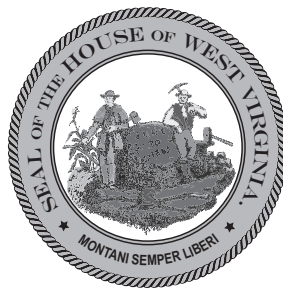


West Virginia Legislature

JOURNAL
of the
HOUSE of DELEGATES

Eighty-Seventh Legislature
First Regular Session

Held at Charleston
Published by the Clerk of the House



April 10, 2025
FIFTY-EIGHTH DAY

Thursday, April 10, 2025

FIFTY-EIGHTH DAY

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

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

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

The Clerk proceeded to read the Journal of Wednesday, April 9, 2025, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Reordering of the Calendar

Pursuant to the action of the Committee on Rules, Delegate McGeehan announced that Com. Sub. for S. B. 526, on second reading, Special Calendar, had been transferred to the House Calendar; and Com. Sub. for S. B. 592, on second reading, Special Calendar, had been transferred to the House Calendar.

Committee Reports

On motion for leave, a bill was introduced (Originating in the Committee on Finance and reported with the recommendation that it do pass), which was read by its title, as follows:

By Delegates Dittman, Fehrenbacher, Hott, Barnhart, G. Howell, Horst, Cooper, Rohrbach, Mazzocchi and Linville:

H. B. 3522 - "A Bill supplementing and amending Chapter 11, Acts of the Legislature, Regular Session, 2024, known as the budget bill, in Title II from the appropriations of public moneys out of the Treasury from the balance remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Arts Culture and History – Division of Culture and History, fund 0293, fiscal year 2025, organization 0432, by supplementing and amending the appropriations for the fiscal year ending June 30, 2025, by adding a new item of appropriation."

At the request of Delegate McGeehan, and by unanimous consent, the bill (H. B. 3522) was taken up for immediate consideration, read a second time, and ordered to third reading.

Delegate McGeehan moved to dispense with the constitutional rule requiring the bill to be fully and distinctly read on three different days.

On this question, the yeas and nays were taken (Roll No. 441), and there were—yeas 96, nays 1, absent and not voting 3, with the nays and the absent and not voting being as follows:

Nays: Dillon.

Absent and Not Voting: Devault, Steele, and Vance.

So, four fifths of the members present having voted in the affirmative, the constitutional rule was dispensed with.

The bill was read a second time, engrossed, and then ordered to third reading.

The bill was then read a third time.

The question being on the passage of the bill, the yeas and nays were taken (Roll No. 442), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Devault and Steele.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 3522) passed.

On motion of Delegate McGeehan, the House concurred in the effective date of the bill by the Senate, that the bill be effective from passage.

On this question, the yeas and nays were taken (Roll No. 443), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Devault and Steele.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 3522) be effective from passage.

Delegate Criss, Chair of the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration:

Com. Sub. for S. B. 128, Preventing courts from ordering services at higher rate than Medicaid,

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

At the request of Delegate McGeehan, and by unanimous consent, the bill (Com. Sub. for S. B. 128) was taken up for immediate consideration, read a second time, and ordered to third reading.

Messages from the Executive and Other Communications

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

April 8, 2025

The Honorable Patrick Morrisey, II
Governor, State of West Virginia
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305

Dear Governor Morrisey,

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:

Com. Sub. for S. B. 199, Relating to elementary behavior intervention and safety;

Com. Sub. for S. B. 282, Modifying provisions for employment of retired teachers as substitutes in areas of critical need and shortage;

Com. Sub. for S. B. 522, Clarifying procedure for administrative dissolution of limited liability companies by Secretary of State;

And,

Com. Sub. for S. B. 525, Clarifying procedure for administrative dissolution of nonprofit corporations by Secretary of State.

These bills are presented to you on this day, April 8, 2025.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Lee Cassis".

Lee Cassis
Clerk of the Senate

PRESENTED TO THE GOVERNOR

C: The Honorable Jeffrey Pack
Clerk of the House of Delegates

APR 8 2025

Time 9:10am

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

April 9, 2025

The Honorable Patrick Morrisey, II
Governor, State of West Virginia
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305

Dear Governor Morrisey,

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:

Com. Sub. for S. B. 10, Exempting certain meat processes from consumers sales and service tax;

Com. Sub. for S. B. 22, Applying penalties for nonpayment of royalties under terms of oil and natural gas leases;

Com. Sub. for S. B. 267, Extending time for renewal and restoration of commercial driver's licenses;

Com. Sub. for S. B. 369, Authorizing miscellaneous boards and agencies to promulgate legislative rules;

Com. Sub. for S. B. 459, Requiring county planning commission members be state residents;

Com. Sub. for S. B. 538, Allowing certain entities to purchase qualifying tax-delinquent properties before they are offered at public auction;

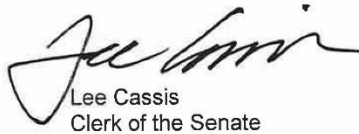
Com. Sub. for S. B. 573, Relating to restrictions on use or sale of motor vehicles based on power source;

And,

- S. B. 828, Clarifying requirements for persons employed by Division of Corrections and Rehabilitation include contracted vendor staff.

These bills are presented to you on this day, April 9, 2025.

Respectfully submitted,



Lee Cassis
Clerk of the Senate

- C: The Honorable Jeffrey Pack
Clerk of the House of Delegates

PRESENTED TO THE GOVERNOR

APR 9 2025

Time 9:40am



**HOUSE OF DELEGATES
WEST VIRGINIA LEGISLATURE**

BUILDING 1, ROOM M-212
1900 KANAWHA BLVD., EAST
CHARLESTON, WV 25305-0470
PHONE (304) 340-3200

April 9, 2025

The Honorable Patrick Morrisey
Governor, State of West Virginia
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305

Dear Governor Morrisey,

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:

Com. Sub. for H. B. 2042, Relating to allowing guardian ad litem to request the appointment of a court appointed special advocate.

Com. Sub. for H. B. 2157, Provide one trip temporary vehicle permits to be purchased and printed online.

Com. Sub. for H. B. 2172, Relating to adding an athletic trainer to the Board of Physical Therapy.

H. B. 2217, Relating to penalties for conspiracy to commit murder.

Com. Sub. for H. B. 2233, Authorizing the Department of Environmental Protection to promulgate legislative rules.

Com. Sub. for H. B. 2331, Relating to authorizing certain agencies of the Department of Commerce to promulgate legislative rules.

H. B. 2360, Clarifying the victims of crimes against law-enforcement officers.

Com. Sub. for H. B. 2399, Relating to the taxation of managed timber.

H. B. 2709, Permitting a voter with a change of address to vote in his or her new precinct without having to cast a provisional ballot.

H. B. 3030, Administration of the West Virginia Water Pollution Control Act.

H. B. 3089, Mandate the use of WV DMV electronic lien and title system for certain entities and persons.

H. B. 3313, Providing more opportunities for high school students in community colleges.

H.B. 3347, Supplemental Appropriation Administration Diamond Bldg.

H. B. 3358, Supplemental Appropriation FBGR DHHR

H. B. 3363, Supplemental Appropriation Public Defender

H. B. 3365, Supplemental Appropriation HLTH Birth to Three

H. B. 3366, Supplemental Appropriation FEDA HLTH OIG

H. B. 3367, Supplemental Appropriation SAPR DNR

H. B. 3368, Supplemental Appropriation Administration Lease Rental Payment

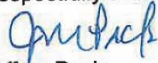
H. B. 3370, Supplemental Appropriation FEDA HMSV Summer EBT

And,

H. B. 3372, Supplemental Appropriation FEDA Veterans

These bills are presented to you on this day, April 9, 2025.

Respectfully submitted,



Jeffrey Pack
Clerk of the House of Delegates

cc: The Honorable Lee Cassis
Clerk of the Senate

PRESENTED TO THE GOVERNOR

APR 10 2025

Time 8:15am



Patrick Morrisey
Office of the Governor

April 9, 2025

EXECUTIVE MESSAGE NO. 4
2025 REGULAR SESSION

The Honorable Roger Hanshaw
Speaker, West Virginia House of Delegates
State Capitol, Rm 228M
Charleston, West Virginia 25305

Dear Mr. Speaker:

In accordance with the provisions of section 11, article 7 of the Constitution of the State of West Virginia, and section 16, article 1, chapter 5 of the Code of West Virginia, I hereby report that I granted no pardons or reprieves, nor commuted punishment to any person, nor remitted any fines or penalties, during the period of January 13, 2025, through April 9, 2025.

Sincerely,

A handwritten signature in dark ink, appearing to read "Patrick Morrisey", is written over a light blue horizontal line.

Patrick Morrisey
Governor

cc: Jeff Pack, Clerk, West Virginia House of Delegates
Section of Archives and History

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



Patrick Morrissey
Office of the Governor

April 9, 2025

Executive Message 3
2025 Regular Session

The Honorable Roger Hanshaw
Speaker, West Virginia House of Delegates
State Capitol, Rm 228M
Charleston, WV 25305

Dear Mr. Speaker:

Pursuant to the provisions of section 20, article 1, chapter 5 of the Code of West Virginia, I hereby certify that the following annual reports have been received in the Office of the Governor:

Accountancy, West Virginia Board of; FY2024 Annual Report

Administration, West Virginia Department of; State Building Commission Fund Month End of February 2024

Administration, West Virginia Department of; State Building Commission Fund Month End of March 2024

Administration, West Virginia Department of; State Building Commission Fund Month End of April 2024

Administration, West Virginia Department of; State Building Commission Fund Month End of May 2024

Administration, West Virginia Department of; State Building Commission Fund Month End of June 2024

Administration, West Virginia Department of; State Building Commission Fund Month End of September 2024

Administration, West Virginia Department of; State Building Commission Fund Month Ending October 2024

Administration, West Virginia Department of; State Building Commission Fund Month Ending November 2024

Administration, West Virginia Department of; Shared Services Section Cost Analysis and Report

Administration, West Virginia Department of; State Building Commission Fund Month End of January 2025

Administration, West Virginia Department of; State Building Commission Fund Month End of February 2025

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

Agricultural Land Protection Authority, West Virginia; West Virginia Agricultural Land Protection Authority Report

Agriculture, West Virginia Department of ; West Virginia Farm-to-Food Bank Tax Credit Tax Credit Review Report Years Ended December 31, 2022, and 2023

Architects, West Virginia Board of; Annual Report FY2024 & FY2023

Attorney General, West Virginia Office of the; Eightieth Biennial Report and Official Opinions of the Attorney General of the State of West Virginia for the Fiscal Years Beginning July 1, 2022 and Ending June 30, 2024

Attorney General, West Virginia Office of the; Annual Report 2024

Attorney General, West Virginia Office of the; 2023 Annual Report on the Activities of the Consumer Protection and Antitrust Division

City of Welch; First Semi-Annual Progress Report of 2024

City of Welch; Second Semi-Annual Progress Report of 2024

Concord University; Annual Foundation Investment Report

Consolidated Public Retirement Board, West Virginia; West Virginia State Police Disability Experience Annual Report Fiscal Year 2024

Corrections & Rehabilitation, West Virginia Division of; Annual Report FY2024

Dentistry, West Virginia Board of; Report of the Biennium for Fiscal Years 2023 & 2024

Fire Marshal & State Fire Commission, West Virginia State; FY 2024 Annual Report

Insurance Commissioner, West Virginia Offices of the; CY2023 Annual Report

Insurance Commissioner, West Virginia Offices of the; State Agency Workers' Compensation (SAWC) Annual Report FY 2024

Insurance Commissioner, West Virginia Offices of the; 2024 Annual Medical Malpractice Report

Insurance Commissioner, West Virginia Offices of the; West Virginia Office of Consumer Advocate Offices of the WV Insurance Commissioner 2024 Annual Report

Legislative Claims Commission, West Virginia; Report of the Legislative Claims Commission 2024

Lottery, West Virginia; Monthly Report on Lottery Operations Month Ending February 29, 2024

Lottery, West Virginia; Monthly Report on Lottery Operations Month Ending March 31, 2024

Lottery, West Virginia; Monthly Report on Lottery Operations Month Ending April 30, 2023

Lottery, West Virginia; Monthly Report on Lottery Operations Month Ending May 31, 2024

Lottery, West Virginia; Monthly Report on Lottery Operations Month Ending June 30, 2024

Lottery, West Virginia; Monthly Report on Lottery Operations Month Ending July 31, 2024

Lottery, West Virginia; Monthly Report on Lottery Operations Month Ending August 31, 2024

Lottery, West Virginia; Monthly Report on Lottery Operations Month Ending September 30, 2024

Lottery, West Virginia; Monthly Report on Lottery Operations Month Ending October 31, 2024

Lottery, West Virginia; Monthly Report on Lottery Operations Month Ending November 30, 2024

Lottery, West Virginia; Monthly Report on Lottery Operations Month Ending December 31, 2024

Lottery, West Virginia; Monthly Report on Lottery Operations Month Ending January 31, 2025

Lottery, West Virginia; Annual Comprehensive Financial Report Fiscal Years Ended June 30, 2024 and 2023

Medicine, West Virginia Board of; Annual Report July 1, 2021-June 30, 2023

Multimodal Transportation Facilities - Public Transit Section, West Virginia Department of Transportation/Division of; 2023 Annual Safety Status Report

Natural Resources, West Virginia Division of Natural Resources; Annual Report 2023-2024

Occupational Therapy, West Virginia Board of; Annual Report FY 2023-FY 2024

Osteopathic Medicine Foundation, Inc., West Virginia School of; Statements of Cash Flows for the Years Ended

Potomac River Basin, Interstate Commission on the; Eighty Third Financial Statement for the period of October 1, 2022 to September 30, 2023

Real Estate Appraiser Licensing and Certification Board, West Virginia; Annual Report Fiscal Years 2023 and 2024

Resiliency Office, West Virginia State, Annual Report 2024

Respiratory Care, West Virginia Board of; Annual Report July 1, 2023-June 30, 2024

Revenue, West Virginia Department of; Public Employees Insurance Reserve Fund Report FY 2024

State Board of Registration for Professional Engineers of West Virginia; FY2024 Annual Report

State Tax Department, West Virginia; Report to Governor and Joint Committee on Government and Finance for Tax Year 2025 September 2025

State Treasurer, West Virginia Office of the; Cash Management Improvement Act Quarterly Report

State Treasurer, West Virginia Office of the; Cash Management Improvement Act Quarterly Report

State Treasurer, West Virginia Office of the; Cash Management Improvement Act Quarterly Report

State Treasurer, West Virginia Office of the; Cash Management Improvement Act Quarterly Report

Tax Division, West Virginia; West Virginia Tax Expenditure Study for 2025

Treasury Investments, West Virginia Board of; Operating Report February 2024

Treasury Investments, West Virginia Board of; Operating Report March 2024

Treasury Investments, West Virginia Board of; Operating Report April 2024

Treasury Investments, West Virginia Board of; Operating Report June 2024
Treasury Investments, West Virginia Board of; Operating Report July 2024
Treasury Investments, West Virginia Board of; Audited Financial Statements with Other Financial Information
Year Ended June 30, 2024
Treasury Investments, West Virginia Board of; Operating Report August 2024
Treasury Investments, West Virginia Board of; Operating Report September 2024
Treasury Investments, West Virginia Board of; Operating Report October 2024
Treasury Investments, West Virginia Board of; Annual Comprehensive Financial Report Fiscal Year Ended
June 30, 2024
Treasury Investments, West Virginia Board of; Operating Report November 2024
Treasury Investments, West Virginia Board of; Operating Report December 2024
Treasury Investments, West Virginia Board of; Operating Report January 2025
Treasury Investments, West Virginia Board of; Operating Report February 2025
Veterinary Medicine, West Virginia Board of; Biennium Report 2023 & 2024
Water Development Authority, West Virginia; Fiscal Year 2024 Annual Report
Water Sanitation Commission, Ohio River Valley; Annual Report 2024
West Virginia State Police; 2023-2024 Annual Report

Sincerely,



Patrick Morrissey
Governor

cc: Jeff Pack, Clerk, West Virginia House of Delegates
Section of Archives and History

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 February two thousand twenty-five; and

WHEREAS, pursuant to Article VI, Section 22 of the Constitution of West Virginia, the two thousand twenty-five regular session of the Legislature is scheduled to conclude on the twelfth day of April, two thousand twenty-five; 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

NOW, THEREFORE, I, PATRICK MORRISEY, 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-five regular session of the Legislature for an additional period not to exceed one day, through and including the thirteenth day of April, two thousand twenty-five; but no matters other than the Budget Bill shall be considered during this extension of the regular session, except the matters detailed in Section 14, Article VII of this Constitution and 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 Ninth Day of April, in the Year of our Lord, Two Thousand Twenty-Five, and in the One Hundred Sixty-Second Year of the State.

Patrick Morrisey
GOVERNOR

Krista Warner

Messages from the Senate

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, to take effect from passage, a bill of the House of Delegates, as follows:

Com. Sub. for H. B. 2011, To supplement, amend, and increase an existing item of appropriation in the aforesaid accounts for the designated spending unit for expenditure during the fiscal year 2025.

On motion of Delegate McGeehan, the House concurred in the following amendment by the Senate, with further amendment:

Delegate Criss moved to amend the bill on page 1, line 8, by striking out “150,000,000” and inserting in lieu thereof “123,000,000”.

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 444**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Steele.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2011) passed.

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

On this question, the yeas and nays were taken (**Roll No. 445**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Steele.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2011) takes effect from its passage.

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

A message from the Senate, by

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

Com. Sub. for H. B. 2002, Establishing One Stop Shop Permitting Process.

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

On this question, the yeas and nays were taken (**Roll No. 446**), and there were—yeas 98, nays 1, absent and not voting 1, with the nays and the absent and not voting being as follows:

Nays: Young.

Absent and Not Voting: Steele.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2002) takes effect from its passage.

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment and title amendment, to take effect July 1, 2025, a bill of the House of Delegates, as follows:

Com. Sub. for H. B. 2008, Executive Branch Reorganization.

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

Eng. Comm. Sub. for H. B. 2008 — “A BILL to amend and reenact §5B-1-1, §5B-1-2, §5B-2-1, §5B-2-2, §5B-2-3, §5B-2-3b, §5B-2-4, §5B-2-4a, §5B-2-5, §5B-2-6, §5B-2-6a, §5B-2-9a, §5B-2-10, §5B-2-14, §5B-2-16, §5B-2-17, §5B-2-18, §5B-2-19, §5B-2-20, §5F-1-2, §5F-2-1, §29-1-8d, §31G-1A-1, §31G-1A-5, §31G-1A-6, and §31G-1A-7 of the Code of West Virginia, 1931, as amended; and to repeal §5F-1-3a and §5F-1-6, relating to merging and reorganizing of the executive branch; reconstituting Department of Economic Development as the Division of Economic Development and placing it within Department of Commerce; specifying that starting on July 1, 2025, new hires and anyone who moves positions within Department of Commerce shall be in classified exempt service system and shall be exempt from the state grievance procedures; redesignating Department of Economic Development as Division of Economic Development under Department of Commerce; correcting titles of Division of Economic Development and Department of Commerce in several sections of code; specifying that starting on July 1, 2025, new hires and anyone who moves positions within Division of Economic Development shall be in classified exempt service system and shall be exempt from state grievance procedures; providing certain exemptions; providing that Secretary of Department of Commerce may designate certain employees’ status within the civil service system in order to comply with federal law or receive federal funds; clarifying the continued applicability of certain other employee protections found elsewhere in code; changing code provisions to reflect certain actions regarding Department of Arts, Culture and History and Department of Tourism; correcting titles of affected departments, divisions, and positions throughout based on redesignations; and technical cleanup of amended and reenacted sections.”.

On motion of Delegate McGeehan, the House concurred in the following amendment by the Senate:

Senator Morris moved to amend the amendment on page 2, section 2, line 31, by striking out the word “and”;

On page 2, section 2, line 32, by changing the period to a semicolon and inserting the word “and”;

And,

On page 2, section 2, after line 32, by inserting a new paragraph, designated paragraph (D), to read as follows:

(D) Broadband Enhancement Council provided for in §31G-1-1 *et seq.* of this code.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 447**), and there were—yeas 65, nays 34, absent and not voting 1, with the nays and the absent and not voting being as follows:

Nays: Adkins, Anders, Bridges, Campbell, Canterbury, T. Clark, Clay, Criss, Dean, Dillon, Ferrell, Flanigan, Fluharty, Foggin, Garcia, Hamilton, Hansen, Hillenbrand, Hornbuckle, G. Howell, Kump, Lewis, Miller, Pinson, Pritt, Pushkin, Riley, Shamblin, Stephens, Toney, Vance, Ward, Williams and Young.

Absent and Not Voting: Steele.

So, a majority of the members elected having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2008) passed.

Delegate McGeehan moved that the bill take effect July 1, 2025.

On this question, the yeas and nays were taken (**Roll No. 448**), and there were—yeas 69, nays 30, absent and not voting 1, with the nays and the absent and not voting being as follows:

Nays: Adkins, Anders, Bridges, Campbell, Canterbury, T. Clark, Clay, Dean, Dillon, Ferrell, Flanigan, Fluharty, Foggin, Garcia, Hamilton, Hansen, Hillenbrand, Hornbuckle, G. Howell, Kump, Lewis, Pinson, Pritt, Pushkin, Stephens, Toney, Vance, Ward, Williams and Young.

Absent and Not Voting: Steele.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2008) takes effect July 1, 2025.

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment and title amendment, to take effect July 1, 2025, a bill of the House of Delegates, as follows:

H. B. 2009, Relating to the merging and reorganizing of the executive branch.

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

Eng. H. B. 2009 — “A BILL to amend and reenact §5B-2I-2, §5B-2I-4, §10-5-2, §29-1-1, §29-1-1a, §29-1-2, §29-1-3, §29-1-4, §29-1-6, §29-1-7, §29-1-8, §29-1-8c, §29-1-9, §29-1-11, §29-1-12, §29-1-13, §29-1-14, and §29-1-15 of the Code of West Virginia, 1931, as amended; and to repeal §5F-1-3a, §5F-1-6, and §29-1-10, relating to the merging and reorganizing of the executive branch; abolishing Department of Arts, Culture, and History and reorganizing its sections and commissions under Department of Tourism; specifying the authority of the Secretary of Department of Tourism over these sections and commissions; correcting titles of affected departments, divisions, and positions based on the redesignations; specifying that starting on July 1, 2025, new hires and anyone who moves positions within Department of Tourism shall be in the classified exempt service system and shall be exempt from the state grievance procedures;

providing Secretary of Department of Tourism authority to appoint the directors of certain sections; substituting the title of Secretary of Department of Tourism for Secretary of the Department of Arts, Culture, and History in several sections of code; granting Secretary of Tourism authority to approve or repeal rules promulgated by sections and commissions listed in certain sections of code; specifying that starting on July 1, 2025, new hires and employees that move positions within the sections and commissions shall be in the classified exempt service system and shall be exempt from state grievance procedures; providing an exemption; providing that Secretary of Department of Tourism may designate certain employees' status within the civil service system in order to comply with federal law or receive federal funds; clarifying the continued applicability of certain other employee protections found elsewhere in code; granting Secretary of Department of Tourism discretion to allow a person to serve in multiple positions or professions within certain sections of code; removing certain specific qualifications for persons appointed as directors of various sections of code; and technical cleanup of amended and reenacted sections.”.

On motion of Delegate McGeehan, the House concurred in the following amendment by the Senate:

The Committee on Government Organization moved to amend the bill by striking out everything after the enacting clause and inserting in lieu thereof the following:

CHAPTER 5B. ECONOMIC DEVELOPMENT ACT OF 1985.

ARTICLE 2I. DEPARTMENT OF TOURISM.

§5B-2I-2. West Virginia Department of Tourism.

The West Virginia Department of Tourism, West Virginia Tourism Office, previously continued from the West Virginia Tourism Office and the Division of Tourism, is hereby continued but is hereafter raised to a separate and distinct as a department of the executive branch of state government and is designated and shall be known as the West Virginia Department of Tourism. All references in this code to the Division of Tourism or to the West Virginia Tourism Office shall be construed as references to the West Virginia Department of Tourism. As used in this article, "department" means the Department of Tourism.

§5B-2I-4. Powers and duties of the Department of Tourism.

(a) The Department of Tourism, under the direction and charge of the secretary, shall develop and implement a comprehensive tourism advertising, promotion, and development strategy for West Virginia. "Comprehensive tourism advertising, promotion and development strategy" means a plan that outlines strategies and activities designed to continue, diversify and expand the tourism base of the state as a whole; create tourism jobs; develop a highly skilled tourism workforce; facilitate business access to capital for tourism; advertise and market the resources offered by the state with respect to tourism advertising, promotion and development; facilitate cooperation among local, regional and private tourism enterprises; improve infrastructure on a state, regional and community level in order to facilitate tourism development; improve the tourism business climate generally; and leverage funding from sources other than the state, including local, federal and private sources. In addition to all other power and duties of the department by other provisions of this code, the department shall:

(1) Coordinate media events to promote a positive image of West Virginia and new investment in the state;

(2) Provide comprehensive strategic planning services to existing tourism enterprises;

(3) Promote attractions of West Virginia in other states;

(4) Provide advertising, marketing and communications goods and services, including, without limitation, a cooperative advertising program to facilitate and allow participation in the department's advertising and marketing campaigns and activities, to state agencies, departments, units of state or local government, private tourism enterprises and other persons, entities, or private enterprises, including, without limitation, convention and visitors' bureaus; and

(5) Distribute West Virginia informational publications and manage the West Virginia Welcome Centers; and

(6) Coordinate programs, initiatives, and production of materials relating to the branding and marketing of the state, and its departments and agencies, and to provide greater coherence in such programs, initiatives, and materials across the departments and agencies of the state.

(b) In developing its strategies, plans and campaigns, the department shall consider the following:

(1) Improvement and expansion of existing tourism marketing and promotion activities;

(2) Promotion of cooperation among municipalities, counties and the West Virginia Infrastructure and Jobs Development Council in funding physical infrastructure to enhance the potential for tourism development.

(c) The Department of Tourism shall have the following powers and duties:

(1) To acquire for the state in the name of the department by purchase, lease, or agreement, or to accept or reject for the state, in the name of the department, gifts, donations, contributions, bequests or devises of money, security or property, both real and personal, and any interest in such property, to effectuate or support the purposes of this article;

(2) To make recommendations to the Governor and the Legislature of any legislation deemed necessary to facilitate the carrying out of any of the foregoing powers and duties and to exercise any other power that may be necessary or proper for the orderly conduct of the business of the department and the effective discharge of the duties of the department;

(3) To cooperate and assist in the production of motion pictures and television and other communications;

(4) To purchase advertising time or space in or upon any medium generally engaged or employed for said purpose to advertise and market the resources of the state or to inform the public at large or any specifically targeted group or industry about the benefits of living in, investing in, producing in, buying from, contracting with, or in any other way related to, the State of West Virginia or any business, industry, agency, institution, or other entity therein;

(5) To promote and disseminate information related to the attractions of the state through the operation of the state's telemarketing initiative, which telemarketing initiative shall include a centralized reservation and information system for state parks and recreational facilities;

(6) To take such additional actions as may be necessary to carry out the powers, duties and programs described in this article; and

(7) To provide assistance to and assist with retention and expansion of existing tourism-related enterprises in the state and to recruit or assist in the recruitment of new tourism-related enterprises to the state.

(d) The Department of Tourism may contract with the Division of Highways to sell advertising space on the WV511 website to promote in-state tourism and raise capital for technological improvements to the website: *Provided*, That 50 percent of the money collected for sale of advertising space is deposited into the Tourism Promotion Fund and the other 50 percent of the money collected from the sale of advertising space is remitted to the Division of Highways pursuant to the contract.

(e) The Department of Tourism may charge and collect reasonable fees for goods and services it provides to state agencies, departments, units of state or local government or other person, entity, or enterprise. All moneys collected by the department shall be deposited in the Tourism Promotion Fund and used in accordance with the provisions of this article.

(f) The Department of Tourism may engage and retain one or more advertising and marketing agencies, consultants, enterprises, firms, or persons, as deemed by the secretary, in his or her sole discretion, necessary or advisable to assist the department in carrying out its powers and duties as set forth in this article. In the procurement of advertising agencies, consultants, enterprises, or persons, from time to time, estimated to cost \$250,000 or more, the secretary shall encourage such advertising and marketing agencies, consultants, enterprises, firms, or persons to submit an expression of interest, which shall include a statement of qualifications, including anticipated concepts and proposed advertising, marketing and advertising campaigns. All potential contracts shall be announced by public notice published as a Class II legal advertisement in compliance with §59-3-3 of this code. A committee of three to five representatives of the department or the Tourism Advisory Council, as selected by the secretary, shall evaluate the statements of qualifications and other materials submitted by interested firms and select three firms which, in their opinion, are best qualified to perform the desired service. The committee shall then rank, in order of preference, the three firms selected and shall commence scope of service and price negotiations with the first-ranked firm. If the department is unable to negotiate a satisfactory contract with the first-ranked firm, at a fee determined to be fair and reasonable, price negotiations with the firm of second choice shall commence. Failing accord with the second-ranked firm, the committee shall undertake price negotiations with the third-ranked firm. If the department is unable to negotiate a satisfactory contract with any of the selected firms, the office shall select additional firms in order of their competence and qualifications and it shall continue negotiations in accordance with this section until an agreement is reached.

If the procurement of the services is estimated by the secretary to cost less than \$250,000, the department shall conduct discussions with three or more firms solicited on the basis of known or submitted qualifications for the assignment prior to the awarding of any contract: *Provided*, That if a judgment is made that special circumstances exist and that seeking competition is not practical, the department may select a firm on the basis of previous satisfactory performance and knowledge of the department's needs. After selection, the department and selected firm shall develop the scope of desired services and negotiate a contract.

(g) The secretary of the Department of Tourism may, in order to carry out the powers and duties of the department described in this article, employ necessary personnel, contract with

professional or technical experts or consultants and purchase or contract for the necessary equipment or supplies.

(h) The secretary of the Department of Tourism may designate, in writing, a list of positions within the department that shall be exempt from coverage under the state's classified service: *Provided*, That beginning on July 1, 2025, all employees of the Department of Tourism shall be exempt from the state grievance procedures as set forth in §6C-2-1 *et seq.* of this code and from the classified civil service system under §29-6-1 *et seq.* of this code except that:

(1) All employees of the Department of Tourism who are currently members of the classified civil service system shall retain their status as long as they remain in their current position, and all employees of the Department of Tourism who currently have recourse to the state grievance procedures will continue to have access to the state grievance procedures as long as they remain in their current position; and

(2) Any employee of the Department of Tourism that leaves his or her position and remains an employee within the Department of Tourism shall, at that time, be transferred to the classified-exempt service system as defined in §29-6-2(g) of this code and be exempted from the state grievance procedures as set forth in §6C-2-1 *et seq.* of this code.

(i) The secretary shall have the authority to designate certain employees' status under the classified civil service system and grievance procedures as may be deemed necessary to comply with federal regulation, or the requirements for receipt of federal funding or assistance.

(j) Nothing in this article shall prevent a person, at the secretary's discretion, from serving in multiple positions within the Department of Tourism.

(k) Subsection (h) of this section shall not apply to any position appointed by the Governor.

(l) Nothing in this section shall exempt the Department of Tourism from the provisions of this code prohibiting nepotism, favoritism, discrimination, or unethical practices related to the promotion, transfer, layoff, removal, discipline, and compensation of state employees.

(i) (m) The Department of Tourism shall submit a report annually to the Governor and the Legislature about the development of the tourism industry in the state and the necessary funding required by the state to continue the development of the tourism industry.

(j) (n) The Department of Tourism and the secretary shall engage, collaborate, assist, and cooperate with the Department of Economic Development, when and as appropriate, to facilitate retention, expansion, recruitment, and location of existing and new tourism-related enterprises.

(k) (o) The Department of Tourism shall utilize, to the fullest extent practicable and efficient, existing resources of the Department of Commerce for functions necessary for the operation of the department but which functions are not directly related to the purposes of the department listed above. The Department of Tourism may enter into such agreements with the Department of Commerce or other agencies of this state as may be necessary or advisable to utilize existing resources of this state.

(l) (p) The Department of Tourism shall be exempt from §5A-3-1 *et seq.* of this code.

CHAPTER 5F. REORGANIZATION OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT.

ARTICLE 1. GENERAL PROVISIONS.

§5F-1-3a. Executive compensation commission.

[Repealed.]

§5F-1-6. House Bill 4006 amendments effective date.

[Repealed.]

CHAPTER 10. PUBLIC LIBRARIES; PUBLIC RECREATION; ATHLETIC ESTABLISHMENTS; MONUMENTS AND MEMORIALS; ROSTER OF SERVICEMEN; EDUCATIONAL BROADCASTING AUTHORITY COMMISSION.

ARTICLE 5. EDUCATIONAL BROADCASTING COMMISSION.

§10-5-2. West Virginia Educational Broadcasting Commission; members; organization; officers; employees; meetings; expenses.

(a) The West Virginia Educational Broadcasting Commission is continued as a public benefit corporation. The commission shall consist of nine voting members, who shall be residents of the state, including:

(1) The Governor or designee;

(2) The State Superintendent of Schools;

(3) One member of the West Virginia Board of Education to be selected by it annually;

(4) One member of the West Virginia Higher Education Policy Commission to be selected by it annually; and

(5) Five members appointed by the Governor by and with the advice and consent of the Senate for overlapping terms of five years, one term expiring each year.

(b) Not less than one appointive member shall come from each congressional district. Any vacancy among the appointed members shall be filled by the Governor by appointment for the unexpired term.

(c) Employees of noncommercial broadcasting stations in West Virginia are not eligible for appointment to the commission.

(d) The commission shall annually select a member to serve as the chair. The commission shall annually select one of its public members as vice chair and shall appoint a secretary who need not be a member of the commission and who shall keep records of its proceedings.

(e) The Cabinet Secretary of the Department of Arts, Culture, and History Tourism shall appoint the commission section director and fix his or her salary. The commission section director is responsible for managing and administering the daily functions of the commission and for

performing all other functions necessary to the effective operation of the commission. The commission may establish offices for the proper performance of its duties.

(f) The commission shall hold at least one annual meeting. The time and place of the meetings shall be established upon its own resolution or at the call of the chairperson of the commission. The members shall serve without compensation but may be reimbursed for all reasonable and necessary expenses actually incurred in the performance of their duties in a manner consistent with the guidelines of the Travel Management Office of the Department of Administration.

CHAPTER 29. MISCELLANEOUS BOARDS AND OFFICERS.

ARTICLE 1. DIVISION OF ARTS, CULTURE AND HISTORY.

§29-1-1. Division of Culture and History continued as Abolishing the Department of Arts, Culture, and History and reorganizing its sections under the Department of Tourism; sections and commissions; purposes; definitions; effective date.

(a) The Division of Culture and History heretofore created is hereby continued as On July 1, 2025, the Department of Arts, Culture, and History, is abolished and its authorities and duties transferred to the Department of Tourism. The Governor shall nominate and, by and with the advice and consent of the Senate, appoint the Cabinet Secretary of Arts, Culture, and History, who shall be the chief executive officer of the department and shall be paid an annual salary as provided in §6-7-2a of this code. The secretary so appointed shall have: (1) A bachelor's degree in one of the fine arts, social sciences, library science, or a related field; or (2) four years' experience in the administration of museum management, public administration, arts, history, or a related field.

(b) The department shall consist of On July 1, 2025, the following eight sections and commissions as follows shall be reorganized under the Department of Tourism:

- (1) The Arts Section;
- (2) The Archives and History Section;
- (3) The Museums Section;
- (4) The Historic Preservation Section;
- (5) The State Library Section;
- (6) The National Coal Heritage Area Commission;
- (7) The Administrative Section; and
- (8) The Educational Broadcasting Commission;

(c) The department shall also consist of four citizens commissions as follows:

- (1) (9) A Commission on the Arts;
- (2) (10) A Commission on Archives and History;

(3) (11) A Library Commission; and

(4) (12) An Educational Broadcasting Council.

(d) (c) On and after July 1, 2025, The Secretary of the Department of Tourism shall exercise control and supervision of the department over each section and commission listed in subsection (b) of this section and shall be responsible for the projects, programs, and actions of each of its sections. The purpose and duty of the department these sections and commissions is to advance, foster, and promote the creative and performing arts and crafts, including both indoor and outdoor exhibits and performances; to advance, foster, promote, identify, register, acquire, mark, and care for historical, prehistorical, archaeological, and significant architectural sites, structures, and objects in the state; to encourage the promotion, preservation, and development of significant sites, structures, and objects through the use of economic development activities such as loans, subsidies, grants, and other incentives; to coordinate all cultural, historical, and artistic activities in state government and at state-owned facilities; to acquire, preserve, and classify books, documents, records, and memorabilia of historical interest or importance; and, in general, to do all things necessary or convenient to preserve and advance the arts, humanities, culture, and history of the state. In the furtherance of these purposes and duties, the secretary shall report directly to the Governor as a secretary for both the intrinsic and extrinsic value for individuals, communities, and the economy of the arts, humanities, culture, and history in West Virginia. As such, the secretary shall represent the Department of Arts, Culture, and History as a full participating member in meetings of the secretaries of the departments created in §5F-1-2 of this code that are convened at the call of the Governor.

(e)(d)The department Secretary of the Department of Tourism has jurisdiction and control and may set and collect fees for the use of all space in the building presently known as the West Virginia Science and Culture Center, including the deck and courtyards forming an integral part thereof; the building presently known as West Virginia Independence Hall in Wheeling, including all the grounds and appurtenances thereof; "Camp Washington Carver" in Fayette County, as provided in §29-1-14 of this code; and any other sites as may be transferred to or acquired by the department. Notwithstanding any provision of this code to the contrary, beginning on and after July 1, 2018, the department shall have responsibility for, and control of, all visitor touring and visitor tour guide activities within the Capitol Building at Charleston.

(f)(e) For the purposes of this article, "commissioner" or "curator" means the Cabinet Secretary of Arts, Culture, and History, and "division" or "department" means the Department of Arts, Culture and History Department of Tourism and "secretary" means the Secretary of the Department of Tourism. References throughout On and after July 1, 2025, references throughout this code to the "Commissioner of Culture and History" or the "Curator of the Department of Arts, Culture, and History" mean the "Cabinet Secretary of Arts, Culture, and History", Secretary of the Department of Tourism and references throughout this code to the "Division of Culture and History" or "Department of Arts, Culture, and History," mean the "Department of Arts, Culture, and History Tourism".

§29-1-1a. Transfer of powers and duties; existing contracts and obligations.

(a) Except as otherwise provided in this article, the powers and duties of the West Virginia antiquities commission, the West Virginia arts and humanities council and the department of archives and history are hereby transferred to the Division of Culture and History the Department of Tourism.

(b) All existing assets, equipment, contracts, and records obligations of the Department of Arts, Culture, and History, the West Virginia antiquities commission, the West Virginia arts and humanities council, and the department of archives and history, or relating to the present science and culture center, shall be transferred to remain in full force and effect and shall be performed by the Division of Culture and History the Department of Tourism.

(c) Beginning on July 1, 2025, all employees of any section or commission listed in §29-1-1(b) of this code shall be exempt from the state grievance procedures as set forth in §6C-2-1 *et seq.* of this code and from the classified civil service system under §29-6-1 *et seq.* of this code except that:

(1) All employees of any section or commission listed in §29-1-1(b) of this code who are currently members of the classified civil service system shall retain their status as long as they remain in their current position, and all employees of any section or commission listed in §29-1-1(b) of this code who currently have recourse to the state grievance procedures will continue to have access to the state grievance procedures as long as they remain in their current position; and

(2) Any employee of any section or commission listed in §29-1-1(b) of this code that leaves his or her position and remains an employee within the Department of Tourism shall, at that time, be transferred to the classified-exempt service system as defined in §29-6-2(g) of this code and be exempted from the state grievance procedures as set forth in §6C-2-1 *et seq.* of this code.

(d) The secretary shall have the authority to designate certain employees' status under the classified civil service system and grievance procedures as may be deemed necessary to comply with federal regulation, or the requirements for receipt of federal funding or assistance.

(e) Nothing in this article shall prevent a person, at the secretary's discretion, from serving in multiple positions or professions within the sections or commissions listed in §29-1-1(b) of this code.

(f) Subsection (c) of this section shall not apply to any position appointed by the Governor.

(g) Nothing in this section shall exempt any section or commission listed in §29-1-1(b) of this code from the provisions of this code prohibiting nepotism, favoritism, discrimination, or unethical practices related to the promotion, transfer, layoff, removal, discipline, and compensation of state employees.

§29-1-2. General powers of curator secretary.

(a) The curator secretary shall assign and allocate space in all facilities assigned to the department and all space in the building presently known as the West Virginia Science and Culture Center, and any other buildings or sites under the control of the curator department, and may, in accordance with the provisions of §29A-3-1 *et seq.* of this code, prescribe rules, regulations and fees for the use and occupancy of said facilities, including tours.

(b) The curator secretary shall coordinate the operations and affairs of the sections and commissions of the department and assign each section or commission responsibilities according to criteria the curator deems most efficient, productive and best calculated to carry out the purposes of this article. The curator secretary shall provide to the fullest extent possible for centralization and coordination of the bookkeeping, personnel, purchasing, printing, duplicating,

binding and other services which can be efficiently combined. The curator secretary may establish such other sections for such purposes as he or she deems necessary, and may appoint directors thereof. The curator secretary may appoint a director of the West Virginia Science and Culture Center. The curator secretary shall serve as the state historic preservation officer.

(c) After consultation with the section directors and the commissions, the curator The secretary shall prepare a proposed department budget for submission to the Governor for each fiscal year.

(d) No contract, agreement or undertaking may be entered into by any section of the department or any section thereof which involves the expenditure of funds without the express written approval of the curator secretary as to fiscal responsibility.

(e) The curator secretary shall prepare and submit to the Governor an annual report in accordance with the provisions of §5-1-20 of this code, which report shall include a detailed account of the activities of each section and commission of the department.

(f) The curator secretary shall employ all personnel for the sections, except for persons in the professional positions established within the sections as provided in this article; and shall supply support services to the commissions and to the Governor's Mansion Advisory Committee.

(g) On and after July 1, 2025, the secretary may grant or withhold written consent to the proposal of any rule, as defined by §29A-1-2 of this code, by any section or commission listed in §29-1-1(b) of this code. Without the secretary's written consent, no proposal for a rule filed by any section or commission listed in §29-1-1(b) of this code after July 1, 2025, shall have any force or effect.

(h) The secretary may proposal a repeal, pursuant to either §29A-3-1a(b) or §29A-3-8(c) of this code, as appropriate, of any rule promulgated by the Department of Arts, Culture, and History, the Division of Culture and History, or any section or commission listed in §29-1-1(b) of this code.

§29-1-3. Commission on the Arts.

(a) The Commission on the Arts is continued and shall be composed of 15 appointed voting members, the Curator of the West Virginia Department of Arts, Culture and History secretary as an ex officio voting member, the director of the arts section as an ex officio nonvoting member, and the ex officio nonvoting members set forth or authorized for appointment in this section.

(b)(1) The Governor shall appoint, by and with the advice and consent of the Senate, the voting members of the commission for staggered terms of three years. A person appointed to fill a vacancy shall be appointed only for the remainder of that term.

(2) No more than eight appointed voting members may be of the same political party. Effective July 1, 2004, no more than three voting members may be from the same regional educational service agency district created in §18-2-26 of this code. Appointed voting members of the commission shall be appointed so as to fairly represent both sexes, the ethnic and cultural diversity of the state, and the geographic regions of the state.

(3) The commission shall elect one of its members as chair. It shall meet at the times specified by the chair. Notice of each meeting shall be given to each member by the chair in compliance with the open meetings laws of the state. A majority of the voting members constitute a quorum

for the transaction of business. The director of the arts section shall serve as secretary. The curator or a majority of the members also may call a meeting upon notice as provided in this section.

(4) Each member of the commission shall serve without compensation, but shall be reimbursed for all reasonable and necessary expenses actually incurred in the performance of the duties of the office; except that if the expenses are paid, or are to be paid, by a third party, the member or ex officio member, as the case may be, may not be reimbursed by the state.

(5) Upon recommendation of the curator secretary, the Governor also may appoint those officers of the state that are appropriate to serve on the commission as ex officio nonvoting members.

(c) The commission may:

(1) Advise the curator secretary and the director of the arts section concerning the accomplishment of the purposes of that section and establish a state plan with respect to the arts section;

(2) Approve and distribute grants-in-aid and awards from federal and state funds relating to the purposes of the arts section;

(3) Request, accept, or expend federal funds to accomplish the purposes of the arts section when federal law or regulations would prohibit those actions by the curator secretary or section director, but would permit them to be done by the commission on the arts;

(4) Otherwise encourage and promote the purposes of the arts section;

(5) Approve rules concerning the professional policies and functions of the section as promulgated by the director of the arts section; and

(6) Advise and consent to the appointment of the director by the curator.

(d) A special revenue account in the State Treasury, known as the "Cultural Facilities and Capital Resources Matching Grant Program Fund", is continued. The fund shall consist of moneys received under §29-22A-10 of this code and funds from any other source. The moneys in the fund shall be expended in accordance with the following:

(1) Fifty percent of the moneys deposited in the fund shall be expended by the Commission on the Arts for capital improvements, preservation, and operations of cultural facilities: *Provided*, That the Commission on the Arts may use no more than 25 percent of the funding for operations of cultural facilities pursuant to the rule required by this subdivision. The Commission on the Arts shall propose rules for legislative approval in accordance with the provisions of §29A-3-1 *et seq.* of this code to create a matching grant program for cultural facilities and capital resources; and

(2) Fifty percent of the moneys deposited in the fund shall be expended by the Department of Arts, Culture and History Tourism for:

(A) Capital improvements, preservation, and operation of cultural facilities that are managed by the department; and

(B) Capital improvements, preservation, and operation of cultural facilities that are not managed by the department.

(e) The commission shall undertake a study, solicit designs, and make recommendations for the establishment of an appropriate memorial on state capitol grounds for soldiers killed in the conflicts in Iraq, Afghanistan, and other locations who died fighting the United States War on Terror, and to recognize and honor the West Virginians who lost their lives in these conflicts. The commission shall consult with the Capitol Building Commission and state veterans, including veterans groups and Gold Star mothers of those lost in these conflicts, prior to adoption of a proposal for the memorial. The commission shall provide a report to the Legislature's Joint Committee on Government and Finance by January 1, 2022, including recommendations for design and location of the memorial and estimated construction costs.

§29-1-4. Arts section; director.

(a) The purposes and duties of the arts section are to stimulate, encourage, assist, promote, foster and develop the performing and creative arts and crafts in the state; and in furtherance thereof to make awards, prizes and grants to individual performers, artists or craftsmen and to public or private corporations or associations in the field of either the performing or creative arts and crafts that would tend to encourage and foster the advancement of such arts and crafts; to support cultural, artistic or craft exhibits or performances at the division's department's facilities or on tour; and to perform such other duties as may be assigned to said section by the commissioner secretary.

(b) With the advice and consent of the commission on the arts, the commissioner The secretary shall appoint a director of the arts section, who shall have: (1) A bachelor's degree in the fine arts or related field or equivalent training and experience; or (2) three years' experience in administration of the fine arts or a related field who is qualified, with relevant experience.

(c) With the approval of the commissioner secretary, the director shall establish professional positions within the section. The director shall employ the personnel within these professional positions for the section. : *Provided*, That nothing in this subsection shall prevent a qualified person from serving in multiple professions within this section or any section listed in §29-1-1(b) of this code.

(d) The director may propose rules for legislative promulgation, in accordance with the provisions of chapter twenty-nine-a§29A-3-1 *et seq.* of this code, concerning the professional policies and functions of the arts section, subject to the approval of the commission on the arts secretary.

§29-1-6. Archives and history section; director.

(a) The purposes and duties of the archives and history section are to locate, survey, investigate, register, identify, preserve, protect, restore and recommend to the commissioner secretary for acquisition documents and records having historical, evidential, administrative and/or legal value relating to the State of West Virginia and the territory included in the state from the earliest times to the present, upon its own initiative or in cooperation with any private or public society, organization or agency; to conduct a continuing survey and study throughout the state to develop a state plan to determine the needs and priorities for the preservation of the documents and records; to direct, protect, preserve, study and disseminate information on the documents and records; to provide matching grants to political subdivisions of this state to protect and

preserve the documents and records; to operate and maintain a state library for the preservation of all public records, state papers, documents and reports of all three branches of state government including all boards, commissions, departments and agencies as well as any other private or public papers, books or documents of peculiar or historic interest or significance; to designate appropriate monuments, tablets or markers for historic, architectural and scenic sites within the state and to arrange for the purchase, replacement, care of, and maintenance of the monuments, tablets, and markers and to formulate and prepare suitable copy for them; to edit and publish a historical journal devoted to the history, biography, bibliography and genealogy of West Virginia; and to perform any other duties assigned to the section by the commissioner.

(b) With the advice and consent of the archives and history commission, the commissioner The secretary shall appoint a director of the archives and history section, who shall have: (1) A graduate degree in one of the social sciences, or equivalent training and experience in the field of West Virginia history, history, or in records, library or archives management; and (2) three years' experience in administration in the field of West Virginia history, history, or in records, library or archives management be qualified, with relevant experience. Notwithstanding these qualifications, the The person serving as the state historian and archivist on the date of enactment of this article is eligible for appointment as the director of the archives and history section. The director of the archives and history section shall serve as the state historian and archivist.

(c) With the approval of the commissioner secretary, the director shall establish professional positions within the section and develop appropriate organizational structures to carry out the duties of the section. The director shall employ the personnel with applicable professional qualifications to fill positions within the organizational structure with the minimum professional qualifications. At the minimum, the following professions shall be represented within the section staff: Historian, archivist, librarian and technical and clerical positions as are required. : *Provided*, That nothing in this subsection shall prevent a qualified person from serving in multiple professions within this section or any section listed in §29-1-1(b) of this code.

(d) The director shall promulgate rules with the approval of the archives and history commission secretary and in accordance with chapter twenty-nine-a §29A-3-1 *et seq.* of this code concerning: (1) The professional policies and functions of the archives and history section; and (2) any other rules determined necessary to effectuate the purposes of this article.

§29-1-7. Museums section; director.

(a) The purposes and duties of the museums section are to locate, survey, investigate, register, identify, excavate, preserve, protect, restore and recommend to the commissioner secretary for acquisition historic objects worthy of preservation, relating to the State of West Virginia and the territory included therein from the earliest times to the present, upon its own initiative or in cooperation with any private or public society, organization or agency; to conduct a continuing survey and study throughout the state to develop a state plan to determine the needs and priorities for the preservation, restoration or development of such objects; to direct, protect, excavate, preserve, study or develop such objects; to preserve and protect all battle or regimental flags borne by West Virginians and other memorabilia of historic interest; to operate and maintain a state museum, and to coordinate activities with other museums in the state; and to perform such other duties as may be assigned to the section by the commissioner secretary.

(b) With the advice and consent of the archives and history commission secretary, in addition to the duties above set forth, the section shall determine the whereabouts of and require the return of furnishings and objects missing from the capitol building and other state-owned or controlled

buildings, including, but not limited to, furnishings chosen or purchased for the capitol by its architect, Cass Gilbert. No furnishings from the capitol may be sold or disposed of except pursuant to the provisions of article three, chapter five-a §5A-3-1 *et seq.* of this code. If furnishings originally designated as capitol building furnishings have been sold or otherwise disposed of without the requisite sale procedures, such furnishings shall be returned to the capitol and, upon presentation of proof of the amount paid, the current owner shall be reimbursed for the cost of the furnishing less any appropriate depreciation or wear and tear.

(c) With the advice and consent of the archives and history commission, the commissioner shall appoint a director of the museums section, who shall have: (1) A graduate degree in one of the social sciences, or equivalent training and experience in the field of West Virginia history, history, archaeology, or in museum administration; and (2) three years' experience in administration in the field of West Virginia history, history, archaeology, or in museum management be qualified, with relevant experience.

(d) With the approval of the commissioner secretary, the director shall establish professional positions within the section and develop appropriate organizational structures to carry out the duties of the section. The director shall employ the personnel with applicable professional qualifications to fill positions within the organizational structure and section. At the minimum, the following professions shall be represented within the section staff: Curator and such technical and clerical positions as are required. With the approval of the commissioner, the director shall establish professional positions within the section. The director shall employ the personnel within these professional positions for the section: *Provided*, That nothing in this subsection shall prevent a qualified person from serving in multiple professions within this section or any section listed in §29-1-1(b) of this code.

(e) The director shall promulgate rules and regulations with the approval of the archives and history commission secretary and in accordance with chapter twenty-nine-a §29A-3-1 *et seq.* of this code concerning: (1) The professional policies and functions of the museums section; and (2) such other rules and regulations as may be deemed necessary to effectuate the purposes of this section.

§29-1-8. Historic preservation section; director.

(a) The purposes and duties of the historic preservation section are to locate, survey, investigate, register, identify, preserve, protect, restore and recommend to the commissioner secretary for acquisition historic, architectural, archaeological and cultural sites, structures and objects worthy of preservation, including human skeletal remains, graves, grave artifacts and grave markers, relating to the State of West Virginia and the territory included therein from the earliest times to the present upon its own initiative or in cooperation with any private or public society, organization or agency; to conduct a continuing survey and study throughout the state to develop a state plan to determine the needs and priorities for the preservation, restoration or development of the sites, structures and objects; to direct, protect, excavate, preserve, study or develop the sites and structures; to review all undertakings permitted, funded, licensed or otherwise assisted, in whole or in part, by the state for the purposes of furthering the duties of the section; to carry out the duties and responsibilities enumerated in the National Historic Preservation Act of 1966, as amended, as they pertain to the duties of the section; to develop and maintain a West Virginia State Register of Historic Places for use as a planning tool for state and local government; to cooperate with state and federal agencies in archaeological work; to issue permits for the excavation or removal of human skeletal remains, grave artifacts and grave markers, archaeological and prehistoric and historic features under the provisions of section eight-

a of this article §29-1-8a of this code; and to perform any other duties as may be assigned to the section by the commissioner secretary.

(b) With the advice and consent of the Archives and History Commission, the commissioner The secretary shall appoint a director of the historic preservation section who shall have: (1) A graduate degree in one of the social sciences or equivalent training and experience in the field of historic preservation, archaeology, West Virginia history or history; and (2) three years' experience in administration in the field of West Virginia history, history, historic preservation or archaeology be qualified, with relevant experience. The director of the historic preservation section shall serve as the deputy state historic preservation officer.

(c) With the approval of the commissioner secretary, the director shall establish professional positions within the section and develop appropriate organizational structures to carry out the duties of the section. The director shall employ the personnel with applicable professional qualifications to fill positions within the organizational structure with the minimum professional qualifications necessary to carry out the provisions of the National Historic Preservation Act of 1966, as amended. At the minimum, the following professions shall be represented within the section staff: Historian, architectural historian, a structural historian who specializes in historical preservation, an archaeologist specializing in historic and prehistoric archaeology and such technical and clerical positions as are required. : *Provided*, That nothing in this subsection shall prevent a qualified person from serving in multiple professions within this section or any section listed in §29-1-1(b) of this code.

(d) The director shall promulgate rules with the approval of the archives and history commission secretary and in accordance with chapter twenty-nine-a §29A-3-1 *et seq.* of this code concerning: (1) The professional policies and functions of the historic preservation section; (2) the review of and, when required, issuance of permits for all undertakings permitted, funded, licensed or otherwise assisted, in whole or in part, by the state as indicated in subsection (a) of this section in order to carry out the duties and responsibilities of the section; (3) the establishment and maintenance of a West Virginia State Register of Historic Places, including the criteria for eligibility of buildings, structures, sites, districts and objects for the state Register and procedures for nominations to the state Register and protection of nominated and listed properties; (4) the review of historic structures in accordance with compliance alternatives and other provisions in any state fire regulation and shall coordinate standards with the appropriate regulatory officials regarding their application; (5) review of historic structures in conjunction with existing state or local building codes and shall coordinate standards with the appropriate regulatory officials for their application; and (6) any other rules as may be considered necessary to effectuate the purposes of this article.

§29-1-8c. State Library Section.

(a) There is hereby created continued a West Virginia State Library Section under the Department of Arts, Culture, and History Tourism.

(b) The State Library Commission is continued as an advisory council to support the West Virginia State Library Section, and shall consist of the Curator secretary of the Department of Arts, Culture, and History as an ex officio voting member and six voting members.

