expenses (fund 0546, appropriation 13000), 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 2022 are hereby reappropriated for expenditure during the fiscal year 2023.

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.

71 - *Division of Administrative Services*

(WV Code Chapter 15A)

Fund 0619 FY 2023 Org 0623

Personal Services and Employee Benefits.....	00100	\$	5,155,206
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Unclassified	09900	5,000
Current Expenses	13000	<u>600,000</u>
Total.....		\$ 5,760,206

DEPARTMENT OF REVENUE*72 - Office of the Secretary*

(WV Code Chapter 11)

Fund 0465 FY 2023 Org 0701

Personal Services and Employee Benefits.....	00100	\$ 364,034
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.....		\$ 623,827

Any unexpended balance remaining in the appropriation for Unclassified – Total (fund 0465, appropriation 09600) at the close of the fiscal year 2022 is hereby reappropriated for expenditure during the fiscal year 2023.

73 - Tax Division

(WV Code Chapter 11)

Fund 0470 FY 2023 Org 0702

Personal Services and Employee Benefits (R).....	00100	\$ 19,043,378
Salary and Benefits of Cabinet Secretary and Agency Heads.....	00201	147,000
Unclassified (R).....	09900	174,578
Current Expenses (R)	13000	6,904,635
Repairs and Alterations.....	06400	10,150

Equipment.....	07000	54,850
Tax Technology Upgrade.....	09400	3,700,000
Multi State Tax Commission.....	65300	77,958
Other Assets.....	69000	10,000
BRIM Premium.....	91300	<u>15,579</u>
Total.....		\$ 30,138,128

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 2022 are hereby reappropriated for expenditure during the fiscal year 2023.

74 - State Budget Office

(WV Code Chapter 11B)

Fund 0595 FY 2023 Org 0703

Personal Services and Employee Benefits.....	00100	\$ 819,147
Unclassified (R).....	09900	9,200
Current Expenses (R).....	13000	<u>119,449</u>
Total.....		\$ 947,796

Any unexpended balances remaining in the appropriations for Unclassified (fund 0595, appropriation 09900) and Current Expenses (fund 0595, appropriation 13000) at the close of the fiscal year 2022 are hereby reappropriated for expenditure during the fiscal year 2023.

75 - West Virginia Office of Tax Appeals

(WV Code Chapter 11)

Fund 0593 FY 2023 Org 0709

Personal Services and Employee Benefits.....	00100	\$ 935,715
Unclassified.....	09900	5,255
Current Expenses (R).....	13000	229,374
BRIM Premium.....	91300	<u>3,062</u>
Total.....		\$ 1,173,406

Any unexpended balance remaining in the appropriation for Current Expenses (fund 0593, appropriation 13000) at the close of the fiscal year 2022 is hereby reappropriated for expenditure during the fiscal year 2023.

76 - Division of Professional and Occupational Licenses –

State Athletic Commission

(WV Code Chapter 29)

Fund 0523 FY 2023 Org 0933

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

DEPARTMENT OF TRANSPORTATION

77 - State Rail Authority

(WV Code Chapter 29)

Fund 0506 FY 2023 Org 0804

Personal Services and Employee Benefits.....	00100	\$	370,704
Current Expenses	13000		287,707
Other Assets (R)	69000		1,270,019
BRIM Premium.....	91300		<u>201,541</u>
Total		\$	2,129,971

Any unexpended balance remaining in the appropriation for Other Assets (fund 0506, appropriation 69000) at the close of the fiscal year 2022 is hereby reappropriated for expenditure during the fiscal year 2023.

78 - Division of Public Transit

(WV Code Chapter 17)

Fund 0510 FY 2023 Org 0805

Equipment (R).....	07000	\$	100,000
Current Expenses (R)	13000		2,012,989
Buildings (R)	25800		100,000

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 2022 are hereby reappropriated for expenditure during the fiscal year 2023.

79 - Aeronautics Commission

(WV Code Chapter 29)

Fund 0582 FY 2023 Org 0807

Personal Services and Employee Benefits	00100	\$ 229,791
Current Expenses (R)	13000	591,839
Repairs and Alterations	06400	100
BRIM Premium	91300	<u>4,438</u>
Total		\$ 826,168

Any unexpended balance remaining in the appropriation for Current Expenses (fund 0582, appropriation 13000) at the close of the fiscal year 2022 is hereby reappropriated for expenditure during the fiscal year 2023.

DEPARTMENT OF VETERANS' ASSISTANCE

80 - Department of Veterans' Assistance

(WV Code Chapter 9A)

Fund 0456 FY 2023 Org 0613

Personal Services and Employee Benefits	00100	\$ 2,212,090
Salary and Benefits of Cabinet Secretary and Agency Heads	00201	110,880
Unclassified	09900	20,000
Current Expenses	13000	245,335
Repairs and Alterations	06400	5,000
Veterans' Field Offices	22800	405,550
Veterans' Nursing Home (R)	28600	7,103,125

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	402,074
BRIM Premium.....	91300	<u>50,000</u>
Total		\$ 11,166,069

Any unexpended balances remaining in the appropriations for Buildings – Surplus (fund 0456, appropriation 25899), Veterans' Nursing Home (fund 0456, appropriation 28600), Veterans' Reeducation Assistance (fund 0456, appropriation 32900), Veterans' Grant Program (fund 0456, appropriation 34200), Veterans' Bonus – Surplus (fund 0456, appropriation 34400), and Educational Opportunities for Children of Deceased Veterans (fund 0456, appropriation 85400) at the close of the fiscal year 2022 are hereby reappropriated for expenditure during the fiscal year 2023.

81 - Department of Veterans' Assistance –

Veterans' Home

(WV Code Chapter 9A)

Fund 0460 FY 2023 Org 0618

Personal Services and Employee Benefits.....	00100	\$ 1,296,064
Current Expenses (R)	13000	46,759
Veterans Outreach Programs (R).....	61700	<u>203,766</u>
Total		\$ 1,546,589

Any unexpended balances remaining in the appropriations for Current Expenses (fund 0460, appropriation 13000) and Veterans Outreach Programs (fund 0456, appropriation 61700) at the close of fiscal year 2022 is hereby reappropriated for expenditure during the fiscal year 2023.

BUREAU OF SENIOR SERVICES

82 - Bureau of Senior Services

(WV Code Chapter 29)

Fund 0420 FY 2023 Org 0508

Transfer to Division of Human Services for Health Care and Title XIX Waiver for Senior Citizens	53900	\$ 19,612,957
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The above appropriation for Transfer to Division of Human Services for Health Care and Title XIX Waiver for Senior Citizens (fund 0420, appropriation 53900) along with the federal moneys generated thereby shall be used for reimbursement for services provided under the program.

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

**WEST VIRGINIA COUNCIL FOR COMMUNITY
AND TECHNICAL COLLEGE EDUCATION**

83 - West Virginia Council for

Community and Technical College Education –

Control Account

(WV Code Chapter 18B)

Fund 0596 FY 2023 Org 0420

West Virginia Council for Community and Technical Education (R)	39200	\$	744,232
Transit Training Partnership	78300		34,293
Community College Workforce Development (R)	87800		2,788,387
College Transition Program.....	88700		278,222
West Virginia Advance Workforce Development (R)	89300		3,121,387
Technical Program Development (R)	89400		1,800,735
WV Invests Grant Program (R)	89401		<u>7,037,672</u>
Total		\$	15,804,928

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 2022 are hereby reappropriated for expenditure during the fiscal year 2023.

84 - Mountwest Community and Technical College

(WV Code Chapter 18B)

Fund 0599 FY 2023 Org 0444

Mountwest Community and Technical College.....	48700	\$	6,716,176
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85 - New River Community and Technical College

(WV Code Chapter 18B)

Fund 0600 FY 2023 Org 0445

New River Community and Technical College.....	35800	\$	6,088,539
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86 - Pierpont Community and Technical College

(WV Code Chapter 18B)

Fund 0597 FY 2023 Org 0446

Pierpont Community and Technical College.....	93000	\$	8,119,152
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87 - Blue Ridge Community and Technical College

(WV Code Chapter 18B)

Fund 0601 FY 2023 Org 0447

Blue Ridge Community and Technical College.....	88500	\$	8,139,835
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88 - West Virginia University at Parkersburg

(WV Code Chapter 18B)

Fund 0351 FY 2023 Org 0464

West Virginia University – Parkersburg.....	47100	\$	10,799,686
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89 - Southern West Virginia Community and Technical College

(WV Code Chapter 18B)

Fund 0380 FY 2023 Org 0487

Southern West Virginia Community and Technical College.....	44600	\$	8,557,086
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90 - West Virginia Northern Community and Technical College

(WV Code Chapter 18B)

Fund 0383 FY 2023 Org 0489

West Virginia Northern Community and Technical College	44700	\$	7,580,697
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91 - Eastern West Virginia Community and Technical College

(WV Code Chapter 18B)

Fund 0587 FY 2023 Org 0492

Eastern West Virginia Community and Technical College	41200	\$	2,264,340
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92 - BridgeValley Community and Technical College

(WV Code Chapter 18B)

Fund 0618 FY 2023 Org 0493

BridgeValley Community and Technical College	71700	\$	8,364,587
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HIGHER EDUCATION POLICY COMMISSION*93 - Higher Education Policy Commission –**Administration –**Control Account*

(WV Code Chapter 18B)

Fund 0589 FY 2023 Org 0441

Personal Services and Employee Benefits	00100	\$	2,789,394
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Current Expenses	13000		1,096,902
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RHI Program and Site Support –

RHEP Program Administration (R)	03700		80,000
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Mental Health Provider Loan Repayment (R)	11301		330,000
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Higher Education Grant Program	16400		40,619,864
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Tuition Contract Program (R)	16500		1,225,412
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Underwood-Smith Scholarship Program-Student Awards	16700		628,349
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Facilities Planning and Administration	38600		1,760,254
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Higher Education System Initiatives	48801		1,635,847
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PROMISE Scholarship – Transfer	80000		18,500,000
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HEAPS Grant Program (R)	86700		5,017,974
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Health Professionals' Student Loan Program (R)	86701		547,470
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BRIM Premium	91300		<u>17,817</u>
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Total \$ 74,249,283

Any unexpended balances remaining in the appropriations for RHI Program and Site Support – RHEP Program Administration (fund 0589, 03700), Mental Health Provider Loan Repayment (fund 0589, appropriation 11301), Tuition Contract Program (fund 0589, appropriation 16500), Workforce Development Initiative (fund 0589, appropriation 52901), HEAPS Grant Program (fund 0589, appropriation 86700), and Health Professionals' Student Loan Program (fund 0589, appropriation 86701) at the close of the fiscal year 2022 are hereby reappropriated for expenditure during the fiscal year 2023.

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.

94 - West Virginia University –

School of Medicine

Medical School Fund

(WV Code Chapter 18B)

Fund 0343 FY 2023 Org 0463

WVU School of Health Science – Eastern Division	05600	\$	2,277,794
WVU – School of Health Sciences	17400		15,490,163
WVU – School of Health Sciences – Charleston Division	17500		2,351,833
Rural Health Outreach Programs (R)	37700		165,979
West Virginia University School of Medicine			
BRIM Subsidy	46000		<u>1,203,087</u>
Total		\$	21,488,856

Any unexpended balance remaining in the appropriation for Rural Health Outreach Programs (fund 0343, appropriation 37700) at the close of fiscal year 2022 is hereby reappropriated for expenditure during the fiscal year 2023.

95 - West Virginia University –

General Administrative Fund

(WV Code Chapter 18B)

Fund 0344 FY 2023 Org 0463

West Virginia University	45900	\$	85,166,182
Jackson's Mill (R)	46100		502,471
West Virginia University Institute of Technology	47900		8,320,240
State Priorities – Brownfield Professional Development (R)	53100		316,556
Energy Express (R).....	86100		382,935
West Virginia University – Potomac State	99400		<u>4,709,664</u>
Total		\$	99,398,048

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 2022 are hereby reappropriated for expenditure during the fiscal year 2023.

96 - Marshall University –

School of Medicine

(WV Code Chapter 18B)

Fund 0347 FY 2023 Org 0471

Marshall Medical School	17300	\$	12,772,947
Rural Health Outreach Programs (R)	37700		157,572
Forensic Lab (R)	37701		227,415
Center for Rural Health (R)	37702		161,043
Marshall University Medical School BRIM Subsidy	44900		<u>872,612</u>

Total \$ 14,191,589

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 2022 are hereby reappropriated for expenditure during the fiscal year 2023.

97 - Marshall University –

General Administration Fund

(WV Code Chapter 18B)

Fund 0348 FY 2023 Org 0471

Marshall University.....	44800	\$ 40,961,949
Luke Lee Listening Language and Learning Lab (R).....	44801	151,939
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>1,869,776</u>
Total.....		\$ 43,547,701

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 2022 are hereby reappropriated for expenditure during the fiscal year 2023.

98 - West Virginia School of Osteopathic Medicine

(WV Code Chapter 18B)

Fund 0336 FY 2023 Org 0476

West Virginia School of Osteopathic Medicine	17200	\$ 9,147,095
Rural Health Outreach Programs (R).....	37700	169,035
West Virginia School of Osteopathic Medicine BRIM Subsidy	40300	153,405
Rural Health Initiative – Medical Schools Support.....	58100	<u>403,439</u>

Total..... \$ 9,872,974

Any unexpended balance remaining in the appropriation for Rural Health Outreach Programs (fund 0336, appropriation 37700) at the close of fiscal year 2022 is hereby reappropriated for expenditure during the fiscal year 2023.

99 - Bluefield State College

(WV Code Chapter 18B)

Fund 0354 FY 2023 Org 0482

Bluefield State College..... 40800 \$ 6,648,770

100 - Concord University

(WV Code Chapter 18B)

Fund 0357 FY 2023 Org 0483

Concord University..... 41000 \$ 10,836,709

101 - Fairmont State University

(WV Code Chapter 18B)

Fund 0360 FY 2023 Org 0484

Fairmont State University..... 41400 \$ 19,273,190

102 - Glenville State College

(WV Code Chapter 18B)

Fund 0363 FY 2023 Org 0485

Glenville State College..... 42800 \$ 6,768,535

103 - Shepherd University

(WV Code Chapter 18B)

Fund 0366 FY 2023 Org 0486

Shepherd University..... 43200 \$ 13,026,830

104 - West Liberty University

(WV Code Chapter 18B)

Fund 0370 FY 2023 Org 0488

West Liberty University	43900	\$	9,552,600
<i>105 - West Virginia State University</i>			
(WV Code Chapter 18B)			
Fund <u>0373</u> FY <u>2023</u> Org <u>0490</u>			
West Virginia State University	44100	\$	11,680,098
West Virginia State University Land Grant Match.....	95600		<u>2,950,192</u>
Total		\$	14,630,290

From the above appropriation for West Virginia State University (fund 0373, appropriation 44100), \$300,000 shall be for the Healthy Grandfamilies program.

106 - Higher Education Policy Commission –

Administration -

West Virginia Network for Educational Telecomputing (WVNET)

(WV Code Chapter 18B)

Fund 0551 FY 2023 Org 0495

WVNET	16900	\$	1,817,992
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MISCELLANEOUS BOARDS AND COMMISSIONS

107 - Adjutant General –

State Militia

(WV Code Chapter 15)

Fund 0433 FY 2023 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		3,324,624

Military Authority (R).....	74800	6,251,727
Drug Enforcement and Support.....	74801	<u>1,532,374</u>
Total.....		\$ 17,971,742

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 2022 are hereby reappropriated for expenditure during the fiscal year 2023.

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 \$3,324,624 to the Mountaineer Challenge Academy to meet anticipated program demand.

108 - Adjutant General –

Military Fund

(WV Code Chapter 15)

Fund 0605 FY 2023 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)..... \$ 4,641,378,000

Sec. 2. Appropriations from state road fund. — From the state road fund there are hereby appropriated conditionally upon the fulfillment of the provisions set forth in Article 2, Chapter 11B of the Code the following amounts, as itemized, for expenditure during the fiscal year 2023.

DEPARTMENT OF TRANSPORTATION

109 - Division of Motor Vehicles

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

Fund 9007 FY 2023 Org 0802

	Appro-		State
	priation		Road
			Fund
Personal Services and Employee Benefits.....	00100	\$	36,894,264
Salary and Benefits of Cabinet Secretary and Agency Heads.....	00201		129,500
Current Expenses.....	13000		22,334,363
Repairs and Alterations.....	06400		144,000
Equipment.....	07000		1,080,000
Buildings.....	25800		10,000
Other Assets.....	69000		2,480,000
BRIM Premium.....	91300		<u>75,117</u>
Total.....		\$	63,147,244

110 - Division of Highways

(WV Code Chapters 17 and 17C)

Fund 9017 FY 2023 Org 0803

Salary and Benefits of Cabinet Secretary and Agency Heads.....	00201	\$	200,000
Debt Service.....	04000		135,500,000
Maintenance.....	23700		551,081,528
Inventory Revolving.....	27500		4,000,000
Equipment Revolving.....	27600		19,400,841
General Operations.....	27700		156,842,168
Interstate Construction.....	27800		115,000,000
Other Federal Aid Programs.....	27900		345,000,000
Appalachian Programs.....	28000		100,000,000
Highway Litter Control.....	28200		<u>1,650,000</u>

Total \$ 1,428,674,537

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

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

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

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

Total TITLE II, Section 2 – State Road Fund
(Including claims against the state)..... \$ 1,492,255,013

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 2023.

LEGISLATIVE

111 - Crime Victims Compensation Fund

(WV Code Chapter 14)

Fund 1731 FY 2023 Org 2300

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

JUDICIAL

112 - Supreme Court –

Court Advanced Technology Subscription Fund

(WV Code Chapter 51)

Fund 1704 FY 2023 Org 2400

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

Adult Drug Court Participation Fund

(WV Code Chapter 62)

Fund 1705 FY 2023 Org 2400

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

Family Court Fund

(WV Code Chapter 51)

Fund 1763 FY 2023 Org 2400

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

Court Facilities Maintenance Fund

(WV Code Chapter 51)

Fund 1766 FY 2023 Org 2400

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

116 - Governor's Office –

Minority Affairs Fund

(WV Code Chapter 5)

Fund 1058 FY 2023 Org 0100

Personal Services and Employee Benefits.....	00100	\$	233,788
Current Expenses	13000		453,200
Martin Luther King, Jr. Holiday Celebration	03100		<u>8,926</u>
Total		\$	695,914

*117 - Auditor's Office –**Grant Recovery Fund*

(WV Code Chapter 12)

Fund 1205 FY 2023 Org 1200

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

*118 - Auditor's Office –**Land Operating Fund*

(WV Code Chapters 11A, 12, and 36)

Fund 1206 FY 2023 Org 1200

Personal Services and Employee Benefits.....	00100	\$	832,826
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		\$	3,833,765

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.

119 - Auditor's Office –

Local Government Purchasing Card Expenditure Fund

(WV Code Chapter 6)

Fund 1224 FY 2023 Org 1200

Personal Services and Employee Benefits.....	00100	\$	639,881
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		\$	4,488,716

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.

120 - Auditor's Office –

Securities Regulation Fund

(WV Code Chapter 32)

Fund 1225 FY 2023 Org 1200

Personal Services and Employee Benefits.....	00100	\$	2,826,332
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 \$ 6,129,128

121 - Auditor's Office –

Technology Support and Acquisition Fund

(WV Code Chapter 12)

Fund 1233 FY 2023 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.

122 - Auditor's Office –

Purchasing Card Administration Fund

(WV Code Chapter 12)

Fund 1234 FY 2023 Org 1200

Personal Services and Employee Benefits.....	00100	\$	3,192,502
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		\$	14,860,510

There is hereby appropriated from this fund, in addition to the above appropriations if needed, the amount necessary to meet the transfer and revenue distribution requirements to the Purchasing Improvement Fund (fund 2264), the Entrepreneurship and Innovation Investment Fund (fund 3014), the Hatfield-McCoy Regional Recreation Authority, and the State Park Operating Fund (fund 3265) per W.Va. Code §12-3-10d.

123 - Auditor's Office –

Chief Inspector's Fund

(WV Code Chapter 6)

Fund 1235 FY 2023 Org 1200

Personal Services and Employee Benefits.....	00100	\$	3,682,850
Current Expenses	13000		765,915
Equipment.....	07000		<u>50,000</u>
Total		\$	4,498,765

124 - Auditor's Office –

Volunteer Fire Department Workers'

Compensation Premium Subsidy Fund

(WV Code Chapters 12 and 33)

Fund 1239 FY 2023 Org 1200

Volunteer Fire Department Workers' Compensation Subsidy.....	83200	\$	2,500,000
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125 - Treasurer's Office –

College Prepaid Tuition and Savings Program

Administrative Account

(WV Code Chapter 18)

Fund 1301 FY 2023 Org 1300

Personal Services and Employee Benefits.....	00100	\$	830,643
Unclassified	09900		14,000
Current Expenses	13000		<u>1,397,559</u>
Total		\$	2,242,202

126 - Treasurer's Office-

Jumpstart Savings Program Expense Fund

(WV Code Chapter 18)

Fund 1303 FY 2023 Org 1300

Unclassified	09900	\$	188,502
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Current Expenses	13000	<u>411,498</u>
Total		\$ 600,000

127 - Department of Agriculture –

Agriculture Fees Fund

(WV Code Chapter 19)

Fund 1401 FY 2023 Org 1400

Personal Services and Employee Benefits.....	00100	\$ 2,534,889
Unclassified	09900	37,425
Current Expenses	13000	1,856,184
Repairs and Alterations.....	06400	158,500
Equipment.....	07000	436,209
Other Assets	69000	<u>10,000</u>
Total		\$ 5,033,207

128 - Department of Agriculture –

West Virginia Rural Rehabilitation Program

(WV Code Chapter 19)

Fund 1408 FY 2023 Org 1400

Personal Services and Employee Benefits.....	00100	\$ 80,974
Unclassified	09900	10,476
Current Expenses	13000	<u>2,200,000</u>
Total		\$ 2,291,450

129 - Department of Agriculture –

General John McCausland Memorial Farm Fund

(WV Code Chapter 19)

Fund 1409 FY 2023 Org 1400

Personal Services and Employee Benefits.....	00100	\$ 76,415
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Unclassified	09900	2,100
Current Expenses	13000	89,500
Repairs and Alterations.....	06400	36,400
Equipment.....	07000	<u>15,000</u>
Total		\$ 219,415

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

130 - Department of Agriculture –

Farm Operating Fund

(WV Code Chapter 19)

Fund 1412 FY 2023 Org 1400

Personal Services and Employee Benefits.....	00100	\$ 888,219
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		\$ 3,078,971

131 - Department of Agriculture –

Capital Improvements Fund

(WV Code Chapter 19)

Fund 1413 FY 2023 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

132 - Department of Agriculture –

Donated Food Fund

(WV Code Chapter 19)

Fund 1446 FY 2023 Org 1400

Personal Services and Employee Benefits.....	00100	\$ 1,074,322
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		\$ 4,946,171

133 - Department of Agriculture –

Integrated Predation Management Fund

(WV Code Chapter 7)

Fund 1465 FY 2023 Org 1400

Current Expenses	13000	\$ 112,500
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134 - Department of Agriculture –

West Virginia Spay Neuter Assistance Fund

(WV Code Chapter 19)

Fund 1481 FY 2023 Org 1400

Current Expenses	13000	\$ 600,000
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135 - Department of Agriculture –

Veterans and Warriors to Agriculture Fund

(WV Code Chapter 19)

Fund 1483 FY 2023 Org 1400

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

(WV Code Chapters 18 and 18A)

Fund 1484 FY 2023 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

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

(WV Code Chapter 47)

Fund 1507 FY 2023 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

138 - Attorney General –

Preneed Burial Contract Regulation Fund

(WV Code Chapter 47)

Fund 1513 FY 2023 Org 1500

Personal Services and Employee Benefits.....	00100	\$	228,620
Current Expenses	13000		54,615
Repairs and Alterations.....	06400		1,000
Equipment.....	07000		<u>1,000</u>
Total.....		\$	285,235

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

(WV Code Chapter 47)

Fund 1514 FY 2023 Org 1500

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

(WV Code Chapters 3, 5, and 59)

Fund 1612 FY 2023 Org 1600

Personal Services and Employee Benefits.....	00100	\$	1,110,490
Unclassified	09900		4,524
Current Expenses	13000		<u>8,036</u>
Total.....		\$	1,123,050

*141 - Secretary of State –**General Administrative Fees Account*

(WV Code Chapters 3, 5, and 59)

Fund 1617 FY 2023 Org 1600

Personal Services and Employee Benefits.....	00100	\$	3,041,423
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Unclassified	09900	25,529
Current Expenses	13000	976,716
Technology Improvements	59900	<u>870,000</u>
Total		\$ 4,913,668

DEPARTMENT OF ADMINISTRATION

142 - Department of Administration –

Office of the Secretary –

Tobacco Settlement Fund

(WV Code Chapter 4)

Fund 2041 FY 2023 Org 0201

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

Office of the Secretary –

Employee Pension and Health Care Benefit Fund

(WV Code Chapter 18)

Fund 2044 FY 2023 Org 0201

Current Expenses	13000	\$ 56,337,000
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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).

144 - Department of Administration –

Division of Finance –

Shared Services Section Fund

(WV Code Chapter 5A)

Fund 2020 FY 2023 Org 0209

Personal Services and Employee Benefits	00100	\$ 1,545,384
Current Expenses	13000	<u>500,000</u>

Total		\$	2,045,384
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145 - Division of Information Services and Communications

(WV Code Chapter 5A)

Fund 2220 FY 2023 Org 0210

Personal Services and Employee Benefits.....	00100	\$	23,052,937
Unclassified	09900		344,119
Current Expenses	13000		13,418,001
Equipment.....	07000		2,050,000
Other Assets	69000		<u>1,045,000</u>
Total		\$	39,910,057

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.

146 - Division of Purchasing –

Vendor Fee Fund

(WV Code Chapter 5A)

Fund 2263 FY 2023 Org 0213

Personal Services and Employee Benefits.....	00100	\$	579,296
Current Expenses	13000		9,115
BRIM Premium.....	91300		<u>810</u>
Total		\$	589,221

147 - Division of Purchasing –

Purchasing Improvement Fund

(WV Code Chapter 5A)

Fund 2264 FY 2023 Org 0213

Personal Services and Employee Benefits.....	00100	\$	992,206
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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		\$ 1,492,184

148 - Travel Management –

Aviation Fund

(WV Code Chapter 5A)

Fund 2302 FY 2023 Org 0215

Unclassified	09900	\$ 1,000
Current Expenses	13000	149,700
Repairs and Alterations.....	06400	1,275,237
Equipment.....	07000	1,000
Buildings	25800	100
Other Assets	69000	100
Land	73000	<u>100</u>
Total		\$ 1,427,237

149 - Fleet Management Division Fund

(WV Code Chapter 5A)

Fund 2301 FY 2023 Org 0216

Personal Services and Employee Benefits.....	00100	\$ 784,375
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		\$ 13,232,989

150 - Division of Personnel

(WV Code Chapter 29)

Fund 2440 FY 2023 Org 0222

Personal Services and Employee Benefits.....	00100	\$ 4,781,898
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		\$ 6,303,629

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

151 - West Virginia Prosecuting Attorneys Institute

(WV Code Chapter 7)

Fund 2521 FY 2023 Org 0228

Personal Services and Employee Benefits.....	00100	\$ 136,097
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		\$	558,248
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152 - Office of Technology –

Chief Technology Officer Administration Fund

(WV Code Chapter 5A)

Fund 2531 FY 2023 Org 0231

Personal Services and Employee Benefits.....	00100	\$	454,411
Unclassified	09900		6,949
Current Expenses	13000		196,504
Repairs and Alterations.....	06400		1,000
Equipment.....	07000		50,000
Other Assets	69000		<u>10,000</u>
Total		\$	718,864

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

153 - Division of Forestry

(WV Code Chapter 19)

Fund 3081 FY 2023 Org 0305

Personal Services and Employee Benefits.....	00100	\$	382,137
Current Expenses	13000		282,202
Repairs and Alterations.....	06400		53,000
Equipment.....	07000		<u>300,000</u>
Total		\$	1,017,339

154 - Division of Forestry –

Timbering Operations Enforcement Fund

(WV Code Chapter 19)

Fund 3082 FY 2023 Org 0305

Personal Services and Employee Benefits.....	00100	\$	248,321
Current Expenses	13000		87,036
Repairs and Alterations.....	06400		<u>11,250</u>
Total		\$	346,607

155 - Division of Forestry –

Severance Tax Operations

(WV Code Chapter 11)

Fund 3084 FY 2023 Org 0305

Personal Services and Employee Benefits.....	00100	\$	559,626
Current Expenses	13000		<u>117,466</u>
Total		\$	677,092

156 - Geological and Economic Survey –

Geological and Analytical Services Fund

(WV Code Chapter 29)

Fund 3100 FY 2023 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.

157 - Division of Labor –

West Virginia Jobs Act Fund

(WV Code Chapter 21)

Fund 3176 FY 2023 Org 0308

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

158 - Division of Labor –

HVAC Fund

(WV Code Chapter 21)

Fund 3186 FY 2023 Org 0308

Personal Services and Employee Benefits.....	00100	\$ 367,925
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		\$ 467,925

159 - Division of Labor –

Elevator Safety Fund

(WV Code Chapter 21)

Fund 3188 FY 2023 Org 0308

Personal Services and Employee Benefits.....	00100	\$ 304,756
Salary and Benefits of Cabinet Secretary and Agency Heads.....	00201	104,180
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		\$ 517,409

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

(WV Code Chapter 21)

Fund 3189 FY 2023 Org 0308

Personal Services and Employee Benefits.....	00100	\$	80,742
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		\$	105,742

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

(WV Code Chapter 21)

Fund 3191 FY 2023 Org 0308

Personal Services and Employee Benefits.....	00100	\$	196,226
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		\$	258,371

*162 - Division of Labor –**Amusement Rides and Amusement Attraction Safety Fund*

(WV Code Chapter 21)

Fund 3192 FY 2023 Org 0308

Personal Services and Employee Benefits.....	00100	\$	192,424
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		\$	249,725

*163 - Division of Labor –**State Manufactured Housing Administration Fund*

(WV Code Chapter 21)

Fund 3195 FY 2023 Org 0308

Personal Services and Employee Benefits.....	00100	\$	294,645
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		\$	345,596

*164 - Division of Labor –**Weights and Measures Fund*

(WV Code Chapter 47)

Fund 3196 FY 2023 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

165 - Division of Labor –

Bedding and Upholstery Fund

(WV Code Chapter 21)

Fund 3198 FY 2023 Org 0308

Personal Services and Employee Benefits.....	00100	\$ 152,270
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		\$ 311,370

166 - Division of Labor –

Psychophysiological Examiners Fund

(WV Code Chapter 21)

Fund 3199 FY 2023 Org 0308

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

License Fund – Wildlife Resources

(WV Code Chapter 20)

Fund 3200 FY 2023 Org 0310

Wildlife Resources	02300	\$ 9,759,535
Administration	15500	2,405,642
Capital Improvements and Land Purchase (R).....	24800	2,410,936
Law Enforcement.....	80600	<u>9,787,279</u>

Total \$ 24,363,392

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 2022 is hereby reappropriated for expenditure during the fiscal year 2023.

168 - Division of Natural Resources –

Natural Resources Game Fish and Aquatic Life Fund

(WV Code Chapter 22)

Fund 3202 FY 2023 Org 0310

Current Expenses 13000 \$ 125,000

169 - Division of Natural Resources –

Nongame Fund

(WV Code Chapter 20)

Fund 3203 FY 2023 Org 0310

Personal Services and Employee Benefits..... 00100 \$ 694,154

Current Expenses 13000 201,810

Equipment..... 07000 106,615

Total \$ 1,002,579

170 - Division of Natural Resources –

Planning and Development Division

(WV Code Chapter 20)

Fund 3205 FY 2023 Org 0310

Personal Services and Employee Benefits..... 00100 \$ 467,117

Current Expenses 13000 1,056,876

Repairs and Alterations..... 06400 15,016

Equipment..... 07000 8,300

Buildings 25800 8,300

Other Assets	69000	1,900,000
Land	73000	<u>31,700</u>
Total		\$ 3,487,309

171 - Division of Natural Resources –

State Parks and Recreation Endowment Fund

(WV Code Chapter 20)

Fund 3211 FY 2023 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

172 - Division of Natural Resources –

Whitewater Study and Improvement Fund

(WV Code Chapter 20)

Fund 3253 FY 2023 Org 0310

Personal Services and Employee Benefits	00100	\$ 70,667
Current Expenses	13000	64,778
Equipment	07000	1,297
Buildings	25800	<u>6,969</u>
Total		\$ 143,711

173 - Division of Natural Resources –

Whitewater Advertising and Promotion Fund

(WV Code Chapter 20)

Fund 3256 FY 2023 Org 0310

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

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

Special Health, Safety and Training Fund

(WV Code Chapter 22A)

Fund 3355 FY 2023 Org 0314

Personal Services and Employee Benefits.....	00100	\$	516,356
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		\$	6,143,256

175 - Department of Commerce –

Office of the Secretary –

Marketing and Communications Operating Fund

(WV Code Chapter 5B)

Fund 3002 FY 2023 Org 0327

Personal Services and Employee Benefits.....	00100	\$	2,148,018
Unclassified	09900		30,000
Current Expenses	13000		1,315,078
Equipment.....	07000		<u>36,000</u>
Total		\$	3,529,096

176 - Department of Commerce –

Office of the Secretary –

Broadband Enhancement Fund

(WV Code Chapter 31G)

Fund 3013 FY 2023 Org 0327

Personal Services and Employee Benefits.....	00100	\$	131,682
Current Expenses	13000		<u>1,648,318</u>
Total		\$	1,780,000

177 - State Board of Rehabilitation –

Division of Rehabilitation Services –

West Virginia Rehabilitation Center Special Account

(WV Code Chapter 18)

Fund 8664 FY 2023 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

178 - Department of Economic Development –

Office of Energy –

Energy Assistance

(WV Code Chapter 5B)

Fund 3010 FY 2023 Org 0307

Energy Assistance - Total	64700	\$	7,211
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*179 - Department of Economic Development –
Office of the Secretary –
Entrepreneurship and Innovation Investment Fund
(WV Code Chapter 5B)
Fund 3014 FY 2023 Org 0307*

Entrepreneurship and Innovation Investment Fund	70301	\$	1,500,000
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*180 - Department of Economic Development –
Office of the Secretary –
Broadband Development Fund
(WV Code Chapter 31G)
Fund 3034 FY 2023 Org 0307*

Personal Services and Employee Benefits	00100	\$	647,075
Unclassified	09900		2,000,000
Current Expenses	13000		235,302,925
Total		\$	237,950,000

*181 - Department of Economic Development –
Office of the Secretary –
Office of Coalfield Community Development
(WV Code Chapter 5B)
Fund 3162 FY 2023 Org 0307*

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

DEPARTMENT OF EDUCATION

182 - State Board of Education –

Strategic Staff Development

(WV Code Chapter 18)

Fund 3937 FY 2023 Org 0402

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

183 - School Building Authority –

School Construction Fund

(WV Code Chapters 18 and 18A)

Fund 3952 FY 2023 Org 0404

SBA Construction Grants	24000	\$	59,845,818
Directed Transfer	70000		<u>1,371,182</u>
Total		\$	61,217,000

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

184 - School Building Authority

(WV Code Chapter 18)

Fund 3959 FY 2023 Org 0404

Personal Services and Employee Benefits.....	00100	\$	1,171,429
Current Expenses	13000		244,195
Repairs and Alterations.....	06400		13,150
Equipment.....	07000		<u>26,000</u>
Total		\$	1,454,774

DEPARTMENT OF ARTS, CULTURE, AND HISTORY

185 - Division of Culture and History –

Public Records and Preservation Revenue Account

(WV Code Chapter 5A)

Fund 3542 FY 2023 Org 0432

Personal Services and Employee Benefits.....	00100	\$	235,943
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		\$	1,227,512

DEPARTMENT OF ENVIRONMENTAL PROTECTION*186 - Solid Waste Management Board*

(WV Code Chapter 22C)

Fund 3288 FY 2023 Org 0312

Personal Services and Employee Benefits.....	00100	\$	869,535
Current Expenses	13000		2,060,457
Repairs and Alterations.....	06400		1,000
Equipment.....	07000		5,000
Other Assets	69000		<u>4,403</u>
Total		\$	2,940,395

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

(WV Code Chapter 22)

Fund 3023 FY 2023 Org 0313

Personal Services and Employee Benefits.....	00100	\$	805,575
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		\$ 973,621

188 - Division of Environmental Protection –

Air Pollution Education and Environment Fund

(WV Code Chapter 22)

Fund 3024 FY 2023 Org 0313

Personal Services and Employee Benefits.....	00100	\$ 806,186
Unclassified	09900	14,647
Current Expenses	13000	876,863
Repairs and Alterations.....	06400	13,000
Equipment.....	07000	53,105
Other Assets	69000	<u>20,000</u>
Total		\$ 1,783,801

189 - Division of Environmental Protection –

Special Reclamation Fund

(WV Code Chapter 22)

Fund 3321 FY 2023 Org 0313

Personal Services and Employee Benefits.....	00100	\$ 1,678,252
Current Expenses	13000	16,185,006
Repairs and Alterations.....	06400	79,950
Equipment.....	07000	130,192
Other Assets	69000	<u>32,000</u>
Total		\$ 18,105,400

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

(WV Code Chapter 22)

Fund 3322 FY 2023 Org 0313

Personal Services and Employee Benefits.....	00100	\$	549,957
Current Expenses	13000		<u>1,956,094</u>
Total		\$	2,506,051

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

(WV Code Chapter 22)

Fund 3323 FY 2023 Org 0313

Personal Services and Employee Benefits.....	00100	\$	2,187,791
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		\$	3,146,291

*192 - Division of Environmental Protection –**Mining and Reclamation Operations Fund*

(WV Code Chapter 22)

Fund 3324 FY 2023 Org 0313

Personal Services and Employee Benefits.....	00100	\$	3,635,868
Unclassified	09900		920
Current Expenses	13000		2,202,231
Repairs and Alterations.....	06400		60,260

Equipment.....	07000	83,000
Other Assets	69000	<u>57,500</u>
Total		\$ 6,039,779

193 - Division of Environmental Protection –

Underground Storage Tank

Administrative Fund

(WV Code Chapter 22)

Fund 3325 FY 2023 Org 0313

Personal Services and Employee Benefits.....	00100	\$ 486,251
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		\$ 824,651

194 - Division of Environmental Protection –

Hazardous Waste Emergency Response Fund

(WV Code Chapter 22)

Fund 3331 FY 2023 Org 0313

Personal Services and Employee Benefits.....	00100	\$ 614,039
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		\$ 1,412,074

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

(WV Code Chapter 22)

Fund 3332 FY 2023 Org 0313

Personal Services and Employee Benefits.....	00100	\$	849,562
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		\$	4,535,199

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

(WV Code Chapter 22)

Fund 3333 FY 2023 Org 0313

Personal Services and Employee Benefits.....	00100	\$	3,362,824
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		\$	4,414,038

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

(WV Code Chapter 22)

Fund 3336 FY 2023 Org 0313

Personal Services and Employee Benefits.....	00100	\$	6,112,158
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		\$	7,892,794

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

(WV Code Chapter 22)

Fund 3340 FY 2023 Org 0313

Personal Services and Employee Benefits.....	00100	\$	364,936
Unclassified	09900		1,120
Current Expenses	13000		201,146
Repairs and Alterations.....	06400		1,000
Other Assets	69000		<u>163,000</u>
Total		\$	731,202

*199 - Division of Environmental Protection –**Stream Restoration Fund*

(WV Code Chapter 22)

Fund 3349 FY 2023 Org 0313

Current Expenses	13000	\$	5,182,076
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*200 - Division of Environmental Protection –**Litter Control Fund*

(WV Code Chapter 22)

Fund 3486 FY 2023 Org 0313

Current Expenses	13000	\$	60,000
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*201 - Division of Environmental Protection –**Recycling Assistance Fund*

(WV Code Chapter 22)

Fund 3487 FY 2023 Org 0313

Personal Services and Employee Benefits.....	00100	\$	680,241
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		\$	3,438,699

*202 - Division of Environmental Protection –**Mountaintop Removal Fund*

(WV Code Chapter 22)

Fund 3490 FY 2023 Org 0313

Personal Services and Employee Benefits.....	00100	\$	1,120,989
Unclassified	09900		1,180
Current Expenses	13000		589,834
Repairs and Alterations.....	06400		27,612
Equipment.....	07000		23,500
Other Assets	69000		<u>11,520</u>

Total		\$	1,774,635
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203 - Oil and Gas Conservation Commission –

Special Oil and Gas Conservation Fund

(WV Code Chapter 22C)

Fund 3371 FY 2023 Org 0315

Personal Services and Employee Benefits.....	00100	\$	165,187
Current Expenses	13000		161,225
Repairs and Alterations.....	06400		1,000
Equipment.....	07000		9,481
Other Assets	69000		<u>1,500</u>
Total		\$	338,393

DEPARTMENT OF HEALTH AND HUMAN RESOURCES

204 - Division of Health –

Ryan Brown Addiction Prevention and Recovery Fund

(WV Code Chapter 19)

Fund 5111 FY 2023 Org 0506

Current Expenses	13000	\$	10,667,392
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205 - Division of Health –

The Vital Statistics Account

(WV Code Chapter 16)

Fund 5144 FY 2023 Org 0506

Personal Services and Employee Benefits.....	00100	\$	1,097,919
Unclassified	09900		15,500
Current Expenses	13000		<u>3,557,788</u>
Total		\$	4,671,207

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

(WV Code Chapter 16)

Fund 5156 FY 2023 Org 0506

Institutional Facilities Operations.....	33500	\$	44,555,221
Medical Services Trust Fund – Transfer.....	51200		<u>27,800,000</u>
Total.....		\$	72,355,221

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 2023, 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).

