

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

EIGHTY-SIXTH LEGISLATURE
REGULAR SESSION, 2023
FIFTY-EIGHTH DAY

Charleston, West Virginia, Thursday, March 9, 2023

The Senate met at 11:07 a.m.

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

Prayer was offered by Pastor Fred Guidi, Horizons Church, Lost Creek, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Eric Nelson, Jr., a senator from the seventeenth district.

Pending the reading of the Journal of Wednesday, March 8, 2023,

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

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

The Senate then proceeded to the third order of business.

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

Eng. Senate Bill 99, Relating to meetings among county boards of education.

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 356, Authorizing DOT to promulgate legislative rules.

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

Eng. Com. Sub. for Senate Bill 451, Relating to Teachers Retirement System and Teachers' Defined Contribution Retirement System.

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

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

Eng. Com. Sub. for Senate Bill 451—A Bill to amend and reenact §18-7A-3, §18-7A-13a, §18-7A-15, and §18-7A-17 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18-7B-2 and §18-7B-17 of said code, all relating to retirement systems for teachers and certain other educational employees; defining terms; requiring certain notifications; providing for public charter schools as employer in systems; and limiting eligibility for certain transfers of service from the Public Employees Retirement System to the Teachers Retirement System.

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

Engrossed Committee Substitute for Senate Bill 451, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Karnes, Martin, Maynard, Nelson, Oliverio, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Jeffries, Maroney, and Phillips—3.

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. 451) passed with its House of Delegates amended title.

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

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

Eng. Senate Bill 452, Relating to Emergency Medical Services Retirement System.

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

Eng. Senate Bill 457, Removing certain activities Alcohol Beverage Control Commission licensee is prohibited to permit on private club premises.

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:

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

ARTICLE 7. LICENSES TO PRIVATE CLUBS.

§60-7-12. Certain acts of licensee prohibited; criminal penalties.

(a) It is unlawful for any licensee, or agent, employee, or member thereof, on such licensee's premises to:

(1) Sell, offer for sale, tender, or serve any alcoholic liquors other than by the drink poured from the original package or container, except as authorized in §60-6-8 of this code;

(2) Authorize or permit any disturbance of the peace, obscene, lewd, immoral, or improper entertainment, conduct, or practice; ~~gambling or any slot machine, multiple coin console machine, multiple coin console slot machine, or device in the nature of a slot machine; however, various games, gaming, and wagering conducted by duly licensed persons of the West Virginia State Lottery Commission, charitable bingo games conducted by a duly licensed charitable or public service organization (or its auxiliaries), pursuant to §47-20-1 et seq. of this code, and charitable raffle games conducted by a duly licensed charitable or public service organization (or its auxiliaries), pursuant to §47-21-1 et seq. of this code, all of which are permissible on a licensee's licensed premises when operated in accordance with this code and rules promulgated thereunder.~~ A private resort hotel holding a license issued pursuant to §60-7-1 et seq. of this code, may sell, tender, or dispense nonintoxicating beer, wine, or alcoholic liquors in or on the premises licensed under §29-22A-1 et seq. and §29-22C-1 et seq., or §29-25-1 et seq. of this code, during hours of operation authorized by §29-22A-1 et seq. and §29-22C-1 et seq., or §29-25-1 et seq. of this code.

(3) Sell, give away, or permit the sale of, gift to, or the procurement of any nonintoxicating beer, wine, or alcoholic liquors for or to, or permit the consumption of nonintoxicating beer, wine, or alcoholic liquors on the licensee's premises, by any person less than 21 years of age;

(4) Sell, give away, or permit the sale of, gift to, or the procurement of any nonintoxicating beer, wine, or alcoholic liquors, for or to any person known to be considered legally incompetent, or for or to any person who is physically incapacitated due to consumption of nonintoxicating beer, wine or alcoholic liquor or the use of drugs;

(5) Sell, give, or dispense nonintoxicating beer, wine, or alcoholic liquors in or on any licensed premises, or in any rooms directly connected therewith between the hours of 3:00 a.m. and 6:00 a.m. on weekdays, Saturdays, and Sundays, or, between the hours of 3:00 a.m. and 1:00 p.m. in any county upon approval as provided for in §7-1-3ss of this code, on any Sunday; and

(6) Permit the consumption by, or serve to, on the licensed premises any nonintoxicating beer, wine, or alcoholic liquors, covered by this article, to any person who is less than 21 years of age;

(7) With the intent to defraud, alter, change, or misrepresent the quality, quantity, or brand name of any alcoholic liquor;

(8) Sell or offer for sale any alcoholic liquor to any person who is not a duly elected or approved dues-paying member in good standing of the private club or a guest of the member;

(9) Sell, offer for sale, give away, facilitate the use of or allow the use of carbon dioxide, cyclopropane, ethylene, helium, or nitrous oxide for purposes of human consumption, except as authorized by the commissioner;

(10)(A) Employ any person who is younger than 16 years of age in a position where the primary responsibility for such employment is to sell, furnish, tender, serve, or give nonintoxicating beer, wine, or alcoholic liquors to any person;

(B) Employ any person who is between 16 years of age and younger than 21 years of age who is not directly supervised by a person aged 21 or over in a position where the primary responsibility for such employment is to sell, furnish, tender, serve or give nonintoxicating beer, wine, or alcoholic liquors to any person; or

(11) Violate any reasonable rule of the commissioner.

(b) It is lawful for any licensee to advertise price and brand in any news media or other means, outside of the licensee's premises.

(c) Any person who violates any of the provisions of this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$500 nor more than \$1,000, or imprisoned in jail for a period not to exceed one year, or both fined and imprisoned.

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

Engrossed Senate Bill 457, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Barrett, Boley, Caputo, Clements, Hamilton, Hunt, Nelson, Oliverio, Plymale, Queen, Rucker, Stover, Stuart, Swope, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—21.

The nays were: Azinger, Chapman, Deeds, Grady, Karnes, Martin, Maynard, Roberts, Smith, and Taylor—10.

Absent: Jeffries, Maroney, and Phillips—3.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 457) passed with its title.

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

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

Eng. Senate Bill 487, Extending additional modification reducing federal adjusted gross income.

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

Eng. Senate Bill 597, Allowing Workforce WV to hire classified service exempt employees.

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 688, Allowing BOE to hire retired teachers to assist with tutoring.

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

Eng. Com. Sub. for Senate Bill 730, Expanding authority of Legislative Oversight Commission on Health and Human Resources Accountability.

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 2569, Establishing the Motorsport Responsibility Act.

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

Eng. Com. Sub. for House Bill 2905—A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the State Board of Education – State Department of Education, fund 0313, fiscal year 2023, organization 0402, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023.

Referred to the Committee on Finance.

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

Eng. House Bill 2907—A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Administration, Division of General Services, fund 0230, fiscal year 2023, organization 0211, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023.

At the request of Senator Takubo, and by unanimous consent, reference of the bill to a committee was dispensed with, and it was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Eng. House Bill 2913—A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Health and Human Resources, Consolidated Medical Services Fund, fund 0525, fiscal year 2023, organization 0506, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023.

At the request of Senator Takubo, and by unanimous consent, reference of the bill to a committee was dispensed with, and it was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Eng. Com. Sub. for House Bill 2928—A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Health and Human Resources, Division of Health – Central Office, fund 0407, fiscal year 2023, organization 0506, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023.

At the request of Senator Takubo, and by unanimous consent, reference of the bill to a committee was dispensed with, and it was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Eng. House Bill 3039—A Bill making a supplementary appropriation by adding a new item of appropriation and increasing the expenditure of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to Miscellaneous Boards and Commissions, Adjutant General – State Militia, fund 0433, fiscal year 2023, organization 0603, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023.

At the request of Senator Takubo, and by unanimous consent, reference of the bill to a committee was dispensed with, and it was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Eng. House Bill 3564—A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2023, to the Division of Human Services – Energy Assistance, fund 8755, fiscal year 2023, organization 0511, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023.

At the request of Senator Takubo, and by unanimous consent, reference of the bill to a committee was dispensed with, and it was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Eng. House Bill 3073—A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to Miscellaneous Boards and Commissions, Adjutant

General – State Militia, fund 0433, fiscal year 2023, organization 0603, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023.

At the request of Senator Takubo, and by unanimous consent, reference of the bill to a committee was dispensed with, and it was taken up for immediate consideration, read a first time, and ordered to second reading.

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 3211, Relating to authorizing service credit for unused accrued annual or sick leave days for use in determining retirement benefits in the Municipal Police Officer and Firefighter Retirement System.

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

Eng. Com. Sub. for House Bill 3337, Prohibiting additional drug and alcohol treatment facilities and services in a certain county.

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, to take effect from passage, of

Eng. House Bill 3396, Supplementing, amending, and increasing existing items of appropriation from the State Road Fund to the Department of Transportation, Division of Highways.

Executive Communications

The following communication from His Excellency, the Governor, was reported by the Clerk:



Jim Justice
Governor of West Virginia

March 7, 2023

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 2024 Executive Budget on January 11, 2023, 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 2024 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 2024, Org 0100

(To add reappropriation language.)

- After “2012 Natural Disasters – Surplus (fund 0105, appropriation 13500),” add “Congressional Earmark Maintenance of Effort – Surplus (fund 0105, appropriation 22599),”.
- Remove the word “and” after “Natural Disasters – Surplus (fund 0105, appropriation 76400),”.
- Then insert “and Federal Funds/Grant Match – Surplus (fund 0105, appropriation 85700)” after “Local Economic Development Assistance (fund 0105, appropriation 81900)”.

Department of Administration

Division of General Services, Fund 0230, Fiscal Year 2024, Org 0211

(To add reappropriation language.)

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- Strike and replace the reappropriation language with the following: “Any unexpended balances remaining in the appropriations for Capital Outlay, Repairs and Equipment (fund 0230, appropriation 58900) and Capital Outlay, Repairs and Equipment – Surplus (fund 0230, appropriation 67700) at the close of the fiscal year 2023 are hereby reappropriated for expenditure during the fiscal year 2024.”

Public Defender Services, Fund 0226, Fiscal Year 2024, Org 0221
 (To add reappropriation language.)

- Strike and replace the reappropriation language with the following: “Any unexpended balances remaining in the appropriations for Appointed Counsel Fees (fund 0226, appropriation 78800) and Appointed Counsel Fees – Surplus (fund 0226, appropriation 43500) at the close of the fiscal year 2023 are hereby reappropriated for expenditure during the fiscal year 2024.”

Department of Commerce

Division of Natural Resources, Fund 0265, Fiscal Year 2024, Org 0310
 (To add reappropriation language.)

- After “Any unexpended balances remaining in the appropriations for Buildings (fund 0265, appropriation 25800),” add “Equine Enrichment – Surplus (fund 0265, appropriation 22899),”.
- After “Capital Outlay – Parks (fund 0265, appropriation 28800),” add “Upper Mud River Flood Control (fund 0265, appropriation 65400),”.

Department of Education

State Board of Education – State Department of Education, Fund 0313, Fiscal Year 2024, Org 0402
 (To add reappropriation language, decrease Teacher Retirement Savings Realized appropriation per CPRB actuary, and insert a new item of appropriation.)

- Decrease “Teachers’ Retirement Savings Realized” (fund 0313, appropriation 09500) by \$16,104,000.
- Insert a new item of appropriation: “Grown Your Own West Virginia Pathway to Teaching Program” Appropriation XXXXX for \$5,000,000.
- After “National Teacher Certification (fund 0313, appropriation 16100),” insert “Hope Scholarship Program (fund 0313, appropriation 30401),”.
- After “21st Century Learners (fund 0313, appropriation 88600),” insert “Classroom Aide Program – Surplus (fund 0313, appropriation XXXXX),”.

State Board of Education – State Aid to Schools, Fund 0317, Fiscal Year 2024, Org 0402
 (To adjust School Aid Formula based on the passage of SB 423 (\$2,300 pay raise), certified property valuations, and actuarial requirement from the West Virginia Consolidated Public Retirement Board.)

- Strike the entirety of item 46 and replace it with the following:

46 - State Board of Education –

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State Aid to Schools

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

Fund 0317 FY 2024 Org 0402

Other Current Expenses	02200	\$ 179,624,115
Advanced Placement	05300	635,238
Professional Educators	15100	940,631,329
Service Personnel	15200	327,141,159
Fixed Charges.....	15300	110,082,365
Transportation	15400	87,405,241
Improved Instructional Programs.....	15600	57,738,239
Professional Student Support Services.....	65500	64,943,783
21 st Century Strategic Technology Learning Growth.....	93600	37,971,242
Teacher and Leader Induction.....	93601	<u>17,006,361</u>
Basic Foundation Allowances.....		1,823,179,072
Less Local Share		(533,898,170)
Adjustments.....		<u>(1,679,011)</u>
Total Basic State Aid.....		1,287,601,891
Public Employees' Insurance Matching.....	01200	212,341,880
Teachers' Retirement System.....	01900	69,085,343
School Building Authority	45300	66,500,000
Retirement Systems – Unfunded Liability	77500	<u>285,469,999</u>
Total		\$ 1,920,999,113

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The above appropriation for School Building Authority (fund 0317, appropriation 45300) shall be transferred to the School Construction Fund (fund 3952).

Department of Health and Human Resources

Division of Human Services, Fund 0403, Fiscal Year 2024, Org 0511

(To adjust appropriations per agency request)

- Decrease “CHIP Services” Appropriation 85602 by \$4,096,995.
- Increase “Medical Services” Appropriation 18900 by \$2,466,346.

Division of Health – Central Office, Fund 0407, Fiscal Year 2024, Org 0506

- Increase “Chief Medical Examiner (R)” Appropriation 04500 by \$1,630,649.

Consolidated Medical Services Fund, Fund 0525, Fiscal Year 2024, Org 0506

(To provide funds for contract nurses in Institutional Facilities and add transfer language.)

- Increase “Institutional Facilities Operations (R)” Appropriation 33500 by \$12,031,796.
- On page 49, after line 35 add “The above appropriation for Institutional Facilities Operations (fund 0525, appropriation 33500) shall be transferred to Hopemont Hospital, Lakin Hospital, John Manchin Senior Health Care Center, Jackie Withrow Hospital, Welch Community Hospital, William R. Sharpe Jr. Hospital, Mildred Mitchell-Bateman Hospital, and William R. Sharpe Jr. Hospital – Transitional Living Facility.”

Department of Homeland Security

Division of Corrections and Rehabilitation – Correctional Units, Fund 0450, Fiscal Year 2024, Org 0608

(To add reappropriation language.)

- After “Capital Improvements – Surplus (fund 0450, appropriation 66100),” insert “Capital Outlay, Repairs and Equipment – Surplus (fund 0450, appropriation 67700),”.

West Virginia State Police, Fund 0453, Fiscal Year 2024, Org 0612

(To reduce pension contribution per CPRB actuary)

- Decrease “Retirement Systems – Unfunded Liability” Appropriation 77500 by \$26,000.

Division of Administrative Services – Criminal Justice Fund, Fund 0546, Fiscal Year 2024, Org 0623

(To add reappropriation language.)

- After “Qualitative Analysis and Training for Youth Services (fund 0546, appropriation 76200),” insert “Victims of Crime Act – Surplus (fund 0546, appropriation XXXXX),”.

Department of Transportation

Division of Public Transit, Fund 0510, Fiscal Year 2024, Org 0810

(To address funding for Potomac Highlands Airport Authority’s operating expenses.)

- Increase “Current Expenses (R)” Appropriation 13000 by \$200,000.

Insert a new budget item as follows:

“78a - Division of Multimodal Transportation Facilities, Fund 0580, Fiscal Year 2024, Org 0810”

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(To include the new Division of Multimodal Transportation Facilities fund with new items of appropriation.)

78a – Division of Multimodal Transportation Facilities

(W.V. Code Chapter 17)

Fund 0580 FY 2023 Org 0810

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

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

Department of Veterans’ Assistance

Department of Veterans’ Affairs, Fund 0456, Fiscal Year 2024, Org 0613

(To replenish the special revenue fund used for contract nurses and add transfer language.)

- Insert a new item of appropriation: “Directed Transfer” Appropriation 70000 for \$1,500,000.
- After the reappropriation language, add “The above appropriation for Directed Transfer (fund 0456, appropriation 70000) shall be transferred to Veterans’ Facilities Support Fund (fund 6703).”

Sec. 2. Appropriations from state road fund.

Department of Transportation

Division of Highways, Fund 9017, Fiscal Year 2024, Org 0803

(To increase state road spending authority for Equipment.)

- Increase “Equipment Revolving” Appropriation 27600 by \$24,954,134.

Sec. 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 2024, Org 0201

(To align appropriation with amount transferred from fund 0313 appropriation 09500 for FY 2024.)

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- Decrease “Current Expenses” Appropriation 13000 by \$16,104,000.

Department of Health and Human Resources

Division of Health – Hospital Services Revenue Account Special Fund Capital Improvement, Renovation and Operations, Fund 5156, Fiscal Year 2024, Org 0506

(To correct the fiscal year on directive language.)

- On page 114, line 7, change “fiscal year 2023” to “fiscal year 2024”.

Division of Human Services – James “Tiger” Morton Catastrophic Illness Fund, Fund 5454, Fiscal Year 2024, Org 0511

(To add Personal Services and Employee Benefits appropriation.)

- Insert a new item of appropriation: “Personal Services and Employee Benefits” Appropriation 00100 for \$136,984.

Department of Homeland Security

Division of Corrections and Rehabilitation – Regional Jail and Correctional Facility Authority, Fund 6675, Fiscal Year 2024, Org 0608

(To adjust spending authority to address deferred maintenance issues.)

- Decrease “Debt Service” Appropriation 04000 by \$7,100,000.
- Insert a new item of appropriation: “Unclassified” Appropriation 09900 for \$100,000.
- Insert a new item of appropriation: “Repairs and Alterations” Appropriation 06400 for \$5,000,000.
- Insert a new item of appropriation: “Equipment” Appropriation 07000 for \$2,000,000.

Sec. 6. Appropriations of federal funds.

Executive

Department of Agriculture, Fund 8736, Fiscal Year 2024, Org 1400

(To increase Federal spending authority for American Rescue Plan [ARPA] funds.)

- Increase “Federal Coronavirus Pandemic” Appropriation 89101 by \$753,762.

Attorney General – Medicaid Fraud Unit, Fund 8882, Fiscal Year 2024, Org 1500

(To increase spending authority to align amounts received for federal awards.)

- Increase “Personal Services and Employee Benefits” Appropriation 00100 by \$87,520.

Department of Homeland Security

Division of Emergency Management, Fund 8727, Fiscal Year 2024, Org 0606

(To add Federal spending authority for Emergency Management Grant Awards.)

- Increase “Personal Services and Employee Benefits” Appropriation 00100 by \$200,000.

West Virginia State Police, Fund 8741, Fiscal Year 2024, Org 0612

(To add Federal spending authority for Federal Opioid Settlement Award.)

- Increase “Current Expenses” Appropriation 13000 by \$125,000.
- Increase “Equipment” Appropriation 07000 by \$10,853,750.
- Increase “Buildings” Appropriation 25800 by \$990,000.

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- Increase “Other Assets” Appropriation 69000 by \$921,250.

Sec. 9. Appropriations from general revenue fund surplus accrued.

Department of Economic Development

Department of Economic Development - Office of the Secretary, Fund 0256, Fiscal Year 2024, Org 0307
(To amend directive language and remove an extra word.)

- On line 3, remove the word “used”.

Department of Health and Human Resources

Division of Health – Central Office, Fund 0407, Fiscal Year 2024, Org 0506
(To correct an appropriation.)

- On page 188, line 2, strike and replace “State Aid for Local and Basic Public Health Services – Surplus, Appropriation 18499” with “Current Expenses – Surplus, Appropriation 13099”.
- Insert the following language under the appropriation “The above appropriation for Current Expenses – Surplus (fund 0407, appropriation 13099) shall be used for the Hardy County Health Department.”

Department of Homeland Security

Division of Corrections and Rehabilitation – Correctional Units, Fund 0450, Fiscal Year 2024, Org 0608
(To correct an error for the Org listed.)

- On page 187, strike and replace Org “0308” with “0608.”

Department of Administration

(To provide for startup costs associated with a state-run records management system.)

Insert a new budget item as follows:

409a - Office of Technology

(W.V. Code Chapter 5A)

Fund 0204 FY 2024 Org 0231

Directed Transfer - Surplus.....	70099	\$	500,000
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The above appropriation for Directed Transfer – Surplus (fund 0204, appropriation 70099) shall be transferred to the Department of Administration, Office of Technology – Chief Technology Officer Administration Fund (fund 2531).

Department of Economic Development

(To provide funding to Water Development Authority for critical needs.)

Insert a new budget item as follows:

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409b- Department of Economic Development –

Office of the Secretary

(WV Code Chapter 5B)

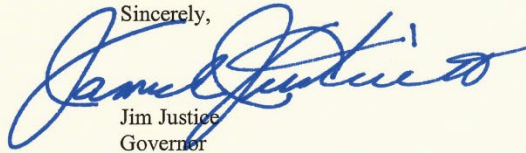
Fund 0256 FY 2024 Org 0307

Directed Transfer - Surplus 70099 \$ 15,000,000

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

Thank you for your prompt attention to this matter. 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 Vernon Criss, 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 amendments to the Budget Bill, which were referred to the Committee on Finance.

Senator Blair (Mr. President) then laid before the Senate the following proclamation from His Excellency, the Governor, extending this current legislative session until and including the twelfth day of March, 2023, which was received and read by the Clerk:

EXECUTIVE DEPARTMENT**Charleston****A PROCLAMATION****By the Governor**

WHEREAS, the Constitution of West Virginia sets forth the respective powers, duties, and responsibilities of the three separate branches of government; and

WHEREAS, Article VI, Section 22 of the Constitution of West Virginia provides that the current regular session of the Legislature shall not exceed sixty calendar days computed from and including the second Wednesday of January two thousand twenty-three; and

WHEREAS, pursuant to Article VI, Section 22 of the Constitution of West Virginia, the two thousand twenty-three regular session of the Legislature is scheduled to conclude on the eleventh day of March, two thousand twenty-three; and

WHEREAS, Article VI, Section 51 of the Constitution of West Virginia sets forth the obligations of the Governor and the Legislature relating to the preparation and enactment of the Budget Bill; and

WHEREAS, Subsection D, Article VI, Section 51 of the Constitution of West Virginia requires the Governor to issue a proclamation extending the regular session of the Legislature if the Budget Bill shall not have been finally acted upon by the Legislature three days before the expiration of its regular session; and

WHEREAS, the Budget Bill has not been finally acted upon by the Legislature as of this eighth day of March, two thousand twenty-three;

NOW, THEREFORE, I, JIM JUSTICE, Governor of the State of West Virginia, do hereby issue this Proclamation, in accordance with Subsection D, Article VI, Section 51 of the Constitution of West Virginia, extending the two thousand twenty-three regular session of the Legislature for an additional period not to exceed one day, through and including the twelfth day of March, two thousand twenty-three; but no matters other than the Budget Bill shall be considered during this extension of the regular session, except a provision for the cost thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of West Virginia to be affixed.



By the Governor

DONE at the Capitol in the City of Charleston, State of West Virginia, on this the Eighth Day of March, in the Year of our Lord, Two Thousand Twenty-Three, and in the One Hundred Sixtieth Year of the State.

A handwritten signature in blue ink, appearing to read 'James Justice', is written over the printed name of the Governor.

GOVERNOR

A handwritten signature in blue ink, appearing to read 'Mpc Warner', is written over the printed name of the Secretary of State.

SECRETARY OF STATE

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



Jim Justice
Governor of West Virginia

March 8, 2023

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. Five Hundred Ninety-One (591), which was presented to me on March 8, 2023.

You will note that I have approved this bill on March 8, 2023.

Sincerely,

A handwritten signature in blue ink that reads "Jim Justice".

Jim Justice
Governor

JJ/mh

cc: The Honorable Stephen J. Harrison, Clerk

The Senate proceeded to the fourth order of business.

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 2008, Requiring local entities to enforce immigration laws.

And has amended same.

And,

Eng. Com. Sub. for House Bill 3190, Amending the definition of "minor".

And has amended same.

Both on second reading, having been read a first time and rereferred to the Committee on the Judiciary on March 8, 2023.

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

Respectfully submitted,

Charles S. Trump IV,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bills (Eng. Com. Sub. for H. B. 2008 and 3190) contained in the preceding report from the Committee on the Judiciary were each taken up for immediate consideration and read a second time.

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

The Senate proceeded to the sixth order of business.

Senators Clements, Blair (Mr. President), Azinger, Barrett, Boley, Caputo, Chapman, Deeds, Grady, Hamilton, Hunt, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, and Woodrum offered the following resolution:

Senate Concurrent Resolution 24—Renaming the Mount Olive Correctional Complex and Jail the Mike V. Coleman Maximum Security Complex.

At the request of Senator Clements, 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, 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 seventh order of business.

Senate Resolution 48, Designating March 9, 2023, as Recovery Community Day.

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

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

House Concurrent Resolution 15, Requesting That the Joint Committee on Government and Finance send official correspondence to West Virginia's federal delegations stating West Virginia veterans' concerns and objections to the two TRICARE for Life ("TFL") proposals.

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

The question being on the adoption of the resolution, the same was put and prevailed.

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

At the request of Senator Clements, unanimous consent being granted, the Senate consented to consider

House Concurrent Resolution 33, Lt. Col. Mitchell M. Mickel Memorial Bridge.

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

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

On page 3, in the Resolved clause, line 68, by striking out the words "Lt. Col." and inserting in lieu thereof the words "USAF Lt. Col.";

On page 4, in the first Further Resolved clause, line 71, by striking out the words "Lt. Col." And inserting in lieu thereof the words "USAF Lt. Col.";

And,

By striking out the title and substituting in lieu thereof a new title to read as follows:

House Concurrent Resolution 33—Requesting the Division of Highways name a bridge bearing 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 "USAF Lt. Col. Mitchell M. Mickel Memorial Bridge".

The question now being on the adoption of the resolution (H. C. R. 33), 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.

At the request of Senator Clements, unanimous consent being granted, the Senate consented to consider

House Concurrent Resolution 51, U. S. Army SFC Samuel Evans Miller Memorial Bridge.

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

The question being on the adoption of the resolution, the same was put and prevailed.

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

At the request of Senator Clements, unanimous consent being granted, the Senate consented to consider

House Concurrent Resolution 61, U.S. Army Sgt. John Edsel Edens Memorial Road.

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

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

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

Whereas, John Edsel Edens was born to parents John and Josie Canterbury Edens; and

Whereas, John Edsel Edens was a graduate of Elkview High School; and

Whereas, John Edsel Edens enlisted in the United States Army during World War II at Camp Atterbury, Indiana, where he trained at Camp Lee, Virginia; and

Whereas, U.S. Army SGT John Edsel Edens deployed from Camp Kilmer, New Jersey to France, Schwabach, and Nuremberg, Germany; and

Whereas, U.S. Army SGT John Edsel Edens served as a Supply Sergeant in the 53rd Constabulary Squadron, and he served from November 1945 to September 1948; and

Whereas, U.S. Army SGT John Edsel Edens was instrumental in starting the Frame Volunteer Fire Department, where he served 21 years as a firefighter and chief; and

Whereas, U.S. Army SGT John Edsel Edens retired from the U.S. Postal Service after 40 years of service, where he was recognized to have driven a million miles without accident; and

Whereas, Sadly, U.S. Army SGT John Edsel Edens passed away on May 30, 2016, after a long illness; and

Whereas, It is fitting that an enduring memorial be established to commemorate the life of U.S. Army SGT John Edsel Edens and his contributions to his community and the nation; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways name bridge number 020-37-0.02 (5251) (20A324), (38.51292, -81.47953) locally known as Poca Fork Box Beam Bridge, carrying County Route 37 over Poca Fork in Kanawha County, West Virginia, as the "U.S. Army SGT John Edsel Edens 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 SGT John Edsel Edens Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the House forward a copy of this resolution to the Commissioner of the Division of Highways.;

And,

By striking out the title and substituting in lieu thereof a new title to read as follows:

House Concurrent Resolution 61—Requesting the Division of Highways name bridge number 020-37-0.02 (5251) (20A324), (38.51292, -81.47953) locally known as Poca Fork Box Beam Bridge, carrying County Route 37 over Poca Fork in Kanawha County, West Virginia, as the "U.S. Army SGT John Edsel Edens Memorial Bridge".

The question now being on the adoption of the resolution (H. C. R. 61), 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 eighth order of business.

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

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

Pending discussion,

The question being "Shall Engrossed Committee Substitute for House Bill 2004 pass?"

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 members of a class of persons and that they would be required to vote.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Jeffries 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. 2004) 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 2004—A Bill to amend and reenact §31A-2A-4 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §31A-2B-1, §31A-2B-2, §31A-2B-3, §31A-2B-4, §31A-2B-5, §31A-2B-6, §31A-2B-7, §31A-2B-8, §31A-2B-9, and §31A-2B-10, all relating generally to payment card transactions involving firearm, firearm accessory or component, and ammunition retailers; clarifying that financial records may not be disclosed or compelled to be disclosed in a manner that discriminates against constitutionally protected activities; providing a short title; setting forth legislative findings and intent; defining terms; prohibiting disclosure of protected financial information except in limited circumstances; establishing requirements for written authorization for disclosure of protected financial information; establishing requirements for subpoenas of protected financial information; prohibiting use of protected financial information for discriminatory conduct; providing civil remedies for violations of new article with liquidated or compensatory damages; providing injunctive relief for violations of new article; providing defendants in a civil action with a right to cure; allowing the aggrieved party in a civil action to recover attorney's fees; establishing a statute of limitations for civil remedies; providing that civil remedies are exclusive for violations of new article; authorizing the Commissioner of Financial Institutions to administer requirements of new article; authorizing the Attorney General to investigate and judicially enforce new article subject to certain limitations; allowing the Attorney General to recover attorney's fees in action for injunctive relief; authorizing the State Treasurer to disqualify financial institutions from certain state contracts if violations of new article have occurred; establishing the scope of new article; and providing a severability clause.

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 2016, Relating to confidential childcare records.

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

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Jeffries 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. 2016) passed.

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

Eng. Com. Sub. for House Bill 2016—A Bill to amend and reenact §16-5-28 of the Code of West Virginia, 1931, as amended; to amend and reenact §49-4-608 of said code; and to amend and reenact §49-5-101 of said code, all relating to releasing information to facilitate care of a child; providing for qualified disclosure of confidential information between certain entities; requiring court notices be sent to child placement agencies in adoption cases; requiring State Registrar to issue copy of vital record to child placement agency; requiring the disclosed records to be maintained in compliance with code; and requiring the department to provide electronic access to certain information.

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

On third reading, coming up in regular order, with the right having been granted on yesterday, Wednesday, March 8, 2023, for amendments to be received on third reading, was reported by the Clerk.

At the request of Senator Takubo, and by unanimous consent, further consideration of the bill was deferred until the conclusion of bills on today's second reading calendar.

Eng. Com. Sub. for House Bill 2026, Authorizing municipalities with police or firefighter employees in PERS to elect to become participating employer in Municipal Police Officer and Firefighter Retirement System for a limited time.

On third reading, coming up in regular order, with the right having been granted on March 7, 2023, for 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.

Eng. Com. Sub. for House Bill 2218, Distracted Driving 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: Barrett, Boley, Caputo, Clements, Deeds, Grady, Hamilton, Hunt, Maroney, Martin, Nelson, Oliverio, Plymale, Queen, Roberts, Stover, Stuart, Swope, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—25.

The nays were: Azinger, Chapman, Karnes, Maynard, Rucker, Smith, and Taylor—7.

Absent: Jeffries 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. 2218) passed.

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

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 2218—A Bill to amend and reenact §17C-14-15 of the Code of West Virginia, 1931, as amended, relating to distracted driving; modifying the scope of prohibitions on distracted driving by establishing the Electronically Distracted Driving Act; defining terms; providing limitations for the use of wireless telecommunications devices and stand-alone electronic devices; prohibiting certain actions by all drivers; prohibiting certain actions by school bus drivers and commercial motor vehicle drivers; providing that each violation constitutes a separate offense; providing for penalties for violations, including criminal penalties, fines, driver's license suspension and revocation, and points on the driver's record maintained by the Division of Motor Vehicles; providing exceptions; and providing a name for certain amendments.

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 2346, Declaring a shortage of qualified bus operators and allowing retired bus operators to accept employment.

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

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Jeffries 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. 2346) passed with its title.

Senator Takubo moved that the bill take effect July 1, 2023.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Jeffries 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. 2346) takes effect July 1, 2023.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence in the changed effective date.

Eng. Com. Sub. for House Bill 2621, Relating generally to bail bondsman.

On third reading, coming up in regular order, with the unreported Banking and Insurance committee amendment pending, and with the right having been granted on yesterday, Wednesday, March 8, 2023, for further amendments to be received on third reading, was read a third time.

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

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

CHAPTER 33. INSURANCE.

ARTICLE 1. DEFINITIONS.

§33-1-10. Kinds of insurance defined.

The following definitions of kinds of insurance are not mutually exclusive and, if reasonably adaptable thereto, a particular coverage may be included under one or more of such definitions:

(a) *Life insurance.* — Life insurance is insurance on human lives including endowment benefits, additional benefits in the event of death or dismemberment by accident or accidental means, additional benefits for disability and annuities.

(b) *Accident and sickness.* — Accident and sickness insurance is insurance against bodily injury, disability or death by accident or accidental means, or the expense thereof, or against disability or expense resulting from sickness and insurance relating thereto. Group credit accident and health insurance may also include loss of income insurance, which is insurance against the failure of a debtor to pay his or her monthly obligation due to involuntary loss of employment. For the purposes of this definition, involuntary loss of employment means the debtor loses employment income (salary or wages) as a result of unemployment caused by individual or mass layoff, general strikes, labor disputes, lockout, or termination by employer for other than willful or criminal misconduct. Any or all of the above-mentioned perils may be included in an insurance policy, at the discretion of the policyholder.

(c) *Fire.* — Fire insurance is insurance on real or personal property of every kind and interest therein, against loss or damage from any or all hazard or cause, and against loss consequential upon such loss or damage, other than noncontractual liability for any such loss or damage. Fire insurance shall also include miscellaneous insurance as defined in paragraph (12), subdivision (e) of this section.

(d) *Marine insurance is insurance:*

(1) Against any and all kinds of loss or damage to vessels, craft, aircraft, cars, automobiles and vehicles of every kind, as well as all goods, freight, cargoes, merchandise, effects, disbursements, profits, moneys, bullion, precious stones, securities, choses in action, evidences of debt, valuable papers, bottomry and respondentia interests and all other kinds of property and interests therein, in respect to, appertaining to or in connection with any and all risks or perils of navigation, transit or transportation, including war risks, on or under any seas or other waters, on land (above or below ground), or in the air, or while being assembled, packed, crated, baled, compressed or similarly prepared for shipment or while awaiting the same, or during any delays,

storage, transshipment, or reshipment incident thereto, including marine builders' risks and all personal property floater risks;

(2) Against any and all kinds of loss or damage to persons or to property in connection with or appertaining to a marine, inland marine, transit or transportation insurance, including liability for loss of or damage to either, arising out of or in connection with the construction, repair, operation, maintenance or use of the subject matter of such insurance (but not including life insurance or surety bonds nor insurance against loss by reason of bodily injury to the person arising out of the ownership, maintenance or use of automobiles);

(3) Against any and all kinds of loss or damage to precious stones, jewels, jewelry, gold, silver, and other precious metals, whether used in business or trade or otherwise, and whether the same be in course of transportation or otherwise;

(4) Against any and all kinds of loss or damage to bridges, tunnels and other instrumentalities of transportation and communication (excluding buildings, their furniture and furnishings, fixed contents and supplies held in storage) unless fire, windstorm, sprinkler leakage, hail, explosion, earthquake, riot, or civil commotion, or any or all of them are the only hazards to be covered;

(5) Against any and all kinds of loss or damage to piers, wharves, docks, and ships, excluding the risks of fire, windstorm, sprinkler leakage, hail, explosion, earthquake, riot, and civil commotion and each of them;

(6) Against any and all kinds of loss or damage to other aids to navigation and transportation, including dry docks and marine railways, dams, and appurtenant facilities for control of waterways; and

(7) Marine protection and indemnity insurance, which is insurance against, or against legal liability of the insured for loss, damage or expense arising out of, or incident to, the ownership, operation, chartering, maintenance, use, repair or construction of any vessel, craft, or instrumentality in use in ocean or inland waterways, including liability of the insured for personal injury, illness, or death, or for loss of or damage to the property of another person.

(e) *Casualty*. — Casualty insurance includes:

(1) Vehicle insurance, which is insurance against loss of or damage to any land vehicle or aircraft, or any draft or riding animal, or to property while contained therein or thereon or being loaded therein or therefrom, from any hazard or cause, and against any loss, liability or expense resulting from or incident to ownership, maintenance, or use of any such vehicle, aircraft or animal; together with insurance against accidental death or accidental injury to individuals, including the named insured, while in, entering, alighting from, adjusting, repairing, or cranking, or caused by being struck by any vehicle, aircraft, or draft or riding animal, if such insurance is issued as a part of insurance on the vehicle, aircraft, or draft or riding animal;

(2) Liability insurance, which is insurance against legal liability for the death, injury, or disability of any human being, or for damage to property; and provisions for medical, hospital, surgical, disability benefits to injured persons, and funeral and death benefits to dependents, beneficiaries, or personal representatives of persons killed, irrespective of legal liability of the insured, when issued as an incidental coverage with or supplemental to liability insurance;

(3) Burglary and theft insurance, which is insurance against loss or damage by burglary, theft, larceny, robbery, forgery, fraud, vandalism, malicious mischief, confiscation, or wrongful conversion, disposal, or concealment, or from any attempt at any of the foregoing, including supplemental coverages for medical, hospital, surgical, and funeral benefits sustained by the named insured or other person as a result of bodily injury during the commission of a burglary, robbery, or theft by another; also insurance against loss of or damage to moneys, coins, bullion, securities, notes, drafts, acceptances, or any other valuable papers and documents resulting from any cause;

(4) Personal property floater insurance, which is insurance upon personal effects against loss or damage from any cause;

(5) Glass insurance, which is insurance against loss or damage to glass, including its lettering, ornamentation, and fittings;

(6) Boiler and machinery insurance, which is insurance against any liability and loss or damage to property or interest resulting from accidents to or explosion of boilers, pipes, pressure containers, machinery, or apparatus and to make inspection of and issue certificates of inspection upon boilers, machinery, and apparatus of any kind, whether or not insured;

(7) Leakage and fire extinguishing equipment insurance, which is insurance against loss or damage to any property or interest caused by the breakage or leakage of sprinklers, hoses, pumps, and other fire extinguishing equipment or apparatus, water mains, pipes, and containers, or by water entering through leaks or openings in buildings, and insurance against loss or damage to such sprinklers, hoses, pumps, and other fire extinguishing equipment or apparatus;

(8) Credit insurance, which is insurance against loss or damage resulting from failure of debtors to pay their obligations to the insured. Credit insurance shall include loss of income insurance, which is insurance against the failure of a debtor to pay his or her monthly obligation due to involuntary loss of employment. For the purpose of this definition, involuntary loss of employment means the debtor loses employment income (salary or wages) as a result of unemployment caused by individual or mass layoff, general strikes, labor disputes, lockout, or termination by employer for other than willful or criminal misconduct; any or all of the above-mentioned perils may be included in an insurance policy, at the discretion of the policyholder;

(9) Malpractice insurance, which is insurance against legal liability of the insured and against loss, damage or expense incidental to a claim of such liability, and including medical, hospital, surgical and funeral benefits to injured persons, irrespective of legal liability of the insured arising out of the death, injury or disablement of any person, or arising out of damage to the economic interest of any person, as the result of negligence in rendering expert, fiduciary, or professional service;

(10) Entertainment insurance, which is insurance indemnifying the producer of any motion picture, television, radio, theatrical, sport, spectacle, entertainment or similar production, event, or exhibition against loss from interruption, postponement, or cancellation thereof due to death, accidental injury or sickness of performers, participants, directors, or other principals;

(11) Mine subsidence insurance as provided for in article thirty of this chapter;

(12) Miscellaneous insurance, which is insurance against any other kind of loss, damage, or liability properly a subject of insurance and not within any other kind of insurance as defined in

this chapter, if such insurance is not disapproved by the commissioner as being contrary to law or public policy; and

(13) Federal flood insurance, which is insurance provided by the Federal Insurance Administration or by private insurers through the Write Your Own Program within the National Flood Insurance Program, instituted by the Federal Insurance Administration pursuant to the provision of 42 U.S.C. § 4071, on real or personal property of every kind and interest therein, against loss or damage from flood or mudslide and against loss consequential to such loss or damage, other than noncontractual liability for any loss or damage.

(14) Workers' compensation insurance, which is insurance providing all compensation and benefits required by chapter 23 of this code.

(f) *Surety*. — Surety insurance includes:

(1) Fidelity insurance, which is insurance guaranteeing the fidelity of persons holding positions of public or private trust;

(2) Insurance guaranteeing the performance of contracts, other than insurance policies, and guaranteeing and executing bonds, undertakings, and contracts of ~~surety-ship~~ suretyship: *Provided*, That surety insurance does not include the guaranteeing and executing of bonds by ~~professional bondsmen in criminal cases~~ or by individuals not in the business of becoming a surety for compensation upon bonds;

(3) Insurance indemnifying banks, bankers, brokers, financial or moneyed corporations or associations against loss, resulting from any cause, of bills of exchange, notes, bonds, securities, evidences of debt, deeds, mortgages, warehouse receipts or other valuable papers, documents, money, precious metals and articles made therefrom, jewelry, watches, necklaces, bracelets, gems, precious and semiprecious stones, including any loss while they are being transported in armored motor vehicles or by messenger, but not including any other risks of transportation or navigation, and also insurance against loss or damage to such an insured's premises or to his or her furnishings, fixtures, equipment, safes and vaults therein, caused by burglary, robbery, theft, vandalism or malicious mischief, or any attempt to commit such crimes; and

(4) Title insurance, which is insurance of owners of property or others having an interest therein, or liens or encumbrances thereon, against loss by encumbrance, defective title, invalidity, or adverse claim to title.

CHAPTER 51. COURTS AND THEIR OFFICERS.

ARTICLE 10. PROFESSIONAL BONDSMEN IN CRIMINAL CASES.

§51-10-1. Definitions.

When used in this article:

"Approved securities" means cash, irrevocable letter of credit, bond issued by an insurance company licensed and in good standing in this state, or qualified power of attorney issued by an insurer pursuant to a producer underwriting agreement, or real estate located in this state that is unencumbered in, at least, the amount of minimum financial responsibility required as set forth by the insurance commissioner: *Provided*, That a pledge of real estate by a bondsman as an

approved security is not permitted after July 1, 2024: *Provided, however,* That a bondsman who is licensed by the commissioner as of July 1, 2024, and has pledged real estate as security to conduct bonding business may continue to pledge real estate to operate as a bondsman until his or her license is voluntarily surrendered or revoked by the commissioner;

(1) "Bonding business" means the business of becoming surety for compensation upon bonds in criminal cases in the State of West Virginia;

(2) "Bondsman" means ~~(A) any person engaged in the bonding business that has satisfied the requirements for, and is duly licensed as, an insurance producer with a property and casualty line of authority as set forth by the Insurance Commissioner and §33-12-1, et seq. of this code; or (B) any person who is approved and licensed under the provisions of this article who pledges cash or approved securities with the commissioner as security for bail bonds written in connection with a judicial proceeding and receives or is promised money or other things of value for the pledge;~~

(3) "Commissioner" means the Insurance Commissioner of West Virginia, as defined in §33-1-5 of this code; and

(4) "Insurer" means any domestic, foreign, or alien person, including a surety company, which has been qualified generally to transact surety business in the State of West Virginia.

§51-10-8. Qualifications of bondsmen; rules to be prescribed by Insurance Commissioner; bondsman filing requirements; bondsman license renewal requirements; criminal penalty for filing false affidavit; list of bondsmen kept and provided to places of detention by Insurance Commissioner; requiring all bondsmen to be licensed by Insurance Commissioner after July 1, 2022.

(a) ~~The commissioner shall promulgate and propose legislative rules for promulgation under propose rules for legislative approval in accordance with the provisions of §29A-3-1 et seq. of this code to carry out the intent, administration, and enforcement of this article. The commissioner may promulgate any emergency rules under pursuant to the provisions of §29A-3-15 of this code as necessary to carry out the intent, administration, and enforcement of this article. The commissioner shall develop all forms, contracts, or other documents to be used for the purposes outlined in this article.~~

(b) The rules required by subsection (a) of this section shall specify the qualifications that a person must have when applying to be a bondsman, and the terms and conditions upon which the bonding business may be conducted. The commissioner shall formulate testing requirements for all initial license applicants. The commissioner shall require a biennial fee of \$200 for all bondsmen licensed under this article.

(c) The commissioner, in promulgating and proposing rules required by subsection (a) of this section, and in granting a license to a person to engage in the bonding business, shall take into consideration both the financial responsibility and the moral qualities of the person applying, and a person who has been convicted of any offense involving moral turpitude, or who is not known to be a person of good moral character, shall not be licensed.

(d) The applicant shall provide the commissioner a qualifying power-of-attorney from a licensed insurer or surety company or pledge cash or approved securities with the commissioner as security for bail bonds.

(e) The applicant shall comply with the provisions of §33-12-37 of this code regarding criminal history record checks.

(f) The commissioner shall require every bondsman licensed to engage in the bonding business as a principal to file with the commissioner a list showing the name, age, and residence of each person employed by the bondsman as an agent, clerk, or representative in the bonding business, and require an affidavit from each of the persons stating that the person will abide by the terms and provisions of this article.

(g) ~~(1)~~ The commissioner shall require a person licensed as a bondsman to renew his or her license every two years and to file an affidavit stating that since his or her previous license to engage in the bonding business, he or she has abided by the provisions of this article.

~~(2)~~ A person who files a false affidavit is guilty of false swearing and, upon conviction thereof, shall be punished as provided by law for the offense.

~~(3) A person seeking to renew his or her license to engage in the bonding business shall submit to the property and casualty requirements under section (d) of this section for each renewal, unless he or she has voluntarily terminated his or her license to engage in the bonding business.~~

(h) The commissioner shall keep a list of all bondsmen and, upon the request of a place of detention listed under §51-10-6 of this code, furnish an alphabetical list of all licensed bondsmen to the jail.

~~(j)~~(i) After July 1, 2022, a person ~~shall~~ may not, either as principal, or as agent, clerk, or representative of an agent, engage in the bonding business unless licensed by the commissioner under this section.

Engrossed Committee Substitute for House Bill 2621, as just amended, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Clements, Deeds, Grady, Hamilton, Hunt, Maroney, Martin, Maynard, Nelson, Oliverio, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—30.

The nays were: Chapman and Karnes—2.

Absent: Jeffries 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. 2621) passed.

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

Eng. Com. Sub. for House Bill 2621—A Bill to amend and reenact §33-1-10 of the Code of West Virginia, 1931, as amended; and to amend and reenact §51-10-1 and §51-10-8 of said code, all relating to professional bondsmen in criminal cases; defining terms and setting forth approved

securities; modifying requirements for bondsmen; and requiring the Insurance Commissioner to formulate testing requirements for initial license applicants.

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 2814, To create a Hydrogen power task force.

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

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Jeffries 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. 2814) passed with its title.

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

Eng. Com. Sub. for House Bill 2821, Relating to taxation of gambling and lottery winnings.

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: Barrett, Boley, Caputo, Chapman, Clements, Hamilton, Hunt, Maroney, Martin, Nelson, Oliverio, Plymale, Queen, Rucker, Stover, Swope, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—23.

The nays were: Azinger, Deeds, Grady, Karnes, Maynard, Roberts, Smith, Stuart, and Taylor—9.

Absent: Jeffries 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. 2821) 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 2865, To clarify that the PSC may enter an order requiring corrective measures up to and including an acquisition of a distressed or failing utility.

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

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Jeffries 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. 2865) passed.

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

Eng. Com. Sub. for House Bill 2865—A Bill to amend and reenact §24-2H-4, §24-2H-5, §24-2H-6, and §24-2H-8 of the Code of West Virginia, 1931, as amended, all relating to clarifying that the Public Service Commission may enter an order in a distressed or failing utility case requiring corrective measures up to and including an acquisition by an acquiring utility; providing the Commission shall provide the list of potentially unstable water and wastewater utilities to the West Virginia Rural Water Association; providing the Commission staff shall publish annually, by hyperlink, the list of potentially unstable water and wastewater utilities on the commission's homepage; providing that eligibility of a utility to receive state grant funding and federal grant funding in a similar manner as the distressed utility is a factor in determining whether a utility is a capable proximate utility; providing that petitions filed with the commission include factual data supporting the justification for the utility to be considered as a distressed or failing utility; providing that high water loss or unaccounted for water cannot be the sole evidence of a distressed or failing utility; and clarifying that an acquiring utility becomes such only after approval of the necessary operating agreement.

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

Eng. House Bill 2875, Clarifying that Circuit Court Judges have the ability/authority to waive the requirement that a party pass a home study performed by the DHHR.

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

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Jeffries 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. 2875) 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 2875—A Bill to amend and reenact §49-4-114 of the Code of West Virginia, 1931, as amended, relating to giving circuit court judges the authority to waive the requirement

that a party pass a home study performed by DHHR or a third-party evaluator before a child can be placed in the home in cases of grandparent adoption.

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 2890, Modifying student discipline.

On third reading, coming up in regular order, with the unreported Education committee amendment pending, and with the right having been granted on yesterday, Wednesday, March 8, 2023, for further amendments to be received on third reading, was read a third time.

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

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

ARTICLE 5. AUTHORITY; RIGHTS; RESPONSIBILITY.

§18A-5-1. Authority of teachers and other school personnel; exclusion of students having infectious diseases; suspension or expulsion of disorderly students; corporal punishment abolished.

(a) The teacher shall stand in the place of the parent(s), guardian(s), or custodian(s) in exercising authority over the school and has control of all students enrolled in the school from the time they reach the school until they have returned to their respective homes, except ~~that~~ where transportation of students is provided, the driver in charge of the school bus or other mode of transportation shall exercise such authority and control over the students while they are in transit to and from the school.

(b) Subject to the rules of the state Board of Education, the teacher shall exclude from the school any student known to have, or who is suspected of having, any infectious disease, or any student who has been exposed to any infectious disease and shall immediately notify the proper health officer or medical inspector of the exclusion. Any student so excluded may not be readmitted to the school until he or she has complied with all the requirements of the rules governing those cases or has presented a certificate of health signed by the medical inspector or other proper health officer.

(c) ~~The~~ Any grade six through 12 teacher, excluding an elementary school teacher, may exclude from his or her classroom ~~or school bus~~ any student who is guilty of disorderly conduct; who in any manner interferes with an orderly educational process; who behaves in a manner that obstructs the teaching or learning process of others in the classroom; who threatens, abuses or otherwise intimidates or attempts to intimidate a school employee or a student; who willfully disobeys a school employee; or who uses abusive or profane language directed at a school employee. Any student excluded shall be placed under the control of the principal of the school or a designee. The excluded student may be admitted to the classroom ~~or school bus~~ only when the principal, or a designee, provides written certification to the teacher that the student may be readmitted and specifies the specific type of disciplinary action, if any, that was taken. If the principal finds that disciplinary action is warranted, he or she shall provide written and, if possible, telephonic notice of the action to the parent(s), guardian(s), or custodian(s). When a student is excluded from a classroom ~~or a school bus~~ two times in one semester, and after exhausting all

reasonable methods of classroom discipline provided in the school discipline plan, the student may be readmitted to the classroom ~~or the school bus~~ only after the principal, teacher and, if possible, the parent(s), guardian(s), or custodian(s) of the student have held a conference to discuss the student's disruptive behavior patterns, and the teacher and the principal agree on a course of discipline for the student and inform the parent(s), guardian(s), or custodian(s) of the course of action. Thereafter, if the student's disruptive behavior persists, upon the teacher's request, the principal may, to the extent feasible, transfer the student to another setting. The Legislature finds that isolating students or placing them in alternative learning centers may be the best setting for chronically disruptive students. The county board shall create more alternative learning centers or expand its capacity for alternative placements, subject to funding, to correct these students' behaviors so they can return to a regular classroom without engaging in further disruptive behavior.

(d) When a grade six through 12 teacher, excluding an elementary school teacher, determines that the behavior of the student is disorderly conduct, is interfering with an orderly educational process, or obstructs the teaching or learning process of others in the classroom:

(1) The student may be excluded from that teacher's classroom and if excluded may not re-enter that teacher's classroom for at least the remainder of the instructional day;

(2) If the student is excluded pursuant to subdivision (1) of this subsection;

(A) The principal shall communicate with the teacher within 24 hours of the student being excluded from the teacher's classroom about the exclusion;

(B) The teacher has 24 hours to create an electronic record and place the report of this action into the West Virginia Education Information System (WVEIS), without any repercussion to the teacher; and

(C) If the student is removed from a classroom a total of three times in one month for one or more of the behaviors set forth in this subsection, the student shall receive as determined by the principal an in-school suspension, an out-of-school suspension, or may be considered for placement in an alternative learning center if one is available within the school district.

~~(d)~~ (e) The Legislature finds that suspension from school is not appropriate solely for a student's failure to attend class. Therefore, a student may not be suspended from school solely for not attending class. Other methods of discipline may be used for the student which may include, but are not limited to, detention, extra class time, or alternative class settings.

~~(e)~~ (f) Corporal punishment of any student by a school employee is prohibited.

~~(f)~~ (g) Each county board is solely responsible for the administration of proper discipline in the public schools of the county and shall adopt policies consistent with the provisions of this section to govern disciplinary actions. These policies shall encourage the use of alternatives to ~~corporal punishment~~ discipline practices, ~~providing~~ provide for the training of school personnel in alternatives to ~~corporal punishment~~ discipline practices, and provide for encouraging the involvement of parent(s), guardian(s) or custodian(s) in the maintenance of school discipline. To promote a teaching and learning environment free from substantial classroom disturbances, each county board shall ensure that each school implements a tier system policy, with teacher input, to provide a framework for student behaviors and punishments. The policy shall be clear and concise with specific guidelines and examples. The principal shall support the teacher in the

discipline of the students if proper cause and documentation is provided following the schoolwide discipline policy. The teacher may not be reprimanded if their actions are legal and within the structure of the county board's policy for student behavior and punishment. The county board policies shall also include an appeal procedure whereby a teacher may appeal to the county superintendent if a school principal refuses to allow the exclusion of a student from the classroom or if a teacher believes the school principal has prematurely ended the exclusion of a student from the classroom. The county boards shall provide for the immediate incorporation and implementation in the schools of a preventive discipline program which may include the responsible student program and a student involvement program, which may include the peer mediation program, devised by the West Virginia Board of Education. Each county board may modify those programs to meet the particular needs of the county. The county boards shall provide in-service training for teachers and principals relating to assertive discipline procedures and conflict resolution. The county boards also may establish cooperatives with private entities to provide middle educational programs, which may include programs focusing on developing individual coping skills, conflict resolution, anger control, self-esteem issues, stress management and decision making for students, and any other program related to preventive discipline.

~~(g)~~ (h) For the purpose of this section:

(1) "Student" includes any child, youth or adult who is enrolled in any instructional program or activity conducted under board authorization and within the facilities of, or in connection with, any program under public school direction: *Provided*, That, in the case of adults, the student-teacher relationship shall terminate when the student leaves the school or other place of instruction or activity;

(2) "Teacher" means all professional educators as defined in section one, article one of this chapter; and ~~includes the driver of a school bus or other mode of transportation and~~

(3) "Principal" means the principal, assistant principal, vice principal or the administrative head of the school, or a professional personnel designee of the principal or the administrative head of the school.

~~(h)~~ (i) Teachers shall exercise other authority and perform other duties prescribed for them by law or by the rules of the state board not inconsistent with the provisions of this chapter and chapter 18 of this code.

On motion of Senator Grady, the following amendments to the Education committee amendment to the bill (Eng. Com. Sub. for H. B. 2890) were reported by the Clerk, considered simultaneously, and adopted:

On page 1, section 1, line 14, by striking out the words "Any grade six through 12" and inserting in lieu thereof the word "The";

On page 1, section 1, line 14, by striking out the words "excluding an elementary school teacher,";

On page 1, section 1, line 15, after the word "classroom" by inserting the words "or school bus";

On page 2, section 1, line 21, after the word "classroom" by inserting the words "or school bus";

On page 2, section 1, line 26, after the word "classroom" by inserting the words "or a school bus";

On page 2, section 1, line 28, after the word "classroom" by inserting the words "or the school bus";

And,

On page 4, section 1, lines 91 and 92, by striking out all of subdivision (2) and inserting in lieu thereof a new subdivision (2) to read as follows:

(2) "Teacher" means all professional educators as defined in §18A-1-1 of this code and includes the driver of a school bus or other mode of transportation; and.

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

Engrossed Committee Substitute for House Bill 2890, as just amended, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Jeffries 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. 2890) passed.

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

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

Eng. Com. Sub. for House Bill 2890—A Bill to amend and reenact §18A-5-1 of the Code of West Virginia, 1931, as amended, relating to authority of teachers and other school personnel for discipline of students; allowing student that behaves in a manner that obstructs the teaching or learning process of others in the classroom to be excluded; limiting application of certain discipline provisions to grades six through 12 and excluding application to elementary schools; mandating minimum duration of exclusion for certain behaviors; requiring principal to communicate with teacher within 24 hours about exclusion for certain behaviors; establishing time limit for teacher to report exclusion for certain behaviors to the West Virginia Education Information System; providing consequences for student removed for certain behaviors three times in one month; requiring county board policies to encourage the use of alternatives to discipline practices; requiring each county school board to ensure that each school implements a tier system policy to provide a framework for student behaviors and punishments; requiring principal to support the teacher in discipline of the students under certain conditions; prohibiting teacher from being

reprimanded under certain conditions; and requiring procedure for teachers to appeal certain exclusion related actions of principal.

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 2900, Relating to the Deputy Sheriff Retirement System.

On third reading, coming up in regular order, 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.

Eng. House Bill 2955, Relating to the establishment and operation of regional water, wastewater and stormwater authorities.

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

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Jeffries 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. 2955) 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 3035, Relating generally to high-quality education programs and school operations.

On third reading, coming up in regular order, with the unreported committee amendments pending, and with the right having been granted on yesterday, Wednesday, March 8, 2023, for further amendments to be received on third reading, was read a third time.

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

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

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

§18-2E-10. Third Grade Success Act; transformative multi-tiered system of support for early literacy and numeracy in kindergarten through grade three; pre-service and in-service teacher training; notice to parent or guardian; third grade retention policy with exceptions; interventions continuing in fourth grade for students below proficient.

(a) This section shall be known and may be cited as the Third Grade Success Act.