(1) The Governor shall appoint, by and with the advice and consent of the Senate, the voting members of the commission each for a term of four years:

(A) No more than three appointed members may reside in the same congressional district; and

(B) The Governor shall make the initial appointment of State Library Commission members for staggered terms as follows: Two members, one from each congressional district, for a term of two years; two members, one from each congressional district, for a term of three years; and two members, one from each congressional district, for a term of four years; and

(C) Three appointed members of the commission shall be women and three appointed members shall be men.

(2) No member of the State Library Commission may receive compensation for services rendered, nor be engaged or interested in the publishing business.

(3) On or before the expiration of the terms for which the members are appointed, the Governor shall appoint their successors.

(b) (c) The Curator of the Department of Arts, Culture, and History secretary shall appoint a library section director, with the advice and consent of the State Library Commission, to carry out the duties and functions of the State Library Section outlined in this section through the Department of Arts, Culture, and History library section. The library section director shall have at least the following qualifications: A master's degree from an American Library Association-accredited program in a library-related discipline and three years of management or administrative work experience in a library be qualified, with relevant experience. The library section director shall also serve as the Secretary of the State Library Commission for the purpose of board meetings.

(c) (d) The State Library Commission shall advise the curator Secretary of the Department of Tourism and the library section director on carrying out certain duties and functions of the State Library Section, as provided in this section.

(d) (e) General authority of the State Library Section. —

(1) The State Library Section shall provide assistance, advice, and counsel to all school, state-institutional, free and public libraries, and to all communities in the state which may propose to establish libraries, as to the best means of establishing and administering them, selecting and cataloging books, and other details of library management, and may send any of its members to aid in organizing such libraries or assist in the improvement of those already established.

(2) The State Library Section may:

(A) Receive gifts of money, books, or other property which may be used or held for the purpose or purposes given; and may purchase and operate traveling libraries under such conditions and rules as the commission deems necessary to protect the interests of the state and best increase the efficiency of the service it is expected to render the public.

(B) Purchase suitable books for traveling libraries and distribute them as needed to those persons and places in the state without adequate public library service.

(C) Collect books and other suitable library matter and distribute the same among state institutions desiring the same.

(D) Issue and offer for sale printed material, such as lists and circulars of information, and in the publication thereof may cooperate with other state library commissions and libraries, in order to secure the more economical administration of the work for which it was formed.

(E) Conduct courses of library instruction and hold librarians' institutes in various parts of the state.

(F) Perform such other services on behalf of public libraries as it may consider to be in the best interest of the state.

(e)(f) West Virginia Program for Open Education Resources; material description. —

(1) The State Library Section shall establish and maintain the West Virginia Program for Open Education Resources to encourage and facilitate the use of open education resource materials in both higher education and kindergarten through grade 12 in West Virginia schools.

(2) "Open education resource materials" means teaching, learning, and resource materials in any medium, digital or otherwise, that reside in the public domain or have been released under an open license that permits low-cost access, use, adaptation, and redistribution by others with no or limited restrictions.

(3) The State Library Commission may consult with the Higher Education Policy Commission, the West Virginia Council for Community and Technical College Education, and the State Superintendent of Schools, or his or her designee, to:

(A) Ascertain what institutions or faculty are currently using open education resource material;

(B) Identify material currently associated with core general education courses and readily available for use by faculty and institutions;

(C) Identify any statutory or other impediments which interfere with selection and use of open education resource materials by administrators or teachers at all levels of instruction in West Virginia schools;

(D) Identify sources of potential grants for funding for teachers and institutions to use open education resource materials for classes and courses, and propose a competitive application system to award grant funding for those faculty and institutions seeking to use the open education resource materials;

(E) Establish a digital clearinghouse that will function as a publicly accessible database for open education resource material;

(F) Develop strategies to leverage further open education resource material to benefit higher education institutions and school systems, as well as private and foundation support for the project; and

(G) Report no later than July 1 of each year the program's findings, progress, and recommendations to the State Library Section, the Governor, and the chairs of the Legislature's House and Senate Committees on Education.

(f) (g) State Library Section—disposition of monetary gifts. —

(1) If any sums of money are received by the State Library Section as gifts, they shall be paid into the State Treasury and used exclusively for carrying out the provisions of this section, and paying expenses of the State Library Section and the State Library Commission.

(2) The State Library Section shall expend no sums unless they are available by gift, appropriation, or otherwise.

(g) (h) Regional libraries and library areas — establishment and location. —

(1) The State Library Commission is hereby authorized to develop a plan for the establishment and location of regional libraries, and library areas throughout the state, based on a detailed survey to be made by the State Library Commission of the needs of the various localities of the state. A region shall include two or more counties.

(2) On completion of such survey of any proposed region, the State Library Commission shall report their findings to the State Library Section and the state library director, who may refer the proposal to the county commissions or councils of all the counties included in such proposed region. The county commissions or councils may act upon such proposal by resolution, and the votes of a majority of each of the county commissions or councils of the counties included in the proposed region shall be necessary for the adoption of such proposal. The proposal may be amended and resubmitted as necessary.

(3) The State Library Section may, with advice and input from the State Library Commission, and as the state library director may consider necessary or beneficial:

(A) Establish, maintain, and operate a public library for the region;

(B) Appoint a librarian and the necessary assistants, and fix their compensation, such appointments to be based upon merit and efficiency as determined by the state library section director. The librarian shall hold a certificate from an approved school of library science and shall have had not less than three years of practical experience in library work. The state library section director may also remove said librarian and other assistants;

(C) Purchase books, periodicals, equipment, and supplies;

(D) Purchase sites and erect buildings, or lease suitable quarters, and have supervision and control of that property;

(E) Borrow books from and lend books to other libraries;

(F) Enter into contracts to receive service from, or give service to, libraries within or without the region and give service to municipalities without the region that have no libraries, or cooperate with and aid generally, without such contracts, public school, institutional, and other libraries;

(G) Make such bylaws, rules, and regulations not inconsistent with this article as may be expedient for the government of regional library areas and the regional libraries therein, and for the purpose of carrying out the provisions of this article; and

(H) Accept for the State of West Virginia any appropriations of money that may hereafter be made out of the federal treasury by an act or acts of Congress and to disburse such funds for the

purpose of carrying out the provisions of this article, in accordance with §18-10-11 and §18-10-12 of this code.

(h) (i) Aid to libraries by State Library Section.—

(1) The State Library Section may render such aid and assistance, financial, advisory or otherwise, to public, school, county, or regional libraries, whether established or maintained by the State Library Section or not, under such conditions and rules and regulations as the State Library Section may determine necessary to further the interests of the state and best increase the efficiency of the service it is expected to render the public.

(2) The State Library Commission may review and analyze the status of libraries across the state and advise the State Library Section on projects and libraries for which it has determined the development and support of will further the education of the people of the state as a whole and will thereby aid in the discharge of the responsibility of the state to encourage and foster education. The West Virginia State Library Section may pay over and contribute to any board of library directors created and maintained pursuant to the provisions of this section or any special act of the Legislature such sum or sums of money as may be available from funds included in appropriations made for the State Library Section for that purpose.

(i) (j) Collection and preservation of library data; surveys; employment of personnel; use of data.

(1) The State Library Section may collect and preserve statistics and other data, concerning libraries of any sort located within this state; to make surveys relating to the needs or conditions of such libraries or the library conditions of any city, town, county, regional library area, or other subdivision of this state; and to publish the results and findings thereof in accordance with the provisions of this section.

(2) The State Library Section may employ necessary personnel for any of these purposes.

(3) Such data, surveys, and findings of the State Library Section shall be available to all school, public, institutional, regional, and other libraries within this state, whether proposed or established.

(j) (k) Confidential nature of certain library records.—

(1) Circulation and similar records of any public library in this state which identify the user of library materials are not public records but shall be confidential and may not be disclosed except:

(A) To members of the library staff in the ordinary course of business, including paid employees and unpaid volunteers upon completing a written confidentiality agreement which shall prevent disclosure of circulation records, personal information, and similar records of any public library except to the extent allowed under this subsection and obtaining written permission from the library director of the library system wherein he or she will be working;

(B) Upon written consent of the user of the library materials or the user's parents or guardian if the user is a minor or ward; or

(C) Upon appropriate court order or subpoena.

(2) Any disclosure authorized by subdivision (1) of this subsection, or any unauthorized disclosure of materials made confidential by subdivision (1), does not in any way destroy the confidential nature of that material, except for the purpose for which an authorized disclosure is made. A person disclosing material as authorized by subdivision (1) of this subsection is not liable therefor.

(k) (l) Library Facilities Improvement Fund.—

(1) There is continued in the State Treasury a special fund known as the Library Facilities Fund. Expenditures from the fund shall be for the purposes set forth in this section. The fund shall be administered by the State Library Section.

(2) The fund shall consist of moneys received from the following sources:

(A) All appropriations made by the Legislature to the fund;

(B) Any moneys available from sources outside the State Library Section;

(C) Repayment of loans made by the State Library Section pursuant to this section; and

(D) All interest and other income earned from investment of moneys in the fund.

(3) The State Library Section shall utilize moneys in the fund to support public library facilities construction, renovation, maintenance, and improvement projects. The State Library Section shall evaluate potential recipient projects of funds from the fund on a competitive basis.

(A) The State Library Section may provide loans to public libraries to support energy savings and critical maintenance projects with moneys in the fund.

(B) With the exception of loans made under this section, the State Library Section may not expend any money from the fund toward a particular project unless the proposed expenditure is matched on a dollar-for-dollar basis by other sources.

(4) The State Library Section shall propose a rule for legislative approval in accordance with §29A-3-1 *et seq.* of this code to implement the provisions of this section. The rule shall contain at least the following:

(A) A process for submitting and reviewing proposals;

(B) The content of proposals;

(C) Criteria for evaluating proposals; and

(D) Other provisions the State Library Section considers necessary to administer the program in accordance with this section.

(5) Any balance, including accrued interest and any other returns, in the fund at the end of each fiscal year will not expire to the General Revenue Fund but remain in the fund and be expended for the purposes provided by this section.

(6) In any calendar year, the State Library Section may not allocate an amount in excess of four percent of the balance of the fund on December 31 of the immediately preceding calendar year for administrative expenses.

(7) The State Library Section may invest any or all of the balance of the fund with the state's Consolidated Investment Fund.

(l) (m) Any rules promulgated by the Library Commission will remain in full force and effect until amended, repealed, or superseded by another rule promulgated by the Library Commission or State Library Section.

§29-1-9. Administrative section; director.

The purposes and duties of the administrative section are to provide centralized support to the division in all areas of operations.

The commissioner secretary shall appoint a director of the administrative section, to serve at the will and pleasure of the secretary, who is qualified, with relevant experience. who shall have a bachelor's degree and two years' experience in responsible positions involving office management, public administration, budget and fiscal administration, or related fields; or six years' experience as outlined above. Notwithstanding these qualifications, the person serving as director of the administrative section on the date of enactment of this section shall be eligible for appointment as director of the administrative section.

With approval of the commissioner secretary, the director of the administrative section shall establish professional positions within the section.

§29-1-10. Division employees classified by civil service; exceptions.

[Repealed.]

§29-1-11. Power to accept and receive funds; power to apply for grants; disbursal of funds; restrictions on expenditure; disposition of funds heretofore received or appropriated.

(a) The division secretary may, in the name of the State of West Virginia, through the commissioner or its commissions, accept and receive grants, appropriations, gifts, bequests and funds from any public or private source for the purpose of carrying out the duties and purposes of this article.

(b) The division secretary may, through the commissioner or its commissions, apply for grants from the federal government, private foundations and any other source for the purposes of this article.

(c) All funds received from any source shall be paid into the Treasury of the state and disbursed upon warrant by the State Auditor following requisition by the division. The requisitions shall be signed by the secretary commissioner or by another person as the commissioner secretary may authorize by written document deposited with the Auditor or, in the event of emergency, by the Governor or the Governor's designee.

(d) No funds or gifts received from any source shall be expended or used for any purpose other than that intended as evidenced by a positive and affirmative declaration or by a negative restriction or limitation.

(e) The division department may assist in the promotion and operation of an annual state fair and other regional or local fairs and festivals entitled to aid when funds are available and to expend those funds for the support and development of fairs and festivals.

(f) All federal or state funds received to provide grants-in-aid or awards to further the purposes of this article shall be approved and distributed by the appropriate commission established by this article secretary.

§29-1-12. Publication of materials; agreements.

The Division of Culture and History department shall have the power, responsibility and duty to publish or republish material of prehistorical, historical, archaeological, architectural or cultural interest. The Division of Culture and History department may sell such publications as well as postcards and other items of such interest at the state museum or any other site or property administered by the state or at any special event sponsored by the state. The division department shall have the right to enter into agreements with responsible individuals, private historical, archaeological, architectural or cultural associations, foundations or similar organizations or any agency of the federal, state or local government for the purpose of carrying out its purposes or for raising money to fund the functions of the division department under this article.

§29-1-13. Land; control and disposal; rules and regulations.

All land owned or leased by the Division of Culture and History department pursuant to this article shall be titled in the name of the public land corporation of West Virginia but shall be controlled, administered and supervised by the division department. The division, in the discretion of its commissioner secretary may sell or dispose of any real or personal property which, in his or her opinion, does not have sufficient prehistorical, historical, archaeological, architectural or cultural value to justify its retention.

The commissioner secretary shall have the power to make and promulgate rules and regulations relating to the general management and administration of the division this article.

§29-1-14. Washington-Carver Camp; prohibition of disposition or removal of minerals without authorization by the Legislature.

Washington-Carver Camp in Fayette County, heretofore transferred to the public land corporation under the control, administration, and supervision of the Division of Culture and History department, shall continue under the department's control, administration and supervision of the division.

The Division of Culture and History department shall undertake to develop such cultural and multicultural, artistic, humanistic and educational programs at the camp as will serve and benefit the citizens of the state and the many cultures represented therein. In order to ensure the maximum reasonable utilization of that portion of the camp under its jurisdiction, the division department shall, during times the camp is not being used for the division's department's purposes, make the camp available, under such terms as the division department deems proper, to any other agency of government or nonprofit group desiring to use the camp. The camp shall

retain the name "Camp Washington-Carver" as indicative of its heritage of serving the black citizens of the state. The division department is authorized to provide necessary and suitable equipment and other resources for implementing the provisions of this section.

No minerals may be assigned, leased or otherwise encumbered, sold, mined, or removed with respect to the property heretofore transferred or the mineral rights retained without specific authorization by the Legislature.

§29-1-15. Development or improvement on land; State Historic Preservation Office; rules and regulations.

All development or improvement on land, including any disturbance in a right-of-way, construction project, or infrastructure project, subject to review by the State Historic Preservation Office or by any other agency, office, or component of the Division of Culture and History section or commission listed in §29-1-1(b) of this code for prehistorical, historical, archaeological, architectural, or cultural value shall be conducted in the most expedient manner possible. The division department shall not add any additional impediment to such review beyond those required by applicable Federal laws, rules, and regulations and shall have no authority to comment, regulate, or otherwise cause another governmental entity to comment upon or regulate, that activity, except in consideration for primacy or continued federal funding.

The commissioner secretary shall have the power to make and promulgate rules and regulations in in conformity with this section, and the commissioner secretary shall modify, upon the effective date of this legislation, any active rule in conflict with the provisions of this section.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 449**), and there were—yeas 71, nays 28, absent and not voting 1, with the nays and the absent and not voting being as follows:

Nays: Adkins, Bridges, Campbell, Canterbury, T. Clark, Clay, Dean, Dillon, Ferrell, Flanigan, Fluharty, Foggin, Garcia, Hamilton, Hansen, Hillenbrand, Hornbuckle, Kump, Lewis, Miller, Pritt, Pushkin, Shamblin, Stephens, Toney, Vance, Williams and Young.

Absent and Not Voting: Steele.

So, a majority of the members elected having voted in the affirmative, the Speaker declared the bill (H. B. 2009) passed.

Delegate McGeehan moved that the bill take effect July 1, 2025.

On this question, the yeas and nays were taken (**Roll No. 450**), and there were—yeas 74, nays 25, absent and not voting 1, with the nays and the absent and not voting being as follows:

Nays: Adkins, Bridges, Campbell, Canterbury, T. Clark, Clay, Dillon, Ferrell, Flanigan, Fluharty, Foggin, Garcia, Hamilton, Hansen, Hillenbrand, Hornbuckle, Kump, Lewis, Pritt, Pushkin, Stephens, Toney, Vance, Williams and Young.

Absent and Not Voting: Steele.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2009) takes effect July 1, 2025.

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

A message from the Senate, by

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

Com. Sub. for H. B. 2752, Relating to motorcycle safety.

On motion of Delegate McGeehan, the House concurred in the following amendment of the bill by the Senate:

The Committee on Government Organization moved to amend the bill by striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 15. EQUIPMENT.

§17C-15-44. Safety equipment and requirements for motorcyclists, motorcycles, motor-driven cycles and mopeds; motorcycle safety standards and education committee.

(a) ~~No~~ A person may not operate or be a passenger on any motorcycle or motor-driven cycle unless the person is wearing securely fastened on his or her head by either a neck or chin strap a protective helmet designed to deflect blows, resist penetration, and spread impact forces. Any helmet worn by an operator or passenger shall meet the current performance specifications established by the American National Standards Institute Standard, Z 90.1, the United States Department of Transportation Federal Motor Vehicle Safety Standard No. 218, or Snell Safety Standards for Protective Headgear for Vehicle Users.

(b) ~~No~~ A person may not operate or be a passenger on any motorcycle or motor-driven cycle unless the person is wearing safety, shatter-resistant eyeglasses, excluding contact lenses, or eye goggles or face shield that complies with the performance specifications established by the American National Standards Institute for Head, Eye and Respiratory Protection, Z 2.1. In addition, if any motorcycle, motor-driven cycle or moped is equipped with a windshield or windscreen, the windshield or windscreen shall be constructed of safety, shatter-resistant material that complies with the performance specifications established by Department of Transportation Federal Motor Vehicle Safety Standard No. 205 and American National Standards Institute, Safety Glazing Materials for Glazing Motor Vehicles Operated on Land Highways, Standard Z 26.1.

(c) ~~No~~ A person may not operate a motorcycle, motor-driven cycle or moped on which the handlebars or grips are more than 15 inches higher than the uppermost part of the operator's seat when the seat is not depressed in any manner.

(d) A person operating a motorcycle, motor-driven cycle, or moped shall, ~~ride in a seated position facing forward and only upon a permanent operator's seat attached to the vehicle. No face forward and either sit astride a permanent operator's seat attached to the vehicle or stand astride the vehicle with both feet on the vehicle's footpegs or pedals. An operator may not carry any other person nor may and any other person may not ride on the vehicle unless the vehicle is designed to carry more than one person, in which event case a passenger may ride: (i) behind the operator upon the permanent operator's seat if it is designed for two persons; or (ii) upon another seat firmly attached to the vehicle to the rear of the operator's seat and equipped with~~

footrests designed and located for use by the passenger; or (iii) in a sidecar firmly attached to the vehicle. ~~No~~ A person may not ride side saddle on a seat. An operator may carry as many passengers as there are seats and footrests to accommodate those passengers. Additional passengers may be carried in a factory-produced sidecar ~~provided that~~ so long as there is one passenger per seat. ~~Passengers~~ Any passenger riding in a sidecar shall be restrained by a safety ~~belts~~ belt.

(e) Every motorcycle, motor-driven cycle, and moped shall be equipped with a rearview mirror affixed to the handlebars or fairings and adjusted so that the operator has a clear view of the road and condition of traffic behind him or her for a distance of at least two hundred feet.

(f) Notwithstanding any provision of this code to the contrary, a person with a valid driver's license who is operating a fully enclosed autocycle, as defined in §17C-1-69 of this code, is exempt from the provisions of this section.

The bill, as amended by the Senate, was then put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 451**), and there were—yeas 88, nays 11, absent and not voting 1, with the nays and the absent and not voting being as follows:

Nays: Barnhart, Fluharty, Garcia, Hamilton, Hansen, Hornbuckle, Lewis, Pushkin, Vance, Williams and Young.

Absent and Not Voting: Steele.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2752) passed.

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

A message from the Senate, by

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

H. B. 2773, Higher Ed Rules.

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

On this question, the yeas and nays were taken (**Roll No. 452**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Steele.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2773) takes effect from its passage.

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

A message from the Senate, by

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

H. B. 2867, Relating to Small Estates.

On motion of Delegate McGeehan, the House concurred in the following amendment of the bill by the Senate:

The Committee on the Judiciary moved to amend the bill by striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 1A. WEST VIRGINIA SMALL ESTATE ACT.

§44-1A-2. ADMINISTRATION OF A SMALL ESTATE UPON AFFIDAVIT AND WITHOUT APPOINTMENT.(A) NOTWITHSTANDING ANY PROVISIONS OF THIS CODE TO THE CONTRARY, THE SMALL ESTATE OF A DECEDENT WHO DIES DOMICILED IN THIS STATE, WITHOUT OWNING ANY PROBATE REAL PROPERTY OR WITHOUT OWNING ANY INTEREST IN PROBATE REAL PROPERTY, MAY BE ADMINISTERED UPON AFFIDAVIT AND WITHOUT THE APPOINTMENT OF A PERSONAL REPRESENTATIVE, AND THE SMALL ASSETS OF THE DECEDENT MAY BE PAID OR DELIVERED TO THE AUTHORIZED SUCCESSOR AS PROVIDED IN THIS ARTICLE.

(b) Any successor of a decedent who dies domiciled in this state, without owning any probate real property or without owning any interest in probate real property, may execute and tender for recording to the clerk of the county commission, or the fiduciary supervisor of the clerk of the county commission, of the county in this state which would have jurisdiction over the probate concerning the estate and assets of the decedent an affidavit made upon oath and under penalty of perjury concerning the small estate setting forth in substance:

(1) The name and current address of the affiant;

(2) The name of the decedent, the date of death of the decedent, and the address and residence of the decedent at his or her death;

(3) Whether the decedent had any known will, with the original of the known will to be attached to the affidavit and tendered for recording in the county as long as the will is in due and proper form for probate as a will in this state, or whether the decedent died intestate with no known will;

(4) A listing of the names, current addresses, and relationship to the decedent of any person nominated as a personal representative under the known will, together with a listing of the names, current addresses, and relationship to the decedent of the beneficiaries under the known will entitled to the estate or assets of the decedent. If there is no known will of the decedent, a listing of the names, current addresses, and relationship to the decedent of all of the intestate heirs-at-law and distributees of the decedent determined under the laws of intestate descent and distribution of this state;

(5) That the decedent's entire personal probate estate as of the date of the decedent's death, wherever located, consists only of small assets and the aggregate fair market value of all of the small assets does not exceed \$50,000, together with a description or itemization of the small assets with an estimate of value, if known or ascertainable;

~~(6) Whether the decedent died seized and possessed of any probate real estate or interests in probate real property situate in this state and if so, that the aggregate fair market value of all of the real estate or interests in real property situate in this state does not exceed \$100,000, together with a description of the real estate, the county in which it is situate, its assessed value for tax purposes, and its fair market value at the decedent's date of death;~~

~~(7)~~ (6) That if the successor is nominated as a personal representative or executor under the provisions of the will of the decedent, at least 30 days have elapsed since the decedent's date of death and no application for the appointment of a personal representative for the decedent is pending or has been granted in any jurisdiction. If the successor is not nominated as a personal representative or executor under the provisions of the will of the decedent, at least 60 days have elapsed since the decedent's date of death, no application for the appointment of a personal representative for the decedent is pending or has been granted in any jurisdiction, and no affidavit of small estate has been filed by a successor nominated as a personal representative or executor under the provisions of the will of the decedent; and

~~(8)~~ (7) That the affiant will faithfully administer the small assets of the decedent in accordance with the law and pay or deliver the small assets to the successor or successors so entitled, after paying any known or ascertainable creditors of the decedent.

(c) The clerk of the county commission, or the fiduciary supervisor of the clerk of the county commission, shall upon receipt of the affidavit review and inspect the affidavit, and if the county clerk or fiduciary supervisor determines the affidavit to be in completed form, the county clerk or fiduciary supervisor shall record and index the affidavit, together with the original of any will tendered with the affidavit, in the same manner and upon the same fees as wills and affidavits of beneficiaries or heirs are recorded and indexed in case of probate administration with appointment of a personal representative. The clerk of the county commission, or the fiduciary supervisor of the clerk of the county commission, may require a certified copy of the decedent's death certificate or other proof of death and residence prior to fulfilling the responsibilities under this article.

(d) A bond, security, or oath is not required when an appointment of a personal representative is not made for a small estate under the provisions of this article.

(e) A document substantially in the following form may be used as the affidavit provided in subsection (b) of this section with the effect as prescribed in this article:

IN THE COUNTY COMMISSION OF _____ COUNTY, WEST VIRGINIA

RE: THE ESTATE OF _____

DOD: _____

AFFIDAVIT FOR SMALL ESTATE

STATE OF _____,

COUNTY OF _____, to-wit:

I, _____, being a Successor of the Decedent identified below, being first duly sworn, upon oath and under penalty of perjury, do depose and say to the best of my knowledge and belief as follows:

1. My name is _____, and my current address is _____.

2. The Decedent, _____, died on _____ (date of death), a resident of _____ County, State of _____, with his/her usual residence being _____.

A certified death certificate has been furnished herewith for filing in this County. I am a Successor of the decedent as _____ (state relationship).

3. TESTACY () [Check if applies] or () [Check if Not Applicable]

At the date of death, the Decedent died with an original Last Will and Testament of the Decedent dated _____, without any codicil thereto () or with codicil(s) thereto dated _____ () [Check if applies]. The aforesaid original Last Will and Testament of the decedent, together with any codicil(s), is furnished herewith for recording in this County as permitted by West Virginia Code § 44-1A-2(b).

Under the Last Will and Testament of the Decedent, the following person(s) is/are nominated to be the personal representative(s) of the Estate:

a. Name: _____

Address: _____

b. Name: _____

Address: _____

Pursuant to the provisions of the above referenced Will of the Decedent, the following persons are the named beneficiaries of the estate of the Decedent:

a. Name: _____

Address: _____

Relationship to Decedent: _____

Share or percentage or particular item: _____

b. Name: _____

Address: _____

Relationship to Decedent: _____

Share or percentage or particular item: _____

c. Name: _____

Address: _____

Relationship to Decedent: _____

Share or percentage or particular item: _____

d. Name: _____

Address: _____

Relationship to Decedent: _____

Share or percentage or particular item: _____

e. Name: _____

Address: _____

Relationship to Decedent: _____

Share or percentage or particular item: _____

(If more space is needed, attach additional page(s) to affidavit)

4. INTESTACY () [Check if applies] or () [Check if Not Applicable]

At the date of death, the Decedent died intestate with no known will. The Decedent left as his/her heirs-at-law and distributees in accordance with the laws of intestate descent and distribution of the State of West Virginia the following persons:

a. Name: _____

Address: _____

Relationship to Decedent: _____

Share or percentage: _____

b. Name: _____

Address: _____

Relationship to Decedent: _____

Share or percentage: _____

c. Name: _____

Address: _____

Relationship to Decedent: _____

Share or percentage: _____

d. Name: _____

Address: _____

Relationship to Decedent: _____

Share or percentage: _____

e. Name: _____

Address: _____

Relationship to Decedent: _____

Share or percentage: _____

(If more space is needed, attach additional page(s) to affidavit)

5. The Decedent's entire personal probate estate, as of the date of the Decedent's death, wherever located, consists only of small assets and the aggregate fair market value of the small assets does not exceed \$50,000. The small assets of the Decedent are described and itemized as follows:

	Description	Fair Market value
a.		
b.		

c.		
d.		
e.		
f.		
	Total	

(If more space is needed, attach additional page(s) to affidavit)

6. The Decedent ~~did () /~~ did not () ~~[Check one which applies]~~ die seized and possessed of any probate real estate or interests in probate real estate in the state of West Virginia. ~~If the Decedent died seized and possessed of any probate real estate or interest in real estate in the state of West Virginia, the aggregate fair market value of all of the real estate or interests in real property situate in this state does not exceed \$100,000 and the real estate of the Decedent in West Virginia is as follows:~~

	Description	County	Assessed Value	Fair Market value
A				
B				
C				
D				
E				
	Total			

~~(If more space is needed, attach additional page(s) to affidavit)~~

7. () [Check if applies] or () [Check if Not Applicable] If the affiant is a Successor who was nominated as a personal representative or executor under the provisions of the above Will of the Decedent, at least 30 days have elapsed since the Decedent's date of death and no application for the appointment of a personal representative for the Decedent is pending or has been granted in any jurisdiction;

or

() [Check if applies] or () [Check if Not Applicable] If the affiant is a Successor who was NOT nominated as a personal representative or executor under the provisions of the above Will of the Decedent or if the Decedent died intestate without a will, at least 60 days have elapsed since the Decedent's date of death and no application for the appointment of a personal representative for the Decedent is pending or has been granted in any jurisdiction, and no affidavit

of Small Estate has been filed by a Successor nominated as a personal representative or executor under the provisions of the Will of the Decedent.

8. The undersigned Affiant will faithfully administer the small assets of the Decedent in accordance with the law and pay or deliver the same to the Successor or Successors so entitled.

Witness my hand and seal this ____ day of _____, 20____.

Signature of Affiant/Successor

Taken, subscribed, and sworn to before me the undersigned authority by _____, this ____ day of _____, 20____.

{seal}

My Commission expires: _____

Notary Public

(f) Upon acceptance and recording of the affidavit provided in this section, the county clerk or fiduciary supervisor shall mail a copy of the affidavit to the personal representative, if any is nominated in an attached will, and the beneficiaries under the will when the decedent dies with a will or the heirs-at-law when the decedent dies without a will, all of whom are listed on the affidavit, and shall issue a certificate and authorization of a small estate to the authorized successor who completed the affidavit, authorizing the successor to be paid, transferred, and delivered the small assets of the decedent with authority to pay, transfer, and deliver the small assets to the successor or successors of the decedent entitled pursuant to the provisions of this article and the other laws of the state of West Virginia and with authority to faithfully perform the duties of the office necessary to collect and administer the small assets of the decedent including, but not limited to, making application for and executing receipts, assignments, transfers, releases, waivers, applications, claims, claims for refunds, and federal, state, or local tax returns of the decedent concerning the small assets, pursuing litigation for or against the decedent or the decedent's estate, and paying or settling the funeral expenses or the claims of creditors of the decedent.

(g) If within 30 days after the mailing of a copy of the affidavit by the county clerk or fiduciary supervisor any interested person in the estate of the decedent files a written objection with the county clerk or fiduciary supervisor upon good and proper grounds, the county clerk or fiduciary supervisor shall refer the objection to a fiduciary commissioner for determination, report, and recommendation which may, among other things, revoke the certificate and authorization of small estate and require full and complete probate administration of the estate of the decedent in accordance with the other applicable provisions of this article. Upon any revocation of the certificate and authorization of small estate, the authorized successor shall provide an accounting and report of all payments or deliveries made of the small assets of the decedent.

(h) The authorized successor may act under the certificate and authorization of small estate issued under the provisions of this article for a period of six months from the date of the original issuance of the certificate and authorization but may, upon a showing of good cause in an

application made to the county clerk or fiduciary supervisor, be granted an extension of an additional time period not to exceed six months upon issuance of an extended certificate and authorization of small estate to be issued by the county clerk or fiduciary supervisor.

(i) If at any time after the original issuance of the certificate and authorization by the county clerk or fiduciary supervisor, the authorized successor or an interested person determines that the probate estate of the decedent does not qualify as a small estate because the aggregate values of all of the small assets ~~or the real estate~~ of the decedent exceed the values provided in this article, upon application by an interested person the county clerk or fiduciary supervisor shall rescind the certificate and authorization of the small estate and shall mail a written order of rescission to the authorized successor and other interested persons, and a probate under the other provisions of this article shall be commenced by an interested person.

On motion of Senator Stuart the title of the bill was amended to read as follows:

Eng. House Bill 2867— A BILL to amend and reenact §44-1A-2 of the Code of West Virginia, 1931, as amended, relating to precluding an estate with probate real property or with an interest in probate real property from being processed as a small estate.

The bill, as amended by the Senate, was then put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken **(Roll No. 453)**, and there were—yeas 97, nays 2, absent and not voting 1, with the nays and the absent and not voting being as follows:

Nays: Hornby and Vance.

Absent and Not Voting: Steele.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2867) passed.

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

A message from the Senate, by

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

Com. Sub. for H. B. 2871, Relating to the crime of negligent homicide.

On motion of Delegate McGeehan, the House concurred in the following amendment by the Senate, with further amendment:

The Committee on the Judiciary moved to amend the bill by striking out everything after the enacting clause and inserting in lieu thereof the following:

CHAPTER 14. CLAIMS DUE AND AGAINST THE STATE.

ARTICLE 2A. COMPENSATION AWARDS TO VICTIMS OF CRIMES.

§14-2A-3. Definitions.

As used in this article, the term:

(a) "Claimant" means any of the following persons, whether residents or nonresidents of this state, who claim an award of compensation under this article:

(1) A victim, except the term "victim" does not include a nonresident of this state where the criminally injurious act did not occur in this state;

(2) A dependent, spouse, or minor child of a deceased victim or, if the deceased victim is a minor, the parents, legal guardians, and siblings of the victim;

(3) A third person, other than a collateral source, who legally assumes or voluntarily pays the obligations of a victim or a victim's dependent when the obligations are incurred as a result of the criminally injurious conduct that is the subject of the claim;

(4) A person who is authorized to act on behalf of a victim, dependent, or a third person who is not a collateral source including, but not limited to, assignees, persons holding power of attorney or others who hold authority to make or submit claims in place of or on behalf of a victim, a dependent, or third person who is not a collateral source and if the victim, dependent, or third person who is not a collateral source is a minor or other legally incompetent person, their duly qualified fiduciary; and

(5) A person who is a secondary victim in need of mental health counseling due to the person's exposure to the crime committed whose award may not exceed \$5,000.

(b) "Collateral source" means a source of benefits or advantages for economic loss otherwise compensable that the victim or claimant has received or that is readily available to him or her from any of the following sources:

(1) The offender, including restitution received from the offender pursuant to an order by a court sentencing the offender or placing him or her on probation following a conviction in a criminal case arising from the criminally injurious act for which a claim for compensation is made;

(2) The government of the United States or its agencies, a state or its political subdivisions, or an instrumentality of two or more states;

(3) Social Security, Medicare, and Medicaid;

(4) State-required, temporary, nonoccupational disability insurance or other disability insurance;

(5) Workers' compensation;

(6) Wage continuation programs of an employer;

(7) Proceeds of a contract of insurance payable to the victim or claimant for loss that was sustained because of the criminally injurious conduct;

(8) A contract providing prepaid hospital and other health care services or benefits for disability; and

(9) That portion of the proceeds of all contracts of insurance payable to the claimant on account of the death of the victim which exceeds \$25,000.

(c) "Criminally injurious conduct" means conduct that occurs or is attempted in this state, or in any state not having a victim compensation program, which poses a substantial threat of personal injury or death and is punishable by fine or imprisonment. "Criminally injurious conduct" also includes criminally injurious conduct committed outside of the United States against a resident of this state. "Criminally injurious conduct" does not include conduct arising out of the ownership, maintenance, or use of a motor vehicle unless the person engaging in the conduct intended to cause personal injury or death or committed ~~negligent homicide~~ any offense contained within §17C-5-1 of this code, driving under the influence of alcohol, controlled substances or drugs, leaving the scene of the accident, or reckless driving.

(d) "Dependent" means an individual who received over half of his or her support from the victim. For the purpose of making this determination there shall be taken into account the amount of support received from the victim as compared to the entire amount of support the individual received from all sources including self-support. The term support includes, but is not limited to, food, shelter, clothing, medical and dental care, and education. The term dependent includes a child of the victim born after his or her death.

(e) "Economic loss" means economic detriment consisting only of allowable expense, work loss, and replacement services loss. If criminally injurious conduct causes death, economic loss includes a dependents economic loss and a dependents replacement services loss. Noneconomic detriment is not economic loss; however, economic loss may be caused by pain and suffering or physical impairment. For purposes of this article, the term economic loss includes a lost scholarship as defined in this section.

(f) "Allowable expense" includes the following:

(1) Reasonable charges incurred or to be incurred for reasonably needed medical care, including products, services, and accommodations related to medical and psychological care, prosthetic devices, eye glasses, dentures, rehabilitation, and other remedial treatment and care but does not include that portion of a charge for a room in a hospital, clinic, convalescent home, nursing home, or other institution engaged in providing nursing care and related services which is in excess of a reasonable and customary charge for semiprivate accommodations unless accommodations other than semiprivate accommodations are medically required;

(2) A total charge not in excess of \$10,000 for expenses in any way related to funerals, cremations, and burials;

(3) Victim relocation costs not to exceed \$4,500;

(4) Reasonable travel expenses not to exceed \$5,000 for a claimant to attend court proceedings conducted for the prosecution of the offender;

(5) Reasonable travel expenses for a claimant to return a person who is a minor or incapacitated adult who has been unlawfully removed from this state to another state or country if the removal constitutes a crime under the laws of this state which may not exceed \$2,000 for expenses to another state or \$3,000 to another country; and

(6) Reasonable travel expenses for the transportation of a victim to and from a medical facility.

(g) "Work loss" means loss of income from work that the injured person would have performed if he or she had not been injured and expenses reasonably incurred or to be incurred by him or her to obtain services in lieu of those he or she would have performed for income. "Work loss" is reduced by income from substitute work actually performed or to be performed by ~~him or her~~ the injured person or by income he or she would have earned in available appropriate substitute work that he or she was capable of performing but unreasonably failed to undertake. "Work loss" includes loss of income from work by the parent or legal guardian of a minor victim who must miss work to take care of the minor victim. "Work loss" also includes loss of income from work by the claimant, the victim, or the parent or legal guardian of a minor victim who must miss work to attend court proceedings conducted for the prosecution of the offender.

(h) "Replacement services loss" means expenses reasonably incurred or to be incurred in obtaining ordinary and necessary services in lieu of those the injured person would have performed for the benefit of himself or herself or his or her family if he or she had not been injured. "Replacement services loss" does not include services an injured person would have performed to generate income.

(i) "Dependents' economic loss" means loss after a victim's death of contributions or things of economic value to his or her dependents but does not include services they would have received from the victim if he or she had not suffered the fatal injury. This amount is reduced by expenses avoided by the dependent due to the victim's death.

(j) "Dependents' replacement service loss" means loss reasonably incurred or to be incurred by dependents after a victim's death in obtaining ordinary and necessary services in lieu of those the victim would have performed for their benefit if he or she had not suffered the fatal injury. This amount is reduced by expenses avoided due to the victim's death, but which are not already subtracted in calculating a dependent's economic loss.

(k) "Victim" means the following:

A person who suffers personal injury or death as a result of any one of the following:

(A) Criminally injurious conduct;

(B) The good faith effort of the person to prevent criminally injurious conduct; or

(C) The good faith effort of the person to apprehend a person that the injured person has observed engaging in criminally injurious conduct or who the injured person has reasonable cause to believe has engaged in criminally injurious conduct immediately prior to the attempted apprehension.

(l) "Contributory misconduct" means any conduct of the claimant or of the victim through whom the claimant claims an award that is unlawful or intentionally tortious and that, without regard to the conduct's proximity in time or space to the criminally injurious conduct, has a causal relationship to the criminally injurious conduct that is the basis of the claim and includes the voluntary intoxication of the claimant, either by the consumption of alcohol or the use of any controlled substance, when the intoxication has a causal connection or relationship to the injury sustained.

(m) "Lost scholarship" means a scholarship, academic award, stipend, student loan, or other monetary scholastic assistance which had been awarded, conferred upon, or obtained by a victim

in conjunction with a post-secondary school educational program and which the victim is unable to receive or use, in whole or in part, due to injuries received from criminally injurious conduct.

CHAPTER 17B. MOTOR VEHICLE DRIVER'S LICENSES.

ARTICLE 1A. DRIVER LICENSE COMPACT.

§17B-1A-1. Authorization.

Pursuant to authority granted by an act of the eighty-fifth Congress of the United States, being public law six hundred eighty-four, approved August 20, 1958, the Governor of this state ~~is hereby authorized and directed to~~ shall execute a compact on behalf of the State of West Virginia with all other jurisdictions legally joining ~~therein~~ in the compact in the form substantially as follows:

ARTICLE I. FINDINGS AND DECLARATION OF POLICY.

(a) The party states find that:

(1) The safety of their streets and highways is materially affected by the degrees of compliance with state laws and local ordinances relating to the operation of motor vehicles.

(2) Violation of such a law or ordinance is evidence that the violator engages in conduct which is likely to endanger the safety of persons and property.

(3) The continuance in force of a license to drive is predicated upon compliance with laws and ordinances relating to the operation of motor vehicles, in whichever jurisdiction the vehicle is operated.

(b) It is the policy of each of the party states to:

(1) Promote compliance with the laws, ordinances and administrative rules and regulations relating to the operation of motor vehicles by their operators in each of the jurisdictions where such operators drive motor vehicles.

(2) Make the reciprocal recognition of licenses to drive and eligibility therefor more just and equitable by considering the overall compliance with motor vehicle laws, ordinances and administrative rules and regulations as a condition precedent to the continuance or issuance of any license by reason of which the licensee is authorized or permitted to operate a motor vehicle in any of the party states.

ARTICLE II. DEFINITIONS.

As used in this compact:

(a) "State" means a state, territory, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

(b) "Home state" means the state which has issued and has the power to suspend or revoke the use of the license or permit to operate a motor vehicle.

(c) "Conviction" means a conviction of any offense related to the use or operation of a motor vehicle which is prohibited by state law, municipal ordinance, or administrative rule ~~or regulation~~,

or a forfeiture of bail, bond, or other security deposited to secure appearance by a person charged with having committed any such offense, and which conviction or forfeiture is required to be reported to the licensing authority.

ARTICLE III. REPORTS OF CONVICTION.

The licensing authority of a party state shall report each conviction of a person from another party state occurring within its jurisdiction to the licensing authority of the home state of the licensee. Such report shall clearly identify the person convicted; describe the violation specifying the section of the statute, code, or ordinance violated; identify the court in which action was taken; indicate whether a plea of guilty or not guilty was entered, or the conviction was a result of the forfeiture of bail, bond, or other security; and shall include any special findings made in connection therewith.

ARTICLE IV. EFFECT OF CONVICTION.

(a) The licensing authority in the home state, for the purposes of suspension, revocation, or limitation of the license to operate a motor vehicle, shall give the same effect to the conduct reported, pursuant to Article III of this compact, as it would if such conduct had occurred in the home state, in the case of convictions for:

(1) ~~Manslaughter or negligent homicide~~, homicide, or any offense contained within §17C-5-1 of this code, resulting from the operation of a motor vehicle;

(2) Driving a motor vehicle while under the influence of intoxicating liquor or a narcotic drug, or under the influence of any other drug to a degree which renders the driver incapable of safely driving a motor vehicle;

(3) Any felony in the commission of which a motor vehicle is used;

(4) Failure to stop and render aid in the event of a motor vehicle accident resulting in the death or personal injury to another person.

(b) As to other convictions, reported pursuant to Article III, the licensing authority in the home state shall give such effect to the conduct as is provided by the laws of the home state.

(c) If the laws of a party state do not provide for offenses or violations denominated or described in precisely the words employed in subsection (a) of this article, such party state shall construe the denominations and descriptions appearing in subsection (a) ~~hereof of this article~~ as being applicable to and identifying those offenses or violations of a substantially similar nature and the laws of such party state shall contain such provisions as may be necessary to ensure that full force and effect is given to this article.

ARTICLE V. APPLICATIONS FOR NEW LICENSES.

Upon application for a license to drive, the licensing authority in a party state shall ascertain whether the applicant has ever held, or is the holder of a license to drive issued by any other party state. The licensing authority in the state where application is made shall not issue a license to drive to the applicant if:

(1) The applicant has held such a license, but the ~~same license~~ has been suspended by reason, in whole or in part, of a violation and if such suspension period has not terminated.

(2) The applicant has held such a license, but the same has been revoked by reason, in whole or in part, of a violation and if such revocation has not terminated, except that after the expiration of one year from the date the license was revoked, such person may make application for a new license if permitted by law. The licensing authority may refuse to issue a license to any such applicant if, after investigation, the licensing authority determines that it will not be safe to grant to such person the privilege of driving a motor vehicle on the public highways.

(3) The applicant is the holder of a license to drive issued by another party state and currently in force unless the applicant surrender such license.

ARTICLE VI. APPLICABILITY OF OTHER LAWS.

Except as expressly required by provisions of this compact, nothing contained herein shall be construed to affect the right of any party state to apply any of its other laws relating to licenses to drive to any person or circumstance, nor to invalidate or prevent any driver license agreement or other cooperative arrangement between a party state and a nonparty state.

ARTICLE VII. COMPACT ADMINISTRATOR AND

INTERCHANGE OF INFORMATION.

(a) The head of the licensing authority of each party state shall be the administrator of this compact for his or her state. The administrators, acting jointly, shall have the power to formulate all necessary and proper procedures for the exchange of information under this compact.

(b) The administrator of each party state shall furnish to the administrator of each other party state any information or documents reasonably necessary to facilitate the administration of this compact.

ARTICLE VIII. ENTRY INTO FORCE AND WITHDRAWAL.

(a) This compact shall enter into force and become effective as to any state when it has enacted the ~~same~~ compact into law.

(b) Any party state may withdraw from this compact by enacting a statute repealing the ~~same compact~~, but no such withdrawal shall take effect until six months after the executive head of the withdrawing state has given notice of the withdrawal to the executive heads of all other party states. No withdrawal shall affect the validity or applicability by the licensing authorities of states remaining party to the compact of any report of conviction occurring prior to the withdrawal.

ARTICLE IX. CONSTRUCTION AND SEVERABILITY.

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact ~~shall be~~ are severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the Constitution of any party state or of the United States or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this compact shall

be is held contrary to the Constitution of any state party thereto, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

ARTICLE 3. CANCELLATION, SUSPENSION OR REVOCATION OF LICENSES.

§17B-3-5. Grounds for mandatory revocation of license by department.

The ~~department~~ division shall ~~forthwith~~ immediately revoke the license of any operator or chauffeur upon receiving a record of such operator's or chauffeur's conviction of any of the following offenses, when such conviction has become final: *Provided*, That if the convicted driver had not reached his or her ~~nineteenth~~ 19th birthday at the time of the conduct for which the license is revoked under this section, the license shall be revoked until the driver's ~~nineteenth~~ 19th birthday, or the applicable statutory period of revocation, whichever is longer:

(1) Manslaughter or negligent homicide, homicide, or any offense contained within §17C-5-1 of this code, resulting from the operation of a motor vehicle;

(2) Any felony in the commission of which a motor vehicle is used;

(3) Failure to stop and render aid as required under the laws of this state in the event of involvement in a motor vehicle accident resulting in the death or personal injury of another person;

(4) Perjury or the making of a false affidavit or statement under oath to the ~~department~~ division under this chapter or under any other law relating to the ownership or operation of motor vehicles;

(5) Conviction, or forfeiture of bail not vacated, upon three charges of reckless driving committed within a period of ~~twenty-four~~ 24 months;

(6) Driving under the influence of alcohol, controlled substances or other drugs outside the State of West Virginia which conviction is under a municipal ordinance or statute of the United States or any other state of an offense which has the same elements as an offense described in ~~section two, article five, chapter seventeen-c~~ §17C-5-2 of this code; and

(7) Nothing herein shall prohibit the ~~department~~ division from exercising its authority to revoke or suspend a person's license to drive a motor vehicle in this state, as provided in ~~chapter seventeen-c~~ Chapter 17C of this code.

CHAPTER 17C. TRAFFIC REGULATIONS AND LAWS OF THE ROAD.

ARTICLE 5. SERIOUS TRAFFIC OFFENSES.

§17C-5-1. Negligent Vehicular homicide; aggravated vehicular homicide; vehicular homicide in a school zone; vehicular homicide in a construction zone; penalties; revocation of driving privileges upon conviction.

(a) When the death of any person, including an embryo or fetus as defined in §61-2-30 of this code, other than the person operating the motor vehicle, ensues within one year as a the proximate result of injury ~~received~~ caused by the driving of any motor vehicle anywhere in this state by any person in reckless disregard ~~of~~ for the safety of others, the person ~~so~~ operating ~~such~~ the motor vehicle ~~shall be~~ is guilty of negligent vehicular homicide.

~~(b) Any person convicted of negligent vehicular homicide shall be punished by imprisonment for not more than one year or by fine of not less than \$100 nor more than \$1,000, or by both such fine and imprisonment.~~ is guilty of a misdemeanor and upon conviction, shall be fined not less than \$1,000 nor more than \$10,000, confined in the jail for not more than one year, or both fined and confined.

~~(c) The commissioner shall revoke the license or permit to drive and any nonresident operating privilege of any person convicted of negligent homicide.~~

(c) Notwithstanding the provisions of subsections (a) and (b) of this section, when the death of a person, including an embryo or fetus as defined in §61-2-30 of this code, other than the person operating the motor vehicle, occurs within one year as the proximate result of injury caused by the operation of any motor vehicle in this state in deliberate disregard for the safety of others, the person operating the motor vehicle is guilty of the offense of aggravated vehicular homicide and upon conviction he or she shall be fined not more than \$20,000, or imprisoned in a state correctional facility for a definite term of years of not less than one nor more than five years, or both fined and imprisoned.

(d) For the purposes of this section, a person who acts with deliberate disregard for the safety of others if he or she has knowledge of facts or intentionally disregards facts that create high probability of injury to the safety of others and:

(1) deliberately proceeds to act in conscious or intentional disregard of the high degree of probability of injury to the safety of others; or

(2) deliberately proceeds to act with indifference to the high probability of injury to or the safety of others.

(e) When the death of any person, including an embryo or fetus as defined in §61-2-30 of this code, other than the person operating the motor vehicle, ensues within one year as the proximate result of injury caused by the driving of any vehicle in a school zone, as set forth in §17C-6-1 of this code, during school recess or while children are going to or leaving school during opening or closing hours, by any person in reckless disregard for the safety of others, the person operating the vehicle is guilty of vehicular homicide in a school zone.

(f) Any person convicted of vehicular homicide in a school zone is guilty of a felony and upon conviction, shall be fined not less than \$2,500 nor more than \$5,000, or imprisoned in a state correctional facility for a definite term of years of not less than two nor more than 10 years, or both fined and imprisoned.

(g) When the death of any person, including an embryo or fetus as defined in §61-2-30 of this code, other than the person operating the motor vehicle, ensues within one year as the proximate result of injury caused by the driving of any vehicle where street or highway construction work is being performed consistent with the provisions of §17C-3-4b of this code, by any person in reckless disregard for the safety of others, the person operating the vehicle is guilty of vehicular homicide in a construction zone.

(h) Any person convicted of vehicular homicide in a construction zone shall be guilty of a felony and upon conviction, shall be fined not less than \$2,500 nor more than \$5,000, or imprisoned in a state correctional facility for a definite term of years of not less than two nor more than 10 years, or both fined and confined.

(i) The commissioner shall revoke the license or permit to drive and any nonresident operating privilege of any person convicted of any offense contained within this section.

§17C-5-3. Reckless driving; penalties.

(a) Any person who drives any vehicle upon any street or highway, or upon any residential street, or in any parking area, or upon the ways of any institution of higher education, whether public or private, or upon the ways of any state institution, or upon the property of any county boards of education, or upon any property within the state park and public recreation system established by the Director of the Division of Natural Resources pursuant to ~~section three, article four, chapter twenty~~ §20-4-3 of this code in willful or wanton disregard for the safety of persons or property is guilty of reckless driving.

(b) The provisions of subsection (a) of this section ~~shall~~ does not apply to those areas which have been temporarily closed for racing sport events or which may be set aside by the Director of the Division of Natural Resources within the state park and recreation system for exclusive use by motorcycles or other recreational vehicles.

(c) Every person convicted of reckless driving is guilty of a misdemeanor and, upon a first conviction thereof, shall be confined in jail for a period of not less than five days nor more than ~~ninety~~ 90 days, or fined not less than \$25 nor more than \$500, or both fined and confined, and upon conviction of a second or subsequent conviction thereof, shall be confined in jail not less than ~~ten~~ 10 days nor more than six months, or fined not less than \$50 nor more than \$1,000, or both fined and confined.

(d) Notwithstanding the provisions of subsection (c) of this section, any person convicted of a violation of subsection (a) of this section who in doing so proximately causes another to suffer serious bodily injury shall, upon conviction, be confined in jail not less than ~~ten~~ 30 days nor more than ~~six months~~ one year or fined not less than \$50 nor more than \$1,000, or both fined and confined.

(e) For purposes of subsection (d) of this section, "serious bodily injury" means bodily injury which creates a substantial risk of death, which causes serious or prolonged disfigurement, prolonged impairment of health or prolonged loss or impairment of the function of any bodily organ.

ARTICLE 14. MISCELLANEOUS RULES.

§17C-14-15. Electronically Distracted Driving Act.

(a) Definitions — As used in this section:

(1) "Smartwatch" means a wearable computer that provides a local touchscreen for daily use, associated with applications, and connected to a cellular or Wi-Fi network;

(2) "Stand-alone electronic device" means a portable device other than a wireless telecommunications device which stores audio or video data files to be retrieved on demand by a user;

(3) "Utility services" means and includes electric, natural gas, water, wastewater, cable, telephone, or telecommunications services, or the repair, location, relocation, improvement, or

maintenance of utility poles, transmission structures, pipes, wires, fibers, cables, easements, rights-of-way, or associated infrastructure;

(4) "Wireless telecommunications device" means one of the following portable devices:

(A) A cellular telephone;

(B) A portable telephone;

(C) A text-messaging device;

(D) A personal digital assistant;

(E) A stand-alone computer including, but not limited to, a tablet, laptop, or notebook computer;

(F) A handheld global positioning system receiver;

(G) A device capable of displaying a video, movie, broadcast television image, or visual image;
or

(H) Any substantially similar portable wireless device that is used to initiate or receive communication, information, or data;

(I) "Wireless telecommunications device" does not include a smartwatch, any type of radio including but not limited to, radios used by first responders or school bus operators; citizens band radio or radio hybrid; commercial two-way radio communication device or its functional equivalent; subscription-based emergency communication device; prescribed medical device; amateur or ham radio device, or any built-in vehicle equipment for security, navigation, communications, or remote diagnostics; ~~and~~

(5) "Voice-operated or hands-free feature or function" means a feature or function that allows a person to use a wireless telecommunications device without the use of either hand, except to activate, deactivate, or initiate the feature or function with a single touch or single swipe.

(b) The driver of a school bus shall not use or operate a wireless telecommunications device or two-way radio while loading or unloading passengers.

(c) The driver of a school bus shall not use or operate a wireless telecommunications device while the bus is in motion ~~nor~~ or while stationary in traffic ~~nor~~ or at a traffic control signal, unless that device is being used in a similar manner as a two-way radio to allow live communication between the driver and school officials or public safety officials.

(d) A driver shall exercise due care in operating a motor vehicle on the highways of this state and shall not engage in any actions involving any stand-alone electronic device or wireless telecommunications device that distracts such driver from the safe operation of the vehicle.

(e) While operating a motor vehicle on any street, highway, or property open to the public for vehicular traffic in this state, ~~no~~ a driver may not:

(1) Physically hold or support, with any part of his or her body, a wireless communication device or stand-alone electronic device: *Provided*, That ~~such~~ this prohibition ~~shall~~ does not apply to the wearing of a smartwatch;

(2) Write, send, or read any text-based communication including, but not limited to, a text message, instant message, e-mail, or social media interaction on a wireless telecommunications device or stand-alone electronic device: *Provided*, That ~~such~~ this prohibition ~~shall~~ does not apply to a voice-operated or hands-free communication feature which is automatically converted by such device to be sent as a message in a written form;

(3) Make any communication involving a wireless telecommunications device, including a phone call, voice message, or one-way voice communication: *Provided*, That ~~such~~ this prohibition ~~shall~~ does not apply to a voice operated or hands-free communication feature or function;

(4) Engage in any form of electronic data retrieval or electronic data communication on a wireless telecommunications device or stand-alone electronic device;

(5) Manually enter letters, numbers, or symbols into any website, search engine, or application on a wireless telecommunications device or stand-alone electronic device;

(6) Watch a video or movie on a wireless telecommunications device or standalone electronic device other than watching data related to the navigation of ~~such~~ the vehicle;

(7) Record, post, send, or broadcast video, including a video conference on a wireless telecommunications device or stand-alone electronic device: *Provided*, That ~~such~~ this prohibition does not apply to electronic devices used for the sole purpose of continuously recording or broadcasting video within or outside of the motor vehicle; or

(8) Actively play any game on a wireless telecommunications device or stand-alone electronic device.