*207 - Division of Health –**Laboratory Services Fund*

(WV Code Chapter 16)

Fund 5163 FY 2023 Org 0506

Personal Services and Employee Benefits.....	00100	\$	985,121
Unclassified	09900		18,114
Current Expenses	13000		<u>2,209,105</u>
Total.....		\$	3,212,340

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

(WV Code Chapter 16)

Fund 5172 FY 2023 Org 0506

Personal Services and Employee Benefits.....	00100	\$	669,651
Unclassified	09900		7,113
Current Expenses	13000		<u>98,247</u>
Total		\$	775,011

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

(WV Code Chapter 16)

Fund 5183 FY 2023 Org 0506

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

(WV Code Chapter 16)

Fund 5204 FY 2023 Org 0506

Personal Services and Employee Benefits.....	00100	\$	19,100
Unclassified	09900		373
Current Expenses	13000		<u>17,875</u>
Total		\$	37,348

*211 - Division of Health –**West Virginia Birth-to-Three Fund*

(WV Code Chapter 16)

Fund 5214 FY 2023 Org 0506

Personal Services and Employee Benefits.....	00100	\$	719,208
Unclassified	09900		223,999
Current Expenses	13000		<u>30,134,400</u>

Total		\$	31,077,607
<i>212 - Division of Health – Tobacco Control Special Fund (WV Code Chapter 16) Fund <u>5218</u> FY <u>2023</u> Org <u>0506</u></i>			
Current Expenses	13000	\$	7,579
<i>213 - Division of Health – Medical Cannabis Program Fund (WV Code Chapter 16A) Fund <u>5420</u> FY <u>2023</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

214 - West Virginia Health Care Authority –

Health Care Cost Review Fund

(WV Code Chapter 16)

Fund 5375 FY 2023 Org 0507

Personal Services and Employee Benefits.....	00100	\$	1,348,406
Unclassified	09900		20,100
Current Expenses	13000		<u>785,445</u>
Total		\$	2,153,951

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.

215 - West Virginia Health Care Authority –

Certificate of Need Program Fund

(WV Code Chapter 16)

Fund 5377 FY 2023 Org 0507

Personal Services and Employee Benefits.....	00100	\$	844,926
Current Expenses	13000		<u>474,967</u>
Total		\$	1,319,893

216 - Division of Human Services –

Health Care Provider Tax –

Medicaid State Share Fund

(WV Code Chapter 11)

Fund 5090 FY 2023 Org 0511

Medical Services.....	18900	\$	393,594,315
Medical Services Administrative Costs.....	78900		<u>251,273</u>
Total		\$	393,845,588

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).

217 - Division of Human Services –

Child Support Enforcement Fund

(WV Code Chapter 48A)

Fund 5094 FY 2023 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

218 - Division of Human Services –

Medical Services Trust Fund

(WV Code Chapter 9)

Fund 5185 FY 2023 Org 0511

Medical Services.....	18900	\$	77,500,000
Medical Services Administrative Costs.....	78900		<u>646,750</u>
Total.....		\$	78,146,750

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.

219 - Division of Human Services –

James "Tiger" Morton Catastrophic Illness Fund

(WV Code Chapter 16)

Fund 5454 FY 2023 Org 0511

Unclassified	09900	\$	7,000
Current Expenses	13000		<u>393,000</u>
Total.....		\$	400,000

220 - Division of Human Services –

Domestic Violence Legal Services Fund

(WV Code Chapter 48)

Fund 5455 FY 2023 Org 0511

Current Expenses	13000	\$	900,000
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221 - Division of Human Services –

West Virginia Works Separate State College Program Fund

(WV Code Chapter 9)

Fund 5467 FY 2023 Org 0511

Current Expenses	13000	\$	500,000
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222 - Division of Human Services –

West Virginia Works Separate State Two-Parent Program Fund

(WV Code Chapter 9)

Fund 5468 FY 2023 Org 0511

Current Expenses	13000	\$	1,500,000
<i>223 - Division of Human Services –</i>			
<i>Marriage Education Fund</i>			
(WV Code Chapter 9)			
Fund <u>5490</u> FY <u>2023</u> Org <u>0511</u>			
Personal Services and Employee Benefits.....	00100	\$	10,000
Current Expenses	13000		<u>25,000</u>
Total		\$	35,000

DEPARTMENT OF HOMELAND SECURITY

224 - 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 2023 Org 0601

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

Statewide Interoperable Radio Network Account

(WV Code Chapter 15)

Fund 6208 FY 2023 Org 0606

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

West Virginia Interoperable Radio Project

(WV Code Chapter 24)

Fund 6295 FY 2023 Org 0606

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

227 - Division of Corrections and Rehabilitation –

Parolee Supervision Fees

(WV Code Chapter 15A)

Fund 6362 FY 2023 Org 0608

Personal Services and Employee Benefits.....	00100	\$ 1,164,081
Unclassified	09900	9,804
Current Expenses	13000	758,480
Equipment.....	07000	30,000
Other Assets	69000	<u>40,129</u>
Total		\$ 2,002,494

228 - Division of Corrections and Rehabilitation –

Regional Jail and Correctional Facility Authority

(WV Code Chapter 15A)

Fund 6675 FY 2023 Org 0608

Personal Services and Employee Benefits.....	00100	\$ 1,974,532
Debt Service	04000	9,000,000
Current Expenses	13000	<u>245,472</u>
Total		\$ 11,220,004

229 - West Virginia State Police –

Motor Vehicle Inspection Fund

(WV Code Chapter 17C)

Fund 6501 FY 2023 Org 0612

Personal Services and Employee Benefits.....	00100	\$	1,965,212
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.....		\$	8,270,106

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.

230 - West Virginia State Police –

Forensic Laboratory Fund

(WV Code Chapter 15)

Fund 6511 FY 2023 Org 0612

Personal Services and Employee Benefits.....	00100	\$	1,615,128
Current Expenses	13000		90,000
Repairs and Alterations.....	06400		5,000
Equipment.....	07000		<u>545,000</u>
Total.....		\$	2,255,128

231 - West Virginia State Police –

Drunk Driving Prevention Fund

(WV Code Chapter 15)

Fund 6513 FY 2023 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.

232 - West Virginia State Police –

Surplus Real Property Proceeds Fund

(WV Code Chapter 15)

Fund 6516 FY 2023 Org 0612

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

233 - West Virginia State Police –

Surplus Transfer Account

(WV Code Chapter 15)

Fund 6519 FY 2023 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

234 - West Virginia State Police –

Central Abuse Registry Fund

(WV Code Chapter 15)

Fund 6527 FY 2023 Org 0612

Personal Services and Employee Benefits.....	00100	\$	268,731
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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		\$ 1,265,198

235 - West Virginia State Police –

Bail Bond Enforcer Account

(WV Code Chapter 15)

Fund 6532 FY 2023 Org 0612

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

State Police Academy Post Exchange

(WV Code Chapter 15)

Fund 6544 FY 2023 Org 0612

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

237 - Fire Commission –

Fire Marshal Fees

(WV Code Chapter 29)

Fund 6152 FY 2023 Org 0619

Personal Services and Employee Benefits.....	00100	\$ 3,616,684
Unclassified	09900	3,800
Current Expenses	13000	1,646,550
Repairs and Alterations.....	06400	58,500

Equipment.....	07000	140,800
BRIM Premium.....	91300	<u>65,000</u>
Total		\$ 5,531,334

238 - Division of Administrative Services –

WV Community Corrections Fund

(WV Code Chapter 62)

Fund 6386 FY 2023 Org 0623

Personal Services and Employee Benefits.....	00100	\$ 166,250
Unclassified	09900	750
Current Expenses	13000	1,846,250
Repairs and Alterations.....	06400	<u>1,000</u>
Total		\$ 2,014,250

239 - Division of Administrative Services –

Court Security Fund

(WV Code Chapter 51)

Fund 6804 FY 2023 Org 0623

Personal Services and Employee Benefits.....	00100	\$ 24,748
Current Expenses	13000	<u>1,478,135</u>
Total		\$ 1,502,883

240 - Division of Administrative Services –

Second Chance Driver's License Program Account

(WV Code Chapter 17B)

Fund 6810 FY 2023 Org 0623

Current Expenses	13000	\$ 125,000
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DEPARTMENT OF REVENUE

241 - Division of Financial Institutions

(WV Code Chapter 31A)

Fund 3041 FY 2023 Org 0303

Personal Services and Employee Benefits.....	00100	\$	2,653,645
Salary and Benefits of Cabinet Secretary and Agency Heads.....	00201		119,000
Current Expenses.....	13000		650,475
Equipment.....	07000		<u>8,500</u>
Total.....		\$	3,431,620

*242 - Office of the Secretary –**State Debt Reduction Fund*

(WV Code Chapter 29)

Fund 7007 FY 2023 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).

243 - Home Rule Board Operations

(WV Code Chapter 8)

Fund 7010 FY 2023 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

*244 - Tax Division –**Cemetery Company Account*

(WV Code Chapter 35)

Fund 7071 FY 2023 Org 0702

Personal Services and Employee Benefits.....	00100	\$	27,441
Current Expenses	13000		<u>7,717</u>
Total		\$	35,158

*245 - Tax Division –**Special Audit and Investigative Unit*

(WV Code Chapter 11)

Fund 7073 FY 2023 Org 0702

Personal Services and Employee Benefits.....	00100	\$	724,718
Unclassified	09900		8,500
Current Expenses	13000		273,297
Repairs and Alterations.....	06400		7,000
Equipment.....	07000		<u>5,000</u>
Total		\$	1,018,515

*246 - Tax Division –**Wine Tax Administration Fund*

(WV Code Chapter 60)

Fund 7087 FY 2023 Org 0702

Personal Services and Employee Benefits.....	00100	\$	275,024
Current Expenses	13000		<u>5,406</u>
Total		\$	280,430

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

(WV Code Chapter 47)

Fund 7092 FY 2023 Org 0702

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

248 - Tax Division –

Local Sales Tax and Excise Tax

Administration Fund

(WV Code Chapter 11)

Fund 7099 FY 2023 Org 0702

Personal Services and Employee Benefits.....	00100	\$	1,567,732
Unclassified	09900		10,000
Current Expenses	13000		784,563
Repairs and Alterations.....	06400		1,000
Equipment.....	07000		<u>5,000</u>
Total		\$	2,368,295

249 - State Budget Office –

Public Employees Insurance Reserve Fund

(WV Code Chapter 11B)

Fund 7400 FY 2023 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.

250 - Insurance Commissioner –

Examination Revolving Fund

(WV Code Chapter 33)

Fund 7150 FY 2023 Org 0704

Personal Services and Employee Benefits.....	00100	\$	760,866
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		\$	2,222,156

251 - Insurance Commissioner –

Consumer Advocate

(WV Code Chapter 33)

Fund 7151 FY 2023 Org 0704

Personal Services and Employee Benefits.....	00100	\$	584,078
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		\$	849,780

252 - Insurance Commissioner –

Insurance Commission Fund

(WV Code Chapter 33)

Fund 7152 FY 2023 Org 0704

Personal Services and Employee Benefits.....	00100	\$	24,627,046
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		\$ 35,723,819

*253 - Insurance Commissioner –
Insurance Fraud Prevention Fund
(WV Code Chapter 33)
Fund 7153 FY 2023 Org 0704*

Current Expenses	13000	\$ 15,000
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*254 - Insurance Commissioner –
Workers' Compensation Old Fund
(WV Code Chapter 23)
Fund 7162 FY 2023 Org 0704*

Employee Benefits	01000	\$ 50,000
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Current Expenses	13000	<u>250,500,000</u>
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Total		\$ 250,550,000
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*255 - Insurance Commissioner –
Workers' Compensation Uninsured Employers' Fund
(WV Code Chapter 23)
Fund 7163 FY 2023 Org 0704*

Current Expenses	13000	\$ 15,000,000
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*256 - Insurance Commissioner –
Self-Insured Employer Guaranty Risk Pool
(WV Code Chapter 23)
Fund 7164 FY 2023 Org 0704*

Current Expenses	13000	\$ 9,000,000
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*257 - Insurance Commissioner –
Self-Insured Employer Security Risk Pool*

(WV Code Chapter 23)

Fund 7165 FY 2023 Org 0704

Current Expenses	13000	\$	14,000,000
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258 - Municipal Bond Commission

(WV Code Chapter 13)

Fund 7253 FY 2023 Org 0706

Personal Services and Employee Benefits.....	00100	\$	321,604
Current Expenses	13000		154,344
Equipment.....	07000		<u>100</u>
Total		\$	476,048

*259 - Racing Commission –**Relief Fund*

(WV Code Chapter 19)

Fund 7300 FY 2023 Org 0707

Medical Expenses – Total	24500	\$	154,000
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The total amount of this appropriation shall be paid from the special revenue fund out of collections of license fees and fines as provided by law.

No expenditures shall be made from this fund except for hospitalization, medical care and/or funeral expenses for persons contributing to this fund.

*260 - Racing Commission –**Administration and Promotion Account*

(WV Code Chapter 19)

Fund 7304 FY 2023 Org 0707

Personal Services and Employee Benefits.....	00100	\$	272,430
Current Expenses	13000		85,433
Other Assets	69000		<u>5,000</u>
Total		\$	362,863

*261 - Racing Commission –**General Administration**(WV Code Chapter 19)*Fund 7305 FY 2023 Org 0707

Personal Services and Employee Benefits.....	00100	\$	2,380,713
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		\$	2,971,440

*262 - Racing Commission –**Administration, Promotion, Education, Capital Improvement**and Greyhound Adoption Programs**to include Spaying and Neutering Account**(WV Code Chapter 19)*Fund 7307 FY 2023 Org 0707

Personal Services and Employee Benefits.....	00100	\$	924,832
Current Expenses	13000		160,099
Other Assets	69000		<u>200,000</u>
Total		\$	1,284,931

*263 - Alcohol Beverage Control Administration –**Wine License Special Fund**(WV Code Chapter 60)*Fund 7351 FY 2023 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.

264 - Alcohol Beverage Control Administration

(WV Code Chapter 60)

Fund 7352 FY 2023 Org 0708

Personal Services and Employee Benefits.....	00100	\$ 5,849,609
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		\$ 107,261,986

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.

265 - State Athletic Commission Fund

(WV Code Chapter 29)

Fund 7009 FY 2023 Org 0933

Personal Services and Employee Benefits.....	00100	\$	12,000
Current Expenses	13000		<u>28,000</u>
Total.....		\$	40,000

DEPARTMENT OF TRANSPORTATION

266 - Division of Motor Vehicles –

Dealer Recovery Fund

(WV Code Chapter 17)

Fund 8220 FY 2023 Org 0802

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

Motor Vehicle Fees Fund

(WV Code Chapter 17B)

Fund 8223 FY 2023 Org 0802

Personal Services and Employee Benefits.....	00100	\$	3,929,736
Current Expenses	13000		4,372,596
Repairs and Alterations.....	06400		16,000
Equipment.....	07000		75,000
Other Assets	69000		10,000
BRIM Premium.....	91300		<u>75,116</u>
Total.....		\$	8,478,448

268 - Division of Highways –

A. James Manchin Fund

(WV Code Chapter 22)

Fund 8319 FY 2023 Org 0803

Current Expenses	13000	\$	2,500,000
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269 - State Rail Authority -

West Virginia Commuter Rail Access Fund

(WV Code Chapter 29)

Fund 8402 FY 2023 Org 0804

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

270 - Veterans' Facilities Support Fund

(WV Code Chapter 9A)

Fund 6703 FY 2023 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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271 - Department of Veterans' Assistance –

WV Veterans' Home –

Special Revenue Operating Fund

(WV Code Chapter 9A)

Fund 6754 FY 2023 Org 0618

Current Expenses	13000	\$	289,400
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Repairs and Alterations.....	06400		<u>10,600</u>
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Total		\$	300,000
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BUREAU OF SENIOR SERVICES*272 - Bureau of Senior Services –**Community Based Service Fund**(WV Code Chapter 29)**Fund 5409 FY 2023 Org 0508*

Personal Services and Employee Benefits.....	00100	\$	140,202
Salary and Benefits of Cabinet Secretary and			
Agency Heads.....	00201		25,795
Current Expenses	13000		<u>10,348,710</u>
Total.....		\$	10,514,707

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*273 - 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 2023 Org 0442*

Debt Service	04000	\$	27,402,035
General Capital Expenditures	30600		5,000,000
Facilities Planning and Administration.....	38600		<u>456,239</u>
Total.....		\$	32,858,274

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.

274 - Tuition Fee Revenue Bond Construction Fund

(WV Code Chapters 18 and 18B)

Fund 4906 FY 2023 Org 0442

Any unexpended balance remaining in the appropriation for Capital Outlay (fund 4906, appropriation 51100) at the close of the fiscal year 2022 is hereby reappropriated for expenditure during the fiscal year 2023.

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.

275 - Community and Technical College –

Capital Improvement Fund

(WV Code Chapter 18B)

Fund 4908 FY 2023 Org 0442

Any unexpended balance remaining in the appropriation for Capital Improvements – Total (fund 4908, appropriation 95800) at the close of fiscal year 2022 is hereby reappropriated for expenditure during the fiscal year 2023.

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.

276 - West Virginia University –

West Virginia University Health Sciences Center

(WV Code Chapters 18 and 18B)

Fund 4179 FY 2023 Org 0463

Personal Services and Employee Benefits.....	00100	\$	11,118,758
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		\$ 16,780,058

MISCELLANEOUS BOARDS AND COMMISSIONS

277 - Board of Barbers and Cosmetologists –

Barbers and Beauticians Special Fund

(WV Code Chapters 16 and 30)

Fund 5425 FY 2023 Org 0505

Personal Services and Employee Benefits.....	00100	\$ 568,198
Current Expenses	13000	234,969
Repairs and Alterations.....	06400	<u>5,000</u>
Total		\$ 808,167

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.

278 - Hospital Finance Authority –

Hospital Finance Authority Fund

(WV Code Chapter 16)

Fund 5475 FY 2023 Org 0509

Salary and Benefits of Cabinet Secretary and Agency Heads	00201	\$ 93,339
Unclassified	09900	1,501
Current Expenses	13000	<u>55,268</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.

279 - State Armory Board –

General Armory Fund

(WV Code Chapter 15)

Fund 6057 FY 2023 Org 0603

Personal Services and Employee Benefits.....	00100	\$	1,687,298
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.....		\$	4,043,770

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).

280 - WV State Board of Examiners for Licensed Practical Nurses –

Licensed Practical Nurses

(WV Code Chapter 30)

Fund 8517 FY 2023 Org 0906

Personal Services and Employee Benefits.....	00100	\$	507,607
Current Expenses	13000		<u>107,700</u>
Total.....		\$	615,307

281 - WV Board of Examiners for Registered Professional Nurses –

Registered Professional Nurses

(WV Code Chapter 30)

Fund 8520 FY 2023 Org 0907

Personal Services and Employee Benefits.....	00100	\$	1,342,970
Current Expenses	13000		312,655
Repairs and Alterations.....	06400		3,000
Equipment.....	07000		25,000
Other Assets	69000		<u>4,500</u>

Total		\$	1,688,125
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282 - Public Service Commission

(WV Code Chapter 24)

Fund 8623 FY 2023 Org 0926

Personal Services and Employee Benefits.....	00100	\$	12,543,164
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		120,000
Equipment.....	07000		160,000
Buildings	25800		10
PSC Weight Enforcement	34500		4,742,560
Debt Payment/Capital Outlay.....	52000		350,000
Land	73000		10
BRIM Premium.....	91300		<u>172,216</u>
Total.....		\$	21,061,445

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.

283 - Public Service Commission –

Gas Pipeline Division –

Public Service Commission Pipeline Safety Fund

(WV Code Chapter 24B)

Fund 8624 FY 2023 Org 0926

Personal Services and Employee Benefits.....	00100	\$	288,700
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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		\$ 401,615

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.

284 - Public Service Commission –

Motor Carrier Division

(WV Code Chapter 24A)

Fund 8625 FY 2023 Org 0926

Personal Services and Employee Benefits	00100	\$ 2,367,199
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		\$ 3,114,700

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.

285 - Public Service Commission –

Consumer Advocate Fund

(WV Code Chapter 24)

Fund 8627 FY 2023 Org 0926

Personal Services and Employee Benefits	00100	\$ 889,096
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Current Expenses	13000	386,472
Equipment.....	07000	9,872
BRIM Premium.....	91300	<u>4,660</u>
Total		\$ 1,290,100

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.

286 - Real Estate Commission –

Real Estate License Fund

(WV Code Chapter 30)

Fund 8635 FY 2023 Org 0927

Personal Services and Employee Benefits.....	00100	\$ 628,277
Current Expenses	13000	293,122
Repairs and Alterations.....	06400	2,500
Equipment.....	07000	<u>5,000</u>
Total		\$ 928,899

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

287 - WV Board of Examiners for Speech-Language

Pathology and Audiology –

Speech-Language Pathology and Audiology Operating Fund

(WV Code Chapter 30)

Fund 8646 FY 2023 Org 0930

Personal Services and Employee Benefits.....	00100	\$ 97,564
Current Expenses	13000	<u>63,499</u>
Total		\$ 161,063

288 - WV Board of Respiratory Care –

Board of Respiratory Care Fund

(WV Code Chapter 30)

Fund 8676 FY 2023 Org 0935

Personal Services and Employee Benefits.....	00100	\$	88,904
Current Expenses	13000		<u>62,709</u>
Total		\$	151,613

*289 - WV Board of Licensed Dietitians –**Dietitians Licensure Board Fund*

(WV Code Chapter 30)

Fund 8680 FY 2023 Org 0936

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

*290 - Massage Therapy Licensure Board –**Massage Therapist Board Fund*

(WV Code Chapter 30)

Fund 8671 FY 2023 Org 0938

Personal Services and Employee Benefits.....	00100	\$	112,641
Current Expenses	13000		<u>42,388</u>
Total		\$	155,029

*291 - Board of Medicine –**Medical Licensing Board Fund*

(WV Code Chapter 30)

Fund 9070 FY 2023 Org 0945

Personal Services and Employee Benefits.....	00100	\$	1,577,216
Current Expenses	13000		1,108,789
Repairs and Alterations.....	06400		<u>8,000</u>

Total		\$	2,694,005
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292 - West Virginia Enterprise Resource Planning Board –

Enterprise Resource Planning System Fund

(WV Code Chapter 12)

Fund 9080 FY 2023 Org 0947

Personal Services and Employee Benefits.....	00100	\$	5,494,051
Unclassified	09900		132,000
Current Expenses	13000		17,214,993
Repairs and Alterations.....	06400		300
Equipment.....	07000		502,000
Buildings	25800		2,000
Other Assets	69000		<u>2,004,500</u>
Total		\$	25,349,844

293 - Board of Treasury Investments –

Board of Treasury Investments Fee Fund

(WV Code Chapter 12)

Fund 9152 FY 2023 Org 0950

Personal Services and Employee Benefits.....	00100	\$	857,714
Unclassified	09900		14,850
Current Expenses	13000		580,889
BRIM Premium.....	91300		31,547
Fees of Custodians, Fund Advisors and Fund Managers	93800		<u>3,500,000</u>
Total		\$	4,985,000

There is hereby appropriated from this fund, in addition to the above appropriation if needed, an amount of funds necessary for the Board of Treasury Investments to pay the fees and expenses of custodians, fund advisors and fund managers for the consolidated fund of the State as provided in Article 6C, Chapter 12 of the Code.

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

294 - Contractor Licensing Board Fund

(WV Code Chapter 21)

Fund 3187 FY 2023 Org 0951

Personal Services and Employee Benefits.....	00100	\$	2,559,000
Repairs and Alterations.....	06400		10,000
Unclassified	09900		21,000
Current Expenses	13000		500,000
BRIM Premium.....	91300		<u>8,500</u>
Total		\$	3,098,500
Total TITLE II, Section 3 – Other Funds (Including claims against the state).....			<u>\$ 2,002,782,414</u>

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.

295 - Education, Arts, Sciences and Tourism –

Debt Service Fund

(WV Code Chapter 5)

Fund 2252 FY 2023 Org 0211

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

*296 - Department of Tourism –**Office of the Secretary*

(WV Code Chapter 5B)

Fund 3067 FY 2023 Org 0304

Tourism – Telemarketing Center.....	46300	\$	82,080
Tourism – Advertising (R)	61800		2,422,407
Tourism – Operations (R).....	66200		<u>4,339,884</u>
Total.....		\$	6,844,371

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 2022 are hereby reappropriated for expenditure during the fiscal year 2023.

297 - Division of Natural Resources

(WV Code Chapter 20)

Fund 3267 FY 2023 Org 0310

Personal Services and Employee Benefits.....	00100	\$	2,558,278
Current Expenses	13000		26,900
Pricketts Fort State Park	32400		106,560
Non-Game Wildlife (R).....	52700		405,088
State Parks and Recreation Advertising (R).....	61900		<u>494,578</u>
Total.....		\$	3,591,404

Any unexpended balances remaining in the appropriations for Capital Outlay – Parks (fund 3267, appropriation 28800), Non-Game Wildlife (fund 3267, appropriation 52700), and State Parks and Recreation Advertising (fund 3267, appropriation 61900) at the close of the fiscal year 2022 are hereby reappropriated for expenditure during the fiscal year 2023.

298 - State Board of Education

(WV Code Chapters 18 and 18A)

Fund 3951 FY 2023 Org 0402

FBI Checks	37200	\$	119,574
Vocational Education Equipment Replacement.....	39300		800,000

Assessment Program (R).....	39600	490,439
Literacy Project.....	89900	350,000
21st Century Technology Infrastructure		
Network Tools and Support (R).....	93300	<u>12,611,880</u>
Total.....		\$ 14,371,893

Any unexpended balances remaining in the appropriations for Assessment Program (fund 3951, appropriation 39600), and 21st Century Technology Infrastructure Network Tools and Support (fund 3951, appropriation 93300) at the close of the fiscal year 2022 are hereby reappropriated for expenditure during the fiscal year 2023.

299 - State Department of Education –

School Building Authority –

Debt Service Fund

(WV Code Chapter 18)

Fund 3963 FY 2023 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.

300 - Division of Culture and History –

Lottery Education Fund

(WV Code Chapter 29)

Fund 3534 FY 2023 Org 0432

Huntington Symphony.....	02700	\$ 59,058
Preservation West Virginia (R).....	09200	491,921
Fairs and Festivals (R).....	12200	1,346,814

Commission for National and Community Service (R).....	19300	380,275
Archeological Curation/Capital Improvements (R).....	24600	38,546
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.....		\$ 4,273,727

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 \$891, Beckley Main Street (Raleigh) \$2,970, Buffalo Creek Memorial (Logan) \$2,970, Carnegie Hall (Greenbrier) \$46,899, Ceredo Historical Society (Wayne) \$1,188, Ceredo Kenova Railroad Museum (Wayne) \$1,188, Ceredo Museum (Wayne) \$720, Children's Theatre of Charleston (Kanawha) \$3,127, Chuck Mathena Center (Mercer) \$62,532, Collis P. Huntington Railroad Historical Society (Cabell) \$5,941, Country Music Hall of Fame and Museum (Marion) \$4,159, First Stage Children's Theater Company \$1,188, Flannigan Murrell House (Summers) \$3,781, Fort Ashby Fort (Mineral) \$891, Fort New Salem (Harrison) \$2,198, Fort Randolph (Mason) \$2,970, General Adam Stephen Memorial Foundation (Berkeley) \$11,006, Grafton Mother's Day Shrine Committee (Taylor) \$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) \$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 (Raleigh) \$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) \$720

From the above appropriation for Fairs and Festivals (fund 3534, appropriation 12200) funding shall be provided to A Princeton 4th (Mercer) \$1,800, African-American Cultural Heritage Festival (Jefferson) \$2,970, 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, Arkansaw Homemaker's Heritage Weekend (Hardy) \$2,079, Armed Forces Day-South Charleston (Kanawha) \$1,782, Arthurdale Heritage New Deal Festival (Preston) \$2,970, Athens Town Fair (Mercer) \$1,188, Augusta Fair (Randolph) \$2,970, Autumn Harvest Fest (Monroe) \$2,448, 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, Blue Ridge Arts and Crafts Festival (Jefferson) \$5,000, 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, 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, Christmas on

Main Street (Hancock) \$11,881, City of Dunbar Critter Dinner (Kanawha) \$5,940, 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, Clendenin Homecoming Festival (Kanawha) \$1,000, Coal Field Jamboree (Logan) \$20,792, Coalton Days Fair (Randolph) \$4,158, Covered Bridge Festival (Marion) \$3,000, Craigsville Fall Festival (Nicholas) \$2,079, Cruise into Princeton (Mercer) \$2,160, Culturefest World Music & Arts Festival (Mercer) \$4,690, Delbarton Homecoming (Mingo) \$2,079, Doddridge County Fair (Doddridge) \$4,158, 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, Fly in Festival (Cabell) \$5,000, Follansbee Community Days (Brooke) \$4,900, Fort Gay Mountain Heritage Days (Wayne) \$2,970, Fort Henry Days (Ohio) \$3,148, Fort Henry Living History (Ohio) \$1,563, Fort New Salem Spirit of Christmas Festival (Harrison) \$2,432, Frankford Autumnfest (Greenbrier) \$2,970, Franklin Fishing Derby (Pendleton) \$10,709, 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, Huntersville Traditions Day (Pocahontas) \$4,000, 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, Knights of Columbus Irish Road Bowling (Marshall County) \$3,000, 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 Martinsville Regatta (Wetzel) \$9,000, 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) \$4,000, Oglebay City Park - Festival of Lights (Ohio) \$47,524, Oglebay Festival (Ohio) \$5,940, Ohio County Country Fair (Ohio) \$5,346, Ohio River Fest (Jackson) \$4,320, Ohio Valley Black Heritage Festival (Ohio) \$3,267, Old Brick Playhouse (Randolph) \$7,000, 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) \$1,500, Pine Bluff Fall Festival (Harrison) \$2,376, Pine Grove 4th of July Festival (Wetzel) \$4,158, Pineville Festival (Wyoming) \$3,564, Pleasants County Agriculture Youth Fair (Pleasants) \$2,970, 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, 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) \$2,500, 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, 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 Freedom Festival (Logan) \$4,456, 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, Winfield Watersports Weekend (Putnam) \$3,240, 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), and Grants for Competitive Arts Program (fund 3534, appropriation 62400) at the close of the fiscal year 2022 are hereby reappropriated for expenditure during the fiscal year 2023.

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.

301 - Library Commission –

Lottery Education Fund

(WV Code Chapter 10)

Fund 3559 FY 2023 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

302 - Educational Broadcasting Authority

(WV Code Chapter 10)

Fund 3587 FY 2023 Org 0439

Any unexpended balance remaining in the appropriation for Capital Outlay and Maintenance (fund 3587, appropriation 75500) at the close of fiscal year 2022 is hereby reappropriated for expenditure during the fiscal year 2023.

303 - Higher Education Policy Commission –

Lottery Education –

Higher Education Policy Commission –

Control Account

(WV Code Chapters 18B and 18C)

Fund 4925 FY 2023 Org 0441

RHI Program and Site Support (R).....	03600	\$	1,915,854
RHI Program and Site Support – RHEP Program Administration	03700		146,653
RHI Program and Site Support – Grad Med Ed and Fiscal Oversight (R).....	03800		89,586

Minority Doctoral Fellowship (R)	16600	129,604
Health Sciences Scholarship (R).....	17600	225,908
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.....		\$ 3,023,161

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 2022 are hereby reappropriated for expenditure during the fiscal year 2023.

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.

304 - Community and Technical College –

Capital Improvement Fund

(WV Code Chapter 18B)

Fund 4908 FY 2023 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 2022 is hereby reappropriated for expenditure during the fiscal year 2023.

305 - Higher Education Policy Commission –

Lottery Education –

West Virginia University – School of Medicine

(WV Code Chapter 18B)

Fund 4185 FY 2023 Org 0463

WVU Health Sciences – RHI Program and Site Support (R)	03500	\$ 1,208,106
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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	1,802,118
Center for Excellence in Disabilities (R)	96700	<u>318,711</u>
Total.....		\$ 3,718,367

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 2022 are hereby reappropriated for expenditure during the fiscal year 2023.

306 - Higher Education Policy Commission –

Lottery Education –

Marshall University – School of Medicine

(WV Code Chapter 18B)

Fund 4896 FY 2023 Org 0471

Marshall Medical School – RHI Program and Site Support (R).....	03300	\$ 434,910
Vice Chancellor for Health Sciences – Rural Health Residency Program (R)	60100	<u>174,109</u>
Total.....		\$ 609,019

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 2022 are hereby reappropriated for expenditure during the fiscal year 2023.

307 - Bureau of Senior Services –

Lottery Senior Citizens Fund

(WV Code Chapter 29)

Fund 5405 FY 2023 Org 0508

Personal Services and Employee Benefits.....	00100	\$ 142,503
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Salary and Benefits of Cabinet Secretary and Agency Heads	00201	70,720
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	14,203,501
Roger Tompkins Alzheimer's Respite Care	64300	2,304,286
WV Alzheimer's Hotline.....	72400	45,000
Regional Aged and Disabled Resource Center	76700	425,000
Senior Services Medicaid Transfer.....	87100	16,400,070
Legislative Initiatives for the Elderly	90400	9,671,239
Long Term Care Ombudsman.....	90500	297,226
BRIM Premium.....	91300	7,718
In-Home Services and Nutrition for Senior Citizens.....	91700	<u>6,845,941</u>
Total.....		\$ 53,200,238

Any unexpended balance remaining in the appropriation for Senior Citizen Centers and Programs (fund 5405, appropriation 46200) at the close of the fiscal year 2022 is hereby reappropriated for expenditure during the fiscal year 2023.

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..... \$ 134,145,880

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.

308 - Governor's Office

(WV Code Chapter 5)

Fund 1046 FY 2023 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 2022 is hereby reappropriated for expenditure during the fiscal year 2023.

309 - Office of Technology

(WV Code Chapter 5A)

Fund 2532 FY 2023 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 2022 are hereby reappropriated for expenditure during the fiscal year 2023.

310 - Department of Economic Development –

Office of the Secretary –

West Virginia Development Office

(WV Code Chapter 5B)

Fund 3170 FY 2023 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 2022 is hereby reappropriated for expenditure during the fiscal year 2023.

311 - Division of Natural Resources –

State Park Improvement Fund

Fund 3277 FY 2023 Org 0310

Current Expenses (R)	13000	\$	23,300
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Repairs and Alterations (R).....	06400	161,200
Equipment (R).....	07000	200,000
Buildings (R).....	25800	100,000
Other Assets (R).....	69000	<u>1,020,500</u>
Total.....		\$ 1,505,000

Any unexpended balances remaining in the appropriations for Repairs and Alterations (fund 3277, appropriation 06400), Equipment (fund 3277, appropriation 07000), Unclassified – Total (fund 3277, appropriation 09600), Current Expenses (fund 3277, appropriation 13000), Buildings (fund 3277, appropriation 25800), and Other Assets (fund 3277, appropriation 69000) at the close of the fiscal year 2022 are hereby reappropriated for expenditure during the fiscal year 2023.

312 - West Virginia Infrastructure Council –

West Virginia Infrastructure Transfer Fund

Fund 3390 FY 2023 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.

313 - Department of Education –

School Building Authority

Fund 3514 FY 2023 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.

314 - Higher Education Policy Commission –

Education Improvement Fund

Fund 4295 FY 2023 Org 0441

PROMISE Scholarship – Transfer.....	80000	\$	29,000,000
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The above appropriation shall be transferred to the PROMISE Scholarship Fund (fund 4296, org 0441) established by W.Va. Code §18C-7-7.

The Legislature has explicitly set a finite amount of available appropriations and directed the administrators of the Program to provide for the award of scholarships within the limits of available appropriations.

315 - Higher Education Policy Commission –

Higher Education Improvement Fund

Fund 4297 FY 2023 Org 0441

Directed Transfer	70000	\$	15,000,000
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The above appropriation for Directed Transfer shall be transferred to Higher Education Policy Commission – System – Tuition Fee Capital Improvement Fund (fund 4903, org 0442) as authorized by Senate Concurrent Resolution No. 41.

316 - Higher Education Policy Commission –

Administration –

Control Account

Fund 4932 FY 2023 Org 0441

Any unexpended balance remaining in the appropriation for Advanced Technology Centers (fund 4932, appropriation 02800) at the close of the fiscal year 2022 is hereby reappropriated for expenditure during the fiscal year 2023.

317 - Division of Human Services

(WV Code Chapters 9, 48, and 49)

Fund 5365 FY 2023 Org 0511

Medical Services.....	18900	\$	26,697,960
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318 - Division of Corrections and Rehabilitation –

Correctional Units

(WV Code Chapter 15A)

Fund 6283 FY 2023 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 2022 is hereby reappropriated for expenditure during the fiscal year 2023.

*319 - Lottery Commission –**General Purpose Account*Fund 7206 FY 2023 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.

*320 - Lottery Commission –**Refundable Credit*Fund 7207 FY 2023 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.

*321 - Lottery Commission –**Distributions to Statutory Funds and Purposes*Fund 7213 FY 2023 Org 0705

Parking Garage Fund – Transfer.....	70001	\$	500,000
2004 Capitol Complex Parking Garage Fund – Transfer.....	70002		216,478
Capitol Dome and Improvements Fund – Transfer.....	70003		1,796,256
Capitol Renovation and Improvement Fund – Transfer	70004		2,381,252
Development Office Promotion Fund – Transfer	70005		1,298,864
Research Challenge Fund – Transfer	70006		1,731,820
Tourism Promotion Fund – Transfer.....	70007		4,808,142
Cultural Facilities and Capitol Resources Matching Grant Program Fund – Transfer	70008		1,250,535
State Debt Reduction Fund – Transfer.....	70010		20,000,000
General Revenue Fund – Transfer.....	70011		1,167,799

West Virginia Racing Commission Racetrack Video Lottery Account	70012	3,463,637
Historic Resort Hotel Fund	70013	24,010
Licensed Racetrack Regular Purse Fund	70014	<u>22,383,247</u>
Total		\$ 61,022,040

322 - Racing Commission

Fund 7308 FY 2023 Org 0707

Special Breeders Compensation (WVC §29-22-18a, subsection (I))	21800	\$ 2,000,000
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323 - Economic Development Authority –

Economic Development Project Fund

Fund 9065 FY 2023 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).

324 - Economic Development Authority –

Cacapon and Beech Fork State Parks –

Lottery Revenue Debt Service

Fund 9067 FY 2023 Org 0944

Debt Service	04000	\$ 2,032,000
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325 - Economic Development Authority –

State Parks Lottery Revenue Debt Service Fund

Fund 9068 FY 2023 Org 0944

Debt Service	04000	\$ 4,395,000
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Total TITLE II, Section 5 – Excess Lottery Funds.....		<u>\$ 300,652,000</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 2023.