~~(a)~~ (b) The Legislature finds that:

(1) In the early learning years, ensuring that each student masters the content and skills needed for mastery at the next grade level is critically important for student success;

(2) Students who do not demonstrate grade-level proficiency in reading by the end of third grade become increasingly less likely to succeed at each successive grade level and often drop out of school prior to graduation;

(3) State board policy requires every school to establish a process for ensuring the developmental and academic progress of all students. This process is to be coordinated by a school student assistance team that reviews student developmental and academic needs that have persisted despite being addressed through instruction, multi-tiered system of support for intervention, and as applicable, supports for personalized learning. Ensuring the developmental and academic success of all students requires every school to implement, in an equitable manner, programs during and after the instructional day at the appropriate instructional levels that contribute to the success of students; and

(4) To ensure that all students read and perform mathematics proficiently by the end of third grade, a statewide comprehensive approach to early literacy and numeracy is required. This approach shall focus on intensive supports during the early learning years which include schools and engaged communities mobilized to remove barriers, expand opportunities, and assist parents in fulfilling their roles and responsibilities to serve as full partners in the success of their children.

(c) "Science of reading" means evidence-based reading instruction practices that address the acquisition of language, phonological and phonemic awareness, phonics and spelling, fluency, vocabulary, oral language, comprehension, and writing that can be differentiated to meet the needs of individual students.

~~(b)~~ (d) The state board shall, in accordance with ~~the provisions of article three b, chapter twenty nine-a §29A-3B-1 et seq.~~ of this code, promulgate legislative rules as necessary to effectuate the provisions of this section. The rules shall provide for at least the following:

(1) Development of a statewide comprehensive, systemic approach to close the reading and mathematics achievement ~~gap~~ gaps by third grade, which targets school readiness, the attendance gap, science of reading instruction (phonics, phonemic awareness, vocabulary, fluency, comprehension, and writing), summer learning loss, the use of screeners and/or benchmark assessments in English language arts and mathematics for students in grades kindergarten through three, and a multi-tiered system of support for students exhibiting a substantial reading or mathematics deficiency; ~~transformative intervention framework for student and learning supports;~~

(2) Ensuring all West Virginia children have access to high-quality early learning experiences that focus on healthy learners as part of the school readiness model, resulting in increased populations of children on target for healthy development prior to entering first grade;

(3) Closing the attendance gap to certify West Virginia children attend school regularly and limit chronic absenteeism in the early grades;

(4) Providing assistance to county boards with the training and implementation of the science of reading training for all kindergarten through grade three educators, early childhood classroom assistant teachers, aides, and any interventionists that a county board may choose to employ instead of an early childhood classroom assistant teacher or aide pursuant to §18-5-18a(b) of this code;

(5) (4) Assisting county boards in establishing and operating targeted, sustained extended day and extended year reading and mathematics programs to ensure grade level proficiency and battle summer learning loss;

(6) Establishing an approved list of screeners and/or benchmark assessments in English language arts and mathematics for students in grades kindergarten through three for the purpose of identifying students with a significant reading and/or mathematics deficiency. The screener and/or benchmark assessments shall be given in the first 30 days of the school year and repeated at mid-year and at the end of the school year to determine student progression in reading and mathematics in kindergarten through third grade;

(7) Establishing an approved list of dyslexia screeners to be administered to students no less than twice per year in kindergarten through third grade and any time students with identified deficiencies are not responding to interventions;

(8) Any student in kindergarten or grades one through three who exhibits a deficiency in reading at any time, based upon the screeners and/or benchmark assessments, and/or the comprehensive statewide student assessment, and any fourth-grade student promoted for good cause shall receive an individual reading improvement plan no later than 30 days after the identification of the reading deficiency. The reading improvement plan shall be created by the teacher, principal, other pertinent school personnel, and the parent(s), and shall describe the research-based reading intervention services the student will receive to remedy the reading deficit. Each student shall receive intensive reading intervention until the student no longer has a deficiency in reading. Reading interventions may include evidence-based strategies frequently used to remediate reading deficiencies and includes, but is not limited to, individual instruction, small-group instruction, tutoring, mentoring, or the use of technology that targets specific reading skills and abilities;

(5) (9) Maximizing family engagement to result in the development of a culture of literacy and numeracy, from birth through third grade which shall at least include:

(A) Providing parents or guardians with regular updates to inform them of their child's progress toward proficiency in reading and mathematics;

(B) Ensuring parents or guardians are informed of and have access to resources which they may utilize to improve their child's literacy and numeracy skills;

(C) Ensuring the parent or guardian is informed of the importance of their child being able to demonstrate grade level reading and mathematics skills by the end of the third grade and the measures that will be employed pursuant to this section to improve the reading and mathematics skills of children who are not meeting the standards; and

(D) The parent or guardian of any student in kindergarten through grade three who exhibits a deficiency in reading or mathematics at any time during the school year must be notified in writing

no later than 15 days after the identification of the deficiency, and the written notification must include the following:

(i) That the student has been identified as having a deficiency in reading and/or mathematics;

(ii) A description of the proposed research-based reading and/or mathematics interventions and/or supplemental instructional services and supports that will be provided to the child to address the identified area(s) of deficiency;

(iii) Strategies for the parent or guardian to use at home to help their child succeed in reading and/or mathematics; and

(iv) That if the child's reading deficiency is not corrected by the end of grade three, the child may not be promoted to grade four unless an exemption is met;

~~(6)~~ (10) Supporting high-quality schools and a workforce prepared to address early literacy and numeracy by the provision of professional development for administrators, kindergarten, first, second, and third grade teachers including, but not limited to, the following: identification of interventions, and implementation of a system of intervention for children not reaching grade level proficiency

(A) The approved benchmark assessment and/or screener tools to ensure teachers have the knowledge and skill to administer the assessment and/or screener, analyze the data to inform instruction, and identify students exhibiting substantial deficiencies in reading or mathematics;

(B) Comprehensive training on the science of reading and numeracy instruction to ensure all kindergarten through grade three teachers, early childhood classroom assistant teachers, and aides, have the knowledge and skill to teach and/or support all students to read and perform mathematics at grade level. The rules also shall provide that any interventionist a county chooses to employ instead of an early childhood classroom assistant teacher or aid pursuant to §18-5-18a(b) receives this comprehensive training;

(C) Training and materials to inform classroom teachers of the characteristics of dyslexia and dyscalculia in students, components of benchmarks and screeners that may indicate dyslexia or dyscalculia, and strategies for instruction; and

(D) Job-embedded, on-site teacher training on evidence-based reading and mathematics instruction and data-driven decision-making that provides kindergarten through grade three teachers with immediate feedback for improving instruction;

~~(7)~~ (11) Ensuring the employment of qualified teachers and service personnel in accordance with the provisions of section thirty nine, article five of this chapter and section seven c, article four, chapter eighteen a §18-5-39 and §18A-4-7c of this code to provide instruction to students enrolled in early literacy and numeracy support programs including, but not limited to, ensuring that educator preparation programs prepare candidates seeking licensure for elementary education with training and instruction to:

(A) Include instruction in state-adopted grade-level content standards, foundational reading and mathematics skills, and how to implement reading instruction using high-quality instructional materials;

(B) Provide effective instruction and intervention for students with reading and math deficiencies, including students with characteristics of dyslexia or dyscalculia; and

(C) Understand and use student data to make instructional decisions;

~~(8)~~ (12) Creating a formula or grant-based program for the distribution of funds appropriated specifically for the purposes of this section or otherwise available for the support of a targeted, multi-tiered system of support intervention ~~comprehensive system of support~~ for early literacy and numeracy;

~~(9)~~ (13) Providing support for transportation and healthy foods for students required to attend after-school and extended year early literacy and numeracy instructional support programs and supervision at the school that accommodates the typical work schedules of parents; and

~~(10)~~ (14) Receiving from county boards any applications and annual reports required by rule of the state board.

~~(e)~~ (e) A student in grades kindergarten through grade three ~~who is recommended by the student assistance team or the student's classroom teacher for additional assistance in one or more of the key standards of English Language Arts including reading, speaking and listening, writing or language may~~ shall be required to attend an extended year early literacy and numeracy instructional support program as a condition for promotion if:

(1) The student has been provided additional academic assistance help through interventions offered during the school day in school or after-school in early literacy and numeracy instructional support program and, prior to the end of the school year, the student assistance team or the student's classroom teacher recommends that further additional academic help is needed for the student to be successful at the next grade level; and

(2) The county board has established an early a literacy and numeracy instructional support program during the extended year for the student's grade level.

~~(d)~~ (f) County boards shall provide high-quality educational facilities, equipment, and services to support early literacy and numeracy instructional support programs established pursuant to this section. Extended year programs may be provided at a central location for kindergarten through third graders who qualify for the program.

(g) Each county board shall adopt high-quality instructional materials grounded in scientifically-based reading research and aligned to state standards to be used as the core curriculum. The instructional materials shall not include practices that are aligned with the Three-Cueing Systems Model of teaching reading.

~~(e)~~ (h) This section may not be construed to prohibit a classroom teacher from recommending the grade level retention of a student in any of the grades kindergarten through grade three based upon the student's lack of mastery of the subject matter and preparation for the subject matter at the next grade level. Benchmark and/or screener data shall be used to inform the classroom teacher's recommendation.

~~(f)~~ (i) This section may not be construed to affect the individualized education plans of exceptional students.

~~(g)~~ (j) This section may not be construed to limit the authority of the county board to establish an extended year program in accordance with ~~section thirty-nine, article five of this chapter~~ §18-5-39 of this code. County boards may not charge tuition for enrollment in early literacy and numeracy instructional support programs established pursuant to this section.

~~(h)~~ (k) Each county board shall ~~prepare to~~ implement the provisions of this section and the provisions of the state board rule required by subsection (b) of this section. ~~The preparations shall at least include planning, ensuring~~ The county board shall establish a process for ensuring the developmental and academic progress of all students through the auspices of student assistance teams as currently required by state board policy and ~~performing~~ perform a needs assessment to determine the potential capacity requirements for the multi-tiered system of support for early learners. Each county board also shall provide in-service training:

(1) For kindergarten through grade three early childhood classroom assistant teachers, and aides, specifically related to literacy, numeracy, and their responsibilities and appropriate measures for exercising authority and control over students. The county board shall also provide this training to any interventionists it chooses to employ instead of an early childhood classroom assistant teacher or aide pursuant to §18-5-18a(b) of this code; and

(2) For classroom teachers in grades kindergarten through three to help the classroom teachers gain a strong understanding of how to best utilize the early childhood classroom assistant teachers, aides, or interventionists during classroom instruction and during other periods of the day.

~~(i)~~ (l) The state board shall provide a report describing the proposed implementation of the ~~transformative~~ multi-tiered system of support for early literacy and numeracy to the Legislative Oversight Commission on Education Accountability on or before ~~July 1, 2014~~ July 1, 2023.

~~(j)~~ (m) The state board shall provide a comprehensive report regarding the status of the ~~transformative~~ multi-tiered system of support for literacy and numeracy to the Legislative Oversight Commission on Education Accountability, the Joint Committee on Government and Finance, and the Governor on ~~or before November 1, 2014~~ November 1, 2023, and annually on ~~or before~~ or before November 1 ~~on~~ of each year thereafter. The report shall address, at a minimum, the progress of the program throughout the state, its effect on student achievement, and the sources of the funding both available to and used by the program.

~~(k)~~ (n) ~~The provisions of this section are subject to the availability of funds from legislative appropriation or other sources specifically designated for the purposes of this section. If a county board determines that adequate funds are not available for full implementation of a transformative system of support for early literacy in the county, the county board may implement its program in phases by first establishing early literacy instructional support programs in the early readiness grades (Kindergarten), then the primary grades (Grades 1-2), and then establishing an early literacy instructional support program for the third grade once~~ Legislative appropriations to the State Board of Education – State Department of Education Elementary Literacy and Numeracy Program shall be used for the implementation of the provisions of this section along with other funds available for providing a high-quality education.

~~(l)~~ (o) Effective for the school year beginning July 1, 2026, and thereafter, a public school student who generally demonstrates a minimal understanding of, and ability to apply, grade level English language arts knowledge, skills, and abilities, or both, as indicated on the West Virginia General Summative Assessment relative to the West Virginia College and Career Readiness

Standards at the end of third grade, shall upon the recommendation of the teacher and the student assistance team, be retained in the third grade for the ensuing school year subject to the following exceptions:

(1) A student with disabilities whose Individual Education Plan indicates participation in the statewide alternate summative assessment;

(2) A student identified as an English language learner who has had less than three years instruction in English as a second language;

(3) A student with disabilities who participates in the statewide summative assessment, has an Individual Education Plan or Section 504 plan that reflects that the student has received intensive intervention for more than two years and still demonstrates a deficiency or who was previously retained in any of the grades kindergarten through grade three;

(4) A student who is in the process of a special education referral or evaluation for placement in special education, has been diagnosed as having a significant impairment, including dyslexia or dyscalculia, or is a child with a disability if the student's individualized education program team and the student's parent or guardian agree that promotion is appropriate based on the student's Individualized Education Plan;

(5) A student who has received intensive intervention for two or more years, still demonstrates a deficiency, and who was previously retained in any of the grades kindergarten through grade three for a total of two years: *Provided*, That the student shall continue to receive intensive intervention in grade four;

(6) A student who demonstrates an acceptable level of performance on an alternative standardized assessment approved by the state board;

(7) A student who attends an extended year learning program following the third grade and has attained proficiency; and

(8) A student whose parent or guardian has requested a good cause exemption within the time period established by the county board and the superintendent, or his or her designee, determines that the good cause exemption is in the best interests of the child: *Provided*, That a good cause exemption may not prohibit the grade level retention of a student by a classroom teacher based upon the student's lack of mastery of the subject matter and preparation for the subject matter at the next grade level.

ARTICLE 5. COUNTY BOARD OF EDUCATION.

§18-5-18a. Maximum teacher-pupil ratio.

(a) County boards of education shall provide sufficient personnel, equipment, and facilities as will ensure that each ~~first through sixth grade~~ classroom, or classrooms having two or more grades that include one or more of the ~~first~~ kindergarten through sixth grades shall not have more than 25 pupils for each teacher ~~of the grade or grades and shall not have more than 20 pupils for each kindergarten teacher per session~~ as follows, unless the state superintendent has excepted a specific classroom upon application therefor by a county board as provided in this section:

(1) For kindergarten, not more than 20 pupils for each teacher and one early childhood classroom assistant teacher or aide in classrooms with more than 10 pupils;

(2) For first, second, and third grades, not more than 25 pupils for each teacher and one early childhood classroom assistant teacher or aide in classrooms with more than 12 pupils: *Provided*, That the early childhood classroom assistant teacher/aide requirement for classrooms with more than 12 pupils shall not be effective until July 1, 2023, for first grade classrooms; July 1, 2024, for second grade classrooms; and July 1, 2025, for third grade classrooms; and

(3) For grades four, five, and six, not more than 25 pupils for each teacher.

(b) County boards may satisfy the requirements of subsection (a) of this section by employing a full-time interventionist instead of an early childhood assistant teacher or aide, subject to the following:

(1) If no full-time interventionist is available, a county board may satisfy the requirements of subsection (a) of this section by employing a part-time interventionist; and

(2) County boards are not required to employ an interventionist even if there are an insufficient number of early childhood assistant teachers and aides available to fill all the positions required by subsection (a) of this section.

~~(b)~~ (c) County school boards may not maintain a greater number of classrooms having two or more grades that include one or more of the grade levels referred to in this section than were in existence in said county as of January 1, 1983.

~~(c)~~ (d) The state superintendent is authorized, consistent with sound educational policy, to:

(1) Permit on a statewide basis, in grades four through six, more than 25 pupils per teacher in a classroom for the purposes of instruction in physical education; and

(2) Permit more than 20 pupils per teacher in a specific kindergarten classroom and 25 pupils per teacher in a specific classroom in grades four through six during a school year in the event of extraordinary circumstances as determined by the state superintendent after application by a county board of education.

~~(d)~~ (e) The state board shall establish guidelines for the exceptions authorized in this section, but in no event shall the superintendent except classrooms having more than three pupils above the pupil-teacher ratio as set forth in this section.

~~(e)~~ (f) The requirement for approval of an exception to exceed the 20 pupils per kindergarten teacher per session limit or the 25 pupils per teacher limit in grades ~~one~~ four through six is waived in schools where the schoolwide pupil-teacher ratio is 25 or less in grades ~~one~~ four through six: *Provided*, That a teacher shall not have more than three pupils above the teacher/pupil ratio as set forth in this section. Any kindergarten teacher who has more than 20 pupils per session and any classroom teacher of grades ~~one~~ four through six who has more than 25 pupils, shall be paid additional compensation based on the affected classroom teacher's average daily salary divided by 20 for kindergarten teachers, or 25 for teachers of grades ~~one~~ four through six, for every day times the number of additional pupils enrolled up to the maximum pupils permitted in the teacher's classroom. All such additional compensation shall be paid from county funds exclusively.

Notwithstanding any other provision of this section to the contrary, commencing with the school year beginning on ~~July 1, 1994~~ July 1, 1996, a teacher in grades one, two, or three, or classrooms having two or more such grade levels, shall ~~not have more than two pupils above the teacher/pupil ratio as set forth in this section: *Provided*, That commencing with the school year beginning on July 1, 1995, such teacher shall not have more than one pupil above the teacher/pupil ratio as set forth in this section: *Provided, however*, That commencing with the school year beginning on July 1, 1996, such teacher shall not have any pupils above the teacher/pupil ratio as set forth in this section.~~

~~(f)~~ (g) No provision of this section is intended to limit the number of pupils per teacher in a classroom for the purpose of instruction in choral, band, or orchestra music.

~~(g)~~ (h) Each school principal shall assign students equitably among the classroom teachers, taking into consideration reasonable differences due to subject areas and/or grade levels.

~~(h)~~ (i) The state board shall collect from each county board of education information on class size and the number of pupils per teacher for all classes in grades seven through 12. The state board shall report such information to the Legislative Oversight Commission on Education Accountability before January 1, of each year.

~~(i) The West Virginia Department of Education shall survey districts to determine those grade levels, content areas, and geographic locations where class overcrowding is impeding student achievement and report to the Legislature by July 1, 2020 a tailored plan for reducing class overcrowding in such areas.~~

The study shall include, but is not limited to, an examination of the following issues:

~~(1) The effect on student learning of limits on the number of pupils per teacher in a classroom in elementary classes and in a middle and high school format in which students have different teachers for different subject matter instruction;~~

~~(2) The effect on the equity among teachers in a middle school in which the number of pupils per teacher in a classroom is limited for some teachers and not for others, including the additional pay for certain teachers in whose classrooms the limits are exceeded; and~~

~~(3) The effect limits on the number of pupils per teacher in a classroom have on the ability of school systems to offer elective courses in secondary school~~

ARTICLE 9A. PUBLIC SCHOOL SUPPORT.

§18-9A-5. Foundation allowance for service personnel.

(a) The basic foundation allowance to the county for service personnel shall be the amount of money required to pay the annual state minimum salaries in accordance with the provisions of ~~article four, chapter eighteen-a~~ §18A-4-1 *et seq.* of this code to such service personnel employed, subject to the following:

(1) A county shall receive an allowance for state aid eligible service personnel positions per 1,000 students in net enrollment, as follows:

(A) For each high-density county, ~~forty three and ninety seven one hundredths~~ 43.97 service personnel per 1,000 students in net enrollment: Provided, That this ratio of service personnel per 1,000 students in net enrollment shall increase to 47.39 beginning July 1, 2023; 50.65 beginning July 1, 2024; and 53.79 beginning July 1, 2025;

(B) For each medium-density county, ~~forty four and fifty three one hundredths~~ 44.53 service personnel per 1,000 students in net enrollment: Provided, That this ratio of service personnel per 1,000 students in net enrollment shall increase to 47.95 beginning July 1, 2023; 51.21 beginning July 1, 2024; and 54.35 beginning July 1, 2025;

(C) For each low-density county, ~~forty five and one tenth~~ 45.10 service personnel per 1,000 students in net enrollment: Provided, That this ratio of service personnel per 1,000 students in net enrollment shall increase to 48.52 beginning July 1, 2023; 51.78 beginning July 1, 2024; and 54.92 beginning July 1, 2025;

(D) For each sparse-density county, ~~forty five and sixty eight one hundredths~~ 45.68 service personnel per 1,000 students in net enrollment: Provided, That this ratio of service personnel per 1,000 students in net enrollment shall increase to 49.10 beginning July 1, 2023; 52.36 beginning July 1, 2024; and 55.50 beginning July 1, 2025; and

(E) For any service personnel positions, or fraction thereof, determined for a county pursuant to subdivision (1) of this subsection that exceed the number employed, the county's allowance for these positions shall be determined using the average state funded minimum salary of service personnel for the county;

(2) The number of and the allowance for personnel paid in part by state and county funds shall be prorated; and

(3) Where two or more counties join together in support of a vocational or comprehensive high school or any other program or service, the service personnel for the school or program may be prorated among the participating counties on the basis of each one's enrollment therein and that the personnel shall be considered within the above-stated limit.

ARTICLE 20. EDUCATION OF EXCEPTIONAL CHILDREN.

§18-20-10. Dyslexia and dyscalculia defined.

(a) The Legislature finds as follows:

(1) Reading difficulties are the most common cause of academic failure and underachievement;

(2) There are many students who demonstrate significant weaknesses with reading, writing and mathematics that are ~~the root causes of~~ influenced by specific learning disabilities, including dyslexia, dyscalculia, and related learning difficulties. Of those who are referred to special education services in public schools, the majority are referred because of problems with language, reading, writing, or a combination of each;

(3) Teaching reading effectively, especially to students experiencing difficulty, requires considerable knowledge and skill. Informed and effective classroom instruction, especially in the

early grades, can prevent and relieve the severity of language difficulties, and significantly improve literacy development;

(4) For those students with specific learning disabilities, including dyslexia and dyscalculia, who need specialized instruction, competent intervention can lessen the impact of the disorder and help the student overcome the most debilitating symptoms;

(5) While programs for specific learning disabilities, including dyslexia and dyscalculia, that certify or support teachers, clinicians or specialists differ in their preparation methodologies, teaching approaches and organizational purposes, they should ascribe to a common set of professional standards for the benefit of the students they serve. Compliance with such standards can assure the public that individuals who serve students with specific learning disabilities in public schools are prepared to implement scientifically based and clinically proven practices;

(6) ~~The American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition (DSM-5), and the federal Individuals with Disabilities Education and Improvement Act of 2004 (IDEA) offer~~ The International Dyslexia Association (IDA) offers widely-adopted and consistent standards to guide the preparation, certification, and professional development for teachers of reading and related literacy skills in classroom, remedial and clinical settings; and

(7) The basis of ascribing to common standards to benefit students with specific learning disabilities, including dyslexia and dyscalculia, requires recognizing common characteristics of the disabilities. The Legislature finds that the definitions of dyslexia and dyscalculia prescribed by ~~IDEA and DSM-5~~ the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, Text Revision (DSM-5-TR) are the appropriate ~~measure~~ measures for recognizing characteristics of dyslexia and dyscalculia in students.

(b) The Legislature recognizes the following regarding dyslexia and dyscalculia:

(1) Dyslexia and dyscalculia are conditions that may be considered under the specific learning disability category, and their definitions are consistent with IDEA and state board policy. State board policy provides that "specific learning disability" means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia and developmental aphasia;

(2) Dyslexia is an alternative term used to refer to a pattern of learning difficulties characterized by problems with accurate or fluent word recognition, poor decoding, and poor spelling abilities. If dyslexia is used to specify this particular pattern of difficulties, it is important also to specify any additional difficulties that are present, such as difficulties with reading comprehension or math reasoning; and

(3) Dyscalculia is an alternative term used to refer to a pattern of learning difficulties characterized by problems processing numerical information, learning arithmetic facts, and performing accurate or fluent calculations. If dyscalculia is used to specify this particular pattern of mathematic difficulties, it is important also to specify any additional difficulties that are present, such as difficulties with math reasoning or word reasoning accuracy.

~~(c) the state board is responsible for the following:~~

~~(1) Ensuring that all students receive the necessary and appropriate screenings, evaluations and early assessments for specific learning disabilities, including dyslexia and dyscalculia;~~

~~(2) Ensuring that any Individualized Education Program regarding specific learning disabilities, including dyslexia or dyscalculia, which is developed or implemented, is consistent with the provisions of this section; and~~

~~(3) Providing ongoing information and education to parents regarding specific learning disabilities, including dyslexia and dyscalculia, and the services available to students with such disabilities.~~

(c) The state board shall:

(1) Develop a list of appropriate screeners, early assessments, and professional development that address and ensure that all students receive the necessary and appropriate screenings, evaluations, and early assessments for specific learning disabilities, including dyslexia and dyscalculia which contain information related to the following:

(A) Appropriate literacy and numeracy screening tools for identifying students who are at risk for academic difficulty in reading and/or math, including dyslexia and dyscalculia, and who require tiered intervention;

(B) Appropriate diagnostic assessment components that can be used to help identify and diagnose;

(C) Appropriate evidence-based instruction and intervention strategies for students who are at risk for academic difficulty in reading and/or mathematics, including students who exhibit possible indicators of risk for dyslexia and/or dyscalculia;

(D) Appropriate accommodations for students who exhibit possible indicators of risk for, or who have been diagnosed with, dyslexia, dyscalculia, and/or other specific learning disabilities;

(E) Connecting a multi-tiered system of support framework to specific learning disability identification; and

(F) The use of the terms "dyslexia" and "dyscalculia" in Individualized Education Programs, and in evaluation reports by professionals qualified to render these diagnoses; and

(2) Explore options to assist any LEA with acquiring approved literacy and/or numeracy screening tools: *Provided*, That the local educational agency is unable to acquire its own literacy and/or numeracy screening tools that are consistent with state educational agency recommendations;

(3) Adopt and make publicly available guidelines for including dyslexia diagnostic evaluation components in comprehensive assessments for special education and related services. These guidelines shall:

(A) Recommend at least one person on each multidisciplinary evaluation team be knowledgeable about dyslexia and be able to recognize when a dyslexia diagnostic component should be requested in the evaluation process;

(B) Recommend that a diagnosis of dyslexia be given when the data from the comprehensive evaluation components indicate such a diagnosis is appropriate;

(C) Include recommendations for how to document a dyslexia diagnosis in an IEP; and

(D) Include that a Section 504 Plan be considered if a student has a dyslexia diagnosis but does not qualify for special education services;

(4) Adopt and make publicly available a list of approved diagnostic assessment components that can be used to help identify and diagnose dyslexia during comprehensive multidisciplinary evaluations;

(5) Adopt and make publicly available guidelines and a list of resources for dyslexia intervention practices that are evidence-based, including practices consistent with the Science of Reading and Structured Literacy, that are explicit, direct, sequential, systematic, and multisensory;

(6) Adopt and make publicly available a list of recommended accommodations and instructional practices to be used with students who exhibit signs of dyslexia or have been diagnosed with dyslexia. These shall reflect contemporary research and guidelines of the Science of Reading related to dyslexia. These recommendations shall include, but are not limited to, structured literacy approaches that are explicit, direct, sequential, systematic, and multisensory;

(7) Adopt and make publicly available a list of available professional development resources that support evidence-based intervention for struggling readers, including the Science of Reading and Structured Literacy. This list shall be made publicly available and include resources endorsed or espoused by technical assistance centers, research organizations, and professional associations that support the Science of Reading and Structured Literacy regarding dyslexia, including the International Dyslexia Association; and

(8) Develop and make publicly available informational materials related to dyslexia for parents and guardians that include information about the multidisciplinary evaluation process, updated regularly.

(d) The local education agency shall:

(1) Develop a system for parents and guardians to annually receive digital and print informational materials related to dyslexia;

(2) Ensure at least one educator at each school is trained to administer, score, and interpret the data from the literacy screening instrument or instruments, and to recognize signs of dyslexia;

(3) Notify parents of the results of these literacy screeners while emphasizing that not all students who perform poorly on these screening instruments have dyslexia. Also, not all students with dyslexia will perform poorly on the screeners;

(4) Provide evidence-based reading intervention to students who exhibit academic risk in future reading performance, including indicators of dyslexia;

(5) Conduct comprehensive assessments to determine eligibility for special education services when a child does not respond or only minimally responds to intervention strategies

and/or when there is a suspected disability of dyslexia. If a determination is made through the evaluation process that a student needs assessed for dyslexia, provide assessment and diagnosis as necessary per West Virginia Department of Education guidelines;

(6) Employ appropriate accommodations and instructional practices recommended by the West Virginia Department of Education based upon the students' needs. When those needs are related to dyslexia, these accommodations and instructional techniques or strategies shall also meet the West Virginia Department of Education-approved guidelines for dyslexia accommodations and instructional practices;

(7) Require all elementary educators, special educators, reading interventionists or specialists, and other personnel determined appropriate by the local education agency to receive professional development on the possible signs of dyslexia and the related classroom accommodations and instructional practices approved by the West Virginia Department of Education;

(8) Administer a literacy screening instrument or instruments to students in grades 3-5 who transfer from a local education agency where literacy screening instruments were not administered. If the literacy screening instrument indicates a deficit in reading, the school will provide intervention according to current policy. If a student does not respond or only minimally responds to intervention, a referral for multidisciplinary evaluation shall be made; and

(9) Require all appropriate personnel, as determined by the local education agency, to annually receive professional development relating to the possible indicators for dyslexia and dyscalculia, accommodations and modifications in the classroom environment, proper instructional practices for educating students who exhibit possible indicators of risk for, or who have been, diagnosed with dyslexia, dyscalculia, and/or other specific learning disabilities. Local education agencies may create more than one module to satisfy the requirements of this subdivision.

(e) The state board shall promulgate a rule pursuant to §29A-3B-1 et seq. of this code to implement this section. In addition to other provisions to implement this section, the rule shall at least include the following:

(1) If a student is reading substantially below grade level according to formal and/or informal assessments, including benchmark assessments, and has never been evaluated for special education, a request may be made by a school, parent, or teacher for the administration of an age- or grade-appropriate West Virginia Department of Education-approved literacy screening instrument or instruments. These points of data may be used to either start intervention and progress monitoring per West Virginia Department of Education guidance, or make a referral for a special education evaluation;

(2) Acknowledgement that each local education agency may have one certified Literacy and Numeracy Specialist in each local education agency, or another appropriate professional designated by relevant local education agency leadership, to be appropriately trained, or be seeking appropriate training, in intervention, accommodations, and instructional strategies for students with dyslexia or a related disorder. The trained individual(s) shall serve as an advisor and trainer for dyslexia and related disorders for the local education agency. The reading specialist(s) or other designated professional(s) shall have an understanding of the definition of dyslexia and a working knowledge of:

(A) Techniques to help a student on the continuum of skills with dyslexia;

(B) Dyslexia characteristics that may manifest at different ages and levels;

(C) The basic foundation of the keys to reading, including multisensory, explicit, systematic, and structured literacy instruction; and

(D) Appropriate interventions, accommodations, and assistive technology supports for students with dyslexia.

(f) *Legislative Oversight Commission on Education Accountability (LOCEA):*

(1) The final draft of the state board's literacy and numeracy rule shall be submitted to the Legislative Oversight Commission on Education Accountability (LOCEA) by August 1, 2023.

(2) The following shall be submitted to the Legislative Oversight Commission on Education Accountability (LOCEA) annually:

(A) Disaggregated data concerning literacy and numeracy patterns statewide;

(B) Statewide interventions implemented; and

(C) The statewide professional development plan.

(3) Progress monitoring regarding K-2 screening and 3-8 formative assessments shall be presented to the Legislative Oversight Commission on Education Accountability (LOCEA) after data is collected for the beginning, middle, and end of the school year.

Engrossed Committee Substitute for House Bill 3035, as just amended, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Jeffries 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. 3035) passed.

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

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

Eng. Com. Sub. for House Bill 3035—A Bill to amend and reenact §18-2E-10 of the Code of West Virginia, 1931, as amended; to amend and reenact §18-5-18a of said code; to amend and reenact §18-9A-5 of said code; and to amend and reenact §18-20-10 of said code, all relating

to enhancing academic achievement of students including those with learning disabilities; establishing the Third Grade Success Act; replacing transformative system of support for early literacy with multi-tiered system of support for early literacy and numeracy in kindergarten through grade three; revising findings; defining "science of reading"; revising inclusions in West Virginia Board of Education rules required to effectuate Third Grade Success Act section; requiring each county board to adopt high-quality instructional materials; specifying data to be used to inform the classroom teacher's recommendation on grade level retention; requiring county boards of education to provide in-service training for early childhood classroom assistant teachers, aides, classroom teachers, and in certain instances, interventionists in grades kindergarten through three; updating deadlines for West Virginia Board of Education multi-tiered system of support for early literacy and numeracy reports; modifying provisions pertaining to funding for Third Grade Success Act section; requiring retention in the third grade in certain circumstances; specifying exceptions to third grade retention requirement; adding maximum teacher-pupil ratio for pre-kindergarten; adding maximum early childhood classroom assistant teacher or aide-pupil ratio for kindergarten through grade three; phasing in early childhood classroom assistant teacher/aide requirement for grades one through three; allowing county boards to employ an interventionist instead of an early childhood assistant teacher or aide; removing requirement for survey of districts on class overcrowding and report to the Legislative Oversight Commission on Education Accountability a tailored plan for reducing class overcrowding; phasing in increased ratios of service personnel per 1,000 students for the purpose of determining the basic foundation allowance for service personnel; revising findings pertaining to standards to guide the preparation, certification, and professional development for teachers of reading and related literacy skills and appropriate measures for recognizing characteristics of dyslexia and dyscalculia; replacing responsibilities of the West Virginia Board of Education pertaining to specific learning disabilities, including dyslexia and dyscalculia, with duties of the state board and the local education agencies; requiring state board rule to implement section pertaining to dyslexia and dyscalculia; stating minimum inclusions for rule; and requiring report of certain information to the Legislative Oversight Commission on Education Accountability.

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 3036, Increasing the number of districts and the limit on approved costs under the BUILD WV Act.

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

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Karnes, Maroney, Maynard, Nelson, Oliverio, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: Martin—1.

Absent: Jeffries 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. 3036) 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 3077, Relating to making the use of the multi-state real time tracking system permanent.

On third reading, coming up in regular order, 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.

Eng. Com. Sub. for House Bill 3084, Relating to revising provisions related to public charter schools.

On third reading, coming up in regular order, 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.

Eng. Com. Sub. for House Bill 3092, Relating to in-state food service permit reciprocity.

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

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Jeffries 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. 3092) passed with its title.

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

Eng. House Bill 3156, Raising the compensation rates of panel attorneys.

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 8, 2023, for further amendments to be received on third reading, was read a third time.

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

On page 6, section 13a, line 134, by striking out the word "\$40" and inserting in lieu thereof the word "\$30".

Engrossed House Bill 3156, as just amended, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Jeffries 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. 3156) 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.

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

Eng. House Bill 3156—A Bill to amend and reenact §29-21-13a of the Code of West Virginia, 1931, as amended, by raising the compensation rates of panel attorneys; and for dismissed or not guilty charge expungement only, providing the panel attorney to continue providing representation after the dismissal to achieve the expungement.

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 3168, Ensuring investment in WV Tourism is competitive with other states and accessible long term.

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

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Jeffries 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. 3168) 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 3189, The PFAS Protection Act.

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

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Jeffries 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. 3189) passed.

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

Eng. Com. Sub. for House Bill 3189—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §22-11C-1, §22-11C-2, §22-11C-3, and §22-11C-4, all relating to identifying the sources of perfluoroalkyl and polyfluoroalkyl substances discharged into source waters used for public drinking water; providing legislative findings; providing state and federal regulation history, status, and future expectations; providing definitions; requiring the Department of Environmental Protection to begin identifying sources of PFAS in water sources and address sources of PFAS for certain public water systems with action plans; requiring facilities using PFAS chemicals to monitor and report their use; setting forth other duties of those facilities; clarifying duties and obligations of public water systems and water treatment systems; providing information disclosure provisions; requiring the Secretary of the Department of Environmental Protection to propose changes to statutes and rules and to update numeric public water supply human health criteria; requiring the Department of Environmental Protection to implement permit modifications to require monitoring; and requiring legislative rule-making.

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 3191, Relating to certain facilities operated by the state government to obtain a license.

On third reading, coming up in regular order, 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.

Eng. Com. Sub. for House Bill 3224, Adding West Virginia Junior College to the list of eligible institutions that accept PROMISE scholarship recipients.

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

Pending discussion,

The question being "Shall Engrossed Committee Substitute for House Bill 3224 pass?"

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Jeffries 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. 3224) 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 3271, Relating to increasing monitoring of special education classrooms.

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

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Jeffries 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. 3271) 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 3332, Creating judicial circuits and assigning the number of circuit judges in each circuit to be elected in the 2024 election.

On third reading, coming up in regular order, with the unreported committee amendments pending, and with the right having been granted on yesterday, Wednesday, March 8, 2023, 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.

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

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

CHAPTER 3. ELECTIONS.

ARTICLE 1. GENERAL PROVISIONS AND DEFINITIONS.

§3-1-17. Election of circuit judges; county and district officers; magistrates.

(a) There shall be elected, at the time of the primary election to be held in 2016, and every eighth year thereafter, one judge of the circuit court of every judicial circuit entitled to one judge, and one judge for each numbered division of the judicial circuit in those judicial circuits entitled to two or more circuit judges; and at the time of the primary election to be held in 2016, and in every fourth year thereafter, the number of magistrates prescribed by law for the county. Beginning with the election held in the year 2016, an election for the purpose of electing judges of the circuit

court, or an election for the purpose of electing magistrates, shall be upon a nonpartisan ballot printed for the purpose.

(b) There shall be elected, at the general election to be held in 1992, and every fourth year thereafter, a sheriff, prosecuting attorney, surveyor of lands, and the number of assessors prescribed by law for the county; and at the general election to be held in 1990, and every second year thereafter, a commissioner of the county commission for each county; and at the general election to be held in 1992, and every sixth year thereafter, a clerk of the county commission and a clerk of the circuit court for each county.

(c) Effective with the primary election of 2016, all elections for judge of the circuit courts in the respective circuits and magistrates in each county will be elected on a nonpartisan basis and by division as set forth more fully in article five of this chapter.

(d) Beginning with the judicial election in 2024, and in every judicial election thereafter, if no candidate in a division for judge of a circuit court receives more than 30 percent of the votes cast in the election, there shall be a runoff election at the subsequent general election between the two candidates who received the highest and next-highest number of votes cast in that division.

CHAPTER 50. MAGISTRATE COURTS.

ARTICLE 1. COURTS AND OFFICERS.

§50-1-2. Number of magistrates.

(a) The number of magistrates to be elected in each county of this state shall be determined in accordance with the provisions of this section.

(b) Beginning on the effective date of this subsection and until December 31, 2024, the number of magistrates in each county of the state shall be as follows:

(1) Barbour County shall have two magistrates;

(2) Berkeley County shall have six magistrates;

(3) Boone County shall have two magistrates;

(4) Braxton County shall have two magistrates;

(5) Brooke County shall have two magistrates;

(6) Cabell County shall have seven magistrates;

(7) Calhoun County shall have two magistrates;

(8) Clay County shall have two magistrates;

(9) Doddridge County shall have two magistrates;

(10) Fayette County shall have four magistrates;

(11) Gilmer County shall have two magistrates;

(12) Grant County shall have two magistrates;

(13) Greenbrier County shall have three magistrates;

(14) Hampshire County shall have two magistrates;

(15) Hancock County shall have three magistrates;

(16) Hardy County shall have two magistrates;

(17) Harrison County shall have five magistrates;

(18) Jackson County shall have two magistrates;

(19) Jefferson County shall have three magistrates;

(20) Kanawha County shall have 10 magistrates;

(21) Lewis County shall have two magistrates;

(22) Lincoln County shall have two magistrates;

(23) Logan County shall have three magistrates;

(24) Marion County shall have four magistrates;

(25) Marshall County shall have three magistrates;

(26) Mason County shall have two magistrates;

(27) McDowell County shall have three magistrates;

(28) Mercer County shall have five magistrates;

(29) Mineral County shall have two magistrates;

(30) Mingo County shall have three magistrates;

(31) Monongalia County shall have four magistrates: *Provided*, That effective July 1, 2023, Monongalia County shall have five magistrates, and the initial appointment for the additional magistrate shall be made in accordance with the provisions of §50-1-6 of this code;

(32) Monroe County shall have two magistrates;

(33) Morgan County shall have two magistrates;

(34) Nicholas County shall have three magistrates;

(35) Ohio County shall have four magistrates;

(36) Pendleton County shall have two magistrates;

(37) Pleasants County shall have two magistrates;

(38) Pocahontas County shall have two magistrates;

(39) Preston County shall have three magistrates;

(40) Putnam County shall have three magistrates;

(41) Raleigh County shall have five magistrates;

(42) Randolph County shall have three magistrates;

(43) Ritchie County shall have two magistrates;

(44) Roane County shall have two magistrates;

(45) Summers County shall have two magistrates;

(46) Taylor County shall have two magistrates;

(47) Tucker County shall have two magistrates;

(48) Tyler County shall have two magistrates;

(49) Upshur County shall have two magistrates;

(50) Wayne County shall have three magistrates;

(51) Webster County shall have two magistrates;

(52) Wetzel County shall have two magistrates;

(53) Wirt County shall have two magistrates;

(54) Wood County shall have four magistrates; and

(55) Wyoming County shall have three magistrates.

(c) Beginning on January 1, 2025, the number of magistrates in each county of the state shall be as follows:

(1) Barbour County shall have two magistrates, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

(2) Berkeley County shall have seven magistrates, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

(3) Boone County shall have two magistrates, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

(4) Braxton County shall have two magistrates, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

(5) Brooke County shall have two magistrates, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

(6) Cabell County shall have seven magistrates, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

(7) Calhoun County shall have two magistrates, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

(8) Clay County shall have two magistrates, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

(9) Doddridge County shall have two magistrates, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

(10) Fayette County shall have four magistrates, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

(11) Gilmer County shall have two magistrates, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

(12) Grant County shall have two magistrates, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

(13) Greenbrier County shall have three magistrates, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

(14) Hampshire County shall have two magistrates, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

(15) Hancock County shall have three magistrates, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

(16) Hardy County shall have two magistrates, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

(17) Harrison County shall have five magistrates, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

(18) Jackson County shall have two magistrates, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

(19) Jefferson County shall have four magistrates, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

(20) Kanawha County shall have 13 magistrates, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

(21) Lewis County shall have two magistrates, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

(22) Lincoln County shall have two magistrates, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

(23) Logan County shall have four magistrates, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

(24) Marion County shall have four magistrates, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

(25) Marshall County shall have three magistrates, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

(26) Mason County shall have two magistrates, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

(27) McDowell County shall have three magistrates, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

(28) Mercer County shall have five magistrates, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

(29) Mineral County shall have two magistrates, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

(30) Mingo County shall have three magistrates, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

(31) Monongalia County shall have six magistrates, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

(32) Monroe County shall have two magistrates, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

(33) Morgan County shall have two magistrates, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

(34) Nicholas County shall have three magistrates, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

(35) Ohio County shall have four magistrates, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

(36) Pendleton County shall have two magistrates, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

(37) Pleasants County shall have two magistrates, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

(38) Pocahontas County shall have two magistrates, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

(39) Preston County shall have three magistrates, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

(40) Putnam County shall have three magistrates, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

(41) Raleigh County shall have six magistrates, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

(42) Randolph County shall have three magistrates, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

(43) Ritchie County shall have two magistrates, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

(44) Roane County shall have two magistrates, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

(45) Summers County shall have two magistrates, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

(46) Taylor County shall have two magistrates, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

(47) Tucker County shall have two magistrates, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

(48) Tyler County shall have two magistrates, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

(49) Upshur County shall have two magistrates, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

(50) Wayne County shall have three magistrates, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

(51) Webster County shall have two magistrates, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

(52) Wetzel County shall have two magistrates, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

(53) Wirt County shall have two magistrates, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

(54) Wood County shall have six magistrates, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every fourth year thereafter; and

(55) Wyoming County shall have three magistrates, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every fourth year thereafter.

~~(b) (d)~~ In the year ~~2026~~, the Supreme Court of Appeals shall conduct or otherwise arrange for a caseload study of the magistrate courts of this state for the purpose of determining how many magistrates are needed in each county. Based upon the results of this study and upon consideration of county population data from the most recent decennial census, the Supreme Court of Appeals shall enter an administrative order on or before January 5, ~~2023~~ 2027, containing the Supreme Court of Appeal's recommendations as to the number of magistrates who are needed in each of the state's 55 counties for the four-year terms of office to be filled by election in the year ~~2024~~ 2028. ~~The administrative order shall allocate no more than 170 magistrates for the entire State of West Virginia, nor shall the allocation reduce the number of magistrates in any county below that in effect on the effective date of the amendments to this section enacted during the 2022 regular session of the Legislature~~ Attested copies of the administrative order shall be provided to the President of the West Virginia Senate, the Clerk of the Senate, the Clerk and the Speaker of the West Virginia House of Delegates, and the West Virginia Secretary of State.

~~(c) (e)~~ The West Virginia Legislature may ~~in the regular session of the Legislature, 2023~~ reject the allocation of magistrates recommended by the Supreme Court of Appeals in its administrative order entered for the judicial elections to be held in ~~2028~~, and allocate magistrates for the four-year terms commencing in January of ~~2025~~ 2029, and serving through December of ~~2028~~ 2032, as the Legislature may choose by enactment of a bill containing such an allocation.

~~(d) (f)~~ If the Legislature does not enact a different allocation of the magistrates to be elected in ~~2024~~ 2028, pursuant to subsection ~~(c) (e)~~ of this section, then the administrative order of the Supreme Court of Appeals required by subsection ~~(b) (d)~~ of this section shall become the certification to the ballot commissioners of each county in this state of the number of magistrates to be elected in each county of this state at the judicial elections to be held concurrently with the primary election ~~in 2024~~.

~~(e) (g)~~ The process set forth in this section shall be repeated every four years in the first and second years immediately preceding the quadrennial election of magistrates.

§50-1-8. Magistrate court clerks; salaries; duties; duties of circuit clerk.

(a) In each county having three or more magistrates, the judge of the circuit court or the chief judge of the circuit court, if there is more than one judge of the circuit court, shall appoint a magistrate court clerk. In all other counties the judge may appoint a magistrate court clerk or may, by rule, require the duties of the magistrate court clerk to be performed by the clerk of the circuit court, in which event the circuit court clerk is entitled to additional compensation in the amount of \$2,500 per year. The magistrate court clerk serves at the will and pleasure of the circuit judge.

(b) Magistrate court clerks shall be paid at least twice per month by the state. ~~Magistrate court clerks serving magistrates who serve less than seven thousand three hundred in population shall be paid up to \$39,552 per year and magistrate court clerks serving magistrates who serve seven thousand three hundred or more in population shall be paid up to \$44,712 per year. Provided, That after the effective date of this section, any general salary increase granted to all state employees, whose salaries are not set by statute, expressed as a percentage increase or an across the board increase, may also be granted to magistrate court clerks. For the purpose of determining the population served by each magistrate, the number of magistrates authorized for each county shall be divided into the population of each county. The salary of the magistrate court clerk shall be established by the judge of the circuit court, or the chief judge of the circuit court if there is more than one judge of the circuit court, within the limits set forth in this section~~ The annual salary of all magistrate court clerks is \$52,296. Beginning July 1, 2023, the annual salary

of a magistrate court clerk shall be \$54,596. Magistrate court clerks may receive any general salary increase granted to state employees, whose salaries are not set by statute, expressed as a percentage increase or an across-the-board increase, implemented after July 1, 2023.

(c) In addition to other duties that may be imposed by the provisions of this chapter or by the rules of the Supreme Court of Appeals or the judge of the circuit court or the chief judge of the circuit court if there is more than one judge of the circuit court, it is the duty of the magistrate court clerk to establish and maintain appropriate dockets and records in a centralized system for the magistrate court, to assist in the preparation of the reports required of the court and to carry out on behalf of the magistrates or chief magistrate if a chief magistrate is appointed, the administrative duties of the court.

(d) The magistrate court clerk, or if there is no magistrate court clerk in the county, the clerk of the circuit court, may issue all manner of civil process and require the enforcement of subpoenas and subpoenas duces tecum in magistrate court.

~~(e) Notwithstanding any provision of this code to the contrary, the amendments made to this section during the 2013 first extraordinary session are effective upon passage and are retroactive to January 1, 2013.~~

~~(f) Beginning January 1, 2017, the annual salary of all magistrate court clerks is \$44,720. After the effective date of this section, a general salary increase granted to state employees, whose salaries are not set by statute, expressed as a percentage increase or an across-the-board increase, may also be granted to magistrate court clerks~~

§50-1-9. Magistrate assistants; salary; duties.

(a) In each county there shall be at least one magistrate assistant for each magistrate; however, the Supreme Court of Appeals may authorize additional magistrate assistants if the workload of a county's magistrate court requires extra staff support. Each magistrate assistant shall be appointed by the magistrate under whose authority and supervision and at whose will and pleasure he or she shall serve. If more than one magistrate assistant per magistrate is approved by the Supreme Court of Appeals, then the chief magistrate, or chief circuit judge if no chief magistrate is designated, shall appoint, supervise, and assign job duties for any additional magistrate assistant as needed for that county. The assistant shall not be a member of the immediate family of any magistrate and shall not have been convicted of a felony or any misdemeanor involving moral turpitude and shall reside in the State of West Virginia. For the purpose of this section, "immediate family" means the relationships of mother, father, sister, brother, child, or spouse.

(b) A magistrate assistant shall have the duties, clerical or otherwise, assigned by the magistrate and prescribed by the rules of the Supreme Court of Appeals or the judge of the circuit court, or the chief judge of the circuit court if there is more than one judge of the circuit court. In addition to these duties, magistrate assistants shall perform and are accountable to the magistrate court clerks with respect to the following duties:

- (1) The preparation of summons in civil actions;
- (2) The assignment of civil actions to the various magistrates;

(3) The collection of all costs, fees, fines, forfeitures, and penalties which are payable to the court;

(4) The submission of moneys, along with an accounting of the moneys, to appropriate authorities as provided by law;

(5) The daily disposition of closed files which are to be located in the magistrate clerk's office;

(6) All duties related to the gathering of information and documents necessary for the preparation of administrative reports and documents required by the rules of the Supreme Court of Appeals, or the judge of the circuit court or the chief judge of the circuit court if there is more than one judge of the circuit court;

(7) All duties relating to the notification, certification, and payment of jurors serving pursuant to the terms of this chapter; and

(8) All other duties or responsibilities whereby the magistrate assistant is accountable to the magistrate court clerk as determined by the magistrate.

(c) Magistrate assistants shall be paid at least twice per month by the state. The annual salary of all magistrate assistants is \$46,932. Beginning July 1, 2023, the annual salary of a magistrate assistant shall be \$49,232. Magistrate assistants may receive any general salary increase granted to state employees, whose salaries are not set by statute, expressed as a percentage increase or an across-the-board increase enacted after July 1, 2023. ~~Magistrate assistants serving magistrates who serve less than seven thousand three hundred in population shall be paid up to \$36,048 per year and magistrate assistants serving magistrates who serve seven thousand three hundred or more in population shall be paid up to \$39,348 per year. *Provided*, That after the effective date of this section, any general salary increase granted to all state employees, whose salaries are not set by statute, expressed as a percentage increase or an across-the-board increase, may also be granted to magistrate assistants. For the purpose of determining the population served by each magistrate, the number of magistrates authorized for each county shall be divided into the population of each county. The salary of the magistrate assistant shall be established by the magistrate within the limits set forth in this section.~~

~~(d) Notwithstanding any provision of this code to the contrary, the amendments made to this section during the 2013 first extraordinary session are effective upon passage and are retroactive to January 1, 2013.~~

~~(e) Beginning January 1, 2017, the annual salary of all magistrate assistants is \$39,348. After the effective date of this section, a general salary increase granted to state employees, whose salaries are not set by statute, expressed as a percentage increase or an across-the-board increase, may also be granted to magistrate assistants~~

§50-1-9a. Magistrate court deputy clerks; duties; salary.

(a) Whenever required by workload and upon the recommendation of the judge of the circuit court, or the chief judge of the circuit court if there is more than one judge of the circuit court, the Supreme Court of Appeals may ~~by rule~~ by rule provide for the appointment of magistrate court deputy clerks. ~~not to exceed seventy two in number~~ The magistrate court deputy clerks shall be appointed by the judge of the circuit court, or the chief judge of the circuit court if there is more

than one judge of the circuit court, to serve at his or her will and pleasure under the immediate supervision of the magistrate court clerk.

(b) Magistrate court deputy clerks shall have the duties, clerical or otherwise, as may be assigned by the magistrate court clerk and as may be prescribed by the rules of the Supreme Court of Appeals, ~~or the judge of the circuit court, or the chief judge of the circuit court~~, if there is more than one judge of the circuit court. Magistrate court deputy clerks may also exercise the power and perform the duties of the magistrate court clerk as may be delegated or assigned by the magistrate court clerk.

(c) A magistrate court deputy clerk may not be an immediate family member of any magistrate, magistrate court clerk, magistrate assistant, or judge of the circuit court within the same county; may not have been convicted of a felony or any misdemeanor involving moral turpitude; and must reside in this state. For purposes of this subsection, "immediate family member" means a mother, father, sister, brother, child, or spouse.

~~(d) Magistrate court deputy clerks shall be paid an annual salary by the state on the same basis and in the same amounts established for magistrate assistants in each county, as provided in section nine of this article~~ Magistrate court deputy clerks shall be paid at least twice per month by the state. The annual salary of all magistrate court deputy clerks is \$46,932. Beginning July 1, 2023, the annual salary of a magistrate court deputy clerk shall be \$49,232. Magistrate court deputy clerks may receive any general salary increase granted to state employees whose salaries are not set by statute, expressed as a percentage increase or an across-the-board increase implemented after July 1, 2023.

~~(e) Notwithstanding any provision of this code to the contrary, the amendments made to section nine of this article during the 2013 First Extraordinary Session, and the effects of those amendments on subsection (d) of this section, are effective upon passage and are retroactive to January 1, 2013.~~

~~(f) Beginning January 1, 2017, the annual salary of all magistrate court deputy clerks is \$39,348. After the effective date of this section, a general salary increase granted to state employees, whose salaries are not set by statute, expressed as a percentage increase or an across-the-board increase, may also be granted to magistrate court deputy clerks~~

§50-1-9c. Additional magistrate court support staff; duties; salary.

The Supreme Court of Appeals is authorized to create additional classifications of support staff that it deems necessary to adequately and efficiently staff the magistrate courts of this state, including, but not limited to cashiers, data entry clerks, and deputy magistrate assistants. The Supreme Court of Appeals may determine the authority to hire and terminate, supervise, and assign job duties for these positions pursuant to its own employment rules, policies, and procedures. The annual salary of additional support staff authorized by this section shall not exceed the regular annual salary of a magistrate assistant and shall be paid by the state on the same basis and in the same amounts established for magistrate assistants in each county, as provided in §50-1-9 of this code.

CHAPTER 51. COURTS AND THEIR OFFICERS.

ARTICLE 2. CIRCUIT COURTS; CIRCUIT JUDGES.

§51-2-1. Judicial circuits; terms of office; legislative findings and declarations; elections; terms of court.

(a) Beginning on the effective date of this subsection and until December 31, 2024, the state shall be divided into the following judicial circuits with the following number of judges:

(1) The counties of Brooke, Hancock, and Ohio shall constitute the first circuit and shall have four judges;

(2) The counties of Marshall, Tyler, and Wetzel shall constitute the second circuit and shall have two judges;

(3) The counties of Doddridge, Pleasants, and Ritchie shall constitute the third circuit and shall have one judge;

(4) The counties of Wood and Wirt shall constitute the fourth circuit and shall have three judges;

(5) The counties of Calhoun, Jackson, Mason, and Roane shall constitute the fifth circuit and shall have ~~two~~ three judges ~~Provided, That effective January 1, 2017, said circuit court shall have three judges; said additional circuit judge to be elected at the regularly scheduled election(s) to be held in the year 2016 and every eighth year thereafter;~~

(6) The county of Cabell shall constitute the sixth circuit and shall have four judges;

(7) The county of Logan shall constitute the seventh circuit and shall have two judges;

(8) The county of McDowell shall constitute the eighth circuit and shall have two judges;

(9) The county of Mercer shall constitute the ninth circuit and shall have three judges;

(10) The county of Raleigh shall constitute the tenth circuit and shall have ~~three~~ four judges ~~Provided, That effective January 1, 2017, said circuit court shall have four judges; said additional circuit judge to be elected at the regularly scheduled election(s) to be held in the year 2016 and every eighth year thereafter;~~

(11) The counties of Greenbrier and Pocahontas shall constitute the eleventh circuit and shall have two judges;

(12) The county of Fayette shall constitute the twelfth circuit and shall have two judges;

(13) The county of Kanawha shall constitute the thirteenth circuit and shall have seven judges;

(14) The counties of Braxton, Clay, Gilmer, and Webster shall constitute the fourteenth circuit and shall have two judges;

(15) The county of Harrison shall constitute the fifteenth circuit and shall have three judges;

(16) The county of Marion shall constitute the sixteenth circuit and shall have two judges;

(17) The county of Monongalia shall constitute the seventeenth circuit and shall have three judges;

(18) The county of Preston shall constitute the eighteenth circuit and shall have one judge;

(19) The counties of Barbour and Taylor shall constitute the nineteenth circuit and shall have ~~one judge~~ two judges ~~Provided, That effective January 1, 2019, said circuit court shall have two judges; said additional circuit judge to be appointed by the Governor and subsequently elected at the next scheduled primary election to be held in 2020 for the unexpired term pursuant to §3-10-3 of this code: Provided, however, That said additional circuit judge shall thereafter be elected at the regularly scheduled election(s) to be held in the year 2024 and every eighth year thereafter;~~

(20) The county of Randolph shall constitute the twentieth circuit and shall have one judge;

(21) The counties of Grant, Mineral, and Tucker shall constitute the twenty-first circuit and shall have two judges;

(22) The counties of Hampshire, Hardy, and Pendleton shall constitute the twenty-second circuit and shall have two judges;

(23) The counties of Berkeley, Jefferson, and Morgan shall constitute the twenty-third circuit and shall have ~~five~~ six judges; ~~Provided, That effective January 1, 2017, said circuit court shall have six judges; said additional circuit judge to be elected at the regularly scheduled election(s) to be held in the year 2016 and every eighth year thereafter~~

(24) The county of Wayne shall constitute the twenty-fourth circuit and shall have two judges;

(25) The counties of Lincoln and Boone shall constitute the twenty-fifth circuit and shall have two judges;

(26) The counties of Lewis and Upshur shall constitute the twenty-sixth circuit and shall have ~~one judge~~ two judges ~~Provided, That effective January 1, 2017, said circuit court shall have two judges; said additional circuit judge to be elected at the regularly scheduled election(s) to be held in the year 2016 and every eighth year thereafter;~~

(27) The county of Wyoming shall constitute the twenty-seventh circuit and shall have one judge;

(28) The county of Nicholas shall constitute the twenty-eighth circuit and shall have one judge;

(29) The county of Putnam shall constitute the twenty-ninth circuit and shall have two judges;

(30) The county of Mingo shall constitute the thirtieth circuit and shall have one judge; and

(31) The counties of Monroe and Summers shall constitute the thirty-first circuit and shall have one judge.

(b) Effective January 1, 2025, the state shall be divided into the following judicial circuits with the following number of judges who shall be elected by the voters of the entire circuit, but in separate divisions, as required by §3-5-6b of this code.