(f) While operating a commercial motor vehicle on any highway of this state, ~~no~~ a driver may:

(1) Use more than a single button on a wireless telecommunications device to initiate or terminate a voice communication; or

(2) Reach for a wireless telecommunications device or stand-alone electronic device in such a manner that requires the driver to:

(A) No longer be in a seated driving position; or

(B) No longer be properly restrained by a safety belt.

(g) Each violation of this section shall ~~constitute~~ constitutes a separate offense.

(h) It is a misdemeanor for any driver to violate any of the provisions of this section. Every driver convicted of a misdemeanor for a violation of any of the provisions of this section shall be punished as follows:

(1) For a first conviction with no prior conviction of and no plea of no contest accepted to a charge of violating this section within the previous 24-month period, as measured from the date of any prior conviction or plea, a fine of not more than \$100;

(2) For a second conviction within a 24-month period, as measured from the date of any prior conviction or plea, a fine of not more than \$200;

(3) For a third or subsequent conviction within a 24-month period, as measured from the date of any prior conviction or plea:

(A) A fine of not more than \$350;

(B) Three points on the driver's record maintained by the Division of Motor Vehicles; and

(C) At the court's discretion, suspension of the driver's license for a period of 90 days;

(4) Any driver who causes physical harm to property as the proximate result of committing a violation of this section is guilty of a misdemeanor punishable up to 30 days in jail or a fine not less than \$100 and not more than \$500;

(5) Any driver who causes serious physical harm to another person as the proximate result of committing a violation of this section is guilty of a misdemeanor and shall be fined not less than \$500 nor more than \$1,000, or confined in jail up to 120 days, or both fined and confined, and ~~such the~~ driver shall have his or her license to operate a motor vehicle revoked by the Commissioner of the Division of Motor Vehicles for a period of one year; and

(6) Any driver who causes the death of another as the proximate result of committing a violation of this section is ~~guilty of negligent homicide~~ also subject to prosecution under the applicable vehicular homicide provision ~~and shall be punished in accordance with~~ of §17C-5-1 of this code.

(i) The Department of Transportation shall cause to be erected signs upon any highway entering the state of West Virginia on which a welcome to West Virginia sign is posted, and any other highway where the Division of Highways deems appropriate, posted at a distance of not more than one mile from each border crossing, each sign to bear an inscription clearly communicating to motorists entering the state that texting, or the use of a wireless communication device without hands-free equipment, is illegal within this state.

(j) Nothing contained in this section shall be construed to authorize seizure of a cell phone or electronic device by any law-enforcement agency.

(k) No policy providing liability coverage for personal lines insurance shall contain a provision which may be used to deny coverage or exclude payment of any legal damages recoverable by law for injuries proximately caused by a violation of this section, as long as such amounts are within the coverage limits of the insured.

(l) This section shall not apply to:

(1) Drivers reporting to state, county, or local authorities a traffic accident, medical emergency, fire, an actual or potential criminal or delinquent act, or a road condition that causes an immediate and serious traffic or safety hazard;

(2) An employee or contractor of a utility services provider acting within the scope of his or her employment while responding to a utility emergency;

(3) A driver operating a commercial vehicle while using a mobile data terminal that transmits and receives data;

(4) A law-enforcement officer, firefighter, emergency medical services personnel, ambulance driver, or other similarly employed public safety first responder during the performance of his or her official duties; or

(5) ~~While~~ A person in a motor vehicle that is lawfully parked.

(m) This section does not supersede the provisions of §17B-2-3a of this code, or any more restrictive provisions for drivers of commercial motor vehicles prescribed either by the provisions of §17E-1-1 *et seq.* of this code or by federal law or rule.

(n) The amendments to this section adopted during the regular session of the Legislature in 2023, shall be known as the Robin W. Ames Memorial Act.

ARTICLE 19. PARTIES, PROCEDURE UPON ARREST AND REPORTS IN CRIMINAL CASES.

§17C-19-3. When person arrested must be taken immediately before a magistrate or court.

(a) Whenever any person is arrested for any violation of this chapter punishable as a misdemeanor, the arrested person shall be immediately taken before a magistrate or court within the county in which the offense charged is alleged to have been committed and who has jurisdiction of the offense and is nearest or most accessible with reference to the place where the arrest is made, in any of the following cases:

(1) When a person arrested demands an immediate appearance before a magistrate or court;

(2) When the person is arrested upon a misdemeanor charge of ~~negligent~~ vehicular homicide as contained in §17C-5-1 of this code;

(3) When the person is arrested upon a charge of driving while under the influence of alcohol, or under the influence of any controlled substance, or under the influence of any other drug, or under the combined influence of alcohol and any controlled substance or any other drug;

(4) When the person is arrested upon a charge of failure to stop in the event of an accident causing death, personal injury or damage to property;

(5) When the person is arrested upon a charge of violating §17C-17-14 relating to weight violations, except as otherwise provided in that section;

(6) When the person arrested is a resident of a state that has not entered into a nonresident violator compact with this state;

(7) In any other event when the person arrested refuses to accept the written notice to appear in court as his or her promise to appear in court or to comply with the terms of the written notice to appear in court as provided in section four of this article; and

(8) When a person is arrested for driving with a suspended or revoked driver's license for miscellaneous reasons: *Provided*, That when a person is arrested for driving with a suspended or revoked driver's license for miscellaneous reasons, the arresting officer may issue a charge by citation if a magistrate or judge is not on duty or reasonably available.

(b) When the person arrested is a resident of a state that has entered into a nonresident violator compact with this state, the arresting officer shall issue the person a written notice as provided for in section four of this article and may not take the person immediately before a magistrate or court, except under the terms of the compact or under the circumstances set forth in subsection (a) of this section.

CHAPTER 17E. UNIFORM COMMERCIAL DRIVER'S LICENSE ACT.

ARTICLE 1. COMMERCIAL DRIVER'S LICENSE.

§17E-1-13. Disqualification.

(a) A person may not operate a commercial motor vehicle if his or her privilege to operate a commercial motor vehicle is disqualified under the provisions of the Federal Motor Carrier Safety Improvement Act of 1999, 49 C. F. R. Part §383, Subpart D (2004) or in accordance with the provisions of this section.

(1) For the purposes of determining first and subsequent violations of the offenses listed in this section, each conviction resulting from a separate incident includes convictions for offenses committed in a commercial motor vehicle or a noncommercial motor vehicle.

(2) Any person disqualified from operating a commercial motor vehicle for life under the provisions of this chapter for offenses described in subdivisions (1), (2), (3), (4) and (6), subsection (b) of this section is eligible for reinstatement of privileges to operate a commercial motor vehicle after 10 years and after completion of the Safety and Treatment Program or other appropriate program prescribed by the division. Any person whose lifetime disqualification has been amended under the provisions of this subdivision, and who is subsequently convicted of a disqualifying offense described in subdivisions (1) through (7), inclusive, subsection (b) of this section, is not eligible for reinstatement. Any person disqualified from operating a commercial motor vehicle for life under subsection (n) of this section is not eligible for reinstatement.

(3) Any person who committed a disqualifying offense contained in paragraph (B) or (E), subdivision (1), subsection (b) of this section prior to obtaining a commercial driver's license, and who committed the disqualifying offense more than 10 years before he or she applied for a commercial driver's license, and who has completed the Safety and Treatment Program or other appropriate program prescribed by the division, shall be considered to have served the period of disqualification and is eligible to obtain a commercial driver's license so long as all other eligibility requirements contained in §17E-1-9 and §17E-1-10 of this code are satisfied.

(4) Any disqualification imposed by this section is in addition to any action to suspend, revoke, or cancel the driver's license or driving privileges if suspension, revocation, or cancellation is required under another provision of this code.

(5) The provisions of this section apply to any person operating a commercial motor vehicle and to any person holding a commercial driver's license.

(b) Any person is disqualified from driving a commercial motor vehicle for the following offenses and time periods if convicted of:

(1) Driving a motor vehicle under the influence of alcohol or a controlled substance;

(A) For a first conviction or for refusal to submit to any designated secondary chemical test while operating a commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for a period of one year.

(B) For a first conviction or for refusal to submit to any designated secondary chemical test while operating a noncommercial motor vehicle, a commercial driver's license holder is disqualified from operating a commercial motor vehicle for a period of one year.

(C) For a first conviction or for refusal to submit to any designated secondary chemical test while operating a commercial motor vehicle transporting hazardous materials required to be placarded under 49 C. F. R. Part §172, Subpart F, a driver is disqualified from operating a commercial motor vehicle for a period of three years.

(D) For a second conviction or for refusal to submit to any designated secondary chemical test in a separate incident of any combination of offenses in this subsection while operating a commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for life.

(E) For a second conviction or refusal to submit to any designated secondary chemical test in a separate incident of any combination of offenses in this subsection while operating a noncommercial motor vehicle, a commercial motor vehicle license holder is disqualified from operating a commercial motor vehicle for life.

(2) Driving a commercial motor vehicle while the person's alcohol concentration of the person's blood, breath, or urine is four hundredths of one percent or more, by weight;

(A) For a first conviction or for refusal to submit to any designated secondary chemical test while operating a commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for one year.

(B) For a first conviction or for refusal to submit to any designated secondary chemical test while operating a commercial motor vehicle transporting hazardous materials required to be placarded under 49 C. F. R. Part §172, Subpart F, a driver is disqualified from operating a commercial motor vehicle for three years.

(C) For a second conviction or refusal to submit to any designated secondary chemical test in a separate incident of any combination of offenses in this subsection while operating a commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for life.

(3) Refusing to submit to any designated secondary chemical test required by the provisions of this code or the provisions of 49 C. F. R. §383.72 (2004);

(A) For the first conviction or refusal to submit to any designated secondary chemical test while operating a commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for one year.

(B) For the first conviction or refusal to submit to any designated secondary chemical test while operating a noncommercial motor vehicle, a commercial driver's license holder is disqualified from operating a commercial motor vehicle for one year.

(C) For the first conviction or for refusal to submit to any designated secondary chemical test while operating a commercial motor vehicle transporting hazardous materials required to be placarded under 49 C. F. R. Part §172, Subpart F (2004), a driver is disqualified from operating a commercial motor vehicle for a period of three years.

(D) For a second conviction or refusal to submit to any designated secondary chemical test in a separate incident of any combination of offenses in this subsection while operating a commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for life.

(E) For a second conviction or refusal to submit to any designated secondary chemical test in a separate incident of any combination of offenses in this subsection while operating a noncommercial motor vehicle, a commercial driver's license holder is disqualified from operating a commercial motor vehicle for life.

(4) Leaving the scene of an accident;

(A) For the first conviction while operating a commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for one year.

(B) For the first conviction while operating a noncommercial motor vehicle, a commercial driver's license holder is disqualified for one year.

(C) For the first conviction while operating a commercial motor vehicle transporting hazardous materials required to be placarded under 49 C. F. R. Part §172, Subpart F (2004), a driver is disqualified from operating a commercial motor vehicle for a period of three years.

(D) For a second conviction in a separate incident of any combination of offenses in this subsection while operating a commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for life.

(E) For a second conviction in a separate incident of any combination of offenses in this subsection while operating a noncommercial motor vehicle, a commercial driver's license holder is disqualified from operating a commercial motor vehicle for life.

(5) Using a motor vehicle in the commission of any felony as defined in §17E-1-3 of this code; except as set forth specifically in subsection (n) of this section;

(A) For the first conviction while operating a commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for one year.

(B) For the first conviction while operating a noncommercial motor vehicle, a commercial driver's license holder is disqualified from operating a commercial motor vehicle for one year.

(C) For the first conviction while operating a commercial motor vehicle transporting hazardous materials required to be placarded under 49 C. F. R. Part §172, Subpart F (2004), a driver is disqualified from operating a commercial motor vehicle for a period of three years.

(D) For a second conviction in a separate incident of any combination of offenses in this subsection while operating a commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for life.

(E) For a second conviction in a separate incident of any combination of offenses in this subsection while operating a noncommercial motor vehicle, a commercial motor vehicle license holder is disqualified from operating a commercial motor vehicle for life.

(6) Operating a commercial motor vehicle when, as a result of prior violations committed operating a commercial motor vehicle, the driver's privilege to operate a motor vehicle has been suspended, revoked, or canceled, or the driver's privilege to operate a commercial motor vehicle has been disqualified.

(A) For the first conviction while operating a commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for one year.

(B) For the first conviction while operating a commercial motor vehicle transporting hazardous materials required to be placarded under 49 C. F. R. Part §172, Subpart F (2004), a driver is disqualified from operating a commercial motor vehicle for a period of three years.

(C) For a second conviction in a separate incident of any combination of offenses in this subsection while operating a commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for life.

(7) Causing a fatality through the negligent operation of a commercial motor vehicle, the operation of a commercial motor vehicle in reckless disregard for the safety of others, or the operation of a commercial motor vehicle in deliberate disregard for the safety of others, including, but not limited to, the crimes of motor vehicle manslaughter, homicide, and negligent homicide vehicular homicide, aggravated vehicular homicide, vehicular homicide in a school zone, and vehicular homicide in a construction zone as defined in §17B-3-5, and §17C-5-1 of this code;

(A) For the first conviction while operating a commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for one year.

(B) For the first conviction while operating a commercial motor vehicle transporting hazardous materials required to be placarded under 49 C. F. R. Part §172, Subpart F (2004), a driver is disqualified from operating a commercial motor vehicle for a period of three years.

(C) For a second conviction in a separate incident of any combination of offenses in this subsection while operating a commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for life.

(c) Any person is disqualified from driving a commercial motor vehicle if convicted of:

(1) Speeding excessively involving any speed of 15 miles per hour or more above the posted speed limit;

(A) For a second conviction of any combination of offenses in this subsection in a separate incident within a three-year period while operating a commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for a period of 60 days.

(B) For a second conviction of any combination of offenses in this section in a separate incident within a three-year period while operating a noncommercial motor vehicle, if the conviction results in the suspension, revocation, or cancellation of the commercial driver's license holder's privilege to operate any motor vehicle, a commercial driver's license holder is disqualified from operating a commercial motor vehicle for a period of 60 days.

(C) For a third or subsequent conviction of any combination of the offenses in this subsection in a separate incident in a three-year period while operating a commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for a period of 120 days.

(D) For a third or subsequent conviction of any combination of offenses in this subsection in a separate incident within a three-year period while operating a noncommercial motor vehicle, if the conviction results in the suspension, revocation, or cancellation of the commercial driver's license holder's privilege to operate any motor vehicle, a commercial driver's license holder shall be disqualified from operating a commercial motor vehicle for a period of 120 days.

(2) Reckless driving as defined in §17C-5-3 of this code, or careless or negligent driving, including, but not limited to, the offenses of driving a motor vehicle in willful or wanton disregard for the safety of persons or property;

(A) For a second conviction of any combination of offenses in this subsection in a separate incident within a three-year period while operating a commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for a period of 60 days.

(B) For a second conviction of any combination of offenses in this section in a separate incident within a three-year period while operating a noncommercial motor vehicle, if the conviction results in the suspension, revocation, or cancellation of the commercial driver's license holder's privilege to operate any motor vehicle, a commercial driver's license holder is disqualified from operating a commercial motor vehicle for a period of 60 days.

(C) For a third or subsequent conviction of any combination of the offenses in this subsection in a separate incident in a three-year period while operating a commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for a period of 120 days.

(D) For a third or subsequent conviction of any combination of offenses in this subsection in a separate incident within a three-year period while operating a noncommercial motor vehicle, if the conviction results in the suspension, revocation, or cancellation of the commercial driver's license holder's privilege to operate any motor vehicle, a commercial driver's license holder is disqualified from operating a commercial motor vehicle for a period of 120 days.

(3) Making improper or erratic traffic lane changes;

(A) For a second conviction of any combination of offenses in this subsection in a separate incident within a three-year period while operating a commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for a period of 60 days.

(B) For a second conviction of any combination of offenses in this section in a separate incident within a three-year period while operating a noncommercial motor vehicle, if the conviction results in the suspension, revocation, or cancellation of the commercial driver's license holder's privilege to operate any motor vehicle, a commercial driver's license holder is disqualified from operating a commercial motor vehicle for a period of 60 days.

(C) For a third or subsequent conviction of any combination of the offenses in this subsection in a separate incident in a three-year period while operating a commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for a period of 120 days.

(D) For a third or subsequent conviction of any combination of offenses in this subsection in a separate incident within a three-year period while operating a noncommercial motor vehicle, if the conviction results in the suspension, revocation, or cancellation of the commercial driver's license holder's privilege to operate any motor vehicle, a commercial driver's license holder is disqualified from operating a commercial motor vehicle for a period of 120 days.

(4) Following the vehicle ahead too closely;

(A) For a second conviction of any combination of offenses in this subsection in a separate incident within a three-year period while operating a commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for a period of 60 days.

(B) For a second conviction of any combination of offenses in this section in a separate incident within a three-year period while operating a noncommercial motor vehicle, if the conviction results in the suspension, revocation, or cancellation of the commercial driver's license holder's privilege to operate any motor vehicle, a commercial driver's license holder is disqualified from operating a commercial motor vehicle for a period of 60 days.

(C) For a third or subsequent conviction of any combination of the offenses in this subsection in a separate incident in a three-year period while operating a commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for a period of 120 days.

(D) For a third or subsequent conviction of any combination of offenses in this subsection in a separate incident within a three-year period while operating a noncommercial motor vehicle, if the conviction results in the suspension, revocation, or cancellation of the commercial driver's license holder's privilege to operate any motor vehicle, a commercial driver's license holder is disqualified from operating a commercial motor vehicle for a period of 120 days.

(5) Violating any law relating to traffic control arising in connection with a fatal accident, other than a parking violation;

(A) For a second conviction of any combination of offenses in this subsection in a separate incident within a three-year period while operating a commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for a period of 60 days.

(B) For a second conviction of any combination of offenses in this section in a separate incident within a three-year period while operating a noncommercial motor vehicle, if the conviction results in the suspension, revocation, or cancellation of the commercial driver's license holder's privilege to operate any motor vehicle, a commercial driver's license holder is disqualified from operating a commercial motor vehicle for a period of 60 days.

(C) For a third or subsequent conviction of any combination of the offenses in this subsection in a separate incident in a three-year period while operating a commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for a period of 120 days.

(D) For a third or subsequent conviction of any combination of offenses in this subsection in a separate incident within a three-year period while operating a noncommercial motor vehicle, if

the conviction results in the suspension, revocation, or cancellation of the commercial driver's license holder's privilege to operate any motor vehicle, a commercial motor vehicle license holder is disqualified from operating a commercial motor vehicle for a period of 120 days.

(6) Driving a commercial motor vehicle without obtaining a commercial driver's license;

(A) For a second conviction of any combination of offenses in this subsection in a separate incident within a three-year period while operating a commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for a period of 60 days.

(B) For a third or subsequent conviction of any combination of the offenses in this subsection in a separate incident in a three-year period while operating a commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for a period of 120 days.

(7) Driving a commercial motor vehicle without a commercial driver's license in the driver's possession except that any person who provides proof of possession of a commercial driver's license to the enforcement agency that issued the citation by the court appearance or fine payment deadline is not guilty of this offense;

(A) For a second conviction of any combination of offenses in this subsection in a separate incident within a three-year period while operating a commercial motor vehicle, a commercial driver's license holder is disqualified from operating a commercial motor vehicle for a period of 60 days.

(B) For a third or subsequent conviction of any combination of the offenses in this subsection in a separate incident in a three-year period while operating a commercial motor vehicle, a commercial driver's license holder is disqualified from operating a commercial motor vehicle for a period of 120 days.

(8) Driving a commercial motor vehicle without the proper class of commercial driver's license or the proper endorsements for the specific vehicle group being operated or for the passengers or type of cargo being transported;

(A) For a second conviction of any combination of offenses in this subsection in a separate incident within a three-year period while operating a commercial motor vehicle, a commercial driver's license holder is disqualified from operating a commercial motor vehicle for a period of 60 days.

(B) For a third or subsequent conviction of any combination of the offenses in this subsection in a separate incident in a three-year period while operating a commercial motor vehicle, a commercial driver's license holder is disqualified from operating a commercial motor vehicle for a period of 120 days.

(9) Driving a commercial motor vehicle while engaged in texting and convicted pursuant to §17E-1-14a of this code or similar law of this or any other jurisdiction or 49 C. F. R. §392.80;

(A) For a second conviction of any combination of offenses in this subsection in a separate incident within a three-year period while operating a commercial motor vehicle, a commercial driver's license holder is disqualified from operating a commercial motor vehicle for a period of 60 days.

(B) For a third or subsequent conviction of any combination of the offenses in this subsection in a separate incident in a three-year period while operating a commercial motor vehicle, a commercial driver's license holder is disqualified from operating a commercial motor vehicle for a period of 120 days.

(d) Any person convicted of operating a commercial motor vehicle in violation of any federal, state, or local law or ordinance pertaining to railroad crossing violations described in subdivisions (1) through (6), inclusive, of this subsection is disqualified from operating a commercial motor vehicle for the period of time specified;

(1) Failing to slow down and check that the tracks are clear of an approaching train, if not required to stop in accordance with the provisions of §17C-12-3 of this code;

(A) For the first conviction, a driver is disqualified from operating a commercial motor vehicle for a period of 60 days;

(B) For a second conviction of any combination of offenses in this subsection within a three-year period, a driver is disqualified from operating a commercial motor vehicle for 120 days; and

(C) For a third or subsequent conviction of any combination of offenses in this subsection within a three-year period, a driver is disqualified from operating a commercial motor vehicle for one year.

(2) Failing to stop before reaching the crossing, if the tracks are not clear, if not required to stop in accordance with the provisions of §17C-12-1 of this code;

(A) For the first conviction, a driver is disqualified from operating a commercial motor vehicle for a period of 60 days;

(B) For a second conviction of any combination of offenses in this subsection within a three-year period, a driver is disqualified from operating a commercial motor vehicle for 120 days; and

(C) For a third or subsequent conviction of any combination of offenses in this subsection within a three-year period, a driver is disqualified from operating a commercial motor vehicle for one year.

(3) Failing to stop before driving onto the crossing, if required to stop in accordance with the provisions of §17C-12-3 of this code;

(A) For the first conviction, a driver is disqualified from operating a commercial motor vehicle for a period of 60 days;

(B) For a second conviction of any combination of offenses in this subsection within a three-year period, the driver is disqualified from operating a commercial motor vehicle for 120 days; and

(C) For a third or subsequent conviction of any combination of offenses in this subsection within a three-year period, a driver is disqualified from operating a commercial motor vehicle for one year.

(4) Failing to have sufficient space to drive completely through the crossing without stopping in accordance with the provisions of §17C-12-3 of this code;

(A) For the first conviction, a driver is disqualified from operating a commercial motor vehicle for a period of 60 days;

(B) For a second conviction of any combination of offenses in this subsection within a three-year period, a driver is disqualified from operating a commercial motor vehicle for 120 days; and

(C) For a third or subsequent conviction of any combination of offenses in this subsection within a three-year period, a driver is disqualified from operating a commercial motor vehicle for one year.

(5) Failing to obey a traffic control device or the directions of an enforcement official at the crossing in accordance with the provisions of §17C-12-1 of this code;

(A) For the first conviction, a driver is disqualified from operating a commercial motor vehicle for a period of 60 days;

(B) For a second conviction of any combination of offenses in this subsection within a three-year period, a driver is disqualified from operating a commercial motor vehicle for 120 days; and

(C) For a third or subsequent conviction of any combination of offenses in this subsection within a three-year period, a driver is disqualified from operating a commercial motor vehicle for one year.

(6) Failing to negotiate a crossing because of insufficient undercarriage clearance in accordance with the provisions of §17C-12-3 of this code.

(A) For the first conviction, a driver is disqualified from operating a commercial motor vehicle for a period of 60 days;

(B) For a second conviction of any combination of offenses in this subsection within a three-year period, a driver is disqualified from operating a commercial motor vehicle for 120 days; and

(C) For a third or subsequent conviction of any combination of offenses in this subsection within a three-year period, a driver is disqualified from operating a commercial motor vehicle for one year.

(e) Any person who is convicted of violating an out-of-service order while operating a commercial motor vehicle is disqualified for the following periods of time:

(1) If convicted of violating a driver or vehicle out-of-service order while transporting nonhazardous materials;

(A) For the first conviction of violating an out-of-service order while operating a commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for 180 days.

(B) For a second conviction in a separate incident within a 10-year period for violating an out-of-service order while operating a commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for two years.

(C) For a third or subsequent conviction in a separate incident within a 10-year period for violating an out-of-service order while operating a commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for three years.

(2) If convicted of violating a driver or vehicle out-of-service order while transporting hazardous materials required to be placarded under 49 C. F. R. Part §172, Subpart F (2004) or while operating a vehicle designed to transport 16 or more passengers including the driver;

(A) For the first conviction of violating an out-of-service order while operating a commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for 180 days.

(B) For a second conviction in a separate incident within a ten-year period for violating an out-of-service order while operating a commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for three years.

(C) For a third or subsequent conviction in a separate incident within a 10-year period for violating an out-of-service order while operating a commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for three years.

(f) After disqualifying, suspending, revoking, or canceling a commercial driver's license, the division shall update its records to reflect that action within 10 days.

(g) In accordance with the provisions of 49 U. S. C. §313119(a)(19)(2004), and 49 C. F. R. §384.226 (2004), notwithstanding the provisions of §61-11-25 of this code, no record of conviction, revocation, suspension, or disqualification related to any type of motor vehicle traffic control offense, other than a parking violation, of a commercial driver's license holder or a person operating a commercial motor vehicle may be masked, expunged, deferred, or be subject to any diversion program.

(h) Notwithstanding any provision in this code to the contrary, the division may not issue any temporary driving permit, work-only driving permit, or hardship license or permit that authorizes a person to operate a commercial motor vehicle when his or her privilege to operate any motor vehicle has been revoked, suspended, disqualified, or otherwise canceled for any reason.

(i) In accordance with the provisions of 49 C. F. R. §391.15(b), a driver is disqualified from operating a commercial motor vehicle for the duration of any suspension, revocation, or cancellation of his or her driver's license or privilege to operate a motor vehicle by this state or by any other state or jurisdiction until the driver complies with the terms and conditions for reinstatement set by this state or by another state or jurisdiction.

(j) In accordance with the provisions of 49 C. F. R. §353.52 (2006), the division shall immediately disqualify a driver's privilege to operate a commercial motor vehicle upon a notice from the assistant administrator of the Federal Motor Carrier Safety Administration that the driver poses an imminent hazard. Any disqualification period imposed under the provisions of this subsection shall be served concurrently with any other period of disqualification if applicable.

(k) In accordance with the provisions of 49 C. F. R. §1572.11(a), the division shall immediately disqualify a driver's privilege to operate a commercial motor vehicle if the driver fails to surrender his or her driver's license with a hazardous material endorsement to the division upon proper notice by the division to the driver that the division received notice from the Department of Homeland Security Transportation Security Administration of an initial determination of threat

assessment and immediate revocation that the driver does not meet the standards for security threat assessment provided in 49 C. F. R. §1572.5. The disqualification remains in effect until the driver either surrenders the driver's license to the division or provides the division with an affidavit attesting to the fact that the driver has lost or is otherwise unable to surrender the license.

(l) In accordance with 49 C. F. R. §391.41, a driver is disqualified from operating a commercial motor vehicle if the driver is not physically qualified to operate a commercial motor vehicle or does not possess a valid medical certification status.

(m) In accordance with the provisions of 49 C. F. R. §383.73(g), the division shall disqualify a driver's privilege to operate a commercial motor vehicle if the division determines that the licensee has falsified any information or certifications required under the provisions of 49 C. F. R. 383 Subpart J or 49 C. F. R. §383.71(a) for 60 days in addition to any other penalty prescribed by this code.

(n) Lifetime Disqualification Without Reinstatement.—

(1) Controlled substance violations — An individual who uses a commercial motor vehicle in committing a felony involving manufacturing, distributing, or dispensing a controlled substance, or involving possession with intent to manufacture, distribute, or dispense a controlled substance is disqualified from operating a commercial motor vehicle for life and is not eligible for reinstatement.

(2) Human trafficking violations — An individual who uses a commercial motor vehicle in committing a felony involving an act or practice described in paragraph (9) of section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(9)) is disqualified from operating a commercial motor vehicle for life and is not eligible for reinstatement.

CHAPTER 20. NATURAL RESOURCES.

ARTICLE 7. LAW ENFORCEMENT, MOTORBOATING, LITTER.

§20-7-18a. Negligent Homicide by operation of motorized watercraft; aggravated homicide by operation of motorized watercraft; penalties; suspension of privileges to operate a motorboat or other motorized vessel upon conviction.

(a) When the death of any person, including an embryo or fetus as defined in §61-2-30 of this code, other than the person operating the motorboat, jet ski, or other motorized vessel ensues occurs within one year as a proximate result of injury received caused by operating any motorboat, jet ski, or other motorized vessel anywhere in this state by any person in reckless disregard of for the safety of others, the person ~~so~~ operating the motorboat, jet ski, or other motorized vessel is guilty of ~~negligent homicide~~ by operation of motorized watercraft.

(b) Any person convicted of ~~negligent homicide shall be punished by imprisonment in the county or regional jail for not more than one year or by fine of not less than \$100 nor more than \$1,000, or by both fine and imprisonment~~ homicide by operation of motorized watercraft is guilty of a misdemeanor and upon conviction, shall be fined not less than \$1,000 nor more than \$10,000, confined in jail for not more than one year, or both fined and confined.

(c) ~~The director shall suspend the privilege to operate a motorboat or other motorized vessel in this state for a period of five years from the date of conviction.~~ Notwithstanding the provisions

of this section, when the death of a person, including an embryo or fetus as defined in §61-2-30 of this code, other than the person operating the motorboat, jet ski, or other motorized vessel occurs within one year as the proximate result of injury caused by the operation of any motorboat, jet ski or other motorized vessel in this state in deliberate disregard for the safety of others, the person so operating the motorboat, jet ski, or other motorized vessel is guilty of the felony offense of aggravated homicide by use of motorized watercraft and upon conviction he or she shall be fined not more than \$20,000 or imprisoned in a state correctional facility for not less than one nor more than five years, or both fined and imprisoned.

(d) For the purposes of this section, a person acts with deliberate disregard for the safety of others if he or she has knowledge of facts or intentionally disregards facts that create high probability of injury to the safety of others and:

(1) deliberately proceeds to act in conscious or intentional disregard of the high degree of probability of injury to the safety of others; or

(2) deliberately proceeds to act with indifference to the high probability of injury to or the safety of others;

(e) The director shall suspend the privilege to operate a motorboat or other motorized vessel in this state for a period of five years from the date of conviction.

CHAPTER 33. INSURANCE.

ARTICLE 6A. CANCELLATION OR NONRENEWAL OF AUTOMOBILE LIABILITY POLICIES.

§33-6A-1. Cancellation prohibited except for specified reasons; notice.

(a) No insurer once having issued or delivered a policy providing automobile liability insurance for a private passenger automobile may, after the policy has been in effect for ~~sixty~~ 60 days, or in case of renewal effective immediately, issue or cause to issue a notice of cancellation during the term of the policy except for one or more of the reasons specified in this section:

(1) The named insured fails to make payments of premium for the policy or any installment of the premium when due;

(2) The policy is obtained through material misrepresentation;

(3) The insured violates any of the material terms and conditions of the policy;

(4) The named insured or any other operator, either residing in the same household or who customarily operates an automobile insured under the policy:

(A) Has had his or her operator's license suspended or revoked during the policy period including suspension or revocation for failure to comply with the provisions of ~~article five-a, chapter seventeen-e~~ Chapter 17C, Article 5A of this code regarding consent for a chemical test for intoxication: *Provided*, That when a license is suspended for ~~sixty~~ 60 days by the Commissioner of the Division of Motor Vehicles because a person drove a motor vehicle while under the age of ~~twenty-one~~ 21 years with an alcohol concentration in his or her blood of two

hundredths of one percent or more, by weight, but less than eight hundredths of one percent, by weight, pursuant to subsection (l), section two of said article, the suspension may not be grounds for cancellation; or

(B) Is or becomes subject to epilepsy or heart attacks and the individual cannot produce a certificate from a physician testifying to his or her ability to operate a motor vehicle; or

(5) The named insured or any other operator, either residing in the same household or who customarily operates an automobile insured under such policy, is convicted of or forfeits bail during the policy period for any of the following reasons:

(A) Any felony or assault, involving the use of a motor vehicle;

(B) ~~Negligent homicide arising out of the operation of a motor vehicle~~ Any offense contained within §17C-5-1 of this code;

(C) Operating a motor vehicle while under the influence of alcohol or of any controlled substance or while having an alcohol concentration in his or her blood of eight hundredths of one percent or more, by weight;

(D) Leaving the scene of a motor vehicle accident in which the insured is involved without reporting it as required by law;

(E) Theft of a motor vehicle or the unlawful taking of a motor vehicle;

(F) Making false statements in an application for a motor vehicle operator's license; or

(G) Three or more moving traffic violations committed within a period of twelve months, each of which results in three or more points being assessed on the driver's record by the Division of Motor Vehicles, whether or not the insurer renewed the policy without knowledge of all such violations. Notice of any cancellation made pursuant to this subsection shall be mailed to the named insured either during the current policy period or during the first full policy period following the date that the third moving traffic violation is recorded by the Division of Motor Vehicles.

(b) Except as provided in subsections (c) and (d) of this section, no insurer may cancel a policy of automobile liability insurance without first giving the insured thirty days' notice of its intention to cancel. Notice of cancellation shall either be sent by first class mail to the named insured at the address supplied on the application for insurance, or by email or other electronic means if at the request of the policyholder in accordance with the Uniform Electronic Transactions Act as codified in chapter thirty-nine-a of this code, and shall state the effective date of the cancellation and provide a written explanation of the specific reason for the cancellation.

(c) If, pursuant to subsection (a) of this section, an insurer cancels a policy of automobile liability insurance for the failure of the named insured to make payments of premium for the policy or any installment of the premium when due, then the insurer shall first give the insured at least fourteen days' notice of its intention to cancel. Notice of cancellation shall be sent by first class mail to the named insured at the address supplied on the application for insurance, or by email or other electronic means if at the request of the policyholder in accordance with the Uniform Electronic Transactions Act as codified in chapter thirty-nine-a of this code, and shall state the effective date of the cancellation and provide a written explanation of the specific reason for the cancellation. The notice period provided herein shall begin to run on the date mailed and payment

shall be deemed accomplished by depositing in first class mail valid payment on or before the expiration date of the fourteen day notice period.

(d) If a named insured fails to make the initial payment of premium or any initial installment of the premium after the initial issuance of an automobile liability insurance policy, the insurance policy is voidable from the effective date and time the policy was issued: *Provided*, That the insurer shall send the insured written notice that the policy will be voided absent payment within ten days of any amounts due under the terms of the policy. Such notice shall either be sent by first class mail to the named insured at the address supplied on the application for insurance, or by email or other electronic means if at the request of the policyholder in accordance with the Uniform Electronic Transactions Act as codified in chapter thirty-nine-a of this code, and shall explain the specific reason for the voidance.

§33-6A-4. Advance notice of nonrenewal required; assigned risk policies; reasons for nonrenewal; hearing and review after nonrenewal.

(a) No insurer shall fail to renew an outstanding automobile liability or physical damage insurance policy unless the nonrenewal is preceded by at least forty-five days advance notice to the named insured of the insurer's election not to renew the policy: *Provided*, That subject to this section, nothing contained in this article shall be construed to prevent an insurer from refusing to issue an automobile liability or physical damage insurance policy upon application to the insurer, nor shall any provision of this article be construed to prevent an insurer from refusing to renew a policy upon expiration, except as to the notice requirements of this section, and except further as to those applicants lawfully submitted pursuant to the West Virginia assigned risk plan.

(b) An insurer may not fail to renew an outstanding automobile liability or physical damage insurance policy which has been in existence for two consecutive years or longer except for the following reasons:

(1) The named insured fails to make payments of premium for the policy or any installment of the premium when due;

(2) The policy is obtained through material misrepresentation;

(3) The insured violates any of the material terms and conditions of the policy;

(4) The named insured or any other operator, either residing in the same household or who customarily operates an automobile insured under the policy:

(A) Has had his or her operator's license suspended or revoked during the policy period; or

(B) Is or becomes subject to a physical or mental condition that prevents the insured from operating a motor vehicle, and the individual cannot produce a certificate from a physician testifying to his or her ability to operate a motor vehicle;

(5) The named insured or any other operator, either residing in the same household or who customarily operates an automobile insured under the policy, is convicted of or forfeits bail during the policy period for any of the following reasons:

(A) Any felony or assault, involving the use of a motor vehicle;

~~(B) Negligent homicide arising out of the operation of a motor vehicle~~ Any offense contained within §17C-5-1 of this code;

(C) Operating a motor vehicle while under the influence of intoxicating liquor or of any narcotic drug;

(D) Leaving the scene of a motor vehicle accident in which the insured is involved without reporting it as required by law;

(E) Theft of a motor vehicle or the unlawful taking of a motor vehicle; or

(F) Making false statements in an application for a motor vehicle operator's license;

(6) The named insured or any other operator, either residing in the same household or who customarily operates an automobile insured under the policy, is convicted of or forfeits bail during the policy period for two or more moving traffic violations committed within a period of twelve months, each of which results in three or more points being assessed on the driver's record by the Division of Motor Vehicles, whether or not the insurer renewed the policy without knowledge of all of the violations: *Provided*, That an insurer that makes an election pursuant to section four-b of this article to issue all nonrenewal notices pursuant to this section, may nonrenew an automobile liability or physical damage insurance policy if the named insured, or any other operator, either residing in the same household or who customarily operates an automobile insured under the policy is convicted of or forfeits bail during the policy period for two or more moving traffic violations committed within a period of twenty-four months, each of which occurs on or after July 1, 2004, and after the date that the insurer makes an election pursuant to section four-b of this article, and results in three or more points being assessed on the driver's record by the Division of Motor Vehicles, whether or not the insurer renewed the policy without knowledge of all of the violations. Notice of any nonrenewal made pursuant to this subdivision shall be mailed to the named insured either during the current policy period or during the first full policy period following the date that the second moving traffic violation is recorded by the Division of Motor Vehicles;

(7) The named insured or any other operator either residing in the same household or who customarily operates an automobile insured under the policy has had a second at-fault motor vehicle accident within a period of twelve months, whether or not the insurer renewed the policy without knowledge of all of the accidents: *Provided*, That an insurer that makes an election pursuant to section four-b of this article to issue all nonrenewal notices pursuant to this section, may nonrenew an automobile liability or physical damage insurance policy under this subsection if the named insured or any other operator either residing in the same household or who customarily operates an automobile insured under such policy has had two at-fault motor vehicle accidents within a period of thirty-six months, each of which occurs after July 1, 2004, and after the date that the insurer makes an election pursuant to section four-b of this article, and results in a claim paid by the insurer for each accident, whether or not the insurer renewed the policy without knowledge of all of the accidents. Notice of any nonrenewal made pursuant to this subsection shall be mailed to the named insured either during the current policy period or during the first full policy period following the date of the second accident; or

(8) The insurer ceases writing automobile liability or physical damage insurance policies throughout the state after submission to and approval by the commissioner of a withdrawal plan or discontinues operations within the state pursuant to a withdrawal plan approved by the commissioner.

(c) An insurer that makes an election pursuant to section four-b of this article to issue all nonrenewal notices pursuant to this section shall not fail to renew an automobile liability or physical damage insurance policy when an operator other than the named insured has violated the provisions of subdivision (6) or (7), subsection (b) of this section, if the named insured, by restrictive endorsement, specifically excludes the operator who violated the provision. An insurer issuing a nonrenewal notice informing the named insured that the policy will be nonrenewed for the reason that an operator has violated the provisions of subdivision (6) or (7), subsection (b) of this section, shall at that time inform the named insured of his or her option to specifically exclude the operator by restrictive endorsement and shall further inform the named insured that upon obtaining the restrictive endorsement, the insurer will renew the policy or rescind the nonrenewal absent the existence of any other basis for nonrenewal set forth in this section.

(d) A notice provided under this section shall state the specific reason or reasons for nonrenewal and shall advise the named insured that nonrenewal of the policy for any reason is subject to a hearing and review as provided for in section five of this article. Cost of the hearing shall be assessed against the losing party but shall not exceed \$75. The notice must also advise the insured of possible eligibility for insurance through the West Virginia assigned risk plan.

(e) Notwithstanding the provisions of subsection (a) of this section, the insurer shall reinstate any automobile liability or physical damage insurance policy that has not been renewed due to the insured's failure to pay the renewal premium when due if:

(1) None of the other grounds for nonrenewal as set forth in this section exist; and

(2) The insured makes an application for reinstatement within forty-five days of the original expiration date of the policy. If a policy is reinstated as provided for in this paragraph, then the coverage afforded shall not be retroactive to the original expiration date of the policy: *Provided*, That such policy shall be effective on the reinstatement date at the current premium levels offered by the company and shall not be afforded the protections of this section relating to renewal of an outstanding automobile liability or physical damage insurance policy that has been in existence for at least two consecutive years.

CHAPTER 49. CHILD WELFARE.

ARTICLE 1. GENERAL PROVISIONS AND DEFINITIONS.

§49-1-207. Definitions related to court actions.

When used in this chapter, terms defined in this section have the meanings ascribed to them that relate to, but are not limited to, court actions, except in those instances where a different meaning is provided or the context in which the word is used clearly indicates that a different meaning is intended.

“Court” means the circuit court of the county with jurisdiction of the case or the judge in vacation unless otherwise specifically provided.

“Court appointed special advocate (CASA) program” means a community organization that screens, trains, and supervises CASA volunteers to advocate for the best interests of children who are involved in abuse and neglect proceedings pursuant to §49-3-102 of this code.

“Extrajudicial Statement” means any utterance, written or oral, which was made outside of court.

“Juvenile referee” means a magistrate appointed by the circuit court to perform the functions expressly prescribed for a referee under the provisions of this chapter.

“Multidisciplinary team” means a group of professionals and paraprofessionals representing a variety of disciplines who interact and coordinate their efforts to identify, diagnose and treat specific cases of child abuse and neglect. Multidisciplinary teams may include, but are not limited to, medical, educational, childcare and law-enforcement personnel, social workers, psychologists, and psychiatrists. Their goal is to pool their respective skills in order to formulate accurate diagnoses and to provide comprehensive coordinated treatment with continuity and follow-up for both parents and children.

“Community team” means a multidisciplinary group which addresses the general problem of child abuse and neglect in a given community and may consist of several multidisciplinary teams with different functions.

“Res gestae” means a spontaneous declaration made by a person immediately after an event and before the person has had an opportunity to conjure a falsehood.

“Valid court order” means an order issued by a court of competent jurisdiction relating to a child brought before the court and who is the subject of that order. Prior to the entry of the order the child shall ~~have received~~ receive the full due process rights guaranteed to that child or juvenile by the Constitutions of the United States and the State of West Virginia.

“Violation of a traffic law of West Virginia” means a violation of chapter ~~seventeen-a, seventeen-b, seventeen-c or seventeen-d~~ 17A, 17B, 17C, or 17D of this code, except a violation of ~~section one or two, article four, chapter seventeen-e~~ §17C-4-1 or §17C-4-2 of this code relating to hit and run, or ~~section one, two or three, article five of that chapter~~ §17C-5-1, §17C-5-2, or §17C-5-3 of this code, relating, respectively, to ~~negligent homicide~~ vehicular homicide, aggravated vehicular homicide, vehicular homicide in a school zone, vehicular homicide in a construction zone, driving under the influence of alcohol, controlled substances or drugs and reckless driving.

CHAPTER 61. CRIMES AND THEIR PUNISHMENT.

ARTICLE 2. CRIMES AGAINST THE PERSON.

§61-2-30. RECOGNIZING AN EMBRYO OR FETUS AS A DISTINCT UNBORN VICTIM OF CERTAIN CRIMES OF VIOLENCE AGAINST THE PERSON.(A) THIS SECTION MAY BE KNOWN AND CITED AS THE UNBORN VICTIMS OF VIOLENCE ACT.

(b) For the purposes of this article, the following definitions shall apply: *Provided*, That these definitions only apply for purposes of prosecution of unlawful acts under this section and may not otherwise be used: (i) To create or to imply that a civil cause of action exists; or (ii) for purposes of argument in a civil cause of action, unless there has been a criminal conviction under this section.

(1) "Embryo" means the developing human in its early stages. The embryonic period commences at fertilization and continues to the end of the embryonic period and the beginning of

the fetal period, which occurs eight weeks after fertilization or ~~ten~~ 10 weeks after the onset of the last menstrual period.

(2) "Fetus" means a developing human that has ended the embryonic period and thereafter continues to develop and mature until termination of the pregnancy or birth.

(c) For purposes of enforcing the provisions of §20-7-18a, §61-2-1, §61-2-4, §61-2-7, §61-2-9(a), §61-2-9(c), §61-2-10, §61-2-10b, §61-2-28(a), and §17C-5-1, §17C-5-2(b), or §17C-5-2(c) of this code, a pregnant woman and the embryo or fetus she is carrying in the womb constitute separate and distinct victims.

(d) Exceptions. — The provisions of this section do not apply to:

(1) Acts committed during a legal abortion to which the pregnant woman, or a person authorized by law to act on her behalf, consented or for which the consent is implied by law;

(2) Acts or omissions by medical or health care personnel during or as a result of medical or health-related treatment or services, including, but not limited to, medical care, abortion, diagnostic testing or fertility treatment;

(3) Acts or omissions by medical or health care personnel or scientific research personnel in performing lawful procedures involving embryos that are not in a stage of gestation in utero;

(4) Acts involving the use of force in lawful defense of self or another, but not an embryo or fetus; and

(5) Acts or omissions of a pregnant woman with respect to the embryo or fetus she is carrying.

(e) For purposes of the enforcement of the provisions of this section, a violation of the provisions of ~~article two-i, chapter sixteen~~ Chapter 16, Article 2I of this code shall not serve as a waiver of the protection afforded by the provisions of subdivision (1), subsection (d) of this section.

(f) Other convictions not barred. — A prosecution for or conviction under this section is not a bar to conviction of or punishment for any other crime committed by the defendant arising from the same incident.

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

H. B. 2871 — "A BILL to amend and reenact §14-2A-3 of the Code of West Virginia, 1931, as amended, related to updating definitions to "criminally injurious conduct"; also to amend and reenact §17B-1A-1 of the Code of West Virginia, 1931, as amended, relating to the driver's license compact and clarifying that any conviction for an offense in another jurisdiction for the crimes contained within §17C-5-1 shall be subject to revocation; also to amend and reenact §17B-3-5 of the Code of West Virginia, 1931, as amended, relating to update that a conviction of any offense contained within 17C-5-1 shall be subject to revocation; also to amend and reenact §17C-5-1 of the Code of West Virginia, 1931, as amended, relating to adding an embryo as a protected person and subject to the protections of this section, establishing the crimes of vehicular homicide, aggravated vehicular homicide, vehicular homicide in a school zone, vehicular homicide in a construction zone, and establishing fines and penalties related thereto, and establishing the nexus between a conviction of any of these offenses and the revocation of a person's driver's license; also to amend and reenact §17C-5-3 of the Code of West Virginia, 1931, as amended, relating to

reckless driving and updating and enhancing the fines and penalties relating thereto; also to amend and reenact §17C-14-15 of the Code of West Virginia, 1931, as amended, relating to amending the electronically distracted driving act to clarify that a person convicted of causing the death of another due to a violation shall now be guilty of vehicular homicide; also to amend and reenact §17E-1-13 of the Code of West Virginia, 1931, as amended, relating to updating the commercial drivers license process to clarify that a conviction of an offense in 17C-5-1 shall disqualify a person from a commercial driver's license; also to amend and reenact §20-7-18a of the Code of West Virginia, 1931, as amended, relating to establishing the crimes of homicide by operation of motorized watercraft, aggravated homicide by operation of motorized watercraft, establishing fines and criminal penalties, and suspension of privileges to operate a motorboat or other motorized vessel upon conviction; also to amend and reenact §33-6A-1 of the Code of West Virginia, 1931, as amended, relating to cancellation and nonrenewal of automobile insurance premiums and updating to reflect the newly established crimes contained in §17C-5-1 of this code; also to amend and reenact §33-6A-1 of the Code of West Virginia, 1931, as amended, relating to clarifying that a conviction for a crime in the newly created §17C-5-1 of this code shall constitute a basis for failure renew an outstanding automobile liability or physical damage insurance policy which has been in existence for two consecutive years; also to amend and reenact §49-1-207 of the Code of West Virginia, 1931, as amended, relating to updating that definitions in court actions involving juveniles to clarify that newly created criminal provisions contained in §17C-5-1 are defined as a "Violation of a traffic law of West Virginia"; also to amend and reenact §61-2-30 of the Code of West Virginia, 1931, as amended, relating to recognition of an embryo or fetus as a distinct unborn victim of certain crimes of violence against the person and clarifying that this section shall now apply to the criminal offenses contained in §17C-5-1 of this code";

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 454**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Steele.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2871) passed.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment and title amendment, to take effect from passage, a bill of the House of Delegates, as follows:

Com. Sub. for H. B. 2889, To permit a fairness hearing exemption to the registration requirements of the Uniform Securities Act.

On motion of Delegate McGeehan, the House concurred in the following amendment of the bill by the Senate:

The Committee on Banking and Insurance moved to amend the bill by striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 4. GENERAL PROVISIONS.

§32-4-402. Exemptions.

(a) The following securities are exempt from §32-3-301 and §32-4-403 of this code:

(1) Any security (including a revenue obligation) issued or guaranteed by the United States, any state, any political subdivision of a state, or any agency or corporate or other instrumentality of one or more of the foregoing; or any certificate of deposit for any of the foregoing;

(2) Any security issued or guaranteed by Canada, any Canadian province, any political subdivision of any such province, any agency or corporate or other instrumentality of one or more of the foregoing, or any other foreign government with which the United States currently maintains diplomatic relations, if the security is recognized as a valid obligation by the issuer or guarantor;

(3) Any security issued by and representing an interest in or a debt of, or guaranteed by, any bank organized under the laws of the United States, or any bank, savings institution or trust company organized and supervised under the laws of any state;

(4) Any security issued by and representing an interest in or a debt of, or guaranteed by, any federal savings and loan association, or any building and loan or similar association organized under the laws of any state and authorized to do business in this state;

(5) Any security issued by and representing an interest in or a debt of, or guaranteed by, any insurance company organized under the laws of any state and authorized to do business in this state;

(6) Any security issued or guaranteed by any federal credit union or any credit union, industrial loan association or similar association organized and supervised under the laws of this state;

(7) Any security issued or guaranteed by any railroad, other common carrier, public utility or holding company which is: (A) Subject to the jurisdiction of the interstate commerce commission; (B) a registered holding company under the Public Utility Holding Company Act of 1935, or a subsidiary of such a company within the meaning of that act; (C) regulated in respect of its rates and charges by a governmental authority of the United States or any state; or (D) regulated in respect of the issuance or guarantee of the security by a governmental authority of the United States, any state, Canada, or any Canadian province;

(8) Any security listed or approved for listing upon notice of issuance on the New York Stock Exchange, the American Stock Exchange, or the Midwest Stock Exchange, any other stock exchange approved by the commissioner, the National Association of Securities Dealers Automated Quotation/National Market System (NASDAQ/NMS), or any other market system approved by the commissioner, any other security of the same issuer which is of senior or substantially equal rank, any security called for by subscription rights or warrants so listed or approved, or any warrant or right to purchase or subscribe to any of the foregoing, except that the commissioner may adopt and promulgate rules pursuant to chapter 29A of this code which, after notice to such exchange or market system and an opportunity to be heard, remove any such exchange or market system from this exemption if the commissioner finds that the listing requirements or market surveillance of such exchange or market system are such that the continued availability of such exemption for such exchange or market system is not in the public interest and that removal is necessary for the protection of investors;

(9) Any security issued by any person organized and operated not for private profit but exclusively for religious, educational, benevolent, charitable, fraternal, social, athletic, or reformatory purposes, or as a chamber of commerce or trade or professional association, and no

part of the net earnings of which inures to the benefit of any person, private stockholder or individual;

(10) Any commercial paper which arises out of a current transaction or the proceeds of which have been or are to be used for current transactions, and which evidences an obligation to pay cash within 12 months of the date of issuance, exclusive of days of grace, or any renewal of such paper which is likewise limited, or any guarantee of such paper or of any such renewal;

(11) Any investment contract issued in connection with an employees' stock purchase, savings, pension, profit-sharing, or similar benefit plan if the commissioner is notified in writing 30 days before the inception of the plan or, with respect to plans which are in effect on the effective date of this chapter, within 60 days thereafter (or within 30 days before they are reopened if they are closed on the effective date of this chapter);

(12) Any security issued by an agricultural cooperative association operating in this state and organized under §19-4-1 *et seq.* of this code, or by a foreign cooperative association organized under the laws of another state and duly qualified to transact business in this state.

(b) The following transactions are exempt from ~~sections 301 and 403~~ §32-3-301 and §32-4-403 of this code:

(1) Any isolated nonissuer transaction, whether effected through a broker-dealer or not;

(2) Any nonissuer distribution of an outstanding security if: (A) A recognized securities manual contains the names of the issuer's officers and directors, a balance sheet of the issuer as of a date within 18 months, and a profit and loss statement for either the fiscal year preceding that date or the most recent year of operations; or (B) the security has a fixed maturity or a fixed interest or dividend provision and there has been no default during the current fiscal year or within the three preceding fiscal years, or during the existence of the issuer and any predecessors if less than three years, in the payment of principal, interest or dividends on the security;

(3) Any nonissuer transaction effected by or through a registered broker-dealer pursuant to an unsolicited order or offer to buy; but the commissioner may by rule require that the customer acknowledge upon a specified form that the sale was unsolicited, and that a signed copy of each such form be preserved by the broker-dealer for a specified period;

(4) Any transaction between the issuer or other person on whose behalf the offering is made and an underwriter, or among underwriters;

(5) Any transaction in a bond or other evidence of indebtedness secured by a real or chattel mortgage or deed of trust, or by an agreement for the sale of real estate or chattels, if the entire mortgage, deed of trust, or agreement, together with all the bonds or other ~~evidences~~ evidence of indebtedness secured thereby, is offered and sold as a unit;

(6) Any transaction by an executor, administrator, sheriff, marshal, constable, receiver, trustee in bankruptcy, guardian, or conservator, and any transaction constituting a judicial sale;

(7) Any transaction executed by a bona fide pledgee without any purpose of evading this chapter;

(8) Any offer or sale to a bank, savings institution, trust company, insurance company, investment company as defined in the Investment Company Act of 1940, pension or profit-sharing trust, or other financial institution or institutional buyer, or to a broker-dealer, whether the purchaser is acting for itself or in some fiduciary capacity;

(9) Any transaction pursuant to an offer directed by the offeror to not more than 10 persons (other than those designated in subdivision (8) ~~above of this subsection~~) in this state during any period of 12 consecutive months, whether or not the offeror or any of the offerees is then present in this state, if: (A) The seller reasonably believes that all the buyers in this state (other than those designated in subdivision (8) ~~above of this subsection~~) are purchasing for investment; and (B) no commission or other remuneration is paid or given, directly or indirectly, for soliciting any prospective buyer in this state (other than those designated in subdivision (8) ~~above of this subsection~~), but the commissioner may by rule or order, as to any security or transaction or any type of security or transaction, withdraw or further condition this exemption, or increase or decrease the number of offerees permitted, or waive the conditions in clauses (A) and (B) with or without the substitution of a limitation on remuneration;

(10) Any offer or sale of a preorganization certificate or subscription if: (A) No commission or other remuneration is paid or given, directly or indirectly, for soliciting any prospective subscriber; (B) the number of subscribers does not exceed 10; and (C) no payment is made by any subscriber;

(11) Any transaction pursuant to an offer to existing security holders of the issuer, including persons who at the time of the transaction are holders of convertible securities, nontransferable warrants or transferable warrants exercisable within not more than 90 days of their issuance, if: (A) No commission or other remuneration (other than a standby commission) is paid or given, directly or indirectly, for soliciting any security holder in this state; or (B) the issuer first files a notice specifying the terms of the offer and the commissioner does not by order disallow the exemption within the next five full business days;

(12) Any offer (but not a sale) of a security for which registration statements have been filed under both this chapter and the Securities Act of 1933 if no stop order or refusal order is in effect and no public proceeding or examination looking toward such an order is pending under either chapter;

(13) A transaction in a security, whether or not the security or transaction is otherwise exempt, in exchange for one or more bona fide outstanding securities, claims, or property interests, or partly in exchange and partly for cash, if the terms and conditions of the issuance and exchange or delivery and exchange and the fairness of the terms and conditions have been approved by the commissioner at a hearing as provided in §32-4-402a of this code.