LEGISLATIVE*326 - Crime Victims Compensation Fund*

(WV Code Chapter 14)

Fund 8738 FY 2023 Org 2300

	Appro-		Federal
	priation		Funds
Economic Loss Claim Payment Fund.....	33400	\$	1,100,000

JUDICIAL*327 - Supreme Court*Fund 8867 FY 2023 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*328 - Governor's Office –**Coronavirus State Fiscal Recovery Fund*

(WV Code Chapter 4)

Fund 8823 FY 2023 Org 0100

Personal Services and Employee Benefits.....	00100	\$	941,932,089
Unclassified	09900		13,554,899
Current Expenses	13000		400,000,000
Repairs and Alterations.....	06400		1,000
Equipment.....	07000		1,000

Other Assets	69000	<u>1,000</u>
Total		\$ 1,355,489,988

329 - Department of Agriculture

(WV Code Chapter 19)

Fund 8736 FY 2023 Org 1400

Personal Services and Employee Benefits.....	00100	\$ 2,708,867
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		\$ 13,198,562

330 - Department of Agriculture –

Meat Inspection Fund

(WV Code Chapter 19)

Fund 8737 FY 2023 Org 1400

Personal Services and Employee Benefits.....	00100	\$ 685,045
Unclassified	09900	8,755
Current Expenses	13000	136,012
Repairs and Alterations.....	06400	5,500
Equipment.....	07000	<u>114,478</u>
Total		\$ 949,790

331 - Department of Agriculture –

State Conservation Committee

(WV Code Chapter 19)

Fund 8783 FY 2023 Org 1400

Personal Services and Employee Benefits.....	00100	\$	97,250
Current Expenses	13000		<u>15,599,974</u>
Total		\$	15,697,224

332 - Department of Agriculture –

*Land Protection Authority*Fund 8896 FY 2023 Org 1400

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

333 - Attorney General –

*Medicaid Fraud Unit*Fund 8882 FY 2023 Org 1500

Personal Services and Employee Benefits.....	00100	\$	1,434,886
Unclassified	09900		15,336
Current Expenses	13000		599,513
Repairs and Alterations.....	06400		4,313
Equipment.....	07000		7,500
Other Assets	69000		<u>11,336</u>
Total		\$	2,072,884

334 - Secretary of State –

State Election Fund

(WV Code Chapter 3)

Fund 8854 FY 2023 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*335 - Division of Forestry*

(WV Code Chapter 19)

Fund 8703 FY 2023 Org 0305

Personal Services and Employee Benefits.....	00100	\$	610,888
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		\$	7,958,593

336 - Geological and Economic Survey

(WV Code Chapter 29)

Fund 8704 FY 2023 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
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337 - Division of Labor

(WV Code Chapters 21 and 47)

Fund 8706 FY 2023 Org 0308

Personal Services and Employee Benefits.....	00100	\$	427,254
Unclassified	09900		5,572
Current Expenses	13000		167,098
Repairs and Alterations.....	06400		<u>500</u>
Total		\$	600,424

338 - Division of Natural Resources

(WV Code Chapter 20)

Fund 8707 FY 2023 Org 0310

Personal Services and Employee Benefits.....	00100	\$	10,318,396
Unclassified	09900		107,693
Current Expenses	13000		7,887,660
Repairs and Alterations.....	06400		566,250
Equipment.....	07000		2,126,141
Administration	15500		50,325
Buildings	25800		951,000
Other Assets	69000		4,768,670
Land	73000		<u>2,893,920</u>
Total		\$	29,670,055

339 - Division of Miners' Health,

Safety and Training

(WV Code Chapter 22)

Fund 8709 FY 2023 Org 0314

Personal Services and Employee Benefits.....	00100	\$	670,029
Current Expenses	13000		<u>150,000</u>
Total		\$	820,029

340 - WorkForce West Virginia

(WV Code Chapter 23)

Fund 8835 FY 2023 Org 0323

Unclassified	09900	\$	5,127
Current Expenses	13000		507,530
Reed Act 2002 – Unemployment Compensation.....	62200		4,446,737
Reed Act 2002 – Employment Services	63000		<u>3,246,737</u>
Total		\$	8,206,131

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

341 - State Board of Rehabilitation –

Division of Rehabilitation Services

(WV Code Chapter 18)

Fund 8734 FY 2023 Org 0932

Personal Services and Employee Benefits.....	00100	\$	12,042,929
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.....		\$	48,248,139

342 - *State Board of Rehabilitation* –
Division of Rehabilitation Services –
Disability Determination Services
 (WV Code Chapter 18)
 Fund 8890 FY 2023 Org 0932

Personal Services and Employee Benefits.....	00100	\$	12,945,086
Current Expenses	13000		13,383,206
Repairs and Alterations.....	06400		1,100
Equipment.....	07000		<u>83,350</u>
Total.....		\$	26,412,742

DEPARTMENT OF ECONOMIC DEVELOPMENT

343 - *Department of Economic Development* –
Office of the Secretary
 (WV Code Chapter 5B)
 Fund 8705 FY 2023 Org 0307

Personal Services and Employee Benefits.....	00100	\$	1,521,231
Unclassified	09900		50,000
Current Expenses	13000		<u>21,304,019</u>
Total.....		\$	22,875,250

344 - *Department of Economic Development* –
Office of Energy
 (WV Code Chapter 5B)
 Fund 8892 FY 2023 Org 0307

Personal Services and Employee Benefits.....	00100	\$	985,462
Unclassified	09900		7,350
Current Expenses	13000		<u>8,266,076</u>

Total \$ 9,258,888

345 - Department of Economic Development –

Office of the Secretary –

Office of Economic Opportunity

(WV Code Chapter 5)

Fund 8901 FY 2023 Org 0307

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

DEPARTMENT OF EDUCATION

346 - State Board of Education –

State Department of Education

(WV Code Chapters 18 and 18A)

Fund 8712 FY 2023 Org 0402

Personal Services and Employee Benefits.....	00100	\$ 5,890,196
Unclassified	09900	2,000,000
Current Expenses	13000	1,434,146,008
Repairs and Alterations.....	06400	10,000
Equipment.....	07000	10,000
Other Assets	69000	10,000
Federal Coronavirus Pandemic.....	89101	<u>4,990,123</u>
Total		\$ 1,447,056,327

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

(WV Code Chapters 18 and 18A)

Fund 8713 FY 2023 Org 0402

Personal Services and Employee Benefits.....	00100	\$	1,924,124
Unclassified	09900		1,150,500
Current Expenses	13000		258,781,265
Repairs and Alterations.....	06400		20,000
Equipment.....	07000		100,000
Other Assets	69000		<u>25,000</u>
Total		\$	262,000,889

*348 - State Board of Education –**Vocational Division*

(WV Code Chapters 18 and 18A)

Fund 8714 FY 2023 Org 0402

Personal Services and Employee Benefits.....	00100	\$	1,938,607
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		\$	19,943,688

*349 - State Board of Education –**Aid for Exceptional Children*

(WV Code Chapters 18 and 18A)

Fund 8715 FY 2023 Org 0402

Personal Services and Employee Benefits.....	00100	\$	3,540,241
Unclassified	09900		1,000,000
Current Expenses	13000		133,346,390
Repairs and Alterations.....	06400		10,000
Equipment.....	07000		10,000
Other Assets	69000		10,000
Federal Coronavirus Pandemic.....	89101		<u>17,336,635</u>
Total.....		\$	155,253,266

DEPARTMENT OF ARTS, CULTURE, AND HISTORY

350 - Division of Culture and History

(WV Code Chapter 29)

Fund 8718 FY 2023 Org 0432

Personal Services and Employee Benefits.....	00100	\$	851,130
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.....		\$	2,802,862

351 - Commission for National and Community Service

(WV Code Chapter 5F)

Fund 8841 FY 2023 Org 0432

Personal Services and Employee Benefits.....	00100	\$	446,874
Current Expenses	13000		5,587,325
Repairs and Alterations.....	06400		<u>1,000</u>

Total		\$	6,035,199
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352 - Library Commission

(WV Code Chapter 10)

Fund 8720 FY 2023 Org 0433

Personal Services and Employee Benefits	00100	\$	368,524
Current Expenses	13000		1,076,162
Equipment	07000		<u>543,406</u>
Total		\$	1,988,092

353 - Educational Broadcasting Authority

(WV Code Chapter 10)

Fund 8721 FY 2023 Org 0439

Equipment	07000	\$	1,000
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DEPARTMENT OF ENVIRONMENTAL PROTECTION

354 - Division of Environmental Protection

(WV Code Chapter 22)

Fund 8708 FY 2023 Org 0313

Personal Services and Employee Benefits	00100	\$	32,273,598
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		<u>80,000</u>
Total		\$	192,756,578

DEPARTMENT OF HEALTH AND HUMAN RESOURCES

355 - Consolidated Medical Service Fund

(WV Code Chapter 16)

Fund 8723 FY 2023 Org 0506

Personal Services and Employee Benefits.....	00100	\$	1,660,962
Unclassified	09900		73,307
Current Expenses	13000		92,583,302
Federal Coronavirus Pandemic.....	89101		<u>4,886,344</u>
Total.....		\$	99,203,915

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

(WV Code Chapter 16)

Fund 8802 FY 2023 Org 0506

Personal Services and Employee Benefits.....	00100	\$	16,607,893
Unclassified	09900		856,614
Current Expenses	13000		102,758,622
Equipment.....	07000		456,972
Buildings	25800		155,000
Other Assets	69000		380,000
Federal Coronavirus Pandemic.....	89101		<u>248,935,941</u>
Total.....		\$	370,151,042

*357 - Division of Health –**West Virginia Safe Drinking Water Treatment*

(WV Code Chapter 16)

Fund 8824 FY 2023 Org 0506

West Virginia Drinking Water Treatment Revolving Fund – Transfer	68900	\$	16,000,000
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358 - Human Rights Commission

(WV Code Chapter 5)

Fund 8725 FY 2023 Org 0510

Personal Services and Employee Benefits.....	00100	\$	455,925
Unclassified	09900		5,050
Current Expenses	13000		<u>64,950</u>
Total		\$	525,925

359 - Division of Human Services

(WV Code Chapters 9, 48, and 49)

Fund 8722 FY 2023 Org 0511

Personal Services and Employee Benefits.....	00100	\$	80,538,993
Unclassified	09900		22,855,833
Current Expenses	13000		112,181,984
Medical Services.....	18900		3,935,000,000
Medical Services Administrative Costs.....	78900		132,380,661
CHIP Administrative Costs.....	85601		4,549,783
CHIP Services.....	85602		49,752,412
Federal Economic Stimulus.....	89100		5,002,723
Federal Coronavirus Pandemic.....	89101		<u>151,642,105</u>
Total		\$	4,493,904,494

DEPARTMENT OF HOMELAND SECURITY

360 - Office of the Secretary

(WV Code Chapter 5F)

Fund 8876 FY 2023 Org 0601

Unclassified	09900	\$	5,000
Current Expenses	13000		<u>495,000</u>
Total		\$	500,000

361 - Division of Emergency Management

(WV Code Chapter 15)

Fund 8727 FY 2023 Org 0606

Personal Services and Employee Benefits.....	00100	\$	1,418,043
Salary and Benefits of Cabinet Secretary and Agency Heads.....	00201		61,250
Current Expenses.....	13000		20,429,281
Repairs and Alterations.....	06400		5,000
Equipment.....	07000		<u>100,000</u>
Total.....		\$	22,013,574

362 - Division of Corrections and Rehabilitation

(WV Code Chapters 15A)

Fund 8836 FY 2023 Org 0608

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

363 - West Virginia State Police

(WV Code Chapter 15)

Fund 8741 FY 2023 Org 0612

Personal Services and Employee Benefits.....	00100	\$	2,502,056
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.....		\$	8,067,812

364 - Fire Commission

(WV Code Chapter 29)

Fund 8819 FY 2023 Org 0619

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

(WV Code Chapter 15)

Fund 8803 FY 2023 Org 0623

Personal Services and Employee Benefits.....	00100	\$	1,270,062
Unclassified	09900		25,185
Current Expenses	13000		75,381,973
Repairs and Alterations.....	06400		<u>1,750</u>
Total		\$	76,678,970

DEPARTMENT OF REVENUE

366 - Insurance Commissioner

(WV Code Chapter 33)

Fund 8883 FY 2023 Org 0704

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

DEPARTMENT OF TRANSPORTATION

367 - Division of Motor Vehicles

(WV Code Chapter 17B)

Fund 8787 FY 2023 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

368 - Division of Public Transit

(WV Code Chapter 17)

Fund 8745 FY 2023 Org 0805

Personal Services and Employee Benefits.....	00100	\$	1,040,576
Current Expenses	13000		18,863,149
Repairs and Alterations.....	06400		2,500
Equipment.....	07000		3,501,714
Buildings	25800		2,450,000
Other Assets	69000		<u>250,000</u>
Total		\$	26,107,939

369 - Aeronautics Commission

(WV Code Chapter 29)

Fund 8831 FY 2023 Org 0807

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

DEPARTMENT OF VETERANS' ASSISTANCE*370 - Department of Veterans' Assistance*

(WV Code Chapter 9A)

Fund 8858 FY 2023 Org 0613

Personal Services and Employee Benefits.....	00100	\$	3,016,683
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	175,000
Federal Coronavirus Pandemic.....	89101	<u>1,900,000</u>
Total		\$ 8,284,603

371 - Department of Veterans' Assistance –

Veterans' Home

(WV Code Chapter 9A)

Fund 8728 FY 2023 Org 0618

Personal Services and Employee Benefits.....	00100	\$ 951,931
Current Expenses	13000	595,700
Repairs and Alterations.....	06400	60,500
Equipment.....	07000	10,500
Buildings	25800	500
Other Assets	69000	6,500
Land	73000	100
Federal Coronavirus Pandemic.....	89101	<u>1,600,000</u>
Total		\$ 3,225,731

BUREAU OF SENIOR SERVICES

372 - Bureau of Senior Services

(WV Code Chapter 29)

Fund 8724 FY 2023 Org 0508

Personal Services and Employee Benefits.....	00100	\$ 783,001
Salary and Benefits of Cabinet Secretary and Agency Heads.....	00201	8,840
Current Expenses	13000	13,811,853
Repairs and Alterations.....	06400	<u>3,000</u>
Total		\$ 14,606,694

MISCELLANEOUS BOARDS AND COMMISSIONS*373 - Adjutant General –**State Militia*

(WV Code Chapter 15)

Fund 8726 FY 2023 Org 0603

Unclassified	09900	\$	982,705
Mountaineer ChalleNGe Academy	70900		11,573,992
Martinsburg Starbase	74200		547,801
Charleston Starbase	74300		516,838
Military Authority	74800		<u>88,132,332</u>
Total		\$	101,753,668

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

*374 - Adjutant General –**West Virginia National Guard Counterdrug Forfeiture Fund*

(WV Code Chapter 15)

Fund 8785 FY 2023 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

*375 - Public Service Commission –**Motor Carrier Division*

(WV Code Chapter 24A)

Fund 8743 FY 2023 Org 0926

Personal Services and Employee Benefits.....	00100	\$	1,410,819
Current Expenses	13000		368,953
Repairs and Alterations.....	06400		39,000
Equipment.....	07000		<u>1,000</u>
Total		\$	1,819,772

*376 - Public Service Commission –**Gas Pipeline Division*

(WV Code Chapter 24B)

Fund 8744 FY 2023 Org 0926

Personal Services and Employee Benefits.....	00100	\$	639,344
Unclassified	09900		4,072
Current Expenses	13000		124,628
Equipment.....	07000		<u>3,000</u>
Total		\$	771,044

377 - National Coal Heritage Area Authority

(WV Code Chapter 29)

Fund 8869 FY 2023 Org 0941

Personal Services and Employee Benefits.....	00100	\$	193,043
Current Expenses	13000		328,008
Repairs and Alterations.....	06400		5,000
Equipment.....	07000		3,000
Other Assets	69000		<u>2,000</u>
Total		\$	531,051
Total TITLE II, Section 6 - Federal Funds.....			<u>\$ 8,912,932,524</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 2023.

378 - Department of Economic Development –

Office of the Secretary –

Community Development

Fund 8746 FY 2023 Org 0307

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

379 - Department of Economic Development –

Office of the Secretary –

Office of Economic Opportunity –

Community Services

Fund 8902 FY 2023 Org 0307

Personal Services and Employee Benefits.....	00100	\$	771,289
Unclassified	09900		125,000
Current Expenses	13000		17,781,811
Repairs and Alterations.....	06400		1,500
Equipment.....	07000		<u>9,000</u>
Total		\$	18,688,600

380 - WorkForce West Virginia –

Workforce Investment Act

Fund 8749 FY 2023 Org 0323

Personal Services and Employee Benefits.....	00100	\$	2,941,437
Salary and Benefits of Cabinet Secretary and Agency Heads.....	00201		124,018

Unclassified	09900	23,023
Current Expenses	13000	63,381,511
Repairs and Alterations.....	06400	1,600
Equipment.....	07000	500
Buildings	25800	<u>1,100</u>
Total		\$ 66,473,189

381 - Division of Health –

Maternal and Child Health

Fund 8750 FY 2023 Org 0506

Personal Services and Employee Benefits.....	00100	\$ 2,343,848
Unclassified	09900	81,439
Current Expenses	13000	<u>5,794,267</u>
Total		\$ 8,219,554

382 - Division of Health –

Preventive Health

Fund 8753 FY 2023 Org 0506

Personal Services and Employee Benefits.....	00100	\$ 274,388
Unclassified	09900	22,457
Current Expenses	13000	1,895,366
Equipment.....	07000	<u>165,642</u>
Total		\$ 2,357,853

383 - Division of Health –

Substance Abuse Prevention and Treatment

Fund 8793 FY 2023 Org 0506

Personal Services and Employee Benefits.....	00100	\$ 683,799
Unclassified	09900	115,924

Current Expenses	13000	10,853,740
Federal Coronavirus Pandemic.....	89101	<u>14,965,070</u>
Total		\$ 26,618,533

384 - Division of Health –

Community Mental Health Services

Fund 8794 FY 2023 Org 0506

Personal Services and Employee Benefits.....	00100	\$ 571,034
Unclassified	09900	33,533
Current Expenses	13000	4,883,307
Federal Coronavirus Pandemic.....	89101	<u>12,480,519</u>
Total		\$ 17,968,393

385 - Division of Human Services –

Energy Assistance

Fund 8755 FY 2023 Org 0511

Personal Services and Employee Benefits.....	00100	\$ 1,959,926
Unclassified	09900	350,000
Current Expenses	13000	38,182,151
Federal Coronavirus Pandemic.....	89101	<u>48,296,777</u>
Total		\$ 88,788,854

386 - Division of Human Services –

Social Services

Fund 8757 FY 2023 Org 0511

Personal Services and Employee Benefits.....	00100	\$ 9,106,066
Unclassified	09900	171,982
Current Expenses	13000	<u>8,870,508</u>
Total		\$ 18,148,556

*387 - Division of Human Services –**Temporary Assistance for Needy Families*Fund 8816 FY 2023 Org 0511

Personal Services and Employee Benefits.....	00100	\$ 21,331,693
Unclassified	09900	1,250,000
Current Expenses	13000	105,871,588
Federal Coronavirus Pandemic.....	89101	<u>4,617,546</u>
Total.....		\$ 133,070,827

*388 - Division of Human Services –**Child Care and Development*Fund 8817 FY 2023 Org 0511

Personal Services and Employee Benefits.....	00100	\$ 2,867,623
Unclassified	09900	350,000
Current Expenses	13000	47,000,307
Federal Coronavirus Pandemic.....	89101	<u>330,722,313</u>
Total.....		\$ 380,940,243
Total TITLE II, Section 7 – Federal Block Grants		<u>\$ 998,789,094</u>

Sec. 8. Awards for claims against the state. — There are hereby appropriated for fiscal year 2023, from the fund as designated, in the amounts as specified, general revenue funds in the amount of \$17,924, special revenue funds in the amount of \$63,003, and state road funds in the amount of \$433,232 for payment of claims against the state.

Sec. 9. Appropriations from general revenue fund surplus accrued. — The following items are hereby appropriated from the state fund, general revenue, and are to be available for expenditure during the fiscal year 2023 out of surplus funds only, accrued from the fiscal year ending June 30, 2022, subject to the terms and conditions set forth in this section.

It is the intent and mandate of the Legislature that the following appropriations be payable only from surplus as of July 31, 2022 from the fiscal year ending June 30, 2022, only after first meeting requirements of W.Va. Code §11B-2-20(b).

In the event that surplus revenues available on July 31, 2022, 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.

389 - West Virginia University –

General Administrative Fund

(WV Code Chapter 18B)

Fund 0344 FY 2023 Org 0463

West Virginia University – Surplus ##### \$ 14,100,000

390 - Marshall University –

General Administration Fund

(WV Code Chapter 18B)

Fund 0348 FY 2023 Org 0471

Marshall University – Surplus ##### \$ 8,100,000

391 - Department of Tourism –

Office of the Secretary

(WV Code Chapter 5B)

Fund 0246 FY 2023 Org 0304

Tourism – Brand Promotion – Surplus ##### \$ 7,000,000

392 - State Board of Education –

Vocational Division

(WV Code Chapters 18 and 18A)

Fund 0390 FY 2023 Org 0402

Jobs & Hope – Surplus ##### \$ 2,771,363

393 - Department of Revenue

(WV Code Chapter 11)

Fund ##### FY 2023 Org #####

Directed Transfer – Surplus ##### \$ 96,000,000

The above appropriation for Directed Transfer – Surplus (fund ####, appropriation #####) shall be credited to Fiscal Year 2023 collections.

394 - Department of Commerce –

Office of the Secretary

(WV Code Chapter 19)

Fund 0606 FY 2023 Org 0327

Directed Transfer – Surplus	70099	\$	1,000,000
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The above appropriation for Directed Transfer – Surplus (fund 0606, appropriation 70099) shall be transferred to the Marketing and Communications Operating Fund (fund 3002).

395 - Department of Agriculture –

Meat Inspection Fund

(WV Code Chapter 19)

Fund 0135 FY 2023 Org 1400

Personal Services and Employee Benefits – Surplus	24301	\$	550,000
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396 - Department of Veterans' Assistance

(WV Code Chapter 9A)

Fund 0456 FY 2023 Org 0613

Personal Services and Employee Benefits – Surplus	24301	\$	293,474
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Veterans' Nursing Home – Surplus	29100		<u>652,530</u>
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Total		\$	946,004
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397 - Department of Veterans' Assistance –

Veterans' Home

(WV Code Chapter 9A)

Fund 0460 FY 2023 Org 0618

Personal Services and Employee Benefits – Surplus	24301	\$	69,783
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Current Expenses – Surplus	13099		<u>80,000</u>
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Total		\$	149,783
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398 - Division of Administrative Services

(WV Code Chapter 15)

Fund 0546 FY 2023 Org 0623

Current Expenses – Surplus	13099	\$	11,400,000
Justice Reinvestment Initiative – Surplus	89599		<u>750,000</u>
Total		\$	12,150,000

From the above appropriation for Current Expenses – Surplus (fund 0546, appropriation 13099) \$11,400,000 shall be used for the Victims of Crime Act (VOCA).

399 - Division of General Services

(WV Code Chapter 5A)

Fund 0230 FY 2023 Org 0211

Capital Outlay, Repairs and Equipment – Surplus.....	67700	\$	4,000,000
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*400 - Department of Economic Development –**Office of the Secretary*

(WV Code Chapter 5B)

Fund 0256 FY 2023 Org 0307

Directed Transfer – Surplus	70099	\$	500,000
Global Economic Development – Surplus	20299		<u>150,000</u>
Total		\$	650,000

The above appropriation for Directed Transfer – Surplus (fund 0256, appropriation 70099) shall be transferred to the Broadband Enhancement Fund (fund 3013).

401 - Division of Personnel

(WV Code Chapter 29)

Fund 0206 FY 2023 Org 0222

Directed Transfer – Surplus	70099	\$	1,500,000
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The above appropriation for Directed Transfer – Surplus (fund 0206, appropriation 70099) shall be transferred to the Department of Administration, Division of Personnel (fund 2440).

*402 - Adjutant General –**State Militia*

(WV Code Chapter 15)

Fund 0433 FY 2023 Org 0603

Armory Board Transfer – Surplus.....	70199	\$	1,525,000
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403 - Educational Broadcasting Authority

(WV Code Chapter 10)

Fund 0300 FY 2023 Org 0439

Mountain Stage – Surplus.....	24999	\$	150,000
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*404 - Division of Corrections and Rehabilitation –**Correctional Units*

(WV Code Chapter 15A)

Fund 0450 FY 2023 Org 0608

Current Expenses – Surplus	13099	\$	4,200,000
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405 - Department of Revenue

(WV Code Chapter 11)

Fund #### FY 2023 Org ####

Directed Transfer – Surplus	####	\$	265,000,000
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The above appropriation for Directed Transfer – Surplus (fund ####, appropriation #####) shall be transferred to the Stabilization and Future Economic Reform Fund (fund ####, appropriation #####), created in House Bill 4007 during the 2022 Regular Session.

Total TITLE II, Section 9 – General Revenue Surplus Accrued		\$	<u>419,792,150</u>
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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 2023 out of surplus funds only, as determined by the director of lottery, accrued from the fiscal year ending June 30, 2022, 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, 2022.

In the event that surplus revenues available from the fiscal year ending June 30, 2022, 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.

406 - Bureau of Senior Services –

Lottery Senior Citizens Fund

(WV Code Chapter 29)

Fund 5405 FY 2023 Org 0508

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

Sec. 11. Appropriations from state excess lottery revenue surplus accrued. — The following item is hereby appropriated from the state excess lottery revenue fund, and is to be available for expenditure during the fiscal year 2023 out of surplus funds only, as determined by the director of lottery, accrued from the fiscal year ending June 30, 2022, 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, 2022.

In the event that surplus revenues available from the fiscal year ending June 30, 2022, 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.

407 - Racing Commission –

General Administration

(WV Code Chapter 19)

Fund 7308 FY 2023 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).

408 - Division of Human Services

(WV Code Chapters 9, 48, and 49)

Fund 5365 FY 2023 Org 0511

Medical Services – Lottery Surplus	68100	\$	16,200,000
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Total TITLE II, Section 11 – Surplus Accrued..... \$ 17,000,000

Sec. 12. Special revenue appropriations. — There are hereby appropriated for expenditure during the fiscal year 2023 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. 13. State improvement fund appropriations. — Bequests or donations of nonpublic funds, received by the Governor on behalf of the state during the fiscal year 2023, 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 2023 to be expended as authorized by the Governor, for such studies and recommendations which may encompass any problems of organization, procedures, systems, functions, powers or duties of a state spending unit in the executive branch, or the betterment of the economic, social, educational, health and general welfare of the state or its citizens.

Sec. 14. Specific funds and collection accounts. — A fund or collection account which by law is dedicated to a specific use is hereby appropriated in sufficient amount to meet all lawful demands upon the fund or collection account and shall be expended according to the provisions of Article 3, Chapter 12 of the Code.

Sec. 15. Appropriations for refunding erroneous payment. — Money that has been erroneously paid into the state treasury is hereby appropriated out of the fund into which it was paid, for refund to the proper person.

When the officer authorized by law to collect money for the state finds that a sum has been erroneously paid, he or she shall issue his or her requisition upon the Auditor for the refunding of the proper amount. The Auditor shall issue his or her warrant to the Treasurer and the Treasurer shall pay the warrant out of the fund into which the amount was originally paid.

Sec. 16. Sinking fund deficiencies. — There is hereby appropriated to the Governor a sufficient amount to meet any deficiencies that may arise in the mortgage finance bond insurance fund of the West Virginia housing development fund which is under the supervision and control of

the municipal bond commission as provided by W.Va. Code §31-18-20b, or in the funds of the municipal bond commission because of the failure of any state agency for either general obligation or revenue bonds or any local taxing district for general obligation bonds to remit funds necessary for the payment of interest and sinking fund requirements. The Governor is authorized to transfer from time to time such amounts to the municipal bond commission as may be necessary for these purposes.

The municipal bond commission shall reimburse the state of West Virginia through the Governor from the first remittance collected from the West Virginia housing development fund or from any state agency or local taxing district for which the Governor advanced funds, with interest at the rate carried by the bonds for security or payment of which the advance was made.

Sec. 17. Appropriations for local governments. — There are hereby appropriated for payment to counties, districts and municipal corporations such amounts as will be necessary to pay taxes due counties, districts and municipal corporations and which have been paid into the treasury:

- (a) For redemption of lands;
- (b) By public service corporations;
- (c) For tax forfeitures.

Sec. 18. Total appropriations. — Where only a total sum is appropriated to a spending unit, the total sum shall include personal services and employee benefits, annual increment, current expenses, repairs and alterations, buildings, equipment, other assets, land, and capital outlay, where not otherwise specifically provided and except as otherwise provided in TITLE I – GENERAL PROVISIONS, Sec. 3.

Sec. 19. General school fund. — The balance of the proceeds of the general school fund remaining after the payment of the appropriations made by this act is appropriated for expenditure in accordance with W.Va. Code §18-9A-16.

TITLE III – ADMINISTRATION

Sec. 1. Appropriations conditional. — The expenditure of the appropriations made by this act, except those appropriations made to the legislative and judicial branches of the state government, are conditioned upon the compliance by the spending unit with the requirements of Article 2, Chapter 11B of the Code.

Where spending units or parts of spending units have been absorbed by or combined with other spending units, it is the intent of this act that appropriations and reappropriations shall be to the succeeding or later spending unit created, unless otherwise indicated.

Sec. 2. Constitutionality. — If any part of this act is declared unconstitutional by a court of competent jurisdiction, its decision shall not affect any portion of this act which remains, but the remaining portion shall be in full force and effect as if the portion declared unconstitutional had never been a part of the act.

On motion of Senator Tarr, the following amendment to the House of Delegates amendment to the bill (Eng. Com. Sub. for S. B. 250) was reported by the Clerk:

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

TITLE I – GENERAL PROVISIONS.

Section 1. General policy. – The purpose of this bill is to appropriate money necessary for the economical and efficient discharge of the duties and responsibilities of the state and its agencies during the fiscal year 2023.

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 2023" shall mean the period from July 1, 2022, through June 30, 2023.

"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 2023, 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, 2023, as provided by W.V. Code §6-7-2a: *And provided further*, That no authority exists hereunder to transfer funds into appropriations to which no funds are legislatively appropriated: *And provided further*, That if the Legislature consolidates, reorganizes or terminates agencies, boards or functions, within any fiscal year the secretary or other appropriate agency head, or in the case of the termination of a spending unit of the state, the Director of the State Budget Office, in the absence of general law providing otherwise, may transfer the funds formerly appropriated to such agency, board or function, allocating items of appropriation as may be necessary if only part of the item may be allocated, in order to implement such consolidation, reorganization or termination. No funds may be transferred from a Special Revenue Account, dedicated account, capital expenditure account or any other account or fund specifically exempted by the Legislature from transfer, except that the use of the appropriations from the State Road Fund for the office of the Secretary of the Department of Transportation is not a use other than the purpose for which such funds were dedicated and is permitted.

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

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

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

TITLE II – APPROPRIATIONS.

ORDER OF SECTIONS

- SECTION 1. Appropriations from general revenue.
- SECTION 2. Appropriations from state road fund.
- SECTION 3. Appropriations from other funds.
- SECTION 4. Appropriations from lottery net profits.
- SECTION 5. Appropriations from state excess lottery revenue.
- SECTION 6. Appropriations of federal funds.
- SECTION 7. Appropriations from federal block grants.
- SECTION 8. Awards for claims against the state.
- SECTION 9. Appropriations from general revenue fund surplus accrued.
- SECTION 10. Appropriations from lottery net profits surplus accrued.
- SECTION 11. Appropriations from state excess lottery revenue surplus accrued.
- SECTION 12. Special revenue appropriations.
- SECTION 13. State improvement fund appropriations.
- SECTION 14. Specific funds and collection accounts.
- SECTION 15. Appropriations for refunding erroneous payment.
- SECTION 16. Sinking fund deficiencies.
- SECTION 17. Appropriations for local governments.
- SECTION 18. Total appropriations.
- SECTION 19. General school fund.

Section 1. Appropriations from general revenue. – From the State Fund, General Revenue, there are hereby appropriated conditionally upon the fulfillment of the provisions set forth in Article 2, Chapter 11B the following amounts, as itemized, for expenditure during the fiscal year 2023.

LEGISLATIVE

1 - Senate

Fund 0165 FY 2023 Org 2100

	General
Appro-	Revenue
priation	Fund

Compensation of Members (R)	00300	\$	1,010,000
Compensation and Per Diem of Officers and Employees (R).....	00500		4,011,332
Current Expenses and Contingent Fund (R)	02100		321,392
Repairs and Alterations (R).....	06400		35,000
Technology Repair and Modernization (R).....	29800		80,000
Expenses of Members (R)	39900		450,000
BRIM Premium (R).....	91300		<u>44,482</u>
Total.....		\$	5,952,206

The appropriations for the Senate for the fiscal year 2022 are to remain in full force and effect and are hereby reappropriated to June 30, 2023. Any balances so reappropriated may be transferred and credited to the fiscal year 2022 accounts.

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

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

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

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

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

2 - House of Delegates

Fund 0170 FY 2023 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
Capitol Outlay, Repairs and Equipment (R).....	58900		500,000
BRIM Premium (R).....	91300		<u>80,000</u>
Total		\$	9,904,031

The appropriations for the House of Delegates for the fiscal year 2022 are to remain in full force and effect and are hereby reappropriated to June 30, 2023. Any balances so reappropriated may be transferred and credited to the fiscal year 2022 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 2023 Org 2300

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

The appropriations for the Joint Expenses for the fiscal year 2022 are to remain in full force and effect and are hereby reappropriated to June 30, 2023. Any balances reappropriated may be transferred and credited to the fiscal year 2022 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 2023 Org 2400

Personal Services and Employee Benefits (R).....	00100	\$	124,201,587
Current Expenses (R)	13000		21,063,451
Repairs and Alterations (R).....	06400		40,000
Equipment (R).....	07000		2,482,300

Military Service Members Court (R)	09002	300,000
Judges' Retirement System (R).....	11000	797,000
Buildings (R)	25800	10,000
Other Assets (R)	69000	200,000
BRIM Premium (R).....	91300	<u>834,000</u>
Total		\$ 149,928,338

The appropriations to the Supreme Court of Appeals for the fiscal years 2020, 2021 and 2022 are to remain in full force and effect and are hereby reappropriated to June 30, 2023. 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 2023 Org 0100

Personal Services and Employee Benefits.....	00100	\$ 3,332,448
Current Expenses (R)	13000	799,000
Repairs and Alterations.....	06400	25,000
Equipment.....	07000	1,000
National Governors Association	12300	60,700
Herbert Henderson Office of Minority Affairs	13400	396,726
Community Food Program	18500	1,000,000
Office of Resiliency (R)	18600	605,234
BRIM Premium.....	91300	<u>183,645</u>
Total		\$ 6,403,753

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 2022 are hereby reappropriated for expenditure during the fiscal year 2023.

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 2023 Org 0100

Personal Services and Employee Benefits.....	00100	\$	396,421
Current Expenses (R)	13000		182,158
Repairs and Alterations.....	06400		5,000
Equipment.....	07000		<u>1,000</u>
Total.....		\$	584,579

Any unexpended balance remaining in the appropriation for Current Expenses (fund 0102, appropriation 13000) at the close of the fiscal year 2022 is hereby reappropriated for expenditure during the fiscal year 2023.

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 2023 Org 0100

Milton Flood Wall (R).....	75701	\$	3,500,000
Court Improvement	xxxxx		<u>5,000,000</u>
Total.....		\$	8,500,000

Any unexpended balances remaining in the appropriations for Business and Economic Development Stimulus – Surplus (fund 0105, appropriation 08400), Civil Contingent Fund – Total (fund 0105, appropriation 11400), 2012 Natural Disasters – Surplus (fund 0105, appropriation 13500), Civil Contingent Fund – Total – Surplus (fund 0105, appropriation 23800), Civil

Contingent Fund – Surplus (fund 0105, appropriation 26300), Local Economic Development Assistance – Surplus (fund 0105, appropriation 26600), Business and Economic Development Stimulus (fund 0105, appropriation 58600), Civil Contingent Fund (fund 0105, appropriation 61400), Milton Flood Wall (fund 0105, appropriation 75701), Milton Flood Wall – Surplus (fund 0105, appropriation 75799), Natural Disasters – Surplus (fund 0105, appropriation 76400), and Local Economic Development Assistance (fund 0105, appropriation 81900) at the close of the fiscal year 2022 are hereby reappropriated for expenditure during the fiscal year 2023.

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 2023 Org 1200

Personal Services and Employee Benefits.....	00100	\$	2,461,609
Current Expenses (R)	13000		13,429
BRIM Premium.....	91300		<u>12,077</u>
Total.....		\$	2,487,115

Any unexpended balance remaining in the appropriation for Current Expenses (fund 0116, appropriation 13000) at the close of the fiscal year 2022 is hereby reappropriated for expenditure during the fiscal year 2023.

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 2023 Org 1300

Personal Services and Employee Benefits.....	00100	\$	2,649,270
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		\$ 3,514,380

Any unexpended balance remaining in the appropriation for Current Expenses (fund 0126, appropriation 13000) at the close of the fiscal year 2022 is hereby reappropriated for expenditure during the fiscal year 2023.

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 2023 Org 1400

Personal Services and Employee Benefits.....	00100	\$ 6,559,737
Current Expenses (R)	13000	848,115
Animal Identification Program	03900	134,060
State Farm Museum.....	05500	87,759
Gypsy Moth Program (R)	11900	1,051,759
WV Farmers Market.....	12801	150,467
Black Fly Control.....	13700	456,724
HEMP Program.....	13701	363,162
Donated Foods Program.....	36300	45,000
Veterans to Agriculture Program (R)	36301	262,432
Predator Control (R).....	47000	176,400
Bee Research	69100	72,752
Microbiology Program	78500	102,854
Moorefield Agriculture Center.....	78600	1,017,582
Chesapeake Bay Watershed.....	83000	115,453
Livestock Care Standards Board.....	84300	8,820

BRIM Premium.....	91300	138,905
State FFA-FHA Camp and Conference Center	94101	756,707
Threat Preparedness	94200	75,618
WV Food Banks	96900	426,000
Senior's Farmers' Market Nutrition Coupon Program	97000	<u>55,835</u>
Total.....		\$ 12,906,141

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 2022 are hereby reappropriated for expenditure during the fiscal year 2023.

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 2023 Org 1400

Personal Services and Employee Benefits.....	00100	\$ 836,549
Unclassified	09900	77,059
Current Expenses (R)	13000	317,848
Soil Conservation Projects (R)	12000	9,962,895
BRIM Premium.....	91300	<u>34,428</u>
Total.....		\$ 11,228,779

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 2022 are hereby reappropriated for expenditure during the fiscal year 2023.

12 - Department of Agriculture –

Meat Inspection Fund

(WV Code Chapter 19)

Fund 0135 FY 2023 Org 1400

Personal Services and Employee Benefits.....	00100	\$	995,260
Unclassified	09900		7,090
Current Expenses	13000		<u>82,605</u>
Total		\$	1,084,955

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 2023 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 2023 Org 1400

Personal Services and Employee Benefits.....	00100	\$	102,573
Unclassified	09900		<u>950</u>
Total		\$	103,523

15 - Attorney General

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

Fund 0150 FY 2023 Org 1500

Personal Services and Employee Benefits (R).....	00100	\$	3,114,386
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		970,283
Better Government Bureau	74000		283,648
BRIM Premium.....	91300		<u>120,654</u>
Total		\$	5,203,194

Any unexpended balances remaining in the appropriations for Personal Services and Employee Benefits (fund 0150, appropriation 00100), Unclassified (fund 0150, appropriation 09900), Current Expenses (fund 0150, appropriation 13000), Criminal Convictions and Habeas Corpus Appeals (fund 0150, appropriation 26000), and Agency Client Revolving Liquidity Pool (fund 0150, appropriation 36200) at the close of the fiscal year 2022 are hereby reappropriated for expenditure during the fiscal year 2023.

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 2023 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 2022 are hereby reappropriated for expenditure during the fiscal year 2023.

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 2023 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 2023 Org 0201

Personal Services and Employee Benefits.....	00100	\$ 452,199
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		\$ 15,603,867

Any unexpended balance remaining in the appropriation for Financial Advisor (fund 0186, appropriation 30400) at the close of the fiscal year 2022 is hereby reappropriated for expenditure during the fiscal year 2023.

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 2023 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 2023 Org 0209

Personal Services and Employee Benefits.....	00100	\$ 65,453
Unclassified	09900	1,400
Current Expenses	13000	53,563
GAAP Project (R).....	12500	632,332
BRIM Premium.....	91300	<u>20,675</u>
Total		\$ 773,423

Any unexpended balance remaining in the appropriation for GAAP Project (fund 0203, appropriation 12500) at the close of the fiscal year 2022 is hereby reappropriated for expenditure during the fiscal year 2023.

21 - Division of General Services

(WV Code Chapter 5A)

Fund 0230 FY 2023 Org 0211

Personal Services and Employee Benefits.....	00100	\$	2,860,163
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		\$	27,906,883

Any unexpended balance remaining in the appropriation for Capital Outlay, Repairs and Equipment (fund 0230, appropriation 58900) at the close of the fiscal year 2022 is hereby reappropriated for expenditure during the fiscal year 2023.

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 2023 Org 0213

Personal Services and Employee Benefits.....	00100	\$	1,072,747
Unclassified	09900		144
Current Expenses	13000		1,285

Repairs and Alterations.....	06400		200
BRIM Premium.....	91300		<u>6,922</u>
Total		\$	1,081,298

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 2023 Org 0215

Personal Services and Employee Benefits.....	00100	\$	823,542
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		\$	1,282,021

Any unexpended balance remaining in the appropriation for Buildings (fund 0615, appropriation 25800) at the close of the fiscal year 2022 is hereby reappropriated for expenditure during the fiscal year 2023.

24 - Commission on Uniform State Laws

(WV Code Chapter 29)

Fund 0214 FY 2023 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 2023 Org 0219

Personal Services and Employee Benefits.....	00100	\$	999,883
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Unclassified	09900	1,000
Current Expenses	13000	145,295
Equipment.....	07000	50
BRIM Premium.....	91300	<u>8,740</u>
Total		\$ 1,154,968

26 - Ethics Commission

(WV Code Chapter 6B)

Fund 0223 FY 2023 Org 0220

Personal Services and Employee Benefits.....	00100	\$ 624,669
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		\$ 737,544

27 - Public Defender Services

(WV Code Chapter 29)

Fund 0226 FY 2023 Org 0221

Personal Services and Employee Benefits.....	00100	\$ 1,859,148
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	22,155,232
Appointed Counsel Fees (R).....	78800	12,691,113
BRIM Premium.....	91300	<u>10,575</u>
Total		\$ 37,181,108

Any unexpended balance remaining in the appropriation for Appointed Counsel Fees (fund 0226, appropriation 78800) at the close of the fiscal year 2022 is hereby reappropriated for expenditure during the fiscal year 2023.

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 2023 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 2023 Org 0225

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

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

30 - West Virginia Prosecuting Attorneys Institute

(WV Code Chapter 7)

Fund 0557 FY 2023 Org 0228

Forensic Medical Examinations (R).....	68300	\$	143,697
Federal Funds/Grant Match (R)	74900		<u>109,007</u>

Total		\$	252,704
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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 2022 are hereby reappropriated for expenditure during the fiscal year 2023.

31 - Real Estate Division

(WV Code Chapter 5A)

Fund 0610 FY 2023 Org 0233

Personal Services and Employee Benefits.....	00100	\$	704,366
Unclassified	09900		124
Current Expenses	13000		137,381
Repairs and Alterations.....	06400		100
Equipment.....	07000		2,500
BRIM Premium.....	91300		<u>9,784</u>
Total		\$	854,255

DEPARTMENT OF COMMERCE

32 - Division of Forestry

(WV Code Chapter 19)

Fund 0250 FY 2023 Org 0305

Personal Services and Employee Benefits.....	00100	\$	4,798,258
Salary and Benefits of Cabinet Secretary and Agency Heads	00201		111,674
Unclassified	09900		21,435
Current Expenses	13000		558,024
Repairs and Alterations.....	06400		80,000
BRIM Premium.....	91300		<u>98,754</u>
Total		\$	5,668,145

Any unexpended balance remaining in the appropriation for Equipment (fund 0250,

appropriation 07000) at the close of the fiscal year 2022 is hereby reappropriated for expenditure during the fiscal year 2023.

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 2023 Org 0306

Personal Services and Employee Benefits.....	00100	\$	1,645,283
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		1,117,464
BRIM Premium.....	91300		<u>24,486</u>
Total		\$	2,980,156

Any unexpended balance remaining in the appropriation for Mineral Mapping System (fund 0253, appropriation 20700) at the close of the fiscal year 2022 is hereby reappropriated for expenditure during the fiscal year 2023.