(1) The counties of Brooke, Hancock, and Ohio shall constitute the first circuit and shall have four judges, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every eighth year thereafter;

(2) The counties of Marshall, Tyler, and Wetzel shall constitute the second circuit and shall have two judges, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every eighth year thereafter;

(3) The counties of Doddridge, Pleasants, Ritchie, and Wirt shall constitute the third circuit and shall have two judges, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every eighth year thereafter: *Provided*, That no more than one judge shall be a resident of any county comprising the third circuit; *Provided, however*, That if the highest vote recipients in both divisions are also both residents of the same county, then the candidate with the highest overall number of votes shall be declared the winner of the division in which he or she ran; *Provided, further*, That the candidate who has the highest number of votes in the other division who is not a resident of the same county as the highest overall vote recipient shall be declared the winner of the division in which he or she ran;

(4) The county of Wood shall constitute the fourth circuit and shall have three judges, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every eighth year thereafter;

(5) The counties of Calhoun, Jackson, Mason, and Roane shall constitute the fifth circuit and shall have three judges, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every eighth year thereafter; *Provided*, That Division 1 in the fifth circuit shall be for a judge who resides in Jackson County at the time of his or her filing and for the duration of his or her service, Division 2 in the fifth circuit shall be for a judge who resides in Mason County at the time of his or her filing and for the duration of his or her service, and Division 3 in the fifth circuit shall be for a judge who resides in either Calhoun County or Roane County at the time of his or her filing and for the duration of his or her service;

(6) The county of Cabell shall constitute the sixth circuit and shall have four judges, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every eighth year thereafter;

(7) The county of Putnam shall constitute the seventh circuit and shall have two judges, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every eighth year thereafter;

(8) The county of Kanawha shall constitute the eighth circuit and shall have eight judges, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every eighth year thereafter;

(9) The counties of Boone and Lincoln shall constitute the ninth circuit and shall have two judges, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every eighth year thereafter;

(10) The county of Wayne shall constitute the tenth circuit and shall have two judges, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every eighth year thereafter;

(11) The counties of Logan and Mingo shall constitute the eleventh circuit and shall have three judges, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every eighth year thereafter; *Provided*, That Division 1 in the eleventh circuit shall be for a judge who will reside at the time of his or her filing and during his or her service in Mingo County,

Division 2 in the eleventh circuit shall be for a judge who will reside at the time of his or her filing and during his or her service in Logan County, and Division 3 in the eleventh circuit shall be for a judge who will reside at the time of his or her filing and during his or her service in Logan County;

(12) The counties of McDowell and Wyoming shall constitute the twelfth circuit and shall have two judges, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every eighth year thereafter; *Provided*, That Division 1 in the twelfth circuit shall be for a judge who will reside at the time of his or her filing and during his or her service in McDowell County, and Division 2 in the twelfth circuit shall be for a judge who will reside at the time of his or her filing and during his or her service in Wyoming County;

(13) The county of Mercer shall constitute the thirteenth circuit and shall have three judges, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every eighth year thereafter;

(14) The county of Raleigh shall constitute the fourteenth circuit and shall have four judges, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every eighth year thereafter;

(15) The county of Fayette shall constitute the fifteenth circuit and shall have two judges, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every eighth year thereafter;

(16) The county of Nicholas shall constitute the sixteenth circuit and shall have two judges, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every eighth year thereafter;

(17) The counties of Braxton, Clay, Gilmer, and Webster shall constitute the seventeenth circuit and shall have two judges, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every eighth year thereafter: *Provided*, That no more than one judge shall be a resident of any county comprising the seventeenth circuit; *Provided, however*, That if the highest vote recipients in both divisions are also both residents of the same county, then the candidate with the highest overall number of votes shall be declared the winner of the division in which he or she ran; *Provided, further*, That the candidate who has the highest number of votes in the other division who is not a resident of the same county as the highest overall vote recipient shall be declared the winner of the division in which he or she ran;

(18) The counties of Lewis and Upshur shall constitute the eighteenth circuit and shall have two judges, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every eighth year thereafter; *Provided*, That Division 1 in the eighteenth circuit shall be for a judge who will reside at the time of his or her filing and during his or her service in Upshur County, and Division 2 in the eighteenth circuit shall be for a judge who will reside at the time of his or her filing and during his or her service in Lewis County;

(19) The county of Harrison shall constitute the nineteenth circuit and shall have three judges, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every eighth year thereafter;

(20) The county of Marion shall constitute the twentieth circuit and shall have two judges, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every eighth year thereafter;

(21) The county of Monongalia shall constitute the twenty-first circuit and shall have three judges, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every eighth year thereafter;

(22) The counties of Preston and Tucker shall constitute the twenty-second circuit and shall have two judges, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every eighth year thereafter;

(23) The counties of Barbour and Taylor shall constitute the twenty-third circuit and shall have two judges, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every eighth year thereafter;

(24) The county of Randolph shall constitute the twenty-fourth circuit and shall have two judges, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every eighth year thereafter;

(25) The counties of Grant and Mineral shall constitute the twenty-fifth circuit and shall have two judges, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every eighth year thereafter;

(26) The counties of Hampshire, Hardy, and Pendleton shall constitute the twenty-sixth circuit and shall have two judges, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every eighth year thereafter;

(27) The counties of Berkley and Morgan shall constitute the twenty-seventh circuit and shall have five judges, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every eighth year thereafter;

(28) The county of Jefferson shall constitute the twenty-eighth circuit and shall have two judges, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every eighth year thereafter;

(29) The counties of Greenbrier and Pocahontas shall constitute the twenty-ninth circuit and shall have two judges, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every eighth year thereafter; and

(30) The counties of Monroe and Summers shall constitute the thirtieth circuit and shall have one judge, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every eighth year thereafter.

~~(b)~~ (c) The ~~Kanawha~~ Raleigh County circuit court shall be a court of concurrent jurisdiction with ~~each~~ the remaining single-judge circuit where the sitting judge in the single-judge circuit is unavailable by reason of sickness, vacation, or other reason.

~~(c)~~ (d) Any judge in office on the effective date of the reenactment of this section shall continue as a judge of the circuit as constituted under prior enactments of this section, unless sooner removed or retired as provided by law, until December 31, ~~2016~~ 2024.

~~(d)~~ (e) The term of office of all circuit court judges shall be for eight years. The term of office for all circuit court judges elected during an election conducted in the year ~~2016~~ 2024, shall commence on January 1, ~~2017~~, 2025, and end on December 31, ~~2024~~ 2032.

~~(e)~~ (f) For election purposes, in every judicial circuit having two or more judges there shall be numbered divisions corresponding to the number of circuit judges in each circuit. Each judge shall be elected at large from the entire circuit. In each numbered division of a judicial circuit, the candidates for ~~nomination~~ or election shall be voted upon, and the votes cast for the candidates in each division shall be tallied separately from the votes cast for candidates in other numbered divisions within the circuit. The candidate receiving the highest number of the votes cast within a numbered division shall be ~~nominated~~ or elected, as the case may be except as provided above with respect to the third and seventeenth circuits.

~~(f) Judges serving a judicial circuit comprised of four or more counties with two or more judges shall not be residents of the same county.~~

(g) The Supreme Court of Appeals shall, by rule, establish the terms of court of circuit judges.

ARTICLE 2A. FAMILY COURTS.

§51-2A-3. Number of family court judges; assignment of family court judges by family court circuits.

~~(a) Beginning on January 1, 2009, forty five family court judges shall serve throughout the state, allocated among a total of twenty seven family court circuits as follows:~~

~~(1) The counties of Brooke, Hancock and Ohio shall constitute the first family court circuit and have two family court judges;~~

~~(2) The counties of Marshall, Wetzel and Tyler shall constitute the second family court circuit and have one family court judge;~~

~~(3) The counties of Pleasants and Wood shall constitute the third family court circuit and have two family court judges;~~

~~(4) The counties of Roane, Calhoun, Gilmer and Ritchie shall constitute the fourth family court circuit and have one family court judge;~~

~~(5) The counties of Mason, Jackson and Wirt shall constitute the fifth family court circuit and have two family court judges;~~

~~(6) The county of Cabell shall constitute the sixth family court circuit and have two family court judges;~~

~~(7) The county of Wayne shall constitute the seventh family court circuit and have one family court judge;~~

~~(8) The county of Mingo shall constitute the eighth family court circuit and have one family court judge;~~

~~(9) The county of Logan shall constitute the ninth family court circuit and have two family court judges;~~

~~(10) The counties of Lincoln and Boone shall constitute the tenth family court circuit and have two family court judges;~~

~~(11) The county of Kanawha shall constitute the eleventh family court circuit and have five family court judges;~~

~~(12) The counties of McDowell and Mercer shall constitute the twelfth family court circuit and have three family court judges;~~

~~(13) The counties of Raleigh, Summers and Wyoming shall constitute the thirteenth family court circuit and have three family court judges;~~

~~(14) The county of Fayette shall constitute the fourteenth family court circuit and have one family court judge;~~

~~(15) The counties of Greenbrier and Monroe shall constitute the fifteenth family court circuit and have one family court judge;~~

~~(16) The counties of Clay and Nicholas shall constitute the sixteenth family court circuit and have one family court judge;~~

~~(17) The counties of Braxton, Lewis and Upshur shall constitute the seventeenth family court circuit and have one family court judge;~~

~~(18) The counties of Harrison and Doddridge shall constitute the eighteenth family court circuit and have two family court judges;~~

~~(19) The county of Marion shall constitute the nineteenth family court circuit and have one family court judge;~~

~~(20) The counties of Monongalia and Preston shall constitute the twentieth family court circuit and have two family court judges;~~

~~(21) The counties of Barbour and Taylor shall constitute the twenty first family court circuit and have one family court judge;~~

~~(22) The counties of Tucker and Randolph shall constitute the twenty second family court circuit and have one family court judge;~~

~~(23) The counties of Mineral, Hampshire and Morgan shall constitute the twenty third family court circuit and have one family court judge;~~

~~(24) The counties of Berkeley and Jefferson shall constitute the twenty fourth family court circuit and have three family court judges;~~

~~(25) The counties of Hardy, Pendleton and Grant shall constitute the twenty fifth family court circuit and have one family court judge;~~

~~(26) The county of Putnam shall constitute the twenty sixth family court circuit and have one family court judge; and~~

~~(27) The counties of Webster and Pocahontas shall constitute the twenty seventh family court circuit and have one family court judge.~~

~~(b) (a) Beginning on January 1, 2017~~ Beginning on the effective date of this subsection and until December 31, 2024, 47 family court judges shall serve throughout the state, allocated among a total of 27 family court circuits as follows:

(1) The counties of Brooke, Hancock, and Ohio shall constitute the first family court circuit and have two family court judges;

(2) The counties of Marshall, Wetzel, and Tyler shall constitute the second family court circuit and have one family court judge;

(3) The counties of Pleasants and Wood shall constitute the third family court circuit and have two family court judges;

(4) The counties of Roane, Calhoun, Gilmer, and Ritchie shall constitute the fourth family court circuit and have one family court judge;

(5) The counties of Mason, Jackson, and Wirt shall constitute the fifth family court circuit and have two family court judges;

(6) The county of Cabell shall constitute the sixth family court circuit and have three family court judges;

(7) The county of Wayne shall constitute the seventh family court circuit and have one family court judge;

(8) The county of Mingo shall constitute the eighth family court circuit and have one family court judge;

(9) The county of Logan shall constitute the ninth family court circuit and have two family court judges;

(10) The counties of Lincoln and Boone shall constitute the tenth family court circuit and have two family court judges;

(11) The county of Kanawha shall constitute the eleventh family court circuit and have five family court judges;

(12) The counties of McDowell and Mercer shall constitute the twelfth family court circuit and have three family court judges;

(13) The counties of Raleigh, Summers, and Wyoming shall constitute the thirteenth family court circuit and have three family court judges;

(14) The county of Fayette shall constitute the fourteenth family court circuit and have one family court judge;

(15) The counties of Greenbrier and Monroe shall constitute the fifteenth family court circuit and have one family court judge;

(16) The counties of Clay and Nicholas shall constitute the sixteenth family court circuit and have one family court judge;

(17) The counties of Braxton, Lewis, and Upshur shall constitute the seventeenth family court circuit and have one family court judge;

(18) The counties of Harrison and Doddridge shall constitute the eighteenth family court circuit and have two family court judges;

(19) The county of Marion shall constitute the nineteenth family court circuit and have one family court judge;

(20) The counties of Monongalia and Preston shall constitute the twentieth family court circuit and have two family court judges;

(21) The counties of Barbour and Taylor shall constitute the twenty-first family court circuit and have one family court judge;

(22) The counties of Tucker and Randolph shall constitute the twenty-second family court circuit and have one family court judge;

(23) The counties of Mineral, Hampshire and Morgan shall constitute the twenty-third family court circuit and have two family court judges;

(24) The counties of Berkeley and Jefferson shall constitute the twenty-fourth family court circuit and have three family court judges;

(25) The counties of Hardy, Pendleton, and Grant shall constitute the twenty-fifth family court circuit and have one family court judge;

(26) The county of Putnam shall constitute the twenty-sixth family court circuit and have one family court judge; and

(27) The counties of Webster and Pocahontas shall constitute the twenty-seventh family court circuit and have one family court judge.

(b) Effective January 1, 2025, 48 family court judges shall serve throughout the state, allocated among a total of 27 family court circuits as follows:

(1) The counties of Brooke, Hancock, and Ohio shall constitute the first family court circuit and have two family court judges, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every eighth year thereafter;

(2) The counties of Marshall, Wetzel, and Tyler shall constitute the second family court circuit and have one family court judge, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every eighth year thereafter;

(3) The counties of Pleasants and Wood shall constitute the third family court circuit and have two family court judges, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every eighth year thereafter;

(4) The counties of Roane, Calhoun, Gilmer, and Ritchie shall constitute the fourth family court circuit and have one family court judge, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every eighth year thereafter;

(5) The counties of Mason, Jackson, and Wirt shall constitute the fifth family court circuit and have two family court judges, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every eighth year thereafter;

(6) The county of Cabell shall constitute the sixth family court circuit and have three family court judges, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every eighth year thereafter;

(7) The county of Wayne shall constitute the seventh family court circuit and have one family court judge, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every eighth year thereafter;

(8) The county of Mingo shall constitute the eighth family court circuit and have one family court judge, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every eighth year thereafter;

(9) The county of Logan shall constitute the ninth family court circuit and have two family court judges, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every eighth year thereafter;

(10) The counties of Lincoln and Boone shall constitute the tenth family court circuit and have two family court judges, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every eighth year thereafter;

(11) The county of Kanawha shall constitute the eleventh family court circuit and have five family court judges, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every eighth year thereafter;

(12) The counties of McDowell and Mercer shall constitute the twelfth family court circuit and have three family court judges, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every eighth year thereafter;

(13) The counties of Raleigh, Summers, and Wyoming shall constitute the thirteenth family court circuit and have three family court judges, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every eighth year thereafter;

(14) The county of Fayette shall constitute the fourteenth family court circuit and have one family court judge, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every eighth year thereafter;

(15) The counties of Greenbrier and Monroe shall constitute the fifteenth family court circuit and have one family court judge, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every eighth year thereafter;

(16) The counties of Clay and Nicholas shall constitute the sixteenth family court circuit and have one family court judge, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every eighth year thereafter;

(17) The counties of Lewis and Upshur shall constitute the seventeenth family court circuit and have one family court judge, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every eighth year thereafter;

(18) The counties of Harrison and Doddridge shall constitute the eighteenth family court circuit and have two family court judges, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every eighth year thereafter;

(19) The county of Marion shall constitute the nineteenth family court circuit and have one family court judge, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every eighth year thereafter;

(20) The counties of Monongalia and Preston shall constitute the twentieth family court circuit and have two family court judges, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every eighth year thereafter;

(21) The counties of Barbour and Taylor shall constitute the twenty-first family court circuit and have one family court judge, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every eighth year thereafter;

(22) The counties of Tucker and Randolph shall constitute the twenty-second family court circuit and have one family court judge, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every eighth year thereafter;

(23) The counties of Mineral, Hampshire, and Morgan shall constitute the twenty-third family court circuit and have two family court judges, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every eighth year thereafter;

(24) The counties of Berkeley and Jefferson shall constitute the twenty-fourth family court circuit and have four family court judges with the additional family court judge to be elected at the regularly scheduled election held in 2024, and every eighth year thereafter;

(25) The counties of Hardy, Pendleton, and Grant shall constitute the twenty-fifth family court circuit and have one family court judge, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every eighth year thereafter;

(26) The county of Putnam shall constitute the twenty-sixth family court circuit and have one family court judge, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every eighth year thereafter; and

(27) The counties of Webster, Braxton, and Pocahontas shall constitute the twenty-seventh family court circuit and have one family court judge, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every eighth year thereafter.

(c) Family court judges taking office January 1, ~~2017~~ 2025, shall be elected at the regularly scheduled election(s) occurring in the year ~~2016~~ 2024, and shall serve for a term of eight years.

(d) The Legislature has the authority and may determine to realign the family court circuits and has the authority and may determine to increase or decrease the number of family court judges within a family court circuit, from time to time. Any person appointed or elected to the office of family court judge acknowledges the authority of the Legislature to realign family court circuits and the authority of the Legislature to increase or decrease the number of family court judges within a family court circuit.

§51-2A-6. Compensation and expenses of family court judges and their staffs.

(a) A family court judge is entitled to receive as compensation for his or her services an annual salary of \$62,500: Provided, That beginning July 1, 2005, a family court judge is entitled to receive as compensation for his or her services an annual salary of \$82,500: Provided, however, That beginning July 1, 2011, the annual salary of a family court judge shall be \$94,500: Provided further, That beginning July 1, 2020, the annual salary of a family court judge shall be \$103,950.

(b) The secretary-clerk of the family court judge is appointed by the family court judge and serves at his or her will and pleasure. The secretary-clerk of the family court judge is entitled to receive an annual salary of \$27,036: Provided, That on and after July 1, 2006, the annual salary of the secretary-clerk shall be established by the Administrative Director of the Supreme Court of Appeals, but may not exceed \$39,000. In addition, any person employed as a secretary-clerk to a family court judge on the effective date of the enactment of this section during the sixth extraordinary session of the Legislature in the year 2001 who is receiving an additional \$500 per year up to 10 years of a certain period of prior employment under the provisions of the prior enactment of §51-2A-8 of this code during the second extraordinary session of the Legislature in the year 1999 shall continue to receive such additional amount. Further, the secretary-clerk will receive such percentage or proportional salary increases as may be provided by general law for other public employees and is entitled to receive the annual incremental salary increase as provided in §5-5-1 et seq. of this code The secretary-clerk of the family court shall be paid at least twice per month by the state. The annual salary of all secretary-clerks of the family court is \$42,576. Beginning July 1, 2023, the annual salary of a family court secretary-clerk shall be \$44,876. Family court secretary-clerks may receive any general salary increase granted to state employees, whose salaries are not set by statute, expressed as a percentage increase or an across-the-board increase enacted after July 1, 2023.

(c) The family court judge may employ not more than one family case coordinator who serves at his or her will and pleasure: Provided, That the Supreme Court of Appeals may authorize additional family case coordinators if the workload of a circuit's family court requires extra staff support. The annual salary of the family case coordinator of the family court judge shall be established by the Administrative Director of the Supreme Court of Appeals but may not exceed \$36,000 \$54,576. Provided, That on and after July 1, 2006, the annual salary of the family case coordinator of the family court judge may not exceed \$51,000. The family case coordinator will receive such percentage or proportional salary increases as may be provided by general law for other public employees and is entitled to receive the annual incremental salary increase as provided in §5-5-1 et seq. of this code Beginning July 1, 2023, the annual salary of a family court case coordinator shall not exceed \$56,876. Family court case coordinators may receive any general salary increase granted to state employees, whose salaries are not set by statute, expressed as a percentage increase or an across-the-board increase enacted after July 1, 2023. If more than one family case coordinator is approved by the Supreme Court of Appeals, then the chief family court judge of that circuit shall appoint, supervise, and assign job duties for any additional family case coordinator as needed for that circuit.

(d) The sheriff or his or her designated deputy shall serve as a bailiff for a family court judge. The sheriff of each county shall serve or designate persons to serve so as to assure that a bailiff is available when a family court judge determines the same is necessary for the orderly and efficient conduct of the business of the family court.

(e) Disbursement of salaries for family court judges and members of their staffs are made by or pursuant to the order of the Director of the Administrative Office of the Supreme Court of Appeals.

(f) Family court judges and members of their staffs are allowed their actual and necessary expenses incurred in the performance of their duties. The expenses and compensation will be determined and paid by the Director of the Administrative Office of the Supreme Court of Appeals under such guidelines as he or she may prescribe, as approved by the Supreme Court of Appeals.

(g) Notwithstanding any other provision of law, family court judges are not eligible to participate in the retirement system for judges under the provisions of §51-9-1 et seq. of this code

(g) The Supreme Court of Appeals is authorized to create additional classifications of support staff that it deems necessary to adequately and efficiently staff the family courts of this state, including, but not limited to, receptionists, assistant case coordinators, and assistant secretary-clerks. The Supreme Court of Appeals may determine the authority to hire and terminate, supervise, and assign job duties for these positions pursuant to its own employment rules, policies, and procedures. The annual salary of additional support staff authorized by this section shall not exceed the regular annual salary of a secretary-clerk and shall be paid by the state on the same basis established for secretary-clerks as provided in this section.

On motion of Senator Trump, the following amendment to the Finance committee amendment to the bill (Eng. Com. Sub. for H. B. 3332) was reported by the Clerk and adopted:

On page 8, section 2, line 170, by striking out the word "six" and inserting in lieu thereof the word "five".

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

Engrossed Committee Substitute for House Bill 3332, as just amended, was then put upon its passage.

Pending discussion,

The question being "Shall Engrossed Committee Substitute for House Bill 3332 pass?"

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: Tarr—1.

Absent: Jeffries 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. 3332) 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.

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

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

Eng. Com. Sub. for House Bill 3332—A Bill to amend and reenact §3-1-16 of the Code of West Virginia, 1931, as amended; to amend and reenact §50-1-2, §50-1-8, §50-1-9, and §50-1-9a of said code; to amend said code by adding thereto a new section, designated §50-1-9c; to amend and reenact §51-2-1 of said code; and to amend and reenact §51-2A-3 and §51-2A-6 of said code; all relating generally to judicial officers and judicial staff; establishing runoff elections for circuit court judges in certain circumstances; establishing the number of magistrates per county before and after a date certain; establishing magisterial term length and election dates; setting forth process for Supreme Court of Appeals to undertake magistrate caseload study and submit administrative order regarding magistrate allocation; eliminating limit on maximum number of magistrates; eliminating restriction against reducing number of magistrates; removing payment of magistrates salaries based on population; establishing certain magistrate staff salaries and payment periods; authorizing additional magistrate assistants per magistrate based on workload, subject to certain restrictions; altering the county composition of certain circuit court circuits; establishing the number of circuit court judges per circuit before and after a date certain; providing for concurrent jurisdiction in single judge circuit; altering the county composition of certain family court circuits; establishing the number of family court judges per family court circuit before and after a date certain; establishing salaries of family court judges; establishing certain family court staff salaries and payment periods; permitting Supreme Court of Appeals to increase number of family case coordinators; authorizing the Supreme Court of Appeals to create staff classifications and to appoint additional support staff to family court judges based on workload, subject to certain restrictions; and providing internal effective dates.

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

Pending announcement of a meeting of the Committee on Rules,

On motion of Senator Takubo, at 12:54 p.m., the Senate recessed until 1:30 p.m. today.

The Senate reconvened at 1:35 p.m. and resumed consideration of the remainder of its third reading calendar, the next bill coming up in numerical sequence being

Eng. Com. Sub. for House Bill 3344, To pay certain moral obligations of the state.

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

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Jeffries 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. 3344) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Jeffries 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. 3344) takes effect from passage.

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

Eng. Com. Sub. for House Bill 3369, Creating a School Safety Unit within the Division of Protective Services.

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

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Jeffries 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. 3369) passed with its title.

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

Eng. House Bill 3371, Relating to federal funds for land-grant institutions.

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

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Jeffries 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. 3371) 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 3398, Relating to the establishment of the West Virginia Memorial to Fallen Heroes of the Global War on Terrorism.

On third reading, coming up in regular order, with the unreported Military committee amendment pending, and with the right having been granted on yesterday, Wednesday, March 8, 2023, for further amendments to be received on third reading, was read a third time.

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

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

ARTICLE 3B. THE WEST VIRGINIA MEMORIAL TO FALLEN HEROES OF THE GLOBAL WAR ON TERRORISM.

§10-3B-1. Legislative findings, purposes, intent, and short title.

(a) In order to preserve the memory of West Virginia servicemembers killed in action in the conflicts in Iraq, Afghanistan, and other locations during the United States War on Terror a monument shall be constructed on the State Capitol grounds to recognize and honor those West Virginians who made the ultimate sacrifice while serving in these conflicts.

(b) This article may be cited as the "West Virginia Memorial to Fallen Heroes of the Global War on Terrorism."

§10-3B-2. Monument construction commission.

(a) A commission shall be established on or before July 1, 2023, to oversee construction of the monument. The commission shall be comprised of:

(1) The Curator of the Department of Arts, Culture, and History, who shall serve as chairperson ex officio;

(2) The Secretary of the Department of Administration;

(3) The Secretary of the Department of Veterans Assistance;

(4) A member of the West Virginia House of Delegates, who shall be appointed by the Speaker of the House of Delegates, with preference given to a member who is a veteran of the Armed Forces; and

(5) A member of the West Virginia Senate, who shall be appointed by the President of the Senate, with preference given to a member who is a veteran of the Armed Forces.

(b) A majority of the members of the commission must be present at a meeting in order to constitute a quorum, and a majority of those members present at a meeting must vote in the affirmative in order to pass a motion. A meeting called by the chair requires at least five days' written notice of the meeting be provided to the members. Additionally, the chair shall call a meeting upon written demand of at least three members.

§10-3B-3. Design, construction, and administration of the monument.

(a) The commission shall choose a design for the monument, to the greatest extent practicable, by December 31, 2023, that:

(1) Is in line with classical themes of veterans memorials throughout the nation while taking into account appropriate historical, religious, and philosophical themes as well as public comments submitted to the commission;

(2) Adheres to the principles described in §10-3B-1 of this code and is reflective of those West Virginians killed during the United State War on Terror;

(3) Is found to be aesthetically pleasing by the commission; and

(4) Is placed on the grounds of the West Virginia State Capitol.

(b) The commission shall solicit bids for construction of the monument and shall adhere to all state purchasing and payment processing laws and regulations in paying its vendors.

(c) The commission shall have a target date for the completion and dedication of the monument, to the greatest extent practicable, of December 31, 2024.

§10-3B-4. Funding for the monument; authority for obtaining additional funds to complete or enhance the monument.

The Division of Labor shall allocate funds in the amount up to \$750,000 toward the completion of the monument from any available funds that are managed or utilized by the Division of Labor. The commission shall have the authority to obtain funding through grants, charitable donations, or other appropriate means for the completion or enhancement of the monument.

§10-3B-5. Memorial inscription or plaque.

There shall be inscribed or engraved upon the monument, or otherwise permanently affixed by means of a plaque the following text:

(1) The names of all West Virginia servicemembers killed in action during the United States War on Terror as described in §10-3B-1 of this code; and

(2) Any other text the commission deems appropriate in accordance with §10-3B-3(a)(1) of this code.

§10-3B-6. Conclusion of the commission's work.

(a) The commission shall be disbanded at such time that the monument has been completed and has been appropriately dedicated in accordance with the provisions of this article; *Provided, however,* If the monument is not completed or dedicated by December 31, 2024, the commission shall be continued until such time that the monument is completed and dedicated.

(b) Upon the commission's termination, ownership of the monument shall be transferred to the Department of Arts, Culture, and History, and any funds remaining in the commission's control at that time shall be granted to the Department of Arts, Culture, and History for the monument's enhancement and perpetual maintenance.

Engrossed Com. Sub. for H. B. 3398, as just amended, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Jeffries 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. 3398) passed.

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

Eng. Com. Sub. for House Bill 3398—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §10-3B-1, §10-3B-2, §10-3B-3, §10-3B-4, §10-3B-5, and §10-3B-6, all relating to the establishment of the West Virginia Memorial to Fallen Heroes of the Global War on Terrorism; providing for legislative findings, purposes, intent, and short title; establishing a monument construction commission; defining membership and procedural rules of the monument construction commission; charging commission with construction of a monument to Fallen Heroes of the Global War on Terrorism; detailing guidelines for the commission; directing Division of Labor allocate funds for the monument; detailing guidelines for the affixation of an inscription or plaque to the monument; and terminating commission upon completion of the monument.

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

Eng. House Bill 3441, Revising the training requirements for members of the Higher Education Policy Commission, Council for Community and Technical College Education and the institutional governing boards.

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

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Jeffries 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. 3441) passed with its title.

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

Eng. House Bill 3512, Making a supplementary appropriation to the Department of Health and Human Resources, Division of Human Services.

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

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Jeffries 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. H. B. 3512) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Jeffries 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. 3512) takes effect from passage.

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

Eng. House Bill 3514, Making a supplementary appropriation to the Department of Health and Human Resources, Division of Health – West Virginia Birth-to-Three Fund.

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

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Jeffries 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. H. B. 3514) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Plymale,

Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Jeffries 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. 3514) takes effect from passage.

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

Eng. House Bill 3516, Making a supplementary appropriation to the Department of Health and Human Resources, Division of Health – West Virginia Safe Drinking Water Treatment.

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

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Jeffries 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. H. B. 3516) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Jeffries 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. 3516) takes effect from passage.

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

Eng. House Bill 3517, Making a supplementary appropriation to the Division of Human Services – Child Care and Development.

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

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio,

Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Jeffries 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. H. B. 3517) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Jeffries 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. 3517) takes effect from passage.

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

Eng. House Bill 3555, Relating to student purchase and refunds of course material.

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

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Jeffries 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. 3555) passed.

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

Eng. House Bill 3555—A Bill to amend and reenact §18B-10-14 of the Code of West Virginia, 1931, as amended, relating to allowing higher education institutions to offer a courseware and book fee at a lump sum or per credit hour amount if an opt out option is offered for students in advance of the start of each academic term; amending provisions pertaining to requirements imposed on institutions when there are new or increased charges for course materials or digital courseware for certain reasons; adding to exclusions from the requirement that the agreement between an institution and an entity under which the institution assesses on the entity's behalf or

allows the entity to assess a charge to students enrolled at the institution include a prohibition against the entity engaging in, or authorizing third parties to engage in, the sale, disclosure, licensing, use, retention, or other exploitation of any data collected under the agreement; and removing prohibition against denial of a student access to educational materials for which the student has been, or would otherwise be, automatically charged on the student's refusal or failure to agree to the sale, disclosure, licensing, use, retention, or other exploitation of any data pertaining to the student that would be obtained through the use of the student's educational materials.

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

Eng. House Bill 3557, Making a supplementary appropriation to the Department of Veterans' Assistance.

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

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Jeffries 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. H. B. 3557) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Jeffries 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. 3557) takes effect from passage.

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

Eng. House Bill 3559, Relating to defining a newborn safety device.

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

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio,

Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Jeffries 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. 3559) 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 3559—A Bill to amend and reenact §49-4-201 of the Code of West Virginia, 1931, as amended, relating to newborn safety devices; authorizing the use of newborn safety devices; describing the installation and location of a newborn safety device; granting anonymity to the person placing a child in a newborn safety device; outlining the monitoring of a newborn safety device; requiring the transportation of a child found in a newborn safety device to a hospital or medical facility; waiving rights of notification and standing by the person placing a child in a newborn safety device; granting immunity to the emergency service medical provider who removes the child from the newborn safety device; and removing the anonymity provision if child abuse or neglect are evident.

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

Senator Takubo announced that in the meeting previously held, the Committee on Rules had returned to the Senate calendar, on second reading, **Engrossed Committee Substitute for House Bill 3311**.

The Senate proceeded to the ninth order of business.

Eng. Com. Sub. for House Bill 2005, Establishing the dual enrollment pilot program to be administered by the Higher Education Policy Commission and the Council for Community and Technical College Education in conjunction with the State Board of Education.

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

Eng. Com. Sub. for House Bill 2007, Prohibiting certain medical practices.

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

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

Eng. Com. Sub. for House Bill 2436, Relating to the implementation of an acuity-based patient classification system.

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

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

Eng. Com. Sub. for House Bill 2862, Relating generally to requirements for shareholder voting by the West Virginia Investment Management Board and the Board of Treasury Investments.

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. House Bill 2904, Supplementing and amending appropriations to the Department of Commerce, Office of the Secretary.

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

Eng. Com. Sub. for House Bill 2908, Supplementing and amending appropriations to the Department of Commerce, Division of Forestry.

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

Eng. Com. Sub. for House Bill 2911, Supplementing and amending appropriations to the Department of Homeland Security, Division of Administrative Services.

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

Eng. Com. Sub. for House Bill 2914, Supplementing and amending appropriations to the Governor's Office - Civil Contingent Fund.

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

Eng. House Bill 2939, Relating to filing of lien by municipalities for collection of refuse fees.

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 13. TAXATION AND FINANCE.

§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 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, or refuse 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.

Following discussion,

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

The bill (Eng. H. B. 2939), as amended, was then ordered to third reading.

Eng. House Bill 2967, Expediting License Applications for active military members and veterans, and their spouses.

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

Eng. Com. Sub. for House Bill 3040, Supplementing and amending appropriations to the Department of Administration, Office of the Secretary.

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:

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

That the total appropriation for the fiscal year ending June 30, 2023, to fund 0186, fiscal year 2023, organization 0201, be supplemented and amended by adding a new item of appropriation as follows:

TITLE II – APPROPRIATIONS.

Section 1. Appropriations from general revenue.

DEPARTMENT OF ADMINISTRATION

18 – Department of Administration –

Office of the Secretary

(WV Code Chapter 5F)

Fund 0186 FY 2023 Org 0201

	Appro-		General
	priation		Revenue
			Fund
11a Consolidated Public Retirement – Surplus	82199	\$	26,000,000

The above appropriation for Consolidated Public Retirement – Surplus (fund 0186, appropriation 82199) shall be transferred by the Secretary of Administration to the respective retirement plans in order to provide bonus payments and raise the benefit floor.

The bill (Eng. Com. Sub. for H. B. 3040), as amended, was then ordered to third reading.

Eng. House Bill 3065, Supplementing appropriations to the Department of Transportation, Division of Multimodal Transportation Facilities - Aeronautics Commission.

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

Eng. House Bill 3067, Supplementing and amending appropriations to Department of Transportation, Division of Multimodal Transportation Facilities - Public Transit.

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

Eng. Com. Sub. for House Bill 3074, Supplementing appropriations to the Department of Transportation, Division of Multimodal Transportation Facilities.

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

Eng. House Bill 3108, Supplementing and amending appropriations to the Department of Transportation, Division of Multimodal Transportation Facilities - State Rail Authority.

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

Eng. Com. Sub. for House Bill 3110, Relating to funding the Office of Oil and Gas in the Department of Environmental Protection.

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 2, section 5a, line 9, after the word "code" by inserting a comma and the following: "not to exceed \$1,200,000,".

The bill (Eng. Com. Sub. for H. B. 3110), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill 3130, Creating the Coalfields Energy Research and Economic Development Authority.

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

Eng. Com. Sub. for House Bill 3135, To modify the salaries of the Governor and Constitutional officers beginning January 1, 2025.

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

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

Eng. Com. Sub. for House Bill 3147, To create the Upper Ohio Valley Trail Network.

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

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

On page 2, section 2, lines 16 and 17, after the words "connecting to the" by inserting the word "Upper";

On page 3, section 2, after line 18 by striking out the section caption and substituting thereafter a new section caption to read as follows:

§20-17B-2. Creation of Upper Ohio Valley Trail Network Recreation Authority and establishment of recreation area.;

On page 3, section 2, line 1, by striking out the word "continued" and inserting in lieu thereof the word "created";

And,

On page 4, section 2, line 19, after the word "two" by inserting the word "trail".

The bill (Eng. Com. Sub. for H. B. 3147), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill 3153, Relating to distribution of certain taxes and surcharges to benefit volunteer and part-volunteer fire departments and emergency medical services providers.

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

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

Eng. House Bill 3166, To permit a hospital to hold a patient experiencing a psychiatric emergency for up to 72 hours.

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

Eng. House Bill 3203, Relating generally to West Virginia Real Estate License Act.

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 40. WEST VIRGINIA REAL ESTATE LICENSE ACT.

§30-40-3. License required.

It ~~shall be~~ is unlawful for any person to engage in ~~or carry on~~, directly or indirectly, or to advertise or hold himself or herself out as engaging in or carrying on the business or act in the capacity of a real estate broker, associate broker, or salesperson within this state without first obtaining a license as provided for in this article. Prior to practicing real estate brokerage in this state, a license shall be obtained from the commission even if the person or entity is licensed in another state and is affiliated or otherwise associated with a licensed real estate broker in this state.

§30-40-4. Definitions.

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

"Applicant" means any person who is making application to the commission for a license.

"Associate broker" means any person who qualifies for a broker's license, but who is employed or engaged by a licensed broker to engage in any activity regulated by this article, in the name of and under the direct supervision of the licensed broker.

"Broker" means any person who for compensation or with the intention or expectation of receiving or collecting compensation:

(1) Lists, sells, purchases, exchanges, options, rents, manages, leases, or auctions any interest in real estate; or

(2) Directs or assists in the procuring of a prospect calculated or intended to result in a real estate transaction; or

(3) Advertises or holds himself or herself out as engaged in, negotiates, or attempts to negotiate, or offers to engage in any activity enumerated in subdivision (1) of this subsection.

"Cancelled" means a license that was not renewed by December 31 of the year in which license expired;

"Commission" means the West Virginia Real Estate Commission as established §30-40-6 of this code.

"Compensation" means fee, commission, salary, or other valuable consideration, in the form of money or otherwise.

"Designated broker" means a person holding a broker's license who has been appointed by a partnership, association, corporation, or other form of business organization engaged in the real estate brokerage business, to be responsible for the acts of the business and to whom the partners, members, or board of directors have delegated full authority to conduct the real estate brokerage activities of the business organization.

"Distance education" means courses of asynchronous instruction in which instruction takes place through media where the teacher and student are separated by ~~distance and sometimes~~ by time.

"Entity" means a business, company, corporation, limited liability company, association, or partnership.

"Expired" means a license that was not renewed by July 1.

"Inactive" means a licensee who is not authorized to conduct any real estate business and is not required to comply with any continuing education requirements.

"License" means a license to act as a broker, associate broker, or salesperson.

"Licensee" means a person holding a license.

"Member" means a commissioner of the Real Estate Commission.

"Principal" means a person or entity that authorizes a licensee to act on his, her, or its behalf.

"Real estate" means any interest or estate in land, and anything permanently affixed to land.

"Salesperson" means a person employed or engaged by or on behalf of a broker to do or deal in any activity included in this article, in the name of and under the direct supervision of a broker, other than an associate broker: *Provided*, That for the purposes of receiving compensation, a salesperson may designate an entity to receive any compensation payable to the salesperson, including, but not limited to, a limited liability corporation or an S-corporation.

"Team" means any group of two or more associate brokers and/or salespersons, and other non-licensed professionals, affiliated with the same broker or company acting as one agent representative for the principal.

§30-40-5. Scope of practice; exceptions.

(a) The practice of real estate brokerage includes acting in the capacity of a broker, associate broker, or salesperson as defined in §30-40-4 of this code.

(b) The practice of real estate brokerage does not include the activities normally performed by an appraiser, mortgage company, lawyer, engineer, contractor, surveyor, home inspector, or

other professional who may perform an ancillary service in conjunction with a real estate transaction.

(c) The provisions of this article do not apply to:

(1) Any person acting on his or her own behalf as owner or lessor of real estate.

(2) The regular employees of an owner of real estate, who perform any acts regulated by this article, where the acts are incidental to the management of the real estate: *Provided*, That the employee does not receive additional compensation for the act and does not perform the act as a vocation.

(3) Attorneys-at-law: *Provided*, That attorneys-at-law shall be required to submit to the written examination required under §30-40-12 of this code in order to qualify for a broker's license: *Provided, however*, That an attorney-at-law who is licensed as a real estate broker prior to July 1, 1980, is exempt from the written examination required under §30-40-12 of this code.

(4) Any person holding, in good faith, a valid power of attorney from the owner or lessor of the real estate.

(5) Any person acting as a receiver, trustee, administrator, executor, guardian, conservator, or under the order of any court or under the authority of a deed of trust or will.

(6) A public officer while performing his or her official duties.

(7) Any person acquiring or disposing of any interest in timber or minerals, or acquiring or disposing of properties for easements and ~~rights of ways~~ rights of way, ~~for pipelines, electric power lines and stations, public utilities, railroads, or roads~~

(8) Any person employed exclusively to act as the management or rental agent for the real estate of one person, ~~partnership, or corporation~~ or entity.

(9) Any person properly licensed pursuant to the provisions of §19-2C-1 *et seq.* of this code when conducting an auction, any portion of which contains any leasehold or estate in real estate, only when the person so licensed is retained to conduct an auction by:

(A) A receiver or trustee in bankruptcy;

(B) A fiduciary acting under the authority of a deed of trust or will; or

(C) A fiduciary of a decedent's estate.

(10) Any person employed by a broker in a noncommissioned secretarial or clerical capacity who may in the normal course of employment, be required to:

(A) Disseminate brokerage preprinted and predetermined real estate sales and rental information;

(B) Accept and process rental reservations or bookings for a period not to exceed 30 consecutive days in a manner and procedure predetermined by the broker;

(C) Collect predetermined rental fees for the rentals which are to be promptly tendered to the broker;

(D) Make appointments on behalf of the broker or licensed salesperson with buyers and sellers of real estate and potential buyers and sellers of real estate; or

(E) Any combination thereof.

§30-40-9. Fees; special revenue account; administrative fines.

(a) All fees and other moneys, except administrative fines, received by the commission shall be deposited into the treasury of the state, ~~at least once each month~~ daily, into a special revenue fund known as the "real estate license fund" which is continued.

(b) Except as may be provided in §30-40-10 of this code, the commission shall retain the amounts in the special revenue fund from year to year and no funds collected under this article may be used by the commission for any purpose other than the administration and enforcement of this article. No compensation or expense incurred under this article is a charge against the General Revenue Fund.

(c) Any amounts received as administrative fines imposed pursuant to this article shall be deposited into the General Revenue Fund of the State Treasury.

§30-40-11. Application for license.

The commission shall only issue an original license to an applicant if he or she:

(a) Submits an application, in writing, ~~in~~ on a form prescribed by the commission which ~~must~~ shall contain, but is not limited to:

(1) The applicant's Social Security number;

~~(2) The recommendation of at least two persons who:~~

~~(A) Are property owners at the time of signing the application;~~

~~(B) Have been property owners for at least twelve months preceding the signing of the application;~~

~~(C) Have known the applicant for at least two years;~~

~~(D) Are not related to the applicant;~~

~~(E) Are not affiliated with the applicant as an employer, partner or associate or with the broker that will employ the applicant;~~

~~(F) Believe the applicant bears a good reputation for honesty, trustworthiness and fair dealing;~~
and

~~(G) Believe the applicant is competent to transact the business of a real estate broker, associate broker or salesperson, as the case may be, in a manner that would protect the interest of the public~~

~~(3)~~ (2) A clear record indicating all jurisdictions where the applicant holds or has held any professional license;

~~(4)~~ (3) A clear record indicating if the applicant has been convicted of any criminal offense or if there is any criminal charge pending against the applicant, or a member or officer of the brokerage business, at the time of application;

(b) Is at least 18 years of age;

(c) Is a high school graduate or the holder of an equivalency diploma;

(d) Is trustworthy, of good moral character, and competent to transact the business of a broker, associate broker, or salesperson;

(e) Has paid the appropriate fee, if any, which ~~must~~ shall accompany all applications for original license or renewal;

(f) Has submitted to a state and national criminal history record check, as set forth in this subsection: *Provided*, That an applicant for a license who is an attorney at law may submit a letter of good standing from the ~~Clerk of the Supreme Court of Appeals of West Virginia~~ State Bar in lieu of submitting to a state and national criminal history record check;

(1) This requirement is found not to be against public policy.

(2) The criminal history record check shall be based on fingerprints submitted to the West Virginia State Police or its assigned agent for forwarding to the Federal Bureau of Investigation.

(3) The applicant shall meet all requirements necessary to ~~accomplish~~ complete the state and national criminal history record check, including:

(A) Submitting fingerprints for the purposes set forth in this subsection; and

(B) Authorizing the commission, the West Virginia State Police, and the Federal Bureau of Investigation to use all records submitted and produced for the purpose of screening the applicant for a license.

(4) The results of the state and national criminal history record check may not be released to or by a private entity except:

(A) To the individual who is the subject of the criminal history record check;

(B) With the written authorization of the individual who is the subject of the criminal history record check; or

(C) Pursuant to a court order.

(5) The criminal history record check and related records are not public records for the purposes of chapter 29B of this code.

(6) The applicant shall pay the actual costs of the fingerprinting and criminal history record check.

(7) Before implementing the provisions of this subsection, the commission shall propose rules for legislative approval in accordance with §29A-3-1 *et seq.* of this code. The rules shall set forth the requirements and procedures for the criminal history record check and must be consistent with standards established by the Federal Bureau of Investigation and the National Crime Prevention and Privacy Compact as authorized by 42 U. S. C. A. §14611, *et seq.*

§30-40-12. Qualifications for broker's license.

(a) An applicant for a broker's license shall:

(1) ~~Have served an apprenticeship as a licensed salesperson for two years or shall produce evidence satisfactory to the commission, in its sole discretion, of real estate experience equivalent to two years full time experience as a licensed salesperson~~ Submit evidence satisfactory to the commission of either: (i) Real estate experience as a licensed real estate salesperson during the two years prior to the date of application showing the applicant's representation of a buyer or seller in a minimum of 10 closed transactions; if the applicant is engaged solely in the leasing or renting of real estate, representation of the landlord or tenant in a minimum of 10 closed transactions of at least one year in duration; or if the applicant is engaged solely in the management of a real estate brokerage company, active involvement in a minimum of 20 closed transactions; or (ii) regardless of the number of years as a licensed salesperson: a minimum of 20 closed transactions; if the applicant is engaged solely in the leasing or renting of real estate, representation of the landlord or tenant in a minimum of 20 closed transactions of at least one year duration; or if the applicant is engaged solely in the management of a real estate brokerage company, active involvement in a minimum of 30 closed transactions. For the purposes of this section, a "closed transaction" means a transaction that resulted in the real estate being conveyed from seller to buyer in which the applicant represented the seller, buyer, or both, or a transaction that resulted in the consummation of a lease of no less than one year in duration in which the applicant represented either the landlord or tenant of the real estate;

(2) Submit satisfactory evidence of having completed the required education course as provided for in §30-40-14 of this code; and

(3) Successfully pass the examination or examinations provided by the commission.

(b) No broker's license shall be issued in the name of ~~a corporation, association or partnership~~ an entity except through one of its members or officers.

(c) No broker's license shall may be issued in the name of ~~a corporation, association or partnership~~ an entity unless each member or officer who will engage in the real estate business, obtains a license as a real estate salesperson or associate broker.

§30-40-13. Qualifications for salesperson's license.

(a) An applicant for a salesperson's license shall:

(1) Submit satisfactory evidence of having completed the required education course as provided in §30-40-14 of this code; and

(2) Successfully pass the examination or examinations provided by the commission.

(b) No salesperson's license may be issued in the name of an entity except through one of its members or officers.

(c) No salesperson's license may be issued in the name of an entity unless each member or officer, who will engage in the real estate business, obtains a license as a real estate salesperson or associate broker.

§30-40-14. Prelicense education.

(a) Applicants for a broker's license shall provide evidence satisfactory to the commission that he or she has completed at least 180 clock-hours, equivalent to 12 college semester credit hours, in a course or courses approved by the commission: *Provided*, That an applicant for a broker's license who holds a salesperson's license in this state shall ~~only~~ be required to provide evidence that he or she has completed an additional 90 clock-hours, equivalent to six college semester hours, in a course or courses approved by the commission.

(b) Applicants for a salesperson's license shall provide evidence satisfactory to the commission that he or she has completed 90 clock-hours, equivalent to six college semester credit hours, in a course or courses approved by the commission.

(c) Any course required by subsection (a) or (b) of this section ~~must~~ shall have been completed during the ~~five-year~~ three-year period preceding the date of application in order to be accepted by the commission.

§30-40-15. Licensing ~~nonresidents~~ based on licensure in another jurisdiction.

(a) The commission may recognize a valid license issued by another jurisdiction as satisfactorily qualifying ~~a nonresident person~~ an applicant who is licensed to practice real estate brokerage in another jurisdiction to obtain a comparable license in this state: *Provided*, That the ~~nonresident applicant~~ applicant has qualified for ~~original license in his or her jurisdiction of residence in another jurisdiction~~ by examination and by complying with all the provisions for obtaining ~~an original~~ a license in that jurisdiction and the jurisdiction affords the same privilege to licensees of this state.

(b) In order to obtain a license in this state, ~~a nonresident~~ an applicant under this section ~~must~~ shall:

- (1) Submit the ~~appropriate~~ application on a form prescribed by the commission and fee, if any;
- (2) ~~Sign a statement that the applicant has read the real estate license law and rules of this state and agrees to abide by those provisions in all brokerage activity conducted in this state~~ Pass the West Virginia state law portion of the licensure examination approved by the commission;
- (3) ~~Cause the real estate licensing body of the applicant's resident jurisdiction to furnish a certification of licensure which shall contain a clear record of any disciplinary actions~~ Submit a certification of licensure showing that the applicant possesses an active license to practice real estate brokerage in another jurisdiction;
- (4) ~~Cause the real estate licensing body of any other jurisdiction where the applicant currently holds or has held a real estate license to furnish a certification of licensure which shall contain a~~

~~clear record of any disciplinary actions~~ Submit record(s) showing all disciplinary actions imposed against the applicant by any jurisdiction in which the applicant holds or held a license, if any; and

(5) ~~File with the commission~~ For non-resident applicants, submit an irrevocable written designation that appoints the executive director of the commission to act as the non-resident licensee's agent, upon whom all judicial and other process or legal notices directed to the licensee may be served. The designation ~~must~~ shall stipulate and agree that service upon the executive director is equivalent to personal service upon the licensee. A copy of the designation of appointment, certified by the seal of the commission, may be admitted into evidence with the same force and affect as the original. The executive director shall mail a copy of any process or legal notice immediately upon receipt, by certified mail, to the last known business address of the licensee. No judgment by default may be taken in any action or proceeding until after 30 days of mailing and then only upon certification by the executive director that a copy of the judicial, other process or legal notice was mailed as required. ~~and~~

(6) ~~File with the commission, a bond in the penalty of \$2,000 if the applicant wishes to maintain an active license in this state. The bond must be issued by a recognized surety and must be for the benefit of and to indemnify any person in this state who may have a cause of action against the principal~~

§30-40-16. Continuing professional education.

(a) Every licensee shall complete seven hours of continuing professional education for each fiscal year, with each hour equaling 50 minutes of instruction. For brokers and associate brokers, three of the required seven hours shall be from the broker-level education curriculum approved by the commission.

(b) Upon application for the renewal of a real estate license on active status, each licensee ~~must~~ shall furnish satisfactory evidence, as established by the commission, that he or she has completed seven hours of approved continuing professional education during the term of the previous license. ~~Provided, That if the commission issues a license certificate for a period of more than one fiscal year, each licensee must furnish satisfactory evidence that he or she has completed the equivalent of seven hours of continuing professional education for each year covered by the term of the previous license~~

(c) When a licensee in an inactive status makes application to revert to an active status, he or she ~~must~~ shall furnish satisfactory evidence to the commission that he or she has completed the approved continuing professional education that would have been required for active status at the time the license was renewed.

(d) Approval from the commission shall be obtained by each provider and instructor and for any course prior to any advertising or offering of the course.

(e) Real estate-related continuing education courses provided by or approved by the real estate appraiser licensing and certification board, the ~~department of highways~~ Division of Highways, the West Virginia State Bar, or other agency of this state shall be recognized as approved by the commission.

(f) If approved in advance by the commission, distance education courses may be used to satisfy the continuing education requirement.

(g) Any licensee holding a license on July 1, 1969, and continuously thereafter, shall be exempt from the continuing professional education requirement.

§30-40-17. Place of business; branch offices; display of certificates; custody of license certificates; change of address; change of employer by a salesperson or associate broker; license certificates; term of license.

(a) Every person holding a broker's license under the provisions of this article shall:

(1) Have and maintain a definite place of business within this state, which shall be a room or rooms used for the transaction of real estate business and any allied business. The definite place of business shall be designated in the license certificate issued by the commission and the broker may not transact business at any other location, unless such other location is properly licensed by the commission as a branch office; ~~Provided, That a nonresident broker who maintains a definite place of business in his or her jurisdiction of residence may not be required to maintain an office in this state if said jurisdiction offers the same privilege to licensed brokers of this state;~~

~~(2) Conspicuously display his or her broker's license in the main office and the license of each associate broker and salesperson employed by the broker who is primarily working from the main office;~~

~~(3) (2) Conspicuously display his or her branch office license in each branch office; and the license of each associate broker and salesperson employed by the broker who is primarily working from each branch office~~

~~(4) (3) Make application to the commission before changing the address of any office or within 10 days after any change;~~

~~(5) (4) Maintain in his or her custody and control the license of each associate broker and salesperson employed by affiliated with him or her; and~~

~~(6) (5) Promptly return the license of any associate broker or salesperson whose employment affiliation with the broker is terminated.~~

(b) Every person holding an associate broker's or salesperson's license under the provisions of this article shall:

(1) Conduct real estate brokerage activities only under the direct supervision and control of his or her employing affiliated broker, which shall be designated in the license certificate; and

(2) Promptly make application to the commission of any change of employing broker: *Provided*, That it shall be unlawful to perform any act contained in this article, either directly or indirectly, after employment affiliation has been terminated until the associate broker or salesperson has made application to the commission for a change of employing affiliated broker and the application is approved.

(c) The commission shall issue a license certificate which shall:

(1) Be in such form and size as shall be prescribed by the commission;

(2) ~~Be imprinted with~~ Display the seal of the commission and shall contain such other information as the commission may prescribe: *Provided*, That a salesperson's and an associate broker's license shall show the name of the broker by whom he or she is ~~employed~~ affiliated;

(3) ~~In the case of~~ If an active licensee, be mailed or delivered to the broker's main office address;

(4) ~~In the case of~~ If an inactive licensee, be held in the commission office; and

(5) Be valid for a period that coincides with the fiscal year beginning on July 1 and ending on June 30. ~~and may be issued for a period covering more than one fiscal year at the discretion of the commission: *Provided*, That nothing contained herein shall authorize any person to transact real estate business prior to becoming properly licensed~~

§30-40-18. Trust fund accounts.

(a) Every person licensed as a broker under the provisions of this article who does not immediately deliver all funds received, in relation to a real estate transaction, to his or her principal or to a neutral escrow depository shall maintain and reconcile one or more trust fund accounts in a recognized financial institution and shall place all funds therein: *Provided*, That nothing contained herein shall require a broker to maintain a trust fund account if the broker does not hold any money in trust for another party.

(b) Funds that ~~must~~ shall be deposited into a trust fund account include, but are not limited to, earnest money deposits, security deposits, rental receipts, auction proceeds, and money held in escrow at closing.

(c) Each trust fund account ~~must~~ shall be established at a financial institution which is insured against loss by an agency of the federal government and the amount deposited therein cannot exceed the amount that is insured against loss.

(d) Each trust fund account ~~must~~ shall provide for the withdrawal of funds without notice.

(e) No trust fund account may earn interest or any other form of income, unless specifically authorized by commission rule.

(f) The broker may not commingle his or her own funds with trust funds and the account may not be pledged as collateral for a loan or otherwise utilized by the broker in a manner that would violate his or her fiduciary obligations in relation to the trust funds: *Provided*, That nothing contained herein prevents the broker from depositing a maximum of \$100 of his or her own money in the trust fund account to maintain a minimum balance in the account.

~~(g) No financial institution, in which a trust fund account is established under the provisions of this article, shall require a minimum balance in excess of the amount authorized in subsection (f) of this section~~

~~(h)~~ (g) The broker shall be the designated trustee of the account and shall maintain complete authority and control over all aspects of each trust fund account, including signature authority: *Provided*, That only one other member or officer of a corporation, association, or partnership, who is licensed under the provisions of this article, may be authorized to disburse funds from the

account: *Provided, however,* That if disbursements from a trust fund account require two signatures, one additional member or officer may be a signatory as provided in this section.

(h) The broker shall, at a minimum, maintain records of all funds deposited into the trust fund account, which shall clearly indicate the date and from whom the money was received, date deposited, date of withdrawal, to whom the money belongs, for whose account the money was received, and other pertinent information concerning the transaction. All records shall be open to inspection by the commission or its duly authorized representative at all times during regular business hours at the broker's place of business.

(i) The broker shall cause the financial institution wherein a trust fund account is maintained to execute a statement, prepared by the commission, which shall include, but is not limited to:

- (1) Exact title of the account as registered by the financial institution;
- (2) The account number of the trust fund account;
- (3) Identification of all persons authorized to make withdrawals from the account;
- (4) Name and address of the financial institution;
- (5) Title of the person executing the statement on behalf of the financial institution;
- (6) Date the statement was executed; and

(7) Certification that the financial institution will notify the Real Estate Commission if any checks drawn against the account are returned for insufficient funds and that the financial institution does not require a minimum balance in excess of the amount authorized in subsection (f) of this section.

(j) The broker shall execute a statement authorizing the commission, or its duly authorized representative, to make periodic inspections of the trust fund account and to obtain copies of records from any financial institution wherein a trust fund account is maintained. A copy of any authorization shall be accepted by any financial institution with the same force and effect as the original.

(k) The broker shall notify the commission, within 10 days of the establishment of or any change to a trust fund account.

§30-40-19. Refusal, suspension, or revocation of a license.