(c) The commissioner may by order deny or revoke any exemption specified in subdivision (9) or (11) of subsection (a) or in subsection (b) of this section with respect to a specific security or transaction. No such order may be entered without appropriate prior notice to all interested parties, opportunity for hearing, and written findings of fact and conclusions of law, except that the commissioner may by order summarily deny or revoke any of the specified exemptions pending final determination of any proceeding under this subsection. Upon the entry of a summary order, the commissioner shall promptly notify all interested parties that it has been entered and of the reasons therefor and that within 15 days of the receipt of a written request the matter will be set down for hearing. If no hearing is requested and none is ordered by the commissioner, the order will remain in effect until it is modified or vacated by the commissioner. If a hearing is

requested or ordered, the commissioner, after notice of and opportunity for hearing to all interested persons, may modify or vacate the order or extend it until final determination. No order under this subsection may operate retroactively. No person may be considered to have violated ~~sections 301 and 403~~ §32-3-301 and §32-4-403 of this code by reasons of any offer or sale effected after the entry of an order under this subsection if he or she sustains the burden of proof that he or she did not know, and in the exercise of reasonable care could not have known, of the order.

(d) In any proceeding under this chapter, the burden of proving an exemption or an exception from a definition is upon the person claiming it.

§32-4-402a. Fairness Hearing on issuance of securities involved in a reorganization, recapitalization, or refinancing.

(a) For the purposes of this section, the terms "reorganization," "recapitalization," and "refinancing" shall mean:

(1) A readjustment by modification of the terms of securities by agreement;

(2) A readjustment by the exchange of securities by the issuer for others of its securities;

(3) The exchange of securities by the issuer for securities of another issuer;

(4) The acquisition of assets of a person, directly or indirectly, partly or wholly in consideration for securities distributed or to be distributed as part of the same transaction, directly or indirectly, to holders of securities issued by such person or secured by the assets of such person; or

(5) A merger or consolidation.

(b) The commissioner, or his or her designee, is authorized to consider and conduct a fairness hearing upon any plan of reorganization, recapitalization, or refinancing of a corporation or limited liability company organized under the laws of this state, or having its principal place of business within this state, when the plan is proposed by the corporation, limited liability company, or by any of its shareholders, members, or creditors and contains a proposal to issue securities in exchange for one or more bona fide outstanding securities, claims, or property interests, or partly in such exchange, or partly for cash: *Provided*, That this section does not apply to plans of reorganization, recapitalization, or refinancing of a corporation or limited liability company wherein there are no proposed issuance of securities.

(c) Prior to any fairness hearing authorized by this section, a corporation or limited liability company, shareholder, member, or creditor shall apply to the commissioner to approve the issuance of securities or to the delivery of other consideration pursuant to a plan of reorganization, recapitalization, or refinancing. The application shall be on a form and be accompanied by such documents and filing fees as shall be required by rule or order of the commissioner: *Provided*, That the filing fees may not exceed \$500. The applicant shall provide sufficient information to the commissioner regarding the value of the securities, claims, or interests to be exchanged and the securities to be issued in the transaction. The commissioner shall inform the applicant of any deficiencies in the application or of any additional information or documents required. The commissioner may require the applicant to amend or resubmit the application to comply with any rule or order of the commissioner prior to setting a date for the fairness hearing. The commissioner, or his or her designee, is required to hold a fairness hearing on any application for

approval within 30 days after the filing of a complete application and supporting documents required by any rule or order of the commissioner.

(d) All persons to whom it is proposed securities be issued or other consideration be delivered by the applicant shall have the right to appear at the fairness hearing. Holders of a majority of the applicant's debts or holders of a majority of any outstanding class of securities issued by the applicant shall have the right to appear. The applicant shall provide notice in person or by United States mail, postage prepaid, providing the time and place of the fairness hearing to all persons to whom it is proposed securities be issued or other consideration be delivered in such exchange, not less than 10 days prior to such hearing. The applicant shall file evidence of notice required by this subsection with the commissioner, or his or her designee, prior to the fairness hearing.

(e) Any fairness hearing conducted by the commissioner, or his or her designee, under this section may be conducted in person, by video conference, by telephone conference, or by any other mode deemed appropriate by any rule or order of the commissioner.

(f) Within 10 business days after holding the fairness hearing, the commissioner, or his or her designee, shall issue a statement of findings of fairness and his or her approval or a statement that his or her approval will not be forthcoming.

(g) Securities issued in accordance with a plan approved by the commissioner, or his or her designee, pursuant to this section are exempt from the registration requirement provided in the provisions of §32-3-301, et seq. of this code

(h) The commissioner is authorized to invoice the applicant for the costs of conducting the fairness hearing and the preparation of the statement of findings.

On motion of Delegate McGeehan, the House concurred in the following amendment of the bill by the Senate:

The Committee on Banking and Insurance moved to amend the bill by striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Com. Sub. for House Bill 2889—A Bill to amend and reenact §32-4-402 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §32-4-402a, all relating to authorizing the Commissioner of Securities or his or her designee to conduct a fairness hearing for transactions involving the exchange of a security for one or more outstanding securities, claims, or property interests, or partly for cash; expressly authorizing commissioner or designee to conclude whether conditions of exchange are fair; providing exemption from registration and filing requirements; defining terms; providing for fairness hearing application process; providing deadlines and notice requirements; authorizing filing fee; correcting citations; authorizing rules and orders by commissioner; authorizing commissioner to conduct fairness hearings; and authorizing commissioner to recover costs associated with fairness hearing and issuance of findings.

The bill, as amended by the Senate, was then put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 455**), and there were—yeas 95, nays 2, absent and not voting 3, with the nays and the absent and not voting being as follows:

Nays: Gearheart and Linville.

Absent and Not Voting: Drennan, Pritt and Steele.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2889) passed.

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

On this question, the yeas and nays were taken (**Roll No. 456**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Pritt and Steele.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2889) takes effect from its passage.

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

Resolutions Introduced

A resolution was introduced and severally referred as follows:

H. C. R. 102; Urging Congress call a convention of the states, under the authority reserved to the states in Article V of the United States Constitution, limited to proposing Amendments to the Constitution of the United States to create fiscal responsibility by and within the federal government.

Delegate McGeehan moved that the resolution (H. C. R. 102) be taken up for immediate consideration.

Objection by Delegate Hornbuckle was overruled, and the majority of members having voted in the affirmative, the resolution (H. C. R. 102) was taken up for immediate consideration.

Delegate Hite demanded the previous question.

On adoption of the motion for the previous question, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 457**), and there were—yeas 42, nays 55, absent and not voting 3, with the yeas and the absent and not voting being as follows:

Yeas: Akers, Amos, Anders, Barnhart, Brooks, Browning, W. Clark, Clay, Cooper, Crouse, Dean, Devault, Drennan, Fehrenbacher, Green, Hillenbrand, Hite, Horst, Kimble, Kump, Kyle, Leavitt, Lucas, Mallow, Marple, Martin, Masters, McCormick, McGeehan, Miller, Moore, Parsons, Petitto, Phillips, Pritt, Ridenour, Rohrback, Roop, Sheedy, B. Smith, Toney, and Zatezalo.

Absent and not voting: Maynor, D. Smith, and Steele

So, the majority of members having not voted in the affirmative, the motion for previous question was rejected.

On the question of the adoption of the resolution, the yeas and nays were demanded, which demand was sustained. The yeas and nays having been ordered, they were taken (Roll No. 458), and there were—yeas 49, nays 49, absent and not voting 2, with the nays and the absent and not voting being as follows:

Nays: Adkins, Akers, Amos, Anders, Browning, Burkhammer, Campbell, J. Cannon, Canterbury, Chiarelli, T. Clark, Clay, Cooper, Criss, Devault, Dillon, Dittman, Drennan, Eldridge, Ferrell, Flanigan, Fluharty, Garcia, Hall, Hamilton, Hansen, Heckert, Hornbuckle, Hornby, Kelly, Kump, Kyle, Lewis, McCormick, Miller, Moore, Parsons, Riley, Rohrbach, Roop, Shamblin, Sheedy, D. Smith, Toney, Vance, White, Williams, Young and Hanshaw (Mr. Speaker).

Absent and Not Voting: Maynor and Steele.

So, less of the majority of the members present having not voted in the affirmative, the Speaker declared the resolution rejected.

Motions

Delegate McGeehan moved and obtained unanimous consent to proceed to the Eleventh Order of business to consider Unfinished Business.

Special Calendar

Unfinished Business

The following resolutions, coming up in regular order, as unfinished business, were reported by the Clerk and adopted:

H. C. R. 100, Requesting Joint Committee on Government and Finance to study cooperative agreements and hospital pricing transparency in the State of West Virginia.

Third Reading

Com. Sub. for S. B. 225, Expanding powers of National Park Service law-enforcement officers; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 460**), and there were—yeas 79, nays 2, absent and not voting 19, with the nays and the absent and not voting being as follows:

Nays: Anders and Dillon.

Absent and Not Voting: Burkhammer, W. Clark, Clay, Dean, Devault, Drennan, Eldridge, Fehrenbacher, Flanigan, Fluharty, Foggin, Funkhouser, Jennings, Kelly, Linville, Pushkin, D. Smith, Steele and Ward.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 225) passed.

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

On this question, the yeas and nays were taken (**Roll No. 461**), and there were—yeas 81, nays 2, absent and not voting 17, with the nays and the absent and not voting being as follows:

Nays: Anders and Dillon.

Absent and Not Voting: Burkhammer, W. Clark, Clay, Dean, Devault, Drennan, Eldridge, Fehrenbacher, Flanigan, Fluharty, Foggin, Funkhouser, Jennings, Linville, Pushkin, Steele and Ward.

So, two thirds of the members having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 225) takes effect from its passage.

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

Com. Sub. for S. B. 449, Permitting compressed air and rimfire shooting teams in public schools; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 462**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: W. Clark, Leavitt and Steele.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 449) passed.

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

Com. Sub. for S. B. 722, Creating WV Short Line Railroad Modernization Act; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 463**), and there were—yeas 79, nays 16, absent and not voting 5, with the nays and the absent and not voting being as follows:

Nays: Coop-Gonzalez, Dean, Fluharty, Garcia, Gearheart, Hamilton, Hansen, Holstein, Hornbuckle, Jeffries, Lewis, Pushkin, Riley, Street, Ward and Young.

Absent and Not Voting: Anders, W. Clark, Leavitt, Rohrbach and Steele.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 722) passed.

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

S. B. 734, Repealing section creating A. James Manchin Rehabilitation Environmental Action Plan; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 464**), and there were—yeas 93, nays 4, absent and not voting 3, with the nays and the absent and not voting being as follows:

Nays: Hansen, Pushkin, Williams and Young.

Absent and Not Voting: Anders, Marple and Steele.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 734) passed.

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

S. B. 738, Terminating Employee Suggestion Award Board; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 465**), and there were—yeas 96, nays 1, absent and not voting 3, with the nays and the absent and not voting being as follows:

Nays: Linville.

Absent and Not Voting: Anders, Roop and Steele.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 738) passed.

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

Com. Sub. for S. B. 746, Allowing State Board of Education to delegate its Medicaid provider status to public charter schools; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 466**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Roop, Steele and Hanshaw (Mr. Speaker).

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 746) passed.

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

[DELEGATE ROHRBACH, MR. SPEAKER PRO TEMPORE, IN THE CHAIR]

Com. Sub. for S. B. 844, Exempting non-native quail and partridge from game farm requirement if owned for agricultural purposes; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken **(Roll No. 467)**, and there were—yeas 86, nays 11, absent and not voting 3, with the nays and the absent and not voting being as follows:

Nays: Fluharty, Garcia, Hamilton, Hansen, Hite, Hornbuckle, Hornby, Lewis, Pushkin, Williams and Young.

Absent and Not Voting: Roop, Steele and Hanshaw (Mr. Speaker).

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 844) passed.

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

S. B. 876, Terminating certain requirements for Tax Commissioner to submit reports, publish information, and provide notice; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken **(Roll No. 468)**, and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Roop, Steele and Hanshaw (Mr. Speaker).

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 876) passed.

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

S. B. 907, Relating to high impact development projects; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken **(Roll No. 469)**, and there were—yeas 85, nays 10, absent and not voting 5, with the nays and the absent and not voting being as follows:

Nays: Anders, Coop-Gonzalez, Dillon, Foggin, Gearheart, Kimble, Ridenour, Street, Ward and White.

Absent and Not Voting: Hall, T. Howell, Roop, Steele and Hanshaw (Mr. Speaker).

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 907) passed.

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

Senate Bill 907 – “A BILL to amend and reenact §31-15-23a of the Code of West Virginia, 1931, as amended, relating to the definition of "high-impact development projects" reviewed and approved by the West Virginia Economic Development Authority board; allowing for consideration of regional and local economic factors when making a determination that the loan per job ratio

criteria has been met in assessing a project and the economic development assistance package proposed by the Governor; providing for up to \$20 million annually to be exempted from the requirements of the high-impact development project definition and be allowable to be spent out of the Economic Development Project Fund; removing the \$300 million cap on moneys available to fund high-impact development projects; and providing that the board of directors shall consider the overall availability of funds in the Economic Development Project Fund and the Industrial Development Loan Fund in making determinations related to economic development financial assistance packages for high-impact development projects.”

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

S. B. 939, Relating to testing for substance use disorder; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 470**), and there were—yeas 96, nays 1, absent and not voting 3, with the nays and the absent and not voting being as follows:

Nays: Amos.

Absent and Not Voting: Hall, Steele and Hanshaw (Mr. Speaker).

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 939) passed.

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

On this question, the yeas and nays were taken (**Roll No. 471**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Hall, Steele and Hanshaw (Mr. Speaker).

So, two thirds of the members having voted in the affirmative, the Speaker declared the bill (S. B. 939) takes effect from its passage.

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

H. B. 3356, Supplemental Appropriation - Education - Hope Scholarship; on third reading, coming up in regular order, was read a third time.

Delegate Pritt moved to postpone action on the bill (H. B. 3356) indefinitely.

Delegate McGeehan moved that the motion be tabled.

On the question that the motion be tabled, the yeas and nays were demanded, which demand was sustained.

Having been ordered, the yeas and nays were taken (**Roll No. 472**), and there were—yeas 78, nays 20, absent and not voting 2, with the nays and the absent and not voting being as follows:

Nays: T. Clark, Clay, Dean, Dillon, Eldridge, Flanigan, Fluharty, Garcia, Hamilton, Hansen, Hornbuckle, Lewis, Marple, Parsons, Pritt, Pushkin, Stephens, Vance, Williams and Young.

Absent and Not Voting: Steele and Hanshaw (Mr. Speaker).

So, a majority of the members present having voted in the affirmative, the motion to table the bill (H. B. 3356) was rejected.

Delegate Kump demanded the previous question, which was sustained.

On adoption of the motion for the previous question, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken **(Roll No. 473)**, and there were—yeas 36, nays 62, absent and not voting 2, with the yeas and the absent and not voting being as follows:

Yeas: Adkins, Anders, Barnhart, Bridges, Brooks, Browning, Butler, Clay, Cooper, Coop-Gonzalez, Devault, Dillon, Fehrenbacher, Ferrell, Flanigan, Green, Hillenbrand, Horst, Kump, Leavitt, Lucas, Mallow, Marple, Martin, McGeehan, Miller, Moore, Parsons, Petitto, Ridenour, Sheedy, Stephens, Toney, Ward, White and Zatezalo.

Absent and Not Voting: Steele and Hanshaw (Mr. Speaker).

So, a majority of the members present having not voted in the affirmative, the motion failed.

On the passage of the bill, the yeas and nays were taken **(Roll No. 474)**, and there were—yeas 75, nays 21, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Anderson, Campbell, T. Clark, Dean, Dittman, Eldridge, Ferrell, Fluharty, Garcia, Hamilton, Hansen, Hornbuckle, Lewis, Pritt, Pushkin, Shamblin, Stephens, Toney, Vance, Williams and Young.

Absent and Not Voting: Barnhart, Clay, Steele and Hanshaw (Mr. Speaker).

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 3356) passed.

Delegate McGeehan moved that the bill take effect June 30, 2025.

On this question, the yeas and nays were taken **(Roll No. 475)**, and there were—yeas 81, nays 14, absent and not voting 5, with the nays and the absent and not voting being as follows:

Nays: Dean, Fluharty, Garcia, Hamilton, Hansen, Hornbuckle, Lewis, Pritt, Pushkin, Stephens, Toney, Vance, Williams and Young.

Absent and Not Voting: Barnhart, Clay, Devault, Steele and Hanshaw (Mr. Speaker).

So, two thirds of the members having voted in the affirmative, the Speaker declared the bill (H. B. 3356) takes effect June 30, 2025.

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

H. B. 3357, Supplemental Appropriation - Lottery Surplus - Hope Scholarship; on third reading, coming up in regular order, was read a third time.

On the passage of the bill, the yeas and nays were taken (**Roll No. 476**), and there were—yeas 76, nays 21, absent and not voting 3, with the nays and the absent and not voting being as follows:

Nays: Anderson, Campbell, T. Clark, Dittman, Eldridge, Ferrell, Fluharty, Garcia, Hamilton, Hansen, Hornbuckle, Lewis, Miller, Pritt, Pushkin, Shamblin, Stephens, Toney, Vance, Williams and Young.

Absent and Not Voting: Clay, Steele and Hanshaw (Mr. Speaker).

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 3357) passed.

Delegate McGeehan moved that the bill take effect June 30, 2025.

On this question, the yeas and nays were taken (**Roll No. 477**), and there were—yeas 82, nays 15, absent and not voting 3, with the nays and the absent and not voting being as follows:

Nays: Dean, Eldridge, Fluharty, Garcia, Hamilton, Hansen, Hornbuckle, Lewis, Pritt, Pushkin, Stephens, Toney, Vance, Williams and Young.

Absent and Not Voting: Clay, Steele and Hanshaw (Mr. Speaker).

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 3357) takes effect June 30, 2025.

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

H. B. 3360, Supplemental Appropriation - EDA Bridge Loan Fund; on third reading, coming up in regular order, was read a third time.

On the passage of the bill, the yeas and nays were taken (**Roll No. 478**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Clay, Steele and Hanshaw (Mr. Speaker).

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 3360) passed.

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

H. B. 3360 – “A BILL expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2025, in the amount of \$28,693,181.72 from the balance of moneys remaining as an unappropriated balance in the West Virginia Economic

Development Authority, Economic Development Project Bridge Loan Fund, fund 9066, organization 0944.”

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

On this question, the yeas and nays were taken (**Roll No. 479**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Clay, Steele and Hanshaw (Mr. Speaker).

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 3360) takes effect from its passage.

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

Com. Sub. for H. B. 3369, Supplemental Appropriation - Education - Enrollment; on third reading, coming up in regular order, was read a third time.

On the passage of the bill, the yeas and nays were taken (**Roll No. 480**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Steele and Hanshaw (Mr. Speaker).

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3369) passed.

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

On this question, the yeas and nays were taken (**Roll No. 481**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Hall, Steele and Hanshaw (Mr. Speaker).

So, two thirds of the members having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3369) takes effect from its passage.

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

12:16 p.m., on motion of Delegate McGeehan, the House of Delegates recessed until 2:00 p.m.

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

Senate Messages

Com. Sub. for H. B. 2003, Prohibiting Cell phones in class.

On motion of Delegate McGeehan, the House concurred in the following amendment of the bill by the Senate:

The Committee on Education moved to amend the bill on page 2, section 46, lines 34 through 39, by striking out all of paragraph (A) and inserting in lieu thereof a new paragraph (A) to read as follows:

(A) Students with an approved documented need, as required by a medical doctor or licensed healthcare professional or as a requirement of an Individualized Education Plan (IEP) or 504 plan, the student's health care provider's medical orders, or other written accommodation plan, may have access to personal electronic devices if the device relates to the student's specific need. An exemption related to a student's IEP, 504 plan, medical order, or other written accommodation shall include a timeline of the required exemption and specify what electronic device(s) shall be included in the exemption.

The bill, as amended by the Senate, was then put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 482**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Foggin, Kump, Martin, Pinson and Steele.

So, a majority of the members having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2003) passed.

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

Second Reading

Com. Sub. for S. B. 35, Permitting campus police officers to participate in Deputy Sheriffs Retirement System; on second reading, coming up in regular order, was read a second time and ordered to third reading,

S. B. 75, Changing distribution of income from excess lottery fund; on second reading, coming up in regular order, was read a second time and ordered to third reading,

Com. Sub. for S. B. 102, Modifying form of certain deeds; on second reading, coming up in regular order, was read a second time,

On motion of Delegate Akers, the amendment was adopted.

The Committee on the Judiciary moved to amend the bill on page 1, section 1, line 1, by striking out the remainder of the Bill and inserting in lieu thereof:

“ARTICLE 1. AUTHENTICATION AND RECORD OF WRITINGS.

§39-1-2. Conditions under which county clerk shall admit deeds, contacts, etc., to record.

(a) The clerk of the county court-commission of any county in which any deed, contract, power of attorney, or other writing is to be, or may be, recorded, shall admit the same to record in his the clerk's office, as to any person whose name is signed thereto, when it shall have been

acknowledged by ~~him~~ such person or proved by two witnesses as to ~~him~~ such person before such clerk of the county ~~court~~ commission.

(b) ~~But notwithstanding~~ Notwithstanding the requirements of subsection (a) of this section:

(1) ~~such~~ The clerk shall not admit to record any contract, deed, deed of trust, mortgage or other instrument that secures the payment of any debt, unless such contract, deed, deed of trust, mortgage, or other instrument sets forth therein who, at the time of the execution and delivery thereof, is the beneficial owner of the debt secured thereby, and where he resides: ~~Provided, however, That~~ Provided, however, that in the case of a mortgage or a deed of trust securing an issue of negotiable notes or bonds exceeding five in number and payable to bearer, it shall not be necessary that the mortgage or deed of trust show who are the beneficial owners of such notes or bonds, but in such case such mortgage or deed of trust shall show the name and address of the person or corporation with or by whom the notes or bonds have been, or are to be, first negotiated.

(2) The clerk shall not admit to record any quitclaim deed without consideration or any deed effecting the transfer of real property where the value of the property transferred is \$100 or less for which no excise tax on the privilege of transferring real property on such instrument is paid under §11-22-1 et seq. of this code unless the instrument has been signed by the grantee thereon and acknowledged by the grantee or proved by two witnesses as to the grantee before such clerk of the county commission. ~~Provided, however,~~ the clerk shall admit to record any transfer on death deed made pursuant to §39-12-1 et seq. of this code, and transfers between husband and wife, transfers between parent and child, transfers between parent and child and his or her spouse, transfers between grandparent and grandchild, or transfers between grandparent and grandchild and his or her spouse, which are without consideration or for consideration of less than \$2,000, that have not been signed by the grantee thereon. Any deed recorded in violation of this section is void and no interest transfers to grantee under such recorded deed."

The bill was then ordered to third reading.

Com. Sub. for S. B. 154, Prohibiting sexual orientation instruction in public schools; was read a second time and ordered third reading with general right to amend,

Com. Sub. for S. B. 158, Modifying eligibility requirements for serving as member of State Board of Education; on second reading, coming up in regular order, was read a second time and ordered to third reading,

Com. Sub. for S. B. 196, Lauren's Law; on second reading, coming up in regular order, was read a second time,

On motion of Delegate Akers, the amendment was adopted.

The Committee on the Judiciary moved to amend the engrossed committee substitute by striking everything after the enacting clause and inserting in lieu thereof the following:

"CHAPTER 60A. UNIFORM CONTROLLED SUBSTANCES ACT.

ARTICLE 4. OFFENSES AND PENALTIES.

§60A-4-401. Prohibited acts; penalties.

(a) Except as authorized by this act, it is unlawful for any person to manufacture, deliver, or possess with intent to manufacture or deliver a controlled substance.

Any person who violates this subsection with respect to:

(i) A controlled substance classified in Schedule I or II, which is a narcotic drug or which is methamphetamine, is guilty of a felony and, upon conviction thereof, may be imprisoned in a state correctional facility for not less than one year nor more than 15 years, or fined not more than \$25,000, or both fined and imprisoned: *Provided*, That any person who violates this section ~~knowing that~~ when the controlled substance classified in Schedule II is fentanyl, either alone or in combination with any other substance shall be fined not more than \$50,000, or be imprisoned in a state correctional facility for not less than 3 nor more than 15 years, or both fined and imprisoned;

(ii) Any other controlled substance classified in Schedule I, II, or III is guilty of a felony and, upon conviction thereof, may be imprisoned in a state correctional facility for not less than one year nor more than five years, or fined not more than \$15,000, or both fined and imprisoned;

(iii) A substance classified in Schedule IV is guilty of a felony and, upon conviction thereof, may be imprisoned in a state correctional facility for not less than one year nor more than three years, or fined not more than \$10,000, or both fined and imprisoned;

(iv) A substance classified in Schedule V is guilty of a misdemeanor and, upon conviction thereof, may be confined in jail for not less than six months nor more than one year, or fined not more than \$5,000, or both fined and confined: *Provided*, That for offenses relating to any substance classified as Schedule V in §60A-10-1 *et seq.* of this code, the penalties established in said article apply.

(b) Except as authorized by this act, it is unlawful for any person to create, deliver, or possess with intent to deliver, a counterfeit substance.

Any person who violates this subsection with respect to:

(i) A counterfeit substance classified in Schedule I or II, which is a narcotic drug, or methamphetamine, is guilty of a felony and, upon conviction thereof, may be imprisoned in a state correctional facility for not less than one year nor more than 15 years, or fined not more than \$25,000, or both fined and imprisoned;

(ii) Any other counterfeit substance classified in Schedule I, II, or III is guilty of a felony and, upon conviction thereof, may be imprisoned in a state correctional facility for not less than one year nor more than five years, or fined not more than \$15,000, or both fined and imprisoned;

(iii) A counterfeit substance classified in Schedule IV is guilty of a felony and, upon conviction thereof, may be imprisoned in a state correctional facility for not less than one year nor more than three years, or fined not more than \$10,000, or both fined and imprisoned;

(iv) A counterfeit substance classified in Schedule V is guilty of a misdemeanor and, upon conviction thereof, may be confined in jail for not less than six months nor more than one year, or fined not more than \$5,000, or both fined and confined: *Provided*, That for offenses relating to any

substance classified as Schedule V in §60A-10-1 *et seq.* of this code, the penalties established in said article apply.

(c) It is unlawful for any person knowingly or intentionally to possess a controlled substance unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his or her professional practice, or except as otherwise authorized by this act. Any person who violates this subsection is guilty of a misdemeanor, and disposition may be made under §60A-4-407 of this code, subject to the limitations specified in said section, or upon conviction thereof, the person may be confined in jail not less than 90 days nor more than six months, or fined not more than \$1,000, or both fined and confined: *Provided*, That notwithstanding any other provision of this act to the contrary, any first offense for possession of synthetic cannabinoids as defined by §60A-1-101(d)(32) of this code; 3,4-methylenedioxypyrovalerone (MPVD) and 3,4-methylenedioxypyrovalerone and/or mephedrone as defined in §60A-1-101(f) of this code; or less than 15 grams of marijuana, shall be disposed of under §60A-4-407 of this code.

(d) It is unlawful for any person knowingly or intentionally:

(1) To create, distribute, deliver, or possess with intent to distribute or deliver, an imitation controlled substance; or

(2) To create, possess, sell, or otherwise transfer any equipment with the intent that the equipment shall be used to apply a trademark, trade name, or other identifying mark, imprint, number, or device, or any likeness thereof, upon a counterfeit substance, an imitation controlled substance, or the container or label of a counterfeit substance or an imitation controlled substance.

(3) Any person who violates this subsection is guilty of a misdemeanor and, upon conviction thereof, may be confined in jail for not less than six months nor more than one year, or fined not more than \$5,000, or both fined and confined. Any person 18 years old or more who violates subdivision (1) of this subsection and distributes or delivers an imitation controlled substance to a minor child who is at least three years younger than that person is guilty of a felony and, upon conviction thereof, may be imprisoned in a state correctional facility for not less than one year nor more than three years, or fined not more than \$10,000, or both fined and imprisoned.

(4) The provisions of subdivision (1) of this subsection shall not apply to a practitioner who administers or dispenses a placebo.

(e) It is unlawful for any person knowingly or intentionally:

(1) To adulterate another controlled substance using fentanyl as an adulterant;

(2) To create a counterfeit substance or imitation controlled substance using fentanyl; or

(3) To cause the adulteration or counterfeiting or imitation of another controlled substance using fentanyl.

(4) Any person who violates this subsection is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for not less than three nor more than 15 years, or fined not more than \$50,000, or both fined and imprisoned.

(5) For purposes of this section:

(i) A controlled substance has been adulterated if fentanyl has been mixed or packed with it; and

(ii) Counterfeit substances and imitation controlled substances are further defined in §60A-1-101 of this code.

§60A-4-409. Prohibited acts – Transportation of controlled substances into state; penalties.

(a) Except as otherwise authorized by the provisions of this code, it is unlawful for any person to transport or cause to be transported into this state a controlled substance with the intent to deliver the same or with the intent to manufacture a controlled substance.

(b) Any person who violates this section with respect to:

(1) A controlled substance classified in Schedule I or II, which is a narcotic drug, ~~shall be is~~ guilty of a felony and, upon conviction thereof, may be imprisoned in the state correctional facility for not less than ~~one year~~ five years nor more than ~~15~~ 20 years, or fined not more than ~~\$25,000~~ \$50,000, or both fined and imprisoned. ~~Provided, That any person who violates this section knowing that the controlled substance classified in Schedule II is fentanyl, either alone or in combination with any other substance shall be fined not more than \$50,000 or imprisoned in a state correctional facility for a definite term of not less than 10 nor more than 20 years, or both fined and imprisoned~~

(2) Any other controlled substance classified in Schedule I, II or III ~~shall be is~~ guilty of a felony and, upon conviction thereof, may be imprisoned in the state correctional facility for not less than one year nor more than 10 years, or fined not more than \$15,000, or both: *Provided*, That for the substance marijuana, as scheduled in §60A-2-204(d)(24) of this code, the penalty, upon conviction of a violation of this subsection, ~~shall be that~~ is the penalty set forth in subdivision (3) of this subsection.

(3) A substance classified in Schedule IV ~~shall be is~~ guilty of a felony and, upon conviction thereof, may be imprisoned in the state correctional facility for not less than one year nor more than five years, or fined not more than \$10,000, or both fined and imprisoned;

(4) A substance classified in Schedule V ~~shall be is~~ guilty of a misdemeanor and, upon conviction thereof, may be confined in jail for not less than six months nor more than one year, or fined not more than \$5,000, or both fined and imprisoned: *Provided*, That for offenses relating to any substance classified as Schedule V in §60A-10-1 *et seq.* of this code, the penalties established in ~~said~~ that article apply.

(c) Notwithstanding the provisions of subsection (b) of this section, any person violating or ~~causing a violation~~ attempting to violate the provisions of subsection (a) of this section involving one kilogram or more of heroin, ~~five kilograms~~ one kilogram or more of cocaine or cocaine base, 100 grams or more of phencyclidine, 10 grams or more of lysergic acid diethylamide, or 50 grams or more of methamphetamine or ~~500 grams of a substance or material containing a measurable amount of methamphetamine~~ five or more grams of fentanyl, is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for ~~a determinate an~~ indeterminate sentence of not less than ~~two~~ 15 years nor more than 30 years. The sentence

provided in this subsection is mandatory. A person convicted of an offense set forth in this subsection is not eligible for probation, home incarceration, or to have his or her sentence suspended for any reason.

(d) Notwithstanding the provisions of subsection (b) of this section, any person violating or ~~causing a violation attempting to violate the provisions~~ of subsection (a) of this section involving 100 but fewer than 1,000 grams of heroin, not less than ~~500~~ 100 but fewer than ~~5,000~~ 1,000 grams of cocaine or cocaine base, not less than 10 but fewer than ~~99~~ 100 grams of phencyclidine, not less than one but fewer than 10 grams of lysergic acid diethylamide, or not less than five but fewer than 50 grams of methamphetamine ~~or not less than 50 grams but fewer than 500 grams of a substance or material containing a measurable amount of methamphetamine, or one gram or more but less than five grams of fentanyl~~ is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for a ~~determinate~~ an indeterminate sentence of not less than ~~two~~ seven years nor more than 20 years.

(e) Notwithstanding the provisions of subsection (b) of this section, any person violating or attempting to violate the provisions of subsection (a) of this section involving not less than 10 grams nor more than 100 grams of heroin, not less than ~~50~~ 10 grams nor more than ~~500~~ 100 grams of cocaine or cocaine base, not less than two grams nor more than 10 grams of phencyclidine, not less than 200 micrograms nor more than one gram of lysergic acid diethylamide, or not less than ~~499 milligrams~~ one gram nor more than five grams of methamphetamine, ~~or not less than 20 grams nor more than 50 grams of a substance or material containing a measurable amount of methamphetamine or less than one gram of fentanyl~~ is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for a ~~determinate~~ an indeterminate sentence of not less than ~~two~~ five years nor more than ~~15~~ 20 years.

(f) The offenses established by this section ~~shall be~~ are in addition to and a separate and distinct offense from any other offense set forth in this code.

(g) For purposes of determining the weight of any controlled substance under this section, a mixture must contain only a detectable amount of a controlled substance for the entire mixture to be considered that controlled substance. If a mixture or substance contains more than one controlled substance, the weight of the entire mixture or substance is assigned to the controlled substance that results in the greater offense penalty.

(h) Under this section, where the transportation into the state involves two or more controlled substances, the transportation into the state of each controlled substance shall be considered a separate and distinct offense unless the controlled substances are mixed together.

§60A-4-414. Conspiracy.

(a) Any person who willfully conspires with one or more persons to commit a felony violation of §60A-4-401 of this code, if one or more of such persons does any act to effect the object of the conspiracy, is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for a determinate sentence of not less than two nor more than ~~ten~~ 10 years: *Provided*, That the provisions of this subsection are inapplicable to felony violations of §60A-4-401 of this code prohibiting the manufacture, delivery or possession with intent to manufacture or deliver marijuana.

(b) Notwithstanding the provisions of subsection (a) of this section, any person who willfully conspires with one or more persons to manufacture, deliver or possess with intent to manufacture

or deliver one kilogram or more of heroin, ~~five kilograms~~ one kilogram or more of cocaine or cocaine base, 100 grams or more of phencyclidine, 10 grams or more of lysergic acid diethylamide, or 50 grams or more of methamphetamine, or ~~five hundred grams of a substance or material containing a measurable amount of methamphetamine~~ five grams or more of fentanyl, if one or more of such persons does any act to effect the object of the conspiracy, is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for a ~~determinate~~ an indeterminate sentence of not less than ~~two~~ five years nor more than 30 years. The sentence provided in this subsection is mandatory. A person convicted of an offense set forth in this subsection is not eligible for probation, home incarceration, or to have his or her sentence suspended for any reason.

(c) Notwithstanding the provisions of subsection (a) of this section, any person who willfully conspires with one or more persons to manufacture, deliver, or possess with intent to manufacture or deliver not less than 100 but fewer than 1,000 grams of heroin, not less than ~~five hundred~~ 100 but fewer than ~~five thousand~~ 1,000 grams of cocaine or cocaine base, not less than 10 but fewer than 100 grams of phencyclidine, not less than one but fewer than 10 grams of lysergic acid diethylamide, or not less than five but fewer than 50 grams of methamphetamine, or ~~not less than fifty grams but fewer than five hundred grams of a substance or material containing a measurable amount of methamphetamine~~ one gram or more but less than five grams of fentanyl, if one or more of such persons does any act to effect the object of the conspiracy, is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for a ~~determinate~~ an indeterminate sentence of not less than ~~two~~ three years nor more than 20 years.

(d) Notwithstanding the provisions of subsection (a) of this section, any person who willfully conspires with one or more persons to manufacture, deliver, possess with intent to manufacture or deliver not less than 10 grams nor more than 100 grams of heroin, not less than ~~50~~ 10 grams nor more than ~~500~~ 100 grams of cocaine or cocaine base, not less than two grams nor more than 10 grams of phencyclidine, not less than 200 micrograms nor more than one gram of lysergic acid diethylamide, or not less than ~~499 milligrams~~ one gram nor more than five grams of methamphetamine, or ~~not less than 20 grams nor more than 50 grams of a substance or material containing a measurable amount of methamphetamine~~ or less than one gram of fentanyl, if one or more of such persons does any act to effect the object of the conspiracy, is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for a ~~determinate~~ an indeterminate sentence of not less than two years nor more than 15 years.

(e) The trier of fact shall determine the quantity of the controlled substance attributable to the defendant beyond a reasonable doubt based on evidence adduced at trial.

(f) The determination of the trier of fact as to the quantity of controlled substance attributable to the defendant in a charge under this section may include all of the controlled substances manufactured, delivered, or possessed with intent to deliver or manufacture by other participants or members of the conspiracy.

(g) For purposes of determining the weight of any controlled substance under this section, a mixture must contain only a detectable amount of a controlled substance for the entire mixture to be considered that controlled substance. If a mixture or substance contains more than one controlled substance, the weight of the entire mixture or substance is assigned to the controlled substance that results in the greater offense penalty.

(h) Under this section, where the conspiracy involves two or more controlled substances, each controlled substance shall be considered a separate and distinct offense unless the controlled substances are mixed together.

~~(g)~~(i) Offenses in this section proscribing conduct involving lesser quantities are lesser included offenses of offenses proscribing conduct involving larger quantities.

~~(h)~~(i) A person may be charged under the provisions of ~~§61-10-64~~ §61-10-31 of this code for conduct that is charged under this section.

~~(k) Nothing in this section may be construed to place any limitation whatsoever upon alternative sentencing options available to a court.~~

§60A-4-416. Drug delivery resulting in death; failure to render aid.

(a)(1) Any person who knowingly and willfully delivers a controlled substance or counterfeit controlled substance, without receiving or accepting money or any other thing of value, in violation of the provisions of section four hundred one, article four of this chapter §60A-4-401 of this code for an illicit purpose and the use, ingestion or consumption of the controlled substance or counterfeit controlled substance alone or in combination with one or more other controlled substances, proximately causes the death of a person using, ingesting or consuming the controlled substance, is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for a determinate sentence of not less than three nor more than fifteen 15 years.

(2) Any person who knowingly and willfully delivers a controlled substance or counterfeit controlled substance in exchange for money or any other thing of value in violation of the provisions of §60A-4-401 of this code for an illicit purpose and the use, ingestion or consumption of the controlled substance or counterfeit controlled substance alone or in combination with one or more other controlled substances, proximately causes the death of a person using, ingesting or consuming the controlled substance, is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for a determinate sentence of not less than ten nor more than 40 years. A person imprisoned pursuant to the provisions of this subdivision is not eligible for parole prior to having served a minimum of 10 years of his or her sentence.

(b) Any person who, while engaged in the illegal use of a controlled substance with another, who knowingly fails to seek medical assistance for such the other person when the other person suffers an overdose of the controlled substance or suffers a significant adverse physical reaction to the controlled substance and the overdose or adverse physical reaction proximately causes the death of the other person, is guilty of a felony and, upon conviction thereof, shall be imprisoned for a determinate sentence of not less than one year two years nor more than five 10 years. A person imprisoned pursuant to the provisions of this section is not eligible for parole prior to having served a minimum of two years of his or her sentence.

(c) The sentence provided in subdivision (2), subsection (a) of this section is mandatory. A person convicted of an offense set forth in subdivision (2), subsection (a) of this section is not eligible for probation, home incarceration, or to have his or her sentence suspended for any reason.

(d) As used in this section:

(1) The phrase “engaged in illegal use of a controlled substance with another person” means being in the physical presence of a person engaged in illegal drug use and participating with him or her in illegal drug use, or while in the presence of a person engaged in illegal drug use knowingly facilitating illegal drug use by the other person so engaged.

(2) “Seek medical assistance” means contacting the 9-1-1 emergency system, a poison control facility, any type of first responder, a medical facility or medical professional capable of treating an overdose, and in the case of an opioid overdose, to administer or cause the administration of a commercially produced medically recognized opioid antagonist.

(e) The revisions to subsections (a), (b), (c), and (d) of this section enacted during the 2025 regular legislative session shall be known as Lauren’s Law.

§60A-4-419. Drug kingpin.

(a) For purposes of this section, “drug kingpin” means an organizer, supervisor, financier, or manager who acts as a coconspirator in a conspiracy to manufacture, distribute, dispense, transport in, or bring into the State of West Virginia a controlled dangerous substance.

(b)(1) Notwithstanding the provisions of §60A-4-414 of this code, a drug kingpin who conspires to manufacture, distribute, dispense, transport in, or bring into the State of West Virginia a controlled dangerous substance in an amount listed in §60A-4-414(b) of this code is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for an indeterminate sentence of not less than 10 nor more than 40 years and fined not more than \$100,000.

(2) The sentence provided in this section is mandatory. A person convicted of an offense set forth in this section is not eligible for probation, home incarceration, or to have his or her sentence suspended for any reason.

(c) It is not a defense to a prosecution under this section that the controlled substance was brought into or transported in the State of West Virginia solely for ultimate distribution or dispensing in another jurisdiction.

(d) The offenses set forth in this section are in addition to and separate and distinct from any other offenses set forth in this code.

CHAPTER 61. CRIMES AND THEIR PUNISHMENT.

ARTICLE 11. GENERAL PROVISIONS CONCERNING CRIMES.

§61-11-18. Punishment for second or third offense of felony.

(a) For purposes of this section, "qualifying offense" means any offense or an attempt or conspiracy to commit any of the offenses in the following provisions of this code:

- (1) §60A-4-401(a)(i) and §60A-4-401(a)(ii);
- (2) §60A-4-406;

(3) §60A-4-409(b)(1), ~~and §60A-4-409(b)(2); §60A-4-409(c), §60A-4-409(d), and §60A-4-409(e);~~

(4) §60A-4-411;

(5) §60A-4-414;

(6) §60A-4-415;

(7) §60A-4-416(a);

(8) §60A-4-419;

~~(8)~~(9) §61-2-1;

~~(9)~~(10) §61-2-4;

~~(10)~~(11) §61-2-7;

~~(11)~~(12) §61-2-9(a);

~~(12)~~(13) §61-2-9a(d) and §61-2-9a(e);

~~(13)~~(14) §61-2-9b;

~~(14)~~(15) §61-2-9c;

~~(15)~~(16) §61-2-9d;

~~(16)~~(17) §61-2-10;

~~(17)~~(18) §61-2-10b(b) and §61-2-10b(c);

~~(18)~~(19) Felony provisions of §61-2-10b(d);

~~(19)~~(20) §61-2-12;

~~(20)~~(21) Felony provisions of §61-2-13;

~~(21)~~(22) §61-2-14;

~~(22)~~(23) §61-2-14a(a) and §61-2-14a(d);

~~(23)~~(24) §61-2-14c;

~~(24)~~(25) §61-2-14d(a) and §61-2-14d(b);

~~(25)~~(26) §61-2-14f;

~~(26)~~(27) §61-2-14h(a), §61-2-14h(b), and §61-2-14h(c);

~~(27)~~(28) §61-2-16a(a) and §61-2-16a(b);

~~(28)~~(29) Felony provisions of §61-2-16a(c);

~~(29)~~(30) §61-2-28(d);

~~(30)~~(31) §61-2-29(d) and §61-2-29(e);

~~(31)~~(32) §61-2-29a;

~~(32)~~(33) §61-3-1;

~~(33)~~(34) §61-3-2;

~~(34)~~(35) §61-3-3;

~~(35)~~(36) §61-3-4;

~~(36)~~(37) §61-3-5;

~~(37)~~(38) §61-3-6;

~~(38)~~ (39) §61-3-7;

~~(39)~~ (40) §61-3-11;

~~(40)~~(41) Felony violation of §61-3-12;

~~(41)~~(42) §61-3-13(a);

~~(42)~~(43) Felony violation of §61-3-18;

~~(43)~~(44) Felony violation of §61-3-19;

~~(44)~~(45) Felony violation of §61-3-20;

~~(45)~~(46) Felony violation of §61-3-20a;

~~(46)~~ 47 Felony violation of §61-3-21;

~~(47)~~(48) §61-3-22;

~~(48)~~(49) Felony violation of §61-3-24;

~~(49)~~(50) Felony violation of §61-3-24a;

~~(50)~~(51) §61-3-27;

~~(51)~~(52) §61-3-54;

~~(52)~~(53) §61-3C-14b;

~~(53)~~(54) §61-3E-5;

~~(54)~~(55) Felony violation of §61-5-10;

~~(55)~~(56) ~~§61-5-17(b), §61-5-17(f), §61-5-17(h), and §61-5-17(i);~~ Felony provisions of §61-5-17;

~~(56)~~(57) §61-5-27;

~~(57)~~(58) §61-6-24;

~~(58)~~(59) Felony provisions of §61-7-7;

~~(59)~~(60) §61-7-12;

~~(60)~~(61) §61-7-15;

~~(61)~~(62) §61-7-15a;

~~(62)~~(63) §61-8-12;

~~(63)~~(64) §61-8-19(b);

~~(64)~~(65) §61-8A-2;

~~(65)~~(66) §61-8A-4;

~~(66)~~(67) §61-8A-5;

~~(67)~~(68) §61-8B-3;

~~(68)~~(69) §61-8B-4;

~~(69)~~(70) §61-8B-5;

~~(70)~~(71) §61-8B-7;

~~(71)~~(72) §61-8B-10;

~~(72)~~(73) §61-8B-11b;

~~(73)~~(74) §61-8C-2;

~~(74)~~(75) §61-8C-3;

~~(75)~~(76) §61-8C-3a;

~~(76)~~(77) §61-8D-2;

~~(77)~~(78) §61-8D-2a;

~~(78)~~(79) §61-8D-3;

~~(79)~~(80) §61-8D-3a;

~~(80)~~(81) §61-8D-4;
~~(81)~~(82) §61-8D-4a;
~~(82)~~(83) §61-8D-5;
~~(83)~~(84) §61-8D-6;
~~(84)~~(85) §61-10-31;
~~(85)~~(86) §61-11-8;
~~(86)~~(87) §61-11-8a;
~~(87)~~(88) §61-14-2; and
~~(88)~~(89) §17C-5-2(b), driving under the influence causing death.

(b) Except as provided by subsection (c) of this section, when any person is convicted of a qualifying offense and is subject to imprisonment in a state correctional facility for the qualifying offender and it is determined, as provided in §61-11-19 of this code, that the person had been previously convicted in the United States of a crime punishable by imprisonment in a state or federal correctional facility, the court shall, if the sentence to be imposed is for a definite term of years, add five years to the time for which the person is or would be otherwise sentenced. Whenever in that case the court imposes an indeterminate sentence, the minimum term shall be twice the term of years otherwise provided for under the sentence.

(c) Notwithstanding any provision of this code to the contrary, when any person is convicted of first degree murder or second degree murder or a violation of §61-8B-3 of this code and it is determined, as provided in §61-11-19 of this code, that the person had been previously convicted in this state of first degree murder, second degree murder, or a violation of §61-8B-3 of this code, or has been so convicted under any law of the United States or any other state for an offense which has the same or substantially similar elements as any offense described in this subsection, the person shall be punished by imprisonment in a state correctional facility for life and is not eligible for parole.

(d) When it is determined, as provided in §61-11-19 of this code, that the person has been twice previously convicted in the United States of a crime punishable by imprisonment in a state or federal correctional facility which has the same or substantially similar elements as a qualifying offense, the person shall be sentenced to imprisonment in a state correctional facility for life: *Provided*, That prior convictions arising from the same transaction or series of transactions shall be considered a single offense for purposes of this section: *Provided, however*, That the most recent previous qualifying offense which would otherwise constitute a qualifying offense for purposes of this subsection may not be considered if more than 20 years have elapsed between: (1) The release of the person from his or her term of imprisonment or period of supervision resulting from the most recent qualifying offense or the expiration of a period of supervised release resulting from the offense; and (2) the conduct underlying the current charge.

CHAPTER 62. CRIMINAL PROCEDURE.

ARTICLE 12. PROBATION AND PAROLE.

§62-12-2. Eligibility for probation.

(a) All persons who are found guilty of or plead guilty to any felony, the maximum penalty for which is less than life imprisonment, and all persons who are found guilty of or plead guilty to any misdemeanor are eligible for probation, notwithstanding the provisions of §61-11-18 and §61-11-19 of this code: Provided, That persons convicted of offenses set forth in §60A-4-409(c), §60A-4-414(b), §60A-4-416(a)(2), and §60A-4-419 are not eligible for probation.

(b) The provisions of subsection (a) of this section to the contrary notwithstanding, any person who commits or attempts to commit a felony with the use, presentment, or brandishing of a firearm is not eligible for probation. Nothing in this section may apply to an accessory before the fact or a principal in the second degree who has been convicted as if he or she were a principal in the first degree if, in the commission of or in the attempted commission of the felony, only the principal in the first degree used, presented, or brandished a firearm.

(c)(1) The existence of any fact which would make any person ineligible for probation under subsection (b) of this section because of the commission or attempted commission of a felony with the use, presentment, or brandishing of a firearm may not be applicable unless the fact is clearly stated and included in the indictment or presentment by which that person is charged and is either:

(A) Found by the court upon a plea of guilty or nolo contendere;

(B) Found by the jury, if the matter is tried before a jury, upon submitting to the jury a special interrogatory for that purpose; or

(C) Found by the court, if the matter is tried by the court, without a jury.

(2) The amendments to this subsection adopted in the year 1981:

(A) Apply to all applicable offenses occurring on or after August 1 of that year;

(B) Apply with respect to the contents of any indictment or presentment returned on or after August 1 of that year irrespective of when the offense occurred;

(C) Apply with respect to the submission of a special interrogatory to the jury and the finding to be made thereon in any case submitted to the jury on or after August 1 of that year or to the requisite findings of the court upon a plea of guilty or in any case tried without a jury: *Provided*, That the state shall give notice in writing of its intent to seek that finding by the jury or court, as the case may be, which notice shall state with particularity the grounds upon which the finding is sought as fully as such grounds are otherwise required to be stated in an indictment, unless the grounds therefor are alleged in the indictment or presentment upon which the matter is being tried; and

(D) May not apply with respect to cases not affected by the amendment and in those cases the prior provisions of this section shall apply and be construed without reference to the amendment.

Insofar as the amendments relate to mandatory sentences without probation, all matters requiring that sentence shall be proved beyond a reasonable doubt in all cases tried by the jury or the court.

(d) For the purpose of this section, the term "firearm" means any instrument which will, or is designed to, or may readily be converted to, expel a projectile by the action of an explosive, gunpowder, or any other similar means.

(e) Any person who has been found guilty of, or pleaded guilty to, a violation of §61-3C-14b, §61-8-12, §61-8A-1 *et seq.*, §61-8B-1 *et seq.*, §61-8C-1 *et seq.*, or §61-8D-5 of this code may only be eligible for probation after undergoing a physical, mental, and psychiatric or psychological study and diagnosis which shall include an ongoing treatment plan requiring active participation in sexual abuse counseling at a mental health facility or through some other approved program: *Provided*, That nothing disclosed by the person during that study or diagnosis may be made available to any law-enforcement agency or other party without that person's consent, or admissible in any court of this state, unless the information disclosed indicates the intention or plans of the probationer to do harm to any person, animal, institution, or property, in which case the information may be released only to those persons necessary for protection of the person, animal, institution, or property.

Within 90 days of the effective date of this section as amended and reenacted during the first extraordinary session of the Legislature, 2006, the Secretary of the Department of Human Services shall propose rules and emergency rules for legislative approval in accordance with §29A-3-1 *et seq.* of this code, establishing qualifications for sex offender treatment programs and counselors based on accepted treatment protocols among licensed mental health professionals.

(f) Any person who has been convicted of a violation of §61-8B-1 *et seq.*, §61-8C-1 *et seq.*, §61-8D-5, §61-8D-6, §61-2-14, §61-8-12, and §61-8-13 of this code, or of a felony violation involving a minor of §61-8-6 or §61-8-7 of this code, or of a similar provision in another jurisdiction, shall register upon release on probation. Any person who has been convicted of an attempt to commit any of the offenses set forth in this subsection shall also be registered upon release on probation.

(g) The probation officer shall within three days of release of the offender send written notice to the State Police of the release of the offender. The notice shall include:

- (1) The full name of the person;
- (2) The address where the person shall reside;
- (3) The person's Social Security number;
- (4) A recent photograph of the person;
- (5) A brief description of the crime for which the person was convicted;
- (6) Fingerprints; and

(7) For any person determined to be a sexually violent predator as defined in §15-12-2a of this code, the notice shall also include:

- ~~(i)~~(A) Identifying factors, including physical characteristics;
- ~~(ii)~~(B) A history of the offense; and

(iii)(C) Documentation of any treatment received for the mental abnormality or personality disorder.”

The bill was then ordered to third reading.

S. B. 280, Displaying official US motto in public schools; on second reading, coming up in regular order, was read a second time,

On motion of Delegate Williams, the amendment was rejected.

Delegate Williams moves to amend SB280 HJUD AM #1 on page 1, section 1, line 7, following the words “other information.” by inserting the following:

“A public elementary or secondary school shall also display in a conspicuous place in every classroom of the school a durable poster or framed copy of the West Virginia State Seal, including the state motto “Montani Semper Liberi”, and may not depict any other words, images or other information.”

And,

On page 2, section 12, line 8, following the words “other information.” by inserting the following:

“A state institution of higher education shall also display in a conspicuous place in every classroom of the institution a durable poster or framed copy of the West Virginia State Seal, including the state motto “Montani Semper Liberi”, and may not depict any other words, images or other information.”

On motion of Delegate Akers, the amendment was adopted.

The Committee on the Judiciary moved to amend the bill on page 1, after the enacting clause by striking out the remainder of the bill and inserting, in lieu thereof, the following:

“CHAPTER 18. EDUCATION.

ARTICLE 9H. DISPLAY OF NATIONAL MOTTO.

§18-9H-1. Display of the National Motto in public schools.

(a) A public elementary or secondary school shall display in a conspicuous location within a common area of the main building of the school that is accessible to the public, and may also display in a similar location in common areas of in other buildings of the school, a durable poster or framed copy of the United States national motto, “In God We Trust”: *Provided*, That the poster or framed copy of the national motto described in this section is a minimum of 8.5 by 11 inches, and shall contain a representation of the United States flag centered under the national motto and may not depict any other words, images, or other information.

(b) A public elementary or secondary school may accept and use private donations for the purposes of meeting the provisions of subsection (a) of this section. No public funds may be used for this purpose.

(c) Notwithstanding any other provision of code to the contrary, this section applies to public charter schools authorized pursuant to §18-5G-1 et seq.

CHAPTER 18B. HIGHER EDUCATION.

ARTICLE 14. MISCELLANEOUS.

§18B-14-12. Display of the National Motto in institutions of higher education.

(a) A state institution of higher education, as defined by §18B-1-2 of this code, shall display in a conspicuous location within a common area of the main building of the institution of higher education that is accessible to the public, and may also display in a similar location in common areas of other buildings of the institution of higher education, a durable poster or framed copy of the United States national motto, "In God We Trust": *Provided*, That the poster or framed copy of the national motto described in this section is a minimum of 8.5 by 11 inches, and shall contain a representation of the United States flag centered under the national motto and may not depict any other words, images, or other information.

(b) An institution of higher education may accept and use private donations for the purposes of meeting the provisions of subsection (a) of this section. No public funds may be used for this purpose."

The bill was then ordered to third reading.

Com. Sub. for S. B. 299, Modifying WV regulations on pubertal modulation, hormonal therapy, and gender reassignment; on second reading, coming up in regular order, was read a second time,

Delegate McGeehan moved to advance the bill (Com. Sub. for S. B. 299) to third reading with amendments pending and restricted right to amend for Delegate McGeehan.

On this motion, the yeas and nays were demanded, which demand was sustained.

Having been ordered, the yeas and nays were taken (**Roll No. 483**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Kump, Martin, Pinson, Steele and Vance.

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

The bill was then ordered to third reading.

Com. Sub. for S. B. 427, Permitting certain teenagers to work without obtaining work permit; on second reading, coming up in regular order, was read a second time,

On motion of Delegate Phillips, the amendment was adopted.

The Committee on Government Organization moved to amend the committee substitute on page 3, section 3, line 18, following the words "description of job" by inserting the following "supplied by the employer,".

The bill was then ordered to third reading.

Com. Sub. for S. B. 474, Ending diversity, equity, and inclusion programs; on second reading, coming up in regular order, was read a second time, and ordered to advance to third reading with a general right to amend.

S. B. 483, Increasing civil penalties for failure to file required campaign finance reports; on second reading, coming up in regular order, was read a second time,

On motion of Delegate Heckert, the amendment was adopted.