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 2023 Org 0308

Personal Services and Employee Benefits.....	00100	\$	1,606,616
Current Expenses	13000		227,000
Repairs and Alterations.....	06400		28,000
Equipment.....	07000		15,000

BRIM Premium.....	91300	<u>8,500</u>
Total		\$ 1,885,116

35 - Division of Natural Resources

(WV Code Chapter 20)

Fund 0265 FY 2023 Org 0310

Personal Services and Employee Benefits.....	00100	\$ 17,909,107
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	151,662
Upper Mud River Flood Control.....	65400	166,304
Other Assets	69000	100
Land (R).....	73000	100
Law Enforcement	80600	2,628,555
BRIM Premium.....	91300	<u>45,141</u>
Total		\$ 24,395,470

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 2022 are hereby reappropriated for expenditure during the fiscal year 2023.

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 2023 Org 0314

Personal Services and Employee Benefits.....	00100	\$	9,662,673
Unclassified	09900		111,016
Current Expenses	13000		1,396,141
Coal Dust and Rock Dust Sampling	27000		493,803
BRIM Premium.....	91300		<u>80,668</u>
Total.....		\$	11,744,301

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 2023 Org 0319

Personal Services and Employee Benefits.....	00100	\$	240,032
Unclassified	09900		3,480
Current Expenses	13000		<u>118,138</u>
Total.....		\$	361,650

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 2023 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 2023 Org 0327

Personal Services and Employee Benefits.....	00100	\$	1,374,092
Salary and Benefits of Cabinet Secretary and Agency Heads.....	00201		153,750
Unclassified	09900		1,490
Current Expenses	13000		<u>353,147</u>
Total		\$	1,882,479

40 - State Board of Rehabilitation –

Division of Rehabilitation Services

(WV Code Chapter 18)

Fund 0310 FY 2023 Org 0932

Personal Services and Employee Benefits.....	00100	\$	11,913,813
Current Expenses	13000		558,815
Independent Living Services	00900		429,418
Workshop Development.....	16300		1,817,427
Supported Employment Extended Services	20600		77,960
Ron Yost Personal Assistance Fund.....	40700		333,828
Employment Attendant Care Program.....	59800		131,575
BRIM Premium.....	91300		<u>77,464</u>
Total		\$	15,340,300

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

DEPARTMENT OF TOURISM*41 - Department of Tourism –**Office of the Secretary*

(WV Code Chapter 5B)

Fund 0246 FY 2023 Org 0304

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

Any unexpended balances remaining in the appropriations for Tourism – Development Opportunity Fund (fund 0245, appropriation 11601), Tourism – Brand Promotion (fund 0246, appropriation 61803), Tourism – Public Relations (fund 0246, appropriation 61804), Tourism – Events and Sponsorships (fund 0246, appropriation 61805), Tourism – Industry Development (fund 0246, appropriation 61806), and State Parks and Recreation Advertising (fund 0246, appropriation 61900) at the close of the fiscal year 2022 are hereby reappropriated for expenditure during the fiscal year 2023.

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 2023 Org 0307

Personal Services and Employee Benefits.....	00100	\$	4,151,904
Unclassified	09900		108,055
Current Expenses	13000		4,738,464
National Youth Science Camp	13200		241,570
Local Economic Development Partnerships (R).....	13300		1,250,000

ARC Assessment.....	13600	152,585
Global Economic Development Partnerships (R)	20201	150,000
Guaranteed Work Force Grant (R).....	24200	982,630
Mainstreet Program	79400	170,493
BRIM Premium.....	91300	3,157
Hatfield McCoy Recreational Trail	96000	<u>198,415</u>
Total.....		\$ 12,147,273

Any unexpended balances remaining in the appropriations for Unclassified – Surplus (fund 0256, appropriation 09700), Partnership Grants (fund 0256, appropriation 13100), Local Economic Development Partnerships (fund 0256, appropriation 13300), Global Economic Development Partnership (fund 0256, appropriation 20201), and Guaranteed Work Force Grant (fund 0256, appropriation 24200) at the close of the fiscal year 2022 are hereby reappropriated for expenditure during the fiscal year 2023.

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

The above appropriation to Local Economic Development Partnerships (fund 0256, appropriation 13300) shall be used by the Department of Economic Development for the award of funding assistance to county and regional economic development corporations or authorities participating in the Certified Development Community Program developed under the provisions of W.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 \$30,000 per county served by an economic development or redevelopment corporation or authority.

DEPARTMENT OF EDUCATION

43 - State Board of Education –

School Lunch Program

(WV Code Chapters 18 and 18A)

Fund 0303 FY 2023 Org 0402

Personal Services and Employee Benefits.....	00100	\$ 360,144
Current Expenses	13000	<u>2,118,865</u>

Total		\$	2,479,009
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44 - State Board of Education –

State Department of Education

(WV Code Chapters 18 and 18A)

Fund 0313 FY 2023 Org 0402

Personal Services and Employee Benefits.....	00100	\$	4,719,032
Unclassified (R).....	09900		420,000
Current Expenses (R)	13000		4,580,000
Teachers' Retirement Savings Realized.....	09500		40,523,000
Center for Professional Development (R).....	11500		150,000
Increased Enrollment	14000		3,260,000
Safe Schools.....	14300		4,530,281
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
Technology Repair and Modernization	29800		951,003
Hope Scholarship Program	30401		23,350,520
HVAC Technicians	35500		529,650
Early Retirement Notification Incentive.....	36600		300,000
MATH Program	36800		336,532
Assessment Programs (R)	39600		3,909,374
Benedum Professional Development Collaborative (R).....	42700		429,775
Governor's Honors Academy (R)	47800		1,059,270
21st Century Fellows.....	50700		274,899
English as a Second Language.....	52800		96,000
Teacher Reimbursement.....	57300		297,188

Hospitality Training	60000	275,498
Youth in Government	61600	100,000
High Acuity Special Needs (R)	63400	1,500,000
Foreign Student Education.....	63600	100,899
State Board of Education Administrative Costs	68400	280,429
IT Academy (R).....	72100	500,000
Early Literacy Program.....	75600	5,711,675
School Based Truancy Prevention (R)	78101	2,047,366
Communities in Schools (R).....	78103	4,903,026
Mastery Based Education	78104	125,000
Mountain State Digital Literacy Program	86401	415,500
21st Century Learners (R).....	88600	1,790,508
BRIM Premium.....	91300	342,859
21st Century Assessment and Professional Development	93100	2,009,701
21st Century Technology Infrastructure Network Tools and Support (R)	93300	9,764,417
Special Olympic Games.....	96600	25,000
Educational Program Allowance	99600	<u>516,250</u>
Total		\$ 127,481,369

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 2022 are hereby reappropriated for expenditure during the fiscal year 2023.

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.

45 - State Board of Education –

Aid for Exceptional Children

(WV Code Chapters 18 and 18A)

Fund 0314 FY 2023 Org 0402

Special Education – Counties	15900	\$	7,271,757
Special Education – Institutions	16000		4,078,883
Education of Juveniles Held in Predispositional Juvenile Detention Centers.....	30200		683,479
Education of Institutionalized Juveniles and Adults (R)	47200		<u>21,195,471</u>
Total.....		\$	33,229,590

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 2022 is hereby reappropriated for expenditure during the fiscal year 2023.

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

46 - State Board of Education –

State Aid to Schools

(WV Code Chapters 18 and 18A)

Fund 0317 FY 2023 Org 0402

Other Current Expenses	02200	\$ 159,483,873
Advanced Placement	05300	594,563
Professional Educators	15100	904,942,470
Service Personnel.....	15200	303,757,447
Fixed Charges.....	15300	105,298,651
Transportation.....	15400	65,257,311
Improved Instructional Programs	15600	51,974,496
Professional Student Support Services	65500	61,488,888
21st Century Strategic Technology Learning Growth	93600	26,443,757
Teacher and Leader Induction	93601	<u>5,478,876</u>
Basic Foundation Allowances		1,684,720,332
Less Local Share		(474,379,513)
Adjustments		<u>(2,495,004)</u>
Total Basic State Aid.....		1,207,845,815
Public Employees' Insurance Matching.....	01200	214,702,113
Teachers' Retirement System	01900	68,915,309
School Building Authority (R)	45300	24,000,000
Retirement Systems – Unfunded Liability.....	77500	<u>276,328,760</u>
Total		\$ 1,791,791,997

Any unexpended balances remaining in the appropriations for School Building Authority (fund 0317, appropriation 45300) at the close of the fiscal year 2022 are hereby reappropriated for expenditure during the fiscal year 2023.

The above appropriation for School Building Authority (fund 0317, appropriation 45300) shall be transferred to the School Construction Fund (fund 3952).

47 - State Board of Education –

Vocational Division

(WV Code Chapters 18 and 18A)

Fund 0390 FY 2023 Org 0402

Personal Services and Employee Benefits.....	00100	\$	1,376,322
Unclassified	09900		268,800
Current Expenses	13000		883,106
Wood Products – Forestry Vocational Program.....	14600		82,713
Albert Yanni Vocational Program	14700		132,123
Vocational Aid	14800		24,516,692
Adult Basic Education	14900		5,460,891
Jobs & Hope	14902		6,250,000
Program Modernization.....	30500		884,313
High School Equivalency Diploma Testing (R)	72600		807,935
FFA Grant Awards	83900		11,496
Pre-Engineering Academy Program.....	84000		<u>265,294</u>
Total		\$	40,939,685

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 2022 are hereby reappropriated for expenditure during the fiscal year 2023.

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

(WV Code Chapters 18 and 18A)

Fund 0320 FY 2023 Org 0403

Personal Services and Employee Benefits.....	00100	\$	10,573,588
Unclassified (R).....	09900		110,000
Current Expenses (R)	13000		2,250,696
Repairs and Alterations.....	06400		164,675
Equipment.....	07000		77,000

Buildings (R)	25800	45,000
Capital Outlay and Maintenance (R)	75500	1,670,000
BRIM Premium.....	91300	<u>130,842</u>
Total		\$ 15,021,801

Any unexpended balances remaining in the appropriations for Unclassified (fund 0320, appropriation 09900), Current Expenses (fund 0320, appropriation 13000), Buildings (fund 0320, appropriation 25800) and Capital Outlay and Maintenance (fund 0320, appropriation 75500) at the close of the fiscal year 2022 are hereby reappropriated for expenditure during the fiscal year 2023.

DEPARTMENT OF ARTS, CULTURE, AND HISTORY

49 - Division of Culture and History

(WV Code Chapter 29)

Fund 0293 FY 2023 Org 0432

Personal Services and Employee Benefits.....	00100	\$ 3,513,485
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	73,500
Land (R).....	73000	1
Culture and History Programming	73200	231,573
Capital Outlay and Maintenance (R)	75500	19,600
Historical Highway Marker Program.....	84400	57,548
BRIM Premium.....	91300	<u>39,337</u>

Total \$ 4,945,479

Any unexpended balances remaining in the appropriations for Unclassified (fund 0293, appropriation 09900), WV Women's Suffragist Memorial (fund 0293, appropriation 22101), 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 2022 are hereby reappropriated for expenditure during the fiscal year 2023.

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

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

50 - Library Commission

(WV Code Chapter 10)

Fund 0296 FY 2023 Org 0433

Personal Services and Employee Benefits.....	00100	\$	1,119,022
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.....		\$	1,557,068

51 - Educational Broadcasting Authority

(WV Code Chapter 10)

Fund 0300 FY 2023 Org 0439

Personal Services and Employee Benefits.....	00100	\$	3,274,206
Salary and Benefits of Cabinet Secretary and Agency Heads.....	00201		120,106
Current Expenses.....	13000		113,844

Mountain Stage.....	24900	450,000
Capital Outlay and Maintenance (R)	75500	49,250
BRIM Premium.....	91300	<u>47,727</u>
Total		\$ 4,055,133

Any unexpended balance remaining in the appropriation for Capital Outlay and Maintenance (fund 0300, appropriation 75500) at the close of the fiscal year 2022 is hereby reappropriated for expenditure during the fiscal year 2023.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

52 - Environmental Quality Board

(WV Code Chapter 20)

Fund 0270 FY 2023 Org 0311

Personal Services and Employee Benefits.....	00100	\$ 88,590
Current Expenses	13000	28,453
Repairs and Alterations.....	06400	800
Equipment.....	07000	500
Other Assets	69000	400
BRIM Premium.....	91300	<u>791</u>
Total		\$ 119,534

53 - Division of Environmental Protection

(WV Code Chapter 22)

Fund 0273 FY 2023 Org 0313

Personal Services and Employee Benefits.....	00100	\$ 4,144,818
Salary and Benefits of Cabinet Secretary and Agency Heads	00201	168,000
Current Expenses	13000	85,816
Water Resources Protection and Management.....	06800	583,086
Dam Safety	60700	245,842
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>1,040,868</u>
Total		\$	6,586,199

54 - Air Quality Board

(WV Code Chapter 16)

Fund 0550 FY 2023 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

55 - Department of Health and Human Resources –

Office of the Secretary

(WV Code Chapter 5F)

Fund 0400 FY 2023 Org 0501

Personal Services and Employee Benefits.....	00100	\$	387,664
Unclassified	09900		6,459
Current Expenses	13000		50,613
Commission for the Deaf and Hard of Hearing.....	70400		<u>228,560</u>
Total		\$	673,296

56 - Division of Health –

Central Office

(WV Code Chapter 16)

Fund 0407 FY 2023 Org 0506

Personal Services and Employee Benefits.....	00100	\$	13,051,133
Unclassified	09900		671,795
Current Expenses	13000		5,388,459
Chief Medical Examiner (R)	04500		8,887,105
State Aid for Local and Basic Public Health Services.....	18400		15,672,592
Safe Drinking Water Program (R).....	18700		1,915,528
Women, Infants and Children.....	21000		38,621
Early Intervention	22300		8,134,060
Cancer Registry	22500		211,359
Office of Drug Control Policy (R)	35401		554,230
Statewide EMS Program Support (R).....	38300		1,711,912
Office of Medical Cannabis (R)	42001		1,487,219
Black Lung Clinics.....	46700		170,885
Vaccine for Children.....	55100		341,261
Tuberculosis Control	55300		335,307
Maternal and Child Health Clinics, Clinicians Medical Contracts and Fees (R)	57500		5,905,414
Epidemiology Support.....	62600		1,530,473
Primary Care Support	62800		1,233,045
Sexual Assault Intervention and Prevention	72300		2,000,000
Health Right Free Clinics	72700		4,250,000
Capital Outlay and Maintenance (R)	75500		70,000
Healthy Lifestyles.....	77800		898,169
Maternal Mortality Review	83400		50,841
Diabetes Education and Prevention	87300		97,125

BRIM Premium.....	91300	169,791
State Trauma and Emergency Care System	91800	1,936,450
WVU Charleston Poison Control Hotline	94400	<u>712,942</u>
Total		\$ 77,425,716

Any unexpended balances remaining in the appropriations for Chief Medical Examiner (fund 0407, appropriation 04500), Safe Drinking Water Program (fund 0407, appropriation 18700), Office of Drug Control Policy (fund 0407, appropriation 35401), Office of Drug Control Policy – Surplus (fund 0407, appropriation 35402), Statewide EMS Program Support (fund 0407, appropriation 38300), Office of Medical Cannabis (fund 0407, appropriation 42001), Medical Cannabis Surplus (fund 0407, appropriation 42099), Maternal and Child Health Clinics, Clinicians and Medical Contracts and Fees (fund 0407, appropriation 57500), Capital Outlay and Maintenance (fund 0407, appropriation 75500), Emergency Response Entities – Special Projects (fund 0407, appropriation 82200), and Tobacco Education Program (fund 0407, appropriation 90600) at the close of the fiscal year 2022 are hereby reappropriated for expenditure during the fiscal year 2023.

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.

57 - Consolidated Medical Services Fund

(WV Code Chapter 16)

Fund 0525 FY 2023 Org 0506

Personal Services and Employee Benefits.....	00100	\$ 1,693,100
Current Expenses	13000	14,113
Behavioral Health Program (R)	21900	70,186,648
Institutional Facilities Operations (R).....	33500	150,992,263

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		\$ 226,972,222

Any unexpended balances remaining in the appropriations for Jim's Dream (fund 0525, appropriation 14901), Behavioral Health Program (fund 0525, appropriation 21900), Institutional Facilities Operations (fund 0525, appropriation 33500), Substance Abuse Continuum of Care (fund 0525, appropriation 35400), Institutional Facilities Operations – Surplus (fund 0525, appropriation 63200), and Capital Outlay and Maintenance (fund 0525, appropriation 75500) at the close of the fiscal year 2022 are hereby reappropriated for expenditure during the fiscal year 2023.

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 2023, organization 0506, for the operation of the institutional facilities. The secretary of the Department of Health and Human Resources is authorized to utilize up to ten percent of the funds from the Institutional Facilities Operations appropriation to facilitate cost effective and cost saving services at the community level.

58 - Division of Health –

West Virginia Drinking Water Treatment

(WV Code Chapter 16)

Fund 0561 FY 2023 Org 0506

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

59 - Human Rights Commission

(WV Code Chapter 5)

Fund 0416 FY 2023 Org 0510

Personal Services and Employee Benefits.....	00100	\$	1,003,911
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		\$	1,462,003

60 - Division of Human Services

(WV Code Chapters 9, 48, and 49)

Fund 0403 FY 2023 Org 0511

Personal Services and Employee Benefits.....	00100	\$	53,717,120
Salary and Benefits of Cabinet Secretary and Agency Heads.....	00201		45,531
Unclassified	09900		5,688,944
Current Expenses	13000		12,072,050
Child Care Development.....	14400		3,118,451
Medical Services.....	18900		294,317,213
Social Services	19500		226,056,151
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		60,164

I/DD Waiver	46600	108,541,736
Child Protective Services Case Workers	46800	28,889,529
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	6,711,478
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	43,681,857
Traumatic Brain Injury Waiver	83500	800,000
Indigent Burials (R)	85100	1,550,000
CHIP Administrative Costs	85601	701,815
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>7,217,367</u>
Total		\$ 863,105,511

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

Any unexpended balances remaining in the appropriations for Capital Outlay and Maintenance (fund 0403, appropriation 75500) and Indigent Burials (fund 0403, appropriation 85100) at the close of the fiscal year 2022 are hereby reappropriated for expenditure during the fiscal year 2023.

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

61 - Department of Homeland Security –

Office of the Secretary

(WV Code Chapter 5F)

Fund 0430 FY 2023 Org 0601

Personal Services and Employee Benefits.....	00100	\$	780,510
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Salary and Benefits of Cabinet Secretary and Agency Heads	00201	168,000
Unclassified (R).....	09900	30,000
Current Expenses	13000	91,636
Repairs and Alterations.....	06400	500
Equipment.....	07000	500
Fusion Center (R)	46900	2,739,870
Other Assets	69000	500
Directed Transfer	70000	32,000
BRIM Premium.....	91300	22,563
WV Fire and EMS Survivor Benefit (R)	93900	<u>200,000</u>
Total		\$ 4,066,079

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 2022 are hereby reappropriated for expenditure during the fiscal year 2023.

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

62 - Division of Emergency Management

(WV Code Chapter 15)

Fund 0443 FY 2023 Org 0606

Personal Services and Employee Benefits.....	00100	\$ 2,177,053
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	1,449,990
Mine and Industrial Accident Rapid Response Call Center	78100	489,577
Early Warning Flood System (R).....	87700	1,290,499
BRIM Premium.....	91300	<u>96,529</u>
Total		\$ 6,254,637

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 2022 are hereby reappropriated for expenditure during the fiscal year 2023.

63 - Division of Corrections and Rehabilitation –

West Virginia Parole Board

(WV Code Chapter 62)

Fund 0440 FY 2023 Org 0608

Personal Services and Employee Benefits.....	00100	\$ 310,869
Unclassified	09900	10,000
Current Expenses	13000	334,440
Salaries of Members of West Virginia Parole Board.....	22700	734,286
BRIM Premium.....	91300	<u>6,149</u>
Total		\$ 1,395,744

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.

64 - Division of Corrections and Rehabilitation –

Central Office

(WV Code Chapter 15A)

Fund 0446 FY 2023 Org 0608

Personal Services and Employee Benefits.....	00100	\$ 250,577
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Salary and Benefits of Cabinet Secretary and Agency Heads	00201	126,000
Current Expenses	13000	<u>2,400</u>
Total		\$ 378,977

65 - Division of Corrections and Rehabilitation –

Correctional Units

(WV Code Chapter 15A)

Fund 0450 FY 2023 Org 0608

Employee Benefits	01000	\$ 1,258,136
Unclassified	09900	1,578,800
Current Expenses (R)	13000	57,690,483
Children's Protection Act (R)	09000	838,437
Facilities Planning and Administration (R)	38600	1,274,200
Charleston Correctional Center	45600	3,530,502
Beckley Correctional Center	49000	2,633,846
Anthony Correctional Center	50400	6,281,339
Huttonsville Correctional Center	51400	19,975,709
Northern Correctional Center	53400	8,154,113
Inmate Medical Expenses (R)	53500	62,226,064
Pruntytown Correctional Center	54300	8,946,953
Corrections Academy	56900	1,983,466
Information Technology Services	59901	2,759,052
Martinsburg Correctional Center	66300	4,482,115
Parole Services	68600	6,023,661
Special Services	68700	5,894,456
Investigative Services	71600	3,502,991
Capital Outlay and Maintenance (R)	75500	2,000,000

Salem Correctional Center	77400	11,678,166
McDowell County Correctional Center	79000	2,542,590
Stevens Correctional Center	79100	7,863,195
Parkersburg Correctional Center.....	82800	6,418,300
St. Mary's Correctional Center	88100	15,081,470
Denmar Correctional Center	88200	5,367,552
Ohio County Correctional Center	88300	2,211,029
Mt. Olive Correctional Complex.....	88800	23,032,441
Lakin Correctional Center	89600	11,141,496
BRIM Premium.....	91300	<u>2,527,657</u>
Total		\$ 288,898,219

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 2022 are hereby reappropriated for expenditure during the fiscal year 2023.

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).

66 - Division of Corrections and Rehabilitation –

Bureau of Juvenile Services

(WV Code Chapter 15A)

Fund 0570 FY 2023 Org 0608

Statewide Reporting Centers	26200	\$ 6,991,498
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Robert L. Shell Juvenile Center.....	26700	2,649,168
Resident Medical Expenses (R).....	53501	3,604,999
Central Office.....	70100	1,779,854
Capital Outlay and Maintenance (R).....	75500	250,000
Gene Spadaro Juvenile Center.....	79300	2,789,569
BRIM Premium.....	91300	115,967
Kenneth Honey Rubenstein Juvenile Center (R).....	98000	5,941,605
Vicki Douglas Juvenile Center.....	98100	2,471,185
Northern Regional Juvenile Center.....	98200	2,876,302
Lorrie Yeager Jr. Juvenile Center.....	98300	2,537,852
Sam Perdue Juvenile Center.....	98400	2,741,571
Tiger Morton Center.....	98500	2,754,083
Donald R. Kuhn Juvenile Center.....	98600	5,287,575
J.M. "Chick" Buckbee Juvenile Center.....	98700	<u>2,615,359</u>
Total.....		\$ 45,406,587

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 2022 are hereby reappropriated for expenditure during the fiscal year 2023.

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).

67 - West Virginia State Police

(WV Code Chapter 15)

Fund 0453 FY 2023 Org 0612

Personal Services and Employee Benefits.....	00100	\$ 73,886,203
Salary and Benefits of Cabinet Secretary and Agency Heads.....	00201	139,300

Children's Protection Act.....	09000	1,040,805
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	13,324,749
Handgun Administration Expense	74700	80,918
Capital Outlay and Maintenance (R)	75500	250,000
Retirement Systems – Unfunded Liability.....	77500	35,000
Automated Fingerprint Identification System	89800	2,229,846
BRIM Premium.....	91300	<u>5,743,921</u>
Total		\$ 112,082,357

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 2022 are hereby reappropriated for expenditure during the fiscal year 2023.

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.

68 - Fire Commission

(WV Code Chapter 29)

Fund 0436 FY 2023 Org 0619

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

(WV Code Chapter 5F)

Fund 0585 FY 2023 Org 0622

Personal Services and Employee Benefits.....	00100	\$	3,186,789
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.....		\$ 3,737,034

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 2022 are hereby reappropriated for expenditure during the fiscal year 2023.

70 - Division of Administrative Services

(WV Code Chapter 15A)

Fund 0546 FY 2023 Org 0623

Personal Services and Employee Benefits.....	00100	\$ 591,795
Current Expenses (R)	13000	233,360
Repairs and Alterations.....	06400	1,804
Child Advocacy Centers (R).....	45800	2,209,526
Community Corrections (R).....	56100	4,599,155
Statistical Analysis Program.....	59700	50,122
Sexual Assault Forensic Examination Commission (R).....	71400	79,340
Qualitative Analysis and Training for Youth Services (R)	76200	136,732
Law Enforcement Professional Standards.....	83800	170,172
Justice Reinvestment Initiative (R)	89501	2,333,795
BRIM Premium.....	91300	<u>2,123</u>
Total.....		\$ 10,407,924

Any unexpended balances remaining in the appropriations for Current Expenses (fund 0546, appropriation 13000), 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 2022 are hereby reappropriated for expenditure during the fiscal year 2023.

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.

71 - Division of Administrative Services

(WV Code Chapter 15A)

Fund 0619 FY 2023 Org 0623

Personal Services and Employee Benefits.....	00100	\$	5,155,206
Unclassified	09900		5,000
Current Expenses	13000		<u>600,000</u>
Total.....		\$	5,760,206

DEPARTMENT OF REVENUE

72 - Office of the Secretary

(WV Code Chapter 11)

Fund 0465 FY 2023 Org 0701

Personal Services and Employee Benefits.....	00100	\$	364,034
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.....		\$	623,827

Any unexpended balance remaining in the appropriation for Unclassified – Total (fund 0465, appropriation 09600) at the close of the fiscal year 2022 is hereby reappropriated for expenditure during the fiscal year 2023.

73 - Tax Division

(WV Code Chapter 11)

Fund 0470 FY 2023 Org 0702

Personal Services and Employee Benefits (R).....	00100	\$	19,015,878
Salary and Benefits of Cabinet Secretary and Agency Heads.....	00201		147,000
Unclassified (R).....	09900		174,578
Current Expenses (R)	13000		6,823,635
Repairs and Alterations.....	06400		10,150
Equipment.....	07000		54,850
Tax Technology Upgrade.....	09400		3,700,000
Multi State Tax Commission.....	65300		77,958
Other Assets	69000		10,000
BRIM Premium.....	91300		<u>15,579</u>
Total.....		\$	30,029,628

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 2022 are hereby reappropriated for expenditure during the fiscal year 2023.

74 - State Budget Office

(WV Code Chapter 11B)

Fund 0595 FY 2023 Org 0703

Personal Services and Employee Benefits.....	00100	\$	819,147
Unclassified (R).....	09900		9,200
Current Expenses (R)	13000		<u>119,449</u>
Total.....		\$	947,796

Any unexpended balances remaining in the appropriations for Unclassified (fund 0595, appropriation 09900) and Current Expenses (fund 0595, appropriation 13000) at the close of the fiscal year 2022 are hereby reappropriated for expenditure during the fiscal year 2023.

75 - West Virginia Office of Tax Appeals

(WV Code Chapter 11)

Fund 0593 FY 2023 Org 0709

Personal Services and Employee Benefits.....	00100	\$	935,715
Unclassified	09900		5,255
Current Expenses (R)	13000		229,374
BRIM Premium.....	91300		<u>3,062</u>
Total.....		\$	1,173,406

Any unexpended balance remaining in the appropriation for Current Expenses (fund 0593, appropriation 13000) at the close of the fiscal year 2022 is hereby reappropriated for expenditure during the fiscal year 2023.

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

(WV Code Chapter 29)

Fund 0523 FY 2023 Org 0933

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

DEPARTMENT OF TRANSPORTATION*77 - State Rail Authority*

(WV Code Chapter 29)

Fund 0506 FY 2023 Org 0804

Personal Services and Employee Benefits.....	00100	\$	370,704
Current Expenses	13000		287,707
Other Assets (R).....	69000		1,270,019
BRIM Premium.....	91300		<u>201,541</u>
Total.....		\$	2,129,971

Any unexpended balance remaining in the appropriation for Other Assets (fund 0506, appropriation 69000) at the close of the fiscal year 2022 is hereby reappropriated for expenditure during the fiscal year 2023.

78 - Division of Public Transit

(WV Code Chapter 17)

Fund 0510 FY 2023 Org 0805

Equipment (R).....	07000	\$	100,000
Current Expenses (R)	13000		2,042,989
Buildings (R)	25800		100,000
Other Assets (R).....	69000		<u>50,000</u>
Total		\$	2,292,989

Any unexpended balances remaining in the appropriations for Equipment (fund 0510, appropriation 07000), Current Expenses (fund 0510, appropriation 13000), Buildings (fund 0510, appropriation 25800), and Other Assets (fund 0510, appropriation 69000) at the close of the fiscal year 2022 are hereby reappropriated for expenditure during the fiscal year 2023.

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

79 - Aeronautics Commission

(WV Code Chapter 29)

Fund 0582 FY 2023 Org 0807

Personal Services and Employee Benefits.....	00100	\$	229,791
Current Expenses (R)	13000		591,839
Repairs and Alterations.....	06400		100
BRIM Premium.....	91300		<u>4,438</u>
Total		\$	826,168

Any unexpended balance remaining in the appropriation for Current Expenses (fund 0582, appropriation 13000) at the close of the fiscal year 2022 is hereby reappropriated for expenditure during the fiscal year 2023.

DEPARTMENT OF VETERANS' ASSISTANCE

80 - Department of Veterans' Assistance

(WV Code Chapter 9A)

Fund 0456 FY 2023 Org 0613

Personal Services and Employee Benefits.....	00100	\$	2,036,851
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	25800		8,181,000
Veterans' Nursing Home (R)	28600		7,103,125
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		402,074
BRIM Premium.....	91300		<u>50,000</u>
Total.....		\$	19,087,945

Any unexpended balances remaining in the appropriations for Buildings – Surplus (fund 0456, appropriation 25899), Veterans' Nursing Home (fund 0456, appropriation 28600), Veterans' Reeducation Assistance (fund 0456, appropriation 32900), Veterans' Grant Program (fund 0456, appropriation 34200), Veterans' Bonus – Surplus (fund 0456, appropriation 34400), and Educational Opportunities for Children of Deceased Veterans (fund 0456, appropriation 85400) at the close of the fiscal year 2022 are hereby reappropriated for expenditure during the fiscal year 2023.

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

(WV Code Chapter 9A)

Fund 0460 FY 2023 Org 0618

Personal Services and Employee Benefits.....	00100	\$	1,296,064
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Current Expenses (R)	13000	46,759
Veterans Outreach Programs (R).....	61700	<u>203,766</u>
Total		\$ 1,546,589

Any unexpended balances remaining in the appropriations for Current Expenses (fund 0460, appropriation 13000) and Veterans Outreach Programs (fund 0456, appropriation 61700) at the close of fiscal year 2022 is hereby reappropriated for expenditure during the fiscal year 2023.

BUREAU OF SENIOR SERVICES

82 - Bureau of Senior Services

(WV Code Chapter 29)

Fund 0420 FY 2023 Org 0508

Transfer to Division of Human Services for Health Care and Title XIX Waiver for Senior Citizens	53900	\$ 19,612,957
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The above appropriation for Transfer to Division of Human Services for Health Care and Title XIX Waiver for Senior Citizens (fund 0420, appropriation 53900) along with the federal moneys generated thereby shall be used for reimbursement for services provided under the program.

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

WEST VIRGINIA COUNCIL FOR COMMUNITY

AND TECHNICAL COLLEGE EDUCATION

83 - West Virginia Council for

Community and Technical College Education –

Control Account

(WV Code Chapter 18B)

Fund 0596 FY 2023 Org 0420

West Virginia Council for Community and Technical Education (R)	39200	\$ 744,232
Transit Training Partnership	78300	34,293
Community College Workforce Development (R)	87800	2,788,387
College Transition Program.....	88700	278,222
West Virginia Advance Workforce Development (R)	89300	3,121,387

Technical Program Development (R)	89400	1,800,735
WV Invests Grant Program (R)	89401	<u>7,037,672</u>
Total		\$ 15,804,928

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 2022 are hereby reappropriated for expenditure during the fiscal year 2023.

84 - Mountwest Community and Technical College

(WV Code Chapter 18B)

Fund 0599 FY 2023 Org 0444

Mountwest Community and Technical College.....	48700	\$ 6,716,176
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85 - New River Community and Technical College

(WV Code Chapter 18B)

Fund 0600 FY 2023 Org 0445

New River Community and Technical College.....	35800	\$ 6,088,539
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86 - Pierpont Community and Technical College

(WV Code Chapter 18B)

Fund 0597 FY 2023 Org 0446

Pierpont Community and Technical College.....	93000	\$ 8,119,152
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87 - Blue Ridge Community and Technical College

(WV Code Chapter 18B)

Fund 0601 FY 2023 Org 0447

Blue Ridge Community and Technical College.....	88500	\$ 8,139,835
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88 - West Virginia University at Parkersburg

(WV Code Chapter 18B)

Fund 0351 FY 2023 Org 0464

West Virginia University – Parkersburg	47100	\$	10,799,686
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89 - Southern West Virginia Community and Technical College

(WV Code Chapter 18B)

Fund 0380 FY 2023 Org 0487

Southern West Virginia Community and Technical College.....	44600	\$	8,557,086
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90 - West Virginia Northern Community and Technical College

(WV Code Chapter 18B)

Fund 0383 FY 2023 Org 0489

West Virginia Northern Community and Technical College	44700	\$	7,580,697
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91 - Eastern West Virginia Community and Technical College

(WV Code Chapter 18B)

Fund 0587 FY 2023 Org 0492

Eastern West Virginia Community and Technical College	41200	\$	2,264,340
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92 - BridgeValley Community and Technical College

(WV Code Chapter 18B)

Fund 0618 FY 2023 Org 0493

BridgeValley Community and Technical College	71700	\$	8,364,587
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HIGHER EDUCATION POLICY COMMISSION

93 - Higher Education Policy Commission –

Administration –

Control Account

(WV Code Chapter 18B)

Fund 0589 FY 2023 Org 0441

Personal Services and Employee Benefits	00100	\$	2,789,394
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Current Expenses	13000		1,096,902
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RHI Program and Site Support – RHEP Program Administration (R)	03700		80,000
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Mental Health Provider Loan Repayment (R).....	11301	330,000
Higher Education Grant Program	16400	40,619,864
Tuition Contract Program (R)	16500	1,225,412
Underwood-Smith Scholarship Program-Student Awards	16700	628,349
Facilities Planning and Administration	38600	1,760,254
Higher Education System Initiatives	48801	1,635,847
PROMISE Scholarship – Transfer	80000	18,500,000
HEAPS Grant Program (R)	86700	5,017,974
Health Professionals' Student Loan Program (R)	86701	547,470
BRIM Premium.....	91300	<u>17,817</u>
Total		\$ 74,249,283

Any unexpended balances remaining in the appropriations for RHI Program and Site Support – RHEP Program Administration (fund 0589, 03700), Mental Health Provider Loan Repayment (fund 0589, appropriation 11301), Tuition Contract Program (fund 0589, appropriation 16500), Workforce Development Initiative (fund 0589, appropriation 52901), HEAPS Grant Program (fund 0589, appropriation 86700), and Health Professionals' Student Loan Program (fund 0589, appropriation 86701) at the close of the fiscal year 2022 are hereby reappropriated for expenditure during the fiscal year 2023.

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.

94 - West Virginia University –

School of Medicine

Medical School Fund

(WV Code Chapter 18B)

Fund 0343 FY 2023 Org 0463

WVU School of Health Science – Eastern Division	05600	\$	2,277,794
WVU – School of Health Sciences	17400		15,490,163
WVU – School of Health Sciences – Charleston Division	17500		2,351,833
Rural Health Outreach Programs (R)	37700		165,979
West Virginia University School of Medicine BRIM Subsidy	46000		<u>1,203,087</u>
Total		\$	21,488,856

Any unexpended balance remaining in the appropriation for Rural Health Outreach Programs (fund 0343, appropriation 37700) at the close of fiscal year 2022 is hereby reappropriated for expenditure during the fiscal year 2023.

*95 - West Virginia University –**General Administrative Fund*

(WV Code Chapter 18B)

Fund 0344 FY 2023 Org 0463

West Virginia University	45900	\$	99,166,182
Jackson's Mill (R)	46100		502,471
West Virginia University Institute of Technology	47900		8,320,240
State Priorities – Brownfield Professional Development (R)	53100		316,556
Energy Express (R)	86100		382,935
West Virginia University – Potomac State	99400		<u>4,709,664</u>
Total		\$	113,398,048

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 2022 are hereby reappropriated for expenditure during the fiscal year 2023.

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

(WV Code Chapter 18B)

Fund 0347 FY 2023 Org 0471

Marshall Medical School	17300	\$	7,272,947
Rural Health Outreach Programs (R)	37700		157,572
Forensic Lab (R)	37701		227,415
Center for Rural Health (R)	37702		161,043
Marshall University Medical School BRIM Subsidy	44900		<u>872,612</u>
Total		\$	8,691,589

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 2022 are hereby reappropriated for expenditure during the fiscal year 2023.

*97 - Marshall University –**General Administration Fund*

(WV Code Chapter 18B)

Fund 0348 FY 2023 Org 0471

Marshall University.....	44800	\$	48,961,949
Luke Lee Listening Language and Learning Lab (R).....	44801		151,939
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>1,869,776</u>
Total		\$	51,547,701

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 2022 are hereby reappropriated for expenditure during the fiscal year 2023.

98 - West Virginia School of Osteopathic Medicine

(WV Code Chapter 18B)

Fund 0336 FY 2023 Org 0476

West Virginia School of Osteopathic Medicine	17200	\$	5,247,095
Rural Health Outreach Programs (R)	37700		169,035
West Virginia School of Osteopathic Medicine BRIM Subsidy	40300		153,405
Rural Health Initiative – Medical Schools Support	58100		<u>403,439</u>
Total		\$	5,972,974

Any unexpended balance remaining in the appropriation for Rural Health Outreach Programs (fund 0336, appropriation 37700) at the close of fiscal year 2022 is hereby reappropriated for expenditure during the fiscal year 2023.

99 - Bluefield State College

(WV Code Chapter 18B)

Fund 0354 FY 2023 Org 0482

Bluefield State College	40800	\$	6,648,770
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100 - Concord University

(WV Code Chapter 18B)

Fund 0357 FY 2023 Org 0483

Concord University	41000	\$	10,836,709
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101 - Fairmont State University

(WV Code Chapter 18B)

Fund 0360 FY 2023 Org 0484

Fairmont State University	41400	\$	19,273,190
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102 - Glenville State University

(WV Code Chapter 18B)

Fund 0363 FY 2023 Org 0485

Glenville State University	xxxxx	\$	6,768,535
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103 - Shepherd University

(WV Code Chapter 18B)

Fund 0366 FY 2023 Org 0486

Shepherd University.....	43200	\$	13,026,830
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104 - West Liberty University

(WV Code Chapter 18B)

Fund 0370 FY 2023 Org 0488

West Liberty University	43900	\$	9,552,600
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105 - West Virginia State University

(WV Code Chapter 18B)

Fund 0373 FY 2023 Org 0490

West Virginia State University	44100	\$	11,380,098
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Healthy Grandfamilies (R).....	xxxxx		800,000
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West Virginia State University Land Grant Match.....	95600		3,950,192
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Total		\$	16,130,290
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106 - Higher Education Policy Commission –

Administration -

West Virginia Network for Educational Telecomputing (WVNET)

(WV Code Chapter 18B)

Fund 0551 FY 2023 Org 0495

WVNET	16900	\$	1,817,992
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MISCELLANEOUS BOARDS AND COMMISSIONS

107 - Adjutant General –

State Militia

(WV Code Chapter 15)

Fund 0433 FY 2023 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		3,324,624
Military Authority (R).....	74800		6,251,727
Drug Enforcement and Support.....	74801		<u>1,532,374</u>
Total.....		\$	17,971,742

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 2022 are hereby reappropriated for expenditure during the fiscal year 2023.

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 \$3,324,624 to the Mountaineer ChalleNGe Academy to meet anticipated program demand.

108 - Adjutant General –

Military Fund

(WV Code Chapter 15)

Fund 0605 FY 2023 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).....			<u>\$ 4,635,701,389</u>

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 2023.

DEPARTMENT OF TRANSPORTATION

109 - Division of Motor Vehicles

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

Fund 9007 FY 2023 Org 0802

	Appro-		State
	priation		Road
			Fund
Personal Services and Employee Benefits.....	00100	\$	36,894,264
Salary and Benefits of Cabinet Secretary and Agency Heads.....	00201		129,500
Current Expenses	13000		22,334,363
Repairs and Alterations.....	06400		144,000
Equipment.....	07000		1,080,000
Buildings	25800		10,000
Other Assets	69000		2,480,000
BRIM Premium.....	91300		<u>75,117</u>
Total.....		\$	63,147,244

110 - Division of Highways

(WV Code Chapters 17 and 17C)

Fund 9017 FY 2023 Org 0803

Salary and Benefits of Cabinet Secretary and Agency Heads.....	00201	\$	200,000
Debt Service	04000		135,500,000
Maintenance	23700		529,881,528
Inventory Revolving	27500		4,000,000

Equipment Revolving	27600	19,400,841
General Operations.....	27700	178,042,168
Interstate Construction	27800	115,000,000
Other Federal Aid Programs	27900	345,000,000
Appalachian Programs.....	28000	100,000,000
Highway Litter Control.....	28200	<u>1,650,000</u>
Total.....		\$ 1,428,674,537

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

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

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

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

Total TITLE II, Section 2 – State Road Fund
 (Including claims against the state)..... \$ 1,492,255,013

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 2023.