(a) The commission ~~shall have full power to~~ may refuse a license for reasonable cause or to revoke, suspend, or impose any other sanction against a licensee if the licensee:

(1) Obtains, renews, or attempts to obtain or renew a license, for himself, herself, or another, through the submission of any application or other writing that contains false, fraudulent, or misleading information;

(2) Makes any substantial misrepresentation;

(3) Makes any false promises or representations of a character likely to influence, persuade, or induce a person involved in a real estate transaction;

(4) Pursues a course of misrepresentation or makes false promises or representations through agents or any medium of advertising or otherwise;

(5) Uses misleading or false advertising;

(6) Uses any trade name or insignia of membership in any organization in which the licensee is not a member;

(7) Acts for more than one party in a transaction without the knowledge and written consent of all parties for whom he or she acts;

(8) Fails, within a reasonable time, to account for or to remit moneys or other assets coming into his or her possession, which belong to others;

(9) Commingles moneys belonging to others with his or her own funds;

(10) Advertises or displays a "for sale", "for rent", or other such sign on any property without an agency relationship being established or without the owner's knowledge and written consent;

(11) Advertises any property on terms other than those authorized by the owner;

(12) Fails to disclose, on the notice of agency relationship form promulgated by the commission, whether the licensee represents the seller, buyer, or both;

(13) Fails to voluntarily furnish copies of the notice of agency relationship, listing contract, sale contract, lease contract, or any other contract to each party executing the same;

(14) Pays or receives any rebate, profit, compensation, commission, or other valuable consideration, resulting from a real estate transaction, to or from any person other than the licensee's principal: *Provided*, That this subsection may not be construed to prevent the sharing of compensation or other valuable consideration between licensed brokers;

(15) Induces any person to a contract to break the contract for the purpose of substituting a new contract with a third party;

(16) Accepts compensation as a salesperson or associate broker for any act specified in this article from any person other than his or her ~~employer who must be a broker~~;

(17) Pays compensation to any person for acts or services performed either in violation of this article or the real estate licensure laws of any other jurisdiction;

(18) Pays a compensation to any person knowing that they will pay a portion or all of that which is received, in a manner that would constitute a violation of this article if it were paid directly by a licensee of this state;

(19) Violates any ~~of the provisions~~ provision of this article, any rule, or any order or final decision issued by the commission;

(20) Procures an attorney for any client or customer, or solicits legal business for any attorney-at-law;

(21) Engages in the unlawful or unauthorized practice of law as defined by the Supreme Court of Appeals of West Virginia;

(22) Commits or is a party to any material fraud, misrepresentation, concealment, conspiracy, collusion, trick, scheme, or other device whereby any other person relies upon the word, representation, or conduct of the licensee;

(23) Continues in the capacity of, or accepts the services of, any broker, associate broker, or salesperson who is not properly licensed;

(24) Fails to disclose any information within his or her knowledge or to produce any document, book, or record in his or her possession for inspection of and copying by the commission or its duly authorized representatives;

(25) Accepts payment other than cash or its equivalent as earnest money or other deposit unless this fact is disclosed in the contract to which the deposit relates;

(26) Accepts, takes, or charges any undisclosed compensation on expenditures made by or on behalf of the licensee's principal;

(27) Discriminates against any person involved in a real estate transaction which is in violation of any federal or state ~~antidiscrimination~~ anti-discrimination law, including any fair housing law;

(28) Fails to preserve for five years following its consummation, records relating to any real estate transaction;

(29) Fails to maintain ~~adequate~~ accurate records on the broker's trust fund account;

(30) ~~In the case of~~ If a broker, fails to ~~adequately~~ supervise all associate brokers and salespersons ~~employed by~~ affiliated with him or her;

(31) Breaches a fiduciary duty owed by a licensee to his or her principal in a real estate transaction;

(32) Directs any party to a real estate transaction in which the licensee is involved, to any lending institution for financing or to any affiliated business with the expectation of receiving a financial incentive, rebate, or other compensation, without first obtaining from his or her principal the signed acknowledgment of and consent to the receipt of the financial incentive, rebate, or other compensation: Provided, That this subsection may not be construed to prevent the sharing of compensation or other valuable consideration between licensed brokers;

(33) Represents to any lending institution, or other interested party either verbally or through the preparation of false documents, an amount in excess of the true and actual sale price of the real estate or terms differing from those actually agreed upon;

(34) Fails to disclose to an owner the licensee's true position if he or she directly or indirectly through a third party, purchases for himself or herself or acquires or intends to acquire any interest in or any option to purchase the property;

(35) Lends a broker's license to any person, including a salesperson, or permits a salesperson to operate as a broker;

(36) Has been convicted in a court of competent jurisdiction in this or any other jurisdiction of forgery, embezzlement, obtaining money under false pretense, bribery, larceny, extortion, conspiracy to defraud, any other similar offense, a crime involving moral turpitude, or a felony;

(37) Engages in any act or conduct which constitutes or demonstrates bad faith, incompetency, or untrustworthiness, or dishonest, fraudulent, or improper dealing;

(38) Induces any person to alter, modify, or change another licensee's fee or commission for brokerage services, without that licensee's prior written consent;

(39) Negotiates a real estate transaction directly with any person that is represented exclusively by another broker, unless the conduct is specifically authorized by the other broker;

(40) Obtains, negotiates, or attempts to obtain or negotiate a contract whereby the broker is entitled to a commission only to the extent that the sales price exceeds a given amount, commonly referred to as a net listing;

(41) Fails or refuses, on demand, to furnish copies of a document to a person whose signature is affixed to the document;

(42) In the case of an associate broker or salesperson, represents or attempts to represent a broker other than his or her employing broker;

(43) Fails to reduce a bona fide offer to writing;

(44) Guarantees, or authorizes or permits another licensee to guarantee, future profits which may result from a real estate transaction;

(45) Is disciplined by another jurisdiction if at least one of the grounds for that discipline is the same as or equivalent to one of the grounds for discipline in this article; or

(46) Engages in any other act or omission in violation of professional conduct requirements of licensees established by legislative rule of the commission.

(b) The provisions of this section shall be liberally construed in order to carry out the objectives and purposes of this article.

(c) As used in this section:

(1) The words "convicted in a court of competent jurisdiction" mean a plea of guilty or nolo contendere entered by a person or a verdict of guilt returned against a person at the conclusion of a trial;

(2) A certified copy of a conviction order entered in a court is sufficient evidence to demonstrate a person has been convicted in a court of competent jurisdiction.

(d) Every person licensed by the commission has an affirmative duty to report, in a timely manner, any known or observed violation of this article or the rules, orders, or final decisions of the commission.

(e) The revocation of a broker's license shall automatically suspend the license of every associate broker and salesperson ~~employed by~~ affiliated with the broker: *Provided*, That the

commission shall issue a replacement license for any licensee so affected to a new employing broker, without charge, if a proper application is submitted to the commission during the same license term.

§30-40-20. Complaints; investigation.

(a) Upon the initiation of a complaint by the commission or the filing of a complaint by another person, The the commission may upon its own motion and shall upon the filing of a complaint setting forth a cause of action under this article, or the rules promulgated thereunder ascertain the facts and if warranted hold a hearing for the suspension or revocation of a license, or the imposition of sanctions against a licensee: *Provided*, That no disciplinary action may be brought against a licensee upon any complaint that is filed more than two years after the acts or omissions alleged in the complaint or, where the licensee is alleged to have engaged in fraud, deceit, or misrepresentation, more than two years after the date at which the complainant discovered, or through reasonable diligence should have discovered, the alleged unprofessional conduct. Time limits for the filing of a complaint shall be tolled during any period in which material evidence necessary for the commission's evaluation or use is unavailable to the commission due to an ongoing criminal investigation or prosecution.

(b) All complaints ~~must~~ shall be submitted in writing on a form prescribed by the commission, and ~~must~~ shall fully describe the acts or omissions constituting the alleged ~~unprofessional conduct violation(s)~~ of this article or rules promulgated thereunder.

(c) Upon initiation or receipt of the complaint, the commission shall provide a copy of the complaint to the licensee for his or her response to the allegations contained in the complaint. The accused party shall file an answer within 20 days of the date of service. Failure of the licensee to file a timely response may be considered an admission of the allegations in the complaint: *Provided*, That nothing contained herein ~~shall~~ may prohibit the accused party from obtaining an extension of time to file a response, if the commission, its executive director, or other authorized representative permits the extension.

(d) The commission may cause an investigation to be made into the facts and circumstances giving rise to the complaint and any person licensed by the commission has an affirmative duty to assist the commission, or its authorized representative, in the conduct of its investigation.

(e) After receiving the licensee's response and reviewing any information obtained through investigation, the commission shall determine if probable cause exists that the licensee has violated any provision of this article or the rules.

(f) If a determination that probable cause exists for disciplinary action, the commission may hold a hearing in compliance with §30-40-21 of this code or may dispose of the matter informally through a consent agreement or otherwise.

§30-40-21. Hearings; judicial review; cost of proceedings.

(a) Hearings shall be conducted in accordance with the provisions of §29A-5-1 *et seq.* of this code and the commission's rules.

(b) Hearings shall be held at a time and place determined by the commission, but in no event less than 30 days after the notice of hearing is given.

(c) Any member has the authority to administer oaths and to examine any person under oath.

(d) If, after hearing, the commission determines the licensee has violated any provision of this article, or the commission's rules, a formal decision shall be prepared which contains findings of fact, conclusions of law, and specifically lists the disciplinary actions imposed.

(e) The commission may elect to have an administrative law judge or hearing examiner conduct the hearing. If the commission makes this election, the administrative law judge or hearing examiner, at the conclusion of a hearing, shall prepare a proposed order which shall contain findings of fact and conclusions of law. The commission may request that disciplinary actions imposed be a part of the proposed order, or the commission may reserve this obligation for its consideration. The commission may accept, reject, or modify the decision of the administrative law judge or hearing examiner.

(f) Any person adversely affected by any decision or final order made by the commission, after a hearing, is entitled to judicial review ~~by the circuit court of the county where the hearing was held~~ pursuant to the provisions of §29A-5-4 of this code.

(g) In addition to any other sanction imposed, the commission may require a licensee to pay the costs of the proceeding.

§30-40-22. Criminal Penalties penalties for violations.

(a) ~~Any~~ In addition to the sanctions imposed by the commission pursuant to this article, any person violating a provision of this article or the commission's rules is guilty of a misdemeanor. Any person convicted of a first violation shall be fined not less than \$1,000 nor more than \$2,000, or confined in ~~the county or regional~~ jail not more than 90 days, or both fined and confined;

(b) Any person convicted of a second or subsequent violation shall be fined not less than \$2,000 nor more than \$5,000, or confined in ~~the county or regional~~ jail for a term not to exceed one year, or both fined and confined;

(c) Any corporation, association, or partnership convicted of a first violation of this article or the commission's rules, shall be fined not less than \$2,000 nor more than \$5,000;

(d) Any corporation, association, or partnership convicted of a second or subsequent violation, shall be fined not less than \$5,000 nor more than \$10,000;

(e) Any officer, member, employee, or agent of a corporation, association, or partnership, shall be subject to the penalties herein prescribed for individuals;

(f) Each ~~and every~~ day a violation of this article continues ~~shall constitute~~ constitutes a separate offense;

(g) In addition to the penalties herein provided, if any person receives compensation for acts or services performed in violation of this article, he or she shall also be subject to a penalty of not less than the value of the compensation received nor more than three times the value of the compensation received, as may be determined by a court of competent jurisdiction. Any penalty may be recovered by a person aggrieved as a result of a violation of this article;

(h) The penalties provided in this section do not apply to a violation of the duties or obligations of a financial institution under the certification required by §30-40-18(j)(7) of this code by a financial institution providing trust fund account services to a broker.

§30-40-25. Collection of compensation.

No person may bring or maintain any action in any court of this state for the recovery of compensation for the performance of any act or service for which a broker's license is required, without alleging and proving that he or she was the holder of a valid broker's license at all times during the performance or rendering of any act or service: *Provided*, That an associate broker or salesperson ~~shall have the right to~~ may institute suit in his or her own name for the recovery of compensation from his or her ~~employing~~ affiliated broker for acts or services performed while ~~in the employ of said employing~~ affiliated with the broker.

§30-40-26. Duties of licensees.

Every broker, associate broker, and salesperson owes certain inherent duties to the consumer which are required by virtue of the commission granting a license under this article. The duties include, but are not limited to:

(a) At the time of securing any contract whereby the broker is obligated to represent a principal to a real estate transaction, every licensee shall supply a true legible copy of the contract to each person signing the contract.

(b) Any contract in which a broker is obligated to represent a principal to a real estate transaction shall contain a definite expiration date, and no provision may be included in any contract whereby the principal is required to notify the broker of his or her intention to cancel the contract after the definite expiration date.

(c) No provision may be inserted in any contract for representation that would obligate the person signing the contract to pay a fee, commission, or other valuable consideration to the broker, after the contract's expiration date, if the person subsequently enters into a contract for representation with a different broker.

(d) Every licensee shall disclose in writing, on the notice of agency relationship form promulgated by the commission, whether the licensee represents the seller, the buyer, ~~or both the seller and the buyer, the landlord, the tenant, or the landlord and the tenant.~~ The disclosure shall be made prior to any person signing any contract for representation by a licensee or a contract for the sale or purchase of real estate.

(e) Every licensee shall promptly deliver to his or her principal, every written offer received.

(f) Every licensee shall make certain that all the terms and conditions of a real estate transaction are contained in any contract prepared by the licensee.

(g) At the time of securing the signature of any party to a contract, the licensee shall deliver a true copy of the contract to the person whose signature was obtained.

(h) Upon the final acceptance or ratification of any contract, the licensee shall promptly deliver a true copy to each party that has signed the contract.

§30-40-27. Duration of existing licenses.

[Repealed.]

The bill (Eng. H. B. 3203), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill 3270, To amend the deliberate intent statute to limit noneconomic damages to \$500,000.

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

Senator Takubo requested unanimous consent that the bill be advanced to third reading with the unreported Judiciary committee amendment pending and the right for further amendments to be considered on that reading.

Which consent was not granted, Senator Woelfel objecting.

Senator Takubo then moved that the bill be advanced to third reading with the unreported Judiciary committee amendment pending and the right for further amendments to be considered on that reading.

The question being on the adoption of Senator Takubo's aforestated motion, and on this question, Senator Woelfel demanded the yeas and nays.

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

On this question, the yeas were: Azinger, Barrett, Boley, Clements, Deeds, Grady, Maroney, Nelson, Oliverio, Queen, Stuart, Swope, Takubo, Tarr, Trump, Weld, Woodrum, and Blair (Mr. President)—18.

The nays were: Caputo, Chapman, Hamilton, Hunt, Karnes, Martin, Maynard, Plymale, Roberts, Rucker, Smith, Stover, Taylor, and Woelfel—14.

Absent: Jeffries and Phillips—2.

So, two thirds of all the members present and voting not having voted in the affirmative, the President declared Senator Takubo's aforestated motion had not prevailed.

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

On page 6, section 2, line 142, by striking out the word "fraudulently".

On motion of Senator Takubo, the bill (Eng. Com. Sub. for H. B. 3270) was referred to the Committee on Rules, with the Judiciary committee amendment to the bill pending.

Eng. Com. Sub. for House Bill 3303, Clarifying and expanding the powers and duties of the director of the Coalfield Community Development Office.

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

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

On page 1, section 4, line 2, by striking out the word "Commerce" and inserting in lieu thereof "Economic Development";

On page 1, section 4, line 7, by striking out "2023" and inserting in lieu thereof "2026";

And,

On page 3, after line 38, by adding thereto a new section, designated section 14, to read as follows:

§5B-2A-14. Sunset.

Unless acted upon by the Legislature, this article will sunset on June 30, 2032, at which time the Office of Coalfield Community Development shall terminate.

The bill (Eng. Com. Sub. for H. B. 3303), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill 3306, Relating to the organizational structure of the Office of Drug Control Policy.

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 1. STATE PUBLIC HEALTH SYSTEM.

§16-1-13. Hospital services revenue account.

(a) Subject to the provisions set forth in §12-2-2 of this code, there is continued in the State Treasury a separate account which shall be designated the "hospital services revenue account." The secretary shall deposit promptly into the account any fees received by a facility owned and operated by the department from whatever source including the federal government, state government, or other third-party payer or personal payment.

(b) The secretary may spend the moneys deposited in the hospital services revenue account in accordance with federal laws and regulations and with the laws of this state. The secretary may spend the moneys deposited in the hospital services revenue account in the amounts the secretary determines necessary for the purpose of improving the delivery of health and mental health services or for the purpose of maintaining or obtaining certification at a state health or mental health facility: *Provided*, That all disproportionate share hospital funds received into the account shall be transferred by intergovernmental transfer to the medical services trust fund created in §9-4A-2a of this code, except for funds appropriated by the Legislature for other purposes within the annual budget bill: *Provided, however*, That during any fiscal year in which the secretary anticipates spending any money from the account, he or she shall submit to the executive department during the budget preparation period prior to the Legislature convening,

before that fiscal year for inclusion in the executive budget document and budget bill, his or her recommended capital investments, recommended priorities and estimated costs, as well as requests of appropriations for the purpose of improving the delivery of health and mental health services or for the purpose of maintaining or obtaining certification at a state health facility in the amounts the secretary determines to be necessary.

(c) The secretary shall make an annual report to the Legislature on the status of the health services revenue account, including the previous year's expenditures and projected expenditures for the next year.

ARTICLE 5T. OFFICE OF DRUG CONTROL POLICY.

§16-5T-2. Office of Drug Control Policy.

(a) ~~The Office of Drug Control Policy is continued within the department. of Health and Human Resources~~ The Director of the Office of Drug Control Policy shall be appointed by the Governor, by and with the advice and consent of the Senate. The director of the office is under the direction and supervision of the secretary administratively housed in the Department of Human Services and directly reports to the Office of the Governor, and with the assistance of and works in cooperation with the State Health Officer, the Bureau of Public Health, and the Bureau for Behavioral Health.

(b) The Office of Drug Control Policy shall create a state drug control policy in coordination with the bureaus of the department and other state agencies. This policy shall include all programs which are related to the prevention, treatment, and reduction of substance abuse use disorder.

(c) The Office of Drug Control Policy shall:

(1) Develop a strategic plan to reduce the prevalence of drug and alcohol abuse and smoking by at least 10 percent; ~~percent by July 1, 2018~~

(2) Monitor, coordinate, and oversee the collection of data and issues related to drug, alcohol, and tobacco access, substance use disorder policies, and smoking cessation and prevention, and their impact on state and local programs;

(3) Make policy recommendations to executive branch agencies that work with alcohol and substance use disorder issues, and smoking cessation and prevention, to ensure the greatest efficiency and consistency in practices will be applied to all efforts undertaken by the administration;

(4) Identify existing resources and prevention activities in each community that advocate or implement emerging best practice and evidence-based programs for the full substance use disorder continuum of drug and alcohol abuse education and prevention, including smoking cessation or prevention, early intervention, treatment, and recovery;

(5) Encourage coordination among public and private, state and local agencies, organizations, and service providers, and monitor related programs;

(6) Act as the referral source of information, using existing information clearinghouse resources within the Department of Health and Human Resources, relating to emerging best practice and evidence-based substance use disorder prevention, cessation, treatment and

recovery programs, and youth tobacco access, smoking cessation and prevention. The Office of Drug Control Policy will identify gaps in information referral sources;

(7) Apply for grant opportunities for existing programs;

(8) Observe programs in other states;

(9) Make recommendations and provide training, technical assistance, and consultation to local service providers;

(10) Review existing research on programs related to substance use disorder prevention and treatment and smoking cessation and prevention, and provide for an examination of the prescribing and treatment history, including court-ordered treatment, or treatment within the criminal justice system, of persons in the state who suffered fatal or nonfatal opiate overdoses;

(11) Establish a mechanism to coordinate the distribution of funds to support any local prevention, treatment, and education program based on the strategic plan that could encourage smoking cessation and prevention through efficient, effective, and research-based strategies;

(12) Establish a mechanism to coordinate the distribution of funds to support a local program based on the strategic plan that could encourage substance use prevention, early intervention, treatment, and recovery through efficient, effective and research-based strategies;

(13) Oversee a school-based initiative that links schools with community-based agencies and health departments to implement school-based anti-drug and anti-tobacco programs;

(14) Coordinate media campaigns designed to demonstrate the negative impact of substance use disorder, smoking and the increased risk of tobacco addiction and the development of other diseases;

(15) Review Drug Enforcement Agency and the West Virginia scheduling of controlled substances and recommend changes that should be made based on data analysis;

(16) Develop recommendations to improve communication between health care providers and their patients about the risks and benefits of opioid therapy for acute pain, improve the safety and effectiveness of pain treatment, and reduce the risks associated with long-term opioid therapy, including opioid use disorder and overdose;

(17) Develop and implement a program, in accordance with the provisions of §16-5T-3 of this code, to collect data on fatal and nonfatal drug overdoses caused by abuse and misuse of prescription and illicit drugs, from law enforcement agencies, emergency medical services, health care facilities and the Office of the Chief Medical Examiner;

(18) Develop and implement a program that requires the collection of data on the dispensing and use of an opioid antagonist from law enforcement agencies, emergency medical services, health care facilities, the Office of the Chief Medical Examiner and other entities as required by the office;

(19) Develop a program that provides assessment of persons who have been administered an opioid antagonist; ~~and~~

(20) Create a Sober Living Home/Recovery Residence Taskforce comprised of the following stakeholders:

(A) The Executive Director of the West Virginia Prosecuting Attorney Institute, or designee;

(B) The Secretary of Department of Homeland Security, or designee;

(C) The West Virginia Attorney General, or designee;

(D) The Director of the West Virginia Alliance of Recovery Residences, or designee;

(E) The State Health Officer, or designee;

(F) The Commissioner for the Bureau for Behavioral Health, or designee; and

(G) The West Virginia Inspector General, or designee.

(i) The purpose of the taskforce is to review existing West Virginia law, the laws of other states, and any developed case law regarding sober living homes/recovery residences and make recommendations to the Legislature regarding any revisions needed to West Virginia law regarding sober living homes/recovery residences. At a minimum the following areas shall be examined: insurance fraud, human trafficking, success of programs, and any other relevant issues.

(ii) These recommendations shall be presented to the Legislative Oversight Commission on Health and Human Resources Accountability no later than December 15, 2023. A representative of the Taskforce shall provide the Commission with an update regarding the status of the taskforce, including any preliminary findings by October 1, 2023.

(21) Report semi-annually to the Joint Committee on Health on the status of the Office of Drug Control Policy.

(d) Notwithstanding any other provision of this code to the contrary, and to facilitate the collection of data and issues, the Office of Drug Control Policy may exchange necessary data and information with the bureaus within the department, the Department of Military Affairs and Public Safety, the Department of Administration, the Administrator of Courts, the Poison Control Center, Office of National Drug Control Policy and the Board of Pharmacy. The data and information may include, but is not limited to: data from the Controlled Substance Monitoring Program; ~~the all-payer claims database~~ the criminal offender record information database; and the court activity record information;

~~(e) Prior to July 1, 2018, The office shall develop a plan to expand the number of treatment beds in locations throughout the state which the office determines to be the highest priority for serving the needs of the citizens of the state.~~

§16-5T-4. Entities required to report; required information; Continuation of data dashboard.

(a) To fulfill the purposes of this article, the following information shall be reported, within 72 24 hours after the provider responds to the incident and via an appropriate information technology platform, to the Office of Drug Control Policy:

- (1) The date and time of the overdose;
- (2) The approximate address of where the person was picked up or where the overdose took place;
- (3) Whether an opioid antagonist was administered;
- (4) Whether the overdose was fatal or nonfatal;
- (5) The gender and approximate age of the person receiving attention or treatment; ~~and~~
- (6) The suspected controlled substance involved in the overdose;
- (7) Whether the individual has a history of a prior overdose, if known; and
- (8) The type of drug used in the overdose.

(b) The following entities shall be required to report information contained in §16-5T-4(a) of this code:

- (1) Health care providers;
- (2) Medical examiners;
- (3) Law-enforcement agencies, including, state, county, and local police departments;
- (4) Emergency response providers; and
- (5) Hospital emergency rooms.

(c) The data collected by the office pursuant to this subsection shall be made available to law enforcement, local health departments, and emergency medical service agencies in each county.

(d) Entities who are required to report information to or from the office pursuant to this section in good faith are not subject to civil or criminal liability for making the report.

(e) For the purposes of this section:

"Information technology platform" ~~means the Washington/Baltimore High Intensity Drug Trafficking Overdose Detection Mapping Application Program or other program identified by the department in rule~~ means a dashboard constructed for or by the state to allow input, collection, data analysis, and display of the required data within 24 hours. The dashboard shall be scalable for additional future requirements with minimum engineering and development time. There is a preference that the dashboard be compatible with artificial intelligence to maintain monitoring.

"Overdose" means an acute condition, including, but not limited to, extreme physical illness, decreased level of consciousness, respiratory depression, coma, or death believed to be caused by abuse and misuse of prescription or illicit drugs or by substances that a layperson would reasonably believe to be a drug.

"Opioid antagonist" means a federal Food and Drug Administration-approved drug for the treatment of an opiate-related overdose, such as naloxone hydrochloride or other substance that,

when administered, negates or neutralizes, in whole or in part, the pharmacological effects of an opioid in the body.

(f) Office of Drug Control Policy shall continue to compile the data that is reported, or that it otherwise has access to, in a public facing data dashboard. This dashboard shall also include the following:

(1) Every project that receives state funding, federal funding, opioid settlement funds, and other relevant funding sources for substance use disorder beginning in fiscal year 2024;

(2) Data on the outcomes of funded community-based outreach programs, harm reduction programs, criminal justice substance use disorder programs, harm prevention programs, and other funded program, to evaluate program effectiveness and inform program improvement;

(3) A comparison of program effectiveness by county, region, rural or urban, and demographics to identify best practices and areas for improvement and share these findings with stakeholders to support evidence-based decision making;

(4) Alerts to a rise in fatal and non-fatal overdoses in a given area or region to enable resources to be deployed to the area;

(5) Track and interact with medication assisted treatment providers, including the number of patients in and out of treatment, to support the coordination of care and effective care for individuals with substance use disorder;

(6) Public facing information, including maps, charts, and other visualizations, to increase transparency and engagement with stakeholders

(7) The location of every substance use disorder provider on a statewide basis to provide individuals linkage to care;

(8) Non-fatal overdoses within 24 hours of the incident, with data collected from multiple sources, including hospitals, first responders, and law enforcement agencies;

(9) Fatal overdoses with data collected from multiple sources including hospitals, first responders, and law enforcement agencies;

(10) Identification of trends from the data that has been collected, including but not limited to fatal and non-fatal overdoses, use of opioid antagonist, trends in illicit drugs causing overdoses, and other relevant data that can be used to inform the allocation of resources in an area;

(11) Emergency department visits and first responder calls for fatal and non-fatal overdoses, and use this data to identify trends and hotspots and inform resource allocation;

(12) Data regarding program effectiveness in both the short-term and long-term with both immediate and long-term outcomes for individuals receiving services and support for ongoing program improvement and refinement; and

(13) The dashboard shall be updated daily to reflect current data, changes in provider location, and any other updates as needed.

§16-5T-7. Enforcement.

(a) The Office of Drug Control Policy may assess a civil penalty for violation of the reporting requirements set forth in §16-5T-4 of this code. If the Office of Drug Control Policy determines that an entity is in violation of the reporting requirements, then a civil penalty of not less than \$500 no more than \$1000 per occurrence may be assessed.

The bill (Eng. Com. Sub. for H. B. 3306), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill 3311, Relating to wine alcohol by volume as compared to beer.

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 3313, Restraining county commissions from imposing rules and regulations on farmers beyond what is already prescribed through state statute.

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

Eng. Com. Sub. for House Bill 3315, Relating generally to readiness enhancement and commission bonuses.

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

Eng. Com. Sub. for House Bill 3354, To authorize municipalities to combine operations with other municipalities and counties to provide governmental services.

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 12. GENERAL AND SPECIFIC POWERS, DUTIES AND ALLIED RELATIONS OF MUNICIPALITIES, GOVERNING BODIES AND MUNICIPAL OFFICERS AND EMPLOYEES; SUITS AGAINST MUNICIPALITIES.

§8-12-5. General powers of every municipality and the governing body thereof.

In addition to the powers and authority granted by: (i) The Constitution of this state; (ii) other provisions of this chapter; (iii) other general law; and (iv) any charter, and to the extent not inconsistent or in conflict with any of the foregoing except special legislative charters, every municipality and the governing body thereof shall have plenary power and authority therein by ordinance or resolution, as the case may require, and by appropriate action based thereon:

(1) To lay off, establish, construct, open, alter, curb, recurb, pave or repave and keep in good repair, or vacate, discontinue and close, streets, avenues, roads, alleys, ways, sidewalks, drains and gutters, for the use of the public, and to improve and light the same, and have them kept free from obstructions on or over them which have not been authorized pursuant to the succeeding provisions of this subdivision; and, subject to such terms and conditions as the governing body shall prescribe, to permit, without in any way limiting the power and authority granted by the provisions of ~~article sixteen of this chapter~~ §12-16-1 et seq. of this code, any person to construct and maintain a passageway, building, or other structure overhanging or crossing the airspace above a public street, avenue, road, alley, way, sidewalk, or crosswalk, but before any permission for any person to construct and maintain a passageway, building, or other structure overhanging or crossing any airspace is granted, a public hearing thereon shall be held by the governing body after publication of a notice of the date, time, place and purpose of the public hearing has been published as a Class I legal advertisement in compliance with the provisions of ~~article three, chapter fifty-nine~~ §59-3-1 et seq. of this code and the publication area for the publication shall be the municipality: *Provided*, That any permit so granted shall automatically cease and terminate in the event of abandonment and nonuse thereof for the purposes intended for a period of ~~ninety~~ 90 days, and all rights therein or thereto shall revert to the municipality for its use and benefit;

(2) To provide for the opening and excavation of streets, avenues, roads, alleys, ways, sidewalks, crosswalks, and public places belonging to the municipality and regulate the conditions under which any such opening may be made;

(3) To prevent by proper penalties the throwing, depositing or permitting to remain on any street, avenue, road, alley, way, sidewalk, square, or other public place any glass, scrap iron, nails, tacks, wire, other litter, or any offensive matter or anything likely to injure the feet of individuals, or animals, or the tires of vehicles;

(4) To regulate the use of streets, avenues, roads, alleys, ways, sidewalks, crosswalks, and public places belonging to the municipality, including the naming or renaming thereof, and to consult with local postal authorities, the Division of Highways, and the directors of county emergency communications centers to assure uniform, nonduplicative addressing on a permanent basis;

(5) To regulate the width of streets, avenues and roads, and, subject to the provisions of article eighteen of this chapter, to order the sidewalks, footways, and crosswalks to be paved, repaved, curbed, or recurbed and kept in good order, free and clean, by the owners or occupants thereof or of the real property next adjacent thereto;

(6) To establish, construct, alter, operate, and maintain, or discontinue, bridges, tunnels, and ferries and approaches thereto;

(7) To provide for the construction and maintenance of water drains, the drainage of swamps or marshlands, and drainage systems;

(8) To provide for the construction, maintenance, and covering over of watercourses;

(9) To control and administer the waterfront and waterways of the municipality and to acquire, establish, construct, operate, and maintain and regulate flood control works, wharves and public landings, warehouses, and all adjuncts and facilities for navigation and commerce and the utilization of the waterfront and waterways and adjacent property;

(10) To prohibit the accumulation and require the disposal of garbage, refuse, debris, wastes, ashes, trash, and other similar accumulations whether on private or public property: *Provided*, That, in the event the municipality annexes an area which has been receiving solid waste collection services from a certificated solid waste motor carrier, the municipality and the solid waste motor carrier may negotiate an agreement for continuation of the private solid waste motor carrier services for a period of time, not to exceed three years, during which time the certificated solid waste motor carrier may continue to provide exclusive solid waste collection services in the annexed territory;

(11) To construct, establish, acquire, equip, maintain, and operate incinerator plants and equipment and all other facilities for the efficient removal and destruction of garbage, refuse, wastes, ashes, trash, and other similar matters;

(12) To regulate or prohibit the purchase or sale of articles intended for human use or consumption which are unfit for use or consumption, or which may be contaminated or otherwise unsanitary;

(13) To prevent injury or annoyance to the public or individuals from anything dangerous, offensive or unwholesome;

(14) To regulate the keeping of gunpowder and other combustibles;

(15) To make regulations guarding against danger or damage by fire;

(16) To arrest, convict, and punish any individual for carrying about his or her person any revolver or other pistol, dirk, bowie knife, razor, slingshot, billy, metallic or other false knuckles, or any other dangerous or other deadly weapon of like kind or character: *Provided*, That with respect to any firearm a municipality may only arrest, convict, and punish someone if they are in violation of an ordinance authorized by ~~subsection five-a of this article~~ §8-12-5(a) of this code, a state law proscribing certain conduct with a firearm or applicable federal law;

(17) To arrest, convict, and punish any person for importing, printing, publishing, selling, or distributing any pornographic publications;

(18) To arrest, convict, and punish any person for keeping a house of ill fame, or for letting to another person any house or other building for the purpose of being used or kept as a house of ill fame, or for knowingly permitting any house owned by him or her or under his or her control to be kept or used as a house of ill fame, or for loafing, boarding, or loitering in a house of ill fame, or frequenting same;

(19) To prevent and suppress conduct and practices which are immoral, disorderly, lewd, obscene, and indecent;

(20) To prevent the illegal sale of intoxicating liquors, drinks, mixtures, and preparations;

(21) To arrest, convict, and punish any individual for driving or operating a motor vehicle while intoxicated or under the influence of liquor, drugs, or narcotics;

(22) To arrest, convict, and punish any person for gambling or keeping any gaming tables, commonly called "A, B, C," or "E, O," table or faro bank or keno table, or table of like kind, under any denomination, whether the gaming table be played with cards, dice, or otherwise, or any person who shall be a partner or concerned in interest, in keeping or exhibiting the table or bank, or keeping or maintaining any gaming house or place, or betting or gambling for money or anything of value;

(23) To provide for the elimination of hazards to public health and safety and to abate or cause to be abated anything which in the opinion of a majority of the governing body is a public nuisance;

(24) To license, or for good cause to refuse to license in a particular case, or in its discretion to prohibit in all cases, the operation of pool and billiard rooms and the maintaining for hire of pool and billiard tables notwithstanding the general law as to state licenses for any such business and the provisions of ~~section four, article thirteen of this chapter~~ §8-13-4 of this code; and when the municipality, in the exercise of its discretion, refuses to grant a license to operate a pool or billiard room, mandamus may not lie to compel the municipality to grant the license unless it shall clearly appear that the refusal of the municipality to grant a license is discriminatory or arbitrary; and in the event that the municipality determines to license any business, the municipality has plenary power and authority and it shall be the duty of its governing body to make and enforce reasonable ordinances regulating the licensing and operation of the businesses;

(25) To protect places of divine worship and to preserve peace and order in and about the premises where held;

(26) To regulate or prohibit the keeping of animals or fowls and to provide for the impounding, sale, or destruction of animals or fowls kept contrary to law or found running at large;

(27) To arrest, convict, and punish any person for cruelly, unnecessarily or needlessly beating, torturing, mutilating, killing, ~~or~~ overloading or overdriving, or willfully depriving of necessary sustenance any domestic animal;

(28) To provide for the regular building of houses or other structures, for the making of division fences by the owners of adjacent premises and for the drainage of lots by proper drains and ditches;

(29) To provide for the protection and conservation of shade or ornamental trees, whether on public or private property, and for the removal of trees or limbs of trees in a dangerous condition;

(30) To prohibit with or without zoning the location of occupied house trailers or mobile homes in certain residential areas;

(31) To regulate the location and placing of signs, billboards, posters, and similar advertising;

(32) To erect, establish, construct, acquire, improve, maintain, and operate a gas system, a waterworks system, an electric system, or sewer system and sewage treatment and disposal system, or any combination of the foregoing (subject to all of the pertinent provisions of ~~articles nineteen and twenty of this chapter~~ §8-19-1 et seq. and §8-20- et seq. of this code and particularly to the limitations or qualifications on the right of eminent domain set forth in ~~articles nineteen and~~

~~twenty §8-19-1 et seq. and §8-20- et seq. of this code~~), within or without the corporate limits of the municipality, except that the municipality may not erect any system partly without the corporate limits of the municipality to serve persons already obtaining service from an existing system of the character proposed and where the system is by the municipality erected, or has heretofore been so erected, partly within and partly without the corporate limits of the municipality, the municipality has the right to lay and collect charges for service rendered to those served within and those served without the corporate limits of the municipality and to prevent injury to the system or the pollution of the water thereof and its maintenance in a healthful condition for public use within the corporate limits of the municipality;

(33) To acquire watersheds, water and riparian rights, plant sites, rights-of-way, and any and all other property and appurtenances necessary, appropriate, useful, convenient, or incidental to any system, waterworks or sewage treatment and disposal works, as aforesaid, subject to all of the pertinent provisions of ~~articles nineteen and twenty of this chapter~~ §8-19-1 et seq. and §8-20-et seq. of this code;

(34) To establish, construct, acquire, maintain, and operate and regulate markets and prescribe the time of holding the same;

(35) To regulate and provide for the weighing of articles sold or for sale;

(36) To establish, construct, acquire, maintain and operate public buildings, municipal buildings or city halls, auditoriums, arenas, jails, juvenile detention centers or homes, motor vehicle parking lots, or any other public works;

(37) To establish, construct, acquire, provide, equip, maintain, and operate recreational parks, playgrounds, and other recreational facilities for public use and in this connection also to proceed in accordance with the provisions of ~~article two, chapter ten~~ §10-2-1 et seq. of this code;

(38) To establish, construct, acquire, maintain, and operate a public library, or museum, or both for public use;

(39) To provide for the appointment and financial support of a library board in accordance with the provisions of ~~article one, chapter ten~~ §10-1-1 et seq. of this code;

(40) To establish and maintain a public health unit in accordance with the provisions of ~~section two, article two, chapter sixteen~~ §16-2-2 of this code, which unit shall exercise its powers and perform its duties subject to the supervision and control of the West Virginia Board of Health and State Bureau for Public Health;

(41) To establish, construct, acquire, maintain, and operate hospitals, sanitariums, and dispensaries;

(42) To acquire, by purchase, condemnation or otherwise, land within or near the corporate limits of the municipality for providing and maintaining proper places for the burial of the dead and to maintain and operate the same and regulate interments therein upon terms and conditions as to price and otherwise as may be determined by the governing body and, in order to carry into effect the authority, the governing body may acquire any cemetery or cemeteries already established;

(43) To exercise general police jurisdiction over any territory without the corporate limits owned by the municipality or over which it has a right-of-way;

(44) To protect and promote the public morals, safety, health, welfare, and good order;

(45) To adopt rules for the transaction of business and the government and regulation of its governing body;

(46) Except as otherwise provided, to require and take bonds from any officers, when considered necessary, payable to the municipality, in its corporate name, with such sureties and in a penalty as the governing body may see fit, conditioned upon the faithful discharge of their duties;

(47) To require and take from the employees and contractors such bonds in a penalty, with such sureties and with such conditions, as the governing body may see fit;

(48) To investigate and inquire into all matters of concern to the municipality or its inhabitants;

(49) To establish, construct, require, maintain, and operate such instrumentalities, other than free public schools, for the instruction, enlightenment, improvement, entertainment, recreation, and welfare of the municipality's inhabitants as the governing body may consider necessary or appropriate for the public interest;

(50) To create, maintain, and operate a system for the enumeration, identification, and registration, or either, of the inhabitants of the municipality and visitors thereto, or the classes thereof as may be considered advisable;

(51) To require owners, residents or occupants of factory-built homes situated in a factory-built rental home community with at least ten factory-built homes, to visibly post the specific numeric portion of the address of each factory-built home on the immediate premises of the factory-built home of sufficient size to be visible from the adjoining street: *Provided*, That in the event no numeric or other specific designation of an address exists for a factory-built home subject to the authorization granted by this subdivision, the municipality has the authority to provide a numeric or other specific designation of an address for the factory-built home and require that it be posted in accordance with the authority otherwise granted by this section.

(52) To appropriate and expend not exceeding ~~twenty-five~~ 25 cents per capita per annum for advertising the municipality and the entertainment of visitors;

(53) To conduct programs to improve community relations and public relations generally and to expend municipal revenue for such purposes;

(54) To reimburse applicants for employment by the municipality for travel and other reasonable and necessary expenses actually incurred by the applicants in traveling to and from the municipality to be interviewed;

(55) To provide revenue for the municipality and appropriate the same to its expenses;

(56) To create and maintain an employee benefits fund which may not exceed one tenth of one percent of the annual payroll budget for general employee benefits and which is set up for

the purpose of stimulating and encouraging employees to develop and implement cost-saving ideas and programs and to expend moneys from the fund for these purposes;

(57) To enter into reciprocal agreements with governmental subdivisions or agencies of any state sharing a common border for the protection of people and property from fire and for emergency medical services and for the reciprocal use of equipment and personnel for these purposes;

(58) To provide penalties for the offenses and violations of law mentioned in this section, subject to the provisions of ~~section one, article eleven of this chapter §8-11-1 of this code~~, and such penalties may not exceed any penalties provided in this chapter and ~~chapter sixty one §61-1-1 et seq.~~ of this code for like offenses and violations; ~~and~~

(59) To participate in a purchasing card program for local governments authorized and administered by the State Auditor as an alternative payment method; and

(60) To enter into agreements with one or more other municipalities, and with county commissions to combine and share selected governmental services by combining operations, equipment, and employees into a unified government service.

The bill (Eng. Com. Sub. for H. B. 3354), as amended, was then ordered to third reading.

Eng. House Bill 3360, Creating an office of the Inspector General within the Department of Homeland Security .

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. OFFICE OF THE INSPECTOR GENERAL.

§15A-13-1. Office created; appointment of Inspector General.

(a) There is hereby created the Office of the Inspector General as a separate and independent operating agency within the department.

(b) The Office of the Inspector General shall be headed by the Inspector General.

(c) The Inspector General shall be appointed by the Governor, subject to the advice and consent of the Senate.

(d) The term of the Inspector General is five years.

(e) At the end of a term, an Inspector General shall be eligible for reappointment by the Governor, subject to confirmation as required by the provisions of subsection (c) of this section. The Inspector General may continue to serve until a successor is appointed if he or she is not reappointed.

(f) If a vacancy occurs in the position, an interim Inspector General may be appointed as successor to serve until a successor is appointed.

(g) The Inspector General may be removed by the Governor during his or her term only for:

(1) Malfeasance or gross misfeasance in office;

(2) Persistent failure to perform the duties of the office; or

(3) Conduct prejudicial to the proper administration of justice.

(h) The Inspector General shall be appointed without regard to political affiliation and shall be professionally qualified through experience or education in at least two of the following areas:

(1) The practice of law;

(2) Auditing;

(3) Government operations;

(4) Financial analysis;

(5) Management analysis;

(6) Public administration; or

(7) Fraud investigation.

(i) The Inspector General shall be paid an annual salary not to exceed \$95,000.

(j) The Inspector General:

(1) Shall perform inspections, evaluations, and reviews, and provide quality control for all investigations within the department, and supervise all personnel of the Office of the Inspector General;

(2) Shall investigate fraud, waste, abuse of departmental funds, and behavior in the department that threatens public safety or demonstrates negligence, incompetence, misfeasance, or malfeasance;

(3) Shall cooperate with and coordinate investigative efforts with law enforcement, and where a preliminary investigation establishes a sufficient basis to warrant referral, shall refer such matters to the appropriate prosecuting attorney or the appropriate federal law-enforcement agency; and

(4) May subpoena any person or evidence, administer oaths, take and certify affidavits, and take depositions and other testimony for the purpose of investigating fraud, waste, abuse of departmental funds, or behavior in the department that threatens public safety or demonstrates negligence, incompetence, or malfeasance.

(A) If a person fails to comply with a lawful order or subpoena issued under this subsection, on petition of the Inspector General or a designated Assistant Inspector General, a court of competent jurisdiction may compel:

(i) Compliance with the order or subpoena; or

(ii) Testimony or the production of evidence.

(k) If the Office of the Inspector General is unable to investigate a complaint or allegation because of a conflict of interest, the Office of the Inspector General shall refer the complaint or allegation to the Attorney General for referral to another investigative entity.

(l) Neither the Governor, the secretary, nor any other person, may impede, interfere, or inhibit the Inspector General from initiating, conducting, or completing any investigation, inspection, evaluation, review, or other activity regarding oversight of any investigation conducted by the Office of the Inspector General.

(m) The position of the Inspector General shall be governed by the classified-exempt service provisions in §29-6-4 of this code; *Provided*, That, any employees of the Office of the Inspector General shall be governed by the classified service provisions of §29-6-1 *et seq.* of this code and rules promulgated thereunder.

(n) The Inspector General may employ such professional personnel, investigators, and other personnel, including certified law-enforcement officers, necessary for the proper administration of the office.

(o) The Inspector General may delegate duties to other employees or obtain services through contract, but the Inspector General is responsible for all official tasks so delegated.

(p) The Inspector General shall propose legislative and procedural rules in accordance with the provisions of chapter 29A of this code in order to implement provisions of this section and to carry out the duties prescribed therein. The Inspector General may promulgate emergency rules pursuant to §29A-3-15 of this code to effectuate the purposes of this section.

(q) Reports of investigations are confidential and shall be provided under seal to the Governor, the secretary, and the Joint Committee on Government and Finance on a quarterly basis.

(r) Reports and documents relating to active investigations involving possible criminal conduct are confidential and are not subject to the provisions of 29B-1-1 *et seq.*

The bill (Eng. H. B. 3360), as amended, was then ordered to third reading.

Eng. House Bill 3432, Relating to statutory construction.

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 2. COMMON LAW, STATUTES, LEGAL HOLIDAYS, DEFINITIONS AND LEGAL CAPACITY.

ARTICLE 2. LEGAL HOLIDAYS; SPECIAL MEMORIAL DAYS; CONSTRUCTION OF STATUTES; DEFINITIONS.

§2-2-10. Rules for construction of statutes.

~~(a) The following terms are defined for this code: rules shall be observed in the construction of statutes, unless a different intent on the part of the Legislature is apparent from the context:~~

~~(a) A word importing the singular number only may be applied to several persons or things, as well as to one person or thing; a word importing the plural number only may be applied to one person or thing as well as to several; and a word importing the masculine gender only may be applied to females as well as males;~~

~~(b) Words purporting to give a joint authority to three or more persons confer the authority upon a majority of them, and not upon any less number;~~

~~(c) The words "written" or "in writing" include any representation of words, letters or figures, whether by printing, engraving, writing or otherwise. But when the signature of any person is required, it must be in his or her own proper handwriting, or his or her mark, attested, proved or acknowledged. *Provided*, That Unless a provision of this code specifically provides otherwise, an electronic signature satisfies this signature requirement if the electronic signature meets the requirements of §39A-1-2 of this code;~~

~~(d) The words "preceding", "succeeding" or "following" used in reference to any section or sections of a chapter or statute, mean next preceding, next succeeding or next following that in which the reference is made, unless a different interpretation be required by the context;~~

~~(e) An officer has qualified when he or she has done all that is required by law to be done before proceeding to exercise the authority and discharge the duties of his or her office;~~

~~(f) The words "the Governor" are equivalent to "the executive of the state" or "the person having the executive power";~~

~~(g) "Justice" or "justices" as used in article one, chapter fifty one of this code and in other references to a member or members of the Supreme Court of Appeals means and applies to a judge or the judges of that court as provided in the Constitution of West Virginia. The word "justice" in most any other context is equivalent to the word "magistrate", except when used as an historical reference to the words "justice of the peace". The word "notary" is equivalent to "notary public";~~

~~(h) The word "state", when applied to a part of the United States and not restricted by the context, includes the District of Columbia and the several territories, and the words "United States" also include the said district and territories;~~

~~(i) The word "person" or "whoever" includes corporations, societies, associations and partnerships, and other similar legal business organizations; authorized by the Legislature, if not restricted by the context;~~

~~(j) The words "personal representative" include the executor of a will, the administrator of the estate of a deceased person, the administrator of such estate with the will annexed, the administrator de bonis non of such estate, whether there be a will or not, the sheriff or other officer lawfully charged with the administration of the estate of a deceased person, and every other curator or committee of a decedent's estate for or against whom suits may be brought for causes of action which accrued to or against such decedent;~~

~~(k) The word "will" embraces a testament, a codicil, an appointment by will or writing in the nature of a will in exercise of a power, also any other testamentary disposition;~~

~~(l) The word "judgment" includes decrees and orders for the payment of money or the conveyance or delivery of land or personal property, or some interest therein, or any undertaking, bond or recognizance which has the legal effect of a judgment;~~

~~(m) The words "under disability" include persons under the age of eighteen years, insane persons and convicts while confined in a correctional facility;~~

~~(n) The words "insane person" include everyone who has mental illness as defined in section two, article one, chapter twenty seven of this code;~~

~~(o) The word "convict" means a person confined in a penitentiary or correctional facility of this or any other state, or of the United States;~~

~~(p) The word "land" or "lands" and the words "real estate" or "real property" include lands, tenements and hereditaments, all rights thereto and interests therein except chattel interests;~~

~~(q) The words "personal estate" or "personal property" include goods, chattels, real and personal, money, credits, investments and the evidences thereof;~~

~~(r) The word "property" or "estate" embraces both real and personal estate;~~

~~(s) The word "offense" includes every act or omission for which a fine, forfeiture or punishment is imposed by law;~~

~~(t) The expression "laws of the state" includes the Constitution of West Virginia and the Constitution of the United States, and treaties and laws made in pursuance thereof;~~

~~(u) The word "town" includes a city, village or town, and the word "council", any body or board, whether composed of one or more branches, who are authorized to make ordinances for the government of a city, town or village;~~

~~(v) When a council of a town, city or village, or any board, number of persons or corporations, are authorized to make ordinances, bylaws, rules, regulations or orders, the same must be consistent with the laws of this state;~~

~~(w) The words "county court" include any existing tribunal created in lieu of a county commission; the words "commissioner of the county court" and "county commissioner" mean, and have reference to, the commissioners, or one of them, composing a county commission in pursuance of section nine, article IX of the Constitution, as amended, or any existing tribunal created in lieu of a county commission;~~

~~(x) The word "horse" embraces a stallion, a mare and a gelding;~~

~~(y) The words "railroad" and "railway" mean the same thing in law; and, in any proceeding in which a railroad company or a railway company is a party, it is not an error to call a railroad company a railway company or vice versa; nor may any demurrer, plea or any other defense be set up to a motion, pleading or indictment in consequence of the misdescription;~~

~~(z) The sectional headings or headlines of the several sections of this code printed in black-faced type are intended as mere catchwords to indicate the contents of the section and are not titles of the sections, or any part of the statute, and, unless expressly so provided, they are not part of the statute when the sections, including the headlines, are amended or reenacted;~~

~~(aa) The words "infant" and "minor" mean persons under the age of eighteen years as used in this code or in rules promulgated by the Supreme Court of Appeals~~

(1) "Convict" means a person confined in a penitentiary or correctional facility of this or any other state, or of the United States;

(2) "County court" includes any existing tribunal created in lieu of a county commission; the words "commissioner of the county court" and "county commissioner" mean, and have reference to, the commissioners, or one of them, composing a county commission in pursuance of section nine, article IX of the Constitution, as amended, or any existing tribunal created in lieu of a county commission;

(3) "The Governor" is equivalent to "the executive of the state" or "the person having the executive power";

(4) "Judgment" includes decrees and orders for the payment of money, or the conveyance or delivery of land or personal property, or some interest therein, or any undertaking, bond or recognizance which has the legal effect of a judgment;

(5) "Land" or "lands" and the words "real estate" or "real property" include lands, tenements and hereditaments, all rights thereto and interests therein, except chattel interests;

(6) "Laws of the state" includes the Constitution of the State of West Virginia and the Constitution of the United States, and treaties and laws made in pursuance thereof;

(7) "Minor" mean persons under the age of 18 years;

(8) "Offense" includes every act or omission for which a fine, forfeiture, or punishment is imposed by law;

(9) "Person" or "whoever" includes corporations, societies, associations and partnerships, and other similar legal business organizations;

(10) "Personal estate" or "personal property" includes goods, chattels, real and personal, money, credits, investments, and the evidences thereof;

(11) "Property" or "estate" embraces both real and personal estate;

(12) "Railroad" and "railway" mean the same thing in law; and, in any proceeding in which a railroad company or a railway company is a party, it is not an error to call a railroad company a railway company or vice versa; nor may any demurrer, plea or any other defense be set up to a motion, pleading, or indictment in consequence of the misdescription;

(13) "State", when applied to a part of the United States and not restricted by the context, includes the District of Columbia and the several territories, and the words "United States" also include the said district and territories;

(14) "Town" includes a city, village or town, and the word "council", any body or board, whether composed of one or more branches, which is authorized to make ordinances for the government of a city, town, or village;

(15) "Written" or "in writing" includes any representation of words, letters, or figures, whether by printing, engraving, writing, or otherwise. But when the signature of any person is required, it must be in his or her own proper handwriting, or his or her mark, attested, proved, or acknowledged. Unless a provision of this code specifically provides otherwise, an electronic signature satisfies this signature requirement if the electronic signature meets the requirements of §39A-1-2 of this code;

(b) The following rules shall be observed in the construction of statutes unless a different intent on the part of the Legislature is expressed:

(1) A word importing the singular number only may be applied to several persons or things, as well as to one person or thing; a word importing the plural number only may be applied to one person or thing as well as to several; and a word importing the masculine gender only may be applied to females as well as males;

(2) Words purporting to give joint authority to three or more persons confers authority upon a majority of them, and not upon any less number;

(3) The sectional headings or headlines of the several sections of this code printed in black-faced type are intended as mere catchwords to indicate the contents of the section and are not titles of the sections, or any part of the statute, and, unless expressly so provided, they are not part of the statute when the sections, including the headlines, are amended or reenacted;

(4) When a council of a town, city, or village, or any board, number of persons, or corporations, are authorized to make ordinances, bylaws, rules, regulations, or orders, the same must be consistent with the laws of this state;

(5) An officer has qualified when he or she has done all that is required by law to be done before proceeding to exercise the authority and discharge the duties of his or her office;

(bb) (6) A statute is presumed to be prospective in its operation unless expressly made retrospective;

(cc) (7) Unless there is a provision in a section, article, or chapter of this code specifying that its provisions are not severable, the provisions of every section, article, or chapter of this code, whether enacted before or subsequent to the effective date of this subdivision, are severable so that if any provision of any section, article, or chapter is held to be unconstitutional or void, the remaining provisions of the section, article, or chapter remain valid, unless the court finds the valid

provisions are so essentially and inseparably connected with, and so dependent upon, the unconstitutional or void provision that the court cannot presume the Legislature would have enacted the remaining valid provisions without the unconstitutional or void one, or unless the court finds the remaining valid provisions, standing alone, are incomplete and are incapable of being executed in accordance with the legislative intent. ~~Provided, That if any section, article or chapter of this code has its own severability clause, then that severability clause governs and controls with respect to that section, article or chapter in lieu of the provisions of this subdivision~~ The provisions of this subdivision are fully applicable to all future amendments or additions to this code, with like effect as if the provisions of this subdivision were set forth in extenso in every amendment or addition and were reenacted as a part thereof; ~~unless the amendment or addition contains its own severability clause~~

~~(dd)~~ (8) A reference to any section, article, or chapter of this code applies to all reenactments, revisions, or amendments thereof;

~~(ee)~~ (9) If a statute refers to a series of numbers or letters, the first and the last numbers or letters in the series are considered to be included;

~~(ff)~~ The words "board of regents", wherever they appear in the code, mean the Higher Education Policy Commission created in article one b, chapter eighteen b of this code or the West Virginia Council for Community and Technical College Education created in article two b of said chapter unless the term is used in relation to activities conducted solely by an institution or institutions governed by article two a of said chapter in which case it only means the board of governors of the specific institution or institutions; and

~~(gg)~~ (10) No legislative enactment of a regulatory, noncriminal nature may be construed to prohibit a lawful business or business structure in existence and operating in this state prior to the effective date of the enactment of legislation prohibiting the operation of such business or business structure absent an express legislative declaration in the enactment that the existing business or business structure is prohibited from continuing after the effective date of the enactment.

(11) Statutes are construed to avoid absurd results;

(12) Statutes are to be read as a whole, in context, and, if possible, the court is to give effect to every word of the statute; and

(13) When two or more bills amending the same statute are passed during the same session of the Legislature, the form of the statute in the enrolled bill passed latest in time shall control.

§2-2-12. Headlines, etc., not part of act; notes, etc., attached to bills not to be construed as expressing legislative intent.

Chapter, article, or section headings, headlines or headnotes of any act of the Legislature, whether in the act at the time of passage or inserted by the Clerk of the House of Delegates in editing, compiling and publishing the acts of the Legislature, are hereby declared to be mere catchwords and shall not be deemed or construed to be titles of such chapters, articles, or sections, or as any part thereof, or as indicating or expressing legislative intent or purpose.

Abstracts of bills or of changes proposed in existing statutes, explanatory notes, and declarations of purpose accompanying bills at the time of introduction in the Legislature or

appended or attached thereto after introduction, and included with copies of such bills printed or otherwise reproduced by the Legislature or either house thereof, are hereby declared not to be a part of such bills or of reports of committees thereon, and shall not be construed or interpreted as indicating or expressing legislative intent.

CHAPTER 4. THE LEGISLATURE.

ARTICLE 1. OFFICERS, MEMBERS, AND EMPLOYEES; APPROPRIATIONS; INVESTIGATIONS; DISPLAY OF FLAGS; RECORDS; USE OF CAPITOL BUILDING; PREFILING OF BILLS AND RESOLUTIONS; STANDING COMMITTEES; INTERIM MEETINGS; NEXT MEETING OF THE SENATE.

§4-1-13. Clerk of house to be keeper of rolls; compensation; duties as to acts; copies; fees; printing.

(a) The Clerk of the House of Delegates shall be the keeper of the rolls, and for his or her duties as such, ~~he~~ the clerk shall receive \$300 in addition to his salary as clerk. After a bill or joint resolution has passed both houses, ~~he~~ the clerk shall cause the same to be correctly recorded, in a legible manner, in a well-bound book, to be kept for that purpose exclusively, which recording shall be equivalent to enrollment. ~~He~~ The clerk shall have custody of the acts and joint resolutions of the Legislature and shall make a certified copy of them for any person requiring the same. For a copy of an act or joint resolution, ~~he~~ the clerk may demand of the person at whose request it was made, 50 cents, or, at ~~his~~ the clerk's option, 3 cents for every 30 words contained therein. As soon as possible after the close of each session, ~~he~~ the clerk shall prepare a well-arranged index to the acts and joint resolutions passed at such session, and shall furnish to the printer who has the contract for such printing the manuscript of such acts, resolutions, and index and all matter directed by law to be printed therewith, properly prepared and arranged for publication, and shall superintend the printing thereof.

(b) When two or more bills amending the same statute are passed during the same session of the Legislature, the form of the statute in the enrolled bill passed latest in time shall control.

The bill (Eng. H. B. 3432), as amended, was then ordered to third reading.

Eng. House Bill 3439, To limit the civil liability of child placing agencies that obtain an insurance policy in an amount not less than \$1 million per incident.

On second reading, coming up in regular order, was read a second 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 motion of Senator Trump, the following amendment to the bill was reported by the Clerk and adopted:

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

ARTICLE 2. STATE RESPONSIBILITIES FOR CHILDREN.

§49-2-130. Limitation of liability; mandatory errors and omissions insurance.

(a) Every child welfare agency shall obtain a policy of insurance in an amount not less than \$1 million per incident insuring the person or entity and every employee, against loss from the liability imposed by law for damages arising from any error or omission in the provision of child placement services.

(b) A child welfare agency providing programs or services is not liable for civil damages in excess of \$1,000,000, per incident, unless the damages or injuries are intentionally or maliciously inflicted.

(c) Every person or entity required by this section to obtain a policy of insurance shall furnish proof of the existence of the policy to the department on or before January 1 of each calendar year.

(d) Any person or entity who fails to secure a policy of insurance before providing child placement services is not entitled to the limited liability created by subsection (b) of this section.

The bill (Eng. H. B. 3439), as amended, was then ordered to third reading.

Eng. House Bill 3443, Relating to a development or improvement on land subject to review by the State Historic Preservation Office .

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 1. DIVISION OF CULTURE AND HISTORY.

§29-1-15. Development or improvement on land; State Historic Preservation Office; rules and regulations.