Delegate Heckert moved to amend the committee amendment on page 1, after the enacting clause, by inserting the following:

ARTICLE 1. GENERAL PROVISIONS AND DEFINITIONS.

§3-1-50. Establishment of state-based administrative complaint procedures. Election law complaints related to financial statements and other violations of the law; procedures.

(a) The Secretary of State shall establish and maintain a state-based administrative complaint procedure for complaints received concerning election violations, including, but not limited to, violations related to a failure to file financial statements pursuant to §3-8-7 of this code, which shall meet the following requirements:

(1) The procedures shall be uniform and nondiscriminatory.

(2) Under the procedures, the Secretary of State, members of the State Election Commission, or any person who believes that there is a violation of any provision of this chapter or Title III of the Help America Vote Act, Pub. L. 107-252, including a violation which has occurred, is occurring, or is about to occur, may file a complaint.

(3) Any complaint filed under the procedures shall be in writing, notarized, and signed and sworn by the person filing the complaint, and include all of the following:

(A) A description of the alleged incident or election violation;

(B) The name and valid contact information of any person who may have information or evidence supporting the allegations;

(C) An approximation of when the alleged violation or incident occurred;

(D) The location where the alleged incident or violation occurred;

(E) Any supporting facts or documentation about the alleged incident or violation; and

(F) An affirmation that facts articulated in the complaint are true and correct to the best of the complainant's knowledge under penalty of perjury.

(4) If a complaint alleges a violation of law under the Secretary of State's jurisdiction but fails to satisfy the procedural requirements set forth in subdivision (3) of this section, the Secretary of State shall notify the complainant in writing of the nature of the deficiency or deficiencies and inform the complainant that the complaint must be corrected within 10 days of the notice or the complaint will be dismissed without prejudice: *Provided*, That notice is not required if no contact information or mailing address is provided with the complaint.

(5) If the Secretary of State determines that a complaint is in the proper form and that the allegations, if true, establish a violation of any provision of this Chapter or Title III of the Help America Vote Act, Pub. L. 107-252, then the Secretary of State shall provide a confidential report to the State Election Commission by email or other writing that shall confirm jurisdiction, summarize the complaint including any additional information or evidence known to the secretary at the time, analyze the legal issues raised by the complaint, and recommend to either initiate an investigation formally or informally or refer the complaint to the appropriate authority.

(6) The State Election Commission shall determine whether to adopt the Secretary of State's recommendation to initiate an investigation or refer the complaint to the appropriate authority as follows:

(A) Within five business days of receipt of the report, any member of the State Election Commission may request via email or other writing to the Secretary of State or office designee to further discuss a complaint during the next State Election Commission in an executive session. At the conclusion of the discussion, the State Election Commission shall enter into public session and publicly announce its recommendation without divulging the names of any parties or witnesses or particular details of the complaint; or

(B) If no member of the State Election Commission requests to further discuss a complaint within five business days, the Secretary of State may consider the recommendation adopted and proceed with the investigation or referral.

(4) (7) The Secretary of State may consolidate complaints filed under this section and may modify an informal or formal investigation to an informal or formal investigation, as appropriate, upon discovery of sufficient facts or evidence that suggest modification would lead to an efficient resolution of the matter.

(8) Upon determination that a complaint should be investigated, whether formally or informally, the Secretary of State shall provide the respondent with:

(A) Notice that an election law complaint has been filed and the Secretary of State's jurisdiction has been confirmed;

(B) Either a copy of the complaint with the complainant's and other witnesses' information redacted, or a summary of the complaint;

(C) A summary of the facts applied to the alleged violation or violations of law; and

(D) Instructions for responding to the complaint.

(9) In an informal investigation, the Secretary of State may take all necessary actions to confirm or disprove the allegations contained in a complaint by using publicly available information and records including, but not limited to, the internet, mail pieces, photographs, and communications, and may request documents from the respondent, third parties, or other sources.

(10) In a formal investigation, the Secretary of State may submit no more than 25 written interrogatories to the respondent, conduct a formal interview with the respondent, or a combination of both written interrogatories and a formal interview with the respondent. The

Secretary of State may also take additional investigative action using subpoenas or testimony obtained under oath.

(A) Interrogatory questions may request the respondent or another person to provide written statements bearing the facts, circumstances, or information relevant to the investigation. The Secretary of State may also ask the respondent or another person to produce relevant evidence and documents. The respondent or other person shall provide responses to interrogatory questions under penalty of perjury.

(B) If the Secretary of State interviews any respondent, complainant, witness, or other third party, the testimony may be taken informally or by deposition. All oral statements taken during an interview shall be provided under oath administered by the Secretary of State or his or her designee, or in the case of a deposition, by a certified court reporter.

(C) The Secretary of State may subpoena any person, book, record, communication, or other documents relevant to the investigation. The secretary shall provide the subject of the subpoena with reasonable notice of the subpoena and an opportunity to respond. By request of the secretary, if any person fails to comply with a duly served subpoena, the Attorney General may seek enforcement of the subpoena in the appropriate circuit court and serve such person a copy of the petition for the enforcement of this section.

(11) Upon completing an investigation, the Secretary of State shall submit a findings and recommendations report to the State Election Commission. The secretary may include a recommendation that the complaint be dismissed, that a letter of instruction be issued, that the complaint be forwarded to the proper authorities, or that the State Election Commission meet to consider issuing an offer of settlement.

(A) Within five business days of receipt of the report, any member of the State Election Commission may request via email or other writing to the Secretary of State or office designee to further discuss the report during the next State Election Commission in an executive session before making a final determination on the matter; or

(B) The State Election Commission shall:

(i) Direct the secretary to further investigate the complaint;

(ii) Dismiss the complaint if the facts and evidence do not support a finding of probable cause;

(iii) Issue a letter of instruction;

(iv) Refer the complaint to the proper authorities; or

(v) Take other appropriate action.

(12) If the State Election Commission finds that probable cause exists for a finding of a violation, it may issue a written offer of settlement to the respondent stating its findings and the proposed sanctions. The respondent may accept the State Election Commission's offer of settlement in writing within 10 calendar days of the issuance of the offer. If the offer is not accepted within that time frame, the State Election Commission shall either call for a public hearing or refer the complaint to the proper authorities.

(13) If the State Election Commission does not find probable cause, it shall dismiss the complaint and provide notice to all parties, and it may include a letter of instruction when the facts and other evidence indicate that such a letter is necessary and proper.

~~(5) At the request of the complainant there shall be a hearing on the record.~~

~~(6) (14) Violations of any provision of this chapter or Title III of the Help America Vote Act, Pub. L. 107-252 shall be~~ are punishable in accordance with the provisions of article nine of this chapter.

(15) If requested by the secretary, the Attorney General may provide legal and investigative assistance to the Secretary of State and the State Election Commission.

(16) Upon reporting an alleged criminal violation of this article and submitting all relevant documents and records to the appropriate prosecuting authority having jurisdiction, the prosecuting authority may, upon determining that a violation has occurred, present the alleged violations to the grand jury, together with all evidence relating thereto, as soon as practicable after receiving the report. The prosecuting authority shall notify the Secretary of State if the violation was presented to the grand jury and the results therefrom.

~~(7) If, under the procedures, the Secretary of State determines that there is no violation, the Secretary of State shall dismiss the complaint and publish the results of the procedures.~~

~~(8) The Secretary of State shall make a final determination with respect to a complaint prior to the expiration of the ninety-day period which begins on the date the complaint is filed unless the complainant consents to a longer period for making a determination.~~

~~(9) If the Secretary of State fails to meet the deadline applicable under subdivision (8) of this section, the complaint shall be resolved within sixty days under alternative dispute resolution procedures established for purposes of this section. The record and other materials from any proceedings conducted under the complaint procedures established under this section shall be made available for use under the alternative dispute resolution procedures.~~

~~(b) The administrative complaint procedure required by subsection (a) of this section is not applicable if, within thirty days of the filing of the complaint: (1) The Secretary of State initiates an investigation; (2) the Secretary of State determines that the allegations contained in the complaint may result in a finding of a criminal violation; and (3) the Secretary of State determines that the administrative complaint procedure required by this section would endanger or impede the associated criminal investigation: *Provided*, That within three business days thereafter the Secretary of State shall notify the complainant in writing that the allegations contained in the complaint may result in a finding of a criminal violation and, therefore, the administrative procedure contained in this section is inapplicable~~ The Secretary of State may promulgate in accordance with §29A-3-1 et seq. of this code emergency and legislative rules necessary to effectuate the purposes of this section.

On motion of Delegate Foggin, the amendment was adopted.

Delegate Foggin moved to amend the Committee Amendment on page 1, section 7, line 11, immediately following the word "business" by inserting the following:

“Provided, That, any candidate, who has not collected or spent any funds during the reporting period, shall receive only a written warning in the event that the candidate fails to meet the reporting deadline in any quarter for which they are delinquent.”

On motion of Delegate Akers, the amendment was adopted.

The Committee on the Judiciary moved to amend the bill by striking out everything after the enacting clause and inserting in lieu thereof the following:

Be it enacted by the Legislature of West Virginia:

ARTICLE 8. REGULATION AND CONTROL OF ELECTIONS.

§3-8-7. Failure to file statement; delinquent or incomplete filing; criminal and civil penalties.

(a) Any person, candidate, financial agent, or treasurer of a political committee who fails to file a sworn, itemized statement required by this article within the time limitations specified in this article or who willfully files a grossly incomplete or grossly inaccurate statement is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$500 or confined in jail for not more than one year, or both fined and confined. Sixty days after any ~~primary or other~~ election, the Secretary of State or county clerk, ~~or municipal recorder~~ as the case may be, shall give notice of any failure to file a sworn statement or the filing of any grossly incomplete or grossly inaccurate statement by any person, candidate, financial agent, or treasurer of a political party committee and forward copies of any grossly incomplete or grossly inaccurate statement to the prosecuting attorney of the county where the person, candidate, financial agent, or treasurer resides, is located, or has its principal place of business.

~~(b)(1) Any person, candidate, financial agent, or treasurer of a political committee, and its treasurer, who fails to file a sworn, itemized statement as required in this article or who files a grossly incomplete or grossly inaccurate statement shall be assessed a civil penalty by the Secretary of State of \$10 a day for each day after the due date the statement is delinquent, grossly incomplete, or grossly inaccurate as follows:~~

(1) The greater of \$100 or 10 percent of the balance of cash and any other sum of money on hand at the beginning of the period covered by the financial statement in addition to any contributions received during the reporting period, for a first offense in an election cycle. The civil penalty for a first offense shall not exceed \$500.

(2) In the case of a second or any subsequent violation pertaining to the same election cycle, the greater of \$200 or 15 percent of the balance of cash and any other sum of money on hand at the beginning of the period covered by the financial statement in addition to any contributions received during the respective reporting period. The civil penalty for a second or any subsequent violation shall not exceed \$1,000.

~~(3) Sixty days after any primary or other election, the county clerk shall give notice to the Secretary of State of any failure to file a sworn statement or the filing of any grossly incomplete, or grossly inaccurate statement by any person, candidate, financial agent, or treasurer of a political committee and forward copies of such delinquent, incomplete, or inaccurate statements to the Secretary of State.~~

~~(2) A civil penalty assessed pursuant to this section shall be payable to the State of West Virginia and is collectable as authorized by law for the collection of debts~~

(4) Prior to assessing a penalty pursuant to this section as a result of the filing of a delinquent report, the Secretary of State shall notify, not later than 14 days after the deadline for the required report, the political committee, and its treasurer, in writing that a report has not been filed or that a filed report has not been completed, citing the omissions from the report. No penalty shall be assessed pursuant to this section if the report or information required to complete the report is filed within seven days of the date of the written notice. Such notice shall be sent to the most recent email address, if any, and mailing address provided by the political committee and its treasurer.

(A) If the report or information required to complete the report is not filed within the seven-day period, the Secretary of State shall assess against the political committee, and its treasurer, the civil penalty set forth in this section.

(B) The Secretary of State may grant an additional period for compliance, not to exceed 14 days, for good cause shown and in response to a request filed within the seven-day period.

(5) Prior to assessing a penalty pursuant to this section for the filing of a grossly incomplete or grossly inaccurate report, the Secretary of State shall notify the political committee, and its treasurer, that a filed report is inaccurate or incomplete, citing the omissions from the report. No penalty shall be assessed if the information required to complete the report is filed within 10 days of the date of the written notice. Such notice shall be sent to the most recent email address, if any, and mailing address provided by the political committee and its treasurer.

(A) If the information required to complete the report is not filed within the 10-day period, the Secretary of State shall assess against the political committee, and its treasurer, the civil penalty set forth in this section.

(B) The Secretary of State may grant an additional period for compliance, not to exceed 14 days, for good cause shown and in response to a request filed within the 10-day period. However, no additional period shall be granted thereafter for compliance.

(6) A civil penalty assessed by the Secretary of State pursuant to this section shall be payable to the state of West Virginia no later than 30 days after the date the penalty is issued. A civil penalty is delinquent if the full amount of the civil penalty has not been timely paid.

(A) The Secretary of State may negotiate and enter into settlement agreements for the payment of civil penalties assessed as a result of the filing of a delinquent, grossly incomplete, or inaccurate statement. The Secretary of State may consider the following factors:

(i) The seriousness of the violations;

(ii) The history and extent of previous violations;

(iii) The demonstrated good faith of the political committee and treasurer;

(iv) The penalty necessary to deter future violations; and

(v) Any other matters that justice may require.

(B) In lieu of paying the full amount of the civil penalty within 30 days, a political committee, and its treasurer, may enter into an installment payment plan with the Secretary of State.

(C) If the civil penalty remains delinquent for 30 days or longer, or if the political committee, and its treasurer, fails to adhere to the terms of any installment plan, the Secretary of State shall refer the civil penalty to a responsible licensed and bonded debt collection agency or similar other responsible agent for collection.

~~(4)~~ (6) The Secretary of State shall publish online a list of all persons required to file statements with the Secretary of State who file statements after the deadline in an election cycle. This list shall be maintained and be publicly available online to include late activity for, at a minimum, the previous five years up to the current year.

~~(5)~~ (7) The Secretary of State and county clerk may review and audit any sworn statement required to be filed pursuant to this article. The State Election Commission shall propose legislative rules for promulgation, in accordance with §29A-3-1 *et seq.* of this code, to establish procedures for the assessment of civil penalties as provided in this section.

(c)(1) Any candidate, whether nominated by primary election or appointed by executive committee or executive committee chair, who has failed to file any sworn statement as required by this article relating to the immediately preceding primary election for any office by the 84th day before the general election, is disqualified and may not have his or her name appear on the general election ballot. The provisions of §3-8-5b(d) of this code notwithstanding, any sworn statement filed after the deadline required by §3-8-5 of this code must be received in the office indicated by §3-8-5b(a) of this code by the close of business on the 84th day before the general election.

(2) It is unlawful to issue a commission or certificate of election, or to administer the oath of office, to any person elected to any public office who has failed to file any sworn statement required by this article and no person may enter upon the duties of his or her office until he or she has filed such statement, nor may he or she receive any salary or emolument for any period prior to the filing of the statement.

(3) The vacancy on the ballot created by the disqualification in this subsection is subject to §3-5-19 of this code.

(d) As used in this section, "grossly" means substantive and material, and specifically includes false or misleading representations and acts of omissions.

(e) The Secretary of State shall provide by rule protocols for written notice via certified mail, return receipt requested, to the person, candidate, financial agent, or treasurer of a political party committee that is not in compliance with the requirements of this section. With respect to a violation of subsection (c) of this section, the notice shall be provided 60 days after any primary or other election.

The bill was then ordered to third reading.

Com. Sub. for S. B. 488, Clarifying definition of electioneering; on second reading, coming up in regular order, was read a second time,

On motion of Delegate Akers, the amendment was adopted.

The Committee on the Judiciary moved to amend the bill on page 3, section 9, line immediately following line 50, by inserting the following new subdivision:

“(3) This subsection does not apply to:

(A) A person who is employed at the location in which a polling place is located while the person is acting in the course of the person’s employment: *Provided*, That the photographs or video do not capture a voter’s ballot or interfere with the voting process;

(B) A citizen who takes photographs or videos upon his or her private property, regardless, of the distance from the polling place: *Provided*, That the photographs or video do not capture a voter’s ballot or interfere with the voting process; or

(C) A law enforcement officer in conducting the officer’s official duties.”

The bill was then ordered to third reading.

Com. Sub. for S. B. 503, Allowing sheriffs to appoint more than one chief deputy with consent of county commission; on second reading, coming up in regular order, was read a second time,

On motion of Delegate Phillips, the amendment was adopted.

The Committee on Government Organization moved to amend the bill on page 1, after the enacting clause, by striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 3. DEPUTY OFFICERS AND CONSERVATORS OF THE PEACE.

§6-3-1. Appointment of deputies and local conservators of the peace; powers and duties; compensation; vacating appointment of deputy sheriff; removal of conservators.

(a) (1) The clerk of the Supreme Court of Appeals, or of any circuit, criminal, common pleas, intermediate or county ~~court~~ commission, or of any tribunal established by law in lieu thereof, may, with the consent of the court, or such tribunal, duly entered of record, appoint any person or persons his or her deputy or deputies.

(2) A sheriff, surveyor of lands, or assessor may, with the consent of the county ~~court~~ commission duly entered of record, appoint any person or persons his or her deputy or deputies: *Provided*, That the sheriff may have and appoint more than one chief deputy.

(3) A sheriff, when in the opinion of the judge of the circuit court the public interest requires it, may, with the assent of ~~said court~~ the commission, duly entered of record, appoint any person or persons his or her deputy or deputies to perform any temporary service or duty.

(4) Each deputy so appointed shall take the same oath of office required of his or her principal, and may, during his or her continuance in office, perform and discharge any of the official duties of his or her principal, and any default or misfeasance in office of the deputy shall constitute a breach of the conditions of the official bond of his or her principal.

(5) A sheriff in any county in which there are more than four deputies shall devote his or her full time to the performance of the services or duties required by law of ~~such~~ the sheriff, and ~~he~~

~~the sheriff shall~~ may not receive any compensation or reimbursement, directly or indirectly, from any person, firm or corporation for the performance of any private or public services or duties: *Provided*, That any such sheriff may retain or make any investment and receive income therefrom, unless ~~such the~~ investment is otherwise prohibited by law or will impair his or her independence of judgment in the exercise of, or might reasonably tend to conflict with the proper discharge of, the services or duties of his or her office. A sheriff in any county in which there are four or fewer deputies, or a deputy sheriff in any county irrespective of the number of deputies, need not devote his or her full time to the services or duties of his or her office as sheriff or his or her employment as deputy sheriff, as the case may be; but any such sheriff or deputy sheriff ~~shall~~ may not engage in any business or transaction, accept other employment or make any investment which is otherwise prohibited by law or which will impair his or her independence of judgment in the exercise of, or might reasonably tend to conflict with the proper discharge of, the services or duties of his or her office as sheriff or his or her employment as deputy sheriff, as the case may be. A sheriff and his or her deputies in any county, irrespective of the number of deputies, ~~shall~~ may receive for the performance of their public services and duties no compensation or remuneration except such as may be regularly provided and paid out of public funds to the amount and in the manner provided by law. No sheriff or deputy sheriff in any county, irrespective of the number of deputies, may receive, directly or indirectly, any gift or donation from any person, firm or corporation.

(6) Except as hereinafter expressly provided by subsection (b) of this section no sheriff ~~shall~~ may appoint or continue the appointment of any deputy contrary to the provisions hereof. Any sheriff or deputy sheriff who shall violate any of the provisions of this section ~~shall be~~ is guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than \$500 nor more than \$5,000, or confined in jail not to exceed one year, or both, ~~in the discretion of the court~~ fined and confined.

(7) Circuit courts shall have jurisdiction in equity and mandamus, and the Supreme Court of Appeals shall have jurisdiction in mandamus, upon the filing of a petition by the prosecuting attorney, the Attorney General, or any three or more citizens of the county, to require any sheriff and the county ~~court~~ commission to vacate the appointment of any deputy, the appointment of which is made or continued in violation of the provisions hereof. Any such proceeding may be instituted and prosecuted by the Attorney General either in the circuit court of Kanawha county or in the county for which ~~such the~~ appointment was made.

(b) (1) Any resident or group of residents of any unincorporated community, as hereinafter defined, may petition the sheriff for the appointment of a local conservator of the peace and ~~such the~~ sheriff, when in his or her opinion the public interests require it, may with the assent of ~~said~~ county ~~court~~ commission and the judge of the circuit court duly entered of record, either in term or vacation of any such court, appoint any person or persons a local conservator or conservators of the peace to perform the duties of a conservator of the peace outside of any incorporated city, town or village. No person ~~shall~~ may be appointed ~~such~~ local conservator of the peace who has not been a bona fide resident and taxpayer of the county for at least one year prior to his or her appointment. ~~Such The~~ local conservator of the peace during his or her continuance in office, may perform and discharge any of the official duties of the sheriff, subject nevertheless to the provisions of this section. No local conservator so appointed ~~shall~~ may be subject to the direction or control of any person other than his or her principal and he or she ~~shall~~ may not perform any services or duties, either private or public, except the duties required by law of conservators of the peace pursuant to the provisions hereof, for any person, firm, or corporation. No such local conservator ~~shall~~ may be entitled to collect or receive any fees provided by law to be paid to the sheriff or to a deputy sheriff, but all fees provided by law for the sheriff, when such duties and

services are rendered by ~~such the~~ local conservator, shall be paid to the sheriff as regular collections of the sheriff's office. The local conservator shall be paid for the public services performed by him or her a salary of not less than \$75 per month out of the county treasury from a fund to be paid into ~~such the~~ treasury by a resident or the residents of the community for which he or she is appointed, for the sole purpose of compensating ~~such the~~ local conservator or conservators and no such local conservator ~~shall~~ may receive any other compensation, directly or indirectly, from any person, firm, or corporation, for any private or public service, except the salary payable to him or her for his or her public services and duties and from such fund, except that he or she shall be entitled to witness and mileage fees when a witness in a court of record. Each local conservator so appointed shall take the same oath of office required of his or her principal and any default or misfeasance in the office of such local conservator shall constitute a breach of the conditions of the official bond of his or her principal.

(2) When the sheriff ~~shall have~~ has been petitioned for the appointment of a local conservator and has determined that the appointment is proper, he or she shall select the person whom he or she proposes to have appointed such conservator and shall notify the county ~~court~~ commission of the community for which ~~such the~~ conservator is to be appointed and the name of the person proposed for ~~such that~~ appointment. The county ~~court~~ commission shall thereupon cause notice that the sheriff has recommended the appointment of the person named as conservator for the community named to be published as a Class II legal advertisement in compliance with the provisions of article three, chapter fifty-nine of this code, and the publication area for such publication shall be the county. The notice shall designate a day not less than five days after the date of the last publication when the county ~~court~~ commission will act upon the petition and recommendation. Neither the county ~~court~~ commission nor the judge of the circuit court shall assent and approve the appointment of such local conservator until such publication has been made. The costs of the publication shall be paid by the person or persons petitioning for the appointment of the conservator.

No local conservator ~~shall~~ may be appointed except it be made to appear to the satisfaction of the county ~~court~~ commission and the judge of the circuit court that because of the lack of sufficient funds, geographical location of the unincorporated community for which ~~such the~~ conservator is to be appointed, or other good reason, the sheriff and his or her regular deputies and the constables of the county are not sufficient to afford proper local policing of such community and that the person or persons moving for the appointment of such local conservator have made satisfactory arrangements to compensate him or her for his or her services as ~~such the~~ local conservator of the peace.

(3) ~~Such The~~ local conservator of the peace ~~shall have~~ may exercise all the powers and duties of a regularly appointed deputy sheriff except that he or she ~~shall~~ may not execute any civil process except such process as may be necessary to bring parties before the court in any action at law or suit in equity and subpoenas for witnesses within the unincorporated community for which he or she is appointed and within a distance of one mile outside the boundaries thereof, except as hereinafter expressly provided, but he or she shall not participate in any strike, unemployment boycott, or other industrial or labor dispute, nor serve any court process of any character relating thereto. He or she shall act as ~~such the~~ local conservator only in the unincorporated community for which he or she is appointed, and within a distance of one mile from the boundaries thereof as fixed by the county ~~court~~ commission: *Provided, however,* That the authority of one local conservator ~~shall~~ may not extend into any other unincorporated community for which another local conservator is appointed and acting, except as otherwise expressly provided by subdivision (6) of this subsection, except that in fresh pursuit he or she may effect arrests anywhere in the county. He or she may also exercise the powers of a regularly

appointed deputy anywhere in the county when required to guard or assist in guarding a payroll, or any other property of value in transit to or from the unincorporated community for which he or she is appointed. Any person arrested by ~~such the~~ local conservator shall, with all convenient speed, be turned over to the sheriff, or one of his or her regular deputies, or to a regular constable of the county to be dealt with according to law, and his or her authority for that purpose shall be coextensive with the county.

(4) Any local conservator appointed to perform the duties of conservator of the peace shall be a public officer and the payment, or contribution to the payment of compensation of ~~such the~~ local conservator ~~shall may~~ not constitute the person, firm or corporation making ~~such the~~ payment or contribution the employer of such local conservator and no person, firm or corporation paying, or contributing to the payment of compensation to such local conservator shall be answerable in law or in equity for any damages to person or property resulting from any official act of such local conservator.

(5) No person appointed ~~such~~ local conservator ~~shall thereby be entitled to may~~ carry weapons, but ~~such the~~ local conservator may carry weapons when he or she ~~shall be is~~ duly licensed and ~~shall have~~ has given bond as provided by §61-7-2 of this code.

(6) Not more than one local conservator of the peace ~~shall may~~ be appointed, to perform the duties of conservator of the peace, for each 2,500 inhabitants of the county as ascertained by the last regular decennial census after deducting the number of inhabitants of the county residing in the incorporated cities, towns and villages in ~~such the~~ county. Not more than one local conservator ~~shall may~~ be appointed for any unincorporated community unless the population thereof ~~exceed exceeds~~ 1,500 people and in such case not more than two conservators ~~shall may~~ be appointed for ~~such that~~ community.

(7) The phrase "unincorporated community" within the meaning of this section ~~shall mean means~~ any center of population wherein 50 or more persons reside within an area of not more than one square mile.

(8) The county ~~court~~ commission and the judge of the circuit court in approving the appointment of a local conservator shall enter of record an order making such appointment and shall show therein the necessity for the appointment, the person or persons on whose motion the appointment is made, the arrangement for the payment of compensation to ~~such the~~ local conservator, the unincorporated community or communities, for which the appointment is made, including the general boundary of each unincorporated community for which he or she is appointed.

(9) No local conservator ~~shall may~~ act as an election official or remain in, about or near any voting place or place of political convention, further than is necessary for him or her to promptly cast his or her vote and retire from the voting place.

(10) Any local conservator violating any of the provisions of subdivisions (3) and (9) of this subsection ~~shall be is~~ guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than \$50 nor more than \$300, or be confined in the county jail not more than six months, or both fined and confined, ~~in the discretion of the court; and it shall be the duty of the sheriff and the county court commission to shall~~ forthwith revoke his or her appointment irrespective of any criminal prosecution. A proceeding in mandamus or injunction shall lie in the circuit court and a proceeding in mandamus shall lie in the Supreme Court of Appeals at the instance of the prosecuting attorney, the Attorney General, or of any three or more citizens of the community for

which ~~such the~~ conservator is appointed, to require the performance of ~~such~~ that duty by the sheriff and the county ~~court~~ commission.

(11) ~~Such~~ The local conservator shall serve during the joint will and pleasure of the sheriff and the county ~~court~~ commission and his or her appointment may be revoked by order entered of record by the county ~~court~~ commission either with or without the assignment of cause therefor.

A local conservator may be removed by the judge of the circuit court, either in term or vacation, for drunkenness, gross immorality, incompetence, neglect of duty, or other good cause, upon the petition of three or more residents of the community for which he or she has been appointed. The petition shall set forth the cause or causes for which such removal is asked and shall show that demand for removal has been made of the sheriff and the county ~~court~~ commission and that the sheriff and the county ~~court~~ commission have failed to remove the local conservator. At least three copies of the petition shall be filed, and upon the filing of the petition the judge shall fix a time and place for a hearing thereon, which time shall not be less than 10 days after the filing of the petition, and shall cause a copy thereof to be served upon the sheriff and ~~such the~~ local conservator at least 10 days before the hearing thereon.

The bill was then ordered to third reading.

Com. Sub. for S. B. 531, Relating to offenses of assault and battery on athletic officials; on second reading, coming up in regular order, was read a second time,

On motion of Delegate Akers, the amendment was adopted.

The Committee on the Judiciary moved to amend the committee substitute for committee substitute by striking everything after the enacting clause and inserting in lieu thereof the following:

"ARTICLE 2. CRIMES AGAINST THE PERSON.

§61-2-15a. Assault, battery on athletic officials or participants; penalties.

(a) If any person, other than an athletic official or participant, commits an assault as defined in subsection (b), ~~section nine of this article §61-2-9(b) of this code~~, to the person of an athletic official or participant during the time the official is acting as an athletic official or participant, the offender is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$250, nor more than \$500, or and confined in jail not less than five days nor more than six months; ~~or both fined and confined.~~

(b) If any person, other than an athletic official or participant, commits a battery, as defined in subsection (c), ~~section nine of this article §61-2-9(c) of this code~~, against an athletic official or participant during the time the official is acting as an athletic official or participant, the offender is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$500, nor more than \$1,000, ~~or and~~ confined in jail not less than 10 days nor more than twelve months, or both fined and confined.

(c) For the purpose of this section, "athletic official or participant " means a player on a sports team, person at a sports event who enforces the rules of that event, such as including, but not limited to, an umpire or referee, or a person who supervises the participants, ~~such as including,~~

but not limited to, a coach, assistant coach, or any other official team members during the course of a game or related event.

(d)(1) In addition to the criminal penalties set forth in this section, a county board of education or a governing board for a state institution of higher education may provide written notification to any person convicted of an offense under subsection (a) or subsection (b) of this section that he or she is banned from all state school sports events or school-sponsored sports events as a result of the conviction for a minimum of 365 days.

(2) Any person receiving the written notification set forth in subdivision (1) of this subsection who refuses to leave the premises of any state school sports event or school-sponsored sports event upon request shall be subject to prosecution pursuant to the provisions of §61-3B-1 et seq. of this code.

(e) Nothing in this section shall be construed as creating immunities from criminal liability for the commission of any other criminal act or acts in violation of any provision of this code."

The bill was then ordered to third reading.

S. B. 561, Relating to Uniform Special Deposits Act; on second reading, coming up in regular order, was read a second time and ordered to third reading,

Com. Sub. for S. B. 576, Authorizing fixed odds racing in horse and dog racing; on second reading, coming up in regular order, was read a second time,

On motion of Delegate Criss, the amendment was adopted.

The Committee on Finance moves to amend the bill on page one, following the enacting clause, by striking out the remainder of the bill and inserting in lieu thereof the following:

"ARTICLE 22D. WEST VIRGINIA LOTTERY SPORTS WAGERING ACT.

§29-22D-3. Definitions.

For the purposes of this article, the following terms have the meanings ascribed to them in this section:

~~(1)~~ "Adjusted gross sports wagering receipts" means an operator's gross sports wagering receipts from West Virginia Lottery sports wagering, less winnings paid to wagerers in such games.

~~(2)~~ "Collegiate sport or athletic event" means a sport or athletic event offered or sponsored by, or played in connection with, a public or private institution that offers educational services beyond the secondary level.

~~(3)~~ "Commission" or "State Lottery Commission" means the West Virginia Lottery Commission, created by §29-22-1 et seq. of this code.

~~(4)~~ "Director" means the Director of the West Virginia State Lottery Commission, appointed pursuant to §29-22-6 of this code.

~~(5)~~ "E-sports event" means leagues, competitive circuits, tournaments, or similar competitions where individuals or teams play video games, typically for spectators, either in person or online, for the purpose of prizes, money, or entertainment.

"Fixed odds wager on dog racing" means a sum of money or representation of value risked by a player on an occurrence associated with a sports event involving dog races for which the outcome is uncertain. The term includes single-race bets, teaser bets, moneyline bets, in-race wagering, proposition bets, straight bets, parlays, or any other wager type approved by the West Virginia Lottery.

"Fixed odds wager on horse racing" means a sum of money or representation of value risked by a player on an occurrence associated with a sports event involving racehorses for which the outcome is uncertain. The term includes single-race bets, teaser bets, moneyline bets, in-race wagering, proposition bets, straight bets, parlays, or any other wager type approved by the West Virginia Lottery.

"Fixed odds wagering on dog racing" means the acceptance of wagers on a sports event of live dog racing with predetermined odds. Fixed odds wagering on dog races shall only occur as provided in this article. Fixed odds wagers on dog racing may be combined with other wagers on other sports events as authorized in this article.

"Fixed odds wagering on horse racing" means the acceptance of wagers on a sports event of live horse racing with predetermined odds. Fixed odds wagering on horse racing shall only occur as provided in this article. Fixed odds wagers on horse races may be combined with other wagers on other sports events as authorized in this article.

~~(6)~~ "Gaming equipment" or "sports wagering equipment" means any mechanical, electronic, or other device, mechanism, or equipment, and related supplies used or consumed in the operation of West Virginia Lottery sports wagering at a licensed gaming facility including, but not limited to, a kiosk installed to accept sports wagers.

~~(7)~~ "Gaming facility" means a designated area on the premises of an existing historic resort hotel, licensed under §29-25-1 *et seq.* of this code, to operate video lottery and table games or the facility of an entity authorized to operate racetrack video lottery machines pursuant to §29-22A-1 *et seq.* of this code.

~~(8)~~ "Government" means any governmental unit of a national, state, or local body exercising governmental functions, other than the United States government.

~~(9)~~ "Gross sports wagering receipts" means the total gross receipts received by a licensed gaming facility from sports wagering.

~~(10)~~ "License" means any license applied for or issued by the commission under this article including, but not limited to:

(A) A license to act as agent of the commission in operating West Virginia Lottery sports wagering at a licensed gaming facility (operator license or West Virginia Lottery sports wagering license);

(B) A license to supply a gaming facility licensed under this article to operate sports wagering with sports wagering equipment or services necessary for the operation of sports wagering (supplier license);

(C) A license to be employed at a racetrack or gaming facility licensed under this article to operate West Virginia Lottery sports wagering when the employee works in a designated gaming area that has sports wagering or performs duties in furtherance of or associated with the operation of sports wagering at the licensed gaming facility (occupational license); or

(D) A license to provide management services under a contract to a gaming facility licensed under this article to operate sports wagering (management services provider license).

~~(41)~~ "Licensed gaming facility" means a designated area on the premises of an existing historic resort hotel, pursuant to §29-25-1 *et seq.* of this code, or the facility of an entity authorized to operate racetrack video lottery machines, pursuant to §29-22A-1 *et seq.* of this code licensed under this article to conduct West Virginia Lottery sports wagering.

~~(42)~~ "Lottery" means the public gaming systems or games regulated, controlled, owned, and operated by the State Lottery Commission in the manner provided by general law, as provided in this article, §29-22-1 *et seq.*, §29-22A-1 *et seq.*, §29-22B-1 *et seq.*, §29-22C-1 *et seq.*, and §29-25-1 *et seq.* of this code.

~~(43)~~ "National criminal history background check system" means the criminal history record system maintained by the Federal Bureau of Investigation based on fingerprint identification or any other method of positive identification.

~~(44)~~ "Operator" means a licensed gaming facility which has elected to operate a sports pool and other authorized West Virginia Lottery sports wagering activities.

~~(45)~~ "Professional sport or athletic event" means an event at which two or more persons participate in sports or athletic events and receive compensation in excess of actual expenses for their participation in such event.

~~(46)~~ "Sports event" or "sporting event" means any professional sport or athletic event, any collegiate sport or athletic event, motor race event, e-sports event, or any other special event authorized by the commission under this article. A "sports event" or "sporting event" includes "horse racing" or "dog racing" as defined in §19-23-3 of this code for the purpose of conducting "fixed odds wagering on horse racing" or "fixed odds wagering on dog racing" as defined in this article.

~~(47)~~ "Sports pool" means the business of accepting wagers on any sports event by any system or method of wagering.

~~(48)~~ "Sports wagering account" means a financial record established by a licensed gaming facility for an individual patron in which the patron may deposit and withdraw funds for sports wagering and other authorized purchases, and to which the licensed gaming facility may credit winnings or other amounts due to that patron or authorized by that patron.

~~(49)~~ "Sports wagering agreement" means a written agreement between the commission and one or more other governments whereby persons who are physically located in a signatory

jurisdiction may participate in sports wagering conducted by one or more operators licensed by the signatory governments.

~~(20)~~ "Sports wagering fund" means the special fund in the State Treasury created in §29-22D-17 of this code.

~~(24)~~ "Supplier" means a person that requires a supplier license to provide a sports wagering licensee with goods or services to be used in connection with operation of West Virginia Lottery sports wagering.

~~(22)~~ "Wager" means a sum of money or thing of value risked on an uncertain occurrence.

~~(23)~~ "West Virginia Lottery sports wagering" or "sports wagering" means the business of accepting wagers on sporting events, and other events, the individual performance statistics of athletes in a sporting event or other events, or a combination of any of the same by any system or method of wagering approved by the commission including, but not limited to, mobile applications and other digital platforms that utilize communications technology to accept wagers originating within this state. The term includes, but is not limited to, exchange wagering, parlays, over-under, moneyline, pools, fixed odds wagering on horse racing, fixed odds wagering on dog racing, and straight bets. The term does not include:

(A) Pari-mutuel betting on the outcome of horse or dog races authorized by §19-23-12a and §19-23-12d of this code;

(B) Lottery games of the West Virginia State Lottery authorized by §29-22-1 *et seq.* of this code;

(C) Racetrack video lottery authorized by §29-22A-1 *et seq.* of this code;

(D) Limited video lottery authorized by §29-22B-1 *et seq.* of this code;

(E) Racetrack table games authorized by §29-22C-1 *et seq.* of this code;

(F) Video lottery and table games authorized by §29-25-1 *et seq.* of this code; and

(G) Daily Fantasy Sports (DFS).

~~(24)~~ "West Virginia Lottery sports wagering license" means authorization granted under this article by the commission to a gaming facility that is already licensed under §29-22A-1 *et seq.* or §29-25-1 *et seq.* of this code, which permits the gaming facility as an agent of the commission to operate West Virginia Lottery sports wagering in one or more designated areas or in one or more buildings owned by the licensed gaming facility on the grounds where video lottery is conducted by the licensee or through any other authorized platform developed by the gaming facility. This term is synonymous with "operator's license".

§29-22D-4. Commission duties and powers.

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

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

(c) The commission may, pursuant to §29A-1-1 *et seq.* and §29A-3-1 *et seq.* of this code, promulgate or otherwise enact any legislative, interpretive, and procedural rules the commission considers necessary for the successful implementation, administration, and enforcement of this article.

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

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

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

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

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

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

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

(f) The commission shall determine the eligibility of a person to hold or continue to hold a license, shall issue all licenses, and shall maintain a record of all licenses issued under this article.

(g) The commission shall levy and collect all fees, surcharges, civil penalties, and weekly tax on adjusted gross sports wagering receipts imposed by this article, and deposit all moneys into the sports wagering fund, except as otherwise provided under this article.

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

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

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

§29-22D-15a. Fixed odds wagering on horse racing or dog racing.

(a) Fixed odds wagering on horse racing or dog racing is hereby authorized. Acceptance of fixed odds wagering on horse racing or dog racing shall only be conducted by a licensed operator, licensed gaming facility, or management services provider, as defined in this article.

(b) Any content authorized for fixed odds wagering on horse races from outside of West Virginia to be offered for wagering by a licensed operator, licensed gaming facility, or management services provider, shall comply with the Interstate Horseracing Act of 1978, 15 U.S.C. 3001, et seq.

(c) Any content authorized for fixed odds wagering on horse races from West Virginia, or fixed odds wagering on dog races from West Virginia, to be offered for wagering by a licensed operator, licensed gaming facility, or management services provider, shall require the consent of the host racetrack and recognized horsemen's group for horse races.

§29-22D-17a. Fixed Odds Horse Racing Wagering Purse Supplement Fund creation; distribution of funds.

(a) There is hereby created within the State Treasury a fund known as the West Virginia Lottery Fixed Odds Horse Racing Wagering Purse Supplement Fund. The fund shall be administered by the Director of the West Virginia Lottery.

(b) Ten percent of the licensee's adjusted gross wagering receipts from fixed odds wagering on horse racing shall be collected in the same manner as prescribed by §29-22D-16 of this code. The funds shall be distributed as follows:

(1) Of the ten percent collected from the licensee's adjusted gross wagering receipts from fixed odds wagers on horse races excluding parlays, 25 percent of such collections shall be deposited into the West Virginia Lottery Fixed Odds Horse Racing Wagering Purse Supplement Fund created by this section.

(2) Of the ten percent collected from the licensee's adjusted gross wagering receipts from fixed odds wagers on horse races excluding parlays, 25 percent of such collections shall be collected and distributed equally among the licensed thoroughbred racetracks in this state.

(3) Of the ten percent collected from the licensee's adjusted gross wagering receipts from parlays, 25 percent of the portion of such collections wagered on horse race events in the parlays shall be deposited into the West Virginia Lottery Fixed Odds Horse Racing Wagering Purse

Supplement Fund created by this section. For the avoidance of doubt, only the horse racing portion(s) of any parlay bet shall be included in this calculation.

(4) Of the ten percent collected from the licensee's adjusted gross wagering receipts from parlays, 25 percent of the portion of such collections wagered on horse race events in the parlays shall be collected and distributed equally among licensed thoroughbred racetracks in this state. For the avoidance of doubt, only the horse racing portion(s) of any parlay bet shall be included in this calculation.

(c) All moneys collected under this section by the West Virginia Lottery from fixed odds wagering on horse racing shall be deposited with the State Treasurer in the West Virginia Lottery Fixed Odds Horse Racing Wagering Purse Supplement Fund. The fund shall be an interest-bearing account with all interest or other return earned on the money of the fund credited to and deposited in the fund. All expenses of the West Virginia Lottery incurred in the administration and enforcement of this article shall be paid from the West Virginia Sports Wagering Fund pursuant to §29-22D-17(b) of this code.

(d) Moneys in the fund shall be invested by the State Treasurer in the same manner as moneys in the state general fund. Interest earned on the investments of moneys in the fund shall be deposited in and credited to the fund.

(e) Within 30 days of the beginning of each fiscal year, 50 percent of the amount of moneys in the fund shall be distributed into the special funds created by thoroughbred racetrack licensees to be used for the payment of regular purses offered for thoroughbred racing and established under §19-23-9(b)(1) of this code, and 50 percent shall be distributed equally among licensed thoroughbred racetracks in this state.

(f) In distributing the funds collected under this section into the special funds of the thoroughbred racetrack licensees to be used for the payment of regular purses offered for thoroughbred racing established under §19-23-9(b)(1) of this code, the Lottery Director shall allocate proportionally based upon the total handle, or amount wagered, at each licensed thoroughbred racetrack, as calculated annually by the West Virginia Racing Commission, for the preceding calendar year.

§29-22D-17b. Fixed Odds Dog Racing Wagering Purse Supplement Fund creation; distribution of funds.

(a) There is hereby created in the State Treasury a fund known as the West Virginia Lottery Fixed Odds Dog Racing Wagering Purse Supplement Fund. The fund shall be administered by the Director of the West Virginia Lottery.

(b) Ten percent of the licensee's adjusted gross wagering receipts from fixed odds wagering on dog racing shall be collected in the same manner as prescribed by §29-22D-16 of this code. The funds shall be distributed as follows:

(1) Of the ten percent collected from the licensee's adjusted gross wagering receipts from fixed odds wagers on dog races, excluding parlays, 25 percent of such collections shall be deposited into the West Virginia Lottery Fixed Odds Dog Racing Wagering Purse Supplement Fund established by this section.

(2) Of the ten percent collected from the licensee's adjusted gross wagering receipts from fixed odds wagers on dog races excluding parlays, 25 percent of such collections shall be collected and distributed equally among the licensed dog racetracks in this state.

(3) Of the ten percent collected from the licensee's adjusted gross wagering receipts from fixed odds wagers on dog races from parlays, 25 percent of the portion of such collections wagered on dog race events in the parlays shall be deposited into the West Virginia Lottery Fixed Odds Dog Racing Wagering Purse Supplement Fund created by this section. For the avoidance of doubt, only the dog racing portion(s) of any parlay bet shall be included in this calculation.

(4) Of the ten percent collected from the licensee's adjusted gross wagering receipts from parlays, 25 percent of the portion of such collections wagered on dog race events in the parlays shall be collected and distributed equally among licensed dog racetracks in this state. For the avoidance of doubt, only the dog racing portion(s) of any parlay bet shall be included in this calculation.

(c) Subject to the provisions of subsection (b) of this section, all moneys collected under this section by the West Virginia Lottery from fixed odds wagering on dog racing shall be deposited with the State Treasurer in the West Virginia Lottery Fixed Odds Dog Racing Wagering Purse Supplement Fund. The fund shall be an interest-bearing account with all interest or other return earned on the money of the fund credited to and deposited in the fund. All expenses of the West Virginia Lottery incurred in the administration and enforcement of this article shall be paid from the West Virginia Sports Wagering Fund pursuant to §29-22D-17(b) of this code.

(d) Moneys in the fund shall be invested by the State Treasurer in the same manner as moneys in the state General Fund. Interest earned on the investments of moneys in the fund shall be deposited in and credited to the fund.

(e) Within 30 days of the beginning of each fiscal year, 50 percent of the amount of moneys in the fund shall be distributed to the West Virginia Greyhound Breeding Development Fund created under §19-23-10 of this code, and 50 percent shall be distributed equally among licensed dog racetracks in this state.

§29-22D-17c. Use of funds by licensed racetrack facilities.

Any funds distributed to licensed racetracks under §29-22D-17a and §29-22D-17b of this code may be expended by such licensed racetracks to support operations in this state authorized under §19-23-1 *et seq.*, §29-22A-1 *et seq.*, §29-22C-1 *et seq.*, §29-22D-1 *et seq.*, or §29-22E-1 *et seq.*, of this code, or for capital improvements at facilities located in this state that are on or contiguous to the premises of the licensed racetrack.

§29-22D-25. Wagering by racing officials not allowed.

An operator shall not knowingly accept a wager from a person who is an owner or trainer of a racehorse or dog, or a jockey, including their employees, or a racing official, who is participating in the horse racing or dog racing sports event, as applicable, on which the person is attempting to place the wager. For the purposes of this section, a racing official shall mean: stewards, placing judges, clerk of scales, starter, timer, paddock judge, Racing Commission veterinarian(s), association's racing secretary and assistants, horse identifier, clocker, and jockey room custodian."

The bill was then ordered to third reading.

Com. Sub. for S. B. 581, Relating to school attendance and student participation in 4-H activities; on second reading, coming up in regular order, was read a second time,

On motion of Delegate Ellington, the amendment was adopted.

The Committee on Education moved to amend the bill on page 1, after the enacting clause by striking out the remainder of the bill and inserting, in lieu thereof, the following:

ARTICLE 8. COMPULSORY SCHOOL ATTENDANCE.

§18-8-4. DUTIES OF ATTENDANCE DIRECTOR AND ASSISTANT DIRECTORS; COMPLAINTS, WARRANTS, AND HEARINGS.

(a) For the purposes of this article, the following definitions apply:

(1) "Excused absence" means:

(A) A medical or dental appointment with written excuse from physician or dentist;

(B) Personal illness or injury of the student accompanied by a timely written excuse from the student's parent, guardian, or custodian: *Provided*, That the total absences under this section combined with absences permitted under paragraph (C) of this subdivision do not exceed more than 10 per school year unless supported by a physician's note: *Provided, however*, That a medically documented chronic health condition or disability that adversely impacts in-person attendance approved by a county school board or the principal is not subject to this limitation, and that absences of students with disabilities shall be in accordance with the Individuals with Disabilities Education Improvement Act of 2004 and the federal and state regulations adopted in compliance therewith;

(C) Personal illness or injury of the student's parent, guardian, custodian, or family member: *Provided*, That the excuse must provide a reasonable explanation for why the student's absence was necessary and caused by the illness or injury in the family, and the total absences under this section in combination with paragraph (B) of this subdivision may not exceed more than 10 excuses per school year;

(D) Death in the family;

(E) School-approved or county-approved curricular or extra-curricular activities;

(F) A judicial obligation or court appearance involving the student; ~~and~~

(G) A military requirement for students enlisted or enlisting in the military-;

(H) Up to five college visits; and

(I) A student in any West Virginia Department of Education recognized and sanctioned student organization to enhance student enrichment and success, including but not limited to SkillsUSA, Future Business Leaders of America (FBLA), Health Occupations Students of America (HOSA), the Common Ground Partnership, or 4-H or FFA sanctioned activity or program, subject to the following:

(i) A student who participates in an activity or program sanctioned in subsection (I) shall be credited as present by the school in which the student is enrolled in the same manner as a student participating in an educational field trip. A school principal, or the principal's designee, shall not count a student absent for participating in an activity or program sanctioned in subsection (I).

(ii) An agent of a sanctioned organization set forth in in subsection (I) shall provide documentation as proof of a student's participation in an activity or program sanctioned in subsection (I) at least five days prior to the activity or program.

(iii) A student shall make up any schoolwork missed while the student was participating in an activity or program sanctioned by subsection (I), and shall not have the student's class grades adversely affected for lack of attendance or participation due to the student's participation in an activity or program sanctioned in subsection (I).

(iv) A school principal, or the principal's designee, shall not credit a student who participates in an activity or program sanctioned in subsection (I) as present if the student's participation in the activity or program sanctioned in subsection (I) occurs during any period of time for which the student has been suspended, expelled, or assigned to an alternative school or alternative program under this chapter and the student's suspension, expulsion, or assignment to an alternative school or alternative program would preclude the student from participating in an educational field trip.

(J) The total amount of excused absences under sections E, H and I of this section may not exceed more than 10 per school year.

(K) Nothing in this section shall interfere with the Every Student Succeeds Act (ESSA), 2015), which does not differentiate between excused and unexcused absences.

(2) "Meaningful contact" means two-way communication by the school administrator or other school designee and the student's parent, guardian, or custodian to discuss the student's attendance record in an effort to prevent subsequent truancy or other legal proceedings relating to compulsory school attendance, and to minimize additional absences. Methods of meaningful contact include, but are not limited to, phone calls, video conferencing, home visits, and the use of digital platforms.

(3) "System of Support Plan" ("SOS Plan") refers to a plan to be developed by the State Board of Education designed to encourage students to attend school. It shall, at a minimum, require county attendance directors, principals, or other school designees to make periodic contact with the parent, guardian, or custodian of a student subject to compulsory school attendance to ascertain the reason or reasons for the student's absence or absences and what measures the school may employ to assist the student in attending school and not incurring additional absences. It shall also impart upon the student's parents, guardians, and custodians the importance of the student's attendance and the seriousness of failing to do so.

(4) "Unexcused absence" means any absence not specifically included in the definition of "excused absence".

(b) The county attendance director and his or her assistants shall diligently promote regular school attendance. The director and assistants shall:

(1) Ascertain the reasons for unexcused absences from school of students of compulsory school age; and students who remain enrolled beyond the compulsory school age;

(2) Ensure the implementation of the SOS Plan as developed by the state board, including encouraging the attendance of students and imparting upon the parents, guardians, and custodians the importance of attendance and the seriousness of failing to do so.

(c) All documentation relating to absences shall be provided to the school no later than three instructional days after the first day the student returns to school. In the event documentation is not provided to the school within three instructional days after the first day the student returns to school, the absences are unexcused.

(d) In the case of three total unexcused absences of a student during a school year, the attendance director, his or her assistant, or the principal shall make meaningful contact with the parent, guardian, or custodian of the student to ascertain the reasons for the unexcused absences and what measures the school may employ to assist the student in attending and not incurring any additional unexcused absences.

(e) In the case of five total unexcused absences, the attendance director, his or her assistant or the principal shall again make meaningful contact with the parent, guardian, or custodian of the student to ascertain the reasons for the unexcused absences and what measures the school may employ to assist the student in attending school and not incurring any additional unexcused absences.

(f) In the case of 10 total unexcused absences of a student during a school year, the attendance director or assistant may make a complaint against the parent, guardian, or custodian before a magistrate of the county. If it appears from the complaint that there is probable cause to believe that an offense has been committed and that the accused has committed it, a summons or a warrant for the arrest of the accused shall issue to any officer authorized by law to serve the summons or to arrest persons charged with offenses against the state. More than one parent, guardian, or custodian may be charged in a complaint. Initial service of a summons or warrant issued pursuant to the provisions of this section shall be attempted within 10 calendar days of receipt of the summons or warrant and subsequent attempts at service shall continue until the summons or warrant is executed or until the end of the school term during which the complaint is made, whichever is later.

(g) The magistrate court clerk, or the clerk of the circuit court performing the duties of the magistrate court as authorized in §50-1-8 of this code, shall assign the case to a magistrate within 10 days of execution of the summons or warrant. The hearing shall be held within 20 days of the assignment to the magistrate, subject to lawful continuance. The magistrate shall provide to the accused at least 10 days' advance notice of the date, time, and place of the hearing.

(h) When any doubt exists as to the age of a student absent from school, the attendance director and his or her assistants may require a properly attested birth certificate or an affidavit from the parent, guardian, or custodian of the student stating the age of the student. In the performance of his or her duties, the county attendance director and his or her assistants have authority to take without warrant any student absent from school in violation of the provisions of this article and to place the student in the school in which he or she is or should be enrolled.

(i) The county attendance director and his or her assistants shall devote as much time as is required to the duties of attendance director in accordance with this section during the

instructional term and at any other times as the duties of an attendance director are required. All attendance directors and assistants hired for more than 200 days may be assigned other duties determined by the superintendent during the period in excess of 200 days. The county attendance director is responsible under direction of the county superintendent for efficiently administering school attendance in the county.

(j) In addition to those duties directly relating to the administration of attendance, the county attendance director and his or her assistant directors also shall perform the following duties:

(1) Assist in directing the taking of the school census to see that it is taken at the time and in the manner provided by law;

(2) Confer with principals and teachers on the comparison of the school census and enrollment for the detection of possible nonenrollees;

(3) Cooperate with existing state and federal agencies charged with enforcing child labor laws;

(4) Promote attendance in the county by compiling data for schools and by furnishing suggestions and recommendations for publication through school bulletins and the press, or in any manner directed by the county superintendent;

(5) Participate in school teachers' conferences with parents and students;

(6) Assist in any other ways directed by the county superintendent for improving school attendance;

(7) Make home visits of students who have excessive unexcused absences, as provided in subsection (a) of this section, or if requested by the chief administrator, principal, or assistant principal; and

(8) Serve as the liaison for homeless children and youth.

The bill was then ordered to third reading.

Com. Sub. for S. B. 586, Relating to requirements for filling vacancies in certain elected federal, state, and county offices; on second reading, coming up in regular order, was read a second time and ordered to third reading with general right to amend,

Com. Sub. for S. B. 587, Relating generally to government contracting; on second reading, coming up in regular order, was read a second time and ordered to third reading with general right to amend,

Com. Sub. for S. B. 652, Expanding cardiac arrest provisions to be applicable to elementary schools; on second reading, coming up in regular order, was read a second time and ordered to third reading,

Com. Sub. for S. B. 677, Increasing fees charged by Commissioner of Securities for each offering; on second reading, coming up in regular order, was read a second time and ordered to third reading,

Com. Sub. for S. B. 710, Relating to the practice of teledentistry; on second reading, coming up in regular order, was read a second time,

On motion of Delegate Worrell, the amendment was adopted.

The Committee on Health and Human Resources moved to amend the bill on page 1, by striking section 8b in its entirety and inserting in lieu thereof a new section 8b to read as follows:

§30-4-8b. License or registration requirements to practice teledentistry; rules; and penalties.

(a) A person may not provide dental services through teledentistry to a patient who is located at an originating site in this state unless the person:

(1) Is licensed pursuant to this article or registered pursuant to §30-1-1 *et seq.* of this code to practice dentistry or dental hygiene in this state; and

(2) Possesses and maintains a policy of professional liability insurance which insures the provider against any liability arising from the provision of dental services.

(b) A provider who provides dental services through teledentistry including, without limitation, providing consultation and recommendations for treatment, issuing a prescription, diagnosing, or correcting the position of teeth and using orthodontic appliances shall provide such services in accordance with the same standards of care and professional conduct as when providing those services in person or by other means.

(1) A provider may not:

(A) Provide treatment for any condition based solely on the results of an online questionnaire;

(B) Engage in activity that is outside his or her scope of practice while providing services through teledentistry; or

(C) Delegate to a dental hygienist, dental assistant, dental auxiliary, or any other individual any act or duty through teledentistry that requires the in-person supervision of a licensed or registered dentist or that is otherwise outside such individuals permissible scope of practice.