LEGISLATIVE

111 - Crime Victims Compensation Fund

(WV Code Chapter 14)

Fund 1731 FY 2023 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

112 - Supreme Court –

Court Advanced Technology Subscription Fund

(WV Code Chapter 51)

Fund 1704 FY 2023 Org 2400

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

Adult Drug Court Participation Fund

(WV Code Chapter 62)

Fund 1705 FY 2023 Org 2400

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

Family Court Fund

(WV Code Chapter 51)

Fund 1763 FY 2023 Org 2400

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

Court Facilities Maintenance Fund

(WV Code Chapter 51)

Fund 1766 FY 2023 Org 2400

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

EXECUTIVE*116 - Governor's Office –**Minority Affairs Fund**(WV Code Chapter 5)*Fund 1058 FY 2023 Org 0100

Personal Services and Employee Benefits.....	00100	\$	233,788
Current Expenses	13000		453,200
Martin Luther King, Jr. Holiday Celebration	03100		<u>8,926</u>
Total		\$	695,914

*117 - Auditor's Office –**Grant Recovery Fund**(WV Code Chapter 12)*Fund 1205 FY 2023 Org 1200

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

*118 - Auditor's Office –**Land Operating Fund**(WV Code Chapters 11A, 12, and 36)*Fund 1206 FY 2023 Org 1200

Personal Services and Employee Benefits.....	00100	\$	832,826
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		\$ 3,833,765

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.

119 - Auditor's Office –

Local Government Purchasing Card Expenditure Fund

(WV Code Chapter 6)

Fund 1224 FY 2023 Org 1200

Personal Services and Employee Benefits.....	00100	\$ 639,881
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		\$ 4,488,716

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.

120 - Auditor's Office –

Securities Regulation Fund

(WV Code Chapter 32)

Fund 1225 FY 2023 Org 1200

Personal Services and Employee Benefits.....	00100	\$	2,826,332
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		\$	6,129,128

121 - Auditor's Office –

Technology Support and Acquisition Fund

(WV Code Chapter 12)

Fund 1233 FY 2023 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.

122 - Auditor's Office –

Purchasing Card Administration Fund

(WV Code Chapter 12)

Fund 1234 FY 2023 Org 1200

Personal Services and Employee Benefits.....	00100	\$	3,192,502
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 \$ 14,860,510

There is hereby appropriated from this fund, in addition to the above appropriations if needed, the amount necessary to meet the transfer and revenue distribution requirements to the Purchasing Improvement Fund (fund 2264), the Entrepreneurship and Innovation Investment Fund (fund 3014), the Hatfield-McCoy Regional Recreation Authority, and the State Park Operating Fund (fund 3265) per W.Va. Code §12-3-10d.

123 - Auditor's Office –

Chief Inspector's Fund

(WV Code Chapter 6)

Fund 1235 FY 2023 Org 1200

Personal Services and Employee Benefits.....	00100	\$	3,682,850
Current Expenses	13000		765,915
Equipment.....	07000		<u>50,000</u>
Total		\$	4,498,765

124 - Auditor's Office –

Volunteer Fire Department Workers'

Compensation Premium Subsidy Fund

(WV Code Chapters 12 and 33)

Fund 1239 FY 2023 Org 1200

Volunteer Fire Department

Workers' Compensation Subsidy.....	83200	\$	2,500,000
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125 - Treasurer's Office –

College Prepaid Tuition and Savings Program

Administrative Account

(WV Code Chapter 18)

Fund 1301 FY 2023 Org 1300

Personal Services and Employee Benefits.....	00100	\$	830,643
Unclassified	09900		14,000

Current Expenses	13000	<u>1,397,559</u>
Total		\$ 2,242,202

126 - Treasurer's Office-

Jumpstart Savings Program Expense Fund

(WV Code Chapter 18)

Fund 1303 FY 2023 Org 1300

Unclassified	09900	\$ 188,502
Current Expenses	13000	<u>411,498</u>
Total		\$ 600,000

127 - Department of Agriculture –

Agriculture Fees Fund

(WV Code Chapter 19)

Fund 1401 FY 2023 Org 1400

Personal Services and Employee Benefits.....	00100	\$ 2,534,889
Unclassified	09900	37,425
Current Expenses	13000	1,856,184
Repairs and Alterations.....	06400	158,500
Equipment.....	07000	436,209
Other Assets	69000	<u>10,000</u>
Total		\$ 5,033,207

128 - Department of Agriculture –

West Virginia Rural Rehabilitation Program

(WV Code Chapter 19)

Fund 1408 FY 2023 Org 1400

Personal Services and Employee Benefits.....	00100	\$ 80,974
Unclassified	09900	10,476

Current Expenses	13000	<u>2,200,000</u>
Total		\$ 2,291,450

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

Fund 1409 FY 2023 Org 1400

Personal Services and Employee Benefits.....	00100	\$ 76,415
Unclassified	09900	2,100
Current Expenses	13000	89,500
Repairs and Alterations.....	06400	36,400
Equipment.....	07000	<u>15,000</u>
Total		\$ 219,415

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

*130 - Department of Agriculture –
Farm Operating Fund
(WV Code Chapter 19)*

Fund 1412 FY 2023 Org 1400

Personal Services and Employee Benefits.....	00100	\$ 888,219
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		\$ 3,078,971

*131 - Department of Agriculture –
Capital Improvements Fund*

(WV Code Chapter 19)

Fund 1413 FY 2023 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

*132 - Department of Agriculture –**Donated Food Fund*

(WV Code Chapter 19)

Fund 1446 FY 2023 Org 1400

Personal Services and Employee Benefits.....	00100	\$ 1,074,322
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.....		\$ 4,946,171

*133 - Department of Agriculture –**Integrated Predation Management Fund*

(WV Code Chapter 7)

Fund 1465 FY 2023 Org 1400

Current Expenses	13000	\$ 112,500
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*134 - Department of Agriculture –**West Virginia Spay Neuter Assistance Fund*

(WV Code Chapter 19)

Fund 1481 FY 2023 Org 1400

Current Expenses	13000	\$	600,000
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*135 - Department of Agriculture –**Veterans and Warriors to Agriculture Fund*

(WV Code Chapter 19)

Fund 1483 FY 2023 Org 1400

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

(WV Code Chapters 18 and 18A)

Fund 1484 FY 2023 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

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

(WV Code Chapter 47)

Fund 1507 FY 2023 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

138 - Attorney General –

Preneed Burial Contract Regulation Fund

(WV Code Chapter 47)

Fund 1513 FY 2023 Org 1500

Personal Services and Employee Benefits.....	00100	\$	228,620
Current Expenses	13000		54,615
Repairs and Alterations.....	06400		1,000
Equipment.....	07000		<u>1,000</u>
Total		\$	285,235

139 - Attorney General –

Preneed Funeral Guarantee Fund

(WV Code Chapter 47)

Fund 1514 FY 2023 Org 1500

Current Expenses	13000	\$	901,135
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140 - Secretary of State –

Service Fees and Collection Account

(WV Code Chapters 3, 5, and 59)

Fund 1612 FY 2023 Org 1600

Personal Services and Employee Benefits.....	00100	\$	1,110,490
Unclassified	09900		4,524
Current Expenses	13000		<u>8,036</u>

Total \$ 1,123,050

141 - Secretary of State –

General Administrative Fees Account

(WV Code Chapters 3, 5, and 59)

Fund 1617 FY 2023 Org 1600

Personal Services and Employee Benefits.....	00100	\$ 3,041,423
Unclassified	09900	25,529
Current Expenses	13000	976,716
Technology Improvements.....	59900	<u>870,000</u>
Total		\$ 4,913,668

DEPARTMENT OF ADMINISTRATION

142 - Department of Administration –

Office of the Secretary –

Tobacco Settlement Fund

(WV Code Chapter 4)

Fund 2041 FY 2023 Org 0201

Tobacco Settlement Securitization Trustee Pass Thru..... 65000 \$ 80,000,000

143 - Department of Administration –

Office of the Secretary –

Employee Pension and Health Care Benefit Fund

(WV Code Chapter 18)

Fund 2044 FY 2023 Org 0201

Current Expenses 13000 \$ 40,523,000

The above appropriation for Current Expenses (fund 2044, appropriation 13000) shall be transferred to the Consolidated Public Retirement Board – Teachers' Accumulation Fund (fund 2600).

*144 - Department of Administration –**Division of Finance –**Shared Services Section Fund*

(WV Code Chapter 5A)

Fund 2020 FY 2023 Org 0209

Personal Services and Employee Benefits.....	00100	\$	1,545,384
Current Expenses	13000		<u>500,000</u>
Total.....		\$	2,045,384

145 - Division of Information Services and Communications

(WV Code Chapter 5A)

Fund 2220 FY 2023 Org 0210

Personal Services and Employee Benefits.....	00100	\$	23,052,937
Unclassified	09900		344,119
Current Expenses	13000		13,418,001
Equipment.....	07000		2,050,000
Other Assets	69000		<u>1,045,000</u>
Total.....		\$	39,910,057

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.

*146 - Division of Purchasing –**Vendor Fee Fund*

(WV Code Chapter 5A)

Fund 2263 FY 2023 Org 0213

Personal Services and Employee Benefits.....	00100	\$	579,296
Current Expenses	13000		9,115

BRIM Premium.....	91300	<u>810</u>
Total		\$ 589,221

*147 - Division of Purchasing –
Purchasing Improvement Fund
(WV Code Chapter 5A)
Fund 2264 FY 2023 Org 0213*

Personal Services and Employee Benefits.....	00100	\$ 992,206
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		\$ 1,492,184

*148 - Travel Management –
Aviation Fund
(WV Code Chapter 5A)
Fund 2302 FY 2023 Org 0215*

Unclassified	09900	\$ 1,000
Current Expenses	13000	149,700
Repairs and Alterations.....	06400	1,275,237
Equipment.....	07000	1,000
Buildings	25800	100
Other Assets	69000	100
Land	73000	<u>100</u>
Total		\$ 1,427,237

149 - Fleet Management Division Fund

(WV Code Chapter 5A)

Fund 2301 FY 2023 Org 0216

Personal Services and Employee Benefits.....	00100	\$	784,375
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		\$	13,232,989

150 - Division of Personnel

(WV Code Chapter 29)

Fund 2440 FY 2023 Org 0222

Personal Services and Employee Benefits.....	00100	\$	4,781,898
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		\$	6,303,629

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

151 - West Virginia Prosecuting Attorneys Institute

(WV Code Chapter 7)

Fund 2521 FY 2023 Org 0228

Personal Services and Employee Benefits.....	00100	\$	136,097
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.....		\$	558,248

152 - Office of Technology –

Chief Technology Officer Administration Fund

(WV Code Chapter 5A)

Fund 2531 FY 2023 Org 0231

Personal Services and Employee Benefits.....	00100	\$	454,411
Unclassified	09900		6,949
Current Expenses	13000		196,504
Repairs and Alterations.....	06400		1,000
Equipment.....	07000		50,000
Other Assets	69000		<u>10,000</u>
Total.....		\$	718,864

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

153 - Division of Forestry

(WV Code Chapter 19)

Fund 3081 FY 2023 Org 0305

Personal Services and Employee Benefits.....	00100	\$	382,137
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Current Expenses	13000	282,202
Repairs and Alterations.....	06400	53,000
Equipment.....	07000	<u>300,000</u>
Total		\$ 1,017,339

154 - Division of Forestry –

Timbering Operations Enforcement Fund

(WV Code Chapter 19)

Fund 3082 FY 2023 Org 0305

Personal Services and Employee Benefits.....	00100	\$ 248,321
Current Expenses	13000	87,036
Repairs and Alterations.....	06400	<u>11,250</u>
Total		\$ 346,607

155 - Division of Forestry –

Severance Tax Operations

(WV Code Chapter 11)

Fund 3084 FY 2023 Org 0305

Personal Services and Employee Benefits.....	00100	\$ 559,626
Current Expenses	13000	<u>117,466</u>
Total		\$ 677,092

156 - Geological and Economic Survey –

Geological and Analytical Services Fund

(WV Code Chapter 29)

Fund 3100 FY 2023 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.

157 - Division of Labor –

West Virginia Jobs Act Fund

(WV Code Chapter 21)

Fund 3176 FY 2023 Org 0308

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

158 - Division of Labor –

HVAC Fund

(WV Code Chapter 21)

Fund 3186 FY 2023 Org 0308

Personal Services and Employee Benefits.....	00100	\$ 367,925
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		\$ 467,925

159 - Division of Labor –

Elevator Safety Fund

(WV Code Chapter 21)

Fund 3188 FY 2023 Org 0308

Personal Services and Employee Benefits.....	00100	\$	304,756
Salary and Benefits of Cabinet Secretary and Agency Heads.....	00201		104,180
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.....		\$	517,409

160 - Division of Labor –

Steam Boiler Fund

(WV Code Chapter 21)

Fund 3189 FY 2023 Org 0308

Personal Services and Employee Benefits.....	00100	\$	80,742
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.....		\$	105,742

161 - Division of Labor –

Crane Operator Certification Fund

(WV Code Chapter 21)

Fund 3191 FY 2023 Org 0308

Personal Services and Employee Benefits.....	00100	\$	196,226
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		\$	258,371

162 - Division of Labor –

Amusement Rides and Amusement Attraction Safety Fund

(WV Code Chapter 21)

Fund 3192 FY 2023 Org 0308

Personal Services and Employee Benefits.....	00100	\$	192,424
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		\$	249,725

163 - Division of Labor –

State Manufactured Housing Administration Fund

(WV Code Chapter 21)

Fund 3195 FY 2023 Org 0308

Personal Services and Employee Benefits.....	00100	\$	294,645
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		\$	345,596

*164 - Division of Labor –**Weights and Measures Fund*

(WV Code Chapter 47)

Fund 3196 FY 2023 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

*165 - Division of Labor –**Bedding and Upholstery Fund*

(WV Code Chapter 21)

Fund 3198 FY 2023 Org 0308

Personal Services and Employee Benefits.....	00100	\$	152,270
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		\$	311,370

*166 - Division of Labor –**Psychophysiological Examiners Fund*

(WV Code Chapter 21)

Fund 3199 FY 2023 Org 0308

Current Expenses	13000	\$	4,000
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*167 - Division of Natural Resources –**License Fund – Wildlife Resources*

(WV Code Chapter 20)

Fund 3200 FY 2023 Org 0310

Wildlife Resources	02300	\$	9,759,535
Administration	15500		2,405,642
Capital Improvements and Land Purchase (R).....	24800		2,410,936
Law Enforcement	80600		<u>9,787,279</u>
Total		\$	24,363,392

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 2022 is hereby reappropriated for expenditure during the fiscal year 2023.

*168 - Division of Natural Resources –**Natural Resources Game Fish and Aquatic Life Fund*

(WV Code Chapter 22)

Fund 3202 FY 2023 Org 0310

Current Expenses	13000	\$	125,000
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*169 - Division of Natural Resources –**Nongame Fund*

(WV Code Chapter 20)

Fund 3203 FY 2023 Org 0310

Personal Services and Employee Benefits.....	00100	\$	694,154
Current Expenses	13000		201,810
Equipment.....	07000		<u>106,615</u>
Total		\$	1,002,579

*170 - Division of Natural Resources –**Planning and Development Division*

(WV Code Chapter 20)

Fund 3205 FY 2023 Org 0310

Personal Services and Employee Benefits.....	00100	\$	467,117
Current Expenses	13000		1,056,876
Repairs and Alterations.....	06400		15,016
Equipment.....	07000		8,300
Buildings	25800		8,300
Other Assets	69000		1,900,000
Land	73000		<u>31,700</u>
Total		\$	3,487,309

*171 - Division of Natural Resources –**State Parks and Recreation Endowment Fund*

(WV Code Chapter 20)

Fund 3211 FY 2023 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

*172 - Division of Natural Resources –**Whitewater Study and Improvement Fund*

(WV Code Chapter 20)

Fund 3253 FY 2023 Org 0310

Personal Services and Employee Benefits.....	00100	\$	70,667
Current Expenses	13000		64,778
Equipment.....	07000		1,297
Buildings	25800		<u>6,969</u>
Total		\$	143,711

173 - Division of Natural Resources –

Whitewater Advertising and Promotion Fund

(WV Code Chapter 20)

Fund 3256 FY 2023 Org 0310

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

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

Special Health, Safety and Training Fund

(WV Code Chapter 22A)

Fund 3355 FY 2023 Org 0314

Personal Services and Employee Benefits.....	00100	\$	516,356
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		\$	6,143,256

175 - Department of Commerce –

Office of the Secretary –

Marketing and Communications Operating Fund

(WV Code Chapter 5B)

Fund 3002 FY 2023 Org 0327

Personal Services and Employee Benefits.....	00100	\$	2,148,018
Unclassified	09900		30,000
Current Expenses	13000		1,315,078
Equipment.....	07000		<u>36,000</u>
Total		\$	3,529,096

*176 - State Board of Rehabilitation –**Division of Rehabilitation Services –**West Virginia Rehabilitation Center Special Account*

(WV Code Chapter 18)

Fund 8664 FY 2023 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*177 - Department of Economic Development –**Office of Energy –**Energy Assistance*

(WV Code Chapter 5B)

Fund 3010 FY 2023 Org 0307

Energy Assistance - Total	64700	\$	7,211
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*178 - Department of Economic Development –**Office of the Secretary –**Entrepreneurship and Innovation Investment Fund*

(WV Code Chapter 5B)

Fund 3014 FY 2023 Org 0307

Entrepreneurship and Innovation Investment Fund	70301	\$	1,500,000
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*179 - Department of Economic Development –**Office of the Secretary –**Broadband Development Fund*

(WV Code Chapter 31G)

Fund 3034 FY 2023 Org 0307

Personal Services and Employee Benefits	00100	\$	647,075
Unclassified	09900		2,000,000
Current Expenses	13000		<u>235,302,925</u>
Total		\$	237,950,000

*180 - Department of Economic Development –**Office of the Secretary –**Office of Coalfield Community Development*

(WV Code Chapter 5B)

Fund 3162 FY 2023 Org 0307

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

*181 - Department of Economic Development –**Office of the Secretary –*

Broadband Enhancement Fund

(WV Code Chapter 31G)

Fund 3013 FY 2023 Org 0307

Personal Services and Employee Benefits.....	00100	\$	131,682
Current Expenses	13000		<u>1,648,318</u>
Total		\$	1,780,000

DEPARTMENT OF EDUCATION

182 - State Board of Education –

Strategic Staff Development

(WV Code Chapter 18)

Fund 3937 FY 2023 Org 0402

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

183 - School Building Authority –

School Construction Fund

(WV Code Chapters 18 and 18A)

Fund 3952 FY 2023 Org 0404

SBA Construction Grants	24000	\$	59,845,818
Directed Transfer	70000		<u>1,371,182</u>
Total		\$	61,217,000

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

184 - School Building Authority

(WV Code Chapter 18)

Fund 3959 FY 2023 Org 0404

Personal Services and Employee Benefits.....	00100	\$	1,171,429
Current Expenses	13000		244,195
Repairs and Alterations.....	06400		13,150
Equipment.....	07000		<u>26,000</u>
Total		\$	1,454,774

DEPARTMENT OF ARTS, CULTURE, AND HISTORY

185 - Division of Culture and History –

Public Records and Preservation Revenue Account

(WV Code Chapter 5A)

Fund 3542 FY 2023 Org 0432

Personal Services and Employee Benefits.....	00100	\$	235,943
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		\$	1,227,512

DEPARTMENT OF ENVIRONMENTAL PROTECTION

186 - Solid Waste Management Board

(WV Code Chapter 22C)

Fund 3288 FY 2023 Org 0312

Personal Services and Employee Benefits.....	00100	\$	869,535
Current Expenses	13000		2,060,457
Repairs and Alterations.....	06400		1,000
Equipment.....	07000		5,000
Other Assets	69000		<u>4,403</u>

Total \$ 2,940,395

187 - Division of Environmental Protection –

Hazardous Waste Management Fund

(WV Code Chapter 22)

Fund 3023 FY 2023 Org 0313

Personal Services and Employee Benefits.....	00100	\$	805,575
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		\$	973,621

188 - Division of Environmental Protection –

Air Pollution Education and Environment Fund

(WV Code Chapter 22)

Fund 3024 FY 2023 Org 0313

Personal Services and Employee Benefits.....	00100	\$	806,186
Unclassified	09900		14,647
Current Expenses	13000		876,863
Repairs and Alterations.....	06400		13,000
Equipment.....	07000		53,105
Other Assets	69000		<u>20,000</u>
Total		\$	1,783,801

189 - Division of Environmental Protection –

Special Reclamation Fund

(WV Code Chapter 22)

Fund 3321 FY 2023 Org 0313

Personal Services and Employee Benefits.....	00100	\$	1,678,252
Current Expenses	13000		16,185,006
Repairs and Alterations.....	06400		79,950
Equipment.....	07000		130,192
Other Assets	69000		<u>32,000</u>
Total		\$	18,105,400

190 - Division of Environmental Protection –

Oil and Gas Reclamation Fund

(WV Code Chapter 22)

Fund 3322 FY 2023 Org 0313

Personal Services and Employee Benefits.....	00100	\$	549,957
Current Expenses	13000		<u>1,956,094</u>
Total		\$	2,506,051

191 - Division of Environmental Protection –

Oil and Gas Operating Permit and Processing Fund

(WV Code Chapter 22)

Fund 3323 FY 2023 Org 0313

Personal Services and Employee Benefits.....	00100	\$	2,187,791
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		\$	3,146,291

192 - Division of Environmental Protection –

Mining and Reclamation Operations Fund

(WV Code Chapter 22)

Fund 3324 FY 2023 Org 0313

Personal Services and Employee Benefits.....	00100	\$	3,635,868
Unclassified	09900		920
Current Expenses	13000		2,202,231
Repairs and Alterations.....	06400		60,260
Equipment.....	07000		83,000
Other Assets	69000		<u>57,500</u>
Total.....		\$	6,039,779

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

(WV Code Chapter 22)

Fund 3325 FY 2023 Org 0313

Personal Services and Employee Benefits.....	00100	\$	486,251
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.....		\$	824,651

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

(WV Code Chapter 22)

Fund 3331 FY 2023 Org 0313

Personal Services and Employee Benefits.....	00100	\$	614,039
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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		\$ 1,412,074

195 - Division of Environmental Protection –

*Solid Waste Reclamation and
Environmental Response Fund*

(WV Code Chapter 22)

Fund 3332 FY 2023 Org 0313

Personal Services and Employee Benefits.....	00100	\$ 849,562
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		\$ 4,535,199

196 - Division of Environmental Protection –

Solid Waste Enforcement Fund

(WV Code Chapter 22)

Fund 3333 FY 2023 Org 0313

Personal Services and Employee Benefits.....	00100	\$ 3,362,824
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.....		\$ 4,414,038

197 - Division of Environmental Protection –

Air Pollution Control Fund

(WV Code Chapter 22)

Fund 3336 FY 2023 Org 0313

Personal Services and Employee Benefits.....	00100	\$ 6,112,158
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.....		\$ 7,892,794

198 - Division of Environmental Protection –

Environmental Laboratory

Certification Fund

(WV Code Chapter 22)

Fund 3340 FY 2023 Org 0313

Personal Services and Employee Benefits.....	00100	\$ 364,936
Unclassified.....	09900	1,120
Current Expenses.....	13000	201,146
Repairs and Alterations.....	06400	1,000
Other Assets.....	69000	<u>163,000</u>
Total.....		\$ 731,202

*199 - Division of Environmental Protection –**Stream Restoration Fund*

(WV Code Chapter 22)

Fund 3349 FY 2023 Org 0313

Current Expenses	13000	\$	5,182,076
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*200 - Division of Environmental Protection –**Litter Control Fund*

(WV Code Chapter 22)

Fund 3486 FY 2023 Org 0313

Current Expenses	13000	\$	60,000
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*201 - Division of Environmental Protection –**Recycling Assistance Fund*

(WV Code Chapter 22)

Fund 3487 FY 2023 Org 0313

Personal Services and Employee Benefits.....	00100	\$	680,241
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		\$	3,438,699

*202 - Division of Environmental Protection –**Mountaintop Removal Fund*

(WV Code Chapter 22)

Fund 3490 FY 2023 Org 0313

Personal Services and Employee Benefits.....	00100	\$	1,120,989
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Unclassified	09900	1,180
Current Expenses	13000	589,834
Repairs and Alterations.....	06400	27,612
Equipment.....	07000	23,500
Other Assets	69000	<u>11,520</u>
Total		\$ 1,774,635

203 - Oil and Gas Conservation Commission –

Special Oil and Gas Conservation Fund

(WV Code Chapter 22C)

Fund 3371 FY 2023 Org 0315

Personal Services and Employee Benefits.....	00100	\$ 165,187
Current Expenses	13000	161,225
Repairs and Alterations.....	06400	1,000
Equipment.....	07000	9,481
Other Assets	69000	<u>1,500</u>
Total		\$ 338,393

DEPARTMENT OF HEALTH AND HUMAN RESOURCES

204 - Division of Health –

Ryan Brown Addiction Prevention and Recovery Fund

(WV Code Chapter 19)

Fund 5111 FY 2023 Org 0506

Current Expenses	13000	\$ 10,667,392
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205 - Division of Health –

The Vital Statistics Account

(WV Code Chapter 16)

Fund 5144 FY 2023 Org 0506

Personal Services and Employee Benefits.....	00100	\$	1,097,919
Unclassified	09900		15,500
Current Expenses	13000		<u>3,557,788</u>
Total		\$	4,671,207

206 - Division of Health –

Hospital Services Revenue Account

Special Fund

Capital Improvement, Renovation and Operations

(WV Code Chapter 16)

Fund 5156 FY 2023 Org 0506

Institutional Facilities Operations.....	33500	\$	44,555,221
Medical Services Trust Fund – Transfer.....	51200		<u>27,800,000</u>
Total		\$	72,355,221

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 2023, 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).

207 - Division of Health –

Laboratory Services Fund

(WV Code Chapter 16)

Fund 5163 FY 2023 Org 0506

Personal Services and Employee Benefits.....	00100	\$	985,121
Unclassified	09900		18,114

Current Expenses	13000	<u>2,209,105</u>
Total		\$ 3,212,340

208 - Division of Health –

The Health Facility Licensing Account

(WV Code Chapter 16)

Fund 5172 FY 2023 Org 0506

Personal Services and Employee Benefits.....	00100	\$ 669,651
Unclassified	09900	7,113
Current Expenses	13000	<u>98,247</u>
Total		\$ 775,011

209 - Division of Health –

Hepatitis B Vaccine

(WV Code Chapter 16)

Fund 5183 FY 2023 Org 0506

Current Expenses	13000	\$ 9,740
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210 - Division of Health –

Lead Abatement Account

(WV Code Chapter 16)

Fund 5204 FY 2023 Org 0506

Personal Services and Employee Benefits.....	00100	\$ 19,100
Unclassified	09900	373
Current Expenses	13000	<u>17,875</u>
Total		\$ 37,348

211 - Division of Health –

West Virginia Birth-to-Three Fund

(WV Code Chapter 16)

Fund 5214 FY 2023 Org 0506

Personal Services and Employee Benefits.....	00100	\$	719,208
Unclassified	09900		223,999
Current Expenses	13000		<u>30,134,400</u>
Total		\$	31,077,607

*212 - Division of Health –
Tobacco Control Special Fund
(WV Code Chapter 16)
Fund 5218 FY 2023 Org 0506*

Current Expenses	13000	\$	7,579
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*213 - Division of Health –
Medical Cannabis Program Fund
(WV Code Chapter 16A)
Fund 5420 FY 2023 Org 0506*

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

*214 - West Virginia Health Care Authority –
Health Care Cost Review Fund
(WV Code Chapter 16)
Fund 5375 FY 2023 Org 0507*

Personal Services and Employee Benefits.....	00100	\$	1,348,406
Unclassified	09900		20,100
Current Expenses	13000		<u>785,445</u>
Total		\$	2,153,951

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.

215 - West Virginia Health Care Authority –

Certificate of Need Program Fund

(WV Code Chapter 16)

Fund 5377 FY 2023 Org 0507

Personal Services and Employee Benefits.....	00100	\$	844,926
Current Expenses	13000		<u>474,967</u>
Total		\$	1,319,893

216 - Division of Human Services –

Health Care Provider Tax –

Medicaid State Share Fund

(WV Code Chapter 11)

Fund 5090 FY 2023 Org 0511

Medical Services.....	18900	\$	393,594,315
Medical Services Administrative Costs.....	78900		<u>251,273</u>
Total		\$	393,845,588

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).

217 - Division of Human Services –

Child Support Enforcement Fund

(WV Code Chapter 48A)

Fund 5094 FY 2023 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

218 - Division of Human Services –

Medical Services Trust Fund

(WV Code Chapter 9)

Fund 5185 FY 2023 Org 0511

Medical Services.....	18900	\$	82,500,000
Medical Services Administrative Costs.....	78900		<u>646,750</u>
Total.....		\$	83,146,750

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.

219 - Division of Human Services –

James "Tiger" Morton Catastrophic Illness Fund

(WV Code Chapter 16)

Fund 5454 FY 2023 Org 0511

Unclassified	09900	\$	7,000
Current Expenses	13000		<u>393,000</u>
Total.....		\$	400,000

220 - Division of Human Services –

Domestic Violence Legal Services Fund

(WV Code Chapter 48)

Fund 5455 FY 2023 Org 0511

Current Expenses	13000	\$	900,000
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221 - Division of Human Services –

West Virginia Works Separate State College Program Fund

(WV Code Chapter 9)

Fund 5467 FY 2023 Org 0511

Current Expenses	13000	\$	500,000
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222 - Division of Human Services –

West Virginia Works Separate State Two-Parent Program Fund

(WV Code Chapter 9)

Fund 5468 FY 2023 Org 0511

Current Expenses	13000	\$	1,500,000
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223 - Division of Human Services –

Marriage Education Fund

(WV Code Chapter 9)

Fund 5490 FY 2023 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

224 - 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 2023 Org 0601

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

Statewide Interoperable Radio Network Account

(WV Code Chapter 15)

Fund 6208 FY 2023 Org 0606

Current Expenses	13000	\$	80,000
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*226 - Division of Emergency Management –**West Virginia Interoperable Radio Project*

(WV Code Chapter 24)

Fund 6295 FY 2023 Org 0606

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

*227 - Division of Corrections and Rehabilitation –**Parolee Supervision Fees*

(WV Code Chapter 15A)

Fund 6362 FY 2023 Org 0608

Personal Services and Employee Benefits.....	00100	\$	1,164,081
Unclassified	09900		9,804
Current Expenses	13000		758,480
Equipment.....	07000		30,000
Other Assets	69000		<u>40,129</u>
Total.....		\$	2,002,494

*228 - Division of Corrections and Rehabilitation –**Regional Jail and Correctional Facility Authority*

(WV Code Chapter 15A)

Fund 6675 FY 2023 Org 0608

Personal Services and Employee Benefits.....	00100	\$	1,974,532
Debt Service	04000		9,000,000
Current Expenses	13000		<u>245,472</u>

Total		\$	11,220,004
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229 - West Virginia State Police –

Motor Vehicle Inspection Fund

(WV Code Chapter 17C)

Fund 6501 FY 2023 Org 0612

Personal Services and Employee Benefits	00100	\$	1,965,212
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		\$	8,270,106

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.

230 - West Virginia State Police –

Forensic Laboratory Fund

(WV Code Chapter 15)

Fund 6511 FY 2023 Org 0612

Personal Services and Employee Benefits	00100	\$	1,615,128
Current Expenses	13000		90,000
Repairs and Alterations	06400		5,000
Equipment	07000		<u>545,000</u>
Total		\$	2,255,128

231 - West Virginia State Police –

Drunk Driving Prevention Fund

(WV Code Chapter 15)

Fund 6513 FY 2023 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.

232 - West Virginia State Police –

Surplus Real Property Proceeds Fund

(WV Code Chapter 15)

Fund 6516 FY 2023 Org 0612

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

233 - West Virginia State Police –

Surplus Transfer Account

(WV Code Chapter 15)

Fund 6519 FY 2023 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

*234 - West Virginia State Police –**Central Abuse Registry Fund*

(WV Code Chapter 15)

Fund 6527 FY 2023 Org 0612

Personal Services and Employee Benefits.....	00100	\$	268,731
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		\$	1,265,198

*235 - West Virginia State Police –**Bail Bond Enforcer Account*

(WV Code Chapter 15)

Fund 6532 FY 2023 Org 0612

Current Expenses	13000	\$	8,300
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*236 - West Virginia State Police –**State Police Academy Post Exchange*

(WV Code Chapter 15)

Fund 6544 FY 2023 Org 0612

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

*237 - Fire Commission –**Fire Marshal Fees*

(WV Code Chapter 29)

Fund 6152 FY 2023 Org 0619

Personal Services and Employee Benefits.....	00100	\$	3,616,684
Unclassified	09900		3,800
Current Expenses	13000		1,646,550
Repairs and Alterations.....	06400		58,500
Equipment.....	07000		140,800
BRIM Premium.....	91300		<u>65,000</u>
Total		\$	5,531,334

238 - Division of Administrative Services –

WV Community Corrections Fund

(WV Code Chapter 62)

Fund 6386 FY 2023 Org 0623

Personal Services and Employee Benefits.....	00100	\$	166,250
Unclassified	09900		750
Current Expenses	13000		1,846,250
Repairs and Alterations.....	06400		<u>1,000</u>
Total		\$	2,014,250

239 - Division of Administrative Services –

Court Security Fund

(WV Code Chapter 51)

Fund 6804 FY 2023 Org 0623

Personal Services and Employee Benefits.....	00100	\$	24,748
Current Expenses	13000		<u>1,478,135</u>
Total		\$	1,502,883

240 - Division of Administrative Services –

Second Chance Driver's License Program Account

(WV Code Chapter 17B)

Fund 6810 FY 2023 Org 0623

Current Expenses	13000	\$	125,000
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DEPARTMENT OF REVENUE*241 - Division of Financial Institutions*

(WV Code Chapter 31A)

Fund 3041 FY 2023 Org 0303

Personal Services and Employee Benefits.....	00100	\$	2,653,645
Salary and Benefits of Cabinet Secretary and Agency Heads.....	00201		119,000
Current Expenses	13000		650,475
Equipment.....	07000		<u>8,500</u>
Total		\$	3,431,620

*242 - Office of the Secretary –**State Debt Reduction Fund*

(WV Code Chapter 29)

Fund 7007 FY 2023 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).

243 - Home Rule Board Operations

(WV Code Chapter 8)

Fund 7010 FY 2023 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

*244 - Tax Division –**Cemetery Company Account*

(WV Code Chapter 35)

Fund 7071 FY 2023 Org 0702

Personal Services and Employee Benefits.....	00100	\$	27,441
Current Expenses	13000		<u>7,717</u>
Total		\$	35,158

*245 - Tax Division –**Special Audit and Investigative Unit*

(WV Code Chapter 11)

Fund 7073 FY 2023 Org 0702

Personal Services and Employee Benefits.....	00100	\$	724,718
Unclassified	09900		8,500
Current Expenses	13000		273,297
Repairs and Alterations.....	06400		7,000
Equipment.....	07000		<u>5,000</u>
Total		\$	1,018,515

*246 - Tax Division –**Wine Tax Administration Fund*

(WV Code Chapter 60)

Fund 7087 FY 2023 Org 0702

Personal Services and Employee Benefits.....	00100	\$	275,024
Current Expenses	13000		<u>5,406</u>
Total		\$	280,430

*247 - Tax Division –**Reduced Cigarette Ignition Propensity*

Standard and Fire Prevention Act Fund

(WV Code Chapter 47)

Fund 7092 FY 2023 Org 0702

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

*248 - Tax Division –**Local Sales Tax and Excise Tax**Administration Fund*

(WV Code Chapter 11)

Fund 7099 FY 2023 Org 0702

Personal Services and Employee Benefits.....	00100	\$	1,567,732
Unclassified	09900		10,000
Current Expenses	13000		784,563
Repairs and Alterations.....	06400		1,000
Equipment.....	07000		<u>5,000</u>
Total.....		\$	2,368,295

*249 - State Budget Office –**Public Employees Insurance Reserve Fund*

(WV Code Chapter 11B)

Fund 7400 FY 2023 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.

*250 - Insurance Commissioner –**Examination Revolving Fund*

(WV Code Chapter 33)

Fund 7150 FY 2023 Org 0704

Personal Services and Employee Benefits.....	00100	\$	760,866
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		\$	2,222,156

251 - Insurance Commissioner –

Consumer Advocate

(WV Code Chapter 33)

Fund 7151 FY 2023 Org 0704

Personal Services and Employee Benefits.....	00100	\$	584,078
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		\$	849,780

252 - Insurance Commissioner –

Insurance Commission Fund

(WV Code Chapter 33)

Fund 7152 FY 2023 Org 0704

Personal Services and Employee Benefits.....	00100	\$	24,627,046
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		\$ 35,723,819

253 - Insurance Commissioner –

Insurance Fraud Prevention Fund

(WV Code Chapter 33)

Fund 7153 FY 2023 Org 0704

Current Expenses	13000	\$ 15,000
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254 - Insurance Commissioner –

Workers' Compensation Old Fund

(WV Code Chapter 23)

Fund 7162 FY 2023 Org 0704

Employee Benefits	01000	\$ 50,000
Current Expenses	13000	<u>250,500,000</u>
Total		\$ 250,550,000

255 - Insurance Commissioner –

Workers' Compensation Uninsured Employers' Fund

(WV Code Chapter 23)

Fund 7163 FY 2023 Org 0704

Current Expenses	13000	\$ 15,000,000
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256 - Insurance Commissioner –

Self-Insured Employer Guaranty Risk Pool

(WV Code Chapter 23)

Fund 7164 FY 2023 Org 0704

Current Expenses	13000	\$ 9,000,000
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257 - Insurance Commissioner –

Self-Insured Employer Security Risk Pool

(WV Code Chapter 23)

Fund 7165 FY 2023 Org 0704

Current Expenses	13000	\$	14,000,000
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258 - Municipal Bond Commission

(WV Code Chapter 13)

Fund 7253 FY 2023 Org 0706

Personal Services and Employee Benefits.....	00100	\$	321,604
Current Expenses	13000		154,344
Equipment.....	07000		<u>100</u>
Total		\$	476,048

259 - Racing Commission –

Relief Fund

(WV Code Chapter 19)

Fund 7300 FY 2023 Org 0707

Medical Expenses – Total	24500	\$	154,000
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The total amount of this appropriation shall be paid from the special revenue fund out of collections of license fees and fines as provided by law.

No expenditures shall be made from this fund except for hospitalization, medical care and/or funeral expenses for persons contributing to this fund.

260 - Racing Commission –

Administration and Promotion Account

(WV Code Chapter 19)

Fund 7304 FY 2023 Org 0707

Personal Services and Employee Benefits.....	00100	\$	272,430
Current Expenses	13000		85,433

Other Assets	69000	<u>5,000</u>
Total		\$ 362,863

261 - Racing Commission –

General Administration

(WV Code Chapter 19)

Fund 7305 FY 2023 Org 0707

Personal Services and Employee Benefits.....	00100	\$ 2,380,713
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		\$ 2,971,440

262 - Racing Commission –

Administration, Promotion, Education, Capital Improvement

and Greyhound Adoption Programs

to include Spaying and Neutering Account

(WV Code Chapter 19)

Fund 7307 FY 2023 Org 0707

Personal Services and Employee Benefits.....	00100	\$ 924,832
Current Expenses	13000	160,099
Other Assets	69000	<u>200,000</u>
Total		\$ 1,284,931

263 - Alcohol Beverage Control Administration –

Wine License Special Fund

(WV Code Chapter 60)

Fund 7351 FY 2023 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.

264 - Alcohol Beverage Control Administration

(WV Code Chapter 60)

Fund 7352 FY 2023 Org 0708

Personal Services and Employee Benefits.....	00100	\$	5,849,609
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.....		\$	107,261,986

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.

265 - State Athletic Commission Fund

(WV Code Chapter 29)

Fund 7009 FY 2023 Org 0933

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

DEPARTMENT OF TRANSPORTATION

266 - Division of Motor Vehicles –

Dealer Recovery Fund

(WV Code Chapter 17)

Fund 8220 FY 2023 Org 0802

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

Motor Vehicle Fees Fund

(WV Code Chapter 17B)

Fund 8223 FY 2023 Org 0802

Personal Services and Employee Benefits.....	00100	\$	3,929,736
Current Expenses	13000		4,372,596
Repairs and Alterations.....	06400		16,000
Equipment.....	07000		75,000
Other Assets	69000		10,000
BRIM Premium.....	91300		<u>75,116</u>

Total \$ 8,478,448

268 - Division of Highways –

A. James Manchin Fund

(WV Code Chapter 22)

Fund 8319 FY 2023 Org 0803

Current Expenses 13000 \$ 2,500,000

269 - State Rail Authority -

West Virginia Commuter Rail Access Fund

(WV Code Chapter 29)

Fund 8402 FY 2023 Org 0804

Current Expenses 13000 \$ 600,000

DEPARTMENT OF VETERANS' ASSISTANCE

270 - Veterans' Facilities Support Fund

(WV Code Chapter 9A)

Fund 6703 FY 2023 Org 0613

Current Expenses 13000 \$ 1,654,234

Other Assets 69000 10,000

Total \$ 1,664,234

271 - Department of Veterans' Assistance –

WV Veterans' Home –

Special Revenue Operating Fund

(WV Code Chapter 9A)

Fund 6754 FY 2023 Org 0618

Current Expenses 13000 \$ 289,400

Repairs and Alterations 06400 10,600

Total \$ 300,000

BUREAU OF SENIOR SERVICES

272 - Bureau of Senior Services –

Community Based Service Fund

(WV Code Chapter 29)

Fund 5409 FY 2023 Org 0508

Personal Services and Employee Benefits.....	00100	\$	140,202
Salary and Benefits of Cabinet Secretary and Agency Heads.....	00201		25,795
Current Expenses	13000		<u>10,348,710</u>
Total.....		\$	10,514,707

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

273 - 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 2023 Org 0442

Debt Service	04000	\$	27,402,035
General Capital Expenditures	30600		5,000,000
Facilities Planning and Administration.....	38600		<u>456,239</u>
Total.....		\$	32,858,274

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.

274 - Tuition Fee Revenue Bond Construction Fund

(WV Code Chapters 18 and 18B)

Fund 4906 FY 2023 Org 0442

Any unexpended balance remaining in the appropriation for Capital Outlay (fund 4906, appropriation 51100) at the close of the fiscal year 2022 is hereby reappropriated for expenditure during the fiscal year 2023.