(a) Any review by the State Historical Preservation Office or by any other agency, office, or component of the Department of Arts, Culture, and History that is conducted pursuant to §29-1-8(a) of this code to preserve the prehistorical, historical, archaeological, architectural, or cultural value of a development, improvement on land, disturbance in a right-of-way, construction project, or infrastructure project shall be conducted in the most expedient manner possible. The department shall not add any additional impediment to any such review conducted pursuant to this subsection and to §29-1-8(a) of this code beyond those impediments that are required by applicable Federal laws, rules, and regulations.

(b) The curator shall have the authority to make and promulgate rules and regulations in conformity with this section. Upon the effective date of this legislation, the curator shall modify any active rule that conflicts with the provisions of this section.

The bill (Eng. H. B. 3443), as amended, was then ordered to third reading.

Eng. House Bill 3451, Updating the veteran preference ratings in state code for state employment.

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 13. PREFERENCE RATING OF VETERANS ON WRITTEN EXAMINATION ON NONPARTISAN MERIT BASIS.

ARTICLE 13. PREFERENCE RATING OF VETERANS ON WRITTEN EXAMINATION ON NONPARTISAN MERIT BASIS.

§6-13-1. ~~Preference rating of veterans on written examinations for positions in state departments filled under nonpartisan merit system~~ Definitions.

~~For positions in any agency as defined in section four, article one, chapter five f of this code or any other political subdivision of this state in which positions are filled under civil service or any job classification system, a preference of five points in addition to the regular numerical score received on examination shall be awarded to all veterans having qualified for appointment by making a minimum passing grade; and to all veterans awarded the purple heart, or having a compensable service-connected disability, as established by any proper veterans' bureau or department of the federal government, an additional five points shall be allowed.~~

~~For the purpose of this article, a person is defined as a "veteran" if he or she fulfills the requirements of one of the following subsections:~~

~~(a) Served on active duty anytime between December 7, 1941, and July 1, 1955. However, any person who was a reservist called to active duty between February 1, 1955, and October 14, 1976, must meet condition (b) stated below;~~

~~(b) Served on active duty anytime between July 2, 1955, and October 14, 1976, or a reservist called to active duty between February 1, 1955, and October 14, 1976, and who served for more than one hundred eighty days;~~

~~(c) Entered on active duty between October 15, 1976, and September 7, 1980, or a reservist who entered on active duty between October 15, 1976, and October 13, 1982, and received a campaign badge or expeditionary medal or is a disabled veteran; or~~

~~(d) Enlisted in the Armed Forces after September 7, 1980, or entered active duty other than by enlistment on or after October 14, 1982; and~~

~~(1) Completed twenty four months of continuous active duty or the full period called or ordered to active duty, or was discharged under 10 U.S.C. 1171, or for hardship under 10 U.S.C. 1173, and received or was entitled to receive a campaign badge or expeditionary medal; or~~

~~(2) Is a disabled veteran.~~

~~To receive veteran preference, separation from active duty must have been under honorable conditions. This includes honorable and general discharges. A clemency discharge does not meet~~

~~the requirements of the Veteran Preference Act. Active duty for training in the military reserve and National Guard programs is not considered active duty for purposes of veteran preference.~~

~~These awards shall be made for the benefit and preference in appointment of all veterans who have heretofore or who shall hereafter take examinations, but shall not operate to the detriment of any person heretofore appointed to a position in a department or agency.~~

(a) "Active duty" or "active-duty service" means full-time duty in the armed forces of the United States, as defined in 10 USC §101(d) or 32 USC §502, §503, or §904.

(b) "Active duty for training" means full-time duty in the armed forces of the United States for a period of more than 90 consecutive days for training purposes performed by members of the National Guard or Military Reserves.

(c) "Armed forces" shall have the same definition as provided in 5 U.S.C. §2101(2) and means the Army, Navy, Air Force, Marine Corps, Coast Guard, and Space Force.

(d) "Certification" means any written document from the armed forces that certifies that a service member is expected to be discharged or released from active-duty service in the armed forces under honorable conditions not later than 120 days after the date the certification is submitted for consideration in the hiring process, at the time and in the manner prescribed by the applicable job opportunity announcement. Prior to appointment, the service member's character of service and qualifying discharge release must be verified through a DD Form 214 or equivalent documentation.

(e) "Disabled veteran" means a person who has been discharged or released from active-duty service under honorable conditions performed at any time, or who has a certification as defined in subsection (c) of this section, and who has established the present existence of a service-connected disability or is receiving compensation, disability retirement benefits, or a pension because of a statute administered by the Department of Veterans Affairs or by a military department.

(f) "Rule of 3" refers to the rule under which managers are required to select new employees from among the top three available candidates rated and referred to them by an examining office.

(g) "Veteran" means a person who has been discharged or released from active-duty service in the armed forces under honorable conditions, or who has completed active duty for training for a period of more than 90 consecutive days as a member of the National Guard or Military Reserves.

§6-13-2. Preference rating categories for veterans; benefits to be granted on written examinations for positions in state departments filed under nonpartisan merit system; other benefits.

(a) For positions in any agency as defined in §5F-1-4 of this code or any other political subdivision of this state in which positions are filled under civil service or any job classification system, a 5-Point Preference category or a 10-Point Compensable Disability Preference category shall be applied to qualifying veterans. A veteran who qualifies for either the 5-Point Preference category or the 10-Point Compensable Disability Preference category shall have the corresponding preference points added to his or her regular numerical score on employment

examinations or category ratings: *Provided, however;* That the preference points may only be added to a passing score.

(b) If a veteran who qualifies for either the 5-Point Preference category or the 10-Point Compensable Disability Preference category also qualifies for another preference category, the veteran shall only be qualified to receive the benefits that correspond with the highest numerical preference category.

(c) To receive preference under this article, the veteran's separation from active duty must have been under honorable conditions.

(d) The benefits conferred pursuant to this article shall be made for the benefit and preference in appointment of all veterans who have heretofore, or who shall hereafter, take examinations, but shall not operate to the detriment of any person previously appointed to a position in any agency defined in §5F-1-4 of this code or any other political subdivision of this state.

(e) *5-Point Preference category applicability.* — A 5-Point Preference shall be used for veterans who participated in active duty service as set forth in §6-13-1(a) and §6-13-1(b) of this code.

(f) *5-Point Preference benefits.* — Under the 5-Point Preference, a qualifying veteran:

(1) Shall receive an additional five points that shall be added to the regular numerical score or rating of an employment examination: *Provided, however;* These preference points may only be added to a passing score or rating prior;

(2) Shall receive preference points as other eligibles do when the Rule of 3 is applied;

(3) Shall be entitled to be listed ahead of non-preference eligibles with the same score on an examination, or listed ahead of non-preference eligibles in the same quality category when agencies are using category rating;

(4) Shall be entitled to receive the same pass-over rights as other preference eligibles; and

(5) Shall be entitled to credit experience in the armed forces to meet the qualification requirements for employment.

(g) *10-Point Compensable Disability Preference category applicability.* — A 10-Point Compensable Disability Preference shall be used for veterans who:

(1) Served on active duty for any period of time and meet the definitional requirement of "disabled veteran" as set forth in §6-13-1(e) of this code; or

(2) Received a Purple Heart medal.

(h) *10-Point Compensable Disability Preference benefits.* — Under the 10-Point Compensable Disability Preference, a qualifying veteran:

(1) Shall receive an additional 10 points that shall be added to the regular numerical score or rating of an employment examination: *Provided, however;* These preference points may only be added to a passing score or rating;

(2) Shall receive preference points as other eligibles do when the Rule of 3 is applied;

(3) Shall be entitled to be listed ahead of non-preference eligibles with the same score on an examination, or listed ahead of non-preference eligibles in the same quality category when agencies are using category rating;

(4) Shall be entitled to receive the same pass-over rights as other preference eligibles; and

(5) Shall be entitled to credit experience in the armed forces to meet the qualification requirements for employment.

The bill (Eng. H. B. 3451), as amended, was then ordered to third reading.

Eng. House Bill 3473, Creating a workgroup relating to Dig Once Policy.

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 2E. DIG ONCE POLICY.

§17-2E-10.Taskforce on infrastructure deployment clearinghouse; reporting; sunset date.

(a) There is hereby created a taskforce under the leadership of the Commissioner of the Division of Highways, or his or her designee, for the purpose of studying best practices for the creation of a clearinghouse with information on public rights-of-way, including environmental and historic preservation content, that may reduce regulatory hurdles, lower costs, and increase the speed of infrastructure deployment. The purpose of the clearinghouse is to provide information relevant to infrastructure deployment, such as identifying public rights-of-way that may be readily accessed. For purposes of this section, "infrastructure deployment" means the deployment of underground infrastructure in public rights-of-way in West Virginia.

(b) The taskforce shall consist of the following:

(1) The Commissioner of the Division of Highways, or his or her designee;

(2) The Director of the Division of Environmental Protection, or his or her designee;

(3) The director of the historic preservation section of the Department of Arts, Culture, and History, or his or her designee;

(4) Any designee as may be selected by Miss Utility of West Virginia; and

(5) Any designees as may be selected by the Legislative Oversight Commission on Department of Transportation Accountability.

(c) The infrastructure deployment clearinghouse taskforce shall examine and report on the following:

(1) Regulatory hurdles affecting infrastructure deployment;

(2) The availability of information that may reduce regulatory hurdles;

(3) Information available, including environmental factors, historically-significant sites, and previously-disturbed ground as relevant to infrastructure deployment;

(4) Recommendations on ways to create a clearinghouse that contains information relevant to reduce regulatory hurdles, lower costs, and accelerate infrastructure deployment;

(5) Recommendations on restrictions that may be needed concerning access to clearinghouse information; and

(6) Other information and recommendations the taskforce deems important to create the clearinghouse and improve infrastructure deployment.

(d) The taskforce shall report and make recommendations to the Legislative Oversight Commission on Department of Transportation Accountability, including:

(1) Status updates upon request; and

(2) Written recommendations, including any proposed legislation, by December 31, 2023.

(e) The provisions of this section sunset and cease to have effect after March 31, 2024.

The bill (Eng. H. B. 3473), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill 3482, To create the Coal Fired Grid Stabilization and Security Act of 2023.

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

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

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

CHAPTER 5B. ECONOMIC DEVELOPMENT ACT OF 1985.

ARTICLE 20. COAL FIRED GRID STABILIZATION AND SECURITY ACT OF 2023.

§5B-20-1. Short title.

This article shall be known and cited as the "Coal Fired Grid Stabilization and Security Act."

§5B-20-2. Legislative findings; declaration of public policy.

(a) The Legislature finds that:

(1) The advent and advancement of new and existing technologies and mining/drilling practices have created the opportunity for efficient mining of coal in West Virginia, including opportunities for the production of electricity;

(2) Production of electricity utilizing coal produced in West Virginia is now inadequately developed in comparison to nearby states with which West Virginia competes for economically beneficial projects. Coal electric generation projects have been undermined by existing regulatory requirements and related time delays;

(3) In developing regulatory actions and identifying appropriate approaches to encourage development of coal electric generation projects, agencies should attempt to promote coordination, simplification, and harmonization. Agencies should also seek to identify appropriate means to achieve regulatory goals that are designed to promote innovation and enhance West Virginia's competitiveness with surrounding states;

(4) Agencies should review their existing legislative and procedural rules to determine whether any such rules should be modified, streamlined, expanded, or repealed so as to make the agency's regulatory program more effective or less burdensome in achieving the regulatory objectives related to coal electric generation projects. Agencies should also evaluate the data that they have to determine what information might be useful to prompt permitting and approval of coal generated electricity; and

(5) The West Virginia Department of Economic Development established in §5B-2-1 et seq. of this code is responsible for implementing this Coal Fired Grid Stabilization and Security Act of 2023 and provide as much assistance as possible to grow and sustain the coal electric generation segment of the economy.

(b) The Legislature declares that facilitating the development of business activity directly and indirectly related to coal electric generation development, transportation, storage, and use serves the public interest of the citizens of this state by promoting economic development, by improving economic opportunities for the citizens of this state, and providing additional opportunities to stabilize the price of electricity while increasing its reliability and availability.

§5B-20-3. Identification of suitable sites for coal electric generation projects.

(a) The Department of Economic Development is authorized and directed to identify economically viable sites within the state that are:

(1) Located near a convenient and sufficient supply of coal;

(2) Located near consumers to provide a convenient supply of the generated electricity; and,

(3) Likely to create economically viable coal electric generation projects that provide economic benefits to the local and state governmental units and the citizens of the state.

(b) The Department of Economic Development shall use the following criteria in identifying economically viable sites for coal electric generation projects:

(1) Geographic locations near coal deposits in the state capable of supplying and sustaining one or more coal electric generation facilities for the economic life of the facilities;

(2) Geographic locations near existing electric transmission infrastructure capable of transmitting the generated electricity to wholesale markets of electricity by one or more coal electric generation facilities for the economic life of the facilities;

(3) Geographic locations that fulfill the air quality conditions imposed by the Division of Air Quality of the West Virginia Department of Environmental Protection for one or more coal electric generation facilities; and

(4) Geographic locations that can demonstrate that allowable emission increases from one or more coal electric generation facilities, in conjunction with all other applicable emission increases or reductions (including secondary emissions), would not cause or contribute to air pollution in violation of:

(A) Any national or West Virginia Ambient Air Quality Standard in any air quality control region;
or

(B) Any applicable maximum allowable increase over the baseline concentration in any area.

§5B-20-4. Designation of sites suitable for coal electric generation projects.

(a) Following identification of economically viable sites that may be suitable for coal electric generation projects, the Department of Economic Development shall identify and designate each site it has determined to be suitable for coal electric generation projects as a "Designated Site," and shall communicate the Designated Sites to the West Virginia Department of Environmental Protection's Division of Air Quality and the West Virginia Public Service Commission as sites suitable for the construction and operation of coal electric generation projects.

(b) Any application for a siting certificate pursuant to §24-2-11c of the West Virginia Code filed with the Public Service Commission for development of a coal electric generation project at a Designated Site shall be adjudicated, inclusive of public hearings, and a final order issued by the Public Service Commission, within 270 calendar days after the date of the filing of the application, notwithstanding the requirements of any other provision of this code.

(c) Nothing in this section is intended to preclude, modify, or establish new Public Service Commission jurisdiction over:

(1) Any exercise of powers, duties, and obligations pursuant to the West Virginia Public Energy Authority Act; and

(2) The right of end-user consumers of electricity to develop, invest in, or otherwise contract for on-site electric self-generation or cogeneration facilities, including those utilizing coal as a fuel source.

(3) This section does not alter, modify and/or cancel any existing cogeneration tariffs authorized by the Public Service Commission.

(4) This section does not authorize the sale of electricity to end-users in the state.

(d) Where a designated site has been identified, in accordance with §22-5-11c of this code, as a location where additional data would be helpful for modeling or other evaluation of the potential emission of a coal generation project, the Department of Economic Development shall construct such facilities as are necessary to acquire such data.

CHAPTER 22. ENVIRONMENTAL RESOURCES.

ARTICLE 5. AIR POLLUTION CONTROL.**§22-5-11c. Construction and operating permits required for coal electric generation facilities as stationary sources of air pollutants.**

(a) This section applies to coal electric generation facilities as identified and communicated to the Secretary by the West Virginia Department of Economic Development as sites that may be suitable for one or more coal electric generation facilities in accordance with §5B-2O-1 et seq. of this code, or as identified by an applicant for a construction and operating permit for one or more coal electric generation facilities.

(b) The secretary shall take all reasonable steps to expedite consideration of permit applications utilizing sites designated by the Department of Economic Development as a site suitable for use as a coal electric generation facility and communicated to the secretary in accordance with §5B-2O-1 et seq. of this code. Such steps shall include:

(1) An initial determination of whether the identified site is in compliance with National Ambient Air Quality Standards and the West Virginia State Implementation Plan, whether emissions from a coal electric generation facility would be likely to interfere with compliance with the same and, if interference is likely, the steps necessary to avoid noncompliance with National Ambient Air Quality Standards and the State Implementation Plan; and

(2) Evaluation of whether there is sufficient data, meteorological and otherwise, that would allow acceptable modeling of the impacts of emissions from a coal electric generation facility, and if not, construction of sampling and measuring devices to acquire such data at the site.

(c) Unless otherwise specifically provided in this article, the secretary shall issue a permit for a coal electric generation facility which is determined to be a major stationary source within a reasonable time, not to exceed 270 calendar days, after the secretary determines that the application is complete. The secretary must determine whether an application is complete within 30 days from the date the permit application is filed with the secretary and communicated to the permit applicant.

CHAPTER 22B. ENVIRONMENTAL BOARDS.**ARTICLE 1. GENERAL POLICY AND PURPOSE.****§22B-1-7. Appeals to Boards.**

(a) The provisions of this section are applicable to all appeals to the boards, with the modifications or exceptions set forth in this section.

(b) Any person authorized by statute to seek review of an order, permit, or official action of the chief of air quality, the chief of water resources, the chief of waste management, the chief of mining and reclamation, the chief of oil and gas, or the secretary may appeal to the air quality board, the environmental quality board, or the surface mine board, as appropriate, in accordance with this section. The person so appealing shall be known as the appellant and the appropriate chief or the secretary shall be known as the appellee.

(c) An appeal filed with a board by a person subject to an order, permit, or official action shall be perfected by filing a notice of appeal with the board within 30 days after the date upon which

such order, permit, or official action was received by such person as demonstrated by the date of receipt of registered or certified mail or of personal service. For parties entitled to appeal other than the person subject to such order, permit, or official action, an appeal shall be perfected by filing a notice of appeal with the board within 30 days after the date upon which service was complete. For purposes of this subsection, service is complete upon tendering a copy to the designated agent or to the individual who, based upon reasonable inquiry, appears to be in charge of the facility or activity involved, or to the permittee; or by tendering a copy by registered or certified mail, return receipt requested to the last known address of the person on record with the agency. Service is not incomplete by refusal to accept. Notice of appeal must be filed in a form prescribed by the rule of the board for such purpose. Persons entitled to appeal may also file a notice of appeal related to the failure or refusal of the appropriate chief or the secretary to act within a specified time on an application for a permit; such notice of appeal shall be filed within a reasonable time.

(d) The filing of the notice of appeal does not stay or suspend the effectiveness or execution of the order, permit or official action appealed from, except that the filing of a notice of appeal regarding a notice of intent to suspend, modify, or revoke and reissue a permit, issued pursuant to the provisions of §22-5-5 of this code, does stay the notice of intent from the date of issuance pending a final decision of the board. If it appears to the appropriate chief, the secretary, or the board that an unjust hardship to the appellant will result from the execution or implementation of a chief's or secretary's order, permit, or official action pending determination of the appeal, the appropriate chief, the secretary, or the board, as the case may be, may grant a stay or suspension of the order, permit or official action and fix its terms: *Provided*, That unjust hardship shall not be grounds for granting a stay or suspension of an order, permit or official action for an order issued pursuant to §22-3-1 *et seq.* of this code. A decision shall be made on any request for a stay within five days of the date of receipt of the request for stay. The notice of appeal shall set forth the terms and conditions of the order, permit, or official action complained of and the grounds upon which the appeal is based. A copy of the notice of appeal shall be filed by the board with the appropriate chief or secretary within seven days after the notice of appeal is filed with the board.

(e) Within 14 days after receipt of a copy of the notice of appeal, the appropriate chief or the secretary ~~as the case may be~~, shall prepare and certify to the board a complete record of the proceedings out of which the appeal arises including all documents and correspondence in the applicable files relating to the matter in question. With the consent of the board and upon such terms and conditions as the board may prescribe, any person affected by the matter pending before the board may, by petition, intervene as a party appellant or appellee. In any appeal brought by a third party, the permittee or regulated entity shall be granted intervenor status as a matter of right where issuance of a permit or permit status is the subject of the appeal. The board shall hear the appeal *de novo*, and evidence may be offered on behalf of the appellant, appellee, and by any intervenors. The board may visit the site of the activity or proposed activity which is the subject of the hearing and take such additional evidence as it considers necessary: *Provided*, That all parties and intervenors are given notice of the visit and are given an opportunity to accompany the board. The appeal hearing shall be held at such location as may be approved by the board including Kanawha County, the county wherein the source, activity, or facility involved is located or such other location as may be agreed to among the parties.

(f) Any such hearing shall be held within 30 days after the date upon which the board received the timely notice of appeal, unless there is a postponement or continuance. The board may postpone or continue any hearing upon its own motion, or upon application of the appellant, the appellee, or any intervenors for good cause shown: *Provided*, That an appeal of any permit pursuant to §22-5-14 of the code shall be heard by the Air Quality Board within 60 days of the

filing of the notice of appeal, unless all parties to the appeal consent to a postponement or continuance, and issue its decision on the appeal as promptly as reasonably possible following the hearing, but in no event later than two months after the completion of the hearing. The chief or the secretary, as appropriate, may be represented by counsel. If so represented, they shall be represented by the Attorney General or with the prior written approval of the Attorney General may employ counsel who shall be a special assistant Attorney General. At any such hearing the appellant and any intervenor may represent themselves or be represented by an attorney-at-law admitted to practice before the Supreme Court of Appeals.

(g) After such hearing and consideration of all the testimony, evidence, and record in the case:

(1) The environmental quality board or the air quality board as the case may be shall make and enter a written order affirming, modifying, or vacating the order, permit, or official action of the chief or secretary, or shall make and enter such order as the chief or secretary should have entered, or shall make and enter an order approving or modifying the terms and conditions of any permit issued; and

(2) The surface mine board shall make and enter a written order affirming the decision appealed from if the board finds that the decision was lawful and reasonable, or if the board finds that the decision was not supported by substantial evidence in the record considered as a whole, it shall make and enter a written order reversing or modifying the decision of the secretary.

(h) In appeals of an order, permit or official action taken pursuant to §22-6-1 *et seq.*, §22-11-1 *et seq.*, §22-12-1 *et seq.*, §22-13-1 *et seq.*, or §22-15-1 *et seq.* of this code, the environmental quality board established in article three of this chapter, shall take into consideration, in determining its course of action in accordance with subsection (g) of this section, not only the factors which the appropriate chief or the secretary was authorized to consider in issuing an order, in granting or denying a permit, in fixing the terms and conditions of any permit, or in taking other official action, but also the economic feasibility of treating, or controlling, or both, the discharge of solid waste, sewage, industrial wastes, or other wastes involved.

(i) An order of a board shall be accompanied by findings of fact and conclusions of law as specified in §29A-5-3 of this code, and a copy of such order and accompanying findings and conclusions shall be served upon the appellant, and any intervenors, and their attorneys of record, if any, and upon the appellee in person or by registered or certified mail.

(j) The board shall also cause a notice to be served with the copy of such order, which notice shall advise the appellant, the appellee, and any intervenors of their right to judicial review, in accordance with the provisions of this chapter. The order of the board shall be final unless vacated or modified upon judicial review thereof in accordance with the provisions of this chapter.

The bill (Eng. Com. Sub. for H. B. 3482), as amended, was then ordered to third reading.

Eng. House Bill 3509, Making a supplementary appropriation to Miscellaneous Boards and Commissions, Public Service Commission – Consumer Advocate Fund.

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

Eng. House Bill 3513, Making a supplementary appropriation to the Department of Homeland Security, Division of Corrections and Rehabilitation – Regional Jail and Correctional Facility Authority.

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

Eng. House Bill 3515, Making a supplementary appropriation to the Department of Veterans' Assistance, Veterans' Facilities Support Fund.

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

Eng. House Bill 3518, Making a supplementary appropriation to the Department of Agriculture.

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

Eng. House Bill 3524, Making a supplementary appropriation to the Department of Agriculture – West Virginia Spay Neuter Assistance Fund.

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

Eng. House Bill 3526, Making a supplementary appropriation to Miscellaneous Boards and Commissions, Public Service Commission.

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

Eng. House Bill 3552, Relating to per diem jail costs.

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 3. DIVISION OF CORRECTIONS AND REHABILITATION.

§15A-3-16. Funds for operations of jails under the jurisdiction of the commissioner.

(a) Any special revenue funds previously administered by the Regional Jail and Correctional Facility Authority or its executive director are continued, and shall be administered by the commissioner.

(b) Funds that have been transferred by §15A-3-16(a) of this code shall be limited in use to operations of jail functions, and for payment to the Regional Jail and Correctional Facility Authority Board, for payment of indebtedness. In no case shall a fund be utilized to offset or pay operations

of nonjail parts of the facility: Provided, That funds may be utilized on a pro rata basis for shared staff and for operational expenses of facilities being used as both prisons and jails.

(c) Whenever the commissioner determines that the balance in these funds is more than the immediate requirements of this article, he or she may request that the excess be invested until needed. Any excess funds so requested shall be invested in a manner consistent with the investment of temporary state funds. Interest earned on any moneys invested pursuant to this section shall be credited to these funds.

(d) These funds consist of the following:

(1) Moneys collected and deposited in the State Treasury which are specifically designated by Acts of the Legislature for inclusion in these funds;

(2) Contributions, grants, and gifts from any source, both public and private, specifically directed to the operations of jails under the control of the commissioner;

(3) All sums paid pursuant to §15A-3-16(g) of this code; and

(4) All interest earned on investments made by the state from moneys deposited in these funds.

(e) The amounts deposited in these funds shall be accounted for and expended in the following manner:

(1) Amounts deposited shall be pledged first to the debt service on any bonded indebtedness;

(2) After any requirements of debt service have been satisfied, the commissioner shall requisition from these funds the amounts that are necessary to provide for payment of the administrative expenses of this article, as limited by this section;

(3) The commissioner shall requisition from these funds, after any requirements of debt service have been satisfied, the amounts that are necessary for the maintenance and operation of jails under his or her control. These funds shall make an accounting of all amounts received from each county by virtue of any filing fees, court costs, or fines required by law to be deposited in these funds and amounts from the jail improvement funds of the various counties;

(4) Notwithstanding any other provisions of this article, sums paid into these funds by each county pursuant to §15A-3-16(g) of this code for each inmate shall be placed in a separate account and shall be requisitioned from these funds to pay for costs incurred; and

(5) Any amounts deposited in these funds from other sources permitted by this article shall be expended based on particular needs to be determined by the commissioner.

(f)(1) After a jail facility becomes available pursuant to this article for the incarceration of inmates, each county within the region shall incarcerate all persons whom the county would have incarcerated in any jail prior to the availability of the jail facility in the jail facility, except those whose incarceration in a local jail facility used as a local holding facility is specified as appropriate under the previously promulgated, and hereby transferred standards and procedures developed by the Jail Facilities Standards Commission, and whom the sheriff or the circuit court elects to incarcerate therein.

(2) Notwithstanding the provisions of §15A-3-16(f)(1) of this code, circuit and magistrate courts are authorized to:

(A) Detain persons who have been arrested or charged with a crime in a county or municipal jail specified as appropriate under the standards and procedures referenced in §15A-3-16(f)(1) of this code, for a period not to exceed 96 hours; or

(B) Commit persons convicted of a crime in a county or municipal jail, specified as appropriate under the standards and procedures referenced in §15A-3-16(f)(1) of this code, for a period not to exceed 14 days.

(g) When inmates are placed in a jail facility under the jurisdiction of the commissioner pursuant to §15A-3-16(f) of this code, the county, and municipality if the incarceration is a municipal violation, shall pay into this fund a cost per day for each incarcerated inmate, to be determined by the state Budget Office annually by examining the most recent three fiscal years of costs submitted by the commissioner for the cost of operating the jail facilities and units under his or her jurisdiction, and taking an average per day, per inmate cost of maintaining the operations of the jail facilities or units: Provided, That beginning as set forth in subsection (k) of this section. Beginning July 1, 2018, and continuing through July 1, 2023 June 30, 2023, in no case shall any county or municipality be required to pay a rate that exceeds \$48.25 per day, per inmate. ~~Nothing in this section shall be construed to mean that the per diem cannot be decreased or be less than \$48.25 per day per inmate.~~

(h) The per diem costs for incarcerating inmates may not include the cost of construction, acquisition, or renovation of the regional jail facilities: Provided, That each jail facility or unit operating in this state shall keep a record of the date and time that an inmate is incarcerated, and a county may not be charged for a second day of incarceration for an individual inmate until that inmate has remained incarcerated for more than 24 hours. After that, in cases of continuous incarceration, subsequent per diem charges shall be made upon a county only as subsequent intervals of 24 hours pass from the original time of incarceration.

(i) The county is responsible for costs incurred by the division for housing and maintaining inmates in its facilities who are pretrial inmates and convicted misdemeanants. The costs of housing shall be borne by the division on a felony conviction on which an inmate is incarcerated beginning the calendar day following the day of sentencing: Provided, That beginning July 1, 2019, the costs of housing shall be borne by the division on a felony conviction when an inmate is incarcerated beginning the calendar day following the day of conviction. In no case shall the county be responsible for any costs of housing and maintaining felony convicted inmate populations.

(j) The county is responsible for the costs incurred by the authority for housing and maintaining an inmate who, prior to a felony conviction on which the inmate is incarcerated and is awaiting transportation to a state correctional facility for a 60-day evaluation period as provided in §62-12-7a of this code.

~~(k) On or before July 1, 2020, the commissioner shall prepare a report on the feasibility of phasing out the county and municipal per diem charges required by §15A-3-16(g) of this code. This report shall include information regarding savings realized because of the consolidation of the former Division of Corrections, Division of Juvenile Services, and the operations of the Regional Jail and Correctional Facility Authority, as well as any other recommendations that might ease the burden of paying the per diem inmate costs by the counties or municipalities. On or~~

~~before January 1, 2019, January 1, 2020, January 1, 2021, and January 1, 2023 the commissioner shall report to the Joint Committee on Government and Finance and the co-chairmen of the Joint Standing Committee on Finance the actual per diem rate as calculated pursuant to §15A-3-16(g) of this code and any amount not assessed to counties if the actual per diem cost is larger than the amount charged to the counties or municipalities pursuant to §15A-3-16(g) between July 1, 2018, and July 1, 2023.~~

(k) (1) Effective July 1, 2023, the cost per day, per inmate for an incarcerated inmate shall be determined as set forth in this subsection. The base rate per day, per inmate rate shall be set at \$54.48. The State Budget Office shall annually examine the most recent three fiscal years of costs submitted by the commissioner for the cost of operating the jail facilities and units under his or her jurisdiction, and taking an average per day, per inmate cost of maintaining the operations of the jail facilities or units shall adjust the per day, per inmate rate annually. Notice of the adjusted per day, per inmate rate shall be provided to each county commission.

(2) Beginning July 1, 2023, the commissioner shall determine the pro rata share of inmate days per county. This figure shall be calculated by multiplying each counties population as contained in the 2020 United States Census by .52.

(3) (3) Each county shall pay as its annual per diem jail cost:

(A) Eighty percent of the current per diem rate for the first 80 percent of its pro rata share of total billed inmate days;

(B) One hundred percent of the current per diem rate for its inmate days that are greater than 80 percent and up to 100 percent of its pro rata share of total billed inmate days; and

(C) One hundred twenty percent of the current per diem rate for its inmate days that exceed 100 percent of its pro rata share of total billed inmate days.

(4) Beginning July 1, 2031, and every 10 years thereafter the pro rata share of inmate days per county shall be calculated by dividing the number of inmate days from the previous calendar year by the state's population according to the most recent United States Census data and then multiplying that number by each counties population.

(5) The commissioner shall post on the Division of Corrections and Rehabilitations webpage by county:

(i) The pro rata share of inmate days;

(ii) The base number of pro rata days;

(iii) The reduced rate of the per day, per inmate costs;

(iv) The increased per day, per inmate; and

(v) Any other information deemed necessary by the commissioner.

(l) County commissioners may be liable in both their official and individual capacity for the payment of the fees established in this section. County commissioners pursuant to the jurisdiction, powers, and duties placed upon them pursuant to §7-1-1 *et seq.* of this code and Section 11,

Article 9 of the West Virginia Constitution are responsible for the fiscal affairs of their county. This includes oversight of all financial transaction including compliance with legal requirements for the operation of a county government. The non-payment of the expenses associated with providing housing and maintaining inmates as required by this section is in direct contradiction of their established statutory and constitutional duties as the fiscal officers of a county. This violation of the clearly established statutory and constitutional duty to manage all fiscal matters of a county abrogates any qualified immunity county commissioners may have as a government official: *Provided*, That if a county commission has entered into a payment agreement to pay the amount of arrears for the housing and maintenance of inmates and continues to remain current in the payment of the arrears as set forth in the agreement, that shall stay any personal liability of a county commissioner as set forth in this subsection.

(m) In cases in which the incarcerated inmate was placed in a jail facility by the municipal police of a Class I or Class II municipal corporation as defined in §8-1-3 of this code, or of a Class III municipal corporation as defined in §8-1-3 of this code but with a population in excess of 4,000 according to the most recent census taken under the authority of the United States, and the incarceration is not a municipal violation, the county commission responsible for paying the cost per day pursuant to this subsection may seek reimbursement from the municipal corporation of actual expenditures for one day of per diem costs borne by the county commission by memorandum of understanding.

The bill (Eng. H. B. 3552), as amended, was then ordered to third reading.

Eng. House Bill 3560, Relating to expanding the definitions of land and recreational purposes.

On second reading, coming up in regular order, was read a second time and ordered to third 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 with its House of Delegates amended title, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Com. Sub. for Senate Bill 191, Relating to liability for payment of court costs as condition of pretrial diversion agreement.

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

The following House of Delegates amendments to the bill were reported by the Clerk:

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

ARTICLE 11C. THE WEST VIRGINIA COMMUNITY CORRECTIONS ACT.

§62-11C-9. Use of community corrections programs for those not under court supervision.

(a) Subject to the availability of community corrections programs in the county, a written pretrial diversion agreement, entered into pursuant to the provisions of ~~section twenty-two, article eleven, chapter sixty-one~~ §61-11-22 of this code, may require participation or supervision in a

community corrections program as part of the prosecution and resolution of charges. A court ordered deferred adjudication proceeding, pursuant to the provisions of 61-11-22a of this code, may require, through terms and conditions imposed upon a defendant, participation or supervision in a community corrections program

~~(b) Any pretrial diversion program for a defendant charged with a violation of the provisions of section twenty-eight, article two, chapter sixty-one of this code, subsection (b) or (c), section nine of said article §61-2-9b, §61-2-9c, or §61-2-28 of this code, where the alleged victim is a family or household member, or the provisions of section two, article five, chapter seventeen-c §17C-5-2 of this code is to shall require the person charged to appear before the presiding judge or magistrate and either acknowledge his or her understanding of the terms of the agreement or tender a plea of guilty or nolo contendere to the charge or charges. Upon the defendant's motion, the court shall continue the matter for the period of time necessary for the person charged to complete the pretrial diversion program. If the person charged successfully completes the pretrial diversion program, the matter is to be resolved pursuant to the terms of the pretrial diversion agreement. If the person charged fails to successfully complete the pretrial diversion program, the matter, if no plea of guilty or nolo contendere has been tendered, is to shall be returned to the court's docket for resolution. If the person charged has tendered a plea of guilty or nolo contendere and fails to successfully complete the pretrial diversion program, the court shall accept the tendered plea of guilty or nolo contendere and proceed to sentencing.~~

(c) No provision of this article may be construed to limit the prosecutor's discretion to prosecute an individual who has not fulfilled the terms of a written pretrial diversion by not completing the required supervision or participation in a community corrections program.

(d) Notwithstanding any provision of this code to the contrary, any person whose case is disposed of by entering into a pretrial diversion agreement, pursuant to the provisions of ~~section twenty-two, article eleven of this chapter~~ §61-11-22 of this code shall be is liable for any applicable court costs. Payment of the court costs shall be made a condition of the pretrial diversion agreement: Provided, That financial inability to pay court costs may not be a basis for denying a person a pretrial diversion.

(e) Subject to the availability of community corrections programs in the county, a written pretrial diversion agreement, entered into pursuant to the provisions of §61-11-22 of this code, may require participation or supervision in a community corrections program as part of the prosecution and resolution of charges. A court ordered deferred adjudication proceeding, pursuant to the provisions of §61-11-22a of this code, may require, through terms and conditions imposed upon a defendant, participation or supervision in a community corrections program

(f) Any deferred adjudication where the alleged victim is a family or household member, or the provisions of §17C-5-2 of this code shall require the person charged to appear before the presiding judge or magistrate and either acknowledge his or her understanding of the terms of the agreement and tender a plea of guilty or nolo contendere to the charge or charges. Upon the defendant's motion, the court shall continue the matter and defer adjudication for the period of time necessary for the person charged to complete the period of deferred adjudication. If the person charged successfully completes the period of deferred adjudication, the matter is to be resolved pursuant to the terms and conditions of the deferred adjudication as outlined by the court. If it is determined by the court that the defendant did not successfully complete the period of deferred adjudication, the court may accept the tendered plea of guilty or nolo contendere and proceed to sentencing or impose such other terms and conditions as the court deems appropriate, pursuant to the provisions of §61-11-22a of this code.

(g) Notwithstanding any provision of this code to the contrary, any person whose case is disposed of by entering into a deferred adjudication, pursuant to the provisions of §61-11-22a of this code is liable for any applicable court costs. Payment of the court costs shall be made a term and condition of the deferred adjudication. Payment of restitution may be made a term and condition of the deferred adjudication: *Provided*, That financial inability to pay court costs and restitution may not be a basis for denying a person deferred adjudication.;

And,

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

Eng. Com. Sub. for Senate Bill 191—A Bill to amend and reenact §62-11C-9 of the Code of West Virginia, 1931, as amended, relating to liability for payment of court costs as a condition of a pretrial diversion agreement; and declaring that financial inability to pay court costs cannot be a basis for denying a pretrial diversion agreement; correcting a reference to a code section governing deferred prosecution agreements; ; relating to liability for payment of court costs as a condition of deferred adjudication; relating to liability for payment of restitution as a discretionary condition of a deferred adjudication; declaring that deferred adjudications may require participation in community corrections; relating to the procedure of handling deferred adjudications when community corrections are utilized; and declaring that financial inability to pay court costs and restitution cannot be a basis for denying a deferred adjudication.

On motion of Senator Takubo, the following amendment to the House of Delegates amendments to the bill (Eng. Com. Sub. for S. B. 191) was reported by the Clerk and adopted:

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

Eng. Com. Sub. for Senate Bill 191—A Bill to amend and reenact §62-11C-9 of the Code of West Virginia, 1931, as amended, relating to community corrections generally; making participation in a community corrections program a possible condition of deferred adjudication; clarifying conditions of deferred adjudication; clarifying terms of pretrial diversion agreements; clarifying that no contest pleas may be a part of a pretrial diversion or deferred adjudication agreement; setting forth offenses which require a defendant's actual appearance before a court in deferred adjudication matters; clarifying judicial options where a defendant does not successfully complete his or her program; and providing that inability to pay court costs or and restitution is not a basis for denying a person deferred adjudication.

On motion of Senator Takubo, the Senate concurred in the House of Delegates amendments, as amended.

Engrossed Committee Substitute for Senate Bill 191, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Jeffries 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. 191) passed with its Senate amended title.

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

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

Eng. Com. Sub. for Senate Bill 558, Prohibiting law-enforcement agencies from posting booking photographs of certain criminal defendants on social media.

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

The following House of Delegates amendments to the bill were reported by the Clerk:

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

ARTICLE 1. PRELIMINARY PROCEDURE.

§62-1-6a. Booking photographs of criminal defendants.

(a) Except as authorized by the provisions of this section, a law enforcement agency may not share on social media the booking photograph of an individual arrested for the alleged commission of a minor offense.

(b) As used in this section, unless context clearly indicates, otherwise:

"Booking photograph" means a photograph or still, non-video image of an individual taken, generated, or otherwise created by a law enforcement agency pursuant to an arrest or while an individual is in the agency's lawful custody.

"Law enforcement agency" means any duly authorized state, county, or municipal organization employing one or more persons whose responsibility is the enforcement of laws of the state or any county or municipality of the state: *Provided*, That the Division of Corrections and Rehabilitation and its subordinate organizations may not be considered a law enforcement agency for purposes of this section.

"Social media" means a publicly available Internet-based platform that allows a user to produce, post, or curate content and interact with other users via text, images, video, and audio, for the purpose of informing, sharing, promoting, collaborating, or networking.

"Minor offense" means an offense that:

Is a misdemeanor or nonviolent felony eligible for expungement as provided by §61-11-26(a) of this code, and not excepted from eligibility for expungement under §61-11-26(c) of this code: *Provided*, That, for purposes of this section, offenses under §17B-4-3 of this code and misdemeanor offenses under §17C-5-2 of this code, shall be considered minor offenses for purposes of this section.

(c) Exceptions.—A law enforcement agency may share on social media the booking photograph of an individual arrested for the alleged commission a minor offense, if:

(1) The individual is convicted of a criminal offense based upon the conduct for which the individual was in custody for at the time the booking photograph was taken;

(2) A law-enforcement agency has determined that the suspect is a fugitive or an imminent threat to an individual or to public safety and reasonably believes that releasing or disseminating the suspect's booking photograph will assist in locating or apprehending the suspect or reducing or eliminating that threat; or

(3) A court of competent jurisdiction orders the release or dissemination of the booking photograph based upon a finding that doing so is in furtherance of a legitimate interest.

(d) A law-enforcement agency may not be subject to civil action or be held liable when the publication, release, or dissemination of a booking photograph was made by mistake of fact or error, and that publication, release, or dissemination was done in good faith.

(e) A law-enforcement agency that shares on social media a booking photograph of an individual arrested for the suspected commission of any crime shall remove the booking photograph from its social media page within 14 days upon the request of the individual who is the subject of the social media post, or that individual's authorized representative, if any of the following have occurred:

(1) The criminal charge for which the booking photograph was taken has been dismissed;

(2) A grand jury has declined to return an indictment on the charge for which the booking photograph was taken; or

(3) A circuit court or jury has entered a judgment of acquittal on the charge for which the booking photograph was taken, or a court of competent jurisdiction has issued an order or opinion reversing, vacating, or otherwise nullifying the conviction for which the booking photograph was taken.;

And,

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

Eng. Com. Sub. for Senate Bill 558— A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §62-1-6a, relating to prohibiting law enforcement agencies of the state from posting on social media the booking photographs of individuals alleged to have committed a minor offense; clarifying that the Division of Corrections and Rehabilitation and its subordinate organizations may not be considered a law enforcement agency for purposes of this section; providing exceptions; and requiring removal of booking photographs in certain instances.

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

Engrossed Committee Substitute for Senate Bill 558, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Jeffries 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. 558) 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, as amended by the House of Delegates, passage as amended, to take effect from passage, and requested the concurrence of the Senate in the House of Delegates amendment to the Senate amendments, as to

Eng. Com. Sub. for House Bill 2917, Relating to allowing retired state employees who meet the minimum qualifications necessary, to render post-retirement employment with the Department of Health and Human Resources.

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

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

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

Eng. Com. Sub. for House Bill 2917—A Bill to amend and reenact §5-10-48 of the code of West Virginia, 1931, as amended, relating to post-retirement employment by certain retirants; allowing certain retired state employees to render certain post-retirement employment with the Department of Health and Human Resources under certain circumstances; and increasing the amount that may be earned by certain retirants in certain post-retirement employment without requiring suspension of retirement annuity.

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

Engrossed Committee Substitute for House Bill 2917, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Jeffries 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 H. B. 2917) passed with its House of Delegates amended title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Jeffries 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. 2917) takes effect from passage.

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

At the request of Senator Woelfel, unanimous consent being granted, Senator Woelfel addressed the Senate regarding Engrossed Committee Substitute for House Bill 3018 (*Establishing that 18 is the age of consent and removing the ability of an underage person to obtaining a consent to marry through their parents, legal guardians, or by petition to the circuit court*).

Pending announcement of a meeting of the Committee on Rules,

On motion of Senator Takubo, at 2:53 p.m., the Senate recessed until 5 p.m. today.

The Senate reconvened at 5:18 p.m. and, at the request of Senator Maynard, unanimous consent being granted, returned to the second order of business and the introduction of guests.

The Senate again proceeded to the third order of business.

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, 2023

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 Seventy-Nine (679), which was presented to me on March 8, 2023.

You will note that I have approved this bill on March 9, 2023.

Sincerely,

A handwritten signature in blue ink that reads "Jim Justice".

Jim Justice
Governor

JJ/mh

cc: The Honorable Stephen J. Harrison, Clerk



Jim Justice
Governor of West Virginia

March 9, 2023

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, is the following bill:

Committee Substitute for House Bill No. Three Thousand Forty-Two (3042), which was presented to me on March 3, 2023.

You will note that I have approved this bill on March 9, 2023.

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

[CLERK'S NOTE: Enr. House Bill 3340 became law without the Governor's signature on March 8, 2023, under the provisions of Section 14, Article VII of the Constitution of West Virginia.]

The Senate again proceeded to the ninth order of business.

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

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

On third reading, coming up in deferred order, with the right having been granted on yesterday, Wednesday, March 6, 2023, for amendments to be received on third reading, was read a third time.

On motion of Senator Tarr, the following amendment to the bill was reported by the Clerk:

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

TITLE I – GENERAL PROVISIONS.

Section 1. General policy. – The purpose of this bill is to appropriate money necessary for the economical and efficient discharge of the duties and responsibilities of the state and its agencies during the fiscal year 2024.

Sec. 2. Definitions. — For the purpose of this bill:

"Governor" shall mean the Governor of the State of West Virginia.

"Code" shall mean the Code of West Virginia, one thousand nine hundred thirty-one, as amended.

"Spending unit" shall mean the department, bureau, division, office, board, commission, agency, or institution to which an appropriation is made.

The "fiscal year 2024" shall mean the period from July 1, 2023, through June 30, 2024.

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

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

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

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

"Personal services" shall mean salaries, wages and other compensation paid to full-time, part-time and temporary employees of the spending unit but shall not include fees or contractual

payments paid to consultants or to independent contractors engaged by the spending unit. "Personal services" shall include "annual increment" for "eligible employees" and shall be disbursed only in accordance with Article 5, Chapter 5 of the Code.

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

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

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

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

Should the appropriation for "BRIM Premium" be insufficient to cover such cost, the remainder of such costs shall be paid by each spending unit from its "unclassified" appropriation, its "current expenses" appropriation or any other appropriate appropriation to the Board of Risk and Insurance Management. Each spending unit is hereby authorized and required to make such payments. If there is no appropriation for "BRIM Premium" such costs shall be paid by each spending unit from its "current expenses" appropriation, "unclassified" appropriation or other appropriate appropriation.

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

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

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

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

"Buildings" shall include new construction and major alteration of existing structures and the

improvement of lands and shall include shelter, support, storage, protection, or the improvement of a natural condition.

"Lands" shall mean the purchase of real property or interest in real property.

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

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

Appropriations classified in any of the above categories shall be expended only for the purposes as defined above and only for the spending units herein designated: *Provided*, That the secretary of each department shall have the authority to transfer within the department those general revenue funds appropriated to the various agencies of the department: *Provided, however*, That no more than five percent of the general revenue funds appropriated to any one agency or board may be transferred to other agencies or boards within the department: and no funds may be transferred to a "personal services and employee benefits" appropriation unless the source funds are also wholly from a "personal services and employee benefits" line, or unless the source funds are from another appropriation that has exclusively funded employment expenses for at least twelve consecutive months prior to the time of transfer and the position(s) supported by the transferred funds are also permanently transferred to the receiving agency or board within the department: *Provided further*, Notwithstanding any previous provision no more than ten percent of the general revenue funds appropriated to the following funds xxxx, xxxx, xxxx, xxxx, xxxx, xxxx, xxxx, xxxx, xxxx and xxxx within the Department of Health and Human Resources may be transferred between the aforementioned funds: and no funds may be transferred to a "personal services and employee benefits" appropriation unless the source funds are also wholly from a "personal services and employee benefits" line, or unless the source funds are from another appropriation that has exclusively funded employment expenses for at least twelve consecutive months prior to the time of transfer and the position(s) supported by the transferred funds are also permanently transferred to the receiving agency or board within the department: *Provided further*, That the secretary of each department and the director, commissioner, executive secretary, superintendent, chairman or any other agency head not governed by a departmental secretary as established by Chapter 5F of the Code shall have the authority to transfer funds appropriated to "personal services and employee benefits," "current expenses," "repairs and alterations," "equipment," "other assets," "land," "buildings" and "contract nursing" to other appropriations within the same account and no funds from other appropriations shall be transferred to the "personal services and employee benefits" or the "unclassified" appropriation except that during Fiscal Year 2024, and upon approval from the State Budget Office, agencies with the appropriation "Salary and Benefits of Cabinet Secretary and Agency Heads" may transfer between this appropriation and the appropriation "Personal Services and Employee Benefits" an amount to cover annualized salaries and employee benefits for the fiscal year ending June 30, 2024, as provided by W.V. Code §6-7-2a: *And provided further*, That no authority exists hereunder to transfer funds into appropriations to which no funds are legislatively appropriated: *And provided further*, That if the Legislature consolidates, reorganizes or terminates agencies, boards or functions, within any fiscal year the secretary or other appropriate agency head, or in the case of the termination of a spending unit of the state, the Director of the State Budget Office, in the absence of general law providing otherwise, may transfer the funds formerly appropriated to such agency, board or function, allocating items of appropriation as may be necessary if only part of the item may be allocated, in order to implement such consolidation, reorganization or termination.

No funds may be transferred from a Special Revenue Account, dedicated account, capital expenditure account or any other account or fund specifically exempted by the Legislature from transfer, except that the use of the appropriations from the State Road Fund for the office of the Secretary of the Department of Transportation is not a use other than the purpose for which such funds were dedicated and is permitted.

Appropriations otherwise classified shall be expended only where the distribution of expenditures for different purposes cannot well be determined in advance or it is necessary or desirable to permit the spending unit the freedom to spend an appropriation for more than one of the above classifications.

Sec. 4. Method of expenditure. — Money appropriated by this bill, unless otherwise specifically directed, shall be appropriated, and expended according to the provisions of Article 3, Chapter 12 of the Code or according to any law detailing a procedure specifically limiting that article.

Sec. 5. Maximum expenditures. — No authority or requirement of law shall be interpreted as requiring or permitting an expenditure in excess of the appropriations set out in this bill.

TITLE II – APPROPRIATIONS.

ORDER OF SECTIONS

- SECTION 1. Appropriations from general revenue.
- SECTION 2. Appropriations from state road fund.
- SECTION 3. Appropriations from other funds.
- SECTION 4. Appropriations from lottery net profits.
- SECTION 5. Appropriations from state excess lottery revenue.
- SECTION 6. Appropriations of federal funds.
- SECTION 7. Appropriations from federal block grants.
- SECTION 8. Awards for claims against the state.
- SECTION 9. Appropriations from general revenue fund surplus accrued.
- SECTION 10. Appropriations from lottery net profits surplus accrued.
- SECTION 11. Appropriations from state excess lottery revenue surplus accrued.
- SECTION 12. Special revenue appropriations.
- SECTION 13. State improvement fund appropriations.
- SECTION 14. Specific funds and collection accounts.

- SECTION 15. Appropriations for refunding erroneous payment.
- SECTION 16. Sinking fund deficiencies.
- SECTION 17. Appropriations for local governments.
- SECTION 18. Total appropriations.
- SECTION 19. General school fund.

Section 1. Appropriations from general revenue. – From the State Fund, General Revenue, there are hereby appropriated conditionally upon the fulfillment of the provisions set forth in Article 2, Chapter 11B the following amounts, as itemized, for expenditure during the fiscal year 2024.

LEGISLATIVE

1 - *Senate*
Fund 0165 FY 2024 Org 2100

	Appropriation	General 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 2023 are to remain in full force and effect and are hereby reappropriated to June 30, 2024. Any balances so reappropriated may be transferred and credited to the fiscal year 2023 accounts.

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

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

The Clerk of the Senate, with the approval of the President, or the President of the Senate shall have authority to employ such staff personnel during any session of the Legislature as shall be needed in addition to staff personnel authorized by the Senate resolution adopted during any such session. The Clerk of the Senate, with the approval of the President, or the President of the Senate shall have authority to employ such staff personnel between sessions of the Legislature

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

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

Included in the above appropriation for Senate (fund 0165, appropriation 02100), an amount not less than \$5,000 is to be used for the West Virginia Academy of Family Physicians - Doc of the Day Program.

2 - House of Delegates

Fund 0170 FY 2024 Org 2200

Compensation of Members (R)	00300	\$	3,000,000
Compensation and Per Diem of Officers and Employees (R).....	00500		575,000
Current Expenses and Contingent Fund (R)	02100		4,399,031
Expenses of Members (R)	39900		1,350,000
Capital Outlay, Repairs and Equipment (R).....	58900		500,000
BRIM Premium (R).....	91300		<u>80,000</u>
Total		\$	9,904,031

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

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

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

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

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

Included in the above appropriation for House of Delegates (fund 0170, appropriation 02100), an amount not less than \$5,000 is to be used for the West Virginia Academy of Family Physicians - Doc of the Day Program.

3 - *Joint Expenses*

(W.V. Code Chapter 4)

Fund 0175 FY 2024 Org 2300

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

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

Upon the written request of the Clerk of the Senate, with the approval of the President of the Senate, and the Clerk of the House of Delegates, with the approval of the Speaker of the House of Delegates, and a copy to the Legislative Auditor, the Auditor shall transfer amounts between items of the total appropriation in order to protect or increase the efficiency of the service.

JUDICIAL

4 - *Supreme Court* –

*General Judicial*Fund 0180 FY 2024 Org 2400

Personal Services and Employee Benefits (R).....	00100	\$ 129,136,873
Current Expenses (R)	13000	21,482,914
Repairs and Alterations (R).....	06400	40,000
Equipment (R).....	07000	1,814,000
Military Services Members Court (R).....	09002	300,000
Judges' Retirement System (R).....	11000	854,000
Buildings (R)	25800	10,000
Other Assets (R).....	69000	80,000
BRIM Premium (R).....	91300	<u>716,410</u>
Total		\$ 154,434,197

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

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

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

EXECUTIVE*5 - Governor's Office*

(W.V. Code Chapter 5)

Fund 0101 FY 2024 Org 0100

Personal Services and Employee Benefits.....	00100	\$ 3,409,542
Current Expenses (R)	13000	799,000
Repairs and Alterations.....	06400	25,000
Equipment.....	07000	1,000

National Governors Association	12300	60,700
Herbert Henderson Office of Minority Affairs	13400	396,726
Community Food Program	18500	1,000,000
Office of Resiliency (R)	18600	613,421
BRIM Premium.....	91300	<u>183,645</u>
Total		\$ 6,489,034

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

The above appropriation for Herbert Henderson Office of Minority Affairs (fund 0101, appropriation 13400) shall be transferred to the Minority Affairs Fund (fund 1058).

6 - Governor's Office –

Custodial Fund

(W.V. Code Chapter 5)

Fund 0102 FY 2024 Org 0100

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

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

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

7 - Governor's Office –

Civil Contingent Fund

(W.V. Code Chapter 5)

Fund 0105 FY 2024 Org 0100

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

Any unexpended balances remaining in the appropriations for Business and Economic Development Stimulus – Surplus (fund 0105, appropriation 08400), Civil Contingent Fund – Total (fund 0105, appropriation 11400), 2012 Natural Disasters – Surplus (fund 0105, appropriation 13500), Congressional Earmark Maintenance of Effort – Surplus (fund 0105, appropriation 22599), Civil Contingent Fund – Total – Surplus (fund 0105, appropriation 23800), Civil Contingent Fund – Surplus (fund 0105, appropriation 26300), Local Economic Development Assistance – Surplus (fund 0105, appropriation 26600), Business and Economic Development Stimulus (fund 0105, appropriation 58600), Civil Contingent Fund (fund 0105, appropriation 61400), Milton Flood Wall (fund 0105, appropriation 75701), Milton Flood Wall – Surplus (fund 0105, appropriation 75799), Natural Disasters – Surplus (fund 0105, appropriation 76400), Local Economic Development Assistance (fund 0105, appropriation 81900), and Federal Funds/Grant Match – Surplus (fund 0105, appropriation 85700) at the close of the fiscal year 2023 are hereby reappropriated for expenditure during the fiscal year 2024.

From this fund there may be expended, at the discretion of the Governor, an amount not to exceed \$1,000 as West Virginia's contribution to the Interstate Oil Compact Commission.

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

8 - Auditor's Office –

General Administration

(W.V. Code Chapter 12)

Fund 0116 FY 2024 Org 1200

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

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

Included in the above appropriation to Personal Services and Employee Benefits (fund 0116, appropriation 00100) is \$95,000 for the Salary of the Auditor.

9 - Treasurer's Office

(W.V. Code Chapter 12)

Fund 0126 FY 2024 Org 1300

Personal Services and Employee Benefits.....	00100	\$	2,711,818
Unclassified	09900		31,463
Current Expenses (R)	13000		572,684
Abandoned Property Program.....	11800		41,794
Other Assets	69000		10,000
ABLE Program.....	69201		150,000
BRIM Premium.....	91300		<u>59,169</u>
Total		\$	3,576,928

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

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

10 - Department of Agriculture

(W.V. Code Chapter 19)

Fund 0131 FY 2024 Org 1400

Personal Services and Employee Benefits.....	00100	\$	6,808,433
Current Expenses (R)	13000		848,115
Animal Identification Program	03900		136,407
State Farm Museum.....	05500		87,759
Gypsy Moth Program (R)	11900		1,098,069
WV Farmers Market.....	12801		150,467
Black Fly Control.....	13700		459,453
HEMP Program.....	13701		375,033

Donated Foods Program.....	36300	45,000
Veterans to Agriculture Program (R)	36301	268,572
Predator Control (R).....	47000	176,400
Bee Research	69100	74,662
Microbiology Program	78500	105,583
Moorefield Agriculture Center.....	78600	1,056,879
Chesapeake Bay Watershed.....	83000	120,911
Livestock Care Standards Board.....	84300	8,820
BRIM Premium.....	91300	138,905
State FFA-FHA Camp and Conference Center	94101	778,539
Threat Preparedness	94200	77,869
WV Food Banks	96900	426,000
Senior's Farmers' Market Nutrition Coupon Program	97000	<u>55,835</u>
Total.....		\$ 13,297,711

Any unexpended balances remaining in the appropriations for Gypsy Moth Program (fund 0131, appropriation 11900), Current Expenses (fund 0131, appropriation 13000), Veterans to Agriculture Program (fund 0131, appropriation 36301), Predator Control (fund 0131, appropriation 47000), and Agricultural Disaster and Mitigation Needs – Surplus (fund 0131, appropriation 85000) at the close of the fiscal year 2023 are hereby reappropriated for expenditure during the fiscal year 2024.

Included in the above appropriation to Personal Services and Employee Benefits (fund 0131, appropriation 00100) is \$95,000 for the Salary of the Commissioner.

The above appropriation for Predator Control (fund 0131, appropriation 47000) is to be made available to the United States Department of Agriculture, Wildlife Services to administer the Predator Control Program.

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

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

(W.V. Code Chapter 19)

Fund 0132 FY 2024 Org 1400

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

Any unexpended balances remaining in the appropriations for Soil Conservation Projects (fund 0132, appropriation 12000) and Current Expenses (fund 0132, appropriation 13000) at the close of the fiscal year 2023 are hereby reappropriated for expenditure during the fiscal year 2024.

*12 - Department of Agriculture –**Meat Inspection Fund*

(W.V. Code Chapter 19)

Fund 0135 FY 2024 Org 1400

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

Any part or all of this appropriation may be transferred to a special revenue fund for the purpose of matching federal funds for the above-named program.