(c) Except as otherwise provided for in §30-4-8b(d), a provider shall establish a bona fide relationship with a patient before providing services to a patient through teledentistry. A bona fide relationship between a patient and a provider shall exist if the provider has:

(1) Reviewed the patient's relevant history, medical records, diagnostic records, and, if treatment is for the correction of a malposition of teeth, the patient's current radiographic records;

(A) "Current radiographic records" means those radiographs or images taken contemporaneously; and

(B) Occurring with the in-person examination.

(2) Performed an appropriate, in-person, physical examination of the patient for the purpose of diagnosing, assessing, developing a treatment plan, or determining the patient's current medical or dental condition; and

(3) A reasonable expectation that he or she provide in-person follow-up care and treatment to the patient on a regular basis.

(d) Notwithstanding the limitations provided in §30-4-8b(c), a provider may establish a relationship with a patient through teledentistry only:

(1) For the purpose of emergent care;

(2) In connection with a public health program; or

(3) To make an initial diagnosis of a malposition of teeth and a determination of the need for an orthodontic appliance. An initial diagnosis and determination must be confirmed through an in-person visit and review of the patient's current radiographic records before the patient begins using the orthodontic appliance.

(e) Prior to the provision of services to a patient through teledentistry, a provider shall:

(1) Confirm the identity of the patient;

(2) If the patient is a minor who is not authorized by law to consent to the services, confirm that the parent or legal guardian of the patient is present;

(3) Confirm that the patient is located in a jurisdiction where the provider is licensed or otherwise authorized to practice and document the location of the patient in the record of the patient;

(4) Obtain:

(A) Informed written consent that meets the requirements of §30-4-8b(g) from a patient who is an adult or a minor authorized by law to provide consent; or

(B) Informed written consent that meets the requirements of §30-4-8b(g) from the parent or guardian of a patient who is a minor and is not authorized by law to provide consent; and

(5) Document the informed consent provided pursuant this subsection in the record of the patient.

(f) Prior to providing services through teledentistry and upon the request of a patient to whom services are provided through teledentistry, a provider or any partnership, corporation, or other entity through which a provider provides services shall make available to the patient proof of the identity of the provider, the telephone number of the provider, the address at which the provider practices, the license or registration number of the provider, and any other relevant information concerning the qualifications of the provider, and any other provider who shall be involved in providing the services through teledentistry.

(g) Informed consent to the provision of services through teledentistry requires the patient or his or her parent or guardian to be informed of:

(1) The types of services that will be provided through teledentistry and any limitations on the provision of those services through teledentistry;

(2) The information prescribed by §30-4-8b(f) for each provider who shall provide services through teledentistry;

(3) Precautions to be taken in the event of a technological failure or an emergency; and

(4) Any other information prescribed by legislative rule of the board.

(h) Except in situations requiring emergency treatment, a dentist of record is required for all patients being treated through teledentistry. The dentist of record shall remain primarily responsible for all dental treatment of the patient, regardless of whether treatment has been delegated to a teledentistry provider.

(i) No provider, partnership, corporation, or other entity which provides, or purports to provide teledentistry services or provides a platform, technology, or support services through which teledentistry is provided, may advertise their services unless they employ a provider licensed or registered in this state. Advertisements for teledentistry services must include the following disclaimer, in a conspicuous location, stating the limitations and safety concerns regarding teledentistry:

DISCLAIMER: Orthodontic treatment is a complex biological process that if not done correctly or performed without a thorough examination of the overall health of the teeth and gums could result in the permanent loss of teeth, which may result in additional costs or lifelong dental problems. Teledentistry services are intended to supplement traditional treatment methods and are not intended to replace in-person examinations. It is important to consult with a licensed or registered orthodontist or dentist prior to beginning any treatment.

(j) A provider who provides services through teledentistry shall:

(1) Use communications technology that complies with the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191; and

(2) Create a complete record of each encounter with a patient through teledentistry and maintain such records in accordance with applicable federal and state laws and regulations.

(k) (1) A provider who provides services through teledentistry must be adequately familiar with the nature and availability of dental care in the geographical area in which the patient is located to ensure that the patient receives appropriate care during the provision of the services.

(2) If a provider is not able to competently provide services through teledentistry, including, without limitation, because the provider is unable to receive adequate information about the patient, the provider must notify the patient of that fact and:

(A) Provide the services in person;

(B) Request any additional information necessary to competently provide the services through teledentistry; or

(C) Refer the patient to an appropriate licensee or registrant to receive the services in person.

(l) A dentist may only delegate tasks to auxiliaries including, but not limited to, dental hygienists and dental assistants, to the extent permitted by existing law.

(m) A provider who provides services through teledentistry shall refer a patient to the emergency department of a hospital or another provider of acute care in an emergency or any other situation where the provision of acute care is necessary to protect the health and safety of the patient.

(n) The board shall propose rules for legislative approval in accordance with the provisions of §29A-3-1 et seq. of this code regulating dental services offered through teledentistry. Those rules shall include:

(1) The issuance of prescriptions through teledentistry, consistent with the limitations in §30-1-26(b)(5) of this code;

(2) The maintenance of records concerning patients to whom services are provided through teledentistry and the protection of the privacy of such patients;

(3) The development of evidence-based standards;

(4) The use of teledentistry for collaboration between:

(A) Providers and the office of a physician, physician assistant, or advanced practice nurse; and

(B) Providers who practice in different specialty areas; and

(5) Interaction between providers using teledentistry including, without limitation:

(A) The supervision of a dental hygienist by a dentist using teledentistry; and

(B) Interaction between different providers who are providing care to the same patient.

(6) Evidence-based standards of practice that shall be used when providing services through teledentistry to ensure the safety of patients, the quality of care, and positive outcomes.

(o) It shall be considered unprofessional conduct to:

(1) Fail to actively involve a patient in decisions concerning his or her treatment;

(2) Require a patient to enter into an agreement that restricts the ability of the patient to submit a complaint to the board, file a lawsuit, join a class action lawsuit, make reports to any governmental entity, to require the patient to submit to binding arbitration, or to otherwise limit or prohibit the patient from obtaining relief for deficiencies in the treatment or services they have received;

(3) Fail to perform an in-person examination of a patient or fail to review a patient's diagnostic and radiographic images taken concurrently with the in-person visit prior to initiating treatment, except for those situations enumerated in §30-4-8b(d) of this code;

(4) Fail to review diagnostic digital or conventional radiographs for orthodontia before:

(A) Taking any action to correct a malposition of teeth; or

(B) The initial use of an orthodontic appliance;

(5) Delegate to an auxiliary a task or service that is not indicated or permitted by existing law to be performed by that individual; or

(6) Failure to comply with the requirements of §30-4-8b(f) of this code.

(p) In addition to the grounds for disciplinary action authorized by this article, the board may also take disciplinary action against any provider who is found to be practicing teledentistry in violation of any section or has committed any of the acts specified in §30-4-8b(o) of this code.

(r) The process for instituting and conducting disciplinary proceedings against a teledentistry provider pursuant to this act shall be the same process as that contained in the Dental Practice Act for disciplinary actions.

The bill was then ordered to third reading.

S. B. 747, Relating to Real Estate License Act; on second reading, coming up in regular order, was read a second time and ordered to third reading,

Delegate Lucas moved to amend the bill by striking everything after the enacting clause and inserting in lieu thereof the following language:

ARTICLE 40. WEST VIRGINIA REAL ESTATE LICENSE ACT.

§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 within this state, 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 ~~A broker who is a nonresident of this state may not be required to maintain an active place of business in this state if the nonresident broker's state of original licensure is party to an active reciprocity agreement with the commission that does not require West Virginia licensees holding licenses in that state to maintain an office in that state;~~

(2) Conspicuously display his or her branch office license in each branch office;

(3) Make application to the commission before changing the address of any office or within 10 days after any change;

(4) Maintain in his or her custody and control the license of each associate broker and salesperson affiliated with him or her; and

(5) Promptly return the license of any associate broker or salesperson whose 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 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 affiliation has been terminated until the associate broker or salesperson has made application to the commission for a change of 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) 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 affiliated;

(3) If an active licensee, be mailed or delivered to the broker's main office address;

(4) 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.

§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)~~(1) 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.

(2) Prior to engaging in broker services, a licensee shall have the notice of agency and the consumer guide to agency, as promulgated by the West Virginia Real Estate Commission, signed. A licensee shall enter into the written notice with a prospective client prior to listing or showing property.

~~(b)~~(3) 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~~ a provision may not 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~~(4) A provision may not 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)~~(5) 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, 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)~~(6) Every licensee shall promptly deliver to his or her principal, every written offer received.

~~(f)~~(7) 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)~~(8) 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)~~(9) 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.

ARTICLE 40A. THE WEST VIRGINIA ABOLISHMENT OF WHOLESALING ACT.

§30-40A-1. Definitions.

As used in this article, the following words and phrases are hereby defined:

(1) "Commission" means the West Virginia Real Estate Commission as established in §30-40-6 of this code;

(2) "Residential real property" means real property used for residential purposes with fewer than four dwelling units;

(3) "Wholesaling" means the practice of entering into a contract for the purchase of real property with the intent to assign, sell, or otherwise transfer the contractual rights to a third party for a fee or other consideration, without the wholesaler taking legal title to the property. This practice does not include transactions where the purchaser takes legal title before transferring the property to another party; and

(4) "Wholesaler" means a person who engages in the act of wholesaling.

§30-40A-2. Abolition and prohibition on wholesaling.

The practice and regulation of wholesaling is hereby abolished and the practice of wholesaling is prohibited.

§30-40A-3. Cancellation of contract for sale by a seller if any person engages in Wholesaling; remedy.

Notwithstanding any other provision contained within a contract for sale of residential real property, if any person engages in wholesaling, the seller may cancel the contract for sale at any time before the close of escrow without penalty and may retain any earnest money paid by the wholesaler.

§30-40A-4. Cancellation of contract for sale by a buyer if any person engages in Wholesaling; remedy.

(a) Notwithstanding any other provision contained in the contract for sale, if any person engages in wholesaling, the buyer may cancel the contract for sale at any time before the close of escrow without penalty and shall be refunded all earnest money paid by the buyer.

(b) Notwithstanding any other provision contained in the contract for sale, if any person engages in wholesaling, the buyer may bring a civil action against such person and seek to recover, in addition to actual damages, a civil penalty of 100 percent of the difference between the following:

(1) The sales price in the contract between the wholesaler and the buyer; and

(2) The fee or other consideration received by the wholesaler for assigning, selling, or otherwise transferring such contractual rights to a third-party.

Delegate Fluharty arose to inquire of the Chair regarding the germaneness of the amendment.

The Speaker ruled that the amendment was not germane to the bill.

Com. Sub. for S. B. 790, Requiring quarterly reporting by certain water and wastewater utilities; on second reading, coming up in regular order, was read a second time and ordered to third reading with general right to amend,

Com. Sub. for S. B. 794, Authorizing DOH to erect warning signs; on second reading, coming up in regular order, was read a second time and ordered to third reading,

Com. Sub. for S. B. 800, Relating to insurance holding company systems; on second reading, coming up in regular order, was read a second time and ordered to third reading,

Com. Sub. for S. B. 825, Permitting higher education institutions enter agreements with non-profit organizations for economic development and job creation; on second reading, coming up in regular order, was read a second time and ordered to third reading with general right to amend,

Com. Sub. for S. B. 833, Excluding pharmaceutical medication from prior authorization gold card process; on second reading, coming up in regular order, was read a second time and ordered to third reading,

S. B. 837, Eliminating WV Office of Equal Opportunity; on second reading, coming up in regular order, was read a second time,

On motion of Delegate Phillips, the amendment was adopted.

The Committee on Government Organization moved to amend the bill by striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 1. DEPARTMENT OF ADMINISTRATION.

§5A-1-11. State of West Virginia Office of Equal Opportunity Coordinator.

(a) There is ~~created~~ continued within the Department of Administration the ~~State of West Virginia Office of Equal Opportunity, to be directed by the~~ position of the State Equal Opportunity Coordinator, who shall be appointed by the Secretary of the Department of Administration.

(b) The coordinator ~~shall~~ must be a ~~full-time~~ an employee and ~~shall have~~ of the Department of Administration and ~~possess~~ possess an in-depth working knowledge of the federal Americans with Disabilities Act, Title VII of the Civil Rights Act of 1964, The Equal Pay Act of 1963, the Age Discrimination in Employment Act of 1977, Sections 102 and 103 of the Civil Rights Act of 1991, Sections 501 and 505 of the Rehabilitation Act of 1973, and the Genetic Information Nondiscrimination Act of 2008. The coordinator shall also have an in-depth working knowledge of the challenges facing West ~~Virginian minorities~~ Virginians covered under these Acts and ~~those living with disabilities and shall continually seek to update his or her understanding of such challenges through further education and information gathering.~~

(c) The coordinator shall:

(1) Advise the Director of Personnel in the development of comprehensive policies and programs for the development, implementation, and monitoring of a statewide program to assure compliance with 42 U.S.C. §12101, *et seq.*, the federal Americans with Disabilities Act, Title VII of the Civil Rights Act of 1964, The Equal Pay Act of 1963, the Age Discrimination in Employment Act of 1977, Sections 102 and 103 of the Civil Rights Act of 1991, Sections 501 and 505 of the Rehabilitation Act of 1973, and the Genetic Information Nondiscrimination Act of 2008;

(2) Assist in the formulation of rules and standards relating to the review, investigation, and resolution of complaints of discrimination in employment, education, housing, and public accommodation;

(3) Consult and collaborate with state and federal agency officials to develop ~~the statewide compliance program~~ programs;

(4) Consult, train, and collaborate with, state agencies and state employees on the federal Equal Employment Opportunity Act, and Americans with Disabilities Act, ~~and provide training for managers and supervisors on regulations and related issues;~~

(5) Represent the state on local, state, and national committees and panels related to the Americans with Disabilities Act and the Equal Employment Opportunity Act;

(6) Advise the Governor and agency heads on federal Americans with Disabilities Act and Equal Employment Opportunity Act issues;

(7) Consult with state ~~equal employment opportunity officers~~ agencies on the hiring and employment of persons with disabilities; and

(8) Be available to inspect and advise the ~~leasing section of~~ Real Estate Division, General Services Division, and the Purchasing Division of Purchasing on all physical properties owned or leased by the State of West Virginia for compliance with 42 U.S.C. §12101, *et seq.*, the federal Americans with Disabilities Act; ~~and~~

(9) ~~Report annually on the Office of Equal Opportunity to the Governor, President of the Senate, and Speaker of the House of Delegates.~~

The bill was then ordered to third reading.

S. B. 856, Removing certain reporting requirements to Joint Committee on Government and Finance; on second reading, coming up in regular order, was reported by the Clerk.

At the request of Delegate McGeehan, and by unanimous consent, the bill was postponed one day.

S. B. 866, Requiring WV Board of Education to promulgate legislative rule in consultation with WV Board of Physical Therapy; on second reading, coming up in regular order, was read a second time,

On motion of Delegate Ellington, the amendment was adopted.

The Committee on Education moved to amend the bill on page 1, after the enacting clause, by striking out the remainder of the bill and inserting, in lieu thereof, the following:

ARTICLE 5. COUNTY BOARD OF EDUCATION.

§18-2-25a. Management of concussions and head injuries in athletics at West Virginia Secondary School Activities Commission member high school or middle school.

(a) The Legislature makes the following findings:

(1) Concussions are one of the most commonly reported injuries in children and adolescents who participate in sports and recreational activities. The Centers for Disease Control and Prevention estimates that as many as 3.9 million sports-related and recreation-related concussions occur in the United States each year;

(2) A concussion is caused by a blow or motion to the head or body that causes the brain to move rapidly inside the skull. The risk of catastrophic injuries or death is significant when a concussion or head injury is not properly evaluated and managed;

(3) Concussions are a type of brain injury that can range from mild to severe and can disrupt the way the brain normally functions;

(4) Concussions can occur in any organized or unorganized sport or recreational activity and can result from a fall or from players colliding with each other or with obstacles;

(5) Concussions occur with or without loss of consciousness, but the vast majority occur without loss of consciousness;

(6) The interscholastic athlete who continues to play or practice with a concussion or symptoms of head injury is especially vulnerable to greater injury and even death; and

(7) Even with generally recognized return-to-play-and-practice standards for concussion and head injury, some affected interscholastic athletes are prematurely returned to play or practice resulting in increased risk of physical injury or death to the athletes in the state of West Virginia.

(b) For the purposes of this section, "interscholastic athlete" means any athlete who is participating in interscholastic athletics at a high school or middle school that is a member of the West Virginia Secondary School Activities Commission. "Licensed health care professional"

means a health care provider whose licensed scope of practice includes the ability to diagnose and treat an injury or disease.

(c) The West Virginia Secondary School Activities Commission shall promulgate rules pursuant to §18-2-25 of this code that address concussions and head injuries in interscholastic athletes: *Provided*, That prior to state board approval and notwithstanding the exemption provided in §29A-1-3 of this code, the state board shall submit the rule to the Legislative Oversight Commission on Education Accountability pursuant to §29A-3B-9 of this code.

(d) The rules required by this section shall include, but are not limited to, the following:

(1) Guidelines and other pertinent information to inform and educate appropriate school administrators, coaches, interscholastic athletes, and their parents or guardians of the nature and risk of concussion and head injury including the risks of continuing to play or practice after a concussion or head injury;

(2) A concussion and head injury information sheet that shall be signed and returned by the interscholastic athlete and the athlete's parent or guardian on an annual basis before the interscholastic athlete begins practice or competition;

(3) A requirement that each head coach of an interscholastic sport at a high school or middle school who is a member of the West Virginia Secondary School Activities Commission complete a commission-approved concussion and head injury recognition and return-to-play protocol course annually;

(4) A requirement that an interscholastic athlete who is suspected by a licensed health care professional or by his or her head coach or licensed or registered athletic trainer of having sustained a concussion or head injury in a practice or game shall be removed from competition at that time;

(5) A requirement that an interscholastic athlete who has been removed from play or practice may not return to play or practice until the athlete is evaluated by a licensed health care professional trained in the evaluation and management of concussions and receives written clearance to return to play and practice from the licensed health care professional;

(6) A list of the respective categories of licensed health care professionals including, but not limited to, licensed physical therapists and licensed or registered athletic trainers who, if properly trained in the evaluation and management of concussions, are authorized to provide written clearance for the interscholastic athlete to return to play; and

(7) A requirement that all member schools must submit a report to the West Virginia Secondary School Activities Commission within 30 days of an interscholastic athlete suffering or being suspected of suffering a concussion or head injury in a practice or game. The report must state whether an evaluation by a licensed health care professional verified that a concussion or head injury was actually suffered, whether the athlete received written clearance to return to play or practice and, if written clearance was given, the number of days between the incident and the actual return to play or practice. If written clearance to return to play is given after 30 days of the incident, a report update shall be submitted. The West Virginia Secondary School Activities Commission shall compile and submit the reports to the appropriate state and national organization or agencies to analyze and make determinations on whether the rule required by this section needs to be amended or if equipment worn by interscholastic athletes needs to be

changed accordingly. The West Virginia School Activities Commission also shall submit the reports to the Legislative Oversight Commission on Health and Human Resources Accountability.

(8) A requirement that all member schools develop a "Concussion Education, Prevention, and Response Plan" that establishes concussion-related education requirements for appropriate personnel and sets forth practices for preventing concussions and responding to concussions when they do occur.

(e) Any member school not complying with the requirements of this section, and rules promulgated thereof, shall be subject to the disciplinary actions ordered by the West Virginia Secondary School Activities Commission: *Provided*, That the West Virginia Secondary School Activities Commission shall promulgate rules to establish guidelines for noncompliance and related disciplinary actions: *Provided, however*, That prior to state board approval and notwithstanding the exemption provided in §29A-1-3 of this code, the state board shall submit the rule to the Legislative Oversight Commission on Education Accountability pursuant to §29A-3B-9 of this code.

The bill was then ordered to third reading.

Com. Sub. for S. B. 883, Providing director of WV Office of Miners' Health, Safety and Training discretion and authority in certain appointments; on second reading, coming up in regular order, was read a second time and ordered to third reading,

Com. Sub. for S. B. 911, Relating to adjunct teaching permits; on second reading, coming up in regular order, was read a second time,

On motion of Delegate Ellington, the amendment was adopted.

The Committee on Education moved to amend the bill on page 6, section 2a, line 127, after the word "code", by striking out the remainder of the committee substitute and inserting, in lieu thereof, the following:

ARTICLE 3. TRAINING, CERTIFICATION, LICENSING, PROFESSIONAL DEVELOPMENT.

§18A-3-2b. Adjunct teaching permit.

(a) The West Virginia Board of Education, in consultation with the West Virginia Council for Community and Technical College Education, shall promulgate a legislative rule in accordance with §29A-3B-1 et. seq. to allow for the issuance of an adjunct teacher permit. The rule shall set forth, at a minimum:

- (1) The level of experience required of an individual to receive the permit;
- (2) The content areas that may be taught by an adjunct teacher;
- (3) The compensation pay scale that the adjunct teacher may receive;
- (4) The maximum number of classes that an adjunct teacher may teach per year;

(b) The state superintendent shall report to the Legislative Oversight Commission on Education Accountability annually regarding:

- (1) The number of adjunct teachers per county;
- (2) The content areas of each adjunct teacher;
- (3) The compensation rates of adjunct teacher per county; and
- (4) Any recommendations for legislation to effectuate the intent of this section.

The bill was then ordered to third reading.

Com. Sub. for S. B. 912, Relating to student growth assessment program; on second reading, coming up in regular order, was read a second time,

On motion of Delegate Ellington, the amendment was adopted.

The Committee on Education moved to amend the bill on page 1, after the enacting clause by striking out the remainder of the bill and inserting, in lieu thereof, the following:

ARTICLE 2E. HIGH QUALITY EDUCATIONAL PROGRAMS.

§18-2E-5. Process for improving education; education standards; statewide assessment program; accountability measures; Office of Education Performance Audits; school accreditation and school system approval; intervention to correct low performance.

(a) *Legislative findings, purpose, and intent.* — The Legislature makes the following findings with respect to the process for improving education and its purpose and intent in the enactment of this section:

(1) The process for improving education includes four primary elements, these being:

(A) Standards which set forth the knowledge and skills that students should know and be able to perform as the result of a thorough and efficient education that prepares them for the twenty-first century, including measurable criteria to evaluate student performance and progress;

(B) Assessments of student performance and progress toward meeting the standards;

(C) A system of accountability for continuous improvement articulated by a rule promulgated by the state board that will build capacity in and ensure the efficiency of schools and districts to meet rigorous outcomes that assure student performance and progress toward obtaining the knowledge and skills intrinsic to a high-quality education, rather than monitoring for compliance with specific laws and regulations; and

(D) A method for building the capacity and improving the efficiency of schools and school systems to improve student performance and progress;

(2) As the constitutional body charged with the general supervision of schools as provided by general law, the state board has the authority following constructive engagement of the Legislature as provided in §18-2H-1 of this code and as delegated by the Legislature by general law to establish the standards and assess the performance and progress of students against the standards, and to exercise its supervisory responsibility to hold schools and school systems accountable and assist schools and school systems to build capacity and improve efficiency so

that the standards are met, including, when necessary, seeking additional resources in consultation with the Legislature and the Governor;

(3) As the constitutional body charged with providing for a thorough and efficient system of schools, the Legislature has the authority and the responsibility to establish and be engaged constructively in the determination of the knowledge and skills that students should know and be able to do as the result of a thorough and efficient education. This determination is made by using the process for improving education to determine when school improvement is needed by evaluating the results and the efficiency of the system of schools, by ensuring accountability and by providing for the necessary capacity and its efficient use;

(4) In consideration of these findings, the purpose of this section is to establish a process for improving education that includes the four primary elements as set forth in subdivision (1) of this subsection to provide assurances that the high-quality standards are, at a minimum, being met and that a thorough and efficient system of schools is being provided for all West Virginia public school students on an equal education opportunity basis; and

(5) The intent of the Legislature in enacting this section is to establish a process through which the Legislature, the Governor, and the state board will constructively consult on any measures affecting standards, assessments, and accountability prior to their adoption, examine the performance and progress of students, schools, and school systems and, when necessary, consider alternative measures to ensure that all students continue to receive the thorough and efficient education to which they are entitled. However, nothing in this section requires any specific level of funding by the Legislature.

(b) *Electronic county and school strategic improvement plans.* — The state board shall promulgate a rule consistent with this section and in accordance with §29A-3B-1 *et seq.* of this code establishing an electronic county strategic improvement plan for each county board and an electronic school strategic improvement plan for each public school in this state. Each respective plan shall be for a period of no more than five years and shall include the mission and goals of the school or school system to improve student, school, or school system performance and progress, as applicable. The strategic plan shall be revised annually in each area in which the school or system is below the standard on the annual performance measures. The plan shall be revised when required pursuant to this section to include each annual performance measure upon which the school or school system fails to meet the standard for performance and progress, the action to be taken to meet each measure, a separate time line and a date certain for meeting each measure, a cost estimate and, when applicable, the assistance to be provided by the department and other education agencies to improve student, school or school system performance and progress to meet the annual performance measure.

The department shall make available to all public schools through its website or the West Virginia Education Information System an electronic school strategic improvement plan boilerplate designed for use by all schools to develop an electronic school strategic improvement plan which incorporates all required aspects and satisfies all improvement plan requirements of the Every Student Succeeds Act or subsequent federal law.

(c) *High-quality education standards and efficiency standards.* — In accordance with §29A-3B-1 *et seq.* of this code, the state board shall adopt and periodically review and update high-quality education standards for student, school and school system performance and processes in the following areas:

- (1) Academic standards;
- (2) Workplace readiness skills;
- (3) Finance;
- (4) Transportation;
- (5) Special education;
- (6) Facilities;
- (7) Administrative practices;
- (8) Training of county board members and administrators;
- (9) Personnel qualifications;
- (10) Professional development and evaluation;
- (11) Student performance, progress, and attendance;
- (12) Professional personnel, including principals and central office administrators, and service personnel attendance;
- (13) School and school system performance and progress;
- (14) A code of conduct for students and employees;
- (15) Indicators of efficiency;
- (16) Digital literacy skills; and
- (17) Any other areas determined by the state board.

(d) *Comprehensive statewide student growth assessment program.* — The state board shall establish a comprehensive statewide student growth assessment program to assess student performance and progress in grades three through 12. The assessment program is subject to the following:

(1) The state board shall promulgate a rule in accordance with §29A-3B-1 *et seq.* of this code establishing the comprehensive statewide student growth assessment program which shall be composed of benchmark assessments that are given in the first 30 days of the school year and repeated at mid-year and a summative assessment at the end of the school year to determine student progression in reading and mathematics in grades three through eight;

(2) ~~Prior to the testing window of the 2017-2018 school year, the~~ The state board shall align the comprehensive statewide student assessment for all grade levels in which the test is given with the ~~college-readiness~~ academic standards adopted pursuant to ~~section thirty-nine, article two of this chapter~~ subsection (c) of this section or develop other aligned tests to be required in grades three through eight and administered once during the grade span of nine through 12 to assess progress toward college and career readiness in English/language arts and math. The

assessment in science shall be administered once in grade spans three through five, once in grade spans six through eight, and once in grade spans nine through 12;

(3) In accordance with §18-2-1 *et seq.* and §18-2E-1 *et seq.* of this code, the state board shall review or develop, and adopt a college and career readiness assessment to be administered in grade 11: *Provided*, That the adopted college and career readiness assessment administered in grade 11 counts toward the statewide student assessment and must be used by a significant number of regionally accredited higher education institutions for determining college admissions.

(4) The comprehensive statewide student growth assessment shall be administered to students in accordance with the requirements of the Every Student Succeeds Act or subsequent federal law;

(5) The state board may provide, through the statewide assessment program, other optional testing or assessment instruments applicable to grade levels kindergarten through grade 12 which may be used by each school to promote student achievement. The state board annually shall publish and make available, electronically or otherwise, to school curriculum teams and teacher collaborative processes the optional testing and assessment instruments. For any online assessment, the state board shall provide online assessment preparation to ensure that students have the requisite digital literacy skills to be successful on the assessment;

(6) The state board may adopt a career readiness assessment that measures and documents foundational workplace skills and leads to a nationally recognized work readiness certificate for students that meet minimum proficiency requirements; and

(7) The comprehensive statewide student growth assessment adopted prior to the testing window of the ~~2017-2018~~ 2025-2026 school year shall continue to be used for at least a total of four consecutive years;

(8) No summative assessment approved by the state board may take more than two percent of a student's instructional time;

(9) No student may be required to complete a greater number of summative assessments than is required by the Every Student Succeeds Act except as otherwise required by this subsection; and

(10) Collection of personal data as part of the assessment process except for what is necessary for the student's instruction, academic and college and career search needs is prohibited.

(e) *State annual performance measures for school and school system accreditation. —*

The state board shall promulgate a rule in accordance with article §29A-3B-1 *et seq.* of this code that establishes a system that is based in multiple measures and meets the requirements of any federal law to assess and weigh annual performance measures to assure that schools and school systems are providing a thorough and efficient education to their students. State accreditation shall be reviewed and approved in a balanced manner that gives fair credit to all measures affecting students and subgroups of students in the schools and school systems. The state board also may establish performance incentives for schools and school systems as part of the state accreditation system. On or before December 1, 2018, the state board shall report to the Governor and to the Legislative Oversight Commission on Education Accountability the

proposed rule for establishing the measures and incentives of accreditation and the estimated cost therefore, if any. Thereafter, the state board shall provide an annual report to the Governor and to the Legislative Oversight Commission on Education Accountability on the impact and effectiveness of the accreditation system. The rule for school and school system accreditation proposed by the board may include, but is not limited to, the following measures:

(1) Student proficiency and growth in English and language arts, math, science, and other subjects determined by the board;

(2) Graduation and attendance rate;

(3) Students taking and passing AP tests;

(4) Students completing a career and technical education class;

(5) Closing achievement gaps within subgroups of a school's student population; and

(6) Students scoring at or above average attainment on SAT or ACT tests.

(f) *Indicators of efficiency.* — In accordance with §29A-3B-1 *et seq.* of this code, the state board shall adopt by rule and periodically review and update indicators of efficiency for use by the appropriate divisions within the department to ensure efficient management and use of resources in the public schools in the following areas:

(1) Curriculum delivery including, but not limited to, the use of distance learning;

(2) Transportation;

(3) Facilities;

(4) Administrative practices;

(5) Personnel; and

(6) Any other indicators as determined by the state board.

Each county board of education shall use the statewide electronic information system established by the state board for data collection and reporting to the state Department of Education.

(g) *Assessment and accountability of school and school system performance and processes.* — In accordance with §29A-3B-1 *et seq.* of this code, the state board shall establish by rule a system of education performance measures to evaluate the quality of education and the preparation of students based on the annual measures of student, school, and school system performance and progress. The system of education performance measures shall provide information to the state board, the Legislature, and the Governor, upon which they may determine whether a thorough and efficient system of schools is being provided. The system of education performance measures shall include:

(1) The assessment of student, school, and school system performance and progress based on the annual measures established pursuant to subsection (e) of this section;

(2) The evaluation of records, reports, and other documents that provide information on the quality of education and compliance with statutes, policies, and standards; and

(3) The review of school and school system electronic strategic improvement plans.

(h) *Uses of school and school system assessment information.* — The state board shall use information from the system of education performance measures to assist it in ensuring that a thorough and efficient system of schools is being efficiently provided and to improve student, school and school system performance and progress. Information from the system of education performance measures further shall be used by the state board for these purposes, including, but not limited to, the following:

(1) Determining accountability and accreditation for schools and school system approval status as required by state board rule and any federal law or regulations; and

(2) Holding schools and school systems accountable for the efficient use of existing resources to meet or exceed the standards; and

(3) Targeting additional resources when necessary to improve performance and progress.

The state board shall make the performance measures information available to the Legislature, the Governor, the general public, and to any individual who requests the information, subject to the provisions of any act or rule restricting the release of information.

(i) *Early detection and intervention programs.* — Based on the assessment of student, school and school system performance, and progress, the state board shall establish early detection and intervention programs using the available resources of the Department of Education, or other resources as appropriate, to assist underachieving schools and school systems to improve performance before conditions become so grave as to warrant more substantive state intervention. Assistance shall include, but is not limited to, providing additional technical assistance and programmatic, professional staff development, and providing monetary, staffing, and other resources where appropriate.

(j) The state board may employ experienced education professionals, who serve at the will and pleasure of the state board, to coordinate on site and school system improvement efforts with staff at the state Department of Education to support schools and school systems in improving education performance measures.

(k) *School accreditation.* —

(1) The state board shall establish levels of accreditation to be assigned to schools. The establishment of levels of accreditation shall be subject to the following:

(A) The levels will be designed to demonstrate school performance on multiple measures as established by the state board by legislative rule in accordance with §29A-3B-1 *et seq.* of this code and consistent with the applicable state laws, policies and standards, which include standards for performance-based accountability, high-quality education, and continuous improvement; and

(B) Will ensure compliance with federal law and applicable state laws, policies and standards at a minimum.

(2) The state board annually shall review the information from the system of education performance measures submitted for each school and shall accredit each school as designated in the rule, and consistent with the applicable state laws, policies, and standards; and

(3) Exercise other powers and actions the state board determines necessary to fulfill its duties of general supervision of the schools and school systems of West Virginia.

(l) *School system approval.* — The state board annually shall review the information submitted for each school system from the system of education performance measures and issue to each county board an approval status in compliance with federal law and established by state board rule.

(m) Non-approval for extraordinary circumstances.

(1) The state board shall establish and adopt additional standards to identify school systems in which the program may be non-approved and the state board may issue non-approval status whenever extraordinary circumstances exist as defined by the state board.

(2) When extraordinary circumstances exist, but do not rise to the level of immediate intervention as described in subsection (n) of this section, the state board may declare a state of emergency in the school system and shall direct designees to provide recommendations within 60 days of appointment for correcting the extraordinary circumstances. When the state board approves the recommendations, they shall be communicated to the county board. If progress in correcting the extraordinary circumstances, as determined by the state board, is not made within six months from the time the county board receives the recommendations, the state board shall intervene in the operation of the school system to cause improvements to be made that will provide assurances that a thorough and efficient system of schools will be provided. This intervention may include, but is not limited to, the following:

(A) Limiting the authority of the county board in areas that compromise the delivery of a thorough and efficient education to its students as designated by the state board by rule, which may include delegating decision-making authority regarding these matters to the state superintendent who may:

(B) Declare that the office of the county superintendent is vacant;

(C) Declare that the positions of personnel who serve at the will and pleasure of the county superintendent as provided in §18A-2-1 of this code, are vacant, subject to application and reemployment;

(D) Fill the declared vacancies during the period of intervention; and

(E) Take any direct action necessary to correct the extraordinary circumstance.

(n) Notwithstanding any other provision of this section, the state board may intervene immediately in the operation of the county school system with all the powers, duties and responsibilities contained in subsection (m) of this section, if the state board finds any of the following:

(1) A county board fails to act on a statutory obligation which would interrupt the day-to-day operations of the school system;

(2) That the conditions precedent to intervention exist as provided in this section; and that delaying intervention for any period of time would not be in the best interests of the students of the county school system; or

(3) That the conditions precedent to intervention exist as provided in this section and that the state board had previously intervened in the operation of the same school system and had concluded that intervention within the preceding five years.

(o) *Capacity.* — The process for improving education includes a process for targeting resources strategically to improve the teaching and learning process. Development of electronic school and school system strategic improvement plans, pursuant to subsection (b) of this section, is intended, in part, to provide mechanisms to target resources strategically to the teaching and learning process to improve student, school, and school system performance. When deficiencies are detected through the assessment and accountability processes, the revision and approval of school and school system electronic strategic improvement plans shall ensure that schools and school systems are efficiently using existing resources to correct the deficiencies. When the state board determines that schools and school systems do not have the capacity to correct deficiencies, the state board shall take one or more of the following actions:

(1) Work with the county board to develop or secure the resources necessary to increase the capacity of schools and school systems to meet the standards and, when necessary, seek additional resources in consultation with the Legislature and the Governor;

(2) Recommend to the appropriate body including, but not limited to, the Legislature, county boards, schools and communities methods for targeting resources strategically to eliminate deficiencies identified in the assessment and accountability processes. When making determinations on recommendations, the state board shall include, but is not limited to, the following methods:

The state board, or its designee, the West Virginia Department of Education, and county school systems, shall work collaboratively in:

(1) Examining reports and electronic strategic improvement plans regarding the performance and progress of students, schools, and school systems relative to the standards and identifying the areas in which improvement is needed;

(2) Determining the areas of weakness and of ineffectiveness that appear to have contributed to the substandard performance and progress of students or the deficiencies of the school or school system;

(3) Determining the areas of strength that appear to have contributed to exceptional student, school, and school system performance and progress and promoting their emulation throughout the system;

(4) Requesting technical assistance from the School Building Authority in assessing or designing comprehensive educational facilities plans;

(5) Recommending priority funding from the School Building Authority based on identified needs;

(6) Recommending special staff development programs from county boards based on identified needs;

(7) Submitting requests to the Legislature for appropriations to meet the identified needs for improving education;

(8) Directing educational expertise and support services strategically toward alleviating deficiencies;

(9) Ensuring that the need for facilities in counties with increased enrollment are appropriately reflected and recommended for funding;

(10) Ensuring that the appropriate person or entity is held accountable for eliminating deficiencies; and

(11) Ensuring that the needed capacity is available from the state and local level to assist the school or school system in achieving the standards and alleviating the deficiencies.

(p) *Building leadership capacity.* — To help build the governance and leadership capacity of a county board during an intervention in the operation of its school system, and to help assure sustained success following return of control to the county board, the county board shall establish goals and action plans, subject to approval of the state superintendent, to improve performance sufficiently to end the intervention within a period of not more than five years. The state superintendent shall maintain oversight and provide assistance and feedback to the county board on development and implementation of the goals and action plans. At a minimum, the goals and action plans shall include:

(1) An analysis of the training and development activities needed by the county board and leadership of the school system for effective governance and school improvement;

(2) Support for the training and development activities identified which may include those made available through the state superintendent, West Virginia School Board Association, and other sources identified in the goals and action plans; and

(3) Active involvement by the county board in the improvement process, working in tandem with the county superintendent to gather, analyze and interpret data, write time-specific goals to correct deficiencies, prepare and implement action plans and allocate or request from the Department of Education the resources, including board development training and coaching, necessary to achieve approved goals and action plans and sustain system and school improvement.

At least once each year during the period of intervention, the state board shall appoint a designee to assess the readiness of the county board to accept the return of control of the system or school from the state board and sustain the improvements, and shall make a report and recommendations to the state board supported by documented evidence of the progress made on the goals and action plans. The state board may return any portion of control of the operations of the school system or end the intervention in its entirety by a majority vote. If the state board determines at the fifth annual assessment that the county board is still not ready to accept return of control by the state board and sustain the improvements, the state board shall hold a public hearing in the affected county at which the attendance by all members of the county board is requested so that the reasons for continued intervention and the concerns of the citizens of the

county may be heard. The state board may continue the intervention only after it holds the public hearing and may require revision of the goals and action plans. The state board must thereafter hold a public hearing after each annual assessment beyond the fifth year. If a school system is in intervention status on the effective date of this provision, the total years of intervention shall be calculated from the date of initial intervention.

Following the termination of an intervention in the operation of a school system and return of full control by the state board, the support for governance education and development shall continue as needed for up to three years. If at any time within this three years, the state board determines that intervention in the operation of the school system is again necessary, the state board shall again hold a public hearing in the affected county so that the reasons for the intervention and the concerns of the citizens of the county may be heard prior to intervening.

The bill was then ordered to third reading.

Com. Sub. for S. B. 914, Relating to testing and attendance requirements for private, parochial, and church schools; on second reading, coming up in regular order, was read a second time,

On motion of Delegate Ellington, the amendment was adopted.

The Committee on Education moves to amend the Committee Substitute for SB914 on page 1, line 4, by changing the number "800" to "900"

and,

On page 3, line 30, following the end of the sentence of the stricken language, by adding the following sentence:

"Upon request of a duly authorized representative of the West Virginia Department of Education, the school's composite results shall be furnished to the State Superintendent of Schools."

The bill was then ordered to third reading.

S. B. 940, Relating to Water Pollution Control Act; on second reading, coming up in regular order, was read a second time,

On motion of Delegate Anderson, the amendment was adopted.

The Committee on Energy and Public Works moved to amend the engrossed senate bill on page 1, after the enacting clause, by striking out the remainder of the bill and inserting in lieu thereof the following:

ARTICLE 11. WATER POLLUTION CONTROL ACT.

§22-11-8. Prohibitions; permits required.

- (a) The secretary may, after public notice and opportunity for public hearing, issue a permit for the discharge or disposition of any pollutant or combination of pollutants into waters of this state upon condition that the discharge or disposition meets or will meet all applicable state

and federal water quality standards and effluent limitations and all other requirements of this article and §22B-3-1 *et seq.* of this code. While permits shall contain conditions that are designed to meet all applicable state and federal water quality standards and effluent limitations, water quality standards themselves shall not be incorporated wholesale either expressly or by reference as effluent standards or limitations in a permit issued pursuant to this article.

(b) It is unlawful for any person, unless the person holds a valid permit therefor from the department, ~~which is in full force and effect~~ to:

(1) Allow sewage, industrial wastes, or other wastes, or the effluent therefrom, produced by or emanating from any point source, to flow into the waters of this state;

(2) Make, cause, or permit to be made any outlet, or substantially enlarge or add to the load of any existing outlet, for the discharge of sewage, industrial wastes or other wastes, or the effluent therefrom, into the waters of this state;

(3) Acquire, construct, install, modify, or operate a disposal system or part thereof for the direct or indirect discharge or deposit of treated or untreated sewage, industrial wastes or other wastes, or the effluent therefrom, into the waters of this state, or any extension to or addition to the disposal system;

(4) Increase in volume or concentration any sewage, industrial wastes or other wastes in excess of the discharges or disposition specified or permitted under any existing permit;

(5) Extend, modify, or add to any point source, the operation of which would cause an increase in the volume or concentration of any sewage, industrial wastes, or other wastes discharging or flowing into the waters of the state;

(6) Construct, install, modify, open, reopen, operate, or abandon any mine, quarry, or preparation plant, or dispose of any refuse or industrial wastes or other wastes from the mine or quarry or preparation plant: *Provided*, That the department's permit is only required wherever the aforementioned activities cause, may cause, or might reasonably be expected to cause a discharge into or pollution of waters of the state, except that a permit is required for any preparation plant: *Provided, however*, That unless waived in writing by the secretary, every application for a permit to open, reopen, or operate any mine, quarry, or preparation plant or to dispose of any refuse or industrial wastes or other wastes from the mine or quarry or preparation plant shall contain a plan for abandonment of the facility or operation, which plan shall comply in all respects to the requirements of this article. The plan of abandonment is subject to modification or amendment upon application by the permit holder to the secretary and approval of the modification or amendment by the secretary; or

(7) Operate any disposal well for the injection or reinjection underground of any industrial wastes, including, but not limited to, liquids or gases, or convert any well into such a disposal well or plug or abandon any such disposal well.

(c) Where a person has a number of outlets emerging into the waters of this state in close proximity to one another, the outlets may be treated as a unit for the purposes of this section, and only one permit issued for all the outlets.

(d)(1) Notwithstanding the provisions of Chapter 7, Chapter 7A, Chapter 8, and Chapter 8A of the West Virginia Code or the West Virginia Code of State Rules promulgated thereunder to the contrary, no county, municipality, or political subdivision may prohibit, regulate, permit, or license commercial horticulture by adopting any charter, law, rule, regulation, ordinance, or zoning provision concerning the size, placement, location, or operation of commercial horticulture within the subject matter of the Water Pollution Control Act, and all such provisions in charters, laws, rules, regulations, ordinances, or zoning provisions are hereby invalid and unenforceable.

(2) No county, municipality, or political subdivision may bring a cause of action against a commercial horticulture operation for any activity within the subject matter of the Water Pollution Control Act, if the commercial horticulture operation is in material compliance of the Water Pollution Control Act, its rules, and federal laws and regulations.

On motion of Delegate Funkhouser, the amendment was adopted.

Delegate Funkhouser moved to amend the House Energy and Public Works Committee Amendment on page 3, section 8, after line 53, by inserting the following language as a new subsection (e):

(e) No ordinance enacted by a political subdivision of this state that relates to the subject matter governed by §22-11-1 *et seq.* of this code, may establish requirements more stringent than those set forth in federal law or regulation, or in state law or rule.

The bill was then ordered to third reading.

S. B. 941, Clarifying authority regarding dams designed by US Conservation Service; on second reading, coming up in regular order, was read a second time and ordered to third reading,

S. B. 942, Modifying requirements for diesel-powered equipment in mines; on second reading, coming up in regular order, was read a second time,

On motion of Delegate Anderson, the amendment was adopted.

The Committee on Energy and Public Works moved to amend the bill by striking out everything after the enacting clause and inserting in lieu thereof the following:

Be it enacted by the Legislature of West Virginia:

ARTICLE 2A. USE OF DIESEL-POWERED EQUIPMENT IN UNDERGROUND COAL MINES.

§22A-2A-101. Use of diesel-powered equipment authorized.

Diesel-powered equipment for use in underground coal mines may only be approved, operated, and maintained in accordance with rules, requirements, and standards established pursuant to this article: Provided, That diesel-powered equipment may be moved from one mine, either in or out of the state, to another mine in the state, and operated immediately, so long as the equipment is in compliance with the provisions of this article and the director is notified before the equipment is put in service.

The bill was then ordered to third reading.

H. B. 3349, Supplemental Appropriation – Medicaid; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading,

H. B. 3352, Supplemental Appropriation - Human Services – Medicaid; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading,

H. B. 3359, Supplemental Appropriation - EDA and Medicaid Net Zero; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading,

H. B. 3371, Supplemental Appropriation - - HLFC to OIG Net Zero; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading,

H. B. 3520, Expiring funds to the surplus balance in the State Fund, General Revenue, Office of Energy; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading,

H. B. 3521, Expiring funds to the surplus balance in the State Fund, General Revenue, Consumer Protection Recovery Fund; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

4:37 p.m., on motion of Delegate McGeehan, the House of Delegates recessed until 5:00 p.m.

Pursuant to the action of the Committee on Rules, Delegate McGeehan announced that Com. Sub. for S. B. 526, on second reading, House Calendar, had been transferred to the Special Calendar

Second Reading

Com. Sub. for S. B. 526, Creating Pharmacist Prescribing Authority Act; on second reading, coming up in regular order, was read a second time and ordered to third reading with general right to amend.

Senate Messages

A message from the Senate, by

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

H. B. 2165, Allowing disabled purple heart recipients park free at municipal metered parking spaces.

On motion of Delegate McGeehan, the House concurred in the following amendment of the bill by the Senate:

The Committee on Finance moved to amend the bill by striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 3. ORIGINAL AND RENEWAL OF REGISTRATION; ISSUANCE OF CERTIFICATES OF TITLE.**§17A-3-15a. Free parking for disabled veterans and veterans awarded the purple heart.**

Notwithstanding any provision of law to the contrary, any person who is a disabled veteran from the United States Armed Forces or who was awarded the Purple Heart, may park at any metered parking space in any municipality in this state without being required to deposit any sum of coins or currency into the meter: *Provided*, That an appropriate designation must appear on the person's registration plate under the provisions of §17A-3-14 demonstrating that the person is a disabled veteran or was awarded the Purple Heart.

ARTICLE 13. STOPPING, STANDING, AND PARKING.**§17C-13-6. Stopping, standing, or parking privileges for persons with a mobility impairment; disabled veterans; definitions; qualification; special registration plates and removable windshield placards; expiration, application; violation; penalties.**

(a)(1) The commissioner may issue up to two special registration plates or removable windshield placards to a person with a mobility impairment or a West Virginia organization which transports persons with disabilities and facilitates the mobility of its customers, patients, students, or persons otherwise placed under its responsibility.

(2) Special registration plates or placards may only be issued for placement on a Class A or Class G motor vehicle registered under the provisions of §17A-3-1 *et seq.* of this code.

(3) The applicant shall specify whether he or she is applying for a special registration plate, a removable windshield placard, or both on the application form prescribed and furnished by the commissioner.

(4) The applicant shall submit, with the application, a certificate issued by any physician, chiropractor, advanced nurse practitioner, or physician's assistant who is licensed in this state, stating that the applicant has a mobility impairment, or that the applicant is an organization which regularly transports a person with a mobility impairment as defined in this section. The physician, chiropractor, advanced nurse practitioner, or physician's assistant shall specify in the certificate whether the disability is temporary or permanent. A disability which is temporary is one expected to last for a limited duration and improve during the applicant's life. A disability which is permanent is one which is expected to last during the duration of the applicant's life.

(5) Upon receipt of the completed application, the physician's certificate, and the regular registration fee for the applicant's vehicle class, if the commissioner finds that the applicant qualifies for the special registration plate or a removable windshield placard as provided in this section, he or she shall issue to the applicant a special registration plate (upon remittance of the regular registration fee) or a removable windshield placard (red for temporary and blue for permanent), or both. Upon request, the commissioner shall also issue to any otherwise qualified applicant one additional placard having the same expiration date as the applicant's original placard. The placard shall be displayed by hanging it from the interior rearview mirror of the motor vehicle so that it is conspicuously visible from outside the vehicle when parked in a designated accessible parking space. The placard may be removed from the rearview mirror whenever the vehicle is being operated to ensure clear vision and safe driving. Only in the event that there is

no suitable rearview mirror in the vehicle may the placard be displayed on the dashboard of the vehicle.

(6) Organizations which transport people with disabilities will be provided with a placard which will permit them to park in a designated area for the length of time necessary to load and unload passengers. These vehicles must be moved to a nondesignated space once the loading or unloading process is complete.

(b) As used in this section, the following terms have the meanings ascribed to them in this subsection:

(1) A person or applicant with a "mobility impairment" means a person who is a citizen of West Virginia and as determined by a physician, allopath or osteopath, chiropractor, advanced nurse practitioner, or physician's assistant licensed to practice in West Virginia:

(A) Cannot walk 200 feet without stopping to rest;

(B) Cannot walk without the use of or assistance from a brace, cane, crutch, prosthetic device, wheelchair, other assistive device, or another person;

(C) Is restricted by lung disease to such an extent that the person's force (respiratory) expiratory volume for one second, when measured by spirometry, is less than one liter or the arterial oxygen tension is less than 60 mm/hg on room air at rest;

(D) Uses portable oxygen;

(E) Has a cardiac condition to such an extent that the person's functional limitations are classified in severity as Class III or Class IV according to standards established by the American Heart Association; or

(F) Is severely limited in his or her ability to walk because of an arthritic, neurological, or other orthopedic condition;

(2) "Special registration plate" means a registration plate that displays the international symbol of access, as adopted by the Rehabilitation International Organization in 1969 at its Eleventh World Congress on Rehabilitation of the Disabled, in a color that contrasts with the background, in letters and numbers the same size as those on the plate, and which may be used in lieu of a regular registration plate;

(3) "Removable windshield placard" (permanent or temporary) means a two-sided, hanger-style placard measuring three inches by nine and one-half inches, with all of the following on each side:

(A) The international symbol of access, measuring at least three inches in height, centered on the placard, in white on a blue background for permanent designations and in white on a red background for temporary designations;

(B) An identification number measuring one inch in height;

(C) An expiration date in numbers measuring one inch in height for a temporary placard; and

(D) The seal or other identifying symbol of the issuing authority;

(4) "Regular registration fee" means the standard registration fee for a vehicle of the same class as the applicant's vehicle;

(5) "Public entity" means state or local government or any department, agency, special purpose district, or other instrumentality of a state or local government;

(6) "Public facility" means all or any part of any buildings, structures, sites, complexes, roads, parking lots, or other real or personal property, including the site where the facility is located;

(7) "Place or places of public accommodation" means a facility or facilities operated by a private entity whose operations affect commerce and fall within at least one of the following categories:

(A) Inns, hotels, motels, and other places of lodging;

(B) Restaurants, bars, or other establishments serving food or drink;

(C) Motion picture houses, theaters, concert halls, stadiums, or other places of exhibition or entertainment;

(D) Auditoriums, convention centers, lecture halls, or other places of public gatherings;

(E) Bakeries, grocery stores, clothing stores, hardware stores, shopping centers, or other sales or rental establishments;

(F) Laundromats, dry cleaners, banks, barber and beauty shops, travel agencies, shoe repair shops, funeral parlors, gas or service stations, offices of accountants and attorneys, pharmacies, insurance offices, offices of professional health care providers, hospitals, or other service establishments;

(G) Terminals, depots, or other stations used for public transportation;

(H) Museums, libraries, galleries, or other places of public display or collection;

(I) Parks, zoos, amusement parks, or other places of recreation;

(J) Public or private nursery, elementary, secondary, undergraduate, or post-graduate schools or other places of learning and day care centers, senior citizen centers, homeless shelters, food banks, adoption agencies, or other social services establishments; and

(K) Gymnasiums, health spas, bowling alleys, golf courses, or other places of exercise or recreation;

(8) "Commercial facility" means a facility whose operations affect commerce and which are intended for nonresidential use by a private entity;

(9) "Accessible parking" formerly known as "handicapped parking" is the present phrase consistent with language within the Americans with Disabilities Act (ADA);

(10) "Parking enforcement personnel" includes any law-enforcement officer as defined by §30-29-1 of this code, and private security guards, parking personnel, and other personnel authorized by a city, county, or the state to issue parking citations.

Any person who falsely or fraudulently obtains or seeks to obtain the special plate or the removable windshield placard provided for in this section, and any person who falsely certifies that a person is mobility impaired in order that an applicant may be issued the special registration plate or windshield placard under this section is guilty of a misdemeanor and, upon conviction thereof, in addition to any other penalty he or she may otherwise incur, shall be fined \$500. Any person who fabricates, uses, or sells unofficially issued windshield placards to any person or organization is committing a fraudulent act and is guilty of a misdemeanor and, upon conviction thereof, in addition to any other penalty he or she may otherwise incur, shall be fined \$500 per placard fabricated, used, or sold. Any person who fabricates, uses, or sells unofficially issued identification cards to any person or organization is committing a fraudulent act and is guilty of a misdemeanor and, upon conviction thereof, in addition to any other penalty he or she may otherwise incur, shall be fined \$700 per identification card fabricated, used, or sold. Any person who fabricates, uses, or sells unofficially issued labels imprinted with a future expiration date to any person or organization is committing a fraudulent act and is guilty of a misdemeanor and, upon conviction thereof, in addition to any other penalty he or she may otherwise incur, shall be fined \$700. Any person covered by this section who sells or gives away their officially issued windshield placard to any person or organization not qualified to apply for or receive the placard and then reapplies for a new placard on the basis it was stolen is committing a fraudulent act and is guilty of a misdemeanor and, upon conviction thereof, in addition to any other penalty he or she, or they may otherwise incur, shall lose their right to receive or use a special placard or special license plate for a period of not less than five years.

(c) The commissioner shall set the expiration date for special registration plates on the last day of a given month and year, to be valid for a minimum of one year but not more than five years, after which time a new application must be submitted to the commissioner. After the commissioner receives the new application, signed by a certified physician, chiropractor, advanced nurse practitioner, or physician's assistant if required under this subsection, the commissioner shall issue: (i) A new special registration plate or new permanent or temporary removable windshield placard; or (ii) official labels imprinted with the new expiration date and designed so as to be placed over the old dates on the original registration plate or windshield placard: *Provided*, That a new application under this subsection must not be accompanied by a certificate pursuant to §17C-13-6(a)(4) of this code if a prior application is on file with the commissioner, such application includes a certificate issued pursuant to §17C-13-6(a)(4) of this code, such certificate specifies that the applicant's disability is permanent for life, and such certificate was made within 10 years of the new application.

(d) The commissioner shall set the expiration date of temporary removable windshield placards to be valid for a period of approximately six months after the application was received and approved by the commissioner. Permanent removable windshield placards are valid for the duration of the applicant's life.

(e) The commissioner shall issue to each applicant who is granted a special registration plate or windshield placard an identification card bearing the applicant's name, assigned identification number, and expiration date. The applicant shall thereafter carry this identification card on his or her person whenever parking in an accessible parking space. The identification card shall be identical in design for both registration plates and removable windshield placards.