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.

275 - Community and Technical College –

Capital Improvement Fund

(WV Code Chapter 18B)

Fund 4908 FY 2023 Org 0442

Any unexpended balance remaining in the appropriation for Capital Improvements – Total (fund 4908, appropriation 95800) at the close of fiscal year 2022 is hereby reappropriated for expenditure during the fiscal year 2023.

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.

276 - West Virginia University –

West Virginia University Health Sciences Center

(WV Code Chapters 18 and 18B)

Fund 4179 FY 2023 Org 0463

Personal Services and Employee Benefits.....	00100	\$	11,118,758
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		\$ 16,780,058

277 - Marshall University –

School of Medicine

(WV Code Chapter 18B)

Fund xxxx FY 2023 Org 0471

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

(WV Code Chapter 18B)

Fund xxxx FY 2023 Org 0476

West Virginia School of Osteopathic Medicine	17200	\$ 3,900,000
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MISCELLANEOUS BOARDS AND COMMISSIONS

279 - Board of Barbers and Cosmetologists –

Barbers and Beauticians Special Fund

(WV Code Chapters 16 and 30)

Fund 5425 FY 2023 Org 0505

Personal Services and Employee Benefits	00100	\$ 568,198
Current Expenses	13000	234,969
Repairs and Alterations	06400	<u>5,000</u>
Total		\$ 808,167

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.

280 - Hospital Finance Authority –

Hospital Finance Authority Fund

(WV Code Chapter 16)

Fund 5475 FY 2023 Org 0509

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

The total amount of these appropriations shall be paid from the special revenue fund out of fees and collections as provided by Article 29A, Chapter 16 of the Code.

281 - State Armory Board –

General Armory Fund

(WV Code Chapter 15)

Fund 6057 FY 2023 Org 0603

Personal Services and Employee Benefits.....	00100	\$	1,687,298
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.....		\$	4,043,770

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).

282 - WV State Board of Examiners for Licensed Practical Nurses –

Licensed Practical Nurses

(WV Code Chapter 30)

Fund 8517 FY 2023 Org 0906

Personal Services and Employee Benefits.....	00100	\$	507,607
Current Expenses	13000		<u>107,700</u>
Total		\$	615,307

283 - WV Board of Examiners for Registered Professional Nurses –

Registered Professional Nurses

(WV Code Chapter 30)

Fund 8520 FY 2023 Org 0907

Personal Services and Employee Benefits.....	00100	\$	1,342,970
Current Expenses	13000		312,655
Repairs and Alterations.....	06400		3,000
Equipment.....	07000		25,000
Other Assets	69000		<u>4,500</u>
Total		\$	1,688,125

284 - Public Service Commission

(WV Code Chapter 24)

Fund 8623 FY 2023 Org 0926

Personal Services and Employee Benefits.....	00100	\$	12,543,164
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		120,000
Equipment.....	07000		160,000
Buildings	25800		10
PSC Weight Enforcement	34500		4,742,560
Debt Payment/Capital Outlay	52000		350,000
Land	73000		10

BRIM Premium.....	91300	<u>172,216</u>
Total		\$ 21,061,445

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.

285 - Public Service Commission –

Gas Pipeline Division –

Public Service Commission Pipeline Safety Fund

(WV Code Chapter 24B)

Fund 8624 FY 2023 Org 0926

Personal Services and Employee Benefits.....	00100	\$ 288,700
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		\$ 401,615

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.

286 - Public Service Commission –

Motor Carrier Division

(WV Code Chapter 24A)

Fund 8625 FY 2023 Org 0926

Personal Services and Employee Benefits.....	00100	\$ 2,367,199
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		\$ 3,114,700

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.

287 - Public Service Commission –

Consumer Advocate Fund

(WV Code Chapter 24)

Fund 8627 FY 2023 Org 0926

Personal Services and Employee Benefits.....	00100	\$ 889,096
Current Expenses	13000	386,472
Equipment.....	07000	9,872
BRIM Premium.....	91300	<u>4,660</u>
Total		\$ 1,290,100

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.

288 - Real Estate Commission –

Real Estate License Fund

(WV Code Chapter 30)

Fund 8635 FY 2023 Org 0927

Personal Services and Employee Benefits.....	00100	\$ 628,277
Current Expenses	13000	293,122
Repairs and Alterations.....	06400	2,500
Equipment.....	07000	<u>5,000</u>
Total		\$ 928,899

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

289 - WV Board of Examiners for Speech-Language

Pathology and Audiology –

Speech-Language Pathology and Audiology Operating Fund

(WV Code Chapter 30)

Fund 8646 FY 2023 Org 0930

Personal Services and Employee Benefits.....	00100	\$	97,564
Current Expenses	13000		<u>63,499</u>
Total.....		\$	161,063

290 - WV Board of Respiratory Care –

Board of Respiratory Care Fund

(WV Code Chapter 30)

Fund 8676 FY 2023 Org 0935

Personal Services and Employee Benefits.....	00100	\$	88,904
Current Expenses	13000		<u>62,709</u>
Total.....		\$	151,613

291 - WV Board of Licensed Dietitians –

Dietitians Licensure Board Fund

(WV Code Chapter 30)

Fund 8680 FY 2023 Org 0936

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

292 - Massage Therapy Licensure Board –

Massage Therapist Board Fund

(WV Code Chapter 30)

Fund 8671 FY 2023 Org 0938

Personal Services and Employee Benefits.....	00100	\$	112,641
Current Expenses	13000		<u>42,388</u>
Total		\$	155,029

293 - Board of Medicine –

Medical Licensing Board Fund

(WV Code Chapter 30)

Fund 9070 FY 2023 Org 0945

Personal Services and Employee Benefits.....	00100	\$	1,577,216
Current Expenses	13000		1,108,789
Repairs and Alterations.....	06400		<u>8,000</u>
Total		\$	2,694,005

294 - West Virginia Enterprise Resource Planning Board –

Enterprise Resource Planning System Fund

(WV Code Chapter 12)

Fund 9080 FY 2023 Org 0947

Personal Services and Employee Benefits.....	00100	\$	5,494,051
Unclassified	09900		132,000
Current Expenses	13000		17,214,993
Repairs and Alterations.....	06400		300
Equipment.....	07000		502,000
Buildings	25800		2,000
Other Assets	69000		<u>2,004,500</u>
Total		\$	25,349,844

295 - Board of Treasury Investments –

Board of Treasury Investments Fee Fund

(WV Code Chapter 12)

Fund 9152 FY 2023 Org 0950

Personal Services and Employee Benefits.....	00100	\$	857,714
Unclassified	09900		14,850
Current Expenses	13000		580,889
BRIM Premium.....	91300		31,547
Fees of Custodians, Fund Advisors and Fund Managers	93800		<u>3,500,000</u>
Total		\$	4,985,000

There is hereby appropriated from this fund, in addition to the above appropriation if needed, an amount of funds necessary for the Board of Treasury Investments to pay the fees and expenses of custodians, fund advisors and fund managers for the consolidated fund of the State as provided in Article 6C, Chapter 12 of the Code.

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

296 - Contractor Licensing Board Fund

(WV Code Chapter 21)

Fund 3187 FY 2023 Org 0951

Personal Services and Employee Benefits.....	00100	\$	2,559,000
Repairs and Alterations.....	06400		10,000
Unclassified	09900		21,000
Current Expenses	13000		500,000
BRIM Premium.....	91300		<u>8,500</u>
Total		\$	3,098,500

Total TITLE II, Section 3 – Other Funds (Including claims against the state).....			<u>\$ 2,001,383,914</u>
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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.

297 - Education, Arts, Sciences and Tourism –

Debt Service Fund

(WV Code Chapter 5)

Fund 2252 FY 2023 Org 0211

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

298 - Department of Tourism –

Office of the Secretary

(WV Code Chapter 5B)

Fund 3067 FY 2023 Org 0304

Tourism – Telemarketing Center	46300	\$	82,080
Tourism – Advertising (R)	61800		2,422,407
Tourism – Operations (R).....	66200		<u>4,339,884</u>
Total.....		\$	6,844,371

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 2022 are hereby reappropriated for expenditure during the fiscal year 2023.

299 - Division of Natural Resources

(WV Code Chapter 20)

Fund 3267 FY 2023 Org 0310

Personal Services and Employee Benefits.....	00100	\$	2,558,278
Current Expenses	13000		26,900
Pricketts Fort State Park	32400		106,560
Non-Game Wildlife (R).....	52700		405,088
State Parks and Recreation Advertising (R).....	61900		<u>494,578</u>

Total		\$	3,591,404
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Any unexpended balances remaining in the appropriations for Capital Outlay – Parks (fund 3267, appropriation 28800), Non-Game Wildlife (fund 3267, appropriation 52700), and State Parks and Recreation Advertising (fund 3267, appropriation 61900) at the close of the fiscal year 2022 are hereby reappropriated for expenditure during the fiscal year 2023.

300 - State Board of Education

(WV Code Chapters 18 and 18A)

Fund 3951 FY 2023 Org 0402

FBI Checks	37200	\$	119,574
Vocational Education Equipment Replacement.....	39300		800,000
Assessment Program (R).....	39600		490,439
Literacy Project	89900		350,000
21st Century Technology Infrastructure Network Tools and Support (R)	93300		<u>12,611,880</u>
Total		\$	14,371,893

Any unexpended balances remaining in the appropriations for Assessment Program (fund 3951, appropriation 39600), and 21st Century Technology Infrastructure Network Tools and Support (fund 3951, appropriation 93300) at the close of the fiscal year 2022 are hereby reappropriated for expenditure during the fiscal year 2023.

301 - State Department of Education –

School Building Authority –

Debt Service Fund

(WV Code Chapter 18)

Fund 3963 FY 2023 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.

302 - Division of Culture and History –

Lottery Education Fund

(WV Code Chapter 29)

Fund 3534 FY 2023 Org 0432

Huntington Symphony.....	02700	\$	59,058
Preservation West Virginia (R).....	09200		491,921
Fairs and Festivals (R).....	12200		1,346,814
Commission for National and Community Service (R).....	19300		380,275
Archeological Curation/Capital Improvements (R).....	24600		38,546
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		\$	4,273,727

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 \$891, Beckley Main Street (Raleigh) \$2,970, Buffalo Creek Memorial (Logan) \$2,970, Carnegie Hall (Greenbrier) \$46,899, Ceredo Historical Society (Wayne) \$1,188, Ceredo Kenova Railroad Museum (Wayne) \$1,188, Ceredo Museum (Wayne) \$720, Children's Theatre of Charleston (Kanawha) \$3,127, Chuck Mathena Center (Mercer) \$62,532, Collis P. Huntington Railroad Historical Society (Cabell) \$5,941, Country Music Hall of Fame and Museum (Marion) \$4,159, First Stage Children's Theater Company \$1,188, Flannigan Murrell House (Summers) \$3,781, Fort Ashby Fort (Mineral) \$891, Fort New Salem (Harrison) \$2,198, Fort Randolph (Mason) \$2,970, General Adam Stephen Memorial Foundation (Berkeley) \$11,006, Grafton Mother's Day Shrine Committee (Taylor) \$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) \$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 (Raleigh) \$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) \$720

From the above appropriation for Fairs and Festivals (fund 3534, appropriation 12200) funding shall be provided to A Princeton 4th (Mercer) \$1,800, African-American Cultural Heritage Festival (Jefferson) \$2,970, 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, Arkansaw Homemaker's Heritage Weekend (Hardy) \$2,079, Armed Forces Day-South Charleston (Kanawha) \$1,782, Arthurdale Heritage New Deal Festival (Preston) \$2,970, Athens Town Fair (Mercer) \$1,188, Augusta Fair (Randolph) \$2,970, Autumn Harvest Fest (Monroe) \$2,448, 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, Blue Ridge Arts and Crafts Festival (Jefferson) \$5,000, 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 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, 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, Christmas on Main Street (Hancock) \$11,881, City of Dunbar Critter Dinner (Kanawha) \$5,940, 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, Clendenin Homecoming Festival (Kanawha) \$1,000, Coal Field Jamboree (Logan) \$20,792, Coalton Days Fair (Randolph) \$4,158, Covered Bridge Festival (Marion) \$3,000, Craigsville Fall Festival (Nicholas) \$2,079, Cruise into Princeton (Mercer) \$2,160, Culturefest World Music & Arts Festival (Mercer) \$4,690, Delbarton Homecoming (Mingo) \$2,079, Doddridge County Fair (Doddridge) \$4,158, 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, Fly in Festival (Cabell) \$5,000, Follansbee Community Days (Brooke) \$4,900, Fort Gay Mountain Heritage Days (Wayne) \$2,970, Fort Henry Days (Ohio) \$3,148, Fort Henry Living History (Ohio) \$1,563, Fort New Salem Spirit of Christmas Festival (Harrison) \$2,432, Frankford Autumnfest (Greenbrier) \$2,970, Franklin Fishing Derby (Pendleton) \$10,709, 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, Huntersville Traditions Day (Pocahontas) \$4,000, 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, Knights of Columbus Irish Road Bowling (Marshall County) \$3,000, 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 Martinsville Regatta (Wetzel) \$9,000, 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) \$4,000, Oglebay City Park - Festival of Lights (Ohio) \$47,524, Oglebay Festival (Ohio) \$5,940, Ohio County Country Fair (Ohio) \$5,346, Ohio River Fest (Jackson) \$4,320, Ohio Valley Black Heritage Festival (Ohio) \$3,267, Old Brick Playhouse (Randolph) \$7,000, 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) \$1,500, Pine Bluff Fall Festival (Harrison) \$2,376, Pine Grove 4th of July Festival (Wetzel) \$4,158, Pineville Festival (Wyoming) \$3,564, Pleasants County Agriculture Youth Fair (Pleasants) \$2,970, 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, 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) \$2,500, 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, 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 Freedom Festival (Logan) \$4,456, 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, Winfield Watersports Weekend (Putnam) \$3,240, 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), and Grants for Competitive Arts Program (fund 3534, appropriation 62400) at the close of the fiscal year 2022 are hereby reappropriated for expenditure during the fiscal year 2023.

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.

303 - Library Commission –

Lottery Education Fund

(WV Code Chapter 10)

Fund 3559 FY 2023 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

304 - Educational Broadcasting Authority

(WV Code Chapter 10)

Fund 3587 FY 2023 Org 0439

Any unexpended balance remaining in the appropriation for Capital Outlay and Maintenance (fund 3587, appropriation 75500) at the close of fiscal year 2022 is hereby reappropriated for expenditure during the fiscal year 2023.

305 - Higher Education Policy Commission –

Lottery Education –

Higher Education Policy Commission –

Control Account

(WV Code Chapters 18B and 18C)

Fund 4925 FY 2023 Org 0441

RHI Program and Site Support (R).....	03600	\$	1,915,854
RHI Program and Site Support – RHEP Program Administration	03700		146,653
RHI Program and Site Support – Grad Med Ed and Fiscal Oversight (R).....	03800		89,586
Minority Doctoral Fellowship (R)	16600		129,604
Health Sciences Scholarship (R).....	17600		225,908
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		\$	3,023,161

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 2022 are hereby reappropriated for expenditure during the fiscal year 2023.

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.

*306 - Community and Technical College –**Capital Improvement Fund*

(WV Code Chapter 18B)

Fund 4908 FY 2023 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 2022 is hereby reappropriated for expenditure during the fiscal year 2023.

*307 - Higher Education Policy Commission –**Lottery Education –**West Virginia University – School of Medicine*

(WV Code Chapter 18B)

Fund 4185 FY 2023 Org 0463

WVU Health Sciences –			
RHI Program and Site Support (R)	03500	\$	1,208,106
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		1,802,118
Center for Excellence in Disabilities (R)	96700		<u>318,711</u>
Total		\$	3,718,367

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 2022 are hereby reappropriated for expenditure during the fiscal year 2023.

*308 - Higher Education Policy Commission –**Lottery Education –**Marshall University – School of Medicine*

(WV Code Chapter 18B)

Fund 4896 FY 2023 Org 0471

Marshall Medical School –			
RHI Program and Site Support (R)	03300	\$	434,910
Vice Chancellor for Health Sciences – Rural Health Residency Program (R)	60100		<u>174,109</u>
Total		\$	609,019

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 2022 are hereby reappropriated for expenditure during the fiscal year 2023.

309 - Bureau of Senior Services –

Lottery Senior Citizens Fund

(WV Code Chapter 29)

Fund 5405 FY 2023 Org 0508

Personal Services and Employee Benefits.....	00100	\$	142,503
Salary and Benefits of Cabinet Secretary and Agency Heads.....	00201		70,720
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		14,203,501
Roger Tompkins Alzheimer's Respite Care	64300		2,304,286
WV Alzheimer's Hotline.....	72400		45,000
Regional Aged and Disabled Resource Center	76700		425,000
Senior Services Medicaid Transfer.....	87100		16,400,070
Legislative Initiatives for the Elderly	90400		9,671,239
Long Term Care Ombudsman.....	90500		297,226
BRIM Premium.....	91300		7,718
In-Home Services and Nutrition for Senior Citizens.....	91700		<u>6,845,941</u>
Total.....		\$	53,200,238

Any unexpended balance remaining in the appropriation for Senior Citizen Centers and Programs (fund 5405, appropriation 46200) at the close of the fiscal year 2022 is hereby reappropriated for expenditure during the fiscal year 2023.

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..... \$ 134,145,880

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.

310 - Governor's Office

(WV Code Chapter 5)

Fund 1046 FY 2023 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 2022 is hereby reappropriated for expenditure during the fiscal year 2023.

311 - Office of Technology

(WV Code Chapter 5A)

Fund 2532 FY 2023 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 2022 are hereby reappropriated for expenditure during the fiscal year 2023.

312 - Department of Economic Development –

Office of the Secretary –

West Virginia Development Office

(WV Code Chapter 5B)

Fund 3170 FY 2023 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 2022 is hereby reappropriated for expenditure during the fiscal year 2023.

313 - Division of Natural Resources –

State Park Improvement Fund

Fund 3277 FY 2023 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), 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 2022 are hereby reappropriated for expenditure during the fiscal year 2023.

314 - West Virginia Infrastructure Council –

West Virginia Infrastructure Transfer Fund

Fund 3390 FY 2023 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.

315 - Department of Education –

School Building Authority

Fund 3514 FY 2023 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.

316 - Higher Education Policy Commission –

Education Improvement Fund

Fund 4295 FY 2023 Org 0441

PROMISE Scholarship – Transfer.....	80000	\$	29,000,000
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The above appropriation shall be transferred to the PROMISE Scholarship Fund (fund 4296, org 0441) established by W.Va. Code §18C-7-7.

The Legislature has explicitly set a finite amount of available appropriations and directed the administrators of the Program to provide for the award of scholarships within the limits of available appropriations.

317 - Higher Education Policy Commission –

Higher Education Improvement Fund

Fund 4297 FY 2023 Org 0441

Directed Transfer	70000	\$	15,000,000
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The above appropriation for Directed Transfer shall be transferred to Higher Education Policy Commission – System – Tuition Fee Capital Improvement Fund (fund 4903, org 0442) as authorized by Senate Concurrent Resolution No. 41.

318 - Higher Education Policy Commission –

Administration –

Control Account

Fund 4932 FY 2023 Org 0441

Any unexpended balance remaining in the appropriation for Advanced Technology Centers (fund 4932, appropriation 02800) at the close of the fiscal year 2022 is hereby reappropriated for expenditure during the fiscal year 2023.

319 - Division of Human Services

(WV Code Chapters 9, 48, and 49)

Fund 5365 FY 2023 Org 0511

Medical Services.....	18900	\$	26,697,960
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320 - Division of Corrections and Rehabilitation –

Correctional Units

(WV Code Chapter 15A)

Fund 6283 FY 2023 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 2022 is hereby reappropriated for expenditure during the fiscal year 2023.

321 - Lottery Commission –

General Purpose Account

Fund 7206 FY 2023 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.

322 - Lottery Commission –

Refundable Credit

Fund 7207 FY 2023 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.

323 - Lottery Commission –

Distributions to Statutory Funds and Purposes

Fund 7213 FY 2023 Org 0705

Parking Garage Fund – Transfer.....	70001	\$	500,000
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2004 Capitol Complex Parking Garage Fund – Transfer.....	70002		216,478
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Capitol Dome and Improvements Fund – Transfer.....	70003		1,796,256
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Capitol Renovation and Improvement Fund – Transfer	70004		2,381,252
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Development Office Promotion Fund – Transfer	70005	1,298,864
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

324 - Racing Commission

Fund 7308 FY 2023 Org 0707

Special Breeders Compensation (WVC §29-22-18a, subsection (I)).....	21800	\$ 2,000,000
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325 - Economic Development Authority –

Economic Development Project Fund

Fund 9065 FY 2023 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).

326 - Economic Development Authority –

Cacapon and Beech Fork State Parks –

Lottery Revenue Debt Service

Fund 9067 FY 2023 Org 0944

Debt Service	04000	\$ 2,032,000
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*327 - Economic Development Authority –
State Parks Lottery Revenue Debt Service Fund
Fund 9068 FY 2023 Org 0944*

Debt Service	04000	\$	4,395,000
Total TITLE II, Section 5 – Excess Lottery Funds.....			<u>\$ 300,652,000</u>

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 2023.

LEGISLATIVE

*328 - Crime Victims Compensation Fund
(WV Code Chapter 14)
Fund 8738 FY 2023 Org 2300*

	Appro-		Federal
	priation		Funds
Economic Loss Claim Payment Fund.....	33400	\$	1,100,000

JUDICIAL

*329 - Supreme Court
Fund 8867 FY 2023 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

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

(WV Code Chapter 4)

Fund 8823 FY 2023 Org 0100

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

331 - Department of Agriculture

(WV Code Chapter 19)

Fund 8736 FY 2023 Org 1400

Personal Services and Employee Benefits.....	00100	\$ 2,708,867
Unclassified	09900	50,534
Current Expenses	13000	6,828,661
Repairs and Alterations.....	06400	650,000
Equipment.....	07000	910,500
Buildings.....	25800	1,000,000
Other Assets	69000	550,000
Land	73000	500,000
Federal Coronavirus Pandemic.....	89101	<u>1,098,839</u>
Total.....		\$ 14,297,401

*332 - Department of Agriculture –**Meat Inspection Fund*

(WV Code Chapter 19)

Fund 8737 FY 2023 Org 1400

Personal Services and Employee Benefits.....	00100	\$	685,045
Unclassified	09900		8,755
Current Expenses	13000		136,012
Repairs and Alterations.....	06400		5,500
Equipment.....	07000		<u>114,478</u>
Total		\$	949,790

333 - Department of Agriculture –

State Conservation Committee

(WV Code Chapter 19)

Fund 8783 FY 2023 Org 1400

Personal Services and Employee Benefits.....	00100	\$	97,250
Current Expenses	13000		<u>15,599,974</u>
Total		\$	15,697,224

334 - Department of Agriculture –

Land Protection Authority

Fund 8896 FY 2023 Org 1400

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

335 - Attorney General –

Medicaid Fraud Unit

Fund 8882 FY 2023 Org 1500

Personal Services and Employee Benefits.....	00100	\$	1,434,886
Unclassified	09900		15,336
Current Expenses	13000		599,513

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Repairs and Alterations.....	06400	4,313
Equipment.....	07000	7,500
Other Assets	69000	<u>11,336</u>
Total.....		\$ 2,072,884

336 - Secretary of State –

State Election Fund

(WV Code Chapter 3)

Fund 8854 FY 2023 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

337 - Division of Forestry

(WV Code Chapter 19)

Fund 8703 FY 2023 Org 0305

Personal Services and Employee Benefits.....	00100	\$ 610,888
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.....		\$ 7,958,593

338 - Geological and Economic Survey

(WV Code Chapter 29)

Fund 8704 FY 2023 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

339 - Division of Labor

(WV Code Chapters 21 and 47)

Fund 8706 FY 2023 Org 0308

Personal Services and Employee Benefits.....	00100	\$	427,254
Unclassified	09900		5,572
Current Expenses	13000		167,098
Repairs and Alterations.....	06400		<u>500</u>
Total		\$	600,424

340 - Division of Natural Resources

(WV Code Chapter 20)

Fund 8707 FY 2023 Org 0310

Personal Services and Employee Benefits.....	00100	\$	10,318,396
Unclassified	09900		107,693
Current Expenses	13000		7,887,660
Repairs and Alterations.....	06400		566,250
Equipment.....	07000		2,126,141

Administration	15500	50,325
Buildings	25800	951,000
Other Assets	69000	4,768,670
Land	73000	<u>2,893,920</u>
Total		\$ 29,670,055

*341 - Division of Miners' Health,
Safety and Training
(WV Code Chapter 22)*

Fund 8709 FY 2023 Org 0314

Personal Services and Employee Benefits.....	00100	\$ 670,029
Current Expenses	13000	<u>150,000</u>
Total		\$ 820,029

*342 - WorkForce West Virginia
(WV Code Chapter 23)*

Fund 8835 FY 2023 Org 0323

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

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

*343 - State Board of Rehabilitation –
Division of Rehabilitation Services
(WV Code Chapter 18)*

Fund 8734 FY 2023 Org 0932

Personal Services and Employee Benefits.....	00100	\$	12,042,929
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.....		\$	48,248,139

*344 - State Board of Rehabilitation –
Division of Rehabilitation Services –
Disability Determination Services
(WV Code Chapter 18)*

Fund 8890 FY 2023 Org 0932

Personal Services and Employee Benefits.....	00100	\$	12,945,086
Current Expenses.....	13000		13,383,206
Repairs and Alterations.....	06400		1,100
Equipment.....	07000		<u>83,350</u>
Total.....		\$	26,412,742

DEPARTMENT OF TOURISM

*345 - Department of Tourism –
Tourism Workforce Development Fund
(WV Code Chapter 5B)*

Fund 8903 FY 2023 Org 0304

Federal Coronavirus Pandemic.....	89101		<u>5,148,017</u>
Total.....		\$	5,148,017

DEPARTMENT OF ECONOMIC DEVELOPMENT

*346 - Department of Economic Development –
Office of the Secretary*

(WV Code Chapter 5B)

Fund 8705 FY 2023 Org 0307

Personal Services and Employee Benefits.....	00100	\$	1,521,231
Unclassified	09900		50,000
Current Expenses	13000		<u>21,304,019</u>
Total		\$	22,875,250

*347 - Department of Economic Development –**Office of Energy*

(WV Code Chapter 5B)

Fund 8892 FY 2023 Org 0307

Personal Services and Employee Benefits.....	00100	\$	985,462
Unclassified	09900		7,350
Current Expenses	13000		<u>8,266,076</u>
Total		\$	9,258,888

*348 - Department of Economic Development –**Office of the Secretary –**Office of Economic Opportunity*

(WV Code Chapter 5)

Fund 8901 FY 2023 Org 0307

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

DEPARTMENT OF EDUCATION

349 - State Board of Education –

State Department of Education

(WV Code Chapters 18 and 18A)

Fund 8712 FY 2023 Org 0402

Personal Services and Employee Benefits.....	00100	\$	5,890,196
Unclassified	09900		2,000,000
Current Expenses	13000		1,434,146,008
Repairs and Alterations.....	06400		10,000
Equipment.....	07000		10,000
Other Assets	69000		10,000
Federal Coronavirus Pandemic.....	89101		<u>4,990,123</u>
Total		\$	1,447,056,327

350 - State Board of Education –

School Lunch Program

(WV Code Chapters 18 and 18A)

Fund 8713 FY 2023 Org 0402

Personal Services and Employee Benefits.....	00100	\$	1,924,124
Unclassified	09900		1,150,500
Current Expenses	13000		258,781,265
Repairs and Alterations.....	06400		20,000
Equipment.....	07000		100,000
Other Assets	69000		<u>25,000</u>
Total		\$	262,000,889

351 - State Board of Education –

Vocational Division

(WV Code Chapters 18 and 18A)

Fund 8714 FY 2023 Org 0402

Personal Services and Employee Benefits.....	00100	\$	1,938,607
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		\$	19,943,688

352 - State Board of Education –

Aid for Exceptional Children

(WV Code Chapters 18 and 18A)

Fund 8715 FY 2023 Org 0402

Personal Services and Employee Benefits.....	00100	\$	3,540,241
Unclassified	09900		1,000,000
Current Expenses	13000		133,346,390
Repairs and Alterations.....	06400		10,000
Equipment.....	07000		10,000
Other Assets	69000		10,000
Federal Coronavirus Pandemic.....	89101		<u>17,336,635</u>
Total		\$	155,253,266

DEPARTMENT OF ARTS, CULTURE, AND HISTORY

353 - Division of Culture and History

(WV Code Chapter 29)

Fund 8718 FY 2023 Org 0432

Personal Services and Employee Benefits.....	00100	\$	851,130
Current Expenses	13000		1,947,372
Repairs and Alterations.....	06400		1,000

Equipment.....	07000	1,000
Buildings	25800	1,000
Other Assets	69000	1,000
Land	73000	360
Federal Coronavirus Pandemic.....	89101	<u>765,400</u>
Total		\$ 2,802,862

354 - Commission for National and Community Service

(WV Code Chapter 5F)

Fund 8841 FY 2023 Org 0432

Personal Services and Employee Benefits.....	00100	\$ 446,874
Current Expenses	13000	5,587,325
Repairs and Alterations.....	06400	1,000
Federal Coronavirus Pandemic.....	89101	<u>1,960,558</u>
Total		\$ 7,995,757

355 - Library Commission

(WV Code Chapter 10)

Fund 8720 FY 2023 Org 0433

Personal Services and Employee Benefits.....	00100	\$ 368,524
Current Expenses	13000	1,076,162
Equipment.....	07000	543,406
Federal Coronavirus Pandemic.....	89101	<u>2,388,880</u>
Total		\$ 4,376,972

356 - Educational Broadcasting Authority

(WV Code Chapter 10)

Fund 8721 FY 2023 Org 0439

Equipment.....	07000	\$ 1,000
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Federal Coronavirus Pandemic.....	89101	<u>710,176</u>
Total		\$ 711,176

DEPARTMENT OF ENVIRONMENTAL PROTECTION

357 - Division of Environmental Protection

(WV Code Chapter 22)

Fund 8708 FY 2023 Org 0313

Personal Services and Employee Benefits.....	00100	\$ 32,273,598
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	<u>80,000</u>
Total		\$ 192,756,578

DEPARTMENT OF HEALTH AND HUMAN RESOURCES

358 - Consolidated Medical Service Fund

(WV Code Chapter 16)

Fund 8723 FY 2023 Org 0506

Personal Services and Employee Benefits.....	00100	\$ 1,660,962
Unclassified	09900	73,307
Current Expenses	13000	92,583,302
Federal Coronavirus Pandemic.....	89101	<u>4,886,344</u>
Total		\$ 99,203,915

359 - Division of Health –

Central Office

(WV Code Chapter 16)

Fund 8802 FY 2023 Org 0506

Personal Services and Employee Benefits.....	00100	\$	16,607,893
Unclassified	09900		856,614
Current Expenses	13000		102,758,622
Equipment.....	07000		456,972
Buildings	25800		155,000
Other Assets	69000		380,000
Federal Coronavirus Pandemic.....	89101		<u>248,935,941</u>
Total.....		\$	370,151,042

360 - Division of Health –

West Virginia Safe Drinking Water Treatment

(WV Code Chapter 16)

Fund 8824 FY 2023 Org 0506

West Virginia Drinking Water Treatment Revolving Fund – Transfer	68900	\$	16,000,000
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361 - Human Rights Commission

(WV Code Chapter 5)

Fund 8725 FY 2023 Org 0510

Personal Services and Employee Benefits.....	00100	\$	455,925
Unclassified	09900		5,050
Current Expenses	13000		<u>64,950</u>
Total.....		\$	525,925

362 - Division of Human Services

(WV Code Chapters 9, 48, and 49)

Fund 8722 FY 2023 Org 0511

Personal Services and Employee Benefits.....	00100	\$	80,538,993
Unclassified	09900		22,855,833
Current Expenses	13000		112,181,984

Medical Services.....	18900	3,935,000,000
Medical Services Administrative Costs.....	78900	132,380,661
CHIP Administrative Costs.....	85601	4,549,783
CHIP Services.....	85602	49,752,412
Federal Economic Stimulus.....	89100	5,002,723
Federal Coronavirus Pandemic.....	89101	<u>151,642,105</u>
Total.....		\$ 4,493,904,494

DEPARTMENT OF HOMELAND SECURITY

363 - Office of the Secretary

(WV Code Chapter 5F)

Fund 8876 FY 2023 Org 0601

Unclassified	09900	\$ 5,000
Current Expenses	13000	<u>495,000</u>
Total.....		\$ 500,000

364 - Division of Emergency Management

(WV Code Chapter 15)

Fund 8727 FY 2023 Org 0606

Personal Services and Employee Benefits.....	00100	\$ 1,418,043
Salary and Benefits of Cabinet Secretary and Agency Heads.....	00201	61,250
Current Expenses	13000	20,429,281
Repairs and Alterations.....	06400	5,000
Equipment.....	07000	<u>100,000</u>
Total.....		\$ 22,013,574

365 - Division of Corrections and Rehabilitation

(WV Code Chapters 15A)

Fund 8836 FY 2023 Org 0608

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

366 - West Virginia State Police

(WV Code Chapter 15)

Fund 8741 FY 2023 Org 0612

Personal Services and Employee Benefits.....	00100	\$	2,502,056
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		\$	8,067,812

367 - Fire Commission

(WV Code Chapter 29)

Fund 8819 FY 2023 Org 0619

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

(WV Code Chapter 15)

Fund 8803 FY 2023 Org 0623

Personal Services and Employee Benefits.....	00100	\$	1,270,062
Unclassified	09900		25,185
Current Expenses	13000		75,381,973
Repairs and Alterations.....	06400		<u>1,750</u>
Total		\$	76,678,970

DEPARTMENT OF REVENUE*369 - Insurance Commissioner*

(WV Code Chapter 33)

Fund 8883 FY 2023 Org 0704

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

DEPARTMENT OF TRANSPORTATION*370 - Division of Motor Vehicles*

(WV Code Chapter 17B)

Fund 8787 FY 2023 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

371 - Division of Public Transit

(WV Code Chapter 17)

Fund 8745 FY 2023 Org 0805

Personal Services and Employee Benefits.....	00100	\$	1,040,576
Current Expenses	13000		18,863,149
Repairs and Alterations.....	06400		2,500
Equipment.....	07000		3,501,714
Buildings	25800		2,450,000
Other Assets	69000		<u>250,000</u>
Total.....		\$	26,107,939

372 - Aeronautics Commission

(WV Code Chapter 29)

Fund 8831 FY 2023 Org 0807

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

DEPARTMENT OF VETERANS' ASSISTANCE*373 - Department of Veterans' Assistance*

(WV Code Chapter 9A)

Fund 8858 FY 2023 Org 0613

Personal Services and Employee Benefits.....	00100	\$	3,016,683
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		175,000
Federal Coronavirus Pandemic.....	89101		<u>1,900,000</u>
Total		\$	8,284,603

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

(WV Code Chapter 9A)

Fund 8728 FY 2023 Org 0618

Personal Services and Employee Benefits.....	00100	\$	951,931
Current Expenses	13000		595,700

Repairs and Alterations.....	06400	60,500
Equipment.....	07000	10,500
Buildings	25800	500
Other Assets	69000	6,500
Land	73000	100
Federal Coronavirus Pandemic.....	89101	<u>1,600,000</u>
Total.....		\$ 3,225,731

BUREAU OF SENIOR SERVICES

375 - Bureau of Senior Services

(WV Code Chapter 29)

Fund 8724 FY 2023 Org 0508

Personal Services and Employee Benefits.....	00100	\$ 783,001
Salary and Benefits of Cabinet Secretary and Agency Heads.....	00201	8,840
Current Expenses	13000	13,811,853
Repairs and Alterations.....	06400	3,000
Federal Coronavirus Pandemic.....	89101	<u>16,400,000</u>
Total.....		\$ 31,006,694

MISCELLANEOUS BOARDS AND COMMISSIONS

376 - Adjutant General –

State Militia

(WV Code Chapter 15)

Fund 8726 FY 2023 Org 0603

Unclassified	09900	\$ 982,705
Mountaineer ChalleNGe Academy.....	70900	11,573,992
Martinsburg Starbase.....	74200	547,801
Charleston Starbase	74300	516,838

Military Authority	74800	<u>88,132,332</u>
Total		\$ 101,753,668

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

377 - Adjutant General –

West Virginia National Guard Counterdrug Forfeiture Fund

(WV Code Chapter 15)

Fund 8785 FY 2023 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

378 - Public Service Commission –

Motor Carrier Division

(WV Code Chapter 24A)

Fund 8743 FY 2023 Org 0926

Personal Services and Employee Benefits.....	00100	\$ 1,410,819
Current Expenses	13000	368,953
Repairs and Alterations.....	06400	39,000
Equipment.....	07000	<u>1,000</u>
Total		\$ 1,819,772

379 - Public Service Commission –

Gas Pipeline Division

(WV Code Chapter 24B)

Fund 8744 FY 2023 Org 0926

Personal Services and Employee Benefits.....	00100	\$	639,344
Unclassified	09900		4,072
Current Expenses	13000		124,628
Equipment.....	07000		<u>3,000</u>
Total		\$	771,044

380 - National Coal Heritage Area Authority

(WV Code Chapter 29)

Fund 8869 FY 2023 Org 0941

Personal Services and Employee Benefits.....	00100	\$	193,043
Current Expenses	13000		328,008
Repairs and Alterations.....	06400		5,000
Equipment.....	07000		3,000
Other Assets	69000		<u>2,000</u>
Total		\$	531,051
Total TITLE II, Section 6 - Federal Funds.....			<u>\$ 8,941,564,394</u>

Sec. 7. Appropriations from federal block grants. — The following items are hereby appropriated from federal block grants to be available for expenditure during the fiscal year 2023.

*381 - Department of Economic Development –**Office of the Secretary –**Community Development*Fund 8746 FY 2023 Org 0307

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

382 - Department of Economic Development –

Office of the Secretary –

Office of Economic Opportunity –

Community Services

Fund 8902 FY 2023 Org 0307

Personal Services and Employee Benefits.....	00100	\$	771,289
Unclassified	09900		125,000
Current Expenses	13000		17,781,811
Repairs and Alterations.....	06400		1,500
Equipment.....	07000		<u>9,000</u>
Total		\$	18,688,600

383 - WorkForce West Virginia –

Workforce Investment Act

Fund 8749 FY 2023 Org 0323

Personal Services and Employee Benefits.....	00100	\$	2,941,437
Salary and Benefits of Cabinet Secretary and Agency Heads.....	00201		124,018
Unclassified	09900		23,023
Current Expenses	13000		63,381,511
Repairs and Alterations.....	06400		1,600
Equipment.....	07000		500
Buildings	25800		<u>1,100</u>
Total		\$	66,473,189

384 - Division of Health –

Maternal and Child Health

Fund 8750 FY 2023 Org 0506

Personal Services and Employee Benefits.....	00100	\$	2,343,848
Unclassified	09900		81,439
Current Expenses	13000		<u>5,794,267</u>
Total		\$	8,219,554

385 - Division of Health –

Preventive Health

Fund 8753 FY 2023 Org 0506

Personal Services and Employee Benefits.....	00100	\$	274,388
Unclassified	09900		22,457
Current Expenses	13000		1,895,366
Equipment.....	07000		<u>165,642</u>
Total		\$	2,357,853

386 - Division of Health –

Substance Abuse Prevention and Treatment

Fund 8793 FY 2023 Org 0506

Personal Services and Employee Benefits.....	00100	\$	683,799
Unclassified	09900		115,924
Current Expenses	13000		10,853,740
Federal Coronavirus Pandemic.....	89101		<u>14,965,070</u>
Total		\$	26,618,533

387 - Division of Health –

Community Mental Health Services

Fund 8794 FY 2023 Org 0506

Personal Services and Employee Benefits.....	00100	\$	571,034
Unclassified	09900		33,533
Current Expenses	13000		4,883,307

Federal Coronavirus Pandemic.....	89101	<u>12,480,519</u>
Total		\$ 17,968,393

388 - Division of Human Services –

Energy Assistance

Fund 8755 FY 2023 Org 0511

Personal Services and Employee Benefits.....	00100	\$ 1,959,926
Unclassified	09900	350,000
Current Expenses	13000	38,182,151
Federal Coronavirus Pandemic.....	89101	<u>48,296,777</u>
Total		\$ 88,788,854

389 - Division of Human Services –

Social Services

Fund 8757 FY 2023 Org 0511

Personal Services and Employee Benefits.....	00100	\$ 9,106,066
Unclassified	09900	171,982
Current Expenses	13000	<u>8,870,508</u>
Total		\$ 18,148,556

390 - Division of Human Services –

Temporary Assistance for Needy Families

Fund 8816 FY 2023 Org 0511

Personal Services and Employee Benefits.....	00100	\$ 21,331,693
Unclassified	09900	1,250,000
Current Expenses	13000	105,871,588
Federal Coronavirus Pandemic.....	89101	<u>4,617,546</u>
Total		\$ 133,070,827

*391 - Division of Human Services –**Child Care and Development*Fund 8817 FY 2023 Org 0511

Personal Services and Employee Benefits.....	00100	\$	2,867,623
Unclassified	09900		350,000
Current Expenses	13000		47,000,307
Federal Coronavirus Pandemic.....	89101		<u>330,722,313</u>
Total.....		\$	380,940,243
Total TITLE II, Section 7 – Federal Block Grants		\$	<u>998,789,094</u>

Sec. 8. Awards for claims against the state. — There are hereby appropriated for fiscal year 2023, from the fund as designated, in the amounts as specified, general revenue funds in the amount of \$17,924, special revenue funds in the amount of \$63,003 and state road funds in the amount of \$433,232 for payment of claims against the state.

Sec. 9. Appropriations from general revenue fund surplus accrued. — The following items are hereby appropriated from the state fund, general revenue, and are to be available for expenditure during the fiscal year 2023 out of surplus funds only, accrued from the fiscal year ending June 30, 2022, subject to the terms and conditions set forth in this section.