*13 - Department of Agriculture –**Agricultural Awards Fund*

(W.V. Code Chapter 19)

Fund 0136 FY 2024 Org 1400

Programs and Awards for 4-H Clubs and FFA/FHA	57700	\$	15,000
Commissioner's Awards and Programs.....	73700		<u>39,250</u>

Total		\$	54,250
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14 - Department of Agriculture –

West Virginia Agricultural Land Protection Authority

(W.V. Code Chapter 8A)

Fund 0607 FY 2024 Org 1400

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

15 - Attorney General

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

Fund 0150 FY 2024 Org 1500

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

Any unexpended balances remaining in the appropriations for Personal Services and Employee Benefits (fund 0150, appropriation 00100), Unclassified (fund 0150, appropriation 09900), Current Expenses (fund 0150, appropriation 13000), Criminal Convictions and Habeas Corpus Appeals (fund 0150, appropriation 26000), and Agency Client Revolving Liquidity Pool (fund 0150, appropriation 36200) at the close of the fiscal year 2023 are hereby reappropriated for expenditure during the fiscal year 2024.

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

When legal counsel or secretarial help is appointed by the Attorney General for any state

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

16 - Secretary of State

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

Fund 0155 FY 2024 Org 1600

Personal Services and Employee Benefits.....	00100	\$	118,794
Unclassified (R).....	09900		8,352
Current Expenses (R)	13000		781,584
BRIM Premium.....	91300		<u>34,500</u>
Total		\$	943,230

Any unexpended balances remaining in the appropriations for Unclassified (fund 0155, appropriation 09900) and Current Expenses (fund 0155, appropriation 13000) at the close of the fiscal year 2023 are hereby reappropriated for expenditure during the fiscal year 2024.

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

17 - State Election Commission

(W.V. Code Chapter 3)

Fund 0160 FY 2024 Org 1601

Personal Services and Employee Benefits.....	00100	\$	2,477
Unclassified	09900		75
Current Expenses	13000		<u>4,956</u>
Total		\$	7,508

DEPARTMENT OF ADMINISTRATION

18 - Department of Administration –

Office of the Secretary

(W.V. Code Chapter 5F)

Fund 0186 FY 2024 Org 0201

Personal Services and Employee Benefits.....	00100	\$	479,079
Salary and Benefits of Cabinet Secretary and Agency Heads.....	00201		153,400
Unclassified	09900		9,177
Current Expenses	13000		85,009
Repairs and Alterations.....	06400		100
Equipment.....	07000		1,000
Financial Advisor (R).....	30400		27,546
Lease Rental Payments	51600		14,850,000
Design-Build Board	54000		4,000
Other Assets	69000		100
BRIM Premium.....	91300		<u>6,736</u>
Total.....		\$	15,616,147

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

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

19 - Consolidated Public Retirement Board

(W.V. Code Chapter 5)

Fund 0195 FY 2024 Org 0205

The Division of Highways, Division of Motor Vehicles, Public Service Commission, and other departments, bureaus, divisions, or commissions operating from special revenue funds and/or federal funds shall pay their proportionate share of the retirement costs for their respective divisions. When specific appropriations are not made, such payments may be made from the balances in the various special revenue funds in excess of specific appropriations.

20 - Division of Finance

(W.V. Code Chapter 5A)

Fund 0203 FY 2024 Org 0209

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

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

21 - Division of General Services

(W.V. Code Chapter 5A)

Fund 0230 FY 2024 Org 0211

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

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

reappropriated for expenditure during the fiscal year 2024.

From the above appropriation for Preservation and Maintenance of Statues and Monuments on Capitol Grounds (fund 0230, appropriation 37100), the Division shall consult the Division of Culture and History and Capitol Building Commission in all aspects of planning, assessment, maintenance, and restoration.

The above appropriation for Capital Outlay, Repairs and Equipment (fund 0230, appropriation 58900) shall be expended for capital improvements, maintenance, repairs, and equipment for state-owned buildings.

22 - Division of Purchasing

(W.V. Code Chapter 5A)

Fund 0210 FY 2024 Org 0213

Personal Services and Employee Benefits.....	00100	\$	1,105,767
Unclassified	09900		144
Current Expenses	13000		1,285
Repairs and Alterations.....	06400		200
BRIM Premium.....	91300		<u>6,922</u>
Total		\$	1,114,318

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

23 - Travel Management

(W.V. Code Chapter 5A)

Fund 0615 FY 2024 Org 0215

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

Total		\$	1,301,124
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24 - Commission on Uniform State Laws

(W.V. Code Chapter 29)

Fund 0214 FY 2024 Org 0217

Current Expenses	13000	\$	45,550
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To pay expenses for members of the Commission on Uniform State Laws.

25 - West Virginia Public Employees Grievance Board

(W.V. Code Chapter 6C)

Fund 0220 FY 2024 Org 0219

Personal Services and Employee Benefits	00100	\$	1,027,173
Unclassified	09900		1,000
Current Expenses	13000		145,295
Equipment.....	07000		50
BRIM Premium.....	91300		<u>8,740</u>
Total		\$	1,182,258

26 - Ethics Commission

(W.V. Code Chapter 6B)

Fund 0223 FY 2024 Org 0220

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

27 - Public Defender Services

(W.V. Code Chapter 29)

Fund 0226 FY 2024 Org 0221

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

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

The director shall have the authority to transfer funds from the appropriation to Public Defender Corporations (fund 0226, appropriation 35200) to Appointed Counsel Fees (fund 0226, appropriation 78800).

*28 - Committee for the Purchase of**Commodities and Services from the Handicapped*

(W.V. Code Chapter 5A)

Fund 0233 FY 2024 Org 0224

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

29 - Public Employees Insurance Agency

(W.V. Code Chapter 5)

Fund 0200 FY 2024 Org 0225

PEIA Subsidy	80100	\$	71,373,750
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The Division of Highways, Division of Motor Vehicles, Public Service Commission, and other departments, bureaus, divisions, or commissions operating from special revenue funds and/or federal funds shall pay their proportionate share of the public employees health insurance cost for their respective divisions.

The above appropriation for PEIA Subsidy (fund 0200, appropriation 80100) may be transferred to a special revenue fund and shall be utilized by the West Virginia Public Employees Insurance Agency for the purposes of offsetting benefit changes to offset the aggregate premium cost-sharing percentage requirements between employers and employees. Such amount shall not be included in the calculation of the plan year aggregate premium cost-sharing percentages between employers and employees.

30 - West Virginia Prosecuting Attorneys Institute

(W.V. Code Chapter 7)

Fund 0557 FY 2024 Org 0228

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

Any unexpended balances remaining in the appropriations for Forensic Medical Examinations (fund 0557, appropriation 68300) and Federal Funds/Grant Match (fund 0557, appropriation 74900) at the close of the fiscal year 2023 are hereby reappropriated for expenditure during the fiscal year 2024.

31 - Real Estate Division

(W.V. Code Chapter 5A)

Fund 0610 FY 2024 Org 0233

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

DEPARTMENT OF COMMERCE*32 - Division of Forestry*

(W.V. Code Chapter 19)

Fund 0250 FY 2024 Org 0305

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

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

Any unexpended balances remaining in the appropriations for Current Expenses – Surplus (fund 0250, appropriation 13099) and Equipment – Surplus (fund 0250, appropriation 34100) at the close of the fiscal year 2023 are hereby reappropriated for expenditure during the fiscal year 2024.

33 - Geological and Economic Survey

(W.V. Code Chapter 29)

Fund 0253 FY 2024 Org 0306

Personal Services and Employee Benefits.....	00100	\$	1,705,320
Salary and Benefits of Cabinet Secretary and			
Agency Heads.....	00201		112,753
Unclassified	09900		27,678
Current Expenses	13000		51,524
Repairs and Alterations.....	06400		968
Mineral Mapping System (R).....	20700		1,136,567

BRIM Premium.....	91300	<u>24,486</u>
Total		\$ 3,059,296

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

The above Unclassified and Current Expenses appropriations include funding to secure federal and other contracts and may be transferred to a special revolving fund (fund 3105) for the purpose of providing advance funding for such contracts.

34 - Division of Labor

(W.V. Code Chapters 21 and 47)

Fund 0260 FY 2024 Org 0308

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

35 - Division of Natural Resources

(W.V. Code Chapter 20)

Fund 0265 FY 2024 Org 0310

Personal Services and Employee Benefits.....	00100	\$ 20,400,532
Salary and Benefits of Cabinet Secretary and Agency Heads	00201	113,188
Unclassified	09900	184,711
Current Expenses	13000	529,654
Repairs and Alterations.....	06400	100
Equipment.....	07000	100
Buildings (R)	25800	100

Capital Outlay – Parks (R)	28800	6,000,000
Litter Control Conservation Officers	56400	151,662
Upper Mud River Flood Control (R).....	65400	175,210
Other Assets	69000	100
Land (R).....	73000	100
Law Enforcement	80600	2,628,555
BRIM Premium.....	91300	<u>45,141</u>
Total		\$ 30,229,153

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

Any revenue derived from mineral extraction at any state park shall be deposited in a special revenue account of the Division of Natural Resources, first for bond debt payment purposes and with any remainder to be for park operation and improvement purposes.

36 - Division of Miners' Health, Safety and Training

(W.V. Code Chapter 22A)

Fund 0277 FY 2024 Org 0314

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

Included in the above appropriation for Current Expenses (fund 0277, appropriation 13000) is \$500,000 to be used for coal mine training activities at an established mine training facility in southern West Virginia.

37 - Board of Coal Mine Health and Safety

(W.V. Code Chapter 22)

Fund 0280 FY 2024 Org 0319

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

Included in the above appropriation for Current Expenses (fund 0280, appropriation 13000) up to \$29,000 shall be used for the Coal Mine Safety and Technical Review Committee.

38 - WorkForce West Virginia

(W.V. Code Chapter 23)

Fund 0572 FY 2024 Org 0323

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

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

(W.V. Code Chapter 19)

Fund 0606 FY 2024 Org 0327

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

40 - State Board of Rehabilitation –

Division of Rehabilitation Services

(W.V. Code Chapter 18)

Fund 0310 FY 2024 Org 0932

Personal Services and Employee Benefits.....	00100	\$	12,317,698
Current Expenses	13000		558,815
Independent Living Services	00900		429,418
Workshop Development.....	16300		1,817,427
Supported Employment Extended Services	20600		77,960
Ron Yost Personal Assistance Fund	40700		333,828
Employment Attendant Care Program.....	59800		131,575
BRIM Premium.....	91300		<u>77,464</u>
Total		\$	15,744,185

The above appropriation for Workshop Development (fund 0310, appropriation 16300) shall be used exclusively with the private nonprofit community rehabilitation program organizations known as work centers or sheltered workshops. The appropriation shall also be used to continue the support of the program, services, and individuals with disabilities currently in place at those organizations.

DEPARTMENT OF TOURISM

41 - Department of Tourism –

Office of the Secretary

(W.V. Code Chapter 5B)

Fund 0246 FY 2024 Org 0304

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

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

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

DEPARTMENT OF ECONOMIC DEVELOPMENT

42 - Department of Economic Development –

Office of the Secretary

(W.V. Code Chapter 5B)

Fund 0256 FY 2024 Org 0307

Personal Services and Employee Benefits.....	00100	\$	4,261,881
Unclassified	09900		108,055
Current Expenses	13000		4,738,464
National Youth Science Camp	13200		241,570
Local Economic Development Partnerships (R)	13300		1,250,000
ARC Assessment.....	13600		152,585
Marshall University Research Corporation	xxxxx		500,000
Global Economic Development Partnerships (R)	20201		150,000
Guaranteed Work Force Grant (R).....	24200		988,088
Directed Transfer	70000		15,000,000
Mainstreet Program	79400		173,222
BRIM Premium.....	91300		3,157
Hatfield McCoy Recreational Trail	96000		<u>198,415</u>
Total.....		\$	27,765,437

Any unexpended balances remaining in the appropriations for Unclassified – Surplus (fund 0256, appropriation 09700), Partnership Grants (fund 0256, appropriation 13100), Local

Economic Development Partnerships (fund 0256, appropriation 13300), Global Economic Development Partnerships (fund 0256, appropriation 20201), and Guaranteed Work Force Grant (fund 0256, appropriation 24200) at the close of the fiscal year 2023 are hereby reappropriated for expenditure during the fiscal year 2024.

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

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

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

DEPARTMENT OF EDUCATION

43 - State Board of Education –

School Lunch Program

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

Fund 0303 FY 2024 Org 0402

Personal Services and Employee Benefits.....	00100	\$	368,331
Current Expenses	13000		<u>2,118,865</u>
Total		\$	2,487,196

44 - State Board of Education –

State Department of Education

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

Fund 0313 FY 2024 Org 0402

Personal Services and Employee Benefits.....	00100	\$	4,825,679
Unclassified (R).....	09900		420,000

Current Expenses (R)	13000	4,580,000
Teachers' Retirement Savings Realized.....	09500	37,543,000
Center for Professional Development (R).....	11500	150,000
Increased Enrollment	14000	4,250,000
Safe Schools.....	14300	4,509,127
Attendance Incentive Bonus (R).....	15001	2,262,389
National Teacher Certification (R)	16100	300,000
Jobs & Hope – Childhood Drug Prevention Education	21901	5,000,000
Technology Repair and Modernization.....	29800	951,003
Hope Scholarship Program	30401	23,970,739
HVAC Technicians	35500	541,248
Early Retirement Notification Incentive.....	36600	300,000
MATH Program	36800	386,532
Assessment Programs (R)	39600	3,953,638
Benedum Professional Development Collaborative (R).....	42700	429,775
Governor's Honors Academy (R)	47800	1,059,270
21st Century Fellows.....	50700	274,899
English as a Second Language.....	52800	96,000
Teacher Reimbursement.....	57300	297,188
Hospitality Training	60000	277,954
Youth in Government	61600	100,000
High Acuity Special Needs (R).....	63400	1,500,000
Foreign Student Education.....	63600	101,445
State Board of Education Administrative Costs	68400	285,887
IT Academy (R).....	72100	500,000
Early Literacy Program.....	75600	5,717,133

School Based Truancy Prevention (R)	78101	2,063,740
Communities in Schools (R).....	78103	4,905,755
Mastery Based Education	78104	125,000
Mountain State Digital Literacy Program	86401	415,500
21st Century Learners (R).....	88600	1,821,209
BRIM Premium.....	91300	342,859
21st Century Assessment and Professional Development	93100	2,012,157
21st Century Technology Infrastructure Network		
Tools and Support (R)	93300	9,885,992
Special Olympic Games.....	96600	25,000
Educational Program Allowance	99600	<u>516,250</u>
Total		\$ 126,696,368

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

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

Any unexpended balances remaining in the appropriations for Unclassified (fund 0313, appropriation 09900), Current Expenses (fund 0313, appropriation 13000), Center for Professional Development (fund 0313, appropriation 11500), Attendance Incentive Bonus (fund 0313, appropriation 15001), National Teacher Certification (fund 0313, appropriation 16100), Hope Scholarship Program (fund 313, appropriation 30401), Assessment Programs (fund 0313, appropriation 39600), Benedum Professional Development Collaborative (fund 0313, appropriation 42700), Governor's Honors Academy (fund 0313, appropriation 47800), High Acuity Special Needs (fund 0313, appropriation 63400), IT Academy (fund 0313, appropriation 72100), School Based Truancy Prevention (fund 0313, appropriation 78101), Communities in Schools (fund 0313, appropriation 78103), 21st Century Learners (fund 0313, appropriation 88600), and 21st Century Technology Infrastructure Network Tools and Support (fund 0313, appropriation 93300) at the close of the fiscal year 2023 are hereby reappropriated for expenditure during the fiscal year 2024.

The above appropriation for Teachers' Retirement Savings Realized (fund 0313, appropriation 09500) shall be transferred to the Employee Pension and Health Care Benefit Fund (fund 2044).

From the above appropriation for Unclassified (fund 0313, appropriation 09900), \$120,000 shall be for assisting low income students with AP and CLEP exam fees.

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

The above appropriation for Hospitality Training (fund 0313, appropriation 60000), shall be allocated only to entities that have a plan approved for funding by the Department of Education, at the funding level determined by the State Superintendent of Schools. Plans shall be submitted to the State Superintendent of Schools to be considered for funding.

From the above appropriation for Educational Program Allowance (fund 0313, appropriation 99600), \$100,000 shall be expended for the Morgan County Board of Education for Paw Paw Schools; \$150,000 shall be for the Randolph County Board of Education for Pickens School; \$100,000 shall be for the Preston County Board of Education for the Aurora School; \$100,000 shall be for the Fayette County Board of Education for Meadow Bridge; and \$66,250 is for Project Based Learning in STEM fields.

45 - State Board of Education –

Aid for Exceptional Children

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

Fund 0314 FY 2024 Org 0402

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

Any unexpended balance remaining in the appropriation for Education of Institutionalized Juveniles and Adults (fund 0314, appropriation 47200) at the close of the fiscal year 2023 is hereby reappropriated for expenditure during the fiscal year 2024.

From the above appropriations, the Superintendent shall have authority to expend funds for the costs of special education for those children residing in out-of-state placements.

46 - State Board of Education –

State Aid to Schools

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

Fund 0317 FY 2024 Org 0402

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

47 - State Board of Education –

School Building Authority

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

Fund 0318 FY 2024 Org 0404

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

48 - State Board of Education –

Vocational Division

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

Fund 0390 FY 2024 Org 0402

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

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

49 - State Board of Education –

West Virginia Schools for the Deaf and the Blind

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

Fund 0320 FY 2024 Org 0403

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

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

DEPARTMENT OF ARTS, CULTURE, AND HISTORY

50 - Division of Culture and History

(W.V. Code Chapter 29)

Fund 0293 FY 2024 Org 0432

Personal Services and Employee Benefits.....	00100	\$ 3,658,720
Salary and Benefits of Cabinet Secretary and Agency Heads.....	00201	120,106
Unclassified (R).....	09900	28,483
Current Expenses	13000	610,843
Repairs and Alterations.....	06400	1,000
Equipment.....	07000	1
WV Humanities Council	16800	250,000
Buildings	25800	1
Other Assets	69000	1
Educational Enhancements.....	69500	73,500

Land	73000	1
Culture and History Programming	73200	231,573
Capital Outlay and Maintenance (R)	75500	19,600
Historical Highway Marker Program.....	84400	57,548
BRIM Premium.....	91300	<u>39,337</u>
Total.....		\$ 5,090,714

Any unexpended balances remaining in the appropriations for Unclassified (fund 0293, appropriation 09900), Capital Outlay, Repairs and Equipment (fund 0293, appropriation 58900), Capital Improvements – Surplus (fund 0293, appropriation 66100), Capital Outlay, Repairs and Equipment – Surplus (fund 0293, appropriation 67700), and Capital Outlay and Maintenance (fund 0293, appropriation 75500) at the close of the fiscal year 2023 are hereby reappropriated for expenditure during the fiscal year 2024.

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

The Current Expenses appropriation includes funding for the arts funds, department programming funds, grants, fairs and festivals, and Camp Washington Carver; and shall be expended only upon authorization of the Division of Culture and History and in accordance with the provisions of Chapter 5A, Article 3, and Chapter 12 of the WV Code.

51 - Library Commission

(W.V. Code Chapter 10)

Fund 0296 FY 2024 Org 0432

Personal Services and Employee Benefits.....	00100	\$ 1,154,498
Salary and Benefits of Cabinet Secretary and		
Agency Heads.....	00201	112,000
Current Expenses	13000	139,624
Repairs and Alterations.....	06400	6,500
Services to Blind & Handicapped	18100	161,717
BRIM Premium.....	91300	<u>18,205</u>
Total.....		\$ 1,592,544

52 - Educational Broadcasting Authority

(W.V. Code Chapter 10)

Fund 0300 FY 2024 Org 0439

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

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION*53 - Environmental Quality Board*

(W.V. Code Chapter 20)

Fund 0270 FY 2024 Org 0311

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

54 - Division of Environmental Protection

(W.V. Code Chapter 22)

Fund 0273 FY 2024 Org 0313

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

55 - Air Quality Board

(W.V. Code Chapter 16)

Fund 0550 FY 2024 Org 0325

Personal Services and Employee Benefits.....	00100	\$	60,737
Current Expenses.....	13000		11,612
Repairs and Alterations.....	06400		800
Equipment.....	07000		400
Other Assets.....	69000		200
BRIM Premium.....	91300		<u>2,304</u>
Total.....		\$	76,053

DEPARTMENT OF HEALTH AND HUMAN RESOURCES

56 - Department of Health and Human Resources –

Office of the Secretary

(W.V. Code Chapter 5F)

Fund 0400 FY 2024 Org 0501

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

57 - Division of Health –

Central Office

(W.V. Code Chapter 16)

Fund 0407 FY 2024 Org 0506

Personal Services and Employee Benefits.....	00100	\$	13,513,717
Unclassified	09900		671,795
Current Expenses	13000		5,388,459
Chief Medical Examiner (R)	04500		10,684,766
State Aid for Local and Basic Public Health Services.....	18400		17,285,283
Safe Drinking Water Program (R).....	18700		1,942,818
Women, Infants and Children.....	21000		38,621
Early Intervention	22300		8,134,060
Cancer Registry	22500		219,600
Office of Drug Control Policy (R).....	35401		567,875
Statewide EMS Program Support (R).....	38300		1,722,828
Office of Medical Cannabis (R)	42001		1,519,966
Black Lung Clinics.....	46700		170,885
Vaccine for Children.....	55100		341,261
Tuberculosis Control.....	55300		343,494
Maternal and Child Health Clinics, Clinicians and Medical Contracts and Fees (R).....	57500		6,242,965

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

Any unexpended balances remaining in the appropriations for Chief Medical Examiner (fund 0407, appropriation 04500), Safe Drinking Water Program (fund 0407, appropriation 18700), Office of Drug Control Policy (fund 0407, appropriation 35401), Office of Drug Control Policy – Surplus (fund 0407, appropriation 35402), Statewide EMS Program Support (fund 0407, appropriation 38300), Office of Medical Cannabis (fund 0407, appropriation 42001), Medical Cannabis-Surplus (fund 0407, appropriation 42099), Maternal and Child Health Clinics, Clinicians and Medical Contracts and Fees (fund 0407, appropriation 57500), Capital Outlay and Maintenance (fund 0407, appropriation 75500), Emergency Response Entities – Special Projects (fund 0407, appropriation 82200), Tobacco Education Program (fund 0407, appropriation 90600), and Pregnancy Centers – Surplus (fund 0407, appropriation xxxxx) the close of the fiscal year 2023 are hereby reappropriated for expenditure during the fiscal year 2024.

Notwithstanding the provisions of Title I, section three of this bill, the Secretary of the Department of Health and Human Resources shall have the authority to transfer funds within the above appropriations: *Provided*, That no more than five percent of the funds appropriated to one appropriation may be transferred to other appropriations: *Provided, however*, That no funds from other appropriations shall be transferred to the Personal Services and Employee Benefits appropriation.

From the above appropriation for Current Expenses (fund 0407, appropriation 13000), an amount not less than \$100,000 is for the West Virginia Cancer Coalition; \$50,000 shall be expended for the West Virginia AIDS Coalition; \$100,000 is for Adolescent Immunization Education; \$73,065 is for informal dispute resolution relating to nursing home administrative appeals; and \$1,000,000 shall be used for the administration of the Telestroke program.

From the above appropriation for Maternal and Child Health Clinics, Clinicians and Medical Contracts and Fees (fund 0407, appropriation 57500) up to \$400,000 may be transferred to the

Breast and Cervical Cancer Diagnostic Treatment Fund (fund 5197) and \$11,000 is for the Marshall County Health Department for dental services.

58 - Consolidated Medical Services Fund

(W.V. Code Chapter 16)

Fund 0525 FY 2024 Org 0506

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

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

Notwithstanding the provisions of Title I, section three of this bill, the Secretary of the Department of Health and Human Resources shall have the authority to transfer funds within the above appropriations: *Provided*, That no more than five percent of the funds appropriated to one appropriation may be transferred to other appropriations: *Provided, however*, That no funds from other appropriations shall be transferred to the Personal Services and Employee Benefits appropriation.

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

From the above appropriation for Substance Abuse Continuum of Care (fund 0525, appropriation 35400), the funding will be consistent with the goal areas outlined in the Comprehensive Substance Abuse Strategic Action Plan.

Additional funds have been appropriated in fund 5156, fiscal year 2024, organization 0506, for the operation of the institutional facilities. The secretary of the Department of Health and Human Resources is authorized to utilize up to 10 percent of the funds from the Institutional Facilities Operations appropriation to facilitate cost effective and cost saving services at the community

level.

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

59 - Division of Health –

West Virginia Drinking Water Treatment

(W.V. Code Chapter 16)

Fund 0561 FY 2024 Org 0506

West Virginia Drinking Water Treatment

Revolving Fund-Transfer	68900	\$	647,500
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The above appropriation for Drinking Water Treatment Revolving Fund – Transfer shall be transferred to the West Virginia Drinking Water Treatment Revolving Fund (fund 3386) or appropriate bank depository and the Drinking Water Treatment Revolving – Administrative Expense Fund (fund 3387) as provided by Chapter 16 of the Code.

60 - Human Rights Commission

(W.V. Code Chapter 5)

Fund 0416 FY 2024 Org 0510

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

61 - Division of Human Services

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

Fund 0403 FY 2024 Org 0511

Personal Services and Employee Benefits.....	00100	\$ 56,266,691
Unclassified	09900	5,688,944
Current Expenses	13000	12,240,425
Child Care Development.....	14400	3,138,536
Medical Services.....	18900	267,202,774
Social Services	19500	224,478,972
Family Preservation Program.....	19600	1,565,000
Family Resource Networks	27400	1,762,464
Domestic Violence Legal Services Fund.....	38400	400,000
James "Tiger" Morton Catastrophic Illness Fund.....	45500	373,424
I/DD Waiver	46600	108,541,736
Child Protective Services Case Workers.....	46800	30,347,953
Title XIX Waiver for Seniors	53300	13,593,620
WV Teaching Hospitals Tertiary/Safety Net	54700	6,356,000
In-Home Family Education.....	68800	1,000,000
WV Works Separate State Program.....	69800	1,535,000
Child Support Enforcement	70500	6,933,494
Temporary Assistance for Needy Families/ Maintenance of Effort	70700	25,819,096
Child Care – Maintenance of Effort Match.....	70800	5,693,743
Grants for Licensed Domestic Violence Programs and Statewide Prevention	75000	2,500,000
Capital Outlay and Maintenance (R)	75500	11,875
Community Based Services and Pilot Programs for Youth.....	75900	1,000,000
Medical Services Administrative Costs.....	78900	43,786,785
Traumatic Brain Injury Waiver	83500	800,000

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

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

Any unexpended balances remaining in the appropriations for Capital Outlay and Maintenance (fund 0403, appropriation 75500) and Indigent Burials (fund 0403, appropriation 85100) at the close of the fiscal year 2023 are hereby reappropriated for expenditure during the fiscal year 2024.

Notwithstanding the provisions of Title I, section three of this bill, the Secretary of the Department of Health and Human Resources shall have the authority to transfer funds within the above appropriations: *Provided*, That no more than five percent of the funds appropriated to one appropriation may be transferred to other appropriations: *Provided, however*, That no funds from other appropriations shall be transferred to the Personal Services and Employee Benefits appropriation.

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

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

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

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

The above appropriation for WV Works Separate State Program (fund 0403, appropriation 69800), shall be transferred to the WV Works Separate State College Program Fund (fund 5467), and the WV Works Separate State Two-Parent Program Fund (fund 5468) as determined by the Secretary of the Department of Health and Human Resources.

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

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

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

62 - Health Facilities –

Central Office

(W.V. Code Chapter 16)

Fund xxxx FY 2024 Org xxxx

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

63 - Health Facilities –

Health Facilities Capital Projects Fund

(W.V. Code Chapter 16)

Fund xxxx FY 2024 Org xxxx

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

64 - Health Facilities –

Hopemont Hospital

(W.V. Code Chapter 16)

Fund xxxx FY 2024 Org xxxx

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

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

65 - Health Facilities –

Lakin Hospital

(W.V. Code Chapter 16)

Fund xxxx FY 2024 Org xxxx

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

66 - Health Facilities –

John Manchin Senior Health Care Center

(W.V. Code Chapter 16)

Fund xxxx FY 2024 Org xxxx

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

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

67 - Health Facilities –

Jackie Withrow Hospital

(W.V. Code Chapter 16)

Fund xxxx FY 2024 Org xxxx

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

68 - Health Facilities –

Welch Community Hospital

(W.V. Code Chapter 16)

Fund xxxx FY 2024 Org xxxx

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

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

69 - Health Facilities –

William R. Sharpe Jr. Hospital

(W.V. Code Chapter 16)

Fund xxxx FY 2024 Org xxxx

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

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

70 - Health Facilities –

Mildred Mitchell-Bateman Hospital

(W.V. Code Chapter 16)

Fund xxxx FY 2024 Org xxxx

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

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

71 - Health Facilities –

William R. Sharpe Jr. Hospital -

Transitional Living Facility

(W.V. Code Chapter 16)

Fund xxxx FY 2024 Org xxxx

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

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

(W.V. Code Chapter 5F)

Fund 0430 FY 2024 Org 0601

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

Any unexpended balances remaining in the appropriations for Unclassified (fund 0430, appropriation 09900), Fusion Center (fund 0430, appropriation 46900), Justice Reinvestment Training – Surplus (fund 0430, appropriation 69900), WV Fire and EMS Survivor Benefit (fund 0430, appropriation 93900), and Homeland State Security Administrative Agency (fund 0430, appropriation 95300) at the close of the fiscal year 2023 are hereby reappropriated for expenditure during the fiscal year 2024.

The above appropriation for Directed Transfer (fund 0430, appropriation 70000) shall be transferred to the Law-Enforcement, Safety and Emergency Worker Funeral Expense Payment Fund (fund 6003).

73 - Division of Emergency Management

(W.V. Code Chapter 15)

Fund 0443 FY 2024 Org 0606

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

Any unexpended balances remaining in the appropriations for Federal Funds/Grant Match (fund 0443, appropriation 74900), Early Warning Flood System (fund 0443, appropriation 87700), and Disaster Mitigation (fund 0443, appropriation 95200) at the close of the fiscal year 2023 are hereby reappropriated for expenditure during the fiscal year 2024.

*74 - Division of Corrections and Rehabilitation –**West Virginia Parole Board*

(W.V. Code Chapter 62)

Fund 0440 FY 2024 Org 0608

Personal Services and Employee Benefits.....	00100	\$	313,598
Unclassified	09900		10,000
Current Expenses	13000		334,440
Salaries of Members of West Virginia Parole Board.....	22700		758,847

BRIM Premium.....	91300	<u>6,149</u>
Total		\$ 1,423,034

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

75 - Division of Corrections and Rehabilitation –

Central Office

(W.V. Code Chapter 15A)

Fund 0446 FY 2024 Org 0608

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

76 - Division of Corrections and Rehabilitation –

Correctional Units

(W.V. Code Chapter 15A)

Fund 0450 FY 2024 Org 0608

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

Northern Correctional Center	53400	8,347,868
Inmate Medical Expenses (R)	53500	62,226,064
Pruntytown Correctional Center	54300	9,309,903
Corrections Academy.....	56900	2,038,045
Information Technology Services	59901	2,759,052
Martinsburg Correctional Center	66300	4,604,918
Parole Services.....	68600	6,247,435
Special Services	68700	6,071,838
Investigative Services	71600	3,595,775
Capital Outlay and Maintenance (R)	75500	2,000,000
Salem Correctional Center	77400	12,013,827
McDowell County Correctional Center	79000	2,542,590
Stevens Correctional Center	79100	7,863,195
Parkersburg Correctional Center.....	82800	6,669,363
St. Mary's Correctional Center	88100	15,556,307
Denmar Correctional Center	88200	5,531,288
Ohio County Correctional Center	88300	2,254,692
Mt. Olive Correctional Complex.....	88800	23,580,960
Lakin Correctional Center	89600	11,523,549
BRIM Premium.....	91300	<u>2,527,657</u>
Total		\$ 293,139,005

Any unexpended balances remaining in the appropriations for Children's Protection Act (fund 0450, appropriation 09000), Unclassified – Surplus (fund 0450, appropriation 09700), Current Expenses (fund 0450, appropriation 13000), Facilities Planning and Administration (fund 0450, appropriation 38600), Inmate Medical Expenses (fund 0450, appropriation 53500), Capital Improvements – Surplus (fund 0450, appropriation 66100), Capital Outlay and Maintenance (fund 0450, appropriation 75500), Security System Improvements – Surplus (fund 0450, appropriation 75501), and Roof Repairs and Mechanical System Upgrades (fund 0450, appropriation 75502) at the close of the fiscal year 2023 are hereby reappropriated for expenditure during the fiscal year 2024.

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

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

Any realized savings from Energy Savings Contract may be transferred to Facilities Planning and Administration (fund 0450, appropriation 38600).

77 - Division of Corrections and Rehabilitation –

Bureau of Juvenile Services

(W.V. Code Chapter 15A)

Fund 0570 FY 2024 Org 0608

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

Any unexpended balances remaining in the appropriations for Resident Medical Expenses

(fund 0570, appropriation 53501), Capital Outlay and Maintenance (fund 0570, appropriation 75500), Roof Repairs and Mechanical System Upgrades (fund 0570, appropriation 75502), and Kenneth Honey Rubenstein Juvenile Center (fund 0570, appropriation 98000) at the close of the fiscal year 2023 are hereby reappropriated for expenditure during the fiscal year 2024.

The Director of Juvenile Services shall have the authority to transfer between appropriations to the individual juvenile centers above including Statewide Reporting Centers and Central Office and may transfer funds from the individual juvenile centers to Resident Medical Expenses (fund 0570, appropriation 53501).

78 - West Virginia State Police

(W.V. Code Chapter 15)

Fund 0453 FY 2024 Org 0612

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

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

during the fiscal year 2024.

From the above appropriation for Personal Services and Employee Benefits (fund 0453, appropriation 00100), an amount not less than \$25,000 shall be expended to offset the costs associated with providing police services for the West Virginia State Fair.

79 - Fire Commission

(W.V. Code Chapter 29)

Fund 0436 FY 2024 Org 0619

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

(W.V. Code Chapter 5F)

Fund 0585 FY 2024 Org 0622

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

Any unexpended balances remaining in the appropriations for Equipment (fund 0585, appropriation 07000) and Unclassified (fund 0585, appropriation 09900) at the close of the fiscal year 2023 are hereby reappropriated for expenditure during the fiscal year 2024.

81 - Division of Administrative Services -

Criminal Justice Fund

(W.V. Code Chapter 15A)

Fund 0546 FY 2024 Org 0623

Personal Services and Employee Benefits.....	00100	\$	609,397
Current Expenses	13000		233,360
Repairs and Alterations.....	06400		1,804

Child Advocacy Centers (R).....	45800	2,211,436
Community Corrections (R).....	56100	4,602,566
Statistical Analysis Program.....	59700	50,395
Sexual Assault Forensic Examination Commission (R).....	71400	280,977
Qualitative Analysis and Training for Youth Services (R)	76200	86,829
Law Enforcement Professional Standards.....	83800	175,630
Justice Reinvestment Initiative (R).....	89501	2,338,707
BRIM Premium.....	91300	<u>2,123</u>
Total.....		\$ 10,593,224

Any unexpended balances remaining in the appropriations for Child Advocacy Centers (fund 0546, appropriation 45800), Community Corrections (fund 0546, appropriation 56100), Sexual Assault Forensic Examination Commission (fund 0546 appropriation 71400), Qualitative Analysis and Training for Youth Services (fund 0546, appropriation 76200), Justice Reinvestment Initiative (fund 0546, appropriation 89501) and Victims of Crime Act – Surplus (fund 0546, appropriation xxxxx) at the close of the fiscal year 2023 are hereby reappropriated for expenditure during the fiscal year 2024.

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

From the above appropriation for Child Advocacy Centers (fund 0546, appropriation 45800), the Division may retain an amount not to exceed four percent of the appropriation for administrative purposes.

82 - Division of Administrative Services

(W.V. Code Chapter 15A)

Fund 0619 FY 2024 Org 0623

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

DEPARTMENT OF REVENUE

83 - Office of the Secretary

(W.V. Code Chapter 11)

Fund 0465 FY 2024 Org 0701

Personal Services and Employee Benefits.....	00100	\$	374,950
Salary and Benefits of Cabinet Secretary and Agency Heads.....	00201		168,000
Unclassified	09900		437
Current Expenses	13000		81,594
Repairs and Alterations.....	06400		1,262
Equipment.....	07000		8,000
Other Assets	69000		<u>500</u>
Total		\$	634,743

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

84 - Tax Division

(W.V. Code Chapter 11)

Fund 0470 FY 2024 Org 0702

Personal Services and Employee Benefits (R).....	00100	\$	19,746,554
Salary and Benefits of Cabinet Secretary and Agency Heads.....	00201		147,000
Unclassified (R).....	09900		174,578
Current Expenses (R)	13000		6,823,635
Repairs and Alterations.....	06400		10,150
Equipment.....	07000		54,850
Tax Technology Upgrade	09400		3,700,000
Multi State Tax Commission.....	65300		77,958
Other Assets	69000		10,000

BRIM Premium.....	91300	<u>15,579</u>
Total		\$ 30,760,304

Any unexpended balances remaining in the appropriations for Personal Services and Employee Benefits (fund 0470, appropriation 00100), Unclassified (fund 0470, appropriation 09900), Current Expenses (fund 0470, appropriation 13000), and Integrated Tax Assessment System (fund 0470, appropriation 29200) at the close of the fiscal year 2023 are hereby reappropriated for expenditure during the fiscal year 2024.

85 - State Budget Office

(W.V. Code Chapter 11B)

Fund 0595 FY 2024 Org 0703

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

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

86 - West Virginia Office of Tax Appeals

(W.V. Code Chapter 11)

Fund 0593 FY 2024 Org 0709

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

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

87 - State Athletic Commission

(W.V. Code Chapter 29)

Fund 0523 FY 2024 Org 0933

Personal Services and Employee Benefits.....	00100	\$	7,200
Current Expenses	13000		<u>29,611</u>
Total.....		\$	36,811

DEPARTMENT OF TRANSPORTATION*88 - Division of Multimodal Transportation Facilities –**State Rail Authority*

(W.V. Code Chapter 17)

Fund 0506 FY 2024 Org 0810

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

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

*89 - Division of Multimodal Transportation Facilities –**Public Transit*

(W.V. Code Chapter 17)

Fund 0510 FY 2024 Org 0810

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

Any unexpended balances remaining in the appropriations for Equipment (fund 0510,

appropriation 07000), Current Expenses (fund 0510, appropriation 13000), Buildings (fund 0510, appropriation 25800), and Other Assets (fund 0510, appropriation 69000) at the close of the fiscal year 2023 are hereby reappropriated for expenditure during the fiscal year 2024.

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

90 - Division of Multimodal Transportation Facilities –

(W.V. Code Chapter 17)

Fund 0580 FY 2024 Org 0810

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

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

91 - Division of Multimodal Transportation Facilities –

Aeronautics Commission

(W.V. Code Chapter 17)

Fund 0582 FY 2024 Org 0810

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

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

DEPARTMENT OF VETERANS' ASSISTANCE

92 - Department of Veterans' Assistance

(W.V. Code Chapter 9A)

Fund 0456 FY 2024 Org 0613

Personal Services and Employee Benefits.....	00100	\$	2,431,023
Salary and Benefits of Cabinet Secretary and Agency Heads.....	00201		110,880
Unclassified	09900		20,000
Current Expenses	13000		161,450
Repairs and Alterations.....	06400		5,000
Veterans' Field Offices (R)	22800		405,550
Veterans' Nursing Home (R)	28600		7,989,445
Veterans' Toll Free Assistance Line	32800		2,015
Veterans' Reeducation Assistance (R).....	32900		40,000
Veterans' Grant Program (R)	34200		560,000
Veterans' Grave Markers	47300		10,000
Directed Transer	70000		1,500,000
Veterans' Cemetery (R).....	80800		408,896
BRIM Premium.....	91300		<u>50,000</u>
Total.....		\$	13,694,259

Any unexpended balances remaining in the appropriations for Veterans' Field Offices (fund 0456, appropriation 22800), Buildings – Surplus (fund 0456, appropriation 25899), Veterans' Nursing Home (fund 0456, appropriation 28600), Veterans' Reeducation Assistance (fund 0456, appropriation 32900), Veterans' Grant Program (fund 0456, appropriation 34200), Veterans' Bonus – Surplus (fund 0456, appropriation 34400), Veterans' Cemetery (fund 0456, appropriation 80800), and Educational Opportunities for Children of Deceased Veterans (fund 0456, appropriation 85400) at the close of the fiscal year 2023 are hereby reappropriated for expenditure during the fiscal year 2024.

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

93 - Department of Veterans' Assistance –

Veterans' Home

(W.V. Code Chapter 9A)

Fund 0460 FY 2024 Org 0618

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

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

BUREAU OF SENIOR SERVICES

94 - Bureau of Senior Services

(W.V. Code Chapter 29)

Fund 0420 FY 2024 Org 0508

Transfer to Division of Human Services for Health Care

and Title XIX Waiver for Senior Citizens.....	53900	\$	10,839,825
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The above appropriation for Transfer to Division of Human Services for Health Care and Title XIX Waiver for Senior Citizens (fund 0420, appropriation 53900) along with the federal moneys generated thereby shall be used for reimbursement for services provided under the program.

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

WEST VIRGINIA COUNCIL FOR COMMUNITY

AND TECHNICAL COLLEGE EDUCATION

95 - West Virginia Council for

Community and Technical College Education –

Control Account

(W.V. Code Chapter 18B)

Fund 0596 FY 2024 Org 0420

West Virginia Council for Community

and Technical Education (R)	39200	\$	751,721
Transit Training Partnership	78300		34,293
Community College Workforce Development (R)	87800		2,789,705
College Transition Program.....	88700		278,222
West Virginia Advance Workforce Development (R)	89300		3,123,576
Technical Program Development (R)	89400		1,800,735
WV Invests Grant Program (R)	89401		<u>7,040,309</u>
Total		\$	15,818,561

Any unexpended balances remaining in the appropriations for West Virginia Council for Community and Technical Education (fund 0596, appropriation 39200), Capital Improvements – Surplus (fund 0596, appropriation 66100), Community College Workforce Development (fund 0596, appropriation 87800), West Virginia Advance Workforce Development (fund 0596, appropriation 89300), Technical Program Development (fund 0596, appropriation 89400), and WV Invests Grant Program (fund 0596, appropriation 89401) at the close of the fiscal year 2023 are hereby reappropriated for expenditure during the fiscal year 2024.

96 - Mountwest Community and Technical College

(W.V. Code Chapter 18B)

Fund 0599 FY 2024 Org 0444

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

(W.V. Code Chapter 18B)

Fund 0600 FY 2024 Org 0445

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

(W.V. Code Chapter 18B)

Fund 0597 FY 2024 Org 0446

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

(W.V. Code Chapter 18B)

Fund 0601 FY 2024 Org 0447

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

(W.V. Code Chapter 18B)

Fund 0351 FY 2024 Org 0464

West Virginia University – Parkersburg	47100	\$	11,193,778
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101 - Southern West Virginia Community and Technical College

(W.V. Code Chapter 18B)

Fund 0380 FY 2024 Org 0487

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

(W.V. Code Chapter 18B)

Fund 0383 FY 2024 Org 0489

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

(W.V. Code Chapter 18B)

Fund 0587 FY 2024 Org 0492

Eastern West Virginia Community and Technical College	41200	\$	2,349,856
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104 - BridgeValley Community and Technical College

(W.V. Code Chapter 18B)

Fund 0618 FY 2024 Org 0493

BridgeValley Community and Technical College	71700	\$	8,629,476
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HIGHER EDUCATION POLICY COMMISSION*105 - Higher Education Policy Commission –**Administration –**Control Account*

(W.V. Code Chapter 18B)

Fund 0589 FY 2024 Org 0441

Personal Services and Employee Benefits.....	00100	\$	2,845,271
Current Expenses	13000		1,096,902
RHI Program and Site Support –			
RHEP Program Administration (R)	03700		80,000
Mental Health Provider Loan Repayment (R).....	11301		330,000
Higher Education Grant Program	16400		40,619,864
Tuition Contract Program (R)	16500		1,225,676
Underwood-Smith Scholarship Program-Student Awards	16700		628,349
Facilities Planning and Administration.....	38600		1,760,254
Higher Education System Initiatives.....	48801		1,640,884
PROMISE Scholarship – Transfer.....	80000		18,500,000
HEAPS Grant Program (R)	86700		5,020,954
Health Professionals' Student Loan Program (R)	86701		547,470
Dual Enrollment Program.....	xxxxx		4,200,000
BRIM Premium.....	91300		<u>17,817</u>
Total.....		\$	78,513,441

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

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

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

The above appropriation for Underwood-Smith Scholarship Program - Student Awards (fund 0589, appropriation 16700) shall be transferred to the Underwood-Smith Teaching Scholars Program Fund (4922) established by W.V. Code §18C-4-1.

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

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

106 - West Virginia University –

School of Medicine

Medical School Fund

(W.V. Code Chapter 18B)

Fund 0343 FY 2024 Org 0463

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

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

107 - West Virginia University –

General Administrative Fund

(W.V. Code Chapter 18B)

Fund 0344 FY 2024 Org 0463

West Virginia University	45900	\$	92,753,136
Jackson's Mill	46100		510,382
West Virginia University Institute of Technology	47900		8,578,613
State Priorities – Brownfield Professional Development	53100		816,556
West Virginia University Land Grant Match	xxxxx		8,549,644
Energy Express	86100		382,935
West Virginia University – Potomac State	99400		<u>4,880,803</u>
Total		\$	116,472,069

From the above appropriation for Jackson's Mill (fund 0344, appropriation 46100), \$250,000 shall be used for the West Virginia State Fire Training Academy.

*108 - Marshall University –
School of Medicine*

(W.V. Code Chapter 18B)

Fund 0347 FY 2024 Org 0471

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

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

109 - Marshall University –

General Administration Fund

(W.V. Code Chapter 18B)

Fund 0348 FY 2024 Org 0471

Marshall University.....	44800	\$	50,873,019
Luke Lee Listening Language and Learning Lab (R).....	44801		154,576
VISTA E-Learning (R).....	51900		229,019
State Priorities – Brownfield Professional Development (R)....	53100		809,606
Marshall University Graduate College Writing Project (R).....	80700		25,412
Marshall University Minority Health Institute.....	xxxxx		100,000
WV Autism Training Center (R).....	93200		<u>1,922,515</u>
Total.....		\$	54,114,147

Any unexpended balances remaining in the appropriations for Luke Lee Listening Language and Learning Lab (fund 0348, appropriation 44801), VISTA E-Learning (fund 0348, appropriation 51900), State Priorities – Brownfield Professional Development (fund 0348, appropriation 53100), Marshall University Graduate College Writing Project (fund 0348, appropriation 80700), and WV Autism Training Center (fund 0348, appropriation 93200) at the close of the fiscal year 2023 are hereby reappropriated for expenditure during the fiscal year 2024.

110 - West Virginia School of Osteopathic Medicine

(W.V. Code Chapter 18B)

Fund 0336 FY 2024 Org 0476

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

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

111 - Bluefield State University

(W.V. Code Chapter 18B)

Fund 0354 FY 2024 Org 0482

Bluefield State University 40800 \$ 6,855,771

112 - Concord University

(W.V. Code Chapter 18B)

Fund 0357 FY 2024 Org 0483

Concord University..... 41000 \$ 11,170,362

113 - Fairmont State University

(W.V. Code Chapter 18B)

Fund 0360 FY 2024 Org 0484

Fairmont State University..... 41400 \$ 19,961,302

114 - Glenville State University

(W.V. Code Chapter 18B)

Fund 0363 FY 2024 Org 0485

Glenville State University 42800 \$ 7,071,784

115 - Shepherd University

(W.V. Code Chapter 18B)

Fund 0366 FY 2024 Org 0486

Shepherd University..... 43200 \$ 13,374,828

116 - West Liberty University

(W.V. Code Chapter 18B)

Fund 0370 FY 2024 Org 0488

West Liberty University 43900 \$ 9,964,386

117 - West Virginia State University

(W.V. Code Chapter 18B)

Fund 0373 FY 2024 Org 0490

West Virginia State University 44100 \$ 11,700,408

Healthy Grandfamilies (R).....	62101	800,000
West Virginia State University Land Grant Match.....	95600	<u>4,350,192</u>
Total.....		\$ 16,850,600

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

118 - Higher Education Policy Commission –

Administration -

West Virginia Network for Educational Telecomputing (WVNET)

(W.V. Code Chapter 18B)

Fund 0551 FY 2024 Org 0495

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

119 - Adjutant General –

State Militia

(W.V. Code Chapter 15)

Fund 0433 FY 2024 Org 0603

Salary and Benefits of Cabinet Secretary and

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

Any unexpended balances remaining in the appropriations for Unclassified (fund 0433, appropriation 09900), Military Authority (fund 0433, appropriation 74800), and Military Authority – Surplus (fund 0433, appropriation 74899) at the close of the fiscal year 2023 are hereby reappropriated for expenditure during the fiscal year 2024.

From the above appropriations an amount approved by the Adjutant General may be transferred to the State Armory Board for operation and maintenance of National Guard Armories.

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

From the above appropriation and other state and federal funding, the Adjutant General shall provide an amount not less than \$3,453,019 to the Mountaineer Challenge Academy to meet anticipated program demand.

120 - Adjutant General –

Military Fund

(W.V. Code Chapter 15)

Fund 0605 FY 2024 Org 0603

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

Total TITLE II, Section 1 – General Revenue

(Including claims against the state)..... \$ 4,874,575,878

Sec. 2. Appropriations from state road fund. — From the state road fund there are hereby appropriated conditionally upon the fulfillment of the provisions set forth in Article 2, Chapter 11B of the Code the following ,amounts, as itemized, for expenditure during the fiscal year 2024.

DEPARTMENT OF TRANSPORTATION

121 - Division of Motor Vehicles

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

Fund 9007 FY 2024 Org 0802

		Appropriation	State Road Fund
Personal Services and Employee Benefits.....	00100	\$	40,182,297
Salary and Benefits of Cabinet Secretary and			

Agency Heads	00201	129,500
Current Expenses	13000	22,556,730
Repairs and Alterations	06400	144,000
Equipment	07000	1,080,000
Buildings	25800	10,000
Other Assets	69000	2,480,000
BRIM Premium	91300	<u>110,000</u>
Total		\$ 66,692,527

122 - Division of Highways

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

Fund 9017 FY 2024 Org 0803

Salary and Benefits of Cabinet Secretary and

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

The above appropriations are to be expended in accordance with the provisions of Chapters 17 and 17C of the code.

The Commissioner of Highways shall have the authority to operate revolving funds within the

State Road Fund for the operation and purchase of various types of equipment used directly and indirectly in the construction and maintenance of roads and for the purchase of inventories and materials and supplies.

There is hereby appropriated in addition to the above appropriations, sufficient money for the payment of claims, accrued or arising during this budgetary period, to be paid in accordance with Sections 17 and 18, Article 2, Chapter 14 of the code.

It is the intent of the Legislature to capture and match all federal funds available for expenditure on the Appalachian highway system at the earliest possible time. Therefore, should amounts in excess of those appropriated be required for the purposes of Appalachian programs, funds in excess of the amount appropriated may be made available upon recommendation of the commissioner and approval of the Governor. Further, for the purpose of Appalachian programs, funds appropriated by appropriation may be transferred to other appropriations upon recommendation of the commissioner and approval of the Governor.

Total TITLE II, Section 2 – State Road Fund

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

Sec. 3. Appropriations from other funds. — From the funds designated there are hereby appropriated conditionally upon the fulfillment of the provisions set forth in Article 2, Chapter 11B of the Code the following amounts, as itemized, for expenditure during the fiscal year 2024.

LEGISLATIVE

*123 - Crime Victims Compensation Fund
(W.V. Code Chapter 14)*

Fund 1731 FY 2024 Org 2300

	Appropriation		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		\$	<u>2,636,623</u>

JUDICIAL

124 - Supreme Court –

Court Advanced Technology Subscription Fund

(W.V. Code Chapter 51)

Fund 1704 FY 2024 Org 2400

Current Expenses	13000	\$	100,000
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*125 - Supreme Court –**Adult Drug Court Participation Fund*

(W.V. Code Chapter 62)

Fund 1705 FY 2024 Org 2400

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

(W.V. Code Chapter 51)

Fund 1763 FY 2024 Org 2400

Current Expenses	13000	\$	1,050,000
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*127 - Supreme Court –**Court Facilities Maintenance Fund*

(W.V. Code Chapter 51)

Fund 1766 FY 2024 Org 2400

Current Expenses	13000	\$	250,000
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Repairs and Alterations.....	06400		<u>250,000</u>
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Total		\$	500,000
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EXECUTIVE*128 - Governor's Office –**Minority Affairs Fund*

(W.V. Code Chapter 5)

Fund 1058 FY 2024 Org 0100

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

129 - Auditor's Office –

Grant Recovery Fund

(W.V. Code Chapter 12)

Fund 1205 FY 2024 Org 1200

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

130 - Auditor's Office –

Land Operating Fund

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

Fund 1206 FY 2024 Org 1200

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

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

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

131 - Auditor's Office –

Local Government Purchasing Card Expenditure Fund

(W.V. Code Chapter 6)

Fund 1224 FY 2024 Org 1200

Personal Services and Employee Benefits.....	00100	\$	653,525
Current Expenses	13000		282,030
Repairs and Alterations.....	06400		6,000
Equipment.....	07000		10,805
Other Assets	69000		50,000
Statutory Revenue Distribution.....	74100		<u>3,500,000</u>
Total		\$	4,502,360

There is hereby appropriated from this fund, in addition to the above appropriations if needed, the amount necessary to meet the transfer of revenue distribution requirements to provide a proportionate share of rebates back to the general fund of local governments based on utilization of the program in accordance with W.V. Code §6-9-2b.

*132 - Auditor's Office –**Securities Regulation Fund*

(W.V. Code Chapter 32)

Fund 1225 FY 2024 Org 1200

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

*133 - Auditor's Office –**Technology Support and Acquisition Fund*

(W.V. Code Chapter 12)

Fund 1233 FY 2024 Org 1200

Current Expenses	13000	\$	10,000
Other Assets	69000		<u>5,000</u>
Total		\$	15,000

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

*134 - Auditor's Office –**Purchasing Card Administration Fund*

(W.V. Code Chapter 12)

Fund 1234 FY 2024 Org 1200

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

There is hereby appropriated from this fund, in addition to the above appropriations if needed, the amount necessary to meet the transfer and revenue distribution requirements to the Purchasing Improvement Fund (fund 2264), the Entrepreneurship and Innovation Investment Fund (fund 3014), the Hatfield-McCoy Regional Recreation Authority, and the State Park Operating Fund (fund 3265) per W.V. Code §12-3-10d.

*135 - Auditor's Office –**Chief Inspector's Fund*

(W.V. Code Chapter 6)

Fund 1235 FY 2024 Org 1200

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

136 - Auditor's Office –

Volunteer Fire Department Workers'

Compensation Premium Subsidy Fund

(W.V. Code Chapters 12 and 33)

Fund 1239 FY 2024 Org 1200

Volunteer Fire Department

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

Agriculture Fees Fund

(W.V. Code Chapter 19)

Fund 1401 FY 2024 Org 1400

Personal Services and Employee Benefits.....	00100	\$ 2,634,966
Unclassified	09900	37,425
Current Expenses	13000	1,856,184
Repairs and Alterations.....	06400	158,500
Equipment.....	07000	436,209
Other Assets	69000	<u>10,000</u>
Total		\$ 5,133,284

138 - Department of Agriculture –

West Virginia Rural Rehabilitation Program

(W.V. Code Chapter 19)

Fund 1408 FY 2024 Org 1400

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

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

(W.V. Code Chapter 19)

Fund 1409 FY 2024 Org 1400

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

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

*140 - Department of Agriculture –
Farm Operating Fund*

(W.V. Code Chapter 19)

Fund 1412 FY 2024 Org 1400

Personal Services and Employee Benefits.....	00100	\$ 908,740
Unclassified	09900	15,173
Current Expenses	13000	1,367,464
Repairs and Alterations.....	06400	388,722
Equipment.....	07000	399,393
Other Assets	69000	<u>20,000</u>
Total		\$ 3,099,492

*141 - Department of Agriculture –**Capital Improvements Fund*

(W.V. Code Chapter 19)

Fund 1413 FY 2024 Org 1400

Unclassified	09900		20,000
Current Expenses	13000		510,000
Repairs and Alterations.....	06400		250,000
Equipment.....	07000		350,000
Buildings	25800		670,000
Other Assets	69000		<u>200,000</u>
Total		\$	2,000,000

*142 - Department of Agriculture –**Agriculture Development Fund*

(W.V. Code Chapter 19)

Fund 1423 FY 2024 Org 1400

Current Expenses	13000	\$	100,000
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*143 - Department of Agriculture –**Donated Food Fund*

(W.V. Code Chapter 19)

Fund 1446 FY 2024 Org 1400

Personal Services and Employee Benefits.....	00100	\$	1,113,891
Unclassified	09900		45,807
Current Expenses	13000		3,410,542
Repairs and Alterations.....	06400		128,500
Equipment.....	07000		10,000
Other Assets	69000		27,000

Land	73000	<u>250,000</u>
Total		\$ 4,985,740

*144 - Department of Agriculture –
Integrated Predation Management Fund*

(W.V. Code Chapter 7)

Fund 1465 FY 2024 Org 1400

Current Expenses	13000	\$ 112,500
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*145 - Department of Agriculture –
West Virginia Spay Neuter Assistance Fund*

(W.V. Code Chapter 19)

Fund 1481 FY 2024 Org 1400

Current Expenses	13000	\$ 1,000,000
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*146 - Department of Agriculture –
Veterans and Warriors to Agriculture Fund*

(W.V. Code Chapter 19)

Fund 1483 FY 2024 Org 1400

Current Expenses	13000	\$ 7,500
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*147 - Department of Agriculture –
State FFA-FHA Camp and Conference Center*

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

Fund 1484 FY 2024 Org 1400

Personal Services and Employee Benefits.....	00100	\$ 1,251,311
Unclassified	09900	17,000
Current Expenses	13000	1,143,306
Repairs and Alterations.....	06400	82,500
Equipment.....	07000	76,000

Buildings	25800	1,000
Other Assets	69000	10,000
Land	73000	<u>1,000</u>
Total		\$ 2,582,117

148 - Attorney General –

Antitrust Enforcement Fund

(W.V. Code Chapter 47)

Fund 1507 FY 2024 Org 1500

Personal Services and Employee Benefits.....	00100	\$ 363,466
Current Expenses	13000	148,803
Repairs and Alterations.....	06400	1,000
Equipment.....	07000	<u>1,000</u>
Total		\$ 514,269

149 - Attorney General –

Preneed Burial Contract Regulation Fund

(W.V. Code Chapter 47)

Fund 1513 FY 2024 Org 1500

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

150 - Attorney General –

Preneed Funeral Guarantee Fund

(W.V. Code Chapter 47)

Fund 1514 FY 2024 Org 1500

Current Expenses	13000	\$	901,135
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151 - Secretary of State –

Service Fees and Collection Account

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

Fund 1612 FY 2024 Org 1600

Personal Services and Employee Benefits.....	00100	\$	1,148,695
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Unclassified	09900		4,524
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Current Expenses	13000		<u>8,036</u>
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Total		\$	1,161,255
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152 - Secretary of State –

General Administrative Fees Account

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

Fund 1617 FY 2024 Org 1600

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

153 - Department of Administration –

Office of the Secretary –

Tobacco Settlement Fund

(W.V. Code Chapter 4)

Fund 2041 FY 2024 Org 0201

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

Office of the Secretary –

Employee Pension and Health Care Benefit Fund

(W.V. Code Chapter 18)

Fund 2044 FY 2024 Org 0201

Current Expenses	13000	\$	37,543,000
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The above appropriation for Current Expenses (fund 2044, appropriation 13000) shall be transferred to the Consolidated Public Retirement Board – Teachers' Accumulation Fund (fund 2600).