(f) An accessible parking space should comply with the provisions of the Americans with Disabilities Act accessibility guidelines, contained in 28 C.F.R. 36, Appendix A, Section 4.6. In particular, the parking space should be a minimum of eight feet wide with an adjacent eight-foot access aisle for vans having side mounted hydraulic lifts or ramps, or a five-foot access aisle for standard vehicles. Access aisles should be marked using diagonal two- to four-inch-wide stripes spaced every 12 or 24 inches apart along with the words "no parking" in painted letters which are at least 12 inches in height. All accessible parking spaces must have a signpost in front or adjacent to the accessible parking space displaying the international symbol of access sign mounted at a minimum of eight feet above the pavement or sidewalk and the top of the sign. Lines or markings on the pavement or curbs for parking spaces and access aisles may be in any color, although blue is the generally accepted color for accessible parking.

(g) A vehicle displaying a disabled veterans special registration plate issued pursuant to §17A-3-14(c)(6) of this code shall be recognized and accepted as meeting the requirements of this section.

(h) A vehicle from any other state, United States territory, or foreign country displaying an officially issued special registration plate, placard, or decal bearing the international symbol of access shall be recognized and accepted as meeting the requirements of this section, regardless of where the plate, placard, or decal is mounted or displayed on the vehicle.

(i) Stopping, standing, or parking places marked with the international symbol of access shall be designated in close proximity to all public entities, including state, county, and municipal buildings and facilities, places of public accommodation, and commercial facilities. These parking places shall be reserved solely for persons with a mobility impairment and disabled veterans at all times.

(j) Any person whose vehicle properly displays a valid, unexpired special registration plate or removable windshield placard may park the vehicle for unlimited periods of time in parking zones unrestricted as to length of parking time permitted: *Provided*, That this privilege does not mean that the vehicle may park in any zone where stopping, standing, or parking is prohibited or which creates parking zones for special types of vehicles or which prohibits parking during heavy traffic periods during specified rush hours or where parking would clearly present a traffic hazard. To the extent any provision of any ordinance of any political subdivision of this state is contrary to the provisions of this section, the provisions of this section take precedence and apply.

The parking privileges provided for in this subsection apply only during those times when the vehicle is being used for the loading or unloading of a person with a mobility impairment. Any person who knowingly exercises, or attempts to exercise, these privileges at a time when the vehicle is not being used for the loading or unloading of a person with a mobility impairment is guilty of a misdemeanor and, upon first conviction thereof, in addition to any other penalty he or she may otherwise incur, shall be fined \$200; upon second conviction thereof, in addition to any other penalty he or she may otherwise incur, shall be fined \$300; and upon third and subsequent convictions thereof, in addition to any other penalty he or she may otherwise incur, shall be fined \$500.

(k) Any person whose vehicle does not display a valid, special registration plate or removable windshield placard may not stop, stand, or park a motor vehicle in an area designated, zoned, or marked for accessible parking with signs or instructions displaying the international symbol of access, either by itself or with explanatory text. The signs may be mounted on a post or a wall in front of the accessible parking space and instructions may appear on the ground or pavement,

but use of both methods is preferred. Accessible parking spaces for vans having an eight-foot adjacent access aisle should be designated as "van accessible" but may be used by any vehicle displaying a valid special registration plate or removable windshield placard.

Any person who violates the provisions of this subsection is guilty of a misdemeanor and, upon conviction thereof, shall be fined \$200; upon second conviction thereof, in addition to any other penalty he or she may otherwise incur, shall be fined \$300; and upon third and subsequent convictions thereof, in addition to any other penalty he or she may otherwise incur, shall be fined \$500.

(l) All signs that designate areas as "accessible parking" or that display the international symbol of access shall also include the words "up to \$500 fine".

(m) No person may stop, stand, or park a motor vehicle in an area designated or marked off as an access aisle adjacent to a van-accessible parking space or regular accessible parking space. Any person, including a driver of a vehicle displaying a valid removable windshield placard or special registration plate, who violates the provisions of this subsection is guilty of a misdemeanor and, upon conviction thereof, shall be fined \$200; upon second conviction thereof, in addition to any other penalty he or she may otherwise incur, shall be fined \$300; and upon third and subsequent convictions thereof, in addition to any other penalty he or she may otherwise incur, shall be fined \$500.

(n) Parking enforcement personnel who otherwise enforce parking violations may issue citations for violations of this section and shall reference the number on the vehicle's license plate, since the driver normally will not be present.

(o) Law-enforcement agencies may establish a program to use trained volunteers to collect information necessary to issue citations to persons who illegally park in designated accessible parking spaces. Any law-enforcement agency choosing to establish a program shall provide for workers' compensation and liability coverage. The volunteers shall photograph the illegally parked vehicle and complete a form, to be developed by supervising law-enforcement agencies, that includes the vehicle's license plate number, date, time, and location of the illegally parked vehicle. The photographs must show the vehicle in the accessible space and a readable view of the license plate. Within the discretion of the supervising law-enforcement agency, the volunteers may issue citations or the volunteers may submit the photographs of the illegally parked vehicle and the form to the supervising law-enforcement agency, who may issue a citation, which includes the photographs and the form, to the owner of the illegally parked vehicle. Volunteers shall be trained on the requirements for citations for vehicles parked in marked, zoned, or designated accessible parking areas by the supervising law-enforcement agency.

(p) Local authorities who adopt the basic enforcement provisions of this section and issue their own local ordinances shall retain all fines and associated late fees. These revenues shall be used first to fund the provisions of subsection (o) of this section, if adopted by local authorities, or otherwise shall go into the local authorities' General Revenue Fund. Otherwise, any moneys collected as fines shall be collected for and remitted to the state.

(q) The commissioner shall prepare and issue a document to applicants describing the privileges accorded a vehicle having a special registration plate and removable windshield placard as well as the penalties when the vehicle is being inappropriately used as described in this section and shall include the document along with the issued special registration plate or windshield placard. In addition, the commissioner shall issue a separate document informing the general

public regarding the new provisions and increased fines being imposed either by way of newspaper announcements or other appropriate means across the state.

(r) The commissioner shall propose rules for legislative approval in accordance with the provisions of §29A-3-1 *et seq.* of this code.

(s)(1) A public entity may not require a person to pay for parking a vehicle in an accessible parking space with a parking meter if the following requirements are met:

(A) The vehicle displays a special registration plate or placard that entitles the person to park in an accessible parking space pursuant to this section;

(B) The driver has a mobility impairment and is unable to walk;

(C) The parking meter is not accessible to the driver while sitting in a wheelchair or without traveling more than 30 feet from the parked vehicle; and

(D) The parked vehicle displays an unexpired parking certification that is plainly visible with pertinent information through its windshield. For purposes of this subsection, "parking certification" means a letter completed by a licensed medical provider on the provider's letterhead that is titled "Parking Certification pursuant to W.Va. Code §17C-13-6(s)" and that certifies that the person is physically able to drive but unable to walk, which means for purposes of this subsection that the person cannot ambulate without the aid of a wheelchair. Such letter shall specify whether the inability to walk is permanent or temporary. If the inability to walk is temporary, the letter shall include the date on which such temporary disability is anticipated to end, and the letter may not be displayed in a windshield after such date.

(2) By displaying a parking certification in the windshield of a vehicle that is parked in an accessible parking space with an expired parking meter, the person is swearing under penalty of false swearing that he or she is unable to access the parking meter without unreasonable effort.

(3) Parking enforcement personnel may not cite a vehicle that is parked in an accessible parking space of a public entity for parking at an expired meter if the requirements of this subsection are met: *Provided*, That if a parking citation is issued, it shall be prima facie evidence that the person was entitled to park in the accessible parking space with an expired meter if the person produces his or her parking certification.

The Committee on Finance moved to amend the title of the bill to read as follows:

Eng. House Bill 2165—A Bill to amend and reenact §17C-13-6 of the Code of West Virginia, 1931, as amended, and to amend the Code by adding thereto a new section, designated §17A-3-15a, relating to free parking for certain individuals; prohibiting public entities from requiring certain persons with a mobility impairment who are unable to walk from having to pay for accessible parking at parking meters that are inaccessible; defining terms; specifying parameters of prohibition and entitlement for payment exemption; making penalty of false swearing applicable for false certification of inability to access parking meter without unreasonable effort; prohibiting citations; providing for prima facie evidence; providing disabled veterans and veterans who received the Purple Heart may park free at metered parking spaces at any municipality in the state.

The bill, as amended by the Senate, was then put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 484**), and there were—yeas 92, nays none, absent and not voting 8, with the absent and not voting being as follows:

Absent and Not Voting: Criss, Hansen, Kump, Linville, Lucas, Martin, Pinson and Steele.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2165) passed.

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

A message from the Senate, by

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

Com. Sub. for H. B. 2434, Relating to establishing the Stop Squatters Act.

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

H. B. 2434 — “A Bill to amend and reenact §55-3C-1 and §55-3C-2 of the Code of West Virginia, 1931, as amended, and adding thereto the following new sections, designated §55-3C-3, §55-3C-4, §55-3C-5, and §55-3C-6, all relating to squatting; establishing the Stop Squatters Act; providing a short title and findings; amending the definition of squatting and adding a definition for squatter; providing a limited alternative remedy to remove unauthorized persons from residential and commercial real properties; providing for the immediate removal by a law-enforcement agency upon request of the property owner of any person unlawfully occupying a residential dwelling or commercial building if certain conditions are met; providing a civil cause of action for wrongful removal; establishing misdemeanor and felony offenses for unlawfully occupying and intentionally damaging a residential dwelling or commercial building and providing penalties upon conviction thereof; establishing a misdemeanor offense for knowingly presenting a false document purporting to convey real property and providing penalties upon conviction thereof; and establishing a felony offense for any person who knowingly lists or advertises residential real property or a commercial building for sale or renting without legal title or authority and providing penalties upon conviction thereof.”

The Committee on the Judiciary moved to amend the bill by striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 3C. REMEDIES FOR SQUATTING STOP SQUATTERS ACT.

§55-3C-1. ~~Squatting defined; squatting synonymous with trespass~~ Short title; findings.

(a) ~~“Squatter” means a person occupying a dwelling unit or other structure who is not so entitled under a rental agreement or who is not authorized by the tenant or owner to occupy that dwelling unit or structure. “Squatter” does not include a tenant who holds over in a periodic tenancy as described in §37-6-5 of this code~~ This article shall be known and may be cited as the “Stop Squatters Act”.

(b) “Squatting” means the act of being a squatter. The Legislature finds that the right to exclude others from entering and the right to direct others to immediately vacate a person’s residential or commercial property are fundamental property rights.

§55-3C-2. Squatters defined: squatters not tenants; squatting constitutes criminal trespass; petition and eviction not appropriate remedies for squatters; remedy is arrest for trespass.

(a) Squatters are not considered tenants for purposes of this code. “Squatter” means a person unlawfully occupying a dwelling unit or other structure who is not entitled under a rental or lease agreement or who is not authorized by the tenant or owner to occupy that dwelling unit or structure. “Squatter” does not include a tenant who holds over in a periodic tenancy as described in §37-6-5 of this code, or an owner.

(b) “Squatting” means the act of being a squatter. Squatting is synonymous with trespass, and is a criminal act under §61-3B-2 or §61-3B-3 of this Code.

(c) Squatters are not considered tenants for purposes of this code and are not entitled to eviction proceedings afforded to lawful tenants. No A Court of this state shall not require the utilization use of eviction, or a similar procedure such as those found under §55-3A-1, et seq. or §55-3B-1, et seq. of this Code, by an owner in any instance involving the removal of a squatter from possession of a property.

§55-3C-3. Limited Alternative Remedy to Remove Squatter from Residential and Commercial Real Properties.

(a) A property owner or their authorized agent may request, from any law-enforcement officer having authority to act in the jurisdiction where the subject property is located, the immediate removal of any person squatting in a residential dwelling or commercial building if the following conditions are met:

- (1) The requesting person is the property owner or authorized agent;
- (2) The real property includes a residential dwelling or commercial building;
- (3) An unauthorized person or persons are unlawfully occupying the property;
- (4) The property was not open to the public at the time of entry;
- (5) The property owner or their authorized agent has directed the unauthorized person(s) to leave;
- (6) The unauthorized person is not current or former owners or current or former lawful tenants;
- (7) The unauthorized person is not immediate family members of the property owner or tenants; and
- (8) No pending litigation related to the subject property exists between the property owner and the unauthorized person(s).

(b) To request the immediate removal pursuant to this section, the property owner or authorized agent shall submit a completed and verified complaint to remove persons unlawfully occupying real property ("complaint") to a law-enforcement officer having authority to act in the jurisdiction of the subject property.

(c) Upon receipt of the complaint, the law-enforcement agency to which the complaint was submitted shall conduct preliminary fact-finding, which may include reviewing any alleged lease agreement, interviewing relevant individuals, and other relevant inquiries to ascertain the validity of the complaint. If the preliminary fact-finding indicates probable cause that the conditions outlined in subsection (a) of this section are met, then the law-enforcement agency shall serve a notice to immediately vacate upon the unlawful occupants and put the owner in possession of the real property.

(d) The law-enforcement agency is entitled to a fee for service of a notice pursuant to subsection (c) of this section. Upon serving the notice, the property owner or their authorized agent may request the law-enforcement agency to remove the unauthorized person if they do not vacate the property when ordered to do so or request that they remain at the property to ensure the safety of all parties during the removal of the person property of the unlawful occupants.

(e) This section does not limit any other property owner rights or the authority of law-enforcement.

§55-3C-4. Criminal mischief; penalties.

(a) A person who unlawfully occupies a residential dwelling or commercial building consistent with this article and as a result of the unlawful occupation causes damage to the real property, its fixtures, or personal property of the owner in an amount less than \$1,000 is guilty of a misdemeanor, and, upon conviction thereof, shall be confined in jail for a term not to exceed one year or fined not to exceed \$2,500, or both fined and confined.

(b) A person who unlawfully occupies a residential dwelling or commercial building consistent with this article and as a result of the unlawful occupation causes damage to the real property, its fixtures, or personal property of the owner in an amount more than \$1,000 in damages commits a felony, and, upon conviction thereof, shall be imprisoned in the penitentiary not less than one nor more than 10 years, or in the discretion of the court be confined in jail not more than one year and fined not more than \$2,500.

§55-3C-5. Making false statement to detain real property; false complaint; civil causes of action; immunity.

(a) A property owner or their authorized agent who knowingly submits a complaint pursuant to this article in bad faith is subject to criminal prosecution for false swearing, and shall indemnify the law-enforcement agency and its agents for all costs and damages which may arise from a law-enforcement officer's good faith actions pursuant to this article.

(b) A civil cause of action for wrongful removal may be brought by a person who has been removed from a property pursuant to this article, with remedies including restoration of possession, actual costs, damages, and attorney fees.

(c) In a civil action against a law-enforcement officer or law-enforcement agency based on action taken pursuant to this article, any immunity authorized by this code or other applicable authority may be asserted.

§55-3C-6. Fraudulent sale or lease of residential real property.

Any person who knowingly lists or advertises residential real property or a commercial building for sale or renting without legal title or authority is guilty of a felony and, upon conviction thereof, shall be imprisoned in the penitentiary not less than one nor more than 10 years, or, in the discretion of the court, be confined in jail not more than one year and shall be fined not more than \$2,500.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 485**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Criss, Kump, Martin, Pinson and Steele.

So, a majority of the members elected having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2434) passed.

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, to take effect July 1, 2025, a bill of the House of Delegates, as follows:

Com. Sub. for H. B. 2499, Training course for principals in public schools; informing teachers of their rights and protections; IEP format.

On motion of Delegate McGeehan, the House concurred in the following amendment of the bill by the Senate:

The Committee on Education moved to amend the bill by striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 3. TRAINING, CERTIFICATION, LICENSING, PROFESSIONAL DEVELOPMENT.

§18A-3-13. Training course for principals in public schools; informing teachers of due process; IEP format.

(a) Training. – Principals who are employed in public schools, appropriate central office personnel, superintendent, and county board of education members shall receive in-person training on the Individuals with Disability Education Act (IDEA), federal regulations and West Virginia State Board of Education Policy 2419 “Regulations for the Education of Students with Exceptionalities”. Specifically, this training must include the understanding of a students’ Least Restrictive Environment (LRE), student discipline procedures and requirements, and parental rights and due process safeguards. This training shall also include the following information:

(1) Maximum class size for instructional periods by programmatic level and level of service needs for students with disabilities;

(2) Extenuating circumstances for submitting a waiver request when student numbers exceed staffing ratios;

(3) Teacher's rights for advocating for students, procedural rights documentation, and all protections set forth under §18-20-1c;

(4) Classroom teachers' rights and protections that they may not be reprimanded for advocating for their student(s); and

(5) Information related to local advocacy agencies and local United States Department of Education funded advocacy agencies.

(b) *Time period.* – This training shall be conducted for principal, appropriate central office personnel, Superintendents, and county board of education members before December 31, 2025, and following subsequent revisions to IDEA, federal regulations and/or West Virginia State Board of Education Policy 2419 “Regulations for the Education of Students with Exceptionalities”. Newly employed personnel and elected or appointed county board of education members shall receive this training within 30 days thereof.

(c) *Teacher protections and rights.* – Each principal and county board members shall inform teachers, in person, of their rights; including but not limited to:

(1) The documentation process within a 45-day grading period for teachers;

(2) The rights of teachers when it comes to informing parents of local advocates who can come to the Individualized Education Program ("IEP") meetings;

(3) Protection methods in place for teachers who advocate for student placement; and

(4) All teacher protections and rights set forth under §18-20-1c.

(d) *Individualized Education Program meeting format.* – In every Individualized Education Program meeting, a representative of the school shall explain to the guardian of the child, verbally, the process for identifying a student, the parents or guardians due process rights, teacher protections and procedural rights as set forth under §18-20-1c and local advocacy centers information and points of contact.

On motion of Senator Grady, the title of the bill was amended to read as follows:

Eng. Com. Sub. for House Bill 2499—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18A-3-13, relating to requiring in-person training for principals employed in the public schools, appropriate central office personnel, superintendents and county board of education members on the Individuals with Disability Education Act, federal regulations, and West Virginia State Board of Education Policy 2419 “Regulations for the Education of Students with Exceptionalities”; specifying other information the training is to include; specifying when training is to occur; requiring each principal and county board member to inform teachers, in person, of their rights and listing minimum information this

is to include; and requiring in every Individualized Education Program meeting certain information be explained to the guardian of a child.

The bill, as amended by the Senate, was then put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 486**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Criss, Kump, Martin, Pinson and Steele.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2499) passed.

Delegate McGeehan moved that the bill take effect July 1, 2025.

On this question, the yeas and nays were taken (**Roll No. 487**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Kump, Martin, Pinson and Steele.

So, two thirds having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2499) takes effect July 1, 2025.

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

A message from the Senate, by

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

Com. Sub. for H. B. 2866, Relating to fees and charges for municipality provided fire services.

On motion of Delegate McGeehan, the House concurred in the following amendment of the bill by the Senate:

On motion of Senator Martin, the title of the bill was amended to read as follows:

Eng. Com. Sub. for House Bill 2866—A Bill to amend and reenact §8-13-13 of the Code of West Virginia, 1931, as amended, relating to fees and charges for municipality-provided fire services; providing that no municipality may impose any new fire protection service fee, effective on or after June 30, 2024, on person or business located in a county that has imposed a fire service fee without an intergovernmental agreement in place between municipality and county commission; establishing required contents of agreement; establishing length of agreement and providing for renewal; and providing exception for increasing existing fees.

Senator Martin moved to amend the amendment on pages 1 through 3, by striking out all of Chapter 7;

On page 5, section 13, line 45, after “residents”, by inserting the words “and businesses”;

And,

On page 5, section 13, after line 45, by inserting a new paragraph, designated paragraph (F), to read as follows:

(F) The intergovernmental agreement shall expire five years after the agreement becomes effective. The agreement may be renewed for successive additional terms of no more than five years each.

The bill, as amended by the Senate, was then put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken **(Roll No. 488)**, and there were—yeas 86, nays 10, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Fluharty, Garcia, Gearheart, Hamilton, Hansen, Hornbuckle, Lewis, Pushkin, Williams and Young.

Absent and Not Voting: Kump, Martin, Pinson and Steele.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2866) passed.

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

First Reading

The following bill on first reading, coming up in regular order, was read a first time and ordered to second reading:

Com. Sub. for S. B. 748, Creating Safer Communities Act.

Delegate Gearheart moved that the bill (Com. Sub. for S. B. 748) be rejected on first reading under Rule 103.

On this motion, the yeas and nays were demanded, which demand was sustained.

Having been ordered, the yeas and nays were taken **(Roll No. 494)**, and there were—yeas 46, nays 50, absent and not voting 4, with the yeas and the absent and not voting being as follows:

Yeas: Akers, Amos, Anders, Barnhart, Bridges, Browning, Burkhammer, J. Cannon, Canterbury, W. Clark, Clay, Cooper, Coop-Gonzalez, Criss, Dillon, Fehrenbacher, Flanigan, Fluharty, Foggin, Funkhouser, Garcia, Gearheart, Green, Hall, Hamilton, Hansen, Heckert, Holstein, Horst, G. Howell, T. Howell, Jeffries, Kelly, Kimble, Leavitt, Lewis, Linville, Masters, Mazzocchi, Moore, Parsons, Pushkin, Rohrbach, Vance, White and Young.

Absent and Not Voting: Kump, Martin, Pinson and Steele.

So, the majority of members present having not voted in the affirmative, the motion rejected.

Senate Messages

A message from the Senate, by

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

Com. Sub. for H. B. 2960, Allowing the Division of Highways to contract out snow removal to private companies on secondary roads in Monongalia and Preston counties.

On motion of Delegate McGeehan, the House concurred in the following amendment of the bill by the Senate:

The Committee on Finance moved to amend the bill by striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 9. GENERAL PROVISIONS APPLICABLE TO STATE ROADS.

§17-9-1. Snow removal pilot program.

(a) The Legislature finds that snow removal in the state – particularly on secondary roads in Monongalia County and Preston County – has not been dependable, thereby providing a hardship on the citizens of West Virginia.

(b) The Division of Highways shall provide snow removal for all 55 counties of the State of West Virginia, with roads being prioritized into four categories:

(1) Priority One Routes: Interstate, Expressway, National Highway System, and all other United States and West Virginia routes with some Priority One routes also including high-traffic county routes;

(2) Priority Two Routes: All other school bus routes that are not considered Priority One;

(3) Priority Three Routes: Remaining routes, not including park and forest routes; and

(4) Priority Four Routes: Park and forest routes.

(c) The Division of Highways shall establish a two-year pilot program to issue Requests for Proposals for multiple vendors to provide snow removal for West Virginia Division of Highways District Four's secondary roads in Monongalia County and Preston County.

(d) The Division of Highways shall have sole discretion in identifying the specific roads requiring maintenance under this pilot program.

(e) No vendor employed to remove snow and ice from the secondary roads in Monongalia County and Preston County shall be afforded immunity from legal liability owing to any damage it may cause.

(f) The Commissioner of the Division of Highways may terminate any contract related to snow removal with 30 days' notice for cause.

On motion of Delegate Anderson, the title of the engrossed committee substitute for House Bill 2960 was amended to read as follows:

Eng. Com. Sub. for House Bill 2960—"A Bill to amend the code of West Virginia, 1931, as amended, by adding a new article, designated §17-9-1, relating to a pilot program for snow removal; stating legislative findings; establishing a priority schedule for state routes in regard to snow removal; requiring requests for proposals for multiple vendors to provide snow removal; establishing a time limit on the pilot program; providing that the Division of Highways has sole discretion in identifying the specific roads requiring maintenance under this pilot program; establishing liability; and providing for cancellation of snow removal contracts for cause."

The Committee on Finance moved to amend the bill by striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 9. GENERAL PROVISIONS APPLICABLE TO STATE ROADS.

§17-9-1. Snow removal pilot program.

(a) The Legislature finds that snow removal in the state – particularly on secondary roads in Monongalia County and Preston County – has not been dependable, thereby providing a hardship on the citizens of West Virginia.

(b) The Division of Highways shall provide snow removal for all 55 counties of the State of West Virginia, with roads being prioritized into four categories:

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(2) Priority Two Routes: All other school bus routes that are not considered Priority One;

(3) Priority Three Routes: Remaining routes, not including park and forest routes; and

(4) Priority Four Routes: Park and forest routes.

(c) The Division of Highways shall establish a two-year pilot program to issue Requests for Proposals for multiple vendors to provide snow removal for West Virginia Division of Highways District Four's secondary roads in Monongalia County and Preston County.

(d) The Division of Highways shall have sole discretion in identifying the specific roads requiring maintenance under this pilot program.

(e) No vendor employed to remove snow and ice from the secondary roads in Monongalia County and Preston County shall be afforded immunity from legal liability owing to any damage it may cause.

(f) The Commissioner of the Division of Highways may terminate any contract related to snow removal with 30 days' notice for cause.

The question being on the passage of the bill, the yeas and nays were taken **(Roll No. 489)**, and there were—yeas 68, nays 28, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Akers, Brooks, Burkhammer, Butler, D. Cannon, Canterbury, Clay, Coop-Gonzalez, Criss, Fluharty, Garcia, Gearheart, Heckert, Hornbuckle, Hornby, Horst, G. Howell, T. Howell, Kimble, Lewis, Linville, Masters, Mazzocchi, Pushkin, Ridenour, Sheedy, Vance and Ward.

Absent and Not Voting: Kump, Martin, Pinson and Steele.

So, a majority of the members elected having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2960) passed.

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

A message from the Senate, by

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

Com. Sub. for H. B. 3024, Guaranteed course transfer bill.

On motion of Delegate McGeehan, the House concurred in the following amendment of the bill by the Senate:

The Committee on Education moved to amend the bill by striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 14. MISCELLANEOUS.

§18B-14-5. Guaranteed transfer of credit for courses completed in career pathways between high schools, career and technical education centers, community and technical colleges and baccalaureate institutions.

(a) The Legislature finds that:

(1) The state has an increasing need for individuals with a postsecondary credential or degree;

(2) Over 40 percent of bachelor's degree completers nationally attended more than one postsecondary institution, making student transfer a critical priority; and

(3) Implementing a seamless education system with uniform guaranteed transfer of credits among post-secondary institutions in the state would greatly benefit students by reducing costs and increasing degree completion rates.

(b) The commission and council jointly shall:

(1) Oversee the development, implementation, and maintenance of guaranteed statewide transfer pathways as provided herein;

(2) Develop statewide guaranteed transfer frameworks and agreements to govern the granting and transfer of credit awarded through completion of courses and through competency-based and prior learning assessments; and

(3) Establish an appeals process to resolve disagreements between transferring students and receiving institutions of higher education regarding the transfer and acceptance of credits earned at or awarded by another institution.

(c) To effectuate the purposes of this section, the chancellors or their respective designees shall establish a statewide guaranteed transfer and articulation advisory committee, referred to in this section as the "advisory committee," and any necessary subcommittees. The advisory committee shall report to the chancellors or their respective designees, who may present its recommendations and decisions to the commission and the council for approval.

(1) The advisory committee shall consist of at least one representative from each of the state institutions of higher education as recommended by the institutional presidents and deemed appropriate and necessary by the chancellors or their respective designees. The chancellors or their respective designees shall appoint a chair or co-chairs from among the membership.

(2) Subcommittees may be formed on an ad hoc basis as deemed necessary by the chancellors or their respective designees to address specific topics or tasks related to guaranteed transfer and articulation.

(d) The commission and the council shall oversee the development of a statewide articulation and guaranteed transfer agreement, which shall, at a minimum:

(1) Guarantee the transfer of general education courses and common degree program prerequisites between and among public institutions;

(2) Guarantee the transfer of all courses contained in a transfer pathway as established in this section as credit in courses that satisfy general education or other specific program requirements;

(3) Guarantee that every graduate of a community and technical college awarded an associate degree that has been approved by the commission or the council for transfer to a public baccalaureate institution shall be deemed to have met all general education requirements and shall be granted admission to the upper division of any program offered by such public baccalaureate institution, unless a specific program has limited capacity or has audition or other specialized admissions requirements that are approved by the commission or council;

(4) Provide that graduates awarded an associate degree approved by the commission or council for guaranteed transfer and who transfer to a public baccalaureate institution shall not be required to take any additional general education courses to fulfill baccalaureate degree requirements;

(5) Provide that graduates awarded an associate degree approved by the commission or council for guaranteed transfer shall be automatically admitted to any public baccalaureate institution and given priority for enrollment over out-of-state students;

(6) Guarantee the statewide articulation of appropriate career and technical education programs, workforce development programs, and transfer of earned college-level course credits between secondary schools and community and technical colleges;

(7) Provide for acceptance by institutions of higher education of credits earned in accelerated programs such as dual enrollment and the Advanced Placement, International Baccalaureate, and College-Level Examination programs; and

(8) Provide for consistent acceptance by the public institutions of higher education of credits earned through competency-based education and prior learning assessments.

(e) The commission and the council, in collaboration with the advisory committee, shall develop, coordinate, and maintain guaranteed degree transfer pathways for selected baccalaureate programs, including those that are in demand across the state or prepare graduates for careers in industries such as nursing and hospitality/tourism, which programs shall be defined and identified by the commission and the council in consultation with the advisory committee. At a minimum, the guaranteed transfer pathways shall:

(1) Consist of 60 hours of instruction resulting in an associate degree that can be transferred and applied in full toward the requirements for a baccalaureate degree at a public baccalaureate institution;

(2) Include dual enrollment courses completed in high school or at a career and technical education center that are part of an approved guaranteed transfer pathway. The chancellors or their designees shall ensure these courses are recognized for college credit upon successful completion and shall apply to the student's approved program of study if the courses align with the student's chosen college major;

(3) Fulfill all general education requirements and any other lower-division requirements for graduation within the program offered at any public baccalaureate institution; and

(4) Include relevant industry credentials or other microcredentials that prepare students for specific jobs within selected in-demand and growing industries and that move individuals along a career pathway or up a career ladder, and which can be combined to meet the requirements of one or more related bachelor's degree programs.

(f) A student who completes all of the requirements of a specific guaranteed transfer pathway, including approved dual enrollment courses completed during high school or at a career and technical education center, and who transfers to an associated program at a public baccalaureate institution shall not be required to complete more than the total credits required for the baccalaureate degree, less the 60 hours of credit earned in the guaranteed transfer pathway.

(g) The guaranteed transfer pathways approved by the commission and council shall be mandatory for all public institutions to accept and shall be recognized universally as guaranteed statewide transfer pathways. All courses included in the approved transfer pathways shall be accepted as meeting general education or program-specific requirements at the receiving institution. The commission and council may, upon the recommendation of the chancellors, approve exceptions to this requirement in cases where such arrangements would present a hardship to the institution, cause the institution to be in violation of standards established by regional or program-specific accrediting bodies, or for other good cause shown.

(h) The commission and council shall propose rules for legislative approval in accordance with the provisions of §18B-1-6 and §29A-3A-1 et seq. of this code to implement the provisions of this section.

On motion of Senator Grady, the title of the bill was amended to read as follows:

Eng. Com. Sub. for House Bill 3024—A Bill to amend the Code of West Virginia, 1931, as amended, by adding a new section, designated §18B-14-5, relating to the guaranteed transfer of

credit for courses completed in career pathways between high schools, career and technical education centers, community and technical colleges, and baccalaureate institutions; imposing duties on the Higher Education Policy Commission and the Council for Community and Technical College Education; establishing a statewide guaranteed transfer and articulation advisory committee; setting forth membership of the advisory committee; allowing for subcommittees; requiring the commission and the council to oversee the development of a statewide articulation and guaranteed transfer agreement and setting forth parameters therefore; requiring the commission and the council, in collaboration with the advisory committee, to develop, coordinate, and maintain guaranteed degree transfer pathways for selected baccalaureate programs and the parameters therefore; setting forth additional requirements for guaranteed statewide transfer pathways; and requiring the commission and council to propose rules for legislative approval.

The bill, as amended by the Senate, was then put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 490**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Kump, Martin, Pinson and Steele.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3024) passed.

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

A message from the Senate, by

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

H. B. 3080, Military Spouse hiring preference.

On motion of Delegate McGeehan, the House concurred in the following amendment of the bill by the Senate:

The Committee on the Military moved to amend the bill by striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 17. HUMAN RIGHTS COMMISSION.

§16B-17-9. Unlawful discriminatory practices.

It shall be an unlawful discriminatory practice, unless based upon a bona fide occupational qualification, or except where based upon applicable security regulations established by the United States or the State of West Virginia or its agencies or political subdivisions:

(1) For any employer to discriminate against an individual with respect to compensation, hire, tenure, terms, conditions, or privileges of employment if the individual is able and competent to perform the services required even if such individual is blind or disabled: *Provided*, That it shall not be an unlawful discriminatory practice for an employer to observe the provisions of any bona fide pension, retirement, group or employee insurance or welfare benefit plan or system not

adopted as a subterfuge to evade the provisions of this subdivision: ~~Provided, however further,~~ That an employer may grant preference in hiring to a military spouse or to a veteran or a disabled veteran in accordance with the provisions of §16B-17-9a of this code without violating the provisions of this article. For purposes of this subdivision, "military spouse" means the husband or wife of a member of the Armed Forces who, as determined by the United States Secretary of Defense, is performing active duty pursuant to orders that authorize a permanent change of station move, if such husband or wife relocates to the member's new permanent duty station.

(2) For any employer, employment agency, or labor organization, prior to the employment or admission to membership, to: (A) Elicit any information or make or keep a record of or use any form of application or application blank containing questions or entries concerning the race, religion, color, national origin, ancestry, sex, or age of any applicant for employment or membership; (B) Print or publish or cause to be printed or published any notice or advertisement relating to employment or membership indicating any preference, limitation, specifications, or discrimination based upon race, religion, color, national origin, ancestry, sex, disability, or age; or (C) Deny or limit, through a quota system, employment or membership because of race, religion, color, national origin, ancestry, sex, age, blindness, or disability;

(3) For any labor organization because of race, religion, color, national origin, ancestry, sex, age, blindness, or disability of any individual to deny full and equal membership rights to any individual or otherwise to discriminate against such individual with respect to hire, tenure, terms, conditions, or privileges of employment or any other matter, directly or indirectly, related to employment;

(4) For an employer, labor organization, employment agency, or any joint labor-management committee controlling apprentice training programs to:

(A) Select individuals for an apprentice training program registered with the State of West Virginia on any basis other than their qualifications as determined by objective criteria which permit review;

(B) Discriminate against any individual with respect to his or her right to be admitted to or participate in a guidance program, an apprenticeship training program, on-the-job training program, or other occupational training or retraining program;

(C) Discriminate against any individual in his or her pursuit of such programs or to discriminate against such a person in the terms, conditions, or privileges of such programs;

(D) Print or circulate or cause to be printed or circulated any statement, advertisement or publication, or to use any form of application for these programs or to make any inquiry in connection with a program which expresses, directly or indirectly, discrimination or any intent to discriminate unless based upon a bona fide occupational qualification;

(5) For any employment agency to fail or refuse to classify properly, refer for employment or otherwise to discriminate against any individual because of his or her race, religion, color, national origin, ancestry, sex, age, blindness, or disability;

(6) For any person being the owner, lessee, proprietor, manager, superintendent, agent, or employee of any place of public accommodations to:

(A) Refuse, withhold from, or deny to any individual because of his or her race, religion, color, national origin, ancestry, sex, age, blindness, or disability, either directly or indirectly, any of the accommodations, advantages, facilities, privileges, or services of the place of public accommodations;

(B) Publish, circulate, issue, display, post or mail, either directly or indirectly, any written or printed communication, notice or advertisement to the effect that any of the accommodations, advantages, facilities, privileges, or services of any such place shall be refused, withheld from, or denied to any individual on account of race, religion, color, national origin, ancestry, sex, age, blindness, or disability, or that the patronage or custom thereof of any individual, belonging to or purporting to be of any particular race, religion, color, national origin, ancestry, sex, or age, or who is blind or disabled, is unwelcome, objectionable, not acceptable, undesired, or not solicited; or

(7) For any person, employer, employment agency, labor organization, owner, real estate broker, real estate salesman, or financial institution to:

(A) Engage in any form of threats or reprisal, or to engage in, or hire, or conspire with others to commit acts or activities of any nature, the purpose of which is to harass, degrade, embarrass, or cause physical harm or economic loss or to aid, abet, incite, compel, or coerce any person to engage in any of the unlawful discriminatory practices defined in this section;

(B) Willfully obstruct or prevent any person from complying with the provisions of this article, or to resist, prevent, impede, or interfere with the commission or any of its members or representatives in the performance of a duty under this article; or

(C) Engage in any form of reprisal or otherwise discriminate against any person because he or she has opposed any practices or acts forbidden under this article or because he or she has filed a complaint, testified, or assisted in any proceeding under this article.

§16B-17-9a. Veterans and military spouses preference not a violation of equal employment opportunity under certain circumstances.

(a) An employer may grant preference in hiring to a veteran or disabled veteran who has been honorably discharged from the United States Armed Services: ~~Provided, That the veteran or disabled veteran meets all of the knowledge, skills, and eligibility requirements of the job, and provided further that, granting the preference does not violate any state equal employment opportunity law, or to a military spouse, provided that the person granted the hiring preference meets all of the knowledge, skills, and eligibility requirements of the job to be filled. Such hiring preference may be granted without violating the provisions of this article or any other state equal employment opportunity law.~~

(b) For purposes of this section:

(1) ~~the term~~ "Veteran" means any person who has received an honorable discharge and:

(A) Has provided more than 180 consecutive days of full-time, active-duty service in the United States Armed Services or Reserve components thereof, including the National Guard; or

(B) Has a service-connected disability rating fixed by the United States Department of Veterans Affairs.

(2) "Military spouse" means the husband or wife of a member of the Armed Forces who, as determined by the United States Secretary of Defense, is performing active duty pursuant to orders that authorize a permanent change of station move, if such husband or wife relocates to the member's new permanent duty station.

The Committee on the Military moved to amend the title of the bill the title of the bill to read as follows:

Eng. House Bill 3080—A Bill to amend and reenact §16B-17-9 and §16B-17-9a of the Code of West Virginia, 1931, as amended, relating to establishing that an employer granting preference in hiring a military spouse does not violate the state Human Rights Act under certain circumstances.

The bill, as amended by the Senate, was then put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken **(Roll No. 491)**, and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Kump, Martin, Pinson and Steele.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 3080) passed.

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

A message from the Senate, by

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

H. B. 3156, Create exemption for Legislature for reporting requirements in Shared Services Section.

On motion of Delegate McGeehan, the House concurred in the following amendment of the bill by the Senate:

The Committee on Government Organization moved to amend the bill by striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 2B. SHARED SERVICES.

§5A-2B-2. Cost analysis and reporting.

(a) ~~On or before July 1, 2018, The Department of Administration shall develop~~ maintain a cost-performance assessment for use by each state spending unit to measure costs of that spending unit providing its own accounting and financial reporting services.

~~(b) Beginning April 1, 2019, and each year thereafter, Annually, on or before April 1, all state spending units shall report annually to the Shared Services Section information related to costs of providing accounting and financial reporting services based upon the metrics identified by the Shared Services Section in the cost-performance assessment. The deputy director shall evaluate the cost information provided by spending units to determine if the same services could be provided by the Shared Services Section at a lower cost and in a more efficient manner.~~

~~(c) On or before July 1, 2019, the deputy director shall report to the Governor and the Joint Committee on Government and Finance the results of the cost-performance assessment documenting the amount each state spending unit incurs for accounting services, and make recommendations for providing the services through the Shared Services Section.~~

~~(d) The deputy director shall report Annually, on or before December 31, of each year the deputy director shall report to the Governor and the Joint Committee on Government and Finance the cost savings and efficiencies resulting from providing accounting and financial reporting services by the Shared Services Section.~~

~~(e)~~ (d) The Department of Administration is authorized to may promulgate legislative rules, including emergency rules, to develop the assessment, any forms necessary for reporting costs, and any other information necessary pursuant to §29A-3-1 *et seq.* of this code.

(e) This section does not apply to the Legislature.

On motion of Senator Rucker, the title of the bill was amended to read as follows:

Eng. House Bill 3156—A Bill to amend and reenact §5A-2B-2 of the Code of West Virginia, 1931, as amended, relating to clarifying that the Legislature is not subject to the cost-assessment, accounting, and reporting services of the Department of Administration Shared Services Section.

The bill, as amended by the Senate, was then put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken **(Roll No. 492)**, and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Kump, Martin, Pinson and Steele.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 3156) passed.

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

A message from the Senate, by

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

H. B. 3389, Exclude the Department of Tourism as a Governmental agency.

On motion of Delegate McGeehan, the House concurred in the following amendment of the bill by the Senate:

The Committee on Government Organization moved to amend the bill by striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 10G. PROVIDING OF FOOD SERVICE IN PUBLIC OFFICE BUILDINGS BY THE WEST VIRGINIA DIVISION OF VOCATIONAL REHABILITATION.

§18-10G-2. DEFINITIONS.

For the purposes of this article:

(a) "Active participation" means an ongoing process of negotiations between the Division of Vocational Rehabilitation and the Committee of Blind Vendors to achieve joint planning of policies, procedures, and standards affecting the overall operation of the Food Services Facilities Program prior to their implementation by the Division of Vocational Rehabilitation. It is understood that the Division of Vocational Rehabilitation bears final responsibility for the administration and operation of the ~~"food services facilities"~~ program, including the assurance of active participation by the Committee of Blind Vendors;

(b) "Blind person" means a person whose central acuity does not exceed 20/200 in the better eye with correcting lenses or whose visual acuity, if better than 20/200, but is accompanied by a limit to the field of vision in the better eye to such a degree that its widest diameter subtends an angle of ~~no~~ not greater than twenty degrees. In determining whether an individual is blind, there shall be an examination by a physician skilled in diseases of the eye or an optometrist, whichever the individual ~~shall select~~ selects;

(c) "Blind vendor" means a blind licensee who is operating a food service facility on federal, state, public, or private property;

(d) "Committee of Blind Vendors" means an officially constituted body functioning in an advisory capacity of the Division of Vocational Rehabilitation's Food Services Facilities Program. This committee is composed of licensed blind vendors, elected biennially and established, constituted, and maintained in accordance with applicable federal regulations;

(e) "Food service facility" means and includes a restaurant, cafeteria, snack bar, vending machine ~~for the dispensing of~~ foods, beverages, confections, tobacco, or other products for human consumption, and other facilities ~~for the sale~~ selling or providing of goods and services for the purposes customarily offered in connection with the operation of any of the foregoing. The term "food service facility" does not include, ~~and there is expressly excepted therefrom~~ goods and services sold, dispensed from, or provided by the Veterans Administration and the facilities for ~~the sale~~ selling, dispensing, or providing thereof;

(f) "Governmental agency" means and includes the State of West Virginia, each instrumentality and agency thereof, and every county, city, and town within, and every political subdivision within the state, ~~of West Virginia except county boards of education, the West Virginia board of regents~~ Higher Education Policy Commission, the Council for Community and Technical College Education, the Department of Health, the Department of Commerce, the Department of Tourism, and the Department of Corrections;

(g) "Licensee" means all persons licensed under the Division of Vocational Rehabilitation to operate food service facilities under the Randolph/Sheppert Act, Title XX, United States Code 107 *et seq.*;

(h) "Public office building" means and includes the State Capitol, all county courthouses, all city and town halls, all buildings used primarily for governmental offices of the state, and ~~of any county, city, and town within the state, but does not include buildings used for institutions under the jurisdiction of the West Virginia board of regents~~ any state institution of higher education, the Department of Health, the Department of Commerce, the Department of Tourism, or the Department of Corrections;

(i) "Vending machine income" means receipts other than those of a blind licensee from the operation of vending machines on public property after deducting the cost of goods sold when machines are operated, serviced, or maintained by, or with the approval of the Division of Vocational Rehabilitation, or commissions paid to other than a licensee by a commercial vending concern which operates, services, or maintains vending machines on public property for or with the approval of the Division of Vocational Rehabilitation; and

(j) "Designee" means an individual or an organization of individuals legally constituted and under the jurisdiction of the Division of Vocational Rehabilitation doing business in the State of West Virginia to assist ~~the~~ a state agency with the administration and supervision of the food services facilities program.

On motion of Senator Rucker, the title of the bill was amended to read as follows:

Eng. House Bill 3389—A Bill to amend and reenact §18-10G-2 of the Code of West Virginia, 1931, as amended, relating to excluding the Department of Tourism from the agencies required to have their food service facilities operated by the Division of Vocational Rehabilitation.

The bill, as amended by the Senate, was then put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken **(Roll No. 493)**, and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Kump, Martin, Pinson and Steele.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 3389) passed.

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

6:11 p.m., on motion of Delegate McGeehan, the House of Delegates recessed until 7:00 p.m.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, to take effect from passage, a bill of the House of Delegates, as follows:

Com. Sub. for H. B. 2026, Budget Bill.

On motion of Delegate McGeehan, the House concurred in the following amendment by the Senate, with further amendment:

Delegate Criss moves to concur in the Senate amendment to the bill with further amendment by striking out everything after the enacting clause and inserting in lieu thereof the following:

TITLE I – GENERAL PROVISIONS.

1 **Section 1. General policy.** – The purpose of this bill is to appropriate money necessary
2 for the economical and efficient discharge of the duties and responsibilities of the state and its
3 agencies during the fiscal year 2026.

1 **Sec. 2. Definitions.** — For the purpose of this bill:

2 “Governor” shall mean the Governor of the State of West Virginia.

3 “Code” shall mean the Code of West Virginia, one thousand nine hundred thirty-one, as
4 amended.

5 “Spending unit” shall mean the department, bureau, division, office, board, commission,
6 agency, or institution to which an appropriation is made.

7 The “fiscal year 2026” shall mean the period from July 1, 2025, through June 30, 2026.

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

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

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

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

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

7 Unless otherwise specified, appropriations for “personal services” shall include salaries of
8 heads of spending units.

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

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

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

25 Should the appropriation for “BRIM Premium” be insufficient to cover such cost, the
26 remainder of such costs shall be paid by each spending unit from its “unclassified” appropriation,
27 its “current expenses” appropriation or any other appropriate appropriation to the Board of Risk

28 and Insurance Management. Each spending unit is hereby authorized and required to make such
29 payments. If there is no appropriation for "BRIM Premium" such costs shall be paid by each
30 spending unit from its "current expenses" appropriation, "unclassified" appropriation or other
31 appropriate appropriation.

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

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

41 "Equipment" shall mean equipment items which have an appreciable and calculable period
42 of usefulness in excess of one year.

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

45 "Buildings" shall include new construction and major alteration of existing structures and
46 the improvement of lands and shall include shelter, support, storage, protection, or the
47 improvement of a natural condition.

48 "Lands" shall mean the purchase of real property or interest in real property.

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

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

54 Appropriations classified in any of the above categories shall be expended only for the
55 purposes as defined above and only for the spending units herein designated: *Provided*, That the
56 secretary of each department shall have the authority to transfer within the department those
57 general revenue funds appropriated to the various agencies of the department: *Provided*,
58 *however*, That no more than five percent of the general revenue funds appropriated to any one
59 agency or board may be transferred to other agencies or boards within the department: and no
60 funds may be transferred to a "Personal Services and Employee Benefits" appropriation unless
61 the source funds are also wholly from a "Personal Services and Employee Benefits" line, or unless
62 the source funds are from another appropriation that has exclusively funded employment
63 expenses for at least twelve consecutive months prior to the time of transfer and the position(s)
64 supported by the transferred funds are also permanently transferred to the receiving agency or
65 board within the department: *Provided further*, Notwithstanding any previous provision no more
66 than twenty-five percent of the general revenue funds appropriated to the following funds 0401,
67 0402, 0408, 0409, 0410, 0411, 0412, 0413, 0414 and 0415 within the Department of Health
68 Facilities may be transferred between the aforementioned funds: *Provided further*,
69 Notwithstanding any previous provision no general revenue funds appropriated to the following
70 funds 0403, 0481, 0482, 0483, 0484, 0485, 0486, 0487, 0488, 0489, 0492, 0493, 0494, 0495 and
71 0496 within the Department of Human Services may be transferred between the aforementioned
72 funds: and no funds may be transferred to a "Personal Services and Employee Benefits"
73 appropriation unless the source funds are also wholly from a "Personal Services and Employee
74 Benefits" line, or unless the source funds are from another appropriation that has exclusively
75 funded employment expenses for at least twelve consecutive months prior to the time of transfer
76 and the position(s) supported by the transferred funds are also permanently transferred to the
77 receiving agency or board within the department: *Provided further*, That the secretary of each
78 department and the director, commissioner, executive secretary, superintendent, chairman or any
79 other agency head not governed by a departmental secretary as established by Chapter 5F of

80 the Code shall have the authority to transfer funds appropriated to "Personal Services and
81 Employee Benefits," "Current Expenses," "Repairs and Alterations," "Equipment," "Other Assets,"
82 "Land," "Buildings," "Contract Nursing", and "Unclassified" to other appropriations within the same
83 account and no funds from other appropriations shall be transferred to the "Personal Services
84 and Employee Benefits" or the "Unclassified" appropriation except that during Fiscal Year 2026,
85 and upon approval from the State Budget Office, agencies with the appropriation "Salary and
86 Benefits of Cabinet Secretary and Agency Heads" and "Salary and Benefits of Elected Officials"
87 may transfer between this appropriation and the appropriation "Personal Services and Employee
88 Benefits" an amount to cover annualized salaries and employee benefits for the fiscal year ending
89 June 30, 2026, as provided by W.V. Code §6-7-2a: *And provided further*, That no authority exists
90 hereunder to transfer funds into appropriations to which no funds are legislatively appropriated:
91 *And provided further*, That if the Legislature creates new, consolidates, reorganizes or terminates
92 agencies, boards or functions, within any fiscal year the secretary or other appropriate agency
93 head, or in the case of the termination of a spending unit of the state, the Director of the State
94 Budget Office, in the absence of general law providing otherwise, may transfer the funds formerly
95 appropriated to such agency, board or function, allocating items of appropriation as may be
96 necessary if only part of the item may be allocated, in order to implement such consolidation,
97 reorganization or termination. No funds may be transferred from a Special Revenue Account,
98 dedicated account, capital expenditure account or any other account or fund specifically
99 exempted by the Legislature from transfer, except that the use of the appropriations from the
100 State Road Fund for the office of the Secretary of the Department of Transportation is not a use
101 other than the purpose for which such funds were dedicated and is permitted.

102 Appropriations otherwise classified shall be expended only where the distribution of
103 expenditures for different purposes cannot well be determined in advance or it is necessary or
104 desirable to permit the spending unit the freedom to spend an appropriation for more than one of
105 the above classifications.

1 **Sec. 4. Method of expenditure.** — Money appropriated by this bill, unless otherwise
2 specifically directed, shall be appropriated, and expended according to the provisions of Article 3,
3 Chapter 12 of the Code or according to any law detailing a procedure specifically limiting that
4 article.

1 **Sec. 5. Maximum expenditures.** — No authority or requirement of law shall be
2 interpreted as requiring or permitting an expenditure in excess of the appropriations set out in this
3 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.

1 **Section 1. Appropriations from general revenue.** – From the State Fund, General
 2 Revenue, there are hereby appropriated conditionally upon the fulfillment of the provisions set
 3 forth in Article 2, Chapter 11B the following amounts, as itemized, for expenditure during the fiscal
 4 year 2026.

LEGISLATIVE

1 - *Senate*

Fund 0165 FY 2026 Org 2100

	Appro-	General
	priation	Revenue
		Fund
1 Compensation of Members (R)	00300	\$ 1,010,000
2 Compensation and Per Diem of Officers		
3 and Employees (R).....	00500	4,111,332
4 Current Expenses and Contingent Fund (R)	02100	821,392
5 Repairs and Alterations (R)	06400	35,000
6 Technology Repair and Modernization (R)	29800	80,000
7 Expenses of Members (R)	39900	550,000
8 BRIM Premium (R).....	91300	<u>44,482</u>
9 Total.....		\$ 6,652,206

10 The appropriations for the Senate for the fiscal year 2025 are to remain in full force and
 11 effect and are hereby reappropriated to June 30, 2026. Any balances so reappropriated may be
 12 transferred and credited to the fiscal year 2025 accounts.

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

15 The Clerk of the Senate, with the approval of the President, is authorized to draw his or
 16 her requisitions upon the Auditor, payable out of the Current Expenses and Contingent Fund of

17 the Senate, for any bills for supplies and services that may have been incurred by the Senate and
 18 not included in the appropriation bill, for supplies and services incurred in preparation for the
 19 opening, the conduct of the business and after adjournment of any regular or extraordinary
 20 session, and for the necessary operation of the Senate offices, the requisitions for which are to
 21 be accompanied by bills to be filed with the Auditor.

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

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

37 Included in the above appropriation for Senate (fund 0165, appropriation 02100), an
 38 amount not less than \$5,000 is to be used for the West Virginia Academy of Family Physicians -
 39 Doc of the Day Program.

2 - *House of Delegates*

Fund 0170 FY 2026 Org 2200

1	Compensation of Members (R)	00300	\$	3,500,000
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2 Compensation and Per Diem of Officers

3	and Employees (R).....	00500	575,000
4	Current Expenses and Contingent Fund (R)	02100	6,500,000
5	Expenses of Members (R)	39900	1,350,000
6	Capital Outlay, Repairs and Equipment (R).....	58900	500,000
7	BRIM Premium (R).....	91300	<u>60,000</u>
8	Total.....		\$ 12,485,000

9 The appropriations for the House of Delegates for the fiscal year 2025 are to remain in full
10 force and effect and are hereby reappropriated to June 30, 2026. Any balances so reappropriated
11 may be transferred and credited to the fiscal year 2025 accounts.

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

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

22 The Speaker of the House of Delegates shall have authority to employ such staff
23 personnel during and between sessions of the Legislature as shall be needed, in addition to
24 personnel designated in the House resolution, and the compensation of all personnel shall be as
25 fixed in such House resolution for the session or fixed by the Speaker during and between
26 sessions of the Legislature, notwithstanding such House resolution. The Clerk of the House of
27 Delegates is hereby authorized to draw requisitions upon the Auditor for such services, payable

28 out of the appropriation for the Compensation and Per Diem of Officers and Employees or Current
 29 Expenses and Contingent Fund of the House of Delegates.

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

35 Included in the above appropriation for House of Delegates (fund 0170, appropriation
 36 02100), an amount not less than \$5,000 is to be used for the West Virginia Academy of Family
 37 Physicians - Doc of the Day Program.

3 - *Joint Expenses*

(W.V. Code Chapter 4)

Fund 0175 FY 2026 Org 2300

1	Joint Committee on Government and Finance (R)	10400	\$	9,725,138
2	Legislative Printing (R).....	10500		260,000
3	Legislative Rule-Making Review Committee (R).....	10600		147,250
4	Legislative Computer System (R).....	10700		1,447,500
5	Legislative Dues and Fees (R)	10701		600,000
6	BRIM Premium (R).....	91300		<u>60,569</u>
7	Total.....		\$	12,240,457

8 The appropriations for the Joint Expenses for the fiscal year 2025 are to remain in full
 9 force and effect and are hereby reappropriated to June 30, 2026. Any balances reappropriated
 10 may be transferred and credited to the fiscal year 2025 accounts.

11 Upon the written request of the Clerk of the Senate, with the approval of the President of
 12 the Senate, and the Clerk of the House of Delegates, with the approval of the Speaker of the

- 13 House of Delegates, and a copy to the Legislative Auditor, the Auditor shall transfer amounts
 14 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 2026 Org 2400

1	Personal Services and Employee Benefits (R)	00100	\$ 140,730,477
2	Repairs and Alterations (R)	06400	45,000
3	Equipment (R)	07000	1,600,000
4	Military Services Members Court (R)	09002	0
5	Judges' Retirement System (R)	11000	1,247,000
6	Current Expenses (R)	13000	23,326,564
7	Buildings (R)	25800	165,000
8	Other Assets (R)	69000	80,000
9	BRIM Premium (R)	91300	<u>1,032,409</u>
10	Total		\$ 168,226,450

- 11 The appropriations to the Supreme Court of Appeals for the fiscal years 2022, 2023, 2024,
 12 and 2025 are to remain in full force and effect and are hereby reappropriated to June 30, 2026.
 13 Any balances so reappropriated may be transferred and credited to the fiscal year 2025 accounts.

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

- 17 From the appropriation for Current Expenses (fund 0180, appropriation 13000)
 18 \$1,000,000 shall be used for facility maintenance for magistrate courts.