It is the intent and mandate of the Legislature that the following appropriations be payable only from surplus as of July 31, 2022 from the fiscal year ending June 30, 2022, only after first meeting requirements of W.Va. Code §11B-2-20(b).

In the event that surplus revenues available on July 31, 2022, 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.

392 - Division of Human Services

(WV Code Chapters 9, 48, and 49)

Fund 0403 FY 2023 Org 0511

Medical Services – Surplus.....	63300	\$	8,800,000
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*393 - Department of Tourism –**Office of the Secretary*

(WV Code Chapter 5B)

Fund 0246 FY 2023 Org 0304

Tourism – Brand Promotion - Surplus	61893	\$	7,000,000
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394 - Department of Veterans' Assistance

(WV Code Chapter 9A)

Fund 0456 FY 2023 Org 0613

Personal Services and Employee Benefits – Surplus	24301	\$	293,474
Veterans' Nursing Home – Surplus	29100		652,530
Total		\$	946,004

395 - Department of Veterans' Assistance –

Veterans' Home

(WV Code Chapter 9A)

Fund 0460 FY 2023 Org 0618

Personal Services and Employee Benefits – Surplus	24301	\$	69,783
Current Expenses – Surplus	13099		80,000
Total		\$	149,783

396 - Division of Environmental Protection -

(WV Code Chapter 22)

Fund 0273 FY 2023 Org 0313

Directed Transfer – Surplus	70099	\$	50,000,000
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The above appropriation for Directed Transfer – Surplus (fund 0273, appropriation 70099) shall be transferred to the Mining Mutual Insurance Company Fund (fund xxxx).

397 - Department of Commerce –

Office of the Secretary

(WV Code Chapter 19)

Fund 0606 FY 2023 Org 0327

Directed Transfer – Surplus	70099	\$	1,000,000
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The above appropriation for Directed Transfer – Surplus (fund 0606, appropriation 70099) shall be transferred to the Marketing and Communications Operating Fund (fund 3002).

398 - Division of Administrative Services

(WV Code Chapter 15)

Fund 0546 FY 2023 Org 0623

Current Expenses – Surplus	13099	\$	11,400,000
Justice Reinvestment Initiative – Surplus	89599		<u>750,000</u>
Total		\$	12,150,000

From the above appropriation for Current Expenses – Surplus (fund 0546, appropriation 13099) \$11,400,000 shall be used for the Victims of Crime Act (VOCA).

399 - Division of General Services

(WV Code Chapter 5A)

Fund 0230 FY 2023 Org 0211

Capital Outlay, Repairs and Equipment – Surplus.....	67700	\$	4,000,000
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*400 - Department of Economic Development –**Office of the Secretary*

(WV Code Chapter 5B)

Fund 0256 FY 2023 Org 0307

Directed Transfer – Surplus	70099	\$	500,000
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The above appropriation for Directed Transfer – Surplus (fund 0256, appropriation 70099) shall be transferred to the Broadband Enhancement Fund (fund 3013).

401 - Division of Personnel

(WV Code Chapter 29)

Fund 0206 FY 2023 Org 0222

Directed Transfer – Surplus	70099	\$	1,500,000
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The above appropriation for Directed Transfer – Surplus (fund 0206, appropriation 70099) shall be transferred to the Department of Administration, Division of Personnel (fund 2440).

*402 - Adjutant General –**State Militia*

(WV Code Chapter 15)

Fund 0433 FY 2023 Org 0603

Armory Board Transfer – Surplus.....	70199	\$	1,525,000
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403 - Division of Corrections and Rehabilitation –

Correctional Units

(WV Code Chapter 15A)

Fund 0450 FY 2023 Org 0608

Current Expenses – Surplus	13099	\$	4,200,000
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404 - Division of Natural Resources

(WV Code Chapter 20)

Fund 0265 FY 2023 Org 0310

Equine Enrichment – Surplus.....	xxxxx	\$	1,000,000
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405 - Division of Culture and History

(WV Code Chapter 29)

Fund 0293 FY 2023 Org 0432

National Youth Science Camp – Surplus.....	xxxxx	\$	100,000
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406 - Governor's Office –

Civil Contingent Fund

(WV Code Chapter 5)

Fund 0105 FY 2023 Org 0100

Congressional Earmark Maintenance of Effort - Surplus	xxxxx	\$	100,000,000
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407 - Department of Revenue

(WV Code Chapter 11)

Fund 0465 FY 2023 Org 0701

General Revenue Fund – Transfer - Surplus.....	xxxxx	\$	265,000,000
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The above appropriation for General Revenue Fund – Transfer – Surplus (fund 0465, appropriation #####) shall be credited to Fiscal Year 2023 General Revenue collections.

408 - Department of Economic Development -

Office of the Secretary

(WV Code Chapter 5B)

Fund 0256 FY 2023 Org 0307

Directed Transfer – Surplus	70099	\$	600,000,000
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The above appropriation for Directed Transfer – Surplus (fund 0256, appropriation 70099) shall be transferred to Industrial Development Loans (fund 9061).

409 - Division of Culture and History

(WV Code Chapter 29)

Fund 0293 FY 2023 Org 0432

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

Total TITLE II, Section 9 – General Revenue Surplus Accrued			<u>\$ 1,058,370,787</u>
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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 2023 out of surplus funds only, as determined by the director of lottery, accrued from the fiscal year ending June 30, 2022, 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, 2022.

In the event that surplus revenues available from the fiscal year ending June 30, 2022, 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.

410 - Bureau of Senior Services –

Lottery Senior Citizens Fund

(WV Code Chapter 29)

Fund 5405 FY 2023 Org 0508

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

411 - Department of Arts Culture and History –

Division of Culture and History

(WV Code Chapter 5A)

Fund 3534 FY 2023 Org 0432

Save the Music– Lottery Surplus.....	xxxxx	\$	100,000
Capital Outlay and Maintenance – Lottery Surplus.....	76099		<u>3,000,000</u>
Total.....			3,100,000
Total TITLE II, Section 10 – Surplus Accrued.....		\$	<u>19,850,000</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 2023 out of surplus funds only, as determined by the director of lottery, accrued from the fiscal year ending June 30, 2022, 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, 2022.

In the event that surplus revenues available from the fiscal year ending June 30, 2022, 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.

412 - Racing Commission –

General Administration

(WV Code Chapter 19)

Fund 7308 FY 2023 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).

413 - Division of Human Services

(WV Code Chapters 9, 48, and 49)

Fund 5365 FY 2023 Org 0511

Medical Services – Lottery Surplus	68100	\$	16,200,000
Total TITLE II, Section 11 – Surplus Accrued.....		\$	<u>17,000,000</u>

Sec. 12. Special revenue appropriations. — There are hereby appropriated for expenditure during the fiscal year 2023 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 2023, the following funds are hereby available and are to be transferred to the appropriate funds as specified from available balances per the following:

414 - Treasurer's Office –

Unclaimed Property Trust Fund

(WV Code Chapter 12)

Fund 1342 FY 2023 Org 1300

Directed Transfer	70000	\$	5,000,000
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From the above appropriation for Directed Transfer (Fund 1342, appropriation 70000), \$5,000,000 shall be transferred to the Department of Health and Human Resources, Division of Human Services – Medical Services Trust Fund (Fund 5185).

Total TITLE II, Section 12 – Special Revenue		\$	<u>5,000,000</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 2023, 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 2023 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.

Following discussion,

The question being on the adoption of Senator Tarr's amendment to the House of Delegates amendment to the bill, the same was put and prevailed.

On motion of Senator Tarr, the Senate concurred in the House of Delegates amendment, as amended.

Engrossed Committee Substitute for Senate Bill 250, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Lindsay, Maroney, Martin, Maynard, Nelson, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Karnes and Phillips—2.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 250) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Lindsay, Maroney, Martin, Maynard, Nelson, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Karnes and Phillips—2.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 250) takes effect from passage.

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

A message from the Clerk of the House of Delegates announced that that body had refused to concur in the Senate amendments to, and requested the Senate to recede therefrom, as to

Eng. House Bill 4097, To prohibit nonpublic funding sources for election administration and related expenses without prior written approval by the State Election Commission.

On motion of Senator Takubo, the Senate refused to recede from its amendments to the bill and requested the appointment of a committee of conference of three from each house on the disagreeing votes of the two houses.

Whereupon, Senator Blair (Mr. President) appointed the following conferees on the part of the Senate:

Senators Weld, Azinger, and Woelfel.

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

Executive Communications

The following communication from His Excellency, the Governor, was reported by the Clerk:



Jim Justice
Governor of West Virginia

March 10, 2022

The Honorable Craig Blair
 President of the Senate
 State Capitol, Building 1, Room 229-M
 Charleston, West Virginia 25305

The Honorable Roger Hanshaw
 Speaker of the House of Delegates
 State Capitol, Building 1, Room 228-M
 Charleston, West Virginia 25305

Dear President Blair and Speaker Hanshaw:

After submission of my recommended FY 2023 Executive Budget on January 12, 2022, there are areas that require adjustment.

Therefore, pursuant to Section 51, Article VI of the Constitution of the State of West Virginia, I submit revisions to the FY 2023 Budget Bill for the following sections:

TITLE II – APPROPRIATIONS

Section 1. Appropriations from general revenue.

Executive

Governor's Office – Civil Contingent Fund, Fund 0105, Fiscal Year 2023, Org 0100

(To add a new item of appropriation.)

- Insert a new item of appropriation: "Court Improvement" Appropriation xxxxx for \$5,000,000.

(To add reappropriation language.)

- Insert into the reappropriation language after Civil Contingent Fund - Surplus (fund 0105, appropriation 26300), "...Local Economic Development Assistance - Surplus (fund 0105, appropriation 26600),..."

OFFICE OF THE GOVERNOR

The Honorable Craig Blair, President
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Department of Commerce

Department of Commerce – Office of the Secretary, Fund 0606, Fiscal Year 2023, Org 0327

(To reflect 5% pay raise transferred from Department of Economic Development.)

- Increase “Personal Services and Employee Benefits” Appropriation 00100 by \$60,318.

Division of Natural Resources, Fund 0265, Fiscal Year 2023, Org 0310

(To continue funding positions provided by supplemental appropriation SB 628/HB 4740.)

- Increase “Personal Services and Employee Benefits” Appropriation 00100 by \$184,162.

Department of Economic Development

Department of Economic Development – Office of the Secretary, Fund 0256, Fiscal Year 2023, Org 0307

(To move pay raise to correct fund under Department of Commerce.)

- Decrease “Personal Services and Employee Benefits” Appropriation 00100 by \$60,318.

(To add directive language only to reflect fund transfer.)

- Amend the directive language for appropriation 13000 to read as follows: “From the above appropriation for Current Expenses (fund 0256, appropriation 13000), \$50,000 shall be used for the Western Potomac Economic Partnership, \$100,000 shall be used for Advantage Valley, \$548,915 for West Virginia University, and \$298,915 for Southern West Virginia Community and Technical College for the Mine Training and Energy Technologies Academy.”

(To remove Directed Transfer language from lines 12-13.)

- Remove the language “The above appropriation for Directed Transfer (fund 0256, appropriation 70000) shall be transferred to the Broadband Enhancement Fund (fund 3013).”

Department of Education

State Board of Education – State Department of Education, Fund 0313, Fiscal Year 2023, Org 0402

(To adjust Teachers’ Retirement Savings Realized per CPRB actuarial requirement.)

- Decrease “Teachers’ Retirement Savings Realized” Appropriation 09500 by \$15,814,000.

(To include HOPE Scholarship funding in accordance with §18-9A-25 of the West Virginia Code.)

- Insert a new item of appropriation: “Hope Scholarship Program” Appropriation 30401 for \$23,350,520.

State Board of Education – State Aid to Schools, Fund 0317, Fiscal Year 2023, Org 0402

(To adjust School Aid Formula based on the certified property valuations and actuarial requirement from the West Virginia Consolidated Public Retirement Board.)

- Decrease “Less Local Share” adjustment by \$682,295 (it should now be -\$474,379,513).
- Decrease “Adjustments” adjustment by \$97,293 (it should now be -\$2,495,004).
- Amend “Total Basic State Aid” to reflect the sum of all appropriations and adjustments that precede it. It should now read as “\$1,207,845,815”.
- Decrease “Teachers’ Retirement System” Appropriation 01900 by \$3,976,760.
- Decrease “Retirement Systems – Unfunded Liability” Appropriation 77500 by \$25,072,240.

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Department of Health and Human Resources

Division of Health – Consolidated Medical Services Fund, Fund 0525, Fiscal Year 2023, Org 0506

(To include reappropriation language.)

- On page 47, line 12, before the word “and” insert the following: “...Institutional Facilities Operations – Surplus (fund 0525, appropriation 63200),...”.

Department of Homeland Security

West Virginia State Police, Fund 0453, Fiscal Year 2023, Org 0612

(To adjust the Trooper Retirement Fund appropriation based on the actuarial requirement from the West Virginia Consolidated Public Retirement Board.)

- Increase “Retirement Systems – Unfunded Liability” Appropriation 77500 by \$12,000.

Department of Transportation

Division of Public Transit, Fund 0510, Fiscal Year 2023, Org 0805

(To provide support to the Sistersville Ferry.)

- On page 63, after line 9, insert the following: “From the above appropriation for Current Expenses (fund 0510, appropriation 13000), \$30,000 shall be transferred to the City of Sistersville to support the Sistersville Ferry.”

Higher Education Policy Commission

Higher Education Policy Commission – Administration – Control Account, Fund 0589, Fiscal Year 2023, Org 0441

(To adjust reappropriation language.)

- On page 69, line 19, insert the letter “H” in front of “EAPS Grant Program”.

Department of Veterans’ Assistance

Division of Veterans’ Affairs, Fund 0456, Fiscal Year 2023, Org 0613

(To match state construction costs for the new Beckley facility.)

- Insert a new item of appropriation: “Buildings” Appropriation 25800 for \$8,181,000.

Section 2. Appropriations from state road fund.**Department of Transportation**

Division of Highways, Fund 9017, Fiscal Year 2023, Org 0803

(To realign state road spending authority.)

- Decrease “Maintenance” Appropriation 23700 by \$21,200,000.
- Increase “General Operations” Appropriation 27700 by \$21,200,000.

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Section 3. Appropriations from other funds.**Department of Administration**

Department of Administration – Office of the Secretary – Employee Pension and Health Care Benefit Fund, Fund 2044, Fiscal Year 2023, Org 0201

(To adjust spending authority to match the appropriation for Teachers' Retirement Savings Realized.)

- Decrease "Current Expenses" Appropriation 13000 by \$15,814,000.

Miscellaneous Boards and Commissions

Hospital Finance Authority – Hospital Finance Authority Fund, Fund 5475, Fiscal Year 2023, Org 0509

(To carry-forward spending authority established by supplemental appropriation SB 732/HB 4852.)

- Insert a new item of appropriation: "Personal Services and Employee Benefits" Appropriation 00100 for \$10,000.

Section 6. Appropriations of federal funds.**Executive**

Department of Agriculture, Fund 8736, Fiscal Year 2023, Org 1400

(To carry-forward federal spending authority for American Rescue Plan [ARPA] funds.)

- Insert a new item of appropriation: "Federal Coronavirus Pandemic" Appropriation 89101 for \$1,098,839.

Insert a new budget item as follows:

"Department of Tourism"

"342a - Department of Tourism – Tourism Workforce Development Fund, Fund 8903, Fiscal Year 2023, Org 0304"

(To add Federal spending authority for American Rescue Plan [ARPA] funds.)

- Insert a new item of appropriation: "Federal Coronavirus Pandemic" Appropriation 89101 for \$5,148,017.

Department of Arts, Culture, and History

Division of Culture and History, Fund 8718, Fiscal Year 2023, Org 0432

(To carry-forward federal spending authority for American Rescue Plan [ARPA] funds.)

- Insert a new item of appropriation: "Federal Coronavirus Pandemic" Appropriation 89101 for \$765,400.

Commission for National and Community Service, Fund 8841, Fiscal Year 2023, Org 0432

(To carry-forward federal spending authority for American Rescue Plan [ARPA] funds.)

- Insert a new item of appropriation: "Federal Coronavirus Pandemic" Appropriation 89101 for \$1,960,558.

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Library Commission, Fund 8720, Fiscal Year 2023, Org 0433

(To carry-forward federal spending authority for American Rescue Plan [ARPA] funds.)

- Insert a new item of appropriation: “Federal Coronavirus Pandemic” Appropriation 89101 for \$2,388,880.

Educational Broadcasting Authority, Fund 8721, Fiscal Year 2023, Org 0439

(To carry-forward federal spending authority for American Rescue Plan [ARPA] funds.)

- Insert a new item of appropriation: “Federal Coronavirus Pandemic” Appropriation 89101 for \$710,176.

Bureau of Senior Services*Bureau of Senior Services, Fund 8724, Fiscal Year 2023, Org 0508*

(To carry-forward federal spending authority for American Rescue Plan [ARPA] funds.)

- Insert a new item of appropriation: “Federal Coronavirus Pandemic” Appropriation 89101 for \$16,400,000.

Section 9. Appropriations from general revenue fund surplus accrued.**Department of Economic Development***Department of Economic Development - Office of the Secretary, Fund 0256, Fiscal Year 2023, Org 0307*

(To amend directive language to correct fund.)

- Amend the language to read as follows: “The above appropriation for Directed Transfer (fund 0256, appropriation 70099) shall be transferred to the Broadband Enhancement Fund (fund 3013).”

Executive*Governor’s Office – Civil Contingent Fund, Fund 0105, Fiscal Year 2023, Org 0100*

(To add an item of surplus appropriation for federal maintenance of effort.)

- Insert a new item of appropriation: “Congressional Earmark Maintenance of Effort - Surplus” Appropriation xxxxx for \$100,000,000.

Section 10. Appropriations from lottery net profits surplus accrued.**Bureau of Senior Services***Bureau of Senior Services, Fund 5405, Fiscal Year 2023, Org 0508*

(To restore state matching portion for Title XIX Waiver Program.)

- Increase “Senior Services Medicaid Transfer – Lottery Surplus” Appropriation 76500 by \$750,000.

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Insert a new budget item as follows:

“Department of Arts, Culture, and History”

“401a – Division of Culture and History, Fund 3534, Fiscal Year 2023, Org 0432”

(To add new items of appropriation.)

- Insert “Save the Music – Lottery Surplus” Appropriation xxxxx for \$100,000.
- Insert “Capital Outlay and Maintenance – Lottery Surplus” Appropriation 76099 for \$3,000,000.

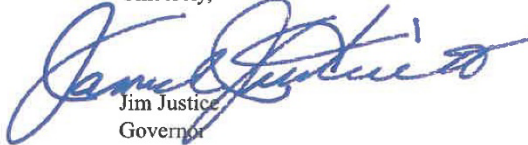
Section 11. Appropriations from state excess lottery revenue surplus accrued.

(To correct section numbering.)

- On page 188, line 1, replace “Sec. 10” with “Sec. 11”.

Thank you for your prompt attention to this matter. Note also that while my introduced budget bill accounted for additional General and Lottery revenue appropriations for salary increases, to avoid additional base budget growth, any agency specific legislation relating to salaries passed after my introduced budget bill could potentially be addressed within existing Personal Services and Employee Benefits appropriations through the elimination and/or realignment of vacant positions, as available and appropriate. Your cooperation is always appreciated. Should you have any questions or require additional information, please call me at any time.

Sincerely,



Jim Justice
Governor

cc: The Honorable Eric Tarr, Senate Finance Chairman
The Honorable Eric Householder, House of Delegates Finance Chairman
State Budget Office

In compliance with Article VI, Section 51 of the Constitution, the Senate consented to receive the foregoing amendment to the Budget Bill, which was referred to the Committee on Finance.

The Senate proceeded to the fourth order of business.

Senator Blair (Mr. President), from the Committee on Rules, submitted the following report, which was received:

Your Committee on Rules has had under consideration

Senate Concurrent Resolution 12, Raymond Jarrell, Jr., Memorial Road.

Senate Concurrent Resolution 20, US Air Force LT COL Robert J. Hill Memorial Road.

House Concurrent Resolution 1, Alex Perdue Memorial Bridge.

House Concurrent Resolution 5, James "Big Jim" Shaffer Memorial Bridge.

House Concurrent Resolution 6, Elmer Galford Memorial Road.

House Concurrent Resolution 10, Lance CPL Leonard Joe Zelaski Memorial Bridge.

House Concurrent Resolution 48, WVSP Sergeant John S. Syner Memorial Road.

House Concurrent Resolution 49, Charles M. "Charlie" Biggs Memorial Highway.

House Concurrent Resolution 52, U.S. Army SGT Roy E. Givens Memorial Road.

House Concurrent Resolution 90, U.S. Army PVT Robert (Bob) Mullins Sr. Memorial Bridge.

House Concurrent Resolution 95, Clemmer Brothers WWII Veterans Memorial Bridge.

And,

House Concurrent Resolution 96, U. S. Air Force Captain Perry Thomas Rose Memorial Road.

And reports the same back with the recommendation that they each be adopted.

Respectfully submitted,

Craig Blair,
Chair ex officio.

At the request of Senator Takubo, unanimous consent being granted, the resolutions (S. C. R. 12 and 20 and H. C. R. 1, 5, 6, 10, 48, 49, 52, 90, 95, and 96) contained in the preceding report from the Committee on Rules were taken up for immediate consideration and considered simultaneously.

The question being on the adoption of the resolutions, the same was put and prevailed.

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

Senator Blair (Mr. President), from the Committee on Rules, submitted the following report, which was received:

Your Committee on Rules has had under consideration

Senate Concurrent Resolution 16, William Gregory "Greg" White, P.E., Memorial Bridge.

And reports back a committee substitute for same as follows:

Com. Sub. for Senate Concurrent Resolution 16 (originating in the Committee on Rules)—Requesting the Division of Highways name bridge numbers 40A180 and 40A181, locally known as Buffalo Interchange Bridges on U.S. Rt. 35 near Buffalo, Putnam County, the "William Gregory 'Greg' White, P.E., Memorial Bridges".

Whereas, William Gregory "Greg" White, P.E., was born February 21, 1959, in Charleston, West Virginia, the son of Maralu White Craven and William Clifford White. He graduated in 1977 from Parkersburg South High School and continued his education at West Virginia Tech, where he received a bachelor's degree in civil engineering; and

Whereas, William Gregory "Greg" White, P.E., loved his work as a licensed professional civil engineer and owned his own business, White Brothers Consulting, a partnership he shared with his brother Tim; and

Whereas, Some of the projects William Gregory "Greg" White, P.E., was involved in as a structural engineer for the design and detail of various bridges include, but are not limited to: The Wolfe Valley Girder Bridge in Mason County; the East Fork Beam Span Bridge in Mingo County; the Buzzard Creek Bridge in Putnam County; the Capehart Bridge in Mason County; the Central Station Bridge in Doddridge County; the Monongahela River Bridge and Approaches in Marion County; the I-40 Widening Project in North Little Rock, Arkansas; the Sam Houston Tollway Widening in Houston, Texas; the Witcher Creek Bridge in Kanawha County; the Virginia Hybrid Energy Center in Virginia City, Virginia; two of the West Virginia Turnpike bridges over U.S. Rt. 60 in Kanawha County; the Upper Sleith Fork Bridge in Braxton County; the South Branch Potomac Bridge in Hardy County; and the Gypsy Bridge in Harrison County; and

Whereas, William Gregory "Greg" White, P.E., was an avid supporter of local youth soccer leagues and the Ripley High School marching band. He was also an ordained deacon at Witcher Baptist Church in Belle, West Virginia, and a member of the West Ripley Baptist Church; and

Whereas, Sadly, William Gregory "Greg" White, P.E., passed away on Sunday, December 16, 2018; and

Whereas, The bridges being named in honor of William Gregory "Greg" White, P.E., were the last ones that he designed and stamped with his license before he passed away; and

Whereas, It is fitting that an enduring memorial be established to commemorate William Gregory "Greg" White, P.E., and his contributions to our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge numbers 40A180 and 40A181, locally known as Buffalo Interchange Bridges on U.S. Rt. 35 near Buffalo, Putnam County, the "William Gregory 'Greg' White, P.E., Memorial Bridges"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridges as the "William Gregory 'Greg' White, P.E., Memorial Bridges"; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways.

Senate Concurrent Resolution 18, US Army SSGT Fred E. Duty Memorial Highway.

And reports back a committee substitute for same as follows:

Com. Sub. for Senate Concurrent Resolution 18 (originating in the Committee on Rules)—Requesting the Division of Highways name bridge number 03-020/00-002.94 (03A058), (37.9898,-81.852), locally known as SIXMILE CK BR NO 2.94, carrying CR 20 over Sixmile Creek in Boone County, as the "U.S. Army SSGT Fred E. Duty Memorial Bridge".

Whereas, Fred E. Duty was born November 4, 1922, in Ramage, Boone County, West Virginia, the only son to Hugh and Mary Bell Duty. He had two sisters, Nancy and Joyce. Fred grew up in Boone County, where he also found the love of his life and married Doris Burton Duty. Fred E. Duty graduated from Scott High School in Boone County, West Virginia, and attended Morris Harvey College in Charleston, West Virginia; and

Whereas, SSGT Fred E. Duty was inducted into the U.S. Army on January 5, 1943, and received basic combat training, US Army 12-week ordinance school, and 41C20 fire control artillery repairman training. SSGT Fred E. Duty was a member of the HQ Co 1134th Engineers as a light truck driver for combat engineers and served in battles in Northern France, Ardennes, Rhineland, and Central Europe and was wounded in battle in Germany on March 27, 1945. He was awarded the Purple Heart, American Theater Service Ribbon, European Theater Service Ribbon, African Theater Service Ribbon, Middle Eastern Theater Service Ribbon, World War II Victory Medal, and Good Conduct Medal; and

Whereas, Except for SSGT Fred E. Duty's time serving his country in the military, he lived in Madison his entire life, attended vocational school, and became an electrician. This led to his employment as an electrician for 34 years in the coal mines of Armco Steel where he was a member of the United Mine Workers of America. SSGT Fred E. Duty was a loyal and faithful member of the Madison United Methodist Church where he served as a lay speaker, showing his faith, and leading by example. SSGT Fred E. Duty could regularly be seen quietly performing work for and supporting members of his community in various public service programs both organized and on his own merits. SSGT Fred E. Duty became a dedicated and long serving member of the Veterans of Foreign Wars Post 5578 in Madison, West Virginia. SSGT Fred E. Duty could always be seen serving his community with many activities of the VFW and performing the final rites to fallen comrades at their gravesides on a regular basis until he passed away on August 19, 2019, having served his fellow citizens for over 96 years; and

Whereas, It is fitting that an enduring memorial be established to commemorate SSGT Fred E. Duty and his contributions to our state, country, community, and Boone County; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 03-020/00-002.94 (03A058), (37.9898,-81.852), locally known as SIXMILE CK BR NO 2.94, carrying CR 20 over Sixmile Creek in Boone County, as the "U.S. Army SSGT Fred E. Duty Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "U.S. Army SSGT Fred E. Duty Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this to the Commissioner of the Division of Highways.

Senate Concurrent Resolution 24, USMC CPL Roger Lee Boothe Memorial Road.

And reports back a committee substitute for same as follows:

Com. Sub. for Senate Concurrent Resolution 24 (originating in the Committee on Rules)—Requesting the Division of Highways name a portion of Route 85, beginning at the southern end of Dunlap Brothers Road at Uneeda and ending one-mile south near Quinland in Boone County, as the "U.S. Marine Corps CPL Roger Lee Boothe Memorial Road".

Whereas, Roger Lee Boothe was born in Logan County on August 20, 1947, and moved to Uneeda in Boone County at the age of three and was raised there; and

Whereas, CPL Roger Lee Boothe graduated from Scott High School and, at age 18, he entered the Marine Corps; and

Whereas, While at Quang Tri, Vietnam, with only eight days left until his deployment home, the bunker to which CPL Roger Lee Boothe was assigned was shelled, leaving him paralyzed from the waist down; and

Whereas, When CPL Roger Lee Boothe returned home, he enrolled at the West Virginia Rehab Center, studied accounting, and played on their wheelchair basketball team; and

Whereas, CPL Roger Lee Boothe went on to earn a chemistry degree from West Virginia State University and then successfully completed the pharmacy program at West Virginia University; and

Whereas, CPL Roger Lee Boothe returned to Uneeda to help his mother who was ill. He opened a pharmacy there in 1976 to help his community; and

Whereas, CPL Roger Lee Boothe was always a guiding light for his community who never turned down the opportunity to help someone in need, whether it was loaning money for food, medicine, or just being there to listen when someone was going through a difficult time; and

Whereas, CPL Roger Lee Boothe always had an interest in sports. He played basketball and baseball as a left-handed pitcher in high school; and

Whereas, Later, CPL Roger Lee Boothe played wheelchair basketball, participated in the Charleston Distance Run, and supported athletic teams in Madison County and the surrounding areas; and

Whereas, CPL Roger Lee Boothe also became interested in flying, learned to fly ultralight planes, and even built his own airplane and customized it with hand controls; and

Whereas, CPL Roger Lee Boothe has selflessly helped several students get their college degrees and much more; and

Whereas, CPL Roger Lee Boothe was a very humble, private person. He did not speak of his many outreach and assistance efforts on his own, and this information was gathered by family and friends who love and appreciate him; and

Whereas, Sadly, on Sunday, August 11, 2019, CPL Roger Lee Boothe passed away. He was preceded in death by his parents, Bill and Mary (Green) Boothe; his brother, Ralph; his sister, RoseMary (Boothe) McCray; and nephew, Bill Church; and

Whereas, CPL Roger Lee Boothe is survived by his companion and love of his life of 25 years, Nada Baldwin; his brother, Dale Boothe; sister, Rita Boothe Church; nieces, Wendy Miller, London Gibson, and Dee-Dee Seagraves; nephews, Tom, Jim, and Joe Boothe; a special friend, Brock Loftis; a special granddaughter, Brittany Baldwin; and a 12-year-old granddaughter, Azriella Baldwin; and

Whereas, It is fitting that an enduring memorial be established to commemorate CPL Roger Lee Boothe and his contributions to our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name a portion Route 85, beginning at the southern end of Dunlap Brothers Road at Uneeda and ending one-mile south near Quinland in Boone County, the "U.S. Marine Corps CPL Roger Lee Boothe Memorial Road"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs at both ends identifying the portion of road as the "U.S. Marine Corps CPL Roger Lee Boothe Memorial Road"; and, be it

Further Resolved, That the Clerk of the West Virginia Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways.

Senate Concurrent Resolution 30, McClintic Family Bridge.

And reports back a committee substitute for same as follows:

Com. Sub. for Senate Concurrent Resolution 30 (originating in the Committee on Rules)—Requesting the Division of Highways name bridge number 13-017/02-000.34 (13A250), (37.94358, -80.47152), locally known as Culverson Creek Bridge, carrying CR 17/2 over Culverson Creek in Greenbrier County, the "McClintic Family Veterans Memorial Bridge".

Whereas, Five of the McClintic family served in the United States Army overseas from 1957-1979; and

Whereas, Levi McDonald McClintic was born in 1934 and attended Potomac State and West Virginia University, earning a Bachelor of Science degree in Agriculture. He joined the United States Army in 1957 and was stationed in Fort Benning, Georgia and Bamberg, Germany. He returned to Greenbrier County and was employed as a meat inspector from 1966-1992. He and his wife Ramona Hanna have five children, eight grandchildren, and six great-grandchildren. His grandson, Christopher Wiseman, served 12 years in the United States Navy. Levi and Ramona McClintic operate the McClintic farm today; and

Whereas, Patrick Wallace McClintic was born in 1935 and attended Potomac State and West Virginia University, earning a degree in Agriculture. He joined the United States Army in 1958 and retired in 1985. Patrick "Pat" Wallace McClintic rose to the rank of Colonel and completed assignments in Fort Dix, New Jersey, Korea, Germany, Fort Leavenworth, Kansas, Virginia, Florida, Pennsylvania, and the Pentagon in Washington, D.C. Colonel Patrick "Pat" Wallace McClintic also served two tours in Vietnam. He later served as a professor of Military Science at West Virginia University. Colonel McClintic, who died in 1995, was a recipient of the Bronze Star, and is buried at the Arlington National Cemetery in Washington, D.C. He and his wife Bobbie Ann Cole have two children and three grandchildren; and

Whereas, James Alan McClintic was born in 1937 and joined the United States Army in 1961 after graduating from Potomac State and West Virginia University, earning a degree in Physical Education. He was stationed in Fort Benning, Georgia and Fort Sill, Oklahoma for two years. He returned to Greenbrier County and taught until his retirement from Renick Junior High School/Greenbrier County public schools in 1989. James "Alan" McClintic and Frances Spencer divorced but have four children and 11 grandchildren. Son, Kevin McClintic, retired from the United States Army, and grandson Trevor Weikle has 12 years' service in the United States Army and continues today to serve in the United States Army Reserves. James "Alan" McClintic and his wife, Dora Whitt, have two children and four grandchildren, and continue to live on and operate part of the McClintic farm; and

Whereas, Wayne Leonard McClintic was born in 1943 and was a ROTC Army cadet at West Virginia University. Upon completing a master's degree in Agricultural Engineering in 1967, Wayne joined the United States Army and was stationed at Fort Belvoir, Virginia, Saudi Arabia, and Fort Leonard Wood, Missouri as Second Lieutenant of the Corps of Engineers. Wayne and his wife, Thomasine Michael, have four children and eight grandchildren; and

Whereas, Bedford Rader McClintic was born in 1946 and was a ROTC Army cadet at West Virginia University. He graduated with degrees in Physical Education in 1968, and from the University of Kentucky in 1969. He entered the United States Army and served assignments in Indiana, Georgia, and overseas in Germany and Vietnam. He continued to serve in the United States Army Reserves until 1979. He served as principal of Frankford School, his alma mater, from 1978-2017, when he retired from the Greenbrier County public school system. He and his wife, Patricia Dodson, have two children and three grandchildren. His daughter, Debbie, and her husband Jason were married on the bridge in 2009. Bedford Rader McClintic and Patricia Dodson have a "camp" along the creek that borders the old Boy Scout camp, part of the original McClintic homestead; and

Whereas, It is fitting that an enduring memorial be established to commemorate the military service of the McClintic family and contributions to our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 13-017/02-000.34 (13A250), (37.94358, -80.47152), locally known as Culverson Creek Bridge, carrying CR 17/2 over Culverson Creek in Greenbrier County, the "McClintic Family Veterans Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "McClintic Family Veterans Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways.

Senate Concurrent Resolution 33, US Army SGT Lewis M. "Mike" Totten Memorial Road.

And reports back a committee substitute for same as follows:

Com. Sub. for Senate Concurrent Resolution 33 (originating in the Committee on Rules)—Requesting the Division of Highways name a portion of WV61, known as MacCorkle Avenue, in Marmet, Kanawha County, beginning at (38.242842), (-81.561931) and ending at (38.256364), (-81.573414), the "U. S. Army SGT Lewis M. 'Mike' Totten Memorial Road".

Whereas, Lewis Malcolm "Mike" Totten was born on August 25, 1949, the son of the late Charlotte and Roy Totten; and

Whereas, Lewis M. "Mike" Totten, a native of Marmet, was a graduate of East Bank High School and earned a Bachelor of Arts in Social Studies Education from the University of Charleston, taking courses at night over a ten-year period while working full time at E.I. DuPont in Belle; and

Whereas, SGT Lewis M. "Mike" Totten served in the U.S. Army from 1969 to 1971, rising to the rank of E5 Sergeant. SGT Lewis M. "Mike" Totten served in combat in Vietnam from March 1970 to March 1971, as part of the "air cavalry," 2nd Battalion, 7th Cavalry Regiment, until wounded in combat, and for which he has reportedly received the Purple Heart. He then served in the corp-level U.S. Army Republic of Vietnam (USARV) and was part of the intelligence-counterintelligence Phoenix Program; and

Whereas, After returning home from military service, SGT Lewis M. "Mike" Totten was a bridge inspector for the State of West Virginia; and

Whereas, SGT Lewis M. "Mike" Totten was also a certified public school teacher, a master electrician, pipefitter, and boilermaker; and

Whereas, Collaborating with former Senator Tod Kaufman, SGT Lewis M. "Mike" Totten advocated for the successful Senate resolution that led to the creation of what later became the West Virginia Veterans Memorial at the State Capitol Complex. Both met with and secured the support of Governor Arch Moore, Jr. on the issue of a state Vietnam Veterans Memorial, which later became an all-wars memorial; he later helped secure one of the largest corporate donations, from E. I. DuPont, to the state's Veterans Memorial Commission; and

Whereas, SGT Lewis M. "Mike" Totten participated in E. I. DuPont's volunteer team for "Project Teach," a semester-long effort to cover instruction in public school classrooms while,

regular teachers received first-generation computer training when technology first entered the classroom. SGT Lewis M. "Mike" Totten designed the instructional program for E. I. DuPont's volunteer team, training and coaching the company's contributors; and

Whereas, While at E. I. DuPont, working in coordination with the Belle Works' Human Resources Department, SGT Lewis M. "Mike" Totten provided counseling to veterans with PTSD. He also trained employees on the first substance-abuse and smoking policy program in the global DuPont system; and

Whereas, SGT Lewis M. "Mike" Totten retired from E.I. DuPont in Belle as an electrical-instrument mechanic after 39 years of service. He developed multiple safety devices for the chemical industry and received multiple safety awards; and

Whereas, At the time of his death, SGT Lewis M. "Mike" Totten was president of the Marmet Hospital Foundation, having served on its board for several decades. His final project with the foundation created the first ADA wheelchair-accessible playground in the West Virginia State Parks system, in Kanawha State Forrest; and

Whereas, SGT Lewis M. "Mike" Totten was also a former president of the Charleston Chapter of the Vietnam Veterans of America, was a member of the American Legion, and also taught map-reading classes for local Boy Scout troops in the Kanawha Valley; and

Whereas, SGT Lewis M. "Mike" Totten, 71, of Belle, died unexpectedly November 16, 2020, at the Cleveland Clinic, suffering cardiac arrest after contracting COVID-19 following a long-awaited kidney transplant. His kidney and heart disease were connected to Agent Orange exposure in Vietnam. He is survived by his wife, Mary Martha Totten and his son, Mark Leslie Totten. Also surviving are his sister, Debbie; brother, George Totten; sister, Marie Leavens Dawson, as well as many other extended family members; and

Whereas, It is fitting that an enduring memorial be established to commemorate SGT Lewis M. "Mike" Totten, and his contributions to our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name a portion of WV61, known as MacCorkle Avenue, in Marmet, Kanawha County, beginning at (38.242842), (-81.561931) and ending at (38.256364), (-81.573414), the "U. S. Army SGT Lewis M. 'Mike' Totten Memorial Road"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs at both ends identifying the portion of road as the "U. S. Army SGT Lewis M. 'Mike' Totten Memorial Road"; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways.

Senate Concurrent Resolution 39, Walker Brothers' Veteran Memorial Bridge.

And reports back a committee substitute for same as follows:

Com. Sub. for Senate Concurrent Resolution 39 (originating in the Committee on Rules)—Requesting the Division of Highways to name bridge number 20-079/00-019.22 (NB and SB) (20A514-20A515), locally known as I-79 CLENDENIN I/C NB, carrying I-79 over CR 53 in Kanawha County, the "Walker Brothers Veterans Memorial Bridge".

Whereas, All five of the Walker men volunteered for military service during the Vietnam War with three experiencing injuries while on active duty; and

Whereas, Albert J.L. Walker served as a civil engineer in the U.S. Air Force at the Eielson Air Force Base in Alaska when the Great Alaskan Earthquake struck in 1964. He was active in rescue efforts and recovery of the dead following the strongest earthquake in North American history; and

Whereas, Allie Melton Walker served in the U.S. Air Force at the Kaden Air Force Base, Okinawa, Japan, as an aircraft mechanic. He deployed to Vietnam for three months at a time as the crew chief on the C130 aircraft delivering cargo and picking up the wounded and the dead. He earned a Good Conduct Medal (AFGCM w/1BR OLC), Special Ops, and marksmanship; and

Whereas, Ray Milton Walker served in the U.S. Army at the Dong Tam Base Camp where he was a part of the ground recon team for the 1st Aviation Brigade. He was awarded the Combat Infantryman Badge (CIB), Bronze Star, National Defense Service Medal with two bronze stars, and Marksman Badge with Rifle Bar; and

Whereas, Roger Bill Walker served in the U.S. Air Force at Udorn Airbase, Thailand, as a radar operator and air traffic controller assisting with the bombing of North Vietnam. He received the National Defense Service Medal, Vietnam Service Medal, Air Force Good Conduct, and Special Ops; and

Whereas, David Allen Walker joined the WV Army National Guard while he was still a senior in high school, serving as a Green Beret with the 19th S.F. Group Airborne as a combat engineer. He was injured during paratrooper trainer when his plane caught on fire and forced him to jump onto the tarmac wearing full combat gear. He continued to serve in supply and transport. David Allen Walker also served the State of West Virginia as a WV Delegate from the 33rd District from 2009 to 2015; and

Whereas, It is fitting that an enduring memorial be established to commemorate the Walker brothers and their contributions to our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 20-079/00-019.22 (NB and SB) (20A514-20A515), locally known as I-79 CLENDENIN I/C NB, carrying I-79 over CR 53 in Kanawha County, the "Walker Brothers Veterans Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "Walker Brothers Veterans Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways.

Senate Concurrent Resolution 40, Frye Brothers' Memorial Bridge.

And reports back a committee substitute for same as follows:

Com. Sub. for Senate Concurrent Resolution 40 (originating in the Committee on Rules)—Requesting the Division of Highways name bridge number 17-034/00-000.01 (17A296), (39.23653, -80.39654), locally known as Laurel Park Truss, carrying CR 34 over West Fork River in Harrison County, the "Frye Brothers Veterans Memorial Bridge".