155 - Department of Administration –

Division of Finance –

Shared Services Section Fund

(W.V. Code Chapter 5A)

Fund 2020 FY 2024 Org 0209

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

156 - Division of Information Services and Communications

(W.V. Code Chapter 5A)

Fund 2220 FY 2024 Org 0210

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

The total amount of these appropriations shall be paid from a special revenue fund out of collections made by the Division of Information Services and Communications as provided by law.

Each spending unit operating from the General Revenue Fund, from special revenue funds or receiving reimbursement for postage from the federal government shall be charged monthly for all postage meter service and shall reimburse the revolving fund monthly for all such amounts.

157 - Division of Purchasing –

Vendor Fee Fund

(W.V. Code Chapter 5A)

Fund 2263 FY 2024 Org 0213

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

158 - Division of Purchasing –

Purchasing Improvement Fund

(W.V. Code Chapter 5A)

Fund 2264 FY 2024 Org 0213

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

159 - Travel Management –

Aviation Fund

(W.V. Code Chapter 5A)

Fund 2302 FY 2024 Org 0215

Unclassified	09900	\$	1,000
Current Expenses	13000		149,700
Repairs and Alterations.....	06400		1,275,237
Equipment.....	07000		1,000
Buildings	25800		100
Other Assets	69000		100
Land	73000		<u>100</u>
Total		\$	1,427,237

160 - Fleet Management Division Fund

(W.V. Code Chapter 5A)

Fund 2301 FY 2024 Org 0216

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

161 - Division of Personnel

(W.V. Code Chapter 29)

Fund 2440 FY 2024 Org 0222

Personal Services and Employee Benefits.....	00100	\$	4,896,513
Salary and Benefits of Cabinet Secretary and Agency Heads.....	00201		122,500
Unclassified	09900		51,418
Current Expenses	13000		1,262,813

Repairs and Alterations.....	06400	5,000
Equipment.....	07000	20,000
Other Assets	69000	<u>60,000</u>
Total.....		\$ 6,418,244

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

162 - West Virginia Prosecuting Attorneys Institute

(W.V. Code Chapter 7)

Fund 2521 FY 2024 Org 0228

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

163 - Office of Technology –

Chief Technology Officer Administration Fund

(W.V. Code Chapter 5A)

Fund 2531 FY 2024 Org 0231

Personal Services and Employee Benefits.....	00100	\$ 462,599
Unclassified	09900	6,949
Current Expenses	13000	2,196,504
Repairs and Alterations.....	06400	1,000

Equipment.....	07000	50,000
Other Assets	69000	<u>10,000</u>
Total		\$ 2,727,052

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

DEPARTMENT OF COMMERCE

164 - Division of Forestry

(W.V. Code Chapter 19)

Fund 3081 FY 2024 Org 0305

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

165 - Division of Forestry –

Timbering Operations Enforcement Fund

(W.V. Code Chapter 19)

Fund 3082 FY 2024 Org 0305

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

166 - Division of Forestry –

Severance Tax Operations

(W.V. Code Chapter 11)

Fund 3084 FY 2024 Org 0305

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

Geological and Analytical Services Fund

(W.V. Code Chapter 29)

Fund 3100 FY 2024 Org 0306

Personal Services and Employee Benefits.....	00100	\$	37,966
Unclassified	09900		2,182
Current Expenses	13000		141,631
Repairs and Alterations.....	06400		50,000
Equipment.....	07000		20,000
Other Assets	69000		<u>10,000</u>
Total		\$	261,779

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

168 - Division of Labor –

West Virginia Jobs Act Fund

(W.V. Code Chapter 21)

Fund 3176 FY 2024 Org 0308

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

169 - Division of Labor –

HVAC Fund

(W.V. Code Chapter 21)

Fund 3186 FY 2024 Org 0308

Personal Services and Employee Benefits.....	00100	\$	422,640
Unclassified	09900		4,000

Current Expenses	13000		82,000
Repairs and Alterations.....	06400		4,500
Buildings	25800		1,000
BRIM Premium.....	91300		<u>8,500</u>
Total		\$	522,640

170 - Division of Labor –

Elevator Safety Fund

(W.V. Code Chapter 21)

Fund 3188 FY 2024 Org 0308

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

171 - Division of Labor –

Steam Boiler Fund

(W.V. Code Chapter 21)

Fund 3189 FY 2024 Org 0308

Personal Services and Employee Benefits.....	00100	\$	83,471
Unclassified	09900		1,000
Current Expenses	13000		20,000
Repairs and Alterations.....	06400		2,000

Buildings	25800	1,000
BRIM Premium.....	91300	<u>1,000</u>
Total		\$ 108,471

172 - Division of Labor –

Crane Operator Certification Fund

(W.V. Code Chapter 21)

Fund 3191 FY 2024 Org 0308

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

173 - Division of Labor –

Amusement Rides and Amusement Attraction Safety Fund

(W.V. Code Chapter 21)

Fund 3192 FY 2024 Org 0308

Personal Services and Employee Benefits.....	00100	\$ 196,626
Unclassified	09900	1,281
Current Expenses	13000	44,520
Repairs and Alterations.....	06400	2,000
Buildings	25800	1,000
BRIM Premium.....	91300	<u>8,500</u>
Total		\$ 253,927

174 - Division of Labor –

State Manufactured Housing Administration Fund

(W.V. Code Chapter 21)

Fund 3195 FY 2024 Org 0308

Personal Services and Employee Benefits.....	00100	\$	299,557
Unclassified	09900		1,847
Current Expenses	13000		43,700
Repairs and Alterations.....	06400		1,000
Buildings	25800		1,000
BRIM Premium.....	91300		<u>3,404</u>
Total		\$	350,508

*175 - Division of Labor –**Weights and Measures Fund*

(W.V. Code Chapter 47)

Fund 3196 FY 2024 Org 0308

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

*176 - Division of Labor –**Bedding and Upholstery Fund*

(W.V. Code Chapter 21)

Fund 3198 FY 2024 Org 0308

Personal Services and Employee Benefits.....	00100	\$	154,316
Unclassified	09900		2,000

Current Expenses	13000	145,400
Repairs and Alterations.....	06400	2,000
Buildings	25800	1,000
BRIM Premium.....	91300	<u>8,700</u>
Total.....		\$ 313,416

177 - Division of Labor –

Psychophysiological Examiners Fund

(W.V. Code Chapter 21)

Fund 3199 FY 2024 Org 0308

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

License Fund – Wildlife Resources

(W.V. Code Chapter 20)

Fund 3200 FY 2024 Org 0310

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

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

Any unexpended balance remaining in the appropriation for Capital Improvements and Land Purchase (fund 3200, appropriation 24800) at the close of the fiscal year 2023 is hereby reappropriated for expenditure during the fiscal year 2024.

179 - Division of Natural Resources –

Natural Resources Game Fish and Aquatic Life Fund

(W.V. Code Chapter 22)

Fund 3202 FY 2024 Org 0310

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

Nongame Fund

(W.V. Code Chapter 20)

Fund 3203 FY 2024 Org 0310

Personal Services and Employee Benefits.....	00100	\$	699,611
Current Expenses	13000		201,810
Equipment.....	07000		<u>106,615</u>
Total		\$	1,008,036

181 - Division of Natural Resources –

Planning and Development Division

(W.V. Code Chapter 20)

Fund 3205 FY 2024 Org 0310

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

182 - Division of Natural Resources –

State Parks and Recreation Endowment Fund

(W.V. Code Chapter 20)

Fund 3211 FY 2024 Org 0310

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

183 - Division of Natural Resources –

Whitewater Study and Improvement Fund

(W.V. Code Chapter 20)

Fund 3253 FY 2024 Org 0310

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

184 - Division of Natural Resources –

Whitewater Advertising and Promotion Fund

(W.V. Code Chapter 20)

Fund 3256 FY 2024 Org 0310

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

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

Special Health, Safety and Training Fund

(W.V. Code Chapter 22A)

Fund 3355 FY 2024 Org 0314

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

*186 - Department of Commerce –**Office of the Secretary –**Marketing and Communications Operating Fund**(W.V. Code Chapter 5B)*Fund 3002 FY 2024 Org 0327

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

*187 - State Board of Rehabilitation –**Division of Rehabilitation Services –**West Virginia Rehabilitation Center Special Account**(W.V. Code Chapter 18)*Fund 8664 FY 2024 Org 0932

Personal Services and Employee Benefits.....	00100	\$	119,738
Current Expenses	13000		1,180,122
Repairs and Alterations.....	06400		85,500

Equipment.....	07000	220,000
Buildings	25800	150,000
Other Assets	69000	<u>150,000</u>
Total		\$ 1,905,360

DEPARTMENT OF ECONOMIC DEVELOPMENT

188 - Department of Economic Development –

Office of Energy –

Energy Assistance

(W.V. Code Chapter 5B)

Fund 3010 FY 2024 Org 0307

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

Office of the Secretary –

Broadband Enhancement Fund

(W.V. Code Chapter 31G)

Fund 3013 FY 2024 Org 0307

Personal Services and Employee Benefits.....	00100	\$ 131,682
Current Expenses	13000	<u>1,648,318</u>
Total		\$ 1,780,000

190 - Department of Economic Development –

Office of the Secretary –

Entrepreneurship and Innovation Investment Fund

(W.V. Code Chapter 5B)

Fund 3014 FY 2024 Org 0307

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

*Office of the Secretary –**Broadband Development Fund*

(W.V. Code Chapter 31G)

Fund 3034 FY 2024 Org 0307

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

*192 - Department of Economic Development –**Office of the Secretary –**Office of Coalfield Community Development*

(W.V. Code Chapter 5B)

Fund 3162 FY 2024 Org 0307

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

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

(W.V. Code Chapter 18)

Fund 3937 FY 2024 Org 0402

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

194 - School Building Authority –

School Construction Fund

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

Fund 3952 FY 2024 Org 0404

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

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

195 - School Building Authority

(W.V. Code Chapter 18)

Fund 3959 FY 2024 Org 0404

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

DEPARTMENT OF ARTS, CULTURE, AND HISTORY

196 - Division of Culture and History –

Public Records and Preservation Revenue Account

(W.V. Code Chapter 5A)

Fund 3542 FY 2024 Org 0432

Personal Services and Employee Benefits.....	00100	\$ 244,348
Current Expenses	13000	862,241
Equipment.....	07000	75,000

Buildings	25800	1,000
Other Assets	69000	52,328
Land	73000	<u>1,000</u>
Total		\$ 1,235,917

DEPARTMENT OF ENVIRONMENTAL PROTECTION

197 - Solid Waste Management Board

(W.V. Code Chapter 22C)

Fund 3288 FY 2024 Org 0312

Personal Services and Employee Benefits.....	00100	\$ 891,366
Current Expenses	13000	2,059,457
Repairs and Alterations.....	06400	1,000
Equipment.....	07000	5,000
Other Assets	69000	<u>4,403</u>
Total		\$ 2,961,226

198 - Division of Environmental Protection –

Hazardous Waste Management Fund

(W.V. Code Chapter 22)

Fund 3023 FY 2024 Org 0313

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

199 - Division of Environmental Protection –

Air Pollution Education and Environment Fund

(W.V. Code Chapter 22)

Fund 3024 FY 2024 Org 0313

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

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

(W.V. Code Chapter 22)

Fund 3321 FY 2024 Org 0313

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

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

(W.V. Code Chapter 22)

Fund 3322 FY 2024 Org 0313

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

Total \$ 2,511,508

*202 - Division of Environmental Protection –
Oil and Gas Operating Permit and Processing Fund
(W.V. Code Chapter 22)*

Fund 3323 FY 2024 Org 0313

Personal Services and Employee Benefits.....	00100	\$ 2,240,459
Unclassified	09900	15,700
Current Expenses	13000	932,300
Repairs and Alterations.....	06400	9,500
Equipment.....	07000	500
Other Assets	69000	<u>500</u>
Total		\$ 3,198,959

*203 - Division of Environmental Protection –
Mining and Reclamation Operations Fund
(W.V. Code Chapter 22)*

Fund 3324 FY 2024 Org 0313

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

*204 - Division of Environmental Protection –
Underground Storage Tank
Administrative Fund*

(W.V. Code Chapter 22)

Fund 3325 FY 2024 Org 0313

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

*205 - Division of Environmental Protection –**Hazardous Waste Emergency Response Fund*

(W.V. Code Chapter 22)

Fund 3331 FY 2024 Org 0313

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

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

(W.V. Code Chapter 22)

Fund 3332 FY 2024 Org 0313

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

207 - Division of Environmental Protection –

Solid Waste Enforcement Fund

(W.V. Code Chapter 22)

Fund 3333 FY 2024 Org 0313

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

208 - Division of Environmental Protection –

Air Pollution Control Fund

(W.V. Code Chapter 22)

Fund 3336 FY 2024 Org 0313

Personal Services and Employee Benefits.....	00100	\$ 6,263,887
Unclassified	09900	70,572
Current Expenses	13000	1,469,467
Repairs and Alterations.....	06400	84,045

Equipment.....	07000	103,601
Other Assets	69000	<u>52,951</u>
Total		\$ 8,044,523

209 - Division of Environmental Protection –

Environmental Laboratory

Certification Fund

(W.V. Code Chapter 22)

Fund 3340 FY 2024 Org 0313

Personal Services and Employee Benefits.....	00100	\$ 375,851
Unclassified	09900	1,120
Current Expenses	13000	201,146
Repairs and Alterations.....	06400	1,000
Other Assets	69000	<u>163,000</u>
Total.....		\$ 742,117

210 - Division of Environmental Protection –

Stream Restoration Fund

(W.V. Code Chapter 22)

Fund 3349 FY 2024 Org 0313

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

Litter Control Fund

(W.V. Code Chapter 22)

Fund 3486 FY 2024 Org 0313

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

Recycling Assistance Fund

(W.V. Code Chapter 22)

Fund 3487 FY 2024 Org 0313

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

*213 - Division of Environmental Protection –**Mountaintop Removal Fund*

(W.V. Code Chapter 22)

Fund 3490 FY 2024 Org 0313

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

*214 - Oil and Gas Conservation Commission –**Special Oil and Gas Conservation Fund*

(W.V. Code Chapter 22C)

Fund 3371 FY 2024 Org 0315

Personal Services and Employee Benefits.....	00100	\$	167,915
Current Expenses	13000		161,225

Repairs and Alterations.....	06400	1,000
Equipment.....	07000	9,481
Other Assets	69000	<u>1,500</u>
Total.....		\$ 341,121

DEPARTMENT OF HEALTH AND HUMAN RESOURCES

215 - Division of Health –

Ryan Brown Addiction Prevention and Recovery Fund

(W.V. Code Chapter 19)

Fund 5111 FY 2024 Org 0506

Current Expenses	13000	\$ 10,667,392
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216 - Division of Health –

The Vital Statistics Account

(W.V. Code Chapter 16)

Fund 5144 FY 2024 Org 0506

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

217 - Division of Health –

Hospital Services Revenue Account

Special Fund

Capital Improvement, Renovation and Operations

(W.V. Code Chapter 16)

Fund 5156 FY 2024 Org 0506

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

Total \$ 86,995,646

The total amount of these appropriations shall be paid from the Hospital Services Revenue Account Special Fund created by W.V. Code §16-1-13, and shall be used for operating expenses and for improvements in connection with existing facilities.

Additional funds have been appropriated in fund 0525, fiscal year 2024, organization 0506, for the operation of the institutional facilities. The Secretary of the Department of Health and Human Resources is authorized to utilize up to 10 percent of the funds from the appropriation for Institutional Facilities Operations to facilitate cost effective and cost saving services at the community level.

Necessary funds from the above appropriation for Institutional Facilities Operations may be used for medical facilities operations, either in connection with this fund or in connection with the appropriations designated for Hopemont Hospital, Lakin Hospital, John Manchin Senior Health Care Center, Jackie Withrow Hospital, Welch Community Hospital, William R. Sharpe Jr. Hospital, Mildred Mitchell-Bateman Hospital, and William R. Sharpe Jr. Hospital – Transitional Living Facility.

218 - Division of Health –

Laboratory Services Fund

(W.V. Code Chapter 16)

Fund 5163 FY 2024 Org 0506

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

219 - Division of Health –

The Health Facility Licensing Account

(W.V. Code Chapter 16)

Fund 5172 FY 2024 Org 0506

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

220 - Division of Health –

Hepatitis B Vaccine

(W.V. Code Chapter 16)

Fund 5183 FY 2024 Org 0506

Current Expenses	13000	\$	9,740
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221 - Division of Health –

Lead Abatement Account

(W.V. Code Chapter 16)

Fund 5204 FY 2024 Org 0506

Personal Services and Employee Benefits.....	00100	\$	19,100
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Unclassified	09900		373
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Current Expenses	13000		<u>17,875</u>
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Total		\$	37,348
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222 - Division of Health –

West Virginia Birth-to-Three Fund

(W.V. Code Chapter 16)

Fund 5214 FY 2024 Org 0506

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

Tobacco Control Special Fund

(W.V. Code Chapter 16)

Fund 5218 FY 2024 Org 0506

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

Medical Cannabis Program Fund

(W.V. Code Chapter 16A)

Fund 5420 FY 2024 Org 0506

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

225 - Division of Health –

Emergency Medical Service Workers Salary Enhancement Fund

(W.V. Code Chapter 16A)

Fund xxxx FY 2024 Org 0506

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

Health Care Cost Review Fund

(W.V. Code Chapter 16)

Fund 5375 FY 2024 Org 0507

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

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

227 - West Virginia Health Care Authority –

Certificate of Need Program Fund

(W.V. Code Chapter 16)

Fund 5377 FY 2024 Org 0507

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

228 - Division of Human Services –

Health Care Provider Tax –

Medicaid State Share Fund

(W.V. Code Chapter 11)

Fund 5090 FY 2024 Org 0511

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

The above appropriation for Medical Services Administrative Costs (fund 5090, appropriation 78900) shall be transferred to a special revenue account in the treasury for use by the Department of Health and Human Resources for administrative purposes. The remainder of all moneys deposited in the fund shall be transferred to the Medical Services Program Fund (fund 5084).

229 - Division of Human Services –

Child Support Enforcement Fund

(W.V. Code Chapter 48A)

Fund 5094 FY 2024 Org 0511

Personal Services and Employee Benefits.....	00100	\$	24,809,509
Unclassified	09900		380,000
Current Expenses	13000		<u>12,810,491</u>
Total		\$	38,000,000

230 - Division of Human Services –

Medical Services Trust Fund

(W.V. Code Chapter 9)

Fund 5185 FY 2024 Org 0511

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

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

*231 - Division of Human Services –**James "Tiger" Morton Catastrophic Illness Fund*

(W.V. Code Chapter 16)

Fund 5454 FY 2024 Org 0511

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

*232 - Division of Human Services –**Domestic Violence Legal Services Fund*

(W.V. Code Chapter 48)

Fund 5455 FY 2024 Org 0511

Current Expenses	13000	\$	900,000
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*233 - Division of Human Services –**West Virginia Works Separate State College Program Fund*

(W.V. Code Chapter 9)

Fund 5467 FY 2024 Org 0511

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

Fund 5468 FY 2024 Org 0511

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

Fund 5490 FY 2024 Org 0511

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

DEPARTMENT OF HOMELAND SECURITY

*236 - Department of Homeland Security –
Office of the Secretary –*

*Law-Enforcement, Safety and Emergency Worker
Funeral Expense Payment Fund
(W.V. Code Chapter 15)*

Fund 6003 FY 2024 Org 0601

Current Expenses	13000	\$	32,000
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*237 - Division of Emergency Management –
Statewide Interoperable Radio Network Account
(W.V. Code Chapter 15)*

Fund 6208 FY 2024 Org 0606

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

West Virginia Interoperable Radio Project

(W.V. Code Chapter 24)

Fund 6295 FY 2024 Org 0606

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

*239 - Division of Corrections and Rehabilitation –**Parolee Supervision Fees*

(W.V. Code Chapter 15A)

Fund 6362 FY 2024 Org 0608

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

*240 - Division of Corrections and Rehabilitation –**Regional Jail and Correctional Facility Authority*

(W.V. Code Chapter 15A)

Fund 6675 FY 2024 Org 0608

Personal Services and Employee Benefits.....	00100	\$	2,027,746
Debt Service	04000		1,900,000
Repairs and Alterations.....	06400		5,000,000
Equipment.....	07000		2,000,000

Unclassified	09900	100,000
Current Expenses	13000	<u>245,472</u>
Total		\$ 11,273,218

241 - West Virginia State Police –

Motor Vehicle Inspection Fund

(W.V. Code Chapter 17C)

Fund 6501 FY 2024 Org 0612

Personal Services and Employee Benefits.....	00100	\$ 2,019,791
Current Expenses	13000	1,488,211
Repairs and Alterations.....	06400	204,500
Equipment.....	07000	3,770,751
Buildings	25800	534,000
Other Assets	69000	5,000
BRIM Premium.....	91300	<u>302,432</u>
Total		\$ 8,324,685

The total amount of these appropriations shall be paid from the special revenue fund out of fees collected for inspection stickers as provided by law.

242 - West Virginia State Police –

Forensic Laboratory Fund

(W.V. Code Chapter 15)

Fund 6511 FY 2024 Org 0612

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

243 - West Virginia State Police –

Drunk Driving Prevention Fund

(W.V. Code Chapter 15)

Fund 6513 FY 2024 Org 0612

Current Expenses	13000	\$	1,327,000
Equipment.....	07000		3,491,895
BRIM Premium.....	91300		<u>154,452</u>
Total		\$	4,973,347

The total amount of these appropriations shall be paid from the special revenue fund out of receipts collected pursuant to W.V. Code §11-15-9a and 16 and paid into a revolving fund account in the State Treasury.

244 - West Virginia State Police –

Surplus Real Property Proceeds Fund

(W.V. Code Chapter 15)

Fund 6516 FY 2024 Org 0612

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

245 - West Virginia State Police –

Surplus Transfer Account

(W.V. Code Chapter 15)

Fund 6519 FY 2024 Org 0612

Current Expenses	13000	\$	225,000
Repairs and Alterations.....	06400		20,000
Equipment.....	07000		250,000
Buildings	25800		40,000

Other Assets	69000		45,000
BRIM Premium.....	91300		<u>5,000</u>
Total		\$	585,000

246 - West Virginia State Police –

Central Abuse Registry Fund

(W.V. Code Chapter 15)

Fund 6527 FY 2024 Org 0612

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

247 - West Virginia State Police –

Bail Bond Enforcer Account

(W.V. Code Chapter 15)

Fund 6532 FY 2024 Org 0612

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

State Police Academy Post Exchange

(W.V. Code Chapter 15)

Fund 6544 FY 2024 Org 0612

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

*249 - Fire Commission –**Fire Marshal Fees*

(W.V. Code Chapter 29)

Fund 6152 FY 2024 Org 0619

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

*250 - Division of Administrative Services –**W.V. Community Corrections Fund*

(W.V. Code Chapter 62)

Fund 6386 FY 2024 Org 0623

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

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

(W.V. Code Chapter 51)

Fund 6804 FY 2024 Org 0623

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

Total \$ 1,503,565

*252 - Division of Administrative Services –
Second Chance Driver's License Program Account
(W.V. Code Chapter 17B)
Fund 6810 FY 2024 Org 0623*

Current Expenses 13000 \$ 125,000

DEPARTMENT OF REVENUE

*253 - Division of Financial Institutions
(W.V. Code Chapter 31A)
Fund 3041 FY 2024 Org 0303*

Personal Services and Employee Benefits..... 00100 \$ 2,720,504

Salary and Benefits of Cabinet Secretary and

Agency Heads 00201 119,000

Current Expenses 13000 650,475

Equipment..... 07000 8,500

Total \$ 3,498,479

*254 - Office of the Secretary –
State Debt Reduction Fund
(W.V. Code Chapter 29)
Fund 7007 FY 2024 Org 0701*

Retirement Systems – Unfunded Liability..... 77500 \$ 20,000,000

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

*255 - Home Rule Board Operations
(W.V. Code Chapter 8)
Fund 7010 FY 2024 Org 0701*

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

256 - Tax Division –

Reduced Cigarette Ignition Propensity

Standard and Fire Prevention Act Fund

(W.V. Code Chapter 47)

Fund 7092 FY 2024 Org 0702

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

257 - State Budget Office –

Public Employees Insurance Reserve Fund

(W.V. Code Chapter 11B)

Fund 7400 FY 2024 Org 0703

Public Employees Insurance Reserve Fund – Transfer.....	90300	\$	6,800,000
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The above appropriation for Public Employees Insurance Reserve Fund – Transfer shall be transferred to the Medical Services Trust Fund (fund 5185).

258 - Insurance Commissioner –

Examination Revolving Fund

(W.V. Code Chapter 33)

Fund 7150 FY 2024 Org 0704

Personal Services and Employee Benefits.....	00100	\$	771,781
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Current Expenses	13000	1,357,201
Repairs and Alterations.....	06400	3,000
Equipment.....	07000	81,374
Buildings	25800	8,289
Other Assets	69000	<u>11,426</u>
Total		\$ 2,233,071

259 - Insurance Commissioner –

Consumer Advocate

(W.V. Code Chapter 33)

Fund 7151 FY 2024 Org 0704

Personal Services and Employee Benefits.....	00100	\$ 592,264
Current Expenses	13000	202,152
Repairs and Alterations.....	06400	5,000
Equipment.....	07000	34,225
Buildings	25800	4,865
Other Assets	69000	<u>19,460</u>
Total		\$ 857,966

260 - Insurance Commissioner –

Insurance Commission Fund

(W.V. Code Chapter 33)

Fund 7152 FY 2024 Org 0704

Personal Services and Employee Benefits.....	00100	\$ 25,074,593
Salary and Benefits of Cabinet Secretary and Agency Heads.....	00201	136,500
Current Expenses	13000	8,797,758
Repairs and Alterations.....	06400	68,614

Equipment.....	07000	1,728,240
Buildings	25800	25,000
Other Assets	69000	<u>340,661</u>
Total		\$ 36,171,366

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

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

Employee Benefits	01000	\$ 50,000
Current Expenses	13000	<u>250,500,000</u>
Total		\$ 250,550,000

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

Current Expenses	13000	\$ 15,000,000
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*264 - Insurance Commissioner –
Self-Insured Employer Guaranty Risk Pool
(W.V. Code Chapter 23)
Fund 7164 FY 2023 Org 0704*

Current Expenses	13000	\$ 9,000,000
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265 - Insurance Commissioner –

Self-Insured Employer Security Risk Pool

(W.V. Code Chapter 23)

Fund 7165 FY 2024 Org 0704

Current Expenses	13000	\$	14,000,000
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266 - Municipal Bond Commission

(W.V. Code Chapter 13)

Fund 7253 FY 2024 Org 0706

Personal Services and Employee Benefits.....	00100	\$	373,348
Current Expenses	13000		154,344
Equipment.....	07000		<u>100</u>
Total		\$	527,792

267 - Racing Commission –

Relief Fund

(W.V. Code Chapter 19)

Fund 7300 FY 2024 Org 0707

Medical Expenses – Total	24500	\$	154,000
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The total amount of this appropriation shall be paid from the special revenue fund out of collections of license fees and fines as provided by law.

No expenditures shall be made from this fund except for hospitalization, medical care, and/or funeral expenses for persons contributing to this fund.

268 - Racing Commission –

Administration and Promotion Account

(W.V. Code Chapter 19)

Fund 7304 FY 2024 Org 0707

Personal Services and Employee Benefits.....	00100	\$	279,525
Current Expenses	13000		85,433

Other Assets	69000	<u>5,000</u>
Total		\$ 369,958

269 - Racing Commission –

General Administration

(W.V. Code Chapter 19)

Fund 7305 FY 2024 Org 0707

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

270 - Racing Commission –

Administration, Promotion, Education, Capital Improvement

and Greyhound Adoption Programs

to include Spaying and Neutering Account

(W.V. Code Chapter 19)

Fund 7307 FY 2024 Org 0707

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

271 - Alcohol Beverage Control Administration –

Wine License Special Fund

(W.V. Code Chapter 60)

Fund 7351 FY 2024 Org 0708

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

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

272 - Alcohol Beverage Control Administration

(W.V. Code Chapter 60)

Fund 7352 FY 2024 Org 0708

Personal Services and Employee Benefits.....	00100	\$	6,016,074
Salary and Benefits of Cabinet Secretary and			
Agency Heads.....	00201		122,500
Current Expenses	13000		2,890,577
Repairs and Alterations.....	06400		91,000
Equipment.....	07000		108,000
Buildings	25800		375,100
Purchase of Supplies for Resale	41900		100,000,000
Transfer Liquor Profits and Taxes	42500		30,000,000
Other Assets	69000		125,100
Land	73000		<u>100</u>
Total.....		\$	139,728,451

The total amount of these appropriations shall be paid from a special revenue fund out of liquor revenues and any other revenues available.

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

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

There is hereby appropriated from liquor revenues, in addition to the above appropriations as needed, the necessary amount for the purchase of liquor as provided by law and the remittance of profits and taxes to the General Revenue Fund.

273 - State Athletic Commission Fund

(W.V. Code Chapter 29)

Fund 7009 FY 2024 Org 0933

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

DEPARTMENT OF TRANSPORTATION

274 - Division of Motor Vehicles –

Dealer Recovery Fund

(W.V. Code Chapter 17)

Fund 8220 FY 2024 Org 0802

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

Motor Vehicle Fees Fund

(W.V. Code Chapter 17B)

Fund 8223 FY 2024 Org 0802

Personal Services and Employee Benefits.....	00100	\$	4,109,846
Current Expenses	13000		4,337,712
Repairs and Alterations.....	06400		16,000
Equipment.....	07000		75,000

Other Assets	69000	10,000
BRIM Premium.....	91300	<u>110,000</u>
Total		\$ 8,658,558

276 - Division of Highways –

A. James Manchin Fund

(W.V. Code Chapter 22)

Fund 8319 FY 2024 Org 0803

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

State Rail Authority -

West Virginia Commuter Rail Access Fund

(W.V. Code Chapter 29)

Fund 8402 FY 2024 Org 0810

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

278 - Veterans' Facilities Support Fund

(W.V. Code Chapter 9A)

Fund 6703 FY 2024 Org 0613

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

279 - Department of Veterans' Assistance –

W.V. Veterans' Home –

Special Revenue Operating Fund

(W.V. Code Chapter 9A)

Fund 6754 FY 2024 Org 0618

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

BUREAU OF SENIOR SERVICES

280 - Bureau of Senior Services –

Community Based Service Fund

(W.V. Code Chapter 29)

Fund 5409 FY 2024 Org 0508

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

The total amount of these appropriations are funded from annual table game license fees to enable the aged and disabled citizens of West Virginia to stay in their homes through the provision of home and community-based services.

HIGHER EDUCATION POLICY COMMISSION

281 - Higher Education Policy Commission –

System –

Tuition Fee Capital Improvement Fund

(Capital Improvement and Bond Retirement Fund)

Control Account

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

Fund 4903 FY 2024 Org 0442

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

Total \$ 32,879,138

The total amount of these appropriations shall be paid from the Special Capital Improvement Fund created in W.V. Code §18B-10-8. Projects are to be paid on a cash basis and made available on July 1.

The above appropriations, except for Debt Service, may be transferred to special revenue funds for capital improvement projects at the institutions.

282 - Tuition Fee Revenue Bond Construction Fund

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

Fund 4906 FY 2024 Org 0442

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

The appropriation shall be paid from available unexpended cash balances and interest earnings accruing to the fund. The appropriation shall be expended at the discretion of the Higher Education Policy Commission and the funds may be allocated to any institution within the system.

The total amount of this appropriation shall be paid from the unexpended proceeds of revenue bonds previously issued pursuant to W.V. Code §18-12B-8, which have since been refunded.

283 - West Virginia University –

West Virginia University Health Sciences Center

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

Fund 4179 FY 2024 Org 0463

Personal Services and Employee Benefits.....	00100	\$ 11,425,515
Current Expenses	13000	4,524,300
Repairs and Alterations.....	06400	425,000
Equipment.....	07000	512,000
Buildings	25800	150,000
Other Assets	69000	<u>50,000</u>
Total		\$ 17,086,815

284 - Marshall University –

School of Medicine

(W.V. Code Chapter 18B)

Fund 4271 FY 2024 Org 0471

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

(W.V. Code Chapter 18B)

Fund 4272 FY 2024 Org 0476

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

(W.V. Code Chapters 16 and 30)

Fund 5425 FY 2024 Org 0505

Personal Services and Employee Benefits.....	00100	\$	587,300
Current Expenses	13000		234,969
Repairs and Alterations.....	06400		<u>5,000</u>
Total		\$	827,269

The total amount of these appropriations shall be paid from a special revenue fund out of collections made by the Board of Barbers and Cosmetologists as provided by law.

*287 - Hospital Finance Authority –**Hospital Finance Authority Fund*

(W.V. Code Chapter 16)

Fund 5475 FY 2024 Org 0509

Personal Services and Employee Benefits.....	00100	\$	10,000
Salary and Benefits of Cabinet Secretary and Agency Heads.....	00201		93,339
Unclassified	09900		1,501

Current Expenses	13000	<u>55,268</u>
Total		\$ 160,108

The total amount of these appropriations shall be paid from the special revenue fund out of fees and collections as provided by Article 29A, Chapter 16 of the Code.

288 - State Armory Board –

General Armory Fund

(W.V. Code Chapter 15)

Fund 6057 FY 2024 Org 0603

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

From the above appropriations, the Adjutant General may receive and expend funds to conduct operations and activities to include functions of the Military Authority. The Adjutant General may transfer funds between appropriations, except no funds may be transferred to Personal Services and Employee Benefits (fund 6057, appropriation 00100).

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

Licensed Practical Nurses

(W.V. Code Chapter 30)

Fund 8517 FY 2024 Org 0906

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

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

Registered Professional Nurses

(W.V. Code Chapter 30)

Fund 8520 FY 2024 Org 0907

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

291 - Public Service Commission

(W.V. Code Chapter 24)

Fund 8623 FY 2024 Org 0926

Personal Services and Employee Benefits.....	00100	\$	12,882,976
Salary and Benefits of Cabinet Secretary and Agency Heads.....	00201		318,640
Unclassified	09900		147,643
Current Expenses	13000		2,507,202
Repairs and Alterations.....	06400		270,000
Equipment.....	07000		160,000
Buildings	25800		10
PSC Weight Enforcement	34500		4,870,957
Debt Payment/Capital Outlay	52000		350,000
Land	73000		10
BRIM Premium.....	91300		<u>172,216</u>
Total.....		\$	21,679,654

The total amount of these appropriations shall be paid from a special revenue fund out of collections for special license fees from public service corporations as provided by law.

The Public Service Commission is authorized to transfer up to \$500,000 from this fund to meet the expected deficiencies in the Motor Carrier Division (fund 8625, org 0926) due to the amendment and reenactment of W.V. Code §24A-3-1 by Enrolled House Bill Number 2715, Regular Session, 1997.

292 - Public Service Commission –

Gas Pipeline Division –

Public Service Commission Pipeline Safety Fund

(W.V. Code Chapter 24B)

Fund 8624 FY 2024 Org 0926

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

The total amount of these appropriations shall be paid from a special revenue fund out of receipts collected for or by the Public Service Commission pursuant to and in the exercise of regulatory authority over pipeline companies as provided by law.

293 - Public Service Commission –

Motor Carrier Division

(W.V. Code Chapter 24A)

Fund 8625 FY 2024 Org 0926

Personal Services and Employee Benefits.....	00100	\$	2,420,468
Salary and Benefits of Cabinet Secretary and			
Agency Heads.....	00201		67,711
Unclassified	09900		29,233

Current Expenses	13000	577,557
Repairs and Alterations.....	06400	23,000
Equipment.....	07000	<u>50,000</u>
Total.....		\$ 3,167,969

The total amount of these appropriations shall be paid from a special revenue fund out of receipts collected for or by the Public Service Commission pursuant to and in the exercise of regulatory authority over motor carriers as provided by law.

294 - Public Service Commission –

Consumer Advocate Fund

(W.V. Code Chapter 24)

Fund 8627 FY 2024 Org 0926

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

The total amount of these appropriations shall be supported by cash from a special revenue fund out of collections made by the Public Service Commission.

295 - Real Estate Commission –

Real Estate License Fund

(W.V. Code Chapter 30)

Fund 8635 FY 2024 Org 0927

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

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

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

Pathology and Audiology –

Speech-Language Pathology and Audiology Operating Fund

(W.V. Code Chapter 30)

Fund 8646 FY 2024 Org 0930

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

297 - W.V. Board of Respiratory Care –

Board of Respiratory Care Fund

(W.V. Code Chapter 30)

Fund 8676 FY 2024 Org 0935

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

298 - W.V. Board of Licensed Dietitians –

Dietitians Licensure Board Fund

(W.V. Code Chapter 30)

Fund 8680 FY 2024 Org 0936

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

299 - Massage Therapy Licensure Board –

Massage Therapist Board Fund

(W.V. Code Chapter 30)

Fund 8671 FY 2024 Org 0938

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

*300 - Board of Medicine –**Medical Licensing Board Fund*

(W.V. Code Chapter 30)

Fund 9070 FY 2024 Org 0945

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

*301 - West Virginia Enterprise Resource Planning Board –**Enterprise Resource Planning System Fund*

(W.V. Code Chapter 12)

Fund 9080 FY 2024 Org 0947

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

302 - Board of Treasury Investments –

Board of Treasury Investments Fee Fund

(W.V. Code Chapter 12)

Fund 9152 FY 2024 Org 0950

Personal Services and Employee Benefits.....	00100	\$	857,714
Unclassified	09900		14,850
Current Expenses	13000		580,889
BRIM Premium.....	91300		31,547
Fees of Custodians, Fund Advisors and Fund Managers	93800		<u>3,500,000</u>
Total.....		\$	4,985,000

There is hereby appropriated from this fund, in addition to the above appropriation if needed, an amount of funds necessary for the Board of Treasury Investments to pay the fees and expenses of custodians, fund advisors and fund managers for the consolidated fund of the State as provided in Article 6C, Chapter 12 of the Code.

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

303 - Contractor Licensing Board Fund

(W.V. Code Chapter 21)

Fund 3187 FY 2024 Org 0951

Personal Services and Employee Benefits.....	00100	\$	2,559,000
Repairs and Alterations.....	06400		10,000
Unclassified	09900		21,000
Current Expenses	13000		500,000
BRIM Premium.....	91300		<u>8,500</u>
Total.....		\$	3,098,500

Total TITLE II, Section 3 – Other Funds

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

Sec. 4. Appropriations from lottery net profits. — Net profits of the lottery are to be deposited by the Director of the Lottery to the following accounts in the amounts indicated. The Director of the Lottery shall prorate each deposit of net profits in the proportion the appropriation

for each account bears to the total of the appropriations for all accounts.

After first satisfying the requirements for Fund 2252, Fund 3963, and Fund 4908 pursuant to W.V. Code §29-22-18, the Director of the Lottery shall make available from the remaining net profits of the lottery any amounts needed to pay debt service for which an appropriation is made for Fund 9065, Fund 4297, Fund 3390, Fund 3514, Fund 9067, and Fund 9068 and is authorized to transfer any such amounts to Fund 9065, Fund 4297, Fund 3390, Fund 3514, Fund 9067, and Fund 9068 for that purpose. Upon receipt of reimbursement of amounts so transferred, the Director of the Lottery shall deposit the reimbursement amounts to the following accounts as required by this section.

304 - Education, Arts, Sciences and Tourism –

Debt Service Fund

(W.V. Code Chapter 5)

Fund 2252 FY 2024 Org 0211

	Appropriation		Lottery Funds
Debt Service – Total	31000	\$	10,000,000

305 - Department of Tourism –

Office of the Secretary

(W.V. Code Chapter 5B)

Fund 3067 FY 2024 Org 0304

Tourism – Telemarketing Center	46300	\$	82,080
Tourism – Advertising (R)	61800		2,422,407
Tourism – Operations (R).....	66200		<u>4,451,771</u>
Total.....		\$	6,956,258

Any unexpended balances remaining in the appropriations for Tourism – Advertising (fund 3067, appropriation 61800) and Tourism – Operations (fund 3067, appropriation 66200) at the close of the fiscal year 2023 are hereby reappropriated for expenditure during the fiscal year 2024.

306 - Division of Natural Resources

(W.V. Code Chapter 20)

Fund 3267 FY 2024 Org 0310

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

Any unexpended balances remaining in the appropriations for Capital Outlay – Parks (fund 3267, appropriation 28800), Non-Game Wildlife (fund 3267, appropriation 52700), and State Parks and Recreation Advertising (fund 3267, appropriation 61900) at the close of the fiscal year 2023 are hereby reappropriated for expenditure during the fiscal year 2024.

307 - State Board of Education

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

Fund 3951 FY 2024 Org 0402

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

Any unexpended balances remaining in the appropriations for Assessment Program (fund 3951, appropriation 39600), and 21st Century Technology Infrastructure Network Tools and Support (fund 3951, appropriation 93300) at the close of the fiscal year 2023 are hereby reappropriated for expenditure during the fiscal year 2024.

308 - State Department of Education –

School Building Authority –

Debt Service Fund

(W.V. Code Chapter 18)

Fund 3963 FY 2024 Org 0404

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

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

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

309 - Division of Culture and History –

Lottery Education Fund

(W.V. Code Chapter 29)

Fund 3534 FY 2024 Org 0432

Huntington Symphony.....	02700	\$ 59,058
Preservation West Virginia (R).....	09200	491,921
Fairs and Festivals (R).....	12200	1,346,814
Commission for National and Community Service (R).....	19300	387,916
Archeological Curation/Capital Improvements (R).....	24600	40,593
Historic Preservation Grants (R)	31100	417,933
West Virginia Public Theater	31200	120,019
Greenbrier Valley Theater	42300	115,000
Theater Arts of West Virginia	46400	90,000
Marshall Artists Series	51800	36,005
Grants for Competitive Arts Program (R).....	62400	811,500
West Virginia State Fair	65700	31,241
Save the Music	68000	40,000
Contemporary American Theater Festival.....	81100	57,281
Independence Hall	81200	27,277
Mountain State Forest Festival.....	86400	38,187

WV Symphony	90700	59,058
Wheeling Symphony	90800	59,058
Appalachian Childrens' Chorus	91600	<u>54,554</u>
Total		\$ 4,283,415

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

From the above appropriation for Preservation West Virginia (fund 3534, appropriation 09200) funding shall be provided to the African-American Heritage Family Tree Museum (Fayette) \$2,673, Aracoma Story (Logan) \$20,000, Arts Monongahela (Monongalia) \$11,881, Barbour County Arts and Humanities Council \$891, Beckley Main Street (Raleigh) \$2,970, Buffalo Creek Memorial (Logan) \$2,970, Carnegie Hall (Greenbrier) \$46,899, Ceredo Historical Society (Wayne) \$1,188, Ceredo Kenova Railroad Museum (Wayne) \$1,188, Ceredo Museum (Wayne) \$720, Children's Theatre of Charleston (Kanawha) \$3,500, Chuck Mathena Center (Mercer) \$62,532, Country Music Hall of Fame and Museum (Marion) \$4,159, First Stage Children's Theater Company (Cabell) \$1,188, Flannigan Murrell House (Summers) \$3,781, Fort Ashby Fort (Mineral) \$891, Fort New Salem (Harrison) \$2,198, Fort Randolph (Mason) \$2,970, General Adam Stephen Memorial Foundation (Berkeley) \$11,006, Grafton Mother's Day Shrine Committee (Taylor) \$9,029, Hardy County Tour and Crafts Association (Hardy) \$11,881, Heartwood in the Hills (Calhoun) \$5,040, Henderson Hall (Wood) \$20,000, Heritage Farm Museum & Village (Cabell) \$29,703, Historic Fayette Theater (Fayette) \$3,267, Historic Middleway Conservancy (Jefferson) \$594, Jefferson County Black History Preservation Society (Jefferson) \$2,970, Jefferson County Historical Landmark Commission (Jefferson) \$4,753, Maddie Carroll House (Cabell) \$4,455, Marshall County Historical Society (Marshall) \$5,049, McCoy Theater (Hardy) \$11,881, Memorial Day Patriotic Exercise (Taylor) \$20,000, Morgantown Theater Company (Monongalia) \$11,881, Mountaineer Boys' State (Lewis) \$5,941, Nicholas Old Main Foundation (Nicholas) \$1,188, Norman Dillon Farm Museum (Berkeley) \$5,941, Oil and Gas Museum (Wood) \$20,000, Old Opera House Theater Company (Jefferson) \$8,911, Parkersburg Arts Center (Wood) \$11,881, Pocahontas Historic Opera House (Pocahontas) \$3,564, Raleigh County All Wars Museum (Raleigh) \$5,941, Rhododendron Girl's State (Ohio) \$5,941, Roane County 4-H and FFA Youth Livestock Program (Roane) \$2,970, Society for the Preservation of McGrew House (Preston) \$2,079, Southern West Virginia Veterans' Museum (Raleigh) \$3,393, Summers County Historic Landmark Commission (Summers) \$2,970, Those Who Served War Museum (Mercer) \$2,376, Three Rivers Avian Center (Summers) \$5,311, Veterans Committee for Civic Improvement of Huntington (Wayne) \$2,970, West Virginia Museum of Glass (Lewis) \$2,970, West Virginia Music Hall of Fame (Kanawha) \$20,792, YMCA Camp Horseshoe (Tucker) \$59,406, Youth Museum of Southern West Virginia (Raleigh) \$7,129, Z.D. Ramsdell House (Wayne) \$720

From the above appropriation for Fairs and Festivals (fund 3534, appropriation 12200) funding shall be provided to A Princeton 4th (Mercer) \$1,800, African-American Cultural Heritage Festival (Jefferson) \$2,970, Allegheny Echo (Pocahontas) \$4,456, Alpine Festival/Leaf Peepers Festival

(Tucker) \$6,683, American Civil War (Grant) \$3,127, American Legion Post 8 Veterans Day Parade (McDowell) \$1,250, Angus Beef and Cattle Show (Lewis) \$891, Annual Don Redman Heritage Concert & Awards (Jefferson) \$938, Antique Market Fair (Lewis) \$1,188, Apple Butter Festival (Morgan) \$3,564, Armed Forces Day-South Charleston (Kanawha) \$2,000, Arthurdale Heritage New Deal Festival (Preston) \$2,970, Athens Town Fair (Mercer) \$1,188, Augusta Fair (Randolph) \$2,970, Autumn Harvest Fest (Monroe) \$2,448, Back Home Festival (Wetzel) \$5,000, Barbour County Fair (Barbour) \$14,851, Barboursville Octoberfest (Cabell) \$2,970, Battelle District Fair (Monongalia) \$3,340, Battle of Dry Creek (Greenbrier) \$891, Battle of Point Pleasant Memorial Committee (Mason) \$2,970, Belle Town Fair (Kanawha) \$3,000, Belleville Homecoming (Wood) \$11,881, Berkeley County Youth Fair (Berkeley) \$10,990, Black Heritage Festival (Harrison) \$3,564, Black Walnut Festival (Roane) \$5,940, Blast from the Past (Upshur) \$1,440, Blue-Gray Reunion (Barbour) \$2,079, Boone County Labor Day Celebration (Boone) \$2,376, Boone Day (Kanawha) \$1,000, Bradshaw Fall Festival (McDowell) \$1,188, Bramwell Labor Day (Mercer) \$5,000, Brandonville Heritage Day (Preston) \$1,048, Braxton County Fair (Braxton) \$6,832, Braxton County Monster Fest / West Virginia Autumn Festival (Braxton) \$1,485, Brooke County Fair (Brooke) \$2,079, Buckwheat Festival (Preston) \$5,050, Buffalo October Fest (Putnam) \$3,240, Burlington Apple Harvest Auxiliary (Mineral) \$13,821, Burlington Pumpkin Harvest Festival (Raleigh) \$2,970, Burlington Volunteer Fire and Rescue Carnival (Mineral) \$4,000, Burnsville Freedom Festival (Braxton) \$1,407, Calhoun County Wood Festival (Calhoun) \$1,188, Cameron 4th of July (Marshall) \$500, Cameron VFD Fireman's Festival (Marshall) \$2,500, Campbell's Creek Community Fair (Kanawha) \$2,000, Cape Coalwood Festival Association (McDowell) \$1,485, Cacapon River Fest (Hampshire) \$2,500, Capon Bridge Founders Day Festival (Hampshire) \$1,188, Capon Springs Ruritan 4th of July (Hampshire) \$684, Cass Homecoming (Pocahontas) \$1,188, Celebration of America (Monongalia) \$3,564, Chapmanville Apple Butter Festival (Logan) \$684, Chapmanville Fire Department 4th of July (Logan) \$1,782, Charles Town Christmas Festival (Jefferson) \$2,970, Charles Town Heritage Festival (Jefferson) \$2,970, Cherry River Festival (Nicholas) \$3,861, Chester Fireworks (Hancock) \$891, Chester 4th of July Festivities (Hancock) \$2,970, Chilifest West Virginia State Chili Championship (Cabell) \$1,563, Chillin' on the Elk (Kanawha) \$1,000, Christmas In Our Town (Marion) \$3,127, Christmas in Shepherdstown (Jefferson) \$2,376, Christmas in the Park (Brooke) \$2,970, Christmas in the Park (Logan) \$14,851, Christmas on Main Street (Hancock) \$11,881, City of Dunbar Critter Dinner (Kanawha) \$5,000, Clay County Golden Delicious Apple Festival (Clay) \$4,158, Clay District Fair (Monongalia) \$3,341, Coal Field Jamboree (Logan) \$20,792, Coalton Days Fair (Randolph) \$4,158, Country Roads Festival (Wetzel) \$3,200, Covered Bridge Festival (Marion) \$3,000, Craigsville Fall Festival (Nicholas) \$2,079, Cruise into Princeton (Mercer) \$2,160, Culturefest World Music & Arts Festival (Mercer) \$4,690, Delbarton Homecoming (Mingo) \$2,079, Doddridge County Fair (Doddridge) \$4,158, Durbin Days (Pocahontas) \$2,970, Elbert/Filbert Reunion Festival (McDowell) \$891, Fairview 4th of July Celebration (Marion) \$684, Farmer's Day Festival (Monroe) \$2,330, Fenwick Mountain Old Time Community Festival (Nicholas) \$2,880, FestivALL Charleston (Kanawha) \$12,000, Fly in Festival (Cabell) \$5,000, Follansbee Community Days (Brooke) \$4,900, Fort Gay Mountain Heritage Days (Wayne) \$2,970, Fort Henry Days (Ohio) \$3,148, Fort Henry Living History (Ohio) \$1,563, Fort New Salem Spirit of Christmas Festival (Harrison) \$2,432, Frankford Autumnfest (Greenbrier) \$2,970, Franklin Fishing Derby (Pendleton) \$10,709, Freedom Festival (Wood) \$8,000, Freshwater Folk Festival (Greenbrier) \$2,970, Friends Auxiliary of W.R. Sharpe Hospital (Lewis) \$2,970, Fund for the Arts-Wine & All that Jazz Festival (Kanawha) \$1,500, Gassaway Days Celebration (Braxton) \$2,970, Gilmer County Farm Show (Gilmer) \$2,376, Grant County Arts Council (Grant) \$1,188, Great Greenbrier River Race (Pocahontas) \$5,940, Guyandotte Civil War Days (Cabell) \$5,941, Hamlin 4th of July Celebration (Lincoln) \$2,970, Hampshire Civil War Celebration Days (Hampshire) \$684, Hampshire County 4th of July Celebration (Hampshire) \$11,881, Hampshire County Fair (Hampshire) \$5,002, Hampshire Highlands Art & Music Festival

(Hampshire) \$4,252, Hancock County Oldtime Fair (Hancock) \$2,970, Hardy County Commission - 4th of July (Hardy) \$5,940, Hatfield McCoy Matewan Reunion Festival (Mingo) \$12,330, Hatfield McCoy Trail National ATV and Dirt Bike Weekend (Wyoming) \$2,970, Head for the Hills Festival (Ritchie) \$3,000, Head of the Dragon (McDowell) \$1,500, Heritage Craft Festival (Monroe) \$1,044, Hilltop Festival (Cabell) \$684, Hinton Railroad Days (Summers) \$4,347, Holly River Festival (Webster) \$891, Hometown Mountain Heritage Festival (Fayette) \$2,432, Hometown Trail Days (McDowell) \$1,188, Hundred 4th of July (Wetzel) \$4,307, Huntersville Traditions Day (Pocahontas) \$4,000, Jaeger Town Fair (McDowell) \$891, Irish Heritage Festival of West Virginia (Raleigh) \$2,970, Irish Spring Festival (Lewis) \$684, Italian Heritage Festival-Clarksburg (Harrison) \$17,821, Jackson County Fair (Jackson) \$2,970, Jamboree (Pocahontas) \$2,970, Jefferson County Fair Association (Jefferson) \$14,851, Jersey Mountain Ruritan Pioneer Days (Hampshire) \$684, John Henry Days Festival (Monroe) \$4,698, Johnnie Johnson Blues and Jazz Festival (Marion) \$2,970, Johnstown Community Fair (Harrison) \$1,485, Junior Heifer Preview Show (Lewis) \$1,188, Kenova Autumn Festival (Wayne) \$4,377, Kermit Fall Festival (Mingo) \$1,782, King Coal Festival (Mingo) \$2,970, Kingwood Downtown Street Fair and Heritage Days (Preston) \$1,188, Knights of Columbus Irish Road Bowling (Marshall County) \$3,000, L.Z. Rainelle West Virginia Veterans Reunion (Greenbrier) \$2,970, Larry Joe Harless Center Octoberfest Hatfield McCoy Trail (Mingo) \$5,940, Larry Joe Harless Community Center Spring Middle School Event (Mingo) \$2,970, Last Blast of Summer (McDowell) \$2,970, Lewis County Fair (Lewis) \$3,000, Lewisburg Shanghai (Greenbrier) \$1,188, Lincoln County Fall Festival (Lincoln) \$4,752, Lincoln County Winterfest (Lincoln) \$2,970, Lindsie Veterans' Day Parade (Monroe) \$720, Little Levels Heritage Festival (Pocahontas) \$1,188, Lost Creek Community Festival (Harrison) \$4,158, Main Street Arts Festival (Upshur) \$3,127, Main Street Martinsburg Chocolate Fest and Book Fair (Berkeley) \$2,813, Main Street Martinsburg Food Truck Fest (Berkeley) \$4,700, Malden Salt Fest (Kanawha) \$3,000, Mannington District Fair (Marion) \$3,564, Marmet Labor Day Celebration (Kanawha) \$3,500, Marshall County Antique Power Show (Marshall) \$1,485, Marshall County Fair (Marshall) \$5,000, Mason County Fair (Mason) \$2,970, Matewan Massacre Reenactment (Mingo) \$5,004, Matewan-Magnolia Fair (Mingo) \$15,932, McARTS-McDowell County (McDowell) \$11,881, McGrew House History Day (Preston) \$1,188, McNeill's Rangers (Mineral) \$4,752, Meadow Bridge Hometown Festival (Fayette) \$743, Meadow River Days Festival (Greenbrier) \$1,782, Mercer County Fair (Mercer) \$1,188, Mercer County Heritage Festival (Mercer) \$3,474, Milton Christmas in the Park (Cabell) \$1,485, Milton Old Timey Days (Cabell) \$1,485, Mineral County Veterans Day Parade (Mineral) \$891, Molasses Festival (Calhoun) \$1,188, Monongahfest (Marion) \$3,752, Monongalia County Fair (Monongalia) \$7,250, Moon Over Mountwood Fishing Festival (Wood) \$1,782, Morgan County Fair-History Wagon (Morgan) \$891, Moundsville Bass Festival (Marshall) \$2,376, Moundsville July 4th Celebration (Marshall) \$2,970, Mount Liberty Fall Festival (Barbour) \$1,485, Mountain Festival (Mercer) \$2,747, Mountain Heritage Arts and Crafts Festival (Jefferson) \$2,970, Mountain Music Festival (McDowell) \$1,485, Mountain Roots Community Theater (Kanawha) \$5,000, Mountain State Apple Harvest Festival (Berkeley) \$4,456, Mountain State Arts & Crafts Fair Cedar Lakes (Jackson) \$26,732, Mullens Dogwood Festival (Wyoming) \$4,158, Multi-Cultural Festival of West Virginia (Kanawha) \$11,988, New Cumberland Christmas Parade (Hancock) \$1,782, New Cumberland 4th of July (Hancock) \$2,970, New Martinsville Regatta (Wetzel) \$9,000, New Martinsville Vintage Regatta (Wetzel) \$5,000, New River Bridge Day Festival (Fayette) \$23,762, Nicholas County Potato Festival (Nicholas) \$2,079, Oak Leaf Festival (Fayette) \$6,253, Oceana Heritage Festival (Wyoming) \$4,000, Oglebay City Park - Festival of Lights (Ohio) \$47,524, Oglebay Festival (Ohio) \$5,940, Ohio County Country Fair (Ohio) \$5,346, Ohio River Fest (Jackson) \$4,320, Old Brick Playhouse (Randolph) \$7,000, Old Central City Fair (Cabell) \$2,970, Old Tyme Christmas (Jefferson) \$1,425, Osage Street Fair (Monongalia) \$2,188, Paden City Labor Day Festival (Wetzel) \$3,861, Parkersburg Homecoming (Wood) \$8,754, Paw Paw District Fair (Marion) \$2,079, Pax Reunion Committee (Fayette) \$2,970,

Pendleton County 4-H Weekend (Pendleton) \$1,188, Petersburg 4th of July Celebration (Grant) \$11,881, Piedmont-Annual Back Street Festival (Mineral) \$2,376, Pinch Reunion (Kanawha) \$2,000, Pine Bluff Fall Festival (Harrison) \$2,376, Pine Grove 4th of July Festival (Wetzel) \$4,158, Pineville Festival (Wyoming) \$3,564, Pleasants County Agriculture Youth Fair (Pleasants) \$2,970, Pocahontas County Pioneer Days (Pocahontas) \$4,159, Pratt Fall Festival (Kanawha) \$2,500, Princeton Autumnfest (Mercer) \$1,563, Princeton Street Fair (Mercer) \$2,970, Putnam County Fair (Putnam) \$2,970, Quartets on Parade (Hardy) \$2,376, Rainelle Fall Festival (Greenbrier) \$3,127, Rand Community Center Festival (Kanawha) \$2,500, Randolph County Community Arts Council (Randolph) \$1,782, Randolph County Fair (Randolph) \$4,158, Randolph County Ramps and Rails (Randolph) \$2,188, Ranson Christmas Festival (Jefferson) \$2,970, Ranson Festival (Jefferson) \$2,970, Renick Liberty Festival (Greenbrier) \$684, Ripley 4th of July (Jackson) \$8,910, Ritchie County Fair and Exposition (Ritchie) \$2,970, Ritchie County Pioneer Days (Ritchie) \$684, River City Festival (Preston) \$684, Roane County Agriculture Field Day (Roane) \$1,782, Rock the Park (Kanawha) \$3,000, Rocket Boys Festival (Raleigh) \$1,710, Rowlesburg Labor Day Festival (Preston) \$684, Rupert Country Fling (Greenbrier) \$1,876, Saint Spyridon Greek Festival (Harrison) \$1,485, Salem Apple Butter Festival (Harrison) \$2,376, Sistersville 4th of July (Tyler) \$3,267, Skirmish on the River (Mingo) \$1,250, Smoke on the Water (Wetzel) \$1,782, South Charleston Summerfest (Kanawha) \$7,500, Southern Wayne County Fall Festival (Wayne) \$684, Spirit of Grafton Celebration (Taylor) \$6,240, Spring Mountain Festival (Grant) \$2,500, St. Albans City of Lights - December (Kanawha) \$4,000, St. Albans Train Fest (Kanawha) \$7,000, Sternwheel Festival (Wood) \$1,782, Stonewall Jackson Heritage Arts & Crafts Jubilee (Lewis) \$6,534, Stonewall Jackson's Roundhouse Raid (Berkeley) \$7,200, Strawberry Festival (Upshur) \$17,821, Sylvester Big Coal River Festival (Boone) \$1,944, Tacy Fair (Barbour) \$684, Taste of Parkersburg (Wood) \$2,970, Taylor County Fair (Taylor) \$3,567, Three Rivers Coal Festival (Marion) \$4,604, Thunder on the Tygart - Mothers' Day Celebration (Taylor) \$7,300, Town of Delbarton 4th of July Celebration (Mingo) \$1,782, Town of Fayetteville Heritage Festival (Fayette) \$4,456, Town of Rivesville 4th of July Festival (Marion) \$3,127, Town of Winfield - Putnam County Homecoming (Putnam) \$3,240, Treasure Mountain Festival (Pendleton) \$18,000, Tri-County Fair (Grant) \$22,548, Tucker County Arts Festival and Celebration (Tucker) \$10,692, Tucker County Fair (Tucker) \$2,821, Tucker County Health Fair (Tucker) \$1,188, Turkey Festival (Hardy) \$1,782, Tyler County Fireworks Celebration (Tyler) \$2,000, Upper Kanawha Valley Oktoberfest (Kanawha) \$2,000, Upper Ohio Valley Italian Festival (Ohio) \$7,128, Valley District Fair (Preston) \$2,079, Veterans Welcome Home Celebration (Cabell) \$938, Vietnam Veterans of America # 949 Christmas Party (Cabell) \$684, Volcano Days at Mountwood Park (Wood) \$2,970, War Homecoming Fall Festival (McDowell) \$891, Wardensville Fall Festival (Hardy) \$2,970, Wayne County Fair (Wayne) \$2,970, Wayne County Fall Festival (Wayne) \$2,970, Webster County Fair (Webster) \$3,600, Webster County Wood Chopping Festival (Webster) \$8,910, Webster Wild Water Weekend (Webster) \$1,188, Welcome Home Family Day (Wayne) \$1,900, Wellsburg 4th of July Celebration (Brooke) \$4,456, Wellsburg Apple Festival of Brooke County (Brooke) \$2,970, West Virginia Chestnut Festival (Preston) \$684, West Virginia Coal Festival (Boone) \$5,940, West Virginia Coal Show (Mercer) \$1,563, West Virginia Dairy Cattle Show (Lewis) \$5,940, West Virginia Dandelion Festival (Greenbrier) \$2,970, West Virginia Day at the Railroad Museum (Mercer) \$1,800, West Virginia Fair and Exposition (Wood) \$4,812, West Virginia Freedom Festival (Logan) \$4,456, West Virginia Oil and Gas Festival (Tyler) \$6,534, West Virginia Peach Festival (Hampshire) \$5,166, West Virginia Pumpkin Festival (Cabell) \$5,940, West Virginia Rivers and Rails Festival (Pleasants) \$1,099, West Virginia State Folk Festival (Gilmer) \$2,970, Wetzel County Autumnfest (Wetzel) \$3,267, Wetzel County Town and Country Days (Wetzel) \$10,098, Wheeling City of Lights (Ohio) \$4,752, Wheeling Vintage Raceboat Regatta (Ohio) \$11,881, Whipple Community Action (Fayette) \$1,485, Winfield Watersports Weekend (Putnam) \$3,240, Wirt County Fair (Wirt) \$1,485, Wirt County Pioneer Days (Wirt) \$1,188, Youth Stockman Beef Expo (Lewis)

\$1,188.....