19 The appropriation for the Judges' Retirement System (fund 0180, appropriation 11000) is
 20 to be transferred to the Consolidated Public Retirement Board, in accordance with the law relating
 21 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 2026 Org 0100

1	Personal Services and Employee Benefits.....	00100	\$	3,357,899
2	Salary and Benefits of Elected Officials.....	00200		266,594
3	Repairs and Alterations.....	06400		25,000
4	Equipment.....	07000		1,000
5	National Governors Association	12300		60,700
6	Current Expenses (R)	13000		799,000
7	Community Food Program	18500		1,000,000
8	Office of Resiliency (R)	18600		626,650
9	BRIM Premium.....	91300		<u>183,645</u>
10	Total.....		\$	6,320,488

11 Any unexpended balances remaining in the appropriations for Unclassified (fund 0101,
 12 appropriation 09900), Current Expenses (fund 0101, appropriation 13000), Office of Resiliency
 13 (fund 0101, appropriation 18600), Posey Perry Emergency Food Bank Fund (fund 0101,
 14 appropriation 42303), and Posey Perry Emergency Food Bank Fund – Surplus (fund 0101,
 15 appropriation 42399) at the close of the fiscal year 2025 are hereby reappropriated for expenditure
 16 during the fiscal year 2026.

6 - Governor's Office –

Custodial Fund

(W.V. Code Chapter 5)

Fund 0102 FY 2026 Org 0100

1	Personal Services and Employee Benefits.....	00100	\$	431,755
2	Repairs and Alterations.....	06400		5,000
3	Equipment.....	07000		1,000
4	Current Expenses (R)	13000		<u>182,158</u>
5	Total.....		\$	619,913

Any unexpended balance remaining in the appropriation for Current Expenses (fund 0102, appropriation 13000) at the close of the fiscal year 2025 is hereby reappropriated for expenditure during the fiscal year 2026.

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 2026 Org 0100

1	Civil Contingent Fund (R).....	61400	\$	5,000,000
2	Local Economic Development Assistance (R).....	81900		<u>5,000,000</u>
3	Total.....		\$	10,000,000

Any unexpended balances remaining in the appropriations 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), Civil Contingent Fund – Rural Hospitals – Surplus (fund 0105, appropriation 40199), Civil Contingent Fund (fund 0105, appropriation

11 61400), Milton Flood Wall (fund 0105, appropriation 75701), Milton Flood Wall – Surplus (fund
 12 0105, appropriation 75799), Natural Disasters – Surplus (fund 0105, appropriation 76400), Local
 13 Economic Development Assistance (fund 0105, appropriation 81900), and Federal Funds/Grant
 14 Match – Surplus (fund 0105, appropriation 85700) at the close of the fiscal year 2025 are hereby
 15 reappropriated for expenditure during the fiscal year 2026.

16 From this fund there may be expended, at the discretion of the Governor, an amount not
 17 to exceed \$1,000 as West Virginia's contribution to the Interstate Oil Compact Commission.

18 The above fund is intended to provide contingency funding for accidental, unanticipated,
 19 emergency, or unplanned events which may occur during the fiscal year and is not to be expended
 20 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 2026 Org 1200

1	Personal Services and Employee Benefits.....	00100	\$	2,566,274
2	Salary and Benefits of Elected Officials.....	00200		192,704
3	Current Expenses (R)	13000		13,429
4	BRIM Premium.....	91300		<u>12,077</u>
5	Total.....		\$	2,784,484

6 Any unexpended balance remaining in the appropriation for Current Expenses (fund 0116,
 7 appropriation 13000) at the close of the fiscal year 2025 is hereby reappropriated for expenditure
 8 during the fiscal year 2026.

9 - Treasurer's Office

(W.V. Code Chapter 12)

Fund 0126 FY 2026 Org 1300

1	Personal Services and Employee Benefits.....	00100	\$	2,706,621
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2	Salary and Benefits of Elected Officials.....	00200	192,704
3	Unclassified	09900	31,463
4	Abandoned Property Program.....	11800	41,794
5	Current Expenses (R)	13000	572,684
6	Other Assets	69000	10,000
7	ABLE Program	69201	150,000
8	BRIM Premium.....	91300	<u>59,169</u>
9	Total.....		\$ 3,764,435

Any unexpended balance remaining in the appropriation for Current Expenses (fund 0126, appropriation 13000) at the close of the fiscal year 2025 is hereby reappropriated for expenditure during the fiscal year 2026.

10 - Department of Agriculture

(W.V. Code Chapter 19)

Fund 0131 FY 2026 Org 1400

1	Personal Services and Employee Benefits.....	00100	\$ 7,246,666
2	Salary and Benefits of Elected Officials.....	00200	192,704
3	Animal Identification Program	03900	141,212
4	State Farm Museum.....	05500	87,759
5	Gypsy Moth Program (R)	11900	1,175,979
6	WV Farmers Market.....	12801	150,467
7	Current Expenses (R)	13000	588,115
8	Black Fly Control.....	13700	463,870
9	HEMP Program.....	13701	400,007
10	Donated Foods Program.....	36300	45,000
11	Veterans to Agriculture Program (R)	36301	278,420
12	SNAP Stretch Program	xxxxx	360,000

13	Predator Control (R).....	47000	176,400
14	Bee Research	69100	78,450
15	Microbiology Program	78500	110,995
16	Moorefield Agriculture Center.....	78600	1,121,739
17	Chesapeake Bay Watershed.....	83000	129,485
18	Livestock Care Standards Board.....	84300	8,820
19	Agriculture Programs	XXXXX	0
20	WVDA FFA Secretary	XXXXX	100,000
21	BRIM Premium.....	91300	138,905
22	State FFA-FHA Camp and Conference Center	94101	820,592
23	Threat Preparedness	94200	81,513
24	WV Food Banks	96900	426,000
25	Senior's Farmers' Market Nutrition Coupon Program	97000	<u>56,328</u>
26	Total.....		\$ 14,379,426

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), 2024 Drought Relief – Surplus (fund 0131, appropriation 40499), Predator Control (fund 0131, appropriation 47000), and Agricultural Disaster and Mitigation Needs – Surplus (fund 0131, appropriation 85000) at the close of the fiscal year 2025 are hereby reappropriated for expenditure during the fiscal year 2026.

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.

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.

38 From the above appropriation for Current Expenses (fund 0131, appropriation 13000)
 39 \$100,000 shall be used for the Willowbend Agricultural Innovation Center.

40 From the above appropriation for WV Food Banks (fund 0131, appropriation 96900),
 41 \$20,000 is for House of Hope and the remainder of the appropriation shall be allocated to the
 42 Huntington Food Bank and the Mountaineer Food Bank in Braxton County.

11 - West Virginia Conservation Agency

(W.V. Code Chapter 19)

Fund 0132 FY 2026 Org 1400

1	Personal Services and Employee Benefits.....	00100	\$	927,240
2	Unclassified	09900		77,059
3	Soil Conservation Projects (R)	12000		10,937,786
4	Current Expenses (R)	13000		317,848
5	BRIM Premium.....	91300		<u>34,428</u>
6	Total.....		\$	12,294,361

7 Any unexpended balances remaining in the appropriations for Soil Conservation Projects
 8 (fund 0132, appropriation 12000), Current Expenses (fund 0132, appropriation 13000), and Soil
 9 Conservation Projects – Surplus (fund 0132, appropriation 26900) at the close of the fiscal year
 10 2025 are hereby reappropriated for expenditure during the fiscal year 2026.

12 - Department of Agriculture –

Meat Inspection Fund

(W.V. Code Chapter 19)

Fund 0135 FY 2026 Org 1400

1	Personal Services and Employee Benefits.....	00100	\$	1,097,727
2	Unclassified	09900		7,090
3	Current Expenses	13000		<u>82,605</u>
4	Total.....		\$	1,187,422

5 Any part or all of this appropriation may be transferred to a special revenue fund for the
 6 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 2026 Org 1400

1	Programs and Awards for 4-H Clubs and FFA/FHA	57700	\$	15,000
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14 - *Department of Agriculture –*

West Virginia Agricultural Land Protection Authority

(W.V. Code Chapter 8A)

Fund 0607 FY 2026 Org 1400

1	Personal Services and Employee Benefits.....	00100	\$	109,515
2	Unclassified	09900		<u>950</u>
3	Total.....		\$	110,465

15 - *Attorney General*

(W.V. Code Chapters 5, 14, 46A and 47)

Fund 0150 FY 2026 Org 1500

1	Personal Services and Employee Benefits (R)	00100	\$	3,647,491
2	Salary and Benefits of Elected Officials.....	00200		192,704
3	Repairs and Alterations.....	06400		1,000
4	Equipment.....	07000		7,500
5	Unclassified (R).....	09900		24,428
6	Current Expenses (R)	13000		681,295
7	Criminal Convictions and Habeas Corpus Appeals (R)	26000		1,018,132
8	Better Government Bureau	74000		293,418
9	BRIM Premium.....	91300		<u>120,654</u>

10 Total..... \$ 5,986,622

11 Any unexpended balances remaining in the appropriations for Personal Services and
 12 Employee Benefits (fund 0150, appropriation 00100), Unclassified (fund 0150, appropriation
 13 09900), Current Expenses (fund 0150, appropriation 13000), and Criminal Convictions and
 14 Habeas Corpus Appeals (fund 0150, appropriation 26000) at the close of the fiscal year 2025 are
 15 hereby reappropriated for expenditure during the fiscal year 2026.

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

16 - *Secretary of State*

(W.V. Code Chapters 3, 5, and 59)

Fund 0155 FY 2026 Org 1600

1	Salary and Benefits of Elected Officials.....	00200	\$	192,704
2	Unclassified (R).....	09900		8,352
3	Current Expenses (R)	13000		781,584
4	BRIM Premium.....	91300		<u>34,500</u>
5	Total.....		\$	1,017,140

6 Any unexpended balances remaining in the appropriations for Unclassified (fund 0155,
 7 appropriation 09900) and Current Expenses (fund 0155, appropriation 13000) at the close of the
 8 fiscal year 2025 are hereby reappropriated for expenditure during the fiscal year 2026.

17 - *State Election Commission*

(W.V. Code Chapter 3)

Fund 0160 FY 2026 Org 1601

1	Personal Services and Employee Benefits.....	00100	\$	2,477
2	Unclassified	09900		75
3	Current Expenses	13000		<u>4,956</u>
4	Total.....		\$	7,508

DEPARTMENT OF ADMINISTRATION*18 - Department of Administration –**Office of the Secretary*

(W.V. Code Chapter 5F)

Fund 0186 FY 2026 Org 0201

1	Personal Services and Employee Benefits.....	00100	\$	498,187
2	Salary and Benefits of Cabinet Secretary and			
3	Agency Heads.....	00201		153,400
4	Repairs and Alterations.....	06400		100
5	Equipment.....	07000		1,000
6	Unclassified	09900		9,177
7	Current Expenses	13000		86,009
8	Financial Advisor (R).....	30400		27,546
9	Lease Rental Payments	51600		15,431,900
10	Design-Build Board	54000		4,000
11	Other Assets	69000		100
12	BRIM Premium.....	91300		<u>5,736</u>
13	Total.....		\$	16,217,155

14 Any unexpended balance remaining in the appropriation for Financial Advisor (fund 0186,
 15 appropriation 30400) at the close of the fiscal year 2025 is hereby reappropriated for expenditure
 16 during the fiscal year 2026.

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

19 - Consolidated Public Retirement Board

(W.V. Code Chapter 5)

Fund 0195 FY 2026 Org 0205

1 The Division of Highways, Division of Motor Vehicles, Public Service Commission, and
 2 other departments, bureaus, divisions, or commissions operating from special revenue funds
 3 and/or federal funds shall pay their proportionate share of the retirement costs for their respective
 4 divisions. When specific appropriations are not made, such payments may be made from the
 5 balances in the various special revenue funds in excess of specific appropriations.

20 - Division of Finance

(W.V. Code Chapter 5A)

Fund 0203 FY 2026 Org 0209

1	Personal Services and Employee Benefits.....	00100	\$	68,694
2	Unclassified	09900		1,400
3	GAAP Project (R).....	12500		671,260
4	Current Expenses	13000		61,563
5	BRIM Premium.....	91300		<u>12,675</u>
6	Total.....		\$	815,592

7 Any unexpended balance remaining in the appropriation for GAAP Project (fund 0203,
 8 appropriation 12500) at the close of the fiscal year 2025 is hereby reappropriated for expenditure
 9 during the fiscal year 2026.

21 - Division of General Services

(W.V. Code Chapter 5A)

Fund 0230 FY 2026 Org 0211

1	Personal Services and Employee Benefits.....	00100	\$	3,190,973
2	Repairs and Alterations.....	06400		500
3	Equipment.....	07000		5,000
4	Unclassified	09900		20,000
5	Fire Service Fee.....	12600		14,000
6	Current Expenses	13000		1,148,349
7	Capital Outlay, Repairs and Equipment (R).....	58900		21,610,888
8	BRIM Premium.....	91300		<u>379,983</u>
9	Total		\$	26,369,693

10 Any unexpended balance remaining in the appropriation for Capital Outlay, Repairs and
 11 Equipment (fund 0230, appropriation 58900), Capital Outlay, Repairs and Equipment – Surplus
 12 (fund 0230, appropriation 67700), and Consolidated State Laboratory – Surplus (fund 0230,
 13 appropriation 37799) at the close of the fiscal year 2025 is hereby reappropriated for expenditure
 14 during the fiscal year 2026.

15 From the above appropriation for Preservation and Maintenance of Statues and
 16 Monuments on Capitol Grounds (fund 0230, appropriation 37100), the Division shall consult the
 17 Division of Culture and History and Capitol Building Commission in all aspects of planning,
 18 assessment, maintenance, and restoration.

19 The above appropriation for Capital Outlay, Repairs and Equipment (fund 0230,
 20 appropriation 58900) shall be expended for capital improvements, maintenance, repairs, and
 21 equipment for state-owned buildings.

22 - Division of Purchasing

(W.V. Code Chapter 5A)

Fund 0210 FY 2026 Org 0213

1	Personal Services and Employee Benefits.....	00100	\$	997,655
2	Repairs and Alterations.....	06400		200
3	Unclassified	09900		144
4	Current Expenses	13000		1,285
5	BRIM Premium.....	91300		<u>6,922</u>
6	Total.....		\$	1,006,206

7 The Division of Highways shall reimburse Fund 2031 within the Division of Purchasing for
8 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 2026 Org 0215

1	Personal Services and Employee Benefits.....	00100	\$	774,858
2	Repairs and Alterations.....	06400		1,000
3	Equipment.....	07000		5,000
4	Unclassified	09900		12,032
5	Current Expenses	13000		440,247
6	Buildings	25800		100
7	Other Assets	69000		<u>100</u>
8	Total.....		\$	1,233,337

24 - Commission on Uniform State Laws

(W.V. Code Chapter 29)

Fund 0214 FY 2026 Org 0217

1	Current Expenses	13000	\$	65,550
2	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 2026 Org 0219

1	Personal Services and Employee Benefits.....	00100	\$	1,050,241
2	Equipment.....	07000		50
3	Unclassified	09900		1,000
4	Current Expenses	13000		136,035
5	BRIM Premium.....	91300		<u>8,000</u>
6	Total.....		\$	1,195,326

26 - Ethics Commission

(W.V. Code Chapter 6B)

Fund 0223 FY 2026 Org 0220

1	Personal Services and Employee Benefits.....	00100	\$	563,393
2	Repairs and Alterations.....	06400		500
3	Unclassified	09900		2,200
4	Current Expenses	13000		105,501
5	Other Assets	69000		100
6	BRIM Premium.....	91300		<u>4,574</u>
7	Total.....		\$	676,268

27 - Public Defender Services

(W.V. Code Chapter 29)

Fund 0226 FY 2026 Org 0221

1	Personal Services and Employee Benefits.....	00100	\$	1,987,292
2	Salary and Benefits of Cabinet Secretary and			
3	Agency Heads.....	00201		119,000
4	Unclassified	09900		313,300
5	Current Expenses	13000		12,740
6	Public Defender Corporations	35200		25,274,849

7	Appointed Counsel Fees (R)	78800	17,691,113
8	BRIM Premium.....	91300	<u>10,575</u>
9	Total.....		\$ 45,408,869

10 Any unexpended balance remaining in the appropriation for Public Defender Corporations
 11 – Surplus (fund 0226, appropriation 35299), Appointed Counsel Fees - Surplus (fund 0226,
 12 appropriation 43500), and Appointed Counsel Fees (fund 0226, appropriation 78800) at the close
 13 of the fiscal year 2025 is hereby reappropriated for expenditure during the fiscal year 2026.

14 The Director shall have the authority to transfer funds from the appropriation to Public
 15 Defender Corporations (fund 0226, appropriation 35200) to Appointed Counsel Fees (fund 0226,
 16 appropriation 78800).

28 - Division of Personnel

(W.V. Code Chapter 29)

Fund 0206 FY 2026 Org 0222

1	Directed Transfer	70000	\$ 900,000
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2 The above appropriation for Directed Transfer (fund 0206, appropriation 70000) shall be
 3 transferred to the Division of Personnel (fund 2440).

29 - Committee for the Purchase of

Commodities and Services from the Handicapped

(W.V. Code Chapter 5A)

Fund 0233 FY 2026 Org 0224

1	Personal Services and Employee Benefits.....	00100	\$ 3,187
2	Current Expenses	13000	<u>868</u>
3	Total.....		\$ 4,055

30 - West Virginia Prosecuting Attorneys Institute

(W.V. Code Chapter 7)

Fund 0557 FY 2026 Org 0228

1	Forensic Medical Examinations (R).....	68300	\$	572,276
2	Federal Funds/Grant Match (R)	74900		<u>118,204</u>
3	Total.....		\$	690,480

4 Any unexpended balances remaining in the appropriations for Forensic Medical
5 Examinations (fund 0557, appropriation 68300) and Federal Funds/Grant Match (fund 0557,
6 appropriation 74900) at the close of the fiscal year 2025 are hereby reappropriated for expenditure
7 during the fiscal year 2026.

31 - Office of Technology

(W.V. Code Chapter 5A)

Fund 0204 FY 2026 Org 0231

1	Directed Transfer	70000	\$	7,200,000
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2 The above appropriation for Directed Transfer (fund 0204, appropriation 70000) shall be
3 transferred to the Office of Technology Fund (fund 2220).

32 - Real Estate Division

(W.V. Code Chapter 5A)

Fund 0610 FY 2026 Org 0233

1	Personal Services and Employee Benefits.....	00100	\$	724,702
2	Repairs and Alterations.....	06400		100
3	Equipment.....	07000		2,500
4	Unclassified	09900		124
5	Current Expenses	13000		138,881
6	BRIM Premium.....	91300		<u>8,284</u>
7	Total.....		\$	874,591

DEPARTMENT OF COMMERCE

33 - Division of Forestry

(W.V. Code Chapter 19)

Fund 0250 FY 2026 Org 0305

1	Personal Services and Employee Benefits.....	00100	\$	5,263,504
2	Salary and Benefits of Cabinet Secretary and			
3	Agency Heads.....	00201		111,674
4	Repairs and Alterations.....	06400		80,000
5	Unclassified	09900		21,435
6	Current Expenses	13000		558,024
7	BRIM Premium.....	91300		<u>98,754</u>
8	Total.....		\$	6,133,391

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

11 Any unexpended balances remaining in the appropriations for Current Expenses – Surplus
12 (fund 0250, appropriation 13099) and Equipment – Surplus (fund 0250, appropriation 34100) at
13 the close of the fiscal year 2025 are hereby reappropriated for expenditure during the fiscal year
14 2026.

34 - Geological and Economic Survey

(W.V. Code Chapter 29)

Fund 0253 FY 2026 Org 0306

1	Personal Services and Employee Benefits.....	00100	\$	1,898,787
2	Salary and Benefits of Cabinet Secretary and			
3	Agency Heads.....	00201		112,753
4	Repairs and Alterations.....	06400		968
5	Unclassified	09900		27,678
6	Current Expenses	13000		51,524
7	Mineral Mapping System (R).....	20700		1,232,093
8	BRIM Premium.....	91300		<u>24,486</u>

9 Total..... \$ 3,348,289

10 Any unexpended balance remaining in the appropriation for Mineral Mapping System
11 (fund 0253, appropriation 20700) at the close of the fiscal year 2025 is hereby reappropriated for
12 expenditure during the fiscal year 2026.

13 The above Unclassified and Current Expenses appropriations include funding to secure
14 federal and other contracts and may be transferred to a special revolving fund (fund 3105) for the
15 purpose of providing advance funding for such contracts.

35 - Division of Economic Development

(W.V. Code Chapter 5B)

Fund 0256 FY 2026 Org 0307

1	Personal Services and Employee Benefits.....	00100	\$	3,856,055
2	Unclassified	09900		108,055
3	Current Expenses	13000		4,052,861
4	Local Economic Development Partnerships (R)	13300		1,250,000
5	ARC Assessment.....	13600		152,585
6	Global Economic Development Partnerships (R)	20201		150,000
7	Guaranteed Work Force Grant (R)	24200		997,499
8	Mainstreet Program	79400		142,525
9	Marshall University Research Corporation	80701		500,000
10	BRIM Premium.....	91300		3,157
11	Hatfield McCoy Recreational Trail.....	96000		<u>198,415</u>
12	Total.....		\$	11,411,152

13 Any unexpended balances remaining in the appropriations for Unclassified – Surplus (fund
14 0256, appropriation 09700), Partnership Grants (fund 0256, appropriation 13100), Local
15 Economic Development Partnerships (fund 0256, appropriation 13300), Global Economic
16 Development Partnerships (fund 0256, appropriation 20201), and Guaranteed Work Force Grant

17 (fund 0256, appropriation 24200), and Current Expenses – Surplus (fund 0256, appropriation
 18 13099) at the close of the fiscal year 2025 are hereby reappropriated for expenditure during the
 19 fiscal year 2026.

20 From the above appropriation for Current Expenses (fund 0256, appropriation 13000),
 21 \$50,000 shall be used for the Western Potomac Economic Partnership, \$100,000 shall be used
 22 for Advantage Valley, \$750,000 shall be used for the Robert C. Byrd Institute, \$548,915 is for
 23 West Virginia University and \$298,915 is for Southern West Virginia Community and Technical
 24 College for the Mine Training and Energy Technologies Academy.

25 The above appropriation to Local Economic Development Partnerships (fund 0256,
 26 appropriation 13300) shall be used by the Division of Economic Development for the award of
 27 funding assistance to county and regional economic development corporations or authorities
 28 participating in the Certified Development Community Program developed under the provisions
 29 of W.V. Code §5B-2-14. The Division of Economic Development shall award the funding
 30 assistance through a matching grant program, based upon a formula whereby funding assistance
 31 may not exceed \$50,000 per county served by an economic development or redevelopment
 32 corporation or authority.

36 - Office of Energy

(W.V. Code Chapter 5B)

Fund 0612 FY 2026 Org 0307

1	Personal Services and Employee Benefits.....	00100	\$	600,000
2	Current Expenses	13000		<u>685,603</u>
3	Total.....		\$	1,285,603

37 - Division of Labor

(W.V. Code Chapters 21 and 47)

Fund 0260 FY 2026 Org 0308

1	Personal Services and Employee Benefits.....	00100	\$	1,471,794
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2	Repairs and Alterations.....	06400	28,000
3	Unclassified	09900	15,000
4	Current Expenses	13000	212,000
5	BRIM Premium.....	91300	<u>8,500</u>
6	Total.....		\$ 1,735,294

38 - *Division of Natural Resources*

(W.V. Code Chapter 20)

Fund 0265 FY 2026 Org 0310

1	Personal Services and Employee Benefits.....	00100	\$ 21,367,002
2	Salary and Benefits of Cabinet Secretary and		
3	Agency Heads.....	00201	113,188
4	Repairs and Alterations.....	06400	100
5	Equipment.....	07000	100
6	Unclassified	09900	184,711
7	Current Expenses	13000	449,654
8	Buildings (R)	25800	100
9	Capital Outlay – Parks (R)	28800	3,434,945
10	Litter Control Conservation Officers	56400	157,746
11	Upper Mud River Flood Control (R).....	65400	179,084
12	Other Assets	69000	100
13	Land (R).....	73000	100
14	Law Enforcement.....	80600	2,751,584
15	BRIM Premium.....	91300	<u>45,141</u>
16	Total.....		\$ 28,683,555

17 Any unexpended balances remaining in the appropriations for Equine Enrichment –
 18 Surplus (fund 0265, appropriation 22899), Buildings (fund 0265, appropriation 25800), Capital

19 Outlay – Parks (fund 0265, appropriation 28800), Upper Mud River Flood Control (fund 0265,
 20 appropriation 65400), Current Expenses – Surplus (fund 0265, appropriation 13099), Capital
 21 Outlay, Repairs and Equipment – Surplus (fund 0265, appropriation 67700), Land (fund 0265,
 22 appropriation 73000), and State Park Improvements – Surplus (fund 0265, appropriation 76300)
 23 at the close of the fiscal year 2025 are hereby reappropriated for expenditure during the fiscal
 24 year 2026.

25 Any revenue derived from mineral extraction at any state park shall be deposited in a
 26 special revenue account of the Division of Natural Resources, first for bond debt payment
 27 purposes and with any remainder to be for park operation and improvement purposes.

39 - Division of Miners' Health, Safety and Training

(W.V. Code Chapter 22A)

Fund 0277 FY 2026 Org 0314

1	Personal Services and Employee Benefits.....	00100	\$	10,131,184
2	Unclassified	09900		111,016
3	Current Expenses	13000		1,396,141
4	Coal Dust and Rock Dust Sampling	27000		517,987
5	BRIM Premium.....	91300		<u>80,668</u>
6	Total.....		\$	12,236,996

7 Included in the above appropriation for Current Expenses (fund 0277, appropriation
 8 13000) is \$500,000 to be used for coal mine training activities at an established mine training
 9 facility in southern West Virginia.

40 - Board of Coal Mine Health and Safety

(W.V. Code Chapter 22A)

Fund 0280 FY 2026 Org 0319

1	Personal Services and Employee Benefits.....	00100	\$	235,177
2	Unclassified	09900		3,480

3	Current Expenses	13000	<u>118,138</u>
4	Total		\$ 356,795

5 Included in the above appropriation for Current Expenses (fund 0280, appropriation
6 13000) up to \$29,000 shall be used for the Coal Mine Safety and Technical Review Committee.

41 - WorkForce West Virginia

(W.V. Code Chapter 21A)

Fund 0572 FY 2026 Org 0323

1	Personal Services and Employee Benefits.....	00100	\$ 51,433
2	Unclassified	09900	584
3	Current Expenses	13000	<u>23,683</u>
4	Total		\$ 75,700

42 - Department of Commerce –

Office of the Secretary

(W.V. Code Chapter 5B)

Fund 0606 FY 2026 Org 0327

1	Personal Services and Employee Benefits.....	00100	\$ 1,501,592
2	Salary and Benefits of Cabinet Secretary and		
3	Agency Heads.....	00201	153,750
4	Unclassified	09900	1,490
5	Current Expenses	13000	353,147
6	Directed Transfer	70000	<u>0</u>
7	Total		\$ 2,009,979

43 - State Board of Rehabilitation –

Division of Rehabilitation Services

(W.V. Code Chapter 18)

Fund 0310 FY 2026 Org 0932

1	Personal Services and Employee Benefits.....	00100	\$	12,970,625
2	Independent Living Services	00900		429,418
3	Current Expenses	13000		558,815
4	Workshop Development.....	16300		1,817,427
5	Supported Employment Extended Services	20600		77,960
6	Ron Yost Personal Assistance Fund.....	40700		333,828
7	Employment Attendant Care Program.....	59800		131,575
8	BRIM Premium.....	91300		<u>77,464</u>
9	Total.....		\$	16,397,112

10 The above appropriation for Workshop Development (fund 0310, appropriation 16300)

11 shall be used exclusively with the private nonprofit community rehabilitation program

12 organizations known as work centers or sheltered workshops. The appropriation shall also be

13 used to continue the support of the program, services, and individuals with disabilities currently in

14 place at those organizations.

DEPARTMENT OF TOURISM

44 - Department of Tourism –

Office of the Secretary

(W.V. Code Chapter 5B)

Fund 0246 FY 2026 Org 0304

1	Tourism – Brand Promotion (R)	61803	\$	15,000,000
2	Tourism – Public Relations (R).....	61804		1,500,000
3	Tourism – Events and Sponsorships (R).....	61805		500,000
4	Tourism – Industry Development (R).....	61806		3,050,000
5	State Parks and Recreation Advertising (R)	61900		<u>1,500,000</u>
6	Total.....		\$	21,550,000

Any unexpended balances remaining in the appropriations for Tourism – Development Opportunity Fund (fund 0246, appropriation 11601), Tourism – Brand Promotion (fund 0246, appropriation 61803), Tourism – Public Relations (fund 0246, appropriation 61804), Tourism – Events and Sponsorships (fund 0246, appropriation 61805), Tourism – Industry Development (fund 0246, appropriation 61806), State Parks and Recreation Advertising (fund 0246, appropriation 61900), Tourism – Brand Promotion – Surplus (fund 0246, appropriation 61893), and Tourism – Industry Development – Surplus (fund 0246, appropriation 61896) at the close of the fiscal year 2025 are hereby reappropriated for expenditure during the fiscal year 2026.

From the above appropriation of Tourism – Industry Development (fund 0246, appropriation 61806) \$250,000 shall be used for Appalachian Outlaw Trails, and \$300,000 shall be used for Mountwood Park.

The Secretary of the Department of Tourism shall have the authority to transfer between the above items of appropriation.

45 - Division of Culture and History

(W.V. Code Chapter 29)

Fund 0293 FY 2026 Org 0432

1	Personal Services and Employee Benefits.....	00100	\$	4,345,222
2	Salary and Benefits of Cabinet Secretary and			
3	Agency Heads.....	00201		0
4	Repairs and Alterations.....	06400		1,000
5	Equipment.....	07000		1
6	Unclassified (R).....	09900		28,483
7	Current Expenses	13000		3,175,898
8	WV Humanities Council	16800		250,000
9	Buildings	25800		1
10	Other Assets	69000		1

11	Educational Enhancements.....	69500	55,500
12	Land	73000	1
13	Culture and History Programming	73200	173,573
14	Capital Outlay and Maintenance (R)	75500	19,600
15	Historical Highway Marker Program	84400	43,548
16	BRIM Premium.....	91300	<u>39,337</u>
17	Total.....		\$ 8,132,165

18 Any unexpended balances remaining in the appropriations for Unclassified (fund 0293,
19 appropriation 09900), Capital Outlay, Repairs and Equipment (fund 0293, appropriation 58900),
20 Capital Improvements – Surplus (fund 0293, appropriation 66100), Capital Outlay, Repairs and
21 Equipment – Surplus (fund 0293, appropriation 67700), Capital Outlay and Maintenance (fund
22 0293, appropriation 75500), and Current Expenses – Surplus (fund 0293, appropriation 13099)
23 at the close of the fiscal year 2025 are hereby reappropriated for expenditure during the fiscal
24 year 2026.

25 From the above appropriation for Current Expenses (fund 0293, appropriation 13000)
26 \$1,250,000 shall be used for roof repair for the Cultural Center, \$500,000 shall be used for
27 completion of the Cultural Center outdoor exhibit, and \$750,000 shall be used to meet existing
28 grant obligations.

29 From the above appropriation for Educational Enhancements (fund 0293, appropriation
30 69500), \$55,500 shall be used for the Clay Center.

31 The Current Expenses appropriation includes funding for the arts funds, department
32 programming funds, grants, fairs and festivals, and Camp Washington Carver; and shall be
33 expended only upon authorization of the Division of Culture and History and in accordance with
34 the provisions of Chapter 5A, Article 3, and Chapter 12 of the W.V. Code.

46 - *Library Commission*

(W.V. Code Chapter 10)

Fund 0296 FY 2026 Org 0432

1	Personal Services and Employee Benefits.....	00100	\$	1,023,402
2	Salary and Benefits of Cabinet Secretary and			
3	Agency Heads.....	00201		112,000
4	Repairs and Alterations.....	06400		6,500
5	Current Expenses	13000		1,639,624
6	Services to Blind & Handicapped	18100		161,717
7	BRIM Premium.....	91300		<u>18,205</u>
8	Total.....		\$	2,961,448

9 From the above appropriation for Current Expenses (fund 0296, appropriation 13000)

10 \$1,500,000 shall be used for the Martinsburg Berkeley Public Library.

47 - Educational Broadcasting Commission

(W.V. Code Chapter 10)

Fund 0300 FY 2026 Org 0439

11	Personal Services and Employee Benefits.....	00100	\$	3,091,165
12	Salary and Benefits of Cabinet Secretary and			
13	Agency Heads.....	00201		120,106
14	Current Expenses	13000		113,844
15	Mountain Stage.....	24900		450,000
16	Capital Outlay and Maintenance (R)	75500		49,250
17	BRIM Premium.....	91300		<u>47,727</u>
18	Total.....		\$	3,872,092

19 Any unexpended balance remaining in the appropriation for Capital Outlay and

20 Maintenance (fund 0300, appropriation 75500) at the close of the fiscal year 2025 is hereby

21 reappropriated for expenditure during the fiscal year 2026.

DEPARTMENT OF EDUCATION

48 - State Board of Education –

School Lunch Program

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

Fund 0303 FY 2026 Org 0402

1	Personal Services and Employee Benefits.....	00100	\$	383,204
2	Current Expenses	13000		<u>2,118,865</u>
3	Total		\$	2,502,069

49 - State Board of Education –

State Department of Education

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

Fund 0313 FY 2026 Org 0402

1	Personal Services and Employee Benefits.....	00100	\$	4,983,544
2	Teachers' Retirement Savings Realized.....	09500		39,831,000
3	Unclassified (R).....	09900		420,000
4	Current Expenses (R)	13000		3,517,816
5	Increased Enrollment	14000		13,653,041
6	Safe Schools.....	14300		7,443,900
7	Attendance Incentive Bonus (R).....	15001		2,262,389
8	National Teacher Certification (R)	16100		100,000
9	Jobs & Hope – Childhood Drug Prevention Education	21901		2,000,000
10	Technology Repair and Modernization.....	29800		951,003
11	Hope Scholarship Program (R)	30401		24,610,523
12	HVAC Technicians.....	35500		555,872
13	Early Retirement Notification Incentive.....	36600		300,000
14	MATH Program	36800		836,532
15	Assessment Programs (R)	39600		3,750,759

16	Governor's Honors Academy (R)	47800	979,853
17	English as a Second Language.....	52800	96,000
18	Teacher Reimbursement.....	57300	297,188
19	Hospitality Training	60000	281,051
20	Youth in Government	61600	100,000
21	High Acuity Special Needs (R)	63400	2,700,000
22	Computer Science Education.....	xxxxx	2,000,000
23	Foreign Student Education.....	63600	102,133
24	State Board of Education Administrative Costs	68400	200,000
25	Early Literacy Program.....	75600	5,724,015
26	School Based Truancy Prevention (R)	78101	2,000,000
27	Communities in Schools (R).....	78103	4,912,637
28	Mastery Based Education	78104	125,000
29	Mountain State Digital Literacy Program	86401	1,300,000
30	21 st Century Learners (R).....	88600	1,675,127
31	BRIM Premium.....	91300	342,859
32	Allowance for Extraordinary Sustained Growth	94300	71,980
33	Education Programs	XXXXX	0
34	21 st Century Assessment and Professional Development	93100	2,015,254
35	21 st Century Technology Infrastructure Network		
36	Tools and Support (R)	93300	9,256,714
37	Special Olympic Games.....	96600	25,000
38	Educational Program Allowance	99600	<u>716,250</u>
39	Total.....		\$ 140,137,440

40 The above appropriations include funding for the State Board of Education and its
 41 executive office.

42 From the above appropriation for Current Expenses (fund 0313, appropriation 13000),
43 \$2,000,000 shall be used for the Department of Education Child Nutrition Program – Non-
44 traditional Child Hunger Solutions.

45 Any unexpended balances remaining in the appropriations for Unclassified (fund 0313,
46 appropriation 09900), Current Expenses (fund 0313, appropriation 13000), Center for
47 Professional Development (fund 0313, appropriation 11500), Attendance Incentive Bonus (fund
48 0313, appropriation 15001), National Teacher Certification (fund 0313, appropriation 16100),
49 Hope Scholarship Program (fund 0313, appropriation 30401), Assessment Programs (fund 0313,
50 appropriation 39600), Benedum Professional Development Collaborative (fund 0313,
51 appropriation 42700), Governor's Honors Academy (fund 0313, appropriation 47800), High Acuity
52 Special Needs (fund 0313, appropriation 63400), IT Academy (fund 0313, appropriation 72100),
53 School Based Truancy Prevention (fund 0313, appropriation 78101), Communities in Schools
54 (fund 0313, appropriation 78103), 21st Century Learners (fund 0313, appropriation 88600), 21st
55 Century Technology Infrastructure Network Tools and Support (fund 0313, appropriation 93300),
56 and Communities in Schools – Surplus (fund 0313, appropriation 78199) at the close of the fiscal
57 year 2025 are hereby reappropriated for expenditure during the fiscal year 2026.

58 The above appropriation for Teachers' Retirement Savings Realized (fund 0313,
59 appropriation 09500) shall be transferred to the Employee Pension and Health Care Benefit Fund
60 (fund 2044).

61 From the above appropriation for Unclassified (fund 0313, appropriation 09900), \$120,000
62 shall be for assisting low income students with AP and CLEP exam fees.

63 From the appropriation for Safe Schools (fund 0313, appropriation 14300), \$3,100,000
64 shall be used for school mapping.

65 From the above appropriation for MATH Program (fund 0313, appropriation 36800),
66 \$50,000 shall be for Math Counts.

67 From the above appropriation for Educational Program Allowance (fund 0313,
 68 appropriation 99600), \$100,000 shall be expended for the Morgan County Board of Education for
 69 Paw Paw Schools; \$250,000 shall be for the Randolph County Board of Education for Pickens
 70 School; \$100,000 shall be for the Randolph County Board of Education for the Harman School,
 71 \$100,000 shall be for the Preston County Board of Education for the Aurora School; \$100,000
 72 shall be for the Fayette County Board of Education for Meadow Bridge; and \$66,250 is for Project
 73 Based Learning in STEM fields.

50 - *State Board of Education –*

Aid for Exceptional Children

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

Fund 0314 FY 2026 Org 0402

1	Special Education – Counties	15900	\$	7,425,757
2	Special Education – Institutions	16000		4,397,051
3	Education of Juveniles Held in Predispositional			
4	Juvenile Detention Centers.....	30200		766,204
5	Education of Institutionalized Juveniles and Adults (R)	47200		<u>23,353,698</u>
6	Total.....		\$	35,942,710

7 Any unexpended balance remaining in the appropriation for Education of Institutionalized
 8 Juveniles and Adults (fund 0314, appropriation 47200) at the close of the fiscal year 2025 is
 9 hereby reappropriated for expenditure during the fiscal year 2026.

10 From the above appropriations, the Superintendent shall have authority to expend funds
 11 for the costs of special education for those children residing in out-of-state placements.

51 - *State Board of Education –*

State Aid to Schools

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

Fund 0317 FY 2026 Org 0402

1	Other Current Expenses	02200	\$ 197,669,392
2	Advanced Placement	05300	825,149
3	Professional Educators	15100	956,210,509
4	Service Personnel.....	15200	399,892,987
5	Fixed Charges.....	15300	117,003,609
6	Transportation.....	15400	100,315,326
7	Improved Instructional Programs	15600	63,626,561
8	Professional Student Support Services	65500	65,568,543
9	21 st Century Strategic Technology Learning Growth	93600	49,747,886
10	Teacher and Leader Induction	93601	<u>28,783,005</u>
11	Basic Foundation Allowances		1,979,642,967
12	Less Local Share		(566,787,626)
13	Adjustments		<u>(3,422,328)</u>
14	Total Basic State Aid.....		1,409,433,013
15	Public Employees' Insurance Matching.....	01200	317,566,529
16	Teachers' Retirement System	01900	68,086,596
17	Retirement Systems – Unfunded Liability.....	77500	<u>223,829,404</u>
18	Total.....		\$ 2,018,915,542

52 - State Board of Education –

Vocational Division

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

Fund 0390 FY 2026 Org 0402

1	Personal Services and Employee Benefits.....	00100	\$ 1,462,725
2	Unclassified	09900	268,800
3	Current Expenses	13000	883,106
4	Wood Products – Forestry Vocational Program.....	14600	88,600

5	Albert Yanni Vocational Program	14700	95,578
6	Vocational Aid	14800	24,826,517
7	Adult Basic Education	14900	5,905,442
8	Jobs & Hope (R)	14902	3,502,531
9	Program Modernization	30500	884,313
10	High School Equivalency Diploma Testing (R)	72600	616,572
11	FFA Grant Awards	83900	11,496
12	Pre-Engineering Academy Program	84000	22,914
13	Vocational Programs	XXXXX	<u>0</u>
14	Total		\$ 38,568,594

15 Any unexpended balances remaining in the appropriations for Jim's Dream (fund 0390,
 16 appropriation 14901), Jobs and Hope (fund 0390, appropriation 14902), High School Equivalency
 17 Diploma Testing (fund 0390, appropriation 72600), and Jobs & Hope – Surplus (fund 0390,
 18 appropriation 14099) at the close of the fiscal year 2025 are hereby reappropriated for expenditure
 19 during the fiscal year 2026.

53 - *State Board of Education –*

West Virginia Schools for the Deaf and the Blind

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

Fund 0320 FY 2026 Org 0403

1	Personal Services and Employee Benefits	00100	\$ 11,225,286
2	Repairs and Alterations	06400	164,675
3	Equipment	07000	77,000
4	Unclassified (R)	09900	110,000
5	Current Expenses (R)	13000	2,150,696
6	Capital Outlay and Maintenance (R)	75500	670,000
7	BRIM Premium	91300	<u>130,842</u>

8 Total..... \$ 14,528,499

9 Any unexpended balances remaining in the appropriations for Unclassified (fund 0320,
10 appropriation 09900), Current Expenses (fund 0320, appropriation 13000), Buildings (fund 0320,
11 appropriation 25800), and Capital Outlay and Maintenance (fund 0320, appropriation 75500) at
12 the close of the fiscal year 2025 are hereby reappropriated for expenditure during the fiscal year
13 2026.

54 - State Board of Education –

School Building Authority

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

Fund 0318 FY 2026 Org 0404

1 School Building Authority 45300 \$ 24,000,000

2 The above appropriation for School Building Authority (fund 0318, appropriation 45300)
3 shall be transferred to the School Construction Fund (fund 3952).

DEPARTMENT OF ENVIRONMENTAL PROTECTION

55 - Environmental Quality Board

(W.V. Code Chapter 20)

Fund 0270 FY 2026 Org 0311

1	Personal Services and Employee Benefits.....	00100	\$	101,968
2	Repairs and Alterations.....	06400		800
3	Equipment.....	07000		500
4	Current Expenses	13000		28,453
5	Other Assets	69000		400
6	BRIM Premium.....	91300		<u>791</u>
7	Total.....		\$	132,912

56 - Division of Environmental Protection

(W.V. Code Chapter 22)

Fund 0273 FY 2026 Org 0313

1	Personal Services and Employee Benefits.....	00100	\$	4,488,900
2	Salary and Benefits of Cabinet Secretary and			
3	Agency Heads.....	00201		168,000
4	Water Resources Protection and Management.....	06800		604,369
5	Current Expenses	13000		85,816
6	Environmental Response and Cleanups	27101		91,922
7	Dam Safety	60700		261,746
8	West Virginia Stream Partners Program.....	63700		77,396
9	West Virginia Drinking Water Treatment			
10	Revolving Fund – Transfer	68900		647,500
11	W.V. Contributions to River Commissions.....	77600		148,485
12	Office of Water Resources Non-Enforcement Activity	85500		<u>1,131,366</u>
13	Total.....		\$	7,705,500
14	Any unexpended balance remaining in the appropriation for Current Expenses – Surplus			
15	(fund 0273, appropriation 13099) at the close of the fiscal year 2025 is hereby reappropriated for			
16	expenditure during the fiscal year 2026.			

57 - Air Quality Board

(W.V. Code Chapter 16)

Fund 0550 FY 2026 Org 0325

1	Personal Services and Employee Benefits.....	00100	\$	61,581
2	Repairs and Alterations.....	06400		800
3	Equipment.....	07000		400
4	Current Expenses	13000		11,612
5	Other Assets	69000		200
6	BRIM Premium.....	91300		<u>2,304</u>

7	Total.....	\$	76,897
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DEPARTMENT OF HEALTH*58 - Department of Health –**Central Office*

(W.V. Code Chapter 16)

Fund 0407 FY 2026 Org 0506

1	Personal Services and Employee Benefits.....	00100	\$	429,073
2	Salary and Benefits of Cabinet Secretary			
3	and Agency Heads.....	00201		358,460
4	Unclassified	09900		6,459
5	Current Expenses	13000		5,239,831
6	Pregnancy Centers	xxxxx		3,000,000
7	Capital Outlay and Maintenance (R)	75500		70,000
8	BRIM Premium.....	91300		<u>169,791</u>
9	Total.....		\$	9,273,614

10 From the above appropriation for Current Expenses (fund 0407, appropriation 13000),
 11 \$5,000,000 shall be used for the Ronald McDonald House of Morgantown.

12 Any unexpended balances remaining in the appropriations for Capital Outlay and
 13 Maintenance (fund 0407, appropriation 75500), Emergency Response Entities – Special Projects
 14 (fund 0407, appropriation 82200), Tobacco Education Program (fund 0407, appropriation 90600),
 15 Tobacco Education Program – Surplus (fund 0407, appropriation xxxxx) and Pregnancy Centers
 16 – Surplus (fund 0407, appropriation 49999) at the close of the fiscal year 2025 are hereby
 17 reappropriated for expenditure during the fiscal year 2026.

*59 - Department of Health –**Office of the Shared Administration*

(W.V. Code Chapter 16)

Fund 0404 FY 2026 Org 0506

1	Personal Services and Employee Benefits.....	00100	\$	4,337,763
2	Unclassified	09900		62,815
3	Current Expenses	13000		<u>1,214,699</u>
4	Total.....		\$	5,615,277

60 - Bureau for Public Health –

Office of the Commissioner

(W.V. Code Chapter 16)

Fund 0405 FY 2026 Org 0506

1	Personal Services and Employee Benefits.....	00100	\$	2,892,926
2	Unclassified	09900		594,893
3	Current Expenses	13000		66,099
4	Maternal and Child Health Clinics, Clinicians and			
5	Medical Contracts and Fees (R)	57500		<u>300,000</u>
6	Total.....		\$	3,853,918

7 Any unexpended balances remaining in the appropriations for Maternal and Child Health
8 Clinics, Clinicians and Medical Contracts and Fees (fund 0405, appropriation 57500), at the close
9 of the fiscal year 2025 are hereby reappropriated for expenditure during the fiscal year 2026.

61 - Bureau for Public Health –

Health Statistics Center

(W.V. Code Chapter 16)

Fund 0406 FY 2026 Org 0506

1	Personal Services and Employee Benefits.....	00100	\$	539,560
2	Current Expenses	13000		<u>76,026</u>
3	Total.....		\$	615,586

62 - Bureau for Public Health –

Office of Community Health and Health Promotion

(W.V. Code Chapter 16)

Fund 0438 FY 2026 Org 0506

1	Black Lung Clinics.....	46700	\$	170,885
2	Primary Care Support	62800		2,032,635
3	Health Right Free Clinics	72700		5,250,000
4	Healthy Lifestyles.....	77800		612,419
5	Diabetes Education and Prevention	87300		<u>97,125</u>
6	Total.....		\$	8,163,064

7 From the above appropriation for Primary Care Support (fund 0438, appropriation 62800),
8 an amount not less than \$100,000 shall be used for the West Virginia Cancer Coalition.

9 From the above appropriation for Health Right Free Clinics (fund 0438, appropriation
10 72700), \$1,000,000 shall be used to support Health Right Free Clinics operating mobile medical
11 primary care and mobile dental care clinics.

*63 - Bureau for Public Health –**Office of Environmental Health Services*

(W.V. Code Chapter 1)

Fund 0417 FY 2026 Org 0506

1	Environmental Health Services (R)	30002	\$	3,171,119
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2 Any unexpended balances remaining in the appropriation for Environmental Health
3 Services (fund 0417, appropriation 30002) at the close of the fiscal year 2025 is hereby
4 reappropriated for expenditure during the fiscal year 2026.

*64 - Bureau for Public Health –**Office of Epidemiology and Prevention Services*

(W.V. Code Chapter 16)

Fund 0418 FY 2026 Org 0506

1	Cancer Registry	22500	\$	231,607
2	Vaccine for Children (R)	55100		341,261
3	Tuberculosis Control	55300		305,048
4	Epidemiology Support	62600		<u>1,984,635</u>
5	Total		\$	2,862,551

6 From the above appropriation for Epidemiology Support (fund 0418, appropriation 62600),
7 \$50,000 shall be used for the West Virginia AIDS Coalition; and \$100,000 shall be used for
8 Adolescent Immunization Education.

9 Any unexpended balances remaining in the appropriation for Vaccine for Children (fund
10 0418, appropriation 55100) at the close of the fiscal year 2025 is hereby reappropriated for
11 expenditure during the fiscal year 2026.

65 - Bureau for Public Health –

Office of Laboratory Services

(W.V. Code Chapter 16)

Fund 0419 FY 2026 Org 0506

1	Laboratory Services	30003	\$	3,775,633
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66 - Bureau for Public Health –

Office of Maternal, Child, and Family Health –

Children's Specialty Care

(W.V. Code Chapter 16)

Fund 0421 FY 2026 Org 0506

1	Children's Specialty Care (R)	30004	\$	1,667,975
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2 Any unexpended balances remaining in the appropriation Children's Specialty Care (fund
3 0421, appropriation 30004) at the close of fiscal year 2025 are hereby reappropriated for
4 expenditure during fiscal year 2026.

67 - Bureau for Public Health –

*Office of Maternal, Child, and Family Health –**Infant, Child, Adolescent, and Young Adult Health*

(W.V. Code Chapter 16)

Fund 0422 FY 2026 Org 0506

1	Sexual Assault Intervention and Prevention	72300	\$	2,000,000
2	Infant, Child Adolescent and			
3	Young Adult Health and Administration	30005		<u>30,040</u>
4	Total		\$	2,030,040

*68 - Bureau for Public Health –**Office of Maternal, Child, and Family Health –**Maternal, Child, and Family Health Epidemiology*

(W.V. Code Chapter 16)

Fund 0423 FY 2026 Org 0506

1	Maternal Mortality Review	83400	\$	53,031
2	Maternal, Child and Family			
3	Health Epidemiology (R)	30006		<u>411,683</u>
4	Total		\$	464,714

- 5 Any unexpended balances remaining in the appropriation Maternal, Child and Family
- 6 Health Epidemiology (fund 0423, appropriation 30006) at the close of fiscal year 2025 are hereby
- 7 reappropriated for expenditure during fiscal year 2026.

*69 - Bureau for Public Health –**Office of Maternal, Child and Family Health –**Community Health*

(W.V. Code Chapter 16)

Fund 0424 FY 2026 Org 0506

1	Maternal and Child Health Community Health (R)	30007	\$	429,832
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From the above appropriation for Maternal and Child Health Community Health and Fees (fund 0424, appropriation 30007) \$11,000 shall be used for the Marshall County Health Department for dental services.

Any unexpended balances remaining in the appropriation Maternal and Child Health Community Health (fund 0424, appropriation 30007) at the close of fiscal year 2025 are hereby reappropriated for expenditure during fiscal year 2026.

70 - Bureau for Public Health –

Office of Maternal Child and Family Health –

Women's and Family Health

(W.V. Code Chapter 16)

Fund 0425 FY 2026 Org 0506

Women's and Family Health (R)	30008	\$	2,556,146
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From the above appropriation for Women's and Family Health (fund 0425, appropriation 30008) up to \$400,000 may be transferred to the Breast and Cervical Cancer Diagnostic Treatment Fund (fund 5197).

Any unexpended balances remaining in the appropriation Women's and Family Health (fund 0425, appropriation 30008) at the close of fiscal year 2025 are hereby reappropriated for expenditure during fiscal year 2026.

71 - Bureau for Public Health –

Office of Maternal Child and Family Health –

West Virginia Birth to Three

(W.V. Code Chapter 16)

Fund 0426 FY 2026 Org 0506

West Virginia Birth to Three (R)	30009	\$	17,156,198
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Any unexpended balances remaining in the appropriation West Virginia Birth to Three (fund 0426, appropriation 30009) at the close of fiscal year 2025 are hereby reappropriated for expenditure during fiscal year 2026.

72 - Bureau for Public Health –

Office of Medical Cannabis

(W.V. Code Chapter 16)

Fund 0427 FY 2026 Org 0506

1	Office of Medical Cannabis (R)	42001	\$	1,137,238
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Any unexpended balances remaining in the appropriations for Office of Medical Cannabis (fund 0427, appropriation 42001) and Office of Medical Cannabis – Surplus (fund 0427, appropriation 42099) at the close of the fiscal year 2025 are hereby reappropriated for expenditure during the fiscal year 2026.

73 - Bureau for Public Health –

Office of Nutrition Services

(W.V. Code Chapter 16)

Fund 0428 FY 2026 Org 0506

1	Women, Infants, and Children.....	21000	\$	38,621
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74 - Deaf and Hard of Hearing

(W.V. Code Chapter 16)

Fund 0429 FY 2026 Org 0506

1	Commission for Deaf and Hard of Hearing.....	70400	\$	241,270
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75 - Center for Local Health

(W.V. Code Chapter 16)

Fund 0431 FY 2026 Org 0506

1	State Aid for Local and Basic Public Health Services.....	18400	\$	19,038,864
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76 - Office of Chief Medical Examiner

(W.V. Code Chapter 16)

Fund 0432 FY 2026 Org 0506

1	Chief Medical Examiner (R)	04500	\$	14,071,667
2	Any unexpended balance remaining in the appropriation for Chief Medical Examiner (fund			
3	0432, appropriation 04500) at the close of the fiscal year 2025 is hereby reappropriated for			
4	expenditure during the fiscal year 2026.			

77 - Office of Emergency Medical Services

(W.V. Code Chapter 16)

Fund 0434 FY 2026 Org 0506

1	Statewide EMS Program Support (R).....	38300	\$	1,681,427
2	State Trauma and Emergency Care System	91800		1,975,140
3	WVU Charleston Poison Control Hotline	94400		712,942
4	Telestroke	30010		<u>1,000,000</u>
5	Total.....		\$	5,369,509

6	Any unexpended balances remaining in the appropriations for Statewide EMS Program			
7	Support (fund 0434, appropriation 38300) and Statewide EMS Program Support – Surplus (fund			
8	0434, appropriation 38399) at the close of the fiscal year 2025 are hereby reappropriated for			
9	expenditure during the fiscal year 2026.			

78 - Office of Threat Preparedness

(W.V. Code Chapter 16)

Fund 0435 FY 2026 Org 0506

1	Threat Preparedness and Administration	30011	\$	5,595
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79 - Human Rights Commission

(W.V. Code Chapter 5)

Fund 0416 FY 2026 Org 0510

1	Personal Services and Employee Benefits (R)	00100	\$	1,118,596
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2 Salary and Benefits of Cabinet Secretary and

3	Agency Heads.....	00201	114,091
4	Unclassified (R).....	09900	4,024
5	Current Expenses (R)	13000	331,304
6	BRIM Premium.....	91300	<u>10,764</u>
7	Total.....		\$ 1,578,779

8 Any unexpended balances remaining in the appropriations for Personal Services and
 9 Employee Benefits (fund 0416, appropriation 00100), Unclassified (fund 0416, appropriation
 10 09900), and Current Expenses (fund 0416, appropriation 13000) at the close of the fiscal year
 11 2025 are hereby reappropriated for expenditure during the fiscal year 2026.

80 - Office of the Inspector General

(W.V. Code Chapter 16B)

Fund 0437 FY 2026 Org 0513

1	Personal Services and Employee Benefits (R).....	00100	\$ 6,811,769
2	Repairs and Alterations.....	06400	1
3	Equipment.....	07000	1
4	Unclassified (R).....	09900	57,469
5	Current Expenses (R)	13000	812,466
6	Other Assets	69000	1
7	BRIM Premium.....	91300	<u>121,134</u>
8	Total.....		\$ 7,802,841

9 From the above appropriation for Current Expenses (fund 0437, appropriation 13000),
 10 \$73,065 shall be used for informal dispute resolution relating to nursing home administrative
 11 appeals.

12 Any unexpended balances remaining in the appropriations for Personal Services and
 13 Employee Benefits (fund 0437, appropriation 00100), Unclassified (fund 0437, appropriation

14 09900), Current Expenses (fund 0437, appropriation 13000), and Current Expenses – Surplus
 15 (fund 0437, appropriation 13099) at the close of the fiscal year 2025 are hereby reappropriated
 16 for expenditure during the fiscal year 2026.

DEPARTMENT OF HUMAN SERVICES

81 - Division of Human Services