Whereas, Three of the four Frye brothers served in World War II, with one brother killed in action; and

Whereas, The Frye brothers' father was killed in a coal mining accident, forcing their mother to send them to group homes until she found a job and was able to support her four boys and two girls who were all under the age of 12; and

Whereas, The oldest Frye brother, Thomas, was not allowed to enlist because he worked in the defense industry and would have been his widowed mother's sole source of support if his younger brothers were killed; and

Whereas, Kermit C. Frye was drafted in 1940 and served as a Navy Seaman Second Class; and

Whereas, Kermit C. Frye was killed in action with his body "lost at sea" after the East Indian motor merchant ship was torpedoed and sunk off the Coast of South Africa on November 3, 1942; and

Whereas, Kermit C. Frye was awarded a posthumous Purple Heart and memorialized with a cross at the North Africa American Cemetery in Carthage, Tunisia; and

Whereas, Richard G. Frye was drafted in 1942 and served as Army Private First Class, fighting in both Africa and Germany combat campaigns; and

Whereas, Harold Q. Frye, known as "Red", due to the color of his hair, was drafted in 1942 and served as a Private First Class cannoner in the 119th Field Artillery Division of the 9th Army; and

Whereas, Harold Q. Frye, jumped into the icy waters off Normandy, surrounded by the bodies of dead comrades, making it safely to shore despite carrying a 90-pound pack and having a severe asthma attack, while fellow soldier Dale Crim shouted, "Swim Frye! Swim Dammit". Dale Crim later told Frye's daughter that the experience was so haunting many soldiers never talked about it, but he wanted her to know the bravery of her father and how they encouraged each other to survive; and

Whereas, Harold Q. Frye, operated a "Long Tom" gun during the Battle of the Bulge with a commendation from the XIX Corps Artillery headquarters for helping to protect aircraft, armor, and infantry as they made their rapid run through Germany in pursuit of enemy troops; and

Whereas, Harold Q. Frye received an additional commendation from Lieutenant General W. H. Simpson for taking part in the six-week bloody battle. Approximately 19,000 American troops were killed before the crushing defeat of the German Army was completed; and

Whereas, Harold Q. Frye returned to Clarksburg after the war and served as a nursing assistant at the Veterans Hospital for more than 20 years. He was recognized for saving the life of a patient who became choked on a piece of meat; and

Whereas, it is fitting that an enduring memorial be established to commemorate the Frye brothers for the contributions of Thomas Frye, Kermit C. Frye, Richard G. Frye, and Harold Q. Frye to our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name Bridge Number 17-034/00-000.01 (17A296), (39.23653, -80.39654), locally known as Laurel Park Truss, carrying CR 34 over West Fork River in Harrison County, the "Frye Brothers Veterans Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "Frye Brothers Veterans Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways and to forward four copies of the resolution to family members.

Senate Concurrent Resolution 42, USMC SSGT Herbert "Herbie" D. Barnes Veteran Memorial Bridge.

And reports back a committee substitute for same as follows:

Com. Sub. for Senate Concurrent Resolution 42 (originating in the Committee on Rules)—Requesting the Division of Highways name bridge number 17A361 (17-025/99-000.34), locally known as Camden Street Bridge, over the West Fork River in Harrison County, the "U.S.M.C. SSGT Herbert 'Herbie' D. Barnes Memorial Bridge".

Whereas, Herbert "Herbie" D. Barnes was born May 15, 1927, to alcoholic parents and raised in extreme poverty in West Virginia. He enlisted in the U.S. Marine Corps at age 19, writing in his journal that the Marine Corps became his family and his home for two decades where he "slept in warm barracks, had three warm meals a day, had nice clothes, shoes, and a hot shower every day"; and

Whereas, SSGT Herbert "Herbie" D. Barnes left training in Quantico, Virginia, to board the troop ship USS President Adams headed for Trinidad in 1947 when the ship was caught in a typhoon that nearly capsized the vessel, causing him to remember that "I was scared to death that the ship was going to sink"; and

Whereas, SSGT Herbert "Herbie" D. Barnes helped guard the amphibious base in Trinidad where he watched PBV seaplanes land and take off on the water as part of their mission to hunt enemy submarines. He took his next ocean voyage, headed to South Korea, where he fought on the beaches in and around Inchon Harbor. SSGT Herbert "Herbie" D. Barnes and his unit fought their way to Korea's capital of Seoul where they were targeted by snipers during a 10-day battle; and

Whereas, SSGT Herbert "Herbie" D. Barnes and his fellow Marines dug in for an extremely bloody battle with Red Chinese soldiers in temperatures that dropped as low as 35 degrees below

zero. They used sandbags and frozen bodies since it was too cold to dig foxholes for which he and his fellow troops were dubbed the "Frozen Chosen"; and

Whereas, SSGT Herbert "Herbie" D. Barnes served as a drill instructor during the Vietnam War, a time he rarely discussed with his family. His son remembers his father somberly describing it as the spookiest place he had ever been. SSGT Herbert "Herbie" D. Barnes retired after 20 years in the U.S. Marine Corps earning a WW II Victory Medal, Good Conduct Medal with three stars, Presidential Unit Citation with one-star, Korean Service Medal with three stars, and National Defense Service Medal with one star; and

Whereas, SSGT Herbert "Herbie" D. Barnes was a member of the VFW, Post 573, and past commander of the Elks and Moose. He died on October 29, 2017, at age 90; and

Whereas, It is fitting that an enduring memorial be established to commemorate SSGT Herbert "Herbie" D. Barnes and his contributions to our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 17A361 (17-025/99-000.34), locally known as Camden Street Bridge, over the West Fork River in Harrison County, the "U.S.M.C. SSGT Herbert 'Herbie' D. Barnes Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "U.S.M.C SSGT Herbert 'Herbie' D. Barnes Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways.

And,

Senate Concurrent Resolution 50, US Army CPL John William (J.W.) Cruse Jr. Memorial Bridge.

And reports back a committee substitute for same as follows:

Com. Sub. for Senate Concurrent Resolution 50 (originating in the Committee on Rules)—Requesting the Division of Highways name bridge number 13-060/29-000.01 (13A271), (37.99398, -80.74791), locally known as Reese Bridge, carrying County Route 60/29 over Meadow River in Greenbrier County, the "U. S. Army T/5 John William (J.W.) Cruse Jr. Memorial Bridge".

Whereas, John William (J.W.) Cruse Jr. was born on March 30, 1924, in Oak Hill, West Virginia to John William and Anna Cruse; and

Whereas, Technician Fifth Grade (T/5) John William (J.W.) Cruse Jr. served in the US Army during World War II from July 13th, 1944, to December 18, 1945, when he was honorably discharged. During his service, he was a T/5 under George Patton with the 2nd Armored Division nicknamed "Hell on Wheels". While T/5 John William (J.W.) Cruse Jr. was serving, he had four brothers also deployed for active duty during WWII; and

Whereas, T/5 John William (J.W.) Cruse Jr. received a Purple Heart after being wounded in action on the Rhine River. He was also awarded the Bronze Star; and

Whereas, In a picture taken during his service, T/5 John William (J.W.) Cruse Jr. is seen cracking a smile after learning that Germany had surrendered and the war was over; in that moment, he and his unit were 10 miles outside of Berlin; and

Whereas, T/5 John William (J.W.) Cruse Jr. married Margaret Dollie Gipson Cruse in 1951, and they had four children; and

Whereas, T/5 John William (J.W.) Cruse Jr. raised his family in McRoss, which is just across the bridge proposed to be named in his honor herein; and

Whereas, According to his children, T/5 John William (J.W.) Cruse Jr. was a family man who valued Christianity and education, and he was often a quiet man unless he had an opinion, in which case he would let you know what he thought; and

Whereas, T/5 John William (J.W.) Cruse Jr. passed away on June 5, 2003. He was survived by his wife, Margaret Dolly Cruse, and his children, Rev. Bill Cruse, Judy Cruse Dean, Don Cruse, and John Melvin Cruse (d.2004); and

Whereas, It is fitting that an enduring memorial be established to commemorate T/5 John William (J.W.) Cruse Jr. and his contributions to our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 13-060/29-000.01 (13A271), (37.99398, -80.74791), locally known as Reese Bridge, carrying County Route 60/29 over Meadow River in Greenbrier County, the "U. S. Army T/5 John William (J.W.) Cruse Jr. Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "U. S. Army T/5 John William (J.W.) Cruse Jr. Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways.

With the recommendation that the nine committee substitutes be adopted.

Respectfully submitted,

Craig Blair,
Chair ex officio.

At the request of Senator Takubo, unanimous consent being granted, the resolutions (Com. Sub. for S. C. R. 16, 18, 24, 30, 33, 39, 40, 42, and 50) contained in the preceding report from the Committee on Rules were taken up for immediate consideration and considered simultaneously.

The question being on the adoption of the resolutions, the same was put and prevailed.

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

Senator Maroney, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

Senate Concurrent Resolution 62 (originating in the Committee on Health and Human Resources)—Requesting the Joint Legislative Oversight Commission on State Water Resources study and evaluate the quality of water services in West Virginia, including such services provided by both public and private water utilities.

Whereas, The Legislature recognizes that certain community water systems in West Virginia may be failing to provide citizens with quality water services; and

Whereas, The distribution of quality water services to the citizens of West Virginia requires that purveyors of public water improve the safety, reliability, and administrative oversight of water infrastructure; and

Whereas, To ensure that quality water services are being provided to the citizens of West Virginia, the Joint Legislative Oversight Commission on State Water Resources should evaluate: Whether the purveyors of public water have implemented asset management plans that are designed to inspect, maintain, repair, and renew infrastructure; whether the purveyors of public water routinely inspect, maintain, and repair valves and fire hydrants throughout the water system; whether purveyors of public water that utilize internet connected control systems have in place a formal cybersecurity program; and whether purveyors of public water have formal mitigation plans in place to address violations; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Legislative Oversight Commission on State Water Resources study and evaluate the quality of water services provided in West Virginia; and, be it

Further Resolved, That the Joint Legislative Oversight Commission on State Water Resources report to the regular session of the Legislature, 2023, on its findings, conclusions, and recommendations, together with drafts of any legislation necessary to effectuate its recommendations.

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

Respectfully submitted,

Michael J. Maroney,
Chair.

Senator Maynard, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Concurrent Resolution 63 (originating in the Committee on Government Organization)—Requesting the Committee on Government Organization study the potential economic benefits and regulatory challenges associated with certain outdoor recreational opportunities on state-owned land, specifically including available federal funding, wildlife viewing stamps, dispersed camping, and vehicular access.

Whereas, Outdoor recreational opportunities have the potential to convey significant economic benefits to the State of West Virginia as well as provide physical and mental health benefits to both West Virginia residents and tourists visiting West Virginia; and

Whereas, Ensuring access to federal funding, such as federal funds available directly or through reimbursement under the Pittman-Robertson Act of 1937, and compliance with federal anti-discrimination laws, such as the Americans with Disabilities Act, raise issues that are complex and require further study; and

Whereas, Potentially allowing wildlife viewing stamps on state-owned property could have significant economic and recreational benefits, but also raises compliance issues surrounding the seasonal timing of access to property, such as whether it should be limited to a certain number of months a year for the general public; and whether physically impaired individuals may have year-round access for a Class Q/QQ hunting program; and

Whereas, Potentially allowing dispersed camping on state-owned property could have significant economic and recreational benefits to both West Virginia residents and tourists visiting West Virginia; and

Whereas, Ensuring access to the state-owned land on which wildlife viewing and dispersed camping would occur could be enhanced by identifying public roads that would provide access to those areas by surface type and further identifying the current feasibility of vehicular traffic on those roads; therefore, be it

Resolved by the Legislature of West Virginia:

That the Committee on Government Organization is hereby requested to study the potential economic benefits and regulatory challenges associated with certain outdoor recreational opportunities on state-owned land; and, be it

Further Resolved, That the Committee on Government Organization report to the regular session of the Legislature, 2023, on its findings, conclusions, and recommendations, together with drafts of any legislation necessary to effectuate its recommendations; and, be it

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

And reports the same back with the recommendation that it be adopted; but with the further recommendation that it first be referred to the Committee on Rules.

Respectfully submitted,

Mark R. Maynard,
Chair.

Senator Rucker, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

Senate Concurrent Resolution 64 (originating in the Committee on Education)—Requesting the Joint Committee on Government and Finance study the effectiveness of Local School Improvement Councils, including, but not limited to, the degree of implementation in the schools of the state, meeting frequency and regularity, and general operations.

Whereas, Local School Improvement Councils were established in 1990 through the Legislature's adoption of Senate Bill 1 during the third extraordinary session; and

Whereas, Local School Improvement Councils "...facilitate and encourage the involvement of the school community in the operation of the local schools to improve educational quality...(by establishing) processes at each school which provide opportunities for involvement of the school community in the operation of the local schools and to support local initiatives to improve school performance" (W. Va. Code §18-5A-1 *et seq.*); and

Whereas, Local School Improvement Councils are comprised of various school constituent groups, including the school principal who serves as an *ex officio* member of the council, and is entitled to vote, and who arranges for the election of members to the Local School Improvement Council, and convenes the Council's organizational meeting (W. Va. Code §18-5A-2); and

Whereas, The Local School Improvement Councils' membership includes educators and service personnel, with varied memberships for "vocational-technical schools" and schools of higher grade designations (W. Va. Code §18-5A-2); and

Whereas, Parents and other community members also comprise Local School Improvement Council membership, including at-large members appointed by the school principal (W. Va. Code §18-5A-2); and

Whereas, The Local School Improvement Council is required to have "at least" one meeting to "engage parents, students, school employees, business partners and other interested parties in a positive and interactive dialogue regarding the school's academic performance and standing... (which includes opportunities) for the parents, students, school employees, business partners and other interested parties to make specific suggestions on how to address issues which are seen to affect the school's academic performance which may include, but not limited to, parent and community involvement, the learning environment, student engagement, attendance, supports for at-risk students, curricular offerings, resources and the capacity for school improvement..." (W. Va. Code §18-5A-2); and

Whereas, The Local School Improvement Council of "each school deemed to be low performing...shall meet at least annually with the county board...to address the dialogue at its meeting or meetings to give the parents, students, school employees, business partners and other interested parties an opportunity to make specific suggestions on how to address issues which are seen to affect the school's academic performance and any other matters as may be requested by the county board (in the meeting agenda) provided to the council and may further provide any other information, comments or suggestions the local school improvement council wishes to bring to the county board's attention..." (W. Va. Code §18-5A-2); and

Whereas, Local School Improvement Council may provide alternatives to operations of a school, request waivers of rules, policies, interpretations, and statutes to implement these waivers (W. Va. Code §18-5A-3 and 3a); and

Whereas, County boards establish direct links between the county board and Local School Improvement Councils regarding the broad guidelines for oversight procedures, standards of accountability, and planning for future needs; in part, through annual meetings with the councils of each school deemed to be low performing (W. Va. Code §18-5-14); and

Whereas, County boards may meet with and request information from representatives of any of its Local School Improvement Councils at "such time and in such manner determined by the county board" (W. Va. Code §18-5-14), although Local School Improvement Councils may not "...restrict the ability of the county board of education in its efforts to effect county-wide school improvements (W. Va. Code §18-5A-1); and

Whereas, The degree to which Local School Improvement Councils function, understand their roles, and understand the abilities and powers provided them to effect change and innovation at the school and county level may not be well understood by the councils and local and state public education policy-makers at a time parents seek greater involvement in schools; and

Whereas, Well-functioning Local School Improvement Councils will enhance the entirety of the West Virginia public school system; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance study the effectiveness of Local School Improvement Councils, including, but not limited to, the degree of implementation in the schools of the state, meeting frequency and regularity, and general operations; and, be it

Further Resolved, That the study ascertain if Local School Improvement Councils are properly structured to ensure greater community involvement and engagement in schools, to inform county boards and state public education policy-makers, including the Legislature, regarding meaningful public education innovation which advances student achievement in their school communities, including technical assistance and resources the councils may expect from local and state educational entities to effectuate waivers of statutes, policies, and pursuit of innovation without undue policy imprint or influence of these entities which modify or diminish the councils' abilities to accomplish statutory objectives, missions, and goals; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2023, on its findings, conclusions, and recommendations, together with drafts of any legislation necessary to effectuate its recommendations; and, be it

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

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

Respectfully submitted,

Patricia Puertas Rucker,
Chair.

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

Your Committee on the Judiciary has had under consideration

Senate Concurrent Resolution 65 (originating in the Committee on the Judiciary)—Requesting the Joint Committee on Government and Finance study the West Virginia Consumer Credit and Protection Act.

Whereas, "The purpose of the [West Virginia Consumer Protection and Credit Act] is to protect consumers from unfair, illegal, and deceptive acts or practices by providing an avenue of relief for consumers who would otherwise have difficulty proving their case under a more traditional cause of action." *State ex rel. McGraw v. Scott Runyan Pontiac-Buick, Inc.*, 194 W. Va. 770, at 777, 461 S.E.2d 516, at 523 (1995); and

Whereas, The West Virginia Consumer Protection and Credit Act "represents a comprehensive attempt on the part of the Legislature to extend protection to the consumers and persons who obtain credit in this State and who obviously constitute the vast majority of our adult citizens." *Harless v. First National Bank in Fairmont, et al.*, 162 W. Va. 116, at 125, 246 S.E.2d 270, at 275 (1978); and

Whereas, Considering the recitals above regarding the West Virginia Consumer Protection and Credit Act, §46A-1-101 *et seq.*; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance through the Joint Committee on the Judiciary is hereby requested to study the West Virginia Consumer Credit and Protection Act; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2023, on its findings, conclusions, and recommendations, together with drafts of any legislation necessary to effectuate its recommendations; and, be it

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

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

Respectfully submitted,

Charles S. Trump IV,
Chair.

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

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill 2910, To modify the allowable number of magistrate judges per county.

With amendments from the Committee on Government Organization pending;

And has also amended same.

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

Respectfully submitted,

Charles S. Trump IV,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 2910) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Rucker, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

Eng. House Bill 3073, Relating to the West Virginia Emergency School Food Act.

And has amended same.

And,

Eng. Com. Sub. for House Bill 4105, Relating to service employees with National Association for Pupil Transportation Certifications.

And has amended same.

And reports the same back with the recommendation that they each do pass, as amended.

Respectfully submitted,

Patricia Puertas Rucker,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bills (Eng. H. B. 3073 and Eng. Com. Sub. for H. B. 4105) contained in the preceding report from the Committee on Education were each taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Tarr, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Eng. Com. Sub. for House Bill 4001, Generally relating to broadband.

With an amendment from the Committee on Economic Development pending;

Now on second reading, having been read a first time and referred to the Committee on Finance on March 9, 2022;

And reports the same back with the recommendation that it do pass as amended by the Committee on Economic Development to which the bill was first referred.

Respectfully submitted,

Eric J. Tarr,
Chair.

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

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill 4012, Prohibiting the showing of proof of a COVID-19 vaccination.

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

And has also amended same.

Now on second reading, having been read a first time and referred to the Committee on the Judiciary on March 9, 2022;

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

Respectfully submitted,

Charles S. Trump IV,
Chair.

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

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill 4340, Relating to maximizing the opportunity to recover anatomical gifts for the purpose of transplantation, therapy, research, or education.

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

And has also amended the same.

Now on second reading, having been read a first time and referred to the Committee on the Judiciary on March 8, 2022;

And reports the same back with the recommendation that it do pass as amended by the Committee on Health and Human Resources to which the bill was first referred; and as last amended by the Committee on the Judiciary.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Tarr, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Eng. Com. Sub. for House Bill 4344, Relating to foster care.

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

And has also amended same.

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

Respectfully submitted,

Eric J. Tarr,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 4344) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill 4353, Relating to On Cycle Elections - Voter Turnout Act.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Charles S. Trump IV,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 4353) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill 4600, Making it a felony for a "Person in a Position of Trust" to assault, batter, or verbally abuse a child, or neglect to report abuse they witness.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Charles S. Trump IV,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 4600) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on the Judiciary has had under consideration

Eng. House Bill 4642, Relating to pecuniary interests of county and district officers, teachers and school officials in contracts.

And reports the same back without recommendation as to passage; but with the recommendation that it be re-referred to the Committee on the Judiciary.

Respectfully submitted,

Charles S. Trump IV,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Eng. H. B. 4642) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time, and ordered to second reading.

At the request of Senator Trump, unanimous consent being granted, the bill was re-referred to the Committee on the Judiciary.

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

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill 4667, Prohibition on county, city, or municipality restrictions on advanced air mobility aircraft.

With amendments from the Committee on Economic Development pending;

And has also amended same.

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

Respectfully submitted,

Charles S. Trump IV,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 4667) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on the Judiciary has had under consideration

Eng. House Bill 4827, Relating to the promotion and development of public-use vertiports.

And has amended same.

Now on second reading, having been read a first time and referred to the Committee on the Judiciary on March 9, 2022;

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Charles S. Trump IV,
Chair.

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

Your Committee on the Judiciary has had under consideration

Eng. House Bill 4846, Relating to flying under the influence and other aviation offenses.

And reports the same back without recommendation as to passage; but with the recommendation that it be re-referred to the Committee on the Judiciary.

Respectfully submitted,

Charles S. Trump IV,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Eng. H. B. 4846) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time, and ordered to second reading.

At the request of Senator Trump, unanimous consent being granted, the bill was re-referred to the Committee on the Judiciary.

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

Your Committee on the Judiciary has had under consideration

Eng. House Bill 4847, Relating to missing persons generally.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Eng. H. B. 4847) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on the Judiciary has had under consideration

Eng. House Joint Resolution 104, Providing Term Limits for certain Constitutional Officers.

And has amended same.

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

Respectfully submitted,

Charles S. Trump IV,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the resolution (Eng. H. J. R. 104) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Blair (Mr. President), from the Committee on Rules, submitted the following report, which was received:

Your Committee on Rules has had under consideration

House Concurrent Resolution 4, John B. Short Memorial Bridge.

And has amended same.

House Concurrent Resolution 7, Daniel Edward Kolhnton "Red" Haney Memorial Bridge.

And has amended same.

House Concurrent Resolution 8, U.S. Army Private Elmo Davis Memorial Road.

And has amended same.

House Concurrent Resolution 14, Colonel Ronald John "Ron" Chiccehitto Memorial Road.

And has amended same.

House Concurrent Resolution 39, PFC Donald L. Stuckey Memorial Bridge.

And has amended same.

House Concurrent Resolution 56, Roy Lee Shamblin Memorial Bridge.

And has amended same.

House Concurrent Resolution 60, Fire Chief Lee Thomas Bridge.

And has amended same.

And,

House Concurrent Resolution 89, Hajash Brothers Memorial Bridge.

And has amended same.

And reports the same back with the recommendation that they each be adopted, as amended.

Respectfully submitted,

Craig Blair,
Chair ex officio.

At the request of Senator Takubo, unanimous consent being granted, the resolutions (H. C. R. 4, 7, 8, 14, 39, 56, 60, and 89) contained in the preceding report from the Committee on Rules were taken up for immediate consideration and considered simultaneously.

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

House Concurrent Resolution 4, John B. Short Memorial Bridge.

On page one, in the Resolved clause, line eighteen, by striking out the words "John B. Short" and inserting in lieu thereof the words "U.S. Army Air Corps Sergeant John B. Short";

On page one, in the first Further Resolved clause, line twenty, by striking out the words "John B. Short" and inserting in lieu thereof the words "U.S. Army Air Corps Sergeant John B. Short";

And,

By striking out the title and substituting in lieu thereof a new title to read as follows:

Requesting the Division of Highways name bridge number 23-10/7-0.01(23A048), locally known as the Gillman Bottom Bridge carrying CR 10/7 over Huff Creek in Logan County, West Virginia, the "U.S. Army Air Corps Sergeant John B. Short Memorial Bridge".

House Concurrent Resolution 7, Daniel Edward Kolhton "Red" Haney Memorial Bridge.

On page one, in the first Whereas clause, line four, by striking out the words "Kolhton "Red"";

On page one, in the second Whereas clause, line six, by striking out the words "Kolhton "Red"";

On page one, in the second Whereas clause, line six, after the word "Red" by inserting the words " and "Kolhton"";

On page one, in the third Whereas clause, line eight, by striking out the words "Kolhton "Red"";

On page one, in the fourth Whereas clause, line ten, by striking out the words "Kolhton "Red"";

On page one, in the fifth Whereas clause, line twelve, by striking out the words "Kolhton "Red"";

On page one, in the sixth Whereas clause, line sixteen, by striking out the words "Kolhton "Red"";

On page two, in the Resolved clause, line twenty, by striking out the words "Daniel Edward Kolhton "Red"" and inserting in lieu thereof the words "Daniel Edward "Kolhton"";

On page two, in the first Further Resolved clause, line twenty-three, by striking out the words "Daniel Edward Kolhton "Red"" and inserting in lieu thereof the words "Daniel Edward "Kolhton"";

And,

By striking out the title and substituting in lieu thereof a new title to read as follows:

Requesting the Division of Highways name bridge number: 03-005/00-017.66 (03A042), (38.63616, -81.62303) locally known as Seth Bridge, carrying CR 5 over Big Coal River in Boone County, the "Daniel Edward "Kolhton" Haney Memorial Bridge".

House Concurrent Resolution 8, U.S. Army Private Elmo Davis Memorial Road.

On page one, in the third Whereas clause, line thirteen, by striking out the words "Bronze Star" and inserting in lieu thereof the words "Bronze Service Star".

House Concurrent Resolution 14, Colonel Ronald John "Ron" Chiccehitto Memorial Road.

On page three, in the Resolved clause, line sixty-three, by striking out the word "Colonel" and inserting in lieu thereof the words "U.S. Army Colonel";

On page two, in the first Further Resolved Clause, line sixty-seven, by striking out the word "Colonel" and inserting in lieu thereof the words "U.S. Army Colonel";

And,

By striking out the title and substituting in lieu thereof a new title to read as follows:

Requesting the Division of Highways name a stretch of road on WV 46 in Mineral County, east of Keyser between Lime Stone Rd, CR 14 (WV 46, 39.428520472667465, -78.95480521741753) and Fountain Rd (46/11) as the "U.S. Army Colonel Ronald John "Ron" Chiccehitto Memorial Road".

House Concurrent Resolution 39, PFC Donald L. Stuckey Memorial Bridge.

On page two, in the Resolved clause, line thirty, by striking out the word "PFC" and inserting in lieu thereof the words "U.S. Army PFC";

On page two, in the first Further Resolved clause, line thirty-two, by striking out the word "PFC" and inserting in lieu thereof the words "U.S. Army PFC";

And,

By striking out the title and substituting in lieu thereof a new title to read as follows:

Requesting the Division of Highways name the bridge bearing Identification Number 42-219/86-003.18 (42A228), located in Randolph County, West Virginia, carrying County Route 219 over Stalnaker Run, Latitude 38.988821, Longitude -79.83132, locally known as Stalnaker Run Bridge, the "U.S. Army PFC Donald L. Stuckey Memorial Bridge."

House Concurrent Resolution 56, Roy Lee Shamblin Memorial Bridge.

On page two, in the Resolved clause, lines forty and forty-one, by striking out the words "Roy Lee Shamblin" and inserting in lieu thereof the words "U.S. Army T/5 Roy Lee Shamblin";

Page two, in the first Further Resolved clause, line forty-four, by striking out the words "Roy Lee Shamblin" and inserting in lieu thereof the words "U.S. Army T/5 Roy Lee Shamblin";

And,

By striking out the title and substituting in lieu thereof a new title to read as follows:

Requesting the Division of Highways name a bridge bearing the bridge number: 08-036/01-000.04 () (08A063), (38.55377,-81.12988) locally known as Laurel Fork Bridge, carrying CR 36/1 over Laurel Fork of Camp Run in Clay County, West Virginia, as the "U.S. Army T/5 Roy Lee Shamblin Memorial Bridge."

House Concurrent Resolution 60, Fire Chief Lee Thomas Bridge.

On page one, in the first Whereas clause, line four, by striking out the words "Fire Chief";

On page one, in the second Whereas clause, line six, by striking out the word "Chief";

On page one, in the third Whereas clause, line eight, by striking out the word "Chief" and inserting in lieu thereof the word "SP4";

On page one, in the Resolved clause, line fifteen, by striking out the words "Fire Chief" and inserting in lieu thereof the words "U.S. Army SP4";

On page one, in the first Further Resolved clause, line seventeen, by striking out the words "Fire Chief" and inserting in lieu thereof the words "U.S. Army SP4";

And,

By striking out the title and substituting in lieu thereof a new title to read as follows:

Requesting the Division of Highways name bridge number 18-077/00-145.78 (NB-SB) (18A172), locally known as Sandy Creek NB-SB bridges, carrying I-77 over Sandy Creek in Jackson County, the "U.S. Army SP4 Lee Thomas Memorial Bridge".

House Concurrent Resolution 89, Hajash Brothers Memorial Bridge.

On page two, in the Resolved clause, lines forty-two and forty-three, by striking out the words "Hajash Brothers Memorial Bridge" and inserting in lieu thereof "Hajash Brothers WWII Veterans Memorial Bridge";

On page two, in the first Further Resolved clause, line forty-five, by striking out the words "Hajash Brothers Memorial Bridge" and inserting in lieu thereof the words "Hajash Brothers WWII Veterans Memorial Bridge";

And,

By striking out the title and substituting in lieu thereof a new title to read as follows:

Requesting the Division of Highways name Bridge Numbers 41-077/00-040.83 (NB & SB) (41A221, 41A228), (37.74329, -81.20788) locally known as I-77 OVER PINEY CR (NB & SB), carrying IS 77 over PINEY CREEK and CSX RR in Raleigh County, the "Hajash Brothers WWII Veterans Memorial Bridge".

The question being on the adoption of the resolutions, as amended, the same was put and prevailed.

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

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Trump, Clements, and Maroney.

Thereafter, at the request of Senator Smith, and by unanimous consent, the remarks by Senator Trump were ordered printed in the Appendix to the Journal.

At the request of Senator Maroney, unanimous consent being granted, the remarks by Senator Clements were ordered printed in the Appendix to the Journal.

The Senate proceeded to the thirteenth order of business.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following and resolutions on March 9, 2022:

Senate Resolution 52: Senators Stollings, Grady, Stover, and Smith;

Senate Resolution 53: Senators Stollings, Jeffries, Phillips, and Baldwin;

Senate Resolution 54: Senators Stollings, Jeffries, and Phillips;

And,

Senate Resolution 55: Senators Stollings, Jeffries, Hamilton, and Phillips.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 6:42 p.m., the Senate adjourned until tomorrow, Friday, March 11, 2022, at 11 a.m.

SENATE CALENDAR

**Friday, March 11, 2022
11:00 AM**

SPECIAL ORDER OF BUSINESS

Saturday, March 12, 2022 – 11:00 AM

Consideration of executive nominations

UNFINISHED BUSINESS

- S. C. R. 61 - Requesting Joint Committee on Government and Finance study how public libraries are funded and supported
- S. C. R. 62 - Requesting Joint Legislative Oversight Commission on State Water Resources study and evaluate quality of water services in WV
- S. C. R. 63 - Requesting Committee on Government Organization study potential economic benefits and regulatory challenges associated with certain outdoor recreational opportunities
- S. C. R. 64 - Requesting Joint Committee on Government and Finance study effectiveness of Local School Improvement Councils
- S. C. R. 65 - Requesting Joint Committee on Government and Finance study WV Consumer Credit and Protection Act
- S. R. 52 - Highlighting West Virginia's once-in-a-lifetime opportunity to strengthen national security and energy independence and supply world energy markets
- S. R. 55 - Congratulating Bridgeport High School baseball team for winning 2021 Class AAA state championship
- S. R. 56 - Recognizing James Monroe High School Mavericks Youth Leadership Association students for their participation in Harvard University Model United Nations Conference
- S. R. 57 - Congratulating Point Pleasant High School Black Knights wrestling team for winning 2022 Class AA state championship

THIRD READING

- Eng. S. B. 731 - Making supplementary appropriation to Department of Tourism, Tourism Workforce Development Fund (original similar to HB4851)
- Eng. S. B. 732 - Making supplementary appropriation to Hospital Finance Authority, Hospital Finance Authority Fund (original similar to HB4852)

Eng. S. B. 733 - Supplementing and amending appropriation to Executive, Governor's Office (original similar to HB4850)

Eng. Com. Sub. for H. B. 2733 - Relating to the establishment of a Combat Action Badge and Combat Action Ribbon special registration plates - (Com. title amend. pending)

Eng. Com. Sub. for H. B. 2838 - Authorize the ordering of restitution to the state for reimbursement of costs incurred for misuse of public funds, and to create the State Auditor's Public Integrity and Fraud Fund for use of said funds

Eng. H. B. 3082 - Stabilizing funding sources for the DEP Division of Air Quality

Eng. Com. Sub. for H. B. 3231 - Public Utilities not required to pay interest on security deposits

Eng. Com. Sub. for H. B. 4008 - Relating to Higher Education Policy Commission funding formula - (Com. title amend. pending)

Eng. Com. Sub. for H. B. 4020 - Relating to reorganizing the Department of Health and Human Resources - (Com. amend. and title amend. pending) - (With right to amend)

Eng. Com. Sub. for H. B. 4021 - Relating to the Medical Student Loan Program

Eng. Com. Sub. for H. B. 4059 - Clarifying that new Department of Health and Human Resources' Deputy Commissioners are exempt from civil service - (Com. title amend. pending)

Eng. Com. Sub. for H. B. 4087 - Allowing variance in state fire code for certain buildings used solely for emergency equipment storage

Eng. Com. Sub. for H. B. 4098 - Relating to Geothermal Energy Development - (Com. amend. and title amend. pending) - (With right to amend)

Eng. H. B. 4110 - Relating to staffing levels at multi-county vocational centers

Eng. Com. Sub. for H. B. 4112 - Provide consumers a choice for pharmacy services - (Com. amend. and title amend. pending) - (With right to amend)

Eng. Com. Sub. for H. B. 4285 - Relating to real estate appraiser licensing board requirements - (Com. title amend. pending)

Eng. H. B. 4288 - Relating to expanding the practice of auricular acudetox to professions approved by the acupuncturist board

Eng. Com. Sub. for H. B. 4336 - Providing for the valuation of natural resources property

Eng. H. B. 4355 - Relating to the disclosure by state institutions of higher education of certain information regarding textbooks and digital courseware and certain charges assessed for those items - (Com. amend. pending) - (With right to amend).

Eng. Com. Sub. for H. B. 4373 - To exclude fentanyl test strips from the definition of drug paraphernalia - (Com. title amend. pending)

Eng. Com. Sub. for H. B. 4389 - Relating to repealing school innovation zones provisions superseded by Innovation in Education Act - (With right to amend)

Eng. H. B. 4419 - Allowing candidate committees and campaign committees to make contributions to affiliated state party executive committees - (Com. title amend. pending) (original similar to SB665)

Eng. H. B. 4433 - Providing that retirement benefits are not subject to execution

Eng. Com. Sub. for H. B. 4488 - Relating to coal mining and changing fees for permitting actions

Eng. Com. Sub. for H. B. 4492 - Creating the Division of Multimodal Transportation

Eng. H. B. 4496 - Allowing interest and earnings on federal COVID-19 relief moneys to be retained in the funds or accounts where those moneys are invested

Eng. Com. Sub. for H. B. 4497 - Extending the regional jail per diem through July 1, 2023

Eng. Com. Sub. for H. B. 4511 - To make numerous amendments to modernize and increase efficiencies in the administration of the West Virginia Unclaimed Property Act - (Com. title amend. pending)

Eng. Com. Sub. for H. B. 4559 - Providing for legislative rulemaking relating to the disposition of unidentified and unclaimed remains in the possession of the Chief Medical Examiner

Eng. Com. Sub. for H. B. 4563 - Provide for a license plate for auto mechanics - (Com. title amend. pending)

Eng. Com. Sub. for H. B. 4565 - To exempt temporary employees and employees of the Higher Education Policy Commission from automatic enrollment into the state's 457 (b) plan

Eng. H. B. 4566 - Creating the Economic Enhancement Grant Fund

Eng. H. B. 4568 - To allow phased rehabilitations of certified historic structures

Eng. Com. Sub. for H. B. 4608 - To require the State Fire Commission to propose minimum standards for persons to be certified as probationary status volunteer firefighters

Eng. Com. Sub. for H. B. 4629 - Relating to procedures for certain actions against the state - (Com. title amend. pending)

Eng. Com. Sub. for H. B. 4634 - Relating to occupational licensing or other authorization to practice - (With right to amend)

Eng. Com. Sub. for H. B. 4636 - Clarifying when business and occupation taxes owed to a city or municipality are considered to be remitted on time - (Com. title amend. pending)

Eng. Com. Sub. for H. B. 4662 - Relating to licensure of Head Start facilities in this state - (Com. title amend. pending) (original similar to SB661)

Eng. H. B. 4743 - Relating to security and surveillance requirements of medical cannabis organization facilities

Eng. Com. Sub. for H. B. 4787 - Creating the Highly Automated Motor Vehicle Act - (Com. title amend. pending)

Eng. Com. Sub. for H. B. 4826 - Relating to e-sports

Eng. H. B. 4829 - Modifying definitions of certain school cafeteria personnel

Eng. H. B. 4848 - Relating to nonintoxicating beer, wine and liquor licenses - (Com. amend. and title amend. pending) - (With right to amend)

SECOND READING

- Eng. H. B. 2300 - Including Family Court Judges in the Judges' Retirement System - (Com. amend. pending)
- Eng. Com. Sub. for H. B. 2910 - To modify the allowable number of magistrate judges per county - (Com. amend. and title amend. pending)
- Eng. H. B. 3073 - Relating to the West Virginia Emergency School Food Act - (Com. amend. and title amend. pending)
- Eng. Com. Sub. for H. B. 4001 - Generally relating to broadband - (Com. amend. pending)
- Eng. Com. Sub. for H. B. 4002 - Creating the Certified Sites and Development Readiness Program
- Eng. Com. Sub. for H. B. 4012 - Prohibiting the showing of proof of a COVID-19 vaccination - (Com. amend. and title amend. pending)
- Eng. Com. Sub. for H. B. 4025 - Providing exemption to severance tax for severing rare earth elements and other critical minerals
- Eng. Com. Sub. for H. B. 4105 - Relating to service employees with National Association for Pupil Transportation Certifications - (Com. amend. and title amend. pending)
- Eng. Com. Sub. for H. B. 4111 - Relating to the prescriptive authority of advance practice registered nurses - (Com. amend. and title amend. pending)
- Eng. Com. Sub. for H. B. 4252 - To reduce copay cap on insulin and devices - (Com. amend. and title amend. pending)
- Eng. H. B. 4307 - Increase some benefits payable from Crime Victims Compensation Fund - (Com. title amend. pending)
- Eng. Com. Sub. for H. B. 4340 - Relating to maximizing the opportunity to recover anatomical gifts for the purpose of transplantation, therapy, research, or education - (Com. amend. and title amend. pending)
- Eng. Com. Sub. for H. B. 4344 - Relating to foster care - (Com. amend. and title amend. pending)
- Eng. Com. Sub. for H. B. 4353 - Relating to On Cycle Elections - Voter Turnout Act - (Com. amend. and title amend. pending)
- Eng. Com. Sub. for H. B. 4377 - To update the involuntary commitment process - (Com. amend. and title amend. pending)
- Eng. Com. Sub. for H. B. 4393 - To increase the managed care tax if the managed care organization receives a rate increase
- Eng. Com. Sub. for H. B. 4408 - Relating to contracts for construction of recreational facilities in state parks and forests - (Com. amend. and title amend. pending)
- Eng. Com. Sub. for H. B. 4439 - Creating a special revenue account known as the Military Authority Reimbursable Expenditure Fund - (Com. amend. and title amend. pending)

- Eng. H. B. 4450 - Removing the \$0.50 fee charged and deposited in the Combined Voter Registration and Driver's Licensing Fund for each driver's license issued by the Department of Motor Vehicles
- Eng. H. B. 4463 - To increase the compensation members of the State Athletic Commission may receive for their attendance and participation in the commission's public meetings.
- Eng. Com. Sub. for H. B. 4502 - Establishing the BUILD WV Act - (Com. amend. and title amend. pending)
- Eng. H. B. 4522 - Relating to the expungement of criminal records - (Com. amend. and title amend. pending)
- Eng. H. B. 4571 - Modifying foundation allowance to account for transportation by electric powered buses - (Com. title amend. pending)
- Eng. Com. Sub. for H. B. 4600 - Making it a felony for a "Person in a Position of Trust" to assault, batter, or verbally abuse a child, or neglect to report abuse they witness - (Com. amend. and title amend. pending)
- Eng. Com. Sub. for H. B. 4607 - To remove opioid treatment programs from requiring a certificate of need - (Com. amend. pending)
- Eng. Com. Sub. for H. B. 4613 - Relating to increasing the multiplier for use in determining accrued benefit in the West Virginia Municipal Police Officers and Firefighters Retirement System.
- Eng. H. B. 4627 - To provide for no more than two licensed laboratories for medical cannabis testing in this state - (Com. amend. pending) (original similar to SB674)
- Eng. Com. Sub. for H. B. 4667 - Prohibition on county, city, or municipality restrictions on advanced air mobility aircraft - (Com. amend. and title amend. pending)
- Eng. Com. Sub. for H. B. 4668 - Relating to air bag fraud - (Com. amend. pending)
- Eng. Com. Sub. for H. B. 4688 - Relating to Emergency Medical Services Retirement System Act
- Eng. Com. Sub. for H. B. 4756 - Relating to authorizing municipalities to create pension funding programs to reduce the unfunded liability of certain pension and relief funds - (Com. amend. pending)
- Eng. H. B. 4827 - Relating to the promotion and development of public-use vertiports - (Com. amend. and title amend. pending)
- Eng. H. B. 4845 - Establishing the Katherine Johnson Academy - (Com. amend. pending)
- Eng. H. B. 4847 - Relating to missing persons generally
- Eng. H. J. R. 104 - Providing Term Limits for certain Constitutional Officers - (Com. amend. and title amend. pending)

ANNOUNCED SENATE COMMITTEE MEETINGS

Regular Session 2022

Friday, March 11, 2022

9:30 a.m.	Confirmations	(Room 208W)
10 a.m.	Judiciary	(Room 208W)