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

310 - Division of Culture and History –

Library Commission -

Lottery Education Fund

(W.V. Code Chapter 10)

Fund 3559 FY 2024 Org 0432

Books and Films	17900	\$	360,784
Services to Libraries.....	18000		550,000
Grants to Public Libraries.....	18200		9,439,571
Digital Resources.....	30900		219,992
Infomine Network.....	88400		<u>943,353</u>
Total.....		\$	11,513,700

311 - Educational Broadcasting Authority

(W.V. Code Chapter 10)

Fund 3587 FY 2024 Org 0439

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

312 - Higher Education Policy Commission –

Lottery Education –

Higher Education Policy Commission –

Control Account

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

Fund 4925 FY 2024 Org 0441

RHI Program and Site Support (R).....	03600	\$	1,918,886
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RHI Program and Site Support –

RHEP Program Administration	03700	146,653
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RHI Program and Site Support – Grad Med

Ed and Fiscal Oversight (R).....	03800	90,192
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Minority Doctoral Fellowship (R)	16600	129,604
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Health Sciences Scholarship (R).....	17600	226,251
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Vice Chancellor for Health Sciences –

Rural Health Residency Program (R)	60100	62,725
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WV Engineering, Science, and

Technology Scholarship Program.....	86800	<u>452,831</u>
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Total		\$ 3,027,142
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Any unexpended balances remaining in the appropriations for RHI Program and Site Support (fund 4925, appropriation 03600), RHI Program and Site Support – Grad Med Ed and Fiscal Oversight (fund 4925, appropriation 03800), Minority Doctoral Fellowship (fund 4925, appropriation 16600), Health Sciences Scholarship (fund 4925, appropriation 17600), and Vice Chancellor for Health Sciences – Rural Health Residency Program (fund 4925, appropriation 60100) at the close of fiscal year 2023 are hereby reappropriated for expenditure during the fiscal year 2024.

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

*313 - Community and Technical College –**Capital Improvement Fund*

(W.V. Code Chapter 18B)

Fund 4908 FY 2024 Org 0442

Debt Service – Total	31000	\$ 5,000,000
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Any unexpended balance remaining in the appropriation for Capital Outlay and Improvements – Total (fund 4908, appropriation 84700) and Capital Improvements - Total (fund 4908, appropriation 95800) at the close of fiscal year 2023 is hereby reappropriated for expenditure during the fiscal year 2024.

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

earnings.

314 - Higher Education Policy Commission –

Lottery Education –

West Virginia University – School of Medicine

(W.V. Code Chapter 18B)

Fund 4185 FY 2024 Org 0463

WVU Health Sciences –

RHI Program and Site Support (R)	03500	\$	1,223,320
MA Public Health Program and			
Health Science Technology (R)	62300		52,445
Health Sciences Career Opportunities Program (R)	86900		336,987
HSTA Program (R)	87000		1,847,803
Center for Excellence in Disabilities (R)	96700		<u>321,875</u>
Total		\$	3,782,430

Any unexpended balances remaining in the appropriations for WVU Health Sciences – RHI Program and Site Support (fund 4185, appropriation 03500), MA Public Health Program and Health Science Technology (fund 4185, appropriation 62300), Health Sciences Career Opportunities Program (fund 4185, appropriation 86900), HSTA Program (fund 4185, appropriation 87000), and Center for Excellence in Disabilities (fund 4185, appropriation 96700) at the close of fiscal year 2023 are hereby reappropriated for expenditure during the fiscal year 2024.

315 - Higher Education Policy Commission –

Lottery Education –

Marshall University – School of Medicine

(W.V. Code Chapter 18B)

Fund 4896 FY 2024 Org 0471

Marshall Medical School –

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

Rural Health Residency Program (R)	60100	<u>176,614</u>
Total		\$ 621,228

Any unexpended balances remaining in the appropriations for Marshall Medical School – RHI Program and Site Support (fund 4896, appropriation 03300) and Vice Chancellor for Health Sciences – Rural Health Residency Program (fund 4896, appropriation 60100) at the close of fiscal year 2023 are hereby reappropriated for expenditure during the fiscal year 2024.

316 - Bureau of Senior Services –

Lottery Senior Citizens Fund

(W.V. Code Chapter 29)

Fund 5405 FY 2024 Org 0508

Personal Services and Employee Benefits.....	00100	\$ 145,914
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	23,726,633
Roger Tompkins Alzheimers Respite Care.....	64300	2,306,333
WV Alzheimers 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 Ombudsmen.....	90500	297,226
BRIM Premium.....	91300	7,718
In-Home Services and Nutrition for Senior Citizens (R).....	91700	<u>6,845,941</u>

Total..... \$ 62,728,828

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

Included in the above appropriation for Current Expenses (fund 5405, appropriation 13000), is funding to support an in-home direct care workforce registry.

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

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

Sec. 5. Appropriations from state excess lottery revenue fund. — In accordance with W.V. Code §29-22-18a, §29-22A-10d, §29-22A-10e, §29-22C-27a and §29-25-22b, the following appropriations shall be deposited and disbursed by the Director of the Lottery to the following accounts in this section in the amounts indicated.

After first funding the appropriations required by W.V. Code §29-22-18a, §29-22A-10d, §29-22A-10e, §29-22C-27a and §29-25-22b, the Director of the Lottery shall provide funding from the State Excess Lottery Revenue Fund for the remaining appropriations in this section to the extent that funds are available. In the event that revenues to the State Excess Lottery Revenue Fund are sufficient to meet all the appropriations required made pursuant to this section, then the Director of the Lottery shall then provide the funds available for fund 5365, appropriation 18900.

317 - Governor's Office

(W.V. Code Chapter 5)

Fund 1046 FY 2024 Org 0100

Any unexpended balance remaining in the appropriation for Publication of Papers and Transition Expenses – Lottery Surplus (fund 1046, appropriation 06600) at the close of the fiscal year 2023 is hereby reappropriated for expenditure during the fiscal year 2024.

318 - Office of Technology

(W.V. Code Chapter 5A)

Fund 2532 FY 2024 Org 0231

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

319 - Department of Economic Development –

*Office of the Secretary –
West Virginia Development Office
(W.V. Code Chapter 5B)
Fund 3170 FY 2024 Org 0307*

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

*320 - Division of Natural Resources –
State Park Improvement Fund
Fund 3277 FY 2024 Org 0310*

	Appropriation		Excess Lottery Funds
Current Expenses (R)	13000	\$	23,300
Repairs and Alterations (R)	06400		161,200
Equipment (R)	07000		200,000
Buildings (R)	25800		100,000
Other Assets (R)	69000		1,020,500
Total		\$	1,505,000

Any unexpended balances remaining in the appropriations for Repairs and Alterations (fund 3277, appropriation 06400), Equipment (fund 3277, appropriation 07000), Unclassified – Total (fund 3277, appropriation 09600), Current Expenses (fund 3277, appropriation 13000), Buildings (fund 3277, appropriation 25800), and Other Assets (fund 3277, appropriation 69000) at the close of the fiscal year 2023 are hereby reappropriated for expenditure during the fiscal year 2024.

*321 - West Virginia Infrastructure Council –
West Virginia Infrastructure Transfer Fund
Fund 3390 FY 2024 Org 0316*

Directed Transfer	70000	\$	46,000,000
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The above appropriation shall be allocated pursuant to W.V. Code §29-22-18d and §31-15-9.

322 - Department of Education –

School Building Authority

Fund 3514 FY 2024 Org 0404

Debt Service - Total	31000	\$	18,948,000
Directed Transfer	70000		<u>52,000</u>
Total		\$	19,000,000

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

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

323 - Higher Education Policy Commission –

Education Improvement Fund

Fund 4295 FY 2024 Org 0441

PROMISE Scholarship – Transfer.....	80000	\$	29,000,000
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The above appropriation shall be transferred to the PROMISE Scholarship Fund (fund 4296, org 0441) established by W.V. Code §18C-7-7.

The Legislature has explicitly set a finite amount of available appropriations and directed the administrators of the Program to provide for the award of scholarships within the limits of available appropriations.

324 - Higher Education Policy Commission –

Higher Education Improvement Fund

Fund 4297 FY 2024 Org 0441

Directed Transfer	70000	\$	15,000,000
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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.

325 - Higher Education Policy Commission –

Administration –

Control Account

Fund 4932 FY 2024 Org 0441

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

326 - Division of Human Services

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

Fund 5365 FY 2024 Org 0511

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

Correctional Units

(W.V. Code Chapter 15A)

Fund 6283 FY 2024 Org 0608

Any unexpended balance remaining in the appropriation for Capital Outlay and Maintenance (fund 6283, appropriation 75500) at the close of the fiscal year 2023 is hereby reappropriated for expenditure during the fiscal year 2024.

328 - Lottery Commission –

General Purpose Account

Fund 7206 FY 2024 Org 0705

General Revenue Fund – Transfer.....	70011	\$	65,000,000
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The above appropriation shall be transferred to the General Revenue Fund as determined by the Director of the Lottery in accordance with W.V. Code §29-22-18a.

329 - Lottery Commission –

Refundable Credit

Fund 7207 FY 2024 Org 0705

Directed Transfer	70000	\$	10,000,000
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The above appropriation shall be transferred to the General Revenue Fund to provide reimbursement for the refundable credit allowable under W.V. Code §11-21-21. The amount of the required transfer shall be determined solely by the State Tax Commissioner and shall be completed by the Director of the Lottery upon the commissioner's request.

330 - Lottery Commission –

*Distributions to Statutory Funds and Purposes*Fund 7213 FY 2024 Org 0705

Parking Garage Fund – Transfer.....	70001	\$	500,000
2004 Capitol Complex Parking Garage Fund – Transfer.....	70002		216,478
Capitol Dome and Improvements Fund – Transfer.....	70003		1,796,256
Capitol Renovation and Improvement Fund – Transfer.....	70004		2,381,252
Economic Development Promotion and			
Closing Fund - Transfer.....	70005		1,298,864
Research Challenge Fund – Transfer.....	70006		1,731,820
Tourism Promotion Fund – Transfer.....	70007		4,808,142
Cultural Facilities and Capital Resources Matching			
Grant Program Fund – Transfer.....	70008		1,250,535
State Debt Reduction Fund – Transfer.....	70010		20,000,000
General Revenue Fund – Transfer.....	70011		1,167,799
West Virginia Racing Commission Racetrack			
Video Lottery Account.....	70012		3,463,637
Historic Resort Hotel Fund.....	70013		24,010
Licensed Racetrack Regular Purse Fund.....	70014		<u>22,383,247</u>
Total.....		\$	61,022,040

*331 - Racing Commission*Fund 7308 FY 2024 Org 0707

Special Breeders Compensation

(W.V. Code §29-22-18a, subsection (l)).....	21800	\$	2,000,000
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*332 - Economic Development Authority –**Economic Development Project Fund*Fund 9065 FY 2024 Org 0944

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

Pursuant to W.V. Code §29-22-18a, subsection (f), excess lottery revenues are authorized to be transferred to the lottery fund as reimbursement of amounts transferred to the economic development project fund pursuant to section four of this title and W.V. Code §29-22-18, subsection (f).

333 - Economic Development Authority –

Cacapon and Beech Fork State Parks –

Lottery Revenue Debt Service

Fund 9067 FY 2024 Org 0944

Debt Service 04000 \$ 2,032,000

334 - Economic Development Authority –

State Parks Lottery Revenue Debt Service Fund

Fund 9068 FY 2024 Org 0944

Debt Service 04000 \$ 4,395,000

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

Sec. 6. Appropriations of federal funds. — In accordance with Article 11, Chapter 4 of the Code from federal funds there are hereby appropriated conditionally upon the fulfillment of the provisions set forth in Article 2, Chapter 11B of the Code the following amounts, as itemized, for expenditure during the fiscal year 2024.

LEGISLATIVE

335 - Crime Victims Compensation Fund

(W.V. Code Chapter 14)

Fund 8738 FY 2024 Org 2300

	Appropriation		Federal Funds
Economic Loss Claim Payment Fund.....	33400	\$	900,000

JUDICIAL

336 - Supreme Court

Fund 8867 FY 2024 Org 2400

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

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

(W.V. Code Chapter 4)

Fund 8823 FY 2024 Org 0100

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

338 - Department of Agriculture

(W.V. Code Chapter 19)

Fund 8736 FY 2024 Org 1400

Personal Services and Employee Benefits.....	00100	\$	2,754,576
Unclassified	09900		50,534
Current Expenses	13000		6,828,661
Repairs and Alterations.....	06400		650,000
Equipment.....	07000		910,500

Buildings	25800	1,000,000
Other Assets	69000	550,000
Land	73000	500,000
Federal Coronavirus Pandemic.....	89101	<u>4,721,430</u>
Total		\$ 17,965,701

339 - Department of Agriculture –

Meat Inspection Fund

(W.V. Code Chapter 19)

Fund 8737 FY 2024 Org 1400

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

340 - Department of Agriculture –

State Conservation Committee

(W.V. Code Chapter 19)

Fund 8783 FY 2024 Org 1400

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

341 - Department of Agriculture –

Land Protection Authority

Fund 8896 FY 2024 Org 1400

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

342 - Attorney General –

Medicaid Fraud Unit

Fund 8882 FY 2024 Org 1500

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

343 - Secretary of State –

State Election Fund

(W.V. Code Chapter 3)

Fund 8854 FY 2024 Org 1600

Personal Services and Employee Benefits.....	00100	\$ 210,240
Unclassified	09900	7,484
Current Expenses	13000	415,727
Repairs and Alterations.....	06400	15,000
Other Assets	69000	<u>100,000</u>
Total		\$ 748,451

DEPARTMENT OF COMMERCE

344 - Division of Forestry

(W.V. Code Chapter 19)

Fund 8703 FY 2024 Org 0305

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

345 - Geological and Economic Survey

(W.V. Code Chapter 29)

Fund 8704 FY 2024 Org 0306

Personal Services and Employee Benefits.....	00100	\$	54,432
Unclassified	09900		2,803
Current Expenses	13000		195,639
Repairs and Alterations.....	06400		5,000
Equipment.....	07000		7,500
Other Assets	69000		<u>15,000</u>
Total		\$	280,374

346 - Division of Labor

(W.V. Code Chapters 21 and 47)

Fund 8706 FY 2024 Org 0308

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

347 - Division of Natural Resources

(W.V. Code Chapter 20)

Fund 8707 FY 2024 Org 0310

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

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

(W.V. Code Chapter 22)

Fund 8709 FY 2024 Org 0314

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

349 - WorkForce West Virginia

(W.V. Code Chapter 23)

Fund 8835 FY 2024 Org 0323

Unclassified	09900	\$	5,127
Current Expenses	13000		667,530
Reed Act 2002 – Unemployment Compensation.....	62200		4,446,737

Reed Act 2002 – Employment Services	63000	<u>3,246,737</u>
Total		\$ 8,366,131

Pursuant to the requirements of 42 U.S.C. 1103, Section 903 of the Social Security Act, as amended, and the provisions of W.V. Code §21A-9-9, the above appropriation to Unclassified and Current Expenses shall be used by WorkForce West Virginia for the specific purpose of administration of the state's unemployment insurance program or job service activities, subject to each and every restriction, limitation or obligation imposed on the use of the funds by those federal and state statutes.

350 - State Board of Rehabilitation –

Division of Rehabilitation Services

(W.V. Code Chapter 18)

Fund 8734 FY 2024 Org 0932

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

351 - State Board of Rehabilitation –

Division of Rehabilitation Services –

Disability Determination Services

(W.V. Code Chapter 18)

Fund 8890 FY 2024 Org 0932

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

Total..... \$ 26,827,542

DEPARTMENT OF TOURISM

352 - Department of Tourism –

Tourism Workforce Development Fund

(W.V. Code Chapter 5B)

Fund 8903 FY 2024 Org 0304

Federal Coronavirus Pandemic..... 89101 \$ 5,148,017

DEPARTMENT OF ECONOMIC DEVELOPMENT

353 - Department of Economic Development –

Office of the Secretary

(W.V. Code Chapter 5B)

Fund 8705 FY 2024 Org 0307

Personal Services and Employee Benefits..... 00100 \$ 1,641,850

Unclassified 09900 50,000

Current Expenses 13000 21,304,019

Total \$ 22,995,869

354 - Department of Economic Development –

Office of Energy

(W.V. Code Chapter 5B)

Fund 8892 FY 2024 Org 0307

Personal Services and Employee Benefits..... 00100 \$ 993,648

Unclassified 09900 7,350

Current Expenses 13000 8,266,076

Total \$ 9,267,074

355 - Department of Economic Development –

Office of the Secretary –

Office of Economic Opportunity

(W.V. Code Chapter 5)

Fund 8901 FY 2024 Org 0307

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

DEPARTMENT OF EDUCATION356 - *State Board of Education* –*State Department of Education*

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

Fund 8712 FY 2024 Org 0402

Personal Services and Employee Benefits.....	00100	\$	6,006,039
Unclassified	09900		2,000,000
Current Expenses	13000		1,434,146,008
Repairs and Alterations.....	06400		10,000
Equipment.....	07000		10,000
Other Assets	69000		10,000
Federal Coronavirus Pandemic.....	89101		<u>4,990,123</u>
Total.....		\$	1,447,172,170

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

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

Fund 8713 FY 2024 Org 0402

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

358 - State Board of Education –

Vocational Division

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

Fund 8714 FY 2024 Org 0402

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

359 - State Board of Education –

Aid for Exceptional Children

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

Fund 8715 FY 2024 Org 0402

Personal Services and Employee Benefits.....	00100	\$	3,595,092
Unclassified	09900		1,000,000
Current Expenses	13000		133,346,390

Repairs and Alterations.....	06400	10,000
Equipment.....	07000	10,000
Other Assets	69000	10,000
Federal Coronavirus Pandemic.....	89101	<u>17,336,635</u>
Total.....		\$ 155,308,117

DEPARTMENT OF ARTS, CULTURE, AND HISTORY

360 - Division of Culture and History

(W.V. Code Chapter 29)

Fund 8718 FY 2024 Org 0432

Personal Services and Employee Benefits.....	00100	\$ 882,376
Current Expenses	13000	1,947,372
Repairs and Alterations.....	06400	1,000
Equipment.....	07000	1,000
Buildings	25800	1,000
Other Assets	69000	1,000
Land	73000	360
Federal Coronavirus Pandemic.....	89101	<u>765,400</u>
Total.....		\$ 3,599,508

361 - Library Commission

(W.V. Code Chapter 10)

Fund 8720 FY 2024 Org 0432

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

362 - Commission for National and Community Service

(W.V. Code Chapter 5F)

Fund 8841 FY 2024 Org 0432

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

363 - National Coal Heritage Area Authority

(W.V. Code Chapter 29)

Fund 8869 FY 2024 Org 0432

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION*364 - Division of Environmental Protection*

(W.V. Code Chapter 22)

Fund 8708 FY 2024 Org 0313

Personal Services and Employee Benefits.....	00100	\$	36,118,029
Unclassified	09900		1,923,580
Current Expenses	13000		347,447,019
Repairs and Alterations.....	06400		739,783
Equipment.....	07000		1,712,238

Other Assets	69000	2,177,261
Land	73000	<u>80,000</u>
Total		\$ 390,197,910

DEPARTMENT OF HEALTH AND HUMAN RESOURCES

365 - Division of Health –

Consolidated Medical Service Fund

(W.V. Code Chapter 16)

Fund 8723 FY 2024 Org 0506

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

366 - Division of Health –

Central Office

(W.V. Code Chapter 16)

Fund 8802 FY 2024 Org 0506

Personal Services and Employee Benefits.....	00100	\$ 20,144,404
Unclassified	09900	856,614
Current Expenses	13000	152,758,622
Equipment.....	07000	456,972
Buildings	25800	155,000
Other Assets	69000	380,000
Federal Coronavirus Pandemic.....	89101	<u>195,982,333</u>
Total		\$ 370,733,945

367 - Division of Health –

West Virginia Safe Drinking Water Treatment

(W.V. Code Chapter 16)

Fund 8824 FY 2024 Org 0506

West Virginia Drinking Water Treatment

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

(W.V. Code Chapter 5)

Fund 8725 FY 2024 Org 0510

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

369 - Division of Human Services

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

Fund 8722 FY 2024 Org 0511

Personal Services and Employee Benefits.....	00100	\$	83,474,243
Unclassified	09900		22,855,833
Current Expenses	13000		162,181,984
Medical Services.....	18900		4,151,432,776
Medical Services Administrative Costs.....	78900		133,070,682
CHIP Administrative Costs.....	85601		4,559,061
CHIP Services.....	85602		54,410,807
Federal Economic Stimulus.....	89100		2,456
Federal Coronavirus Pandemic.....	89101		<u>51,642,105</u>
Total		\$	4,663,629,947

DEPARTMENT OF HOMELAND SECURITY

370 - Division of Emergency Management

(W.V. Code Chapter 15)

Fund 8727 FY 2024 Org 0606

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

371 - Division of Corrections and Rehabilitation

(W.V. Code Chapters 15A)

Fund 8836 FY 2024 Org 0608

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

372 - West Virginia State Police

(W.V. Code Chapter 15)

Fund 8741 FY 2024 Org 0612

Personal Services and Employee Benefits.....	00100	\$	2,512,971
Current Expenses.....	13000		2,250,971
Repairs and Alterations.....	06400		42,000
Equipment.....	07000		13,356,035
Buildings.....	25800		1,740,500
Other Assets.....	69000		1,065,750
Land.....	73000		<u>500</u>

Total \$ 20,968,727

373 - Fire Commission

(W.V. Code Chapter 29)

Fund 8819 FY 2024 Org 0619

Current Expenses 13000 \$ 80,000

374 - Division of Administrative Services

(W.V. Code Chapter 15)

Fund 8803 FY 2024 Org 0623

Personal Services and Employee Benefits..... 00100 \$ 1,310,150

Unclassified 09900 25,185

Current Expenses 13000 75,381,973

Repairs and Alterations..... 06400 1,750

Total \$ 76,719,058

DEPARTMENT OF REVENUE

375 - Insurance Commissioner

(W.V. Code Chapter 33)

Fund 8883 FY 2024 Org 0704

Personal Services and Employee Benefits..... 00100 \$ 145,000

Current Expenses 13000 2,825,000

Equipment..... 07000 30,000

Total \$ 3,000,000

DEPARTMENT OF TRANSPORTATION

376 - Division of Motor Vehicles

(W.V. Code Chapter 17B)

Fund 8787 FY 2024 Org 0802

Personal Services and Employee Benefits..... 00100 \$ 551,394

Current Expenses	13000	5,448,106
Repairs and Alterations.....	06400	<u>500</u>
Total		\$ 6,000,000

377 - Division of Multimodal Transportation Facilities -

Public Transit

(W.V. Code Chapter 17)

Fund 8745 FY 2024 Org 0810

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

378 - Division of Multimodal Transportation Facilities -

Aeronautics Commission

(W.V. Code Chapter 29)

Fund 8831 FY 2024 Org 0810

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

DEPARTMENT OF VETERANS' ASSISTANCE

379 - Department of Veterans' Assistance

(W.V. Code Chapter 9A)

Fund 8858 FY 2024 Org 0613

Personal Services and Employee Benefits.....	00100	\$ 3,130,016
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Salary and Benefits of Cabinet Secretary and

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

380 - Department of Veterans' Assistance –

Veterans' Home

(W.V. Code Chapter 9A)

Fund 8728 FY 2024 Org 0618

Personal Services and Employee Benefits.....	00100	\$ 995,321
Current Expenses	13000	595,700
Repairs and Alterations	06400	60,500
Equipment.....	07000	10,500
Buildings	25800	500
Other Assets	69000	6,500
Land	73000	100
Federal Coronavirus Pandemic.....	89101	<u>1,600,000</u>
Total		\$ 3,269,121

BUREAU OF SENIOR SERVICES

381 - Bureau of Senior Services

(W.V. Code Chapter 29)

Fund 8724 FY 2024 Org 0508

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

MISCELLANEOUS BOARDS AND COMMISSIONS*382 - Adjutant General –**State Militia*

(W.V. Code Chapter 15)

Fund 8726 FY 2024 Org 0603

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

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

*383 - Adjutant General –**West Virginia National Guard Counterdrug Forfeiture Fund*

(W.V. Code Chapter 15)

Fund 8785 FY 2024 Org 0603

Personal Services and Employee Benefits.....	00100	\$	1,350,000
Current Expenses	13000		150,000
Repairs and Alterations.....	06400		50,000

Equipment.....	07000	200,000
Buildings	25800	100,000
Other Assets	69000	100,000
Land	73000	<u>50,000</u>
Total		\$ 2,000,000

384 - Public Service Commission –

Motor Carrier Division

(W.V. Code Chapter 24A)

Fund 8743 FY 2024 Org 0926

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

385 - Public Service Commission –

Gas Pipeline Division

(W.V. Code Chapter 24B)

Fund 8744 FY 2024 Org 0926

Personal Services and Employee Benefits.....	00100	\$ 655,854
Unclassified	09900	4,072
Current Expenses	13000	124,628
Equipment.....	07000	<u>3,000</u>
Total		\$ 787,554

386 - Economic Development Authority

(W.V. Code Chapter 31)

Fund 8893 FY 2024 Org 0944

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

Sec. 7. Appropriations from federal block grants. — The following items are hereby appropriated from federal block grants to be available for expenditure during the fiscal year 2024.

387 - Department of Economic Development –

Office of the Secretary –

Community Development

Fund 8746 FY 2024 Org 0307

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

388 - Department of Economic Development –

Office of the Secretary –

Office of Economic Opportunity –

Community Services

Fund 8902 FY 2024 Org 0307

Personal Services and Employee Benefits.....	00100	\$ 771,289
Unclassified	09900	125,000
Current Expenses	13000	17,781,811
Repairs and Alterations.....	06400	1,500
Equipment.....	07000	<u>9,000</u>
Total		\$ 18,688,600

389 - WorkForce West Virginia –

Workforce Investment Act

Fund 8749 FY 2024 Org 0323

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

390 - Division of Health –

Maternal and Child Health

Fund 8750 FY 2024 Org 0506

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

391 - Division of Health –

Preventive Health

Fund 8753 FY 2024 Org 0506

Personal Services and Employee Benefits.....	00100	\$	278,481
Unclassified	09900		22,457
Current Expenses	13000		1,895,366
Equipment.....	07000		<u>165,642</u>
Total.....		\$	2,361,946

392 - Division of Health –

Substance Abuse Prevention and Treatment

Fund 8793 FY 2024 Org 0506

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

*393 - Division of Health –**Community Mental Health Services*Fund 8794 FY 2024 Org 0506

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

*394 - Division of Human Services –**Energy Assistance*Fund 8755 FY 2024 Org 0511

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

*395 - Division of Human Services –**Social Services*Fund 8757 FY 2024 Org 0511

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

396 - Division of Human Services –

Temporary Assistance for Needy Families

Fund 8816 FY 2024 Org 0511

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

397 - Division of Human Services –

Child Care and Development

Fund 8817 FY 2024 Org 0511

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

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

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

It is the intent and mandate of the Legislature that the following appropriations be payable only

from surplus as of July 31, 2023 from the fiscal year ending June 30, 2023, only after first meeting requirements of W.Va. Code §11B-2-20(b).

In the event that surplus revenues available on July 31, 2023, are not sufficient to meet the appropriations made pursuant to this section, then the appropriations shall be made to the extent that surplus funds are available as of the date mandated to meet the appropriations in this section and shall be allocated first to provide the necessary funds to meet the first appropriation of this section and each subsequent appropriation in the order listed in this section.

398 - Division of Natural Resources

(WV Code Chapter 20)

Fund 0265 FY 2024 Org 0310

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

399 - Department of Transportation

Division of Highways

(WV Code Chapter 17 and 17C)

Fund 0620 FY 2024 Org 0803

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

400 - Department of Tourism –

Office of the Secretary

(WV Code Chapter 5B)

Fund 0246 FY 2024 Org 0304

Tourism – Brand Promotion - Surplus	61893	\$	7,000,000
Tourism – Industry Development – Surplus.....	61896		<u>8,000,000</u>
Total		\$	15,000,000

401 - Governor's Office –

Civil Contingent Fund

(WV Code Chapter 5)

Fund 0105 FY 2024 Org 0100

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

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

402 - Division of Culture and History

(WV Code Chapter 29)

Fund 0293 FY 2024 Org 0432

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

403 - State Board of Education –

School Building Authority

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

Fund 0318 FY 2024 Org 0404

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

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

404 - Higher Education Policy Commission -

Administration -

Control Account

(WV Code Chapter 18B)

Fund 0589 FY 2024 Org 0441

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

405 - State Board of Education –

Vocational Division

(WV Code Chapters 18 and 18A)

Fund 0390 FY 2024 Org 0402

Jobs & Hope - Surplus	XXXXX	\$	1,600,000
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406 - West Virginia Conservation Agency

(WV Code Chapter 19)

Fund 0132 FY 2024 Org 1400

Soil Conservation Projects - Surplus	26900	\$	21,060,000
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407 - Department of Economic Development -

Office of the Secretary

(WV Code Chapter 5B)

Fund 0256 FY 2024 Org 0307

Directed Transfer– Surplus	70099	\$	38,000,000
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The above appropriation for Directed Transfer – Surplus (fund 0256, appropriation 70099) shall be transferred to Water Development Authority (fund 3382).

408 - Department of Administration –

Division of General Services

(W.V. Code Chapter 5A)

Fund 0230 FY 2024 Org 0211

Capital Outlay, Repairs and Equipment - Surplus	67700	\$	5,000,000
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The above appropriation for Capital Outlay, Repairs and Equipment – Surplus (fund 0230, appropriation 67700) shall be expended for the Holly Grove Mansion.

409 - Department of Economic Development –

Office of the Secretary

(WV Code Chapter 5B)

Fund 0256 FY 2024 Org 0307

Current Expenses - Surplus	13099	\$	500,000
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WV Land Stewardship Corporation - Surplus	xxxxx		1,500,000
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Directed Transfer – Surplus	70099		35,000,000
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Back Roads to Appalachia - Surplus	xxxxx		<u>200,000</u>
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Total \$ 37,200,000

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

410 - Governor's Office -

Civil Contingent Fund

(WV Code Chapter 5)

Fund 0105 FY 2024 Org 0100

Civil Contingent Fund – Surplus 26300 \$ 500,000

411 - Department of Homeland Security -

Office of the Secretary

(WV Code Chapter 5F)

Fund 0430 FY 2024 Org 0601

Current Expenses – Surplus 13099 \$ 800,000

412 - Adjutant General –

State Militia

(WV Code Chapter 15)

Fund 0433 FY 2024 Org 0603

Armory Board Transfer - Surplus 70299 \$ 3,318,000

Civil Air Patrol – Surplus 23499 1,400,000

Total \$ 4,718,000

413 - Division of Health -

Central Office

(WV Code Chapter 16)

Fund 0407 FY 2024 Org 0506

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

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

414 - Department of Commerce –

Office of the Secretary

(W.V. Code Chapter 19)

Fund 0606 FY 2024 Org 0327

Jobs for WV Graduates - Surplus.....	xxxxx	\$	1,000,000
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415 - Division of Multimodal Transportation Facilities -

Aeronautics Commission

(WV Code Chapter 29)

Fund 0582 FY 2024 Org 0810

Current Expenses - Surplus	13099	\$	1,000,000
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416 - Division of Health -

Central Office

(WV Code Chapter 16)

Fund 0407 FY 2024 Org 0506

Current Expenses - Surplus	13099	\$	2,000,000
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The above appropriation for Current Expenses – Surplus (fund 0407, appropriation 13099) shall be used for the Hardy County Health Department.

417 - Department of Administration -

Office of the Secretary

(WV Code Chapters 5F)

Fund 0186 FY 2024 Org 0201

Directed Transfer - Surplus	70099	\$	500,000
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The above appropriation for Directed Transfer – Surplus (fund 0204, appropriation 70099) shall be transferred to the Department of Administration, Office of Technology – Chief Officer Administration Fund (fund 2531).

418 - State Board of Education -

West Virginia Schools for the Deaf and the Blind

(WV Code Chapters 18 and 18A)

Fund 0320 FY 2024 Org 0403

Fire Protection - Surplus	XXXXX	\$	500,000
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419 - Department of Revenue -

Office of the Secretary

(WV Code Chapter 11)

Fund 0465 FY 2024 Org 0701

Directed Transfer - Surplus	70099	\$	400,000,000
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The above appropriation for Directed Transfer – Surplus (fund 0465, appropriation 70099), shall be transferred to the Personal Income Tax Reserve Fund (fund 1313).

420 - Division of General Services

(WV Code Chapter 5A)

Fund 0230 FY 2024 Org 0211

Consolidated State Laboratory - Surplus.....	XXXXX	\$	125,000,000
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The above appropriation shall only be used for the construction of a consolidated laboratory facility to be used by the West Virginia State Police, Department of Agriculture and the Department of Health and Human Resources.

421 - West Virginia School of Osteopathic Medicine

(WV Code Chapter 18B)

Fund 0336 FY 2024 Org 0476

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

General Administrative Fund

(WV Code Chapter 18B)

Fund 0344 FY 2024 Org 0463

National Cancer Institute - Surplus.....	xxxxx	\$	50,000,000
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423 - Division of Culture and History

(W.V. Code Chapter 29)

Fund 0293 FY 2024 Org 0432

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

424 - Governor's Office –

(WV Code Chapter 5)

Fund 0101 FY 2024 Org 0100

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

State Department of Education

(WV Code Chapters 18 and 18A)

Fund 0313 FY 2024 Org 0402

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

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

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

426 - Bureau of Senior Services –

Lottery Senior Citizens Fund

(WV Code Chapter 29)

Fund 5405 FY 2024 Org 0508

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

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

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

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

*427 - Racing Commission –**General Administration*

(WV Code Chapter 19)

Fund 7308 FY 2024 Org 0707

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

428 - Division of Human Services

(WV Code Chapters 9, 48, and 49)

Fund 5365 FY 2023 Org 0511

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

Sec. 12. Special revenue appropriations. — There are hereby appropriated for expenditure during the fiscal year 2024 special revenues collected pursuant to general law enactment of the Legislature which are not paid into the state fund as general revenue under the provisions of W.V. Code §12-2-2 and are not expressly appropriated under this act: Provided, That none of the money so appropriated by this section shall be available for expenditure except in compliance

with the provisions of W.V. Code §12-2-1 et seq., W.V. Code §12-3-1 et seq., and W.V. Code §11B-2-1 et seq., unless the spending unit has filed with the Director of the Budget and the Legislative Auditor prior to the beginning of each fiscal year:

(a) An estimate of the amount and sources of all revenues accruing to such fund; and

(b) A detailed expenditure schedule showing for what purposes the fund is to be expended: *Provided, however,* That federal funds received by the state may be expended only in accordance with Sections (6) or (7) of this Title and with W.V. Code §4-11-1, *et seq.* *Provided further,* That federal funds that become available to a spending unit for expenditure while the Legislature is not in session and the availability of such funds could not reasonably have been anticipated and included in this act may be only be expended in the limited circumstances provided by W. Va. Code §4-11-5(d): *And provided further,* That no provision of this act may be construed to authorize the expenditure of federal funds except as provided in this section.

Sec. 13. State improvement fund appropriations. — Bequests or donations of nonpublic funds, received by the Governor on behalf of the state during the fiscal year 2024, for the purpose of making studies and recommendations relative to improvements of the administration and management of spending units in the executive branch of state government, shall be deposited in the state treasury in a separate account therein designated state improvement fund.

There are hereby appropriated all moneys so deposited during the fiscal year 2024 to be expended as authorized by the Governor, for such studies and recommendations which may encompass any problems of organization, procedures, systems, functions, powers or duties of a state spending unit in the executive branch, or the betterment of the economic, social, educational, health and general welfare of the state or its citizens.

Sec. 14. Specific funds and collection accounts. — A fund or collection account which by law is dedicated to a specific use is hereby appropriated in sufficient amount to meet all lawful demands upon the fund or collection account and shall be expended according to the provisions of Article 3, Chapter 12 of the Code.

Sec. 15. Appropriations for refunding erroneous payment. — Money that has been erroneously paid into the state treasury is hereby appropriated out of the fund into which it was paid, for refund to the proper person.

When the officer authorized by law to collect money for the state finds that a sum has been erroneously paid, he or she shall issue his or her requisition upon the Auditor for the refunding of the proper amount. The Auditor shall issue his or her warrant to the Treasurer and the Treasurer shall pay the warrant out of the fund into which the amount was originally paid.

Sec. 16. Sinking fund deficiencies. — There is hereby appropriated to the Governor a sufficient amount to meet any deficiencies that may arise in the mortgage finance bond insurance fund of the West Virginia Housing Development Fund which is under the supervision and control of the Municipal Bond Commission as provided by W.V. Code §31-18-20b, or in the funds of the municipal bond commission because of the failure of any state agency for either general obligation or revenue bonds or any local taxing district for general obligation bonds to remit funds necessary for the payment of interest and sinking fund requirements. The Governor is authorized to transfer from time to time such amounts to the Municipal Bond Commission as may be necessary for these purposes.

The Municipal Bond Commission shall reimburse the State of West Virginia through the Governor from the first remittance collected from the West Virginia Housing Development Fund or from any state agency or local taxing district for which the Governor advanced funds, with interest at the rate carried by the bonds for security or payment of which the advance was made.

Sec. 17. Appropriations for local governments. — There are hereby appropriated for payment to counties, districts, and municipal corporations such amounts as will be necessary to pay taxes due counties, districts, and municipal corporations and which have been paid into the treasury:

- (a) For redemption of lands;
- (b) By public service corporations;
- (c) For tax forfeitures.

Sec. 18. Total appropriations. — Where only a total sum is appropriated to a spending unit, the total sum shall include personal services and employee benefits, annual increment, current expenses, repairs and alterations, buildings, equipment, other assets, land, and capital outlay, where not otherwise specifically provided and except as otherwise provided in TITLE I – GENERAL PROVISIONS, Sec. 3.

Sec. 19. General school fund. — The balance of the proceeds of the general school fund remaining after the payment of the appropriations made by this act is appropriated for expenditure in accordance with W.V. Code §18-9A-16.

TITLE III – ADMINISTRATION

Sec. 1. Appropriations conditional. — The expenditure of the appropriations made by this act, except those appropriations made to the legislative and judicial branches of the state government, are conditioned upon the compliance by the spending unit with the requirements of Article 2, Chapter 11B of the Code.

Where spending units or parts of spending units have been absorbed by or combined with other spending units, it is the intent of this act that appropriations and reappropriations shall be to the succeeding or later spending unit created, unless otherwise indicated.

Sec. 2. Constitutionality. — If any part of this act is declared unconstitutional by a court of competent jurisdiction, its decision shall not affect any portion of this act which remains, but the remaining portion shall be in full force and effect as if the portion declared unconstitutional had never been a part of the act.

Following discussion

Senators Trump, Takubo, and Plymale, respectively requested a ruling 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, Takubo, and Plymale would be as members of a class of persons and that they would be required to vote.

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

Engrossed Committee Substitute for House Bill 2024, as just amended, was then put upon its passage.

Pending discussion,

The question being "Shall Engrossed Committee Substitute for House Bill 2024 pass?"

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Jeffries 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. 2024) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Jeffries 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. 2024) takes effect from passage.

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

At the request of Senator Takubo, unanimous consent being granted, the Senate returned 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

Eng. Com. Sub. for House Bill 3270, To amend the deliberate intent statute to limit noneconomic damages to \$500,000.

With an amendment from the Committee on the Judiciary pending.

Now on second reading, having been read a second time and referred to the Committee on Rules in earlier proceedings today;

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

Respectfully submitted,

Craig Blair,
Chair ex officio.

At the request of Senator Takubo, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 3270) contained in the preceding report from the Committee on Rules was taken up for immediate consideration.

The question being on the adoption of the Judiciary committee amendment to the bill (*shown in the Senate Journal of today, page 151*).

Following discussion,

The question being on the adoption of the Judiciary committee amendment to the bill, and on this question, Senator Chapman demanded the yeas and nays.

The roll being taken, the yeas were: Caputo, Chapman, Hunt, Karnes, Martin, Maynard, Rucker, Smith, Stover, Taylor, and Woelfel—11.

The nays were: Azinger, Barrett, Boley, Clements, Deeds, Grady, Hamilton, Maroney, Nelson, Oliverio, Plymale, Queen, Roberts, Stuart, Swope, Takubo, Tarr, Trump, Weld, Woodrum, and Blair (Mr. President)—21.

Absent: Jeffries and Phillips—2.

So, a majority of those present and voting not having voted in the affirmative, the President declared the Judiciary committee amendment to the bill rejected.

The bill (Eng. Com. Sub. for H. B. 3270) was then ordered to third reading.

The Senate again proceeded to the sixth order of business, which agenda includes the making of main motions.

Senator Trump moved that, pursuant to Rule 34 of the Rules of the Senate, the Senate Committee on the Judiciary be discharged from further consideration of **Engrossed Committee Substitute for House Bill 3018** (*Establishing that 18 is the age of consent and removing the ability of an underage person to obtaining a consent to marry through their parents, legal guardians, or by petition to the circuit court*), and that the bill be taken up for immediate consideration and read a second time.

Senator Takubo moved the previous question.

The question being on the adoption of Senator Takubo's motion for the previous question, and on this question, Senator Woelfel demanded the yeas and nays.

Following points of inquiry to the President, with resultant responses thereto,

The roll being taken, the yeas were: Barrett, Boley, Caputo, Clements, Deeds, Grady, Hamilton, Maroney, Nelson, Oliverio, Plymale, Queen, Roberts, Swope, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—21.

The nays were: Azinger, Chapman, Hunt, Karnes, Martin, Maynard, Rucker, Smith, Stover, Stuart, and Taylor—11.

Absent: Jeffries and Phillips—2.

So, a majority of those present and voting having voted in the affirmative, the President declared Senator Takubo's motion for the previous question had prevailed.

The previous question having been ordered, that being on the adoption of Senator Trump's motion that the Senate Committee on the Judiciary be discharged from further consideration of Engrossed Committee Substitute for House Bill 3018, and that the bill be taken up for immediate consideration and read a second time, the same was put and prevailed.

Whereupon, Engrossed Committee Substitute for House Bill 3018 was read a second time.

At the request of Senator Trump, and by unanimous consent, the bill was advanced to third reading with the right for amendments to be considered on that reading.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Woelfel, Stuart, and Tarr.

The Senate proceeded to the thirteenth order of business.

The following communications were reported by the Clerk:

The Senate of West Virginia
Charleston

LEE CASSIS
CLERK OF THE SENATE



STATE CAPITOL, ROOM M-211
1900 KANAWHA BLVD. EAST
CHARLESTON, WV 25305-0800
304-357-7800

March 9, 2023

The Honorable Jim Justice, II
Governor, State of West Virginia
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305

Dear Governor Justice,

The following bills, authenticated by the signature of the Clerk of each House, and signed by the President of the Senate and the Speaker of the House of Delegates, have been examined and found truly enrolled:

S. B. 142, Modifying procedures to settle estates of decedents;

S. B. 237, Relating to Public Employees Retirement System and State Teachers Retirement System;

Com. Sub. for S. B. 335, Authorizing Department of Homeland Security to promulgate legislative rules;

Com. Sub. for S. B. 439, Establishing design-build program for DEP;

S. B. 449, Updating terms for Natural Resources Police Officers Retirement System and retirement systems for charter schools;

Com. Sub. for S. B. 450, Defining medical examination for disability purposes in retirement plans administered by Consolidated Public Retirement Board;

Com. Sub. for S. B. 453, Ensuring retirement contributions and delinquency charges of charter school employees be paid upon school closure or by successor;

Com. Sub. for S. B. 455, Modifying certain used car restrictions;

S. B. 458, Setting rate of interest on delinquent retirement contribution submissions;

Com. Sub. for S. B. 475, Modifying examinations for disability pensions;

S. B. 529, Allowing businesses to register as limited liability limited partnerships;

And,

S. B. 605, Requiring state medical examiner to enter into contracts with procurement organization.

These bills are presented to you on this day, March 9, 2023.

Respectfully submitted,



Lee Cassis
Clerk of the Senate

C: The Honorable Stephen J. Harrison
Clerk of the House of Delegates



West Virginia House of Delegates

OFFICE OF THE CLERK
BUILDING 1, SUITE 212
1900 KANAWHA BLVD., EAST
CHARLESTON 25305

STEPHEN J. HARRISON
CLERK OF THE HOUSE

(304) 340-3200
STEVE.HARRISON@WVHOUSE.GOV

March 9, 2023

The Honorable Jim Justice, II
Governor, State of West Virginia
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305

Dear Governor Justice,

The following bills, authenticated by the signature of the Clerk of each House, and signed by the Speaker of the House of Delegates and the President of the Senate, have been examined and found truly enrolled:

H. B. 2309, To require the Division of Forestry to create an online renewal process no later than July 1, 2023;

H. B. 2597, Amending performance evaluations of professional personnel;

Com. Sub. for H. B. 2638, Authorizing certain agencies of the Department of Administration to promulgate legislative rules;

Com. Sub. for H. B. 2762, Allowing variance in state fire code for certain buildings used solely for emergency equipment storage;

H. B. 2839, Making a technical correction regarding an incorrect fund name and clarifying applicability to mine lands governed by SMCRA and the Abandoned Mine Lands Act;

H. B. 3215, Relating to land use;

Com. Sub. for H. B. 3364, Requiring the closure of certain municipal policemen's and firemen's pension and relief funds as condition of issuance of pension funding revenue bonds;

And,

H. B. 3391, Establishing filing deadlines for appeals of property tax valuations and issues involving property tax classification and taxability to the West Virginia Office of Tax Appeals.

These bills are presented to you on this day, March 9, 2023.

Respectfully submitted,

Stephen J. Harrison
Clerk of the House of Delegates

C: The Honorable Lee Cassis
Clerk of the Senate

Under the provisions of Rule 15 of the Rules of the Senate, the following senator was added as a co-sponsor to the following resolution on March 6, 2023:

Senate Resolution 48: Senator Rucker.

Pending announcement of a meeting of the Committee on Rules,

On motion of Senator Takubo, at 6:04 p.m., the Senate adjourned until tomorrow, Friday, March 10, 2023, at 11 a.m.

SENATE CALENDAR

Friday, March 10, 2023
11:00 AM

THIRD READING

- Eng. Com. Sub. for H. B. 2005 - Establishing the dual enrollment pilot program to be administered by the Higher Education Policy Commission and the Council for Community and Technical College Education in conjunction with the State Board of Education. (original similar to SB518)
- Eng. Com. Sub. for H. B. 2007 - Prohibiting certain medical practices - (Com. amends. and title amend. pending) - (With right to amend)
- Eng. Com. Sub. for H. B. 2008 - Requiring local entities to enforce immigration laws - (Com. amend. and title amend. pending) - (With right to amend)
- Eng. Com. Sub. for H. B. 2026 - Authorizing municipalities with police or firefighter employees in PERS to elect to become participating employer in Municipal Police Officer and Firefighter Retirement System for a limited time - (With right to amend)
- Eng. Com. Sub. for H. B. 2436 - Relating to the implementation of an acuity-based patient classification system - (Com. amend. and title amend. pending) - (With right to amend)
- Eng. Com. Sub. for H. B. 2862 - Relating generally to requirements for shareholder voting by the West Virginia Investment Management Board and the Board of Treasury Investments - (With right to amend)
- Eng. Com. Sub. for H. B. 2900 - Relating to the Deputy Sheriff Retirement System - (Com. title amend. pending)
- Eng. H. B. 2904 - Supplementing and amending appropriations to the Department of Commerce, Office of the Secretary
- Eng. Com. Sub. for H. B. 2908 - Supplementing and amending appropriations to the Department of Commerce, Division of Forestry
- Eng. Com. Sub. for H. B. 2911 - Supplementing and amending appropriations to the Department of Homeland Security, Division of Administrative Services (original similar to SB507)
- Eng. Com. Sub. for H. B. 2914 - Supplementing and amending appropriations to the Governor's Office - Civil Contingent Fund
- Eng. H. B. 2939 - Relating to filing of lien by municipalities for collection of refuse fees
- Eng. H. B. 2967 - Expediting License Applications for active military members and veterans, and their spouses - (Com. amend. and title amend. pending) - (With right to amend)
- Eng. Com. Sub. for H. B. 3018 - Establishing that 18 is the age of consent and removing the ability of an underage person to obtaining a consent to marry through their parents, legal guardians, or by petition to the circuit court - (With right to amend)

- Eng. Com. Sub. for H. B. 3040 - Supplementing and amending appropriations to the Department of Administration, Office of the Secretary (original similar to SB505)
- Eng. H. B. 3065 - Supplementing appropriations to the Department of Transportation, Division of Multimodal Transportation Facilities - Aeronautics Commission
- Eng. H. B. 3067 - Supplementing and amending appropriations to Department of Transportation, Division of Multimodal Transportation Facilities - Public Transit
- Eng. Com. Sub. for H. B. 3074 - Supplementing appropriations to the Department of Transportation, Division of Multimodal Transportation Facilities
- Eng. Com. Sub. for H. B. 3077 - Relating to making the use of the multi-state real time tracking system permanent
- Eng. Com. Sub. for H. B. 3084 - Relating to revising provisions related to public charter schools - (Com. amends. pending) - (With right to amend)
- Eng. H. B. 3108 - Supplementing and amending appropriations to the Department of Transportation, Division of Multimodal Transportation Facilities - State Rail Authority
- Eng. Rev. Com. Sub. for H. B. 3110 - Relating to funding the Office of Oil and Gas in the Department of Environmental Protection
- Eng. Com. Sub. for H. B. 3130 - Creating the Coalfields Energy Research and Economic Development Authority
- Eng. Com. Sub. for H. B. 3135 - To modify the salaries of the Governor and Constitutional officers beginning January 1, 2025 - (Com. amend. and title amend. pending) - (With right to amend)
- Eng. Com. Sub. for H. B. 3147 - To create the Upper Ohio Valley Trail Network - (Com. title amend. pending)
- Eng. Com. Sub. for H. B. 3153 - Relating to distribution of certain taxes and surcharges to benefit volunteer and part-volunteer fire departments and emergency medical services providers. - (Com. amend. and title amend. pending) - (With right to amend) (original similar to HB3266)
- Eng. H. B. 3166 - To permit a hospital to hold a patient experiencing a psychiatric emergency for up to 72 hours - (Com. title amend. pending)
- Eng. Com. Sub. for H. B. 3190 - Amending the definition of "minor" - (Com. amend. and title amend. pending) - (With right to amend)
- Eng. Com. Sub. for H. B. 3191 - Relating to certain facilities operated by the state government to obtain a license
- Eng. H. B. 3203 - Relating generally to West Virginia Real Estate License Act - (Com. title amend. pending)
- Eng. Com. Sub. for H. B. 3270 - To amend the deliberate intent statute to limit noneconomic damages to \$500,000 (original similar to SB685)
- Eng. Com. Sub. for H. B. 3303 - Clarifying and expanding the powers and duties of the director of the Coalfield Community Development Office - (Com. title amend. pending)

- Eng. Com. Sub. for H. B. 3306 - Relating to the organizational structure of the Office of Drug Control Policy - (Com. title amend. pending)
- Eng. Com. Sub. for H. B. 3311 - Relating to wine alcohol by volume as compared to beer - (With right to amend)
- Eng. Com. Sub. for H. B. 3313 - Restraining county commissions from imposing rules and regulations on farmers beyond what is already prescribed through state statute - (Com. amend. and title amend. pending) - (With right to amend)
- Eng. Com. Sub. for H. B. 3315 - Relating generally to readiness enhancement and commission bonuses - (Com. title amend. pending) - (With right to amend)
- Eng. Com. Sub. for H. B. 3354 - To authorize municipalities to combine operations with other municipalities and counties to provide governmental services - (Com. title amend. pending)
- Eng. H. B. 3360 - Creating an office of the Inspector General within the Department of Homeland Security - (Com. title amend. pending)
- Eng. H. B. 3432 - Relating to statutory construction - (Com. title amend. pending)
- Eng. H. B. 3439 - To limit the civil liability of child placing agencies that obtain an insurance policy in an amount not less than \$1 million per incident - (Com. title amend. pending)
- Eng. H. B. 3443 - Relating to a development or improvement on land subject to review by the State Historic Preservation Office
- Eng. H. B. 3451 - Updating the veteran preference ratings in state code for state employment - (Com. title amend. pending)
- Eng. H. B. 3473 - Creating a workgroup relating to Dig Once Policy - (Com. title amend. pending)
- Eng. Com. Sub. for H. B. 3482 - To create the Coal Fired Grid Stabilization and Security Act of 2023 - (Com. title amend. pending)
- Eng. H. B. 3509 - Making a supplementary appropriation to Miscellaneous Boards and Commissions, Public Service Commission – Consumer Advocate Fund (original similar to SB709)
- Eng. H. B. 3513 - Making a supplementary appropriation to the Department of Homeland Security, Division of Corrections and Rehabilitation – Regional Jail and Correctional Facility Authority (original similar to SB714)
- Eng. H. B. 3515 - Making a supplementary appropriation to the Department of Veterans' Assistance, Veterans' Facilities Support Fund (original similar to SB716)
- Eng. H. B. 3518 - Making a supplementary appropriation to the Department of Agriculture (original similar to SB723)
- Eng. H. B. 3524 - Making a supplementary appropriation to the Department of Agriculture – West Virginia Spay Neuter Assistance Fund (original similar to SB706)
- Eng. H. B. 3526 - Making a supplementary appropriation to Miscellaneous Boards and Commissions, Public Service Commission (original similar to SB720)

Eng. H. B. 3552 - Relating to per diem jail costs - (Com. title amend. pending)

Eng. H. B. 3560 - Relating to expanding the definitions of land and recreational purposes

SECOND READING

Eng. H. B. 2907 - Supplementing and amending appropriations to the Department of Administration, Division of General Services

Eng. H. B. 2913 - Supplementing and amending appropriations to the DHHR, Consolidated Medical Services Fund (original similar to SB504)

Eng. Com. Sub. for H. B. 2928 - Supplementing and amending appropriations to DHHR, Division of Health

Eng. H. B. 3039 - Making a supplementary appropriation to Adjutant General - State Militia

Eng. H. B. 3073 - Supplementing and amending appropriations to Adjutant General - State Militia

Eng. H. B. 3564 - Making a supplementary appropriation to the Division of Human Services - Energy Assistance

ANNOUNCED SENATE COMMITTEE MEETINGS

Regular Session 2023

Friday, March 10, 2023

10:50 p.m.

Rules

(Room 219M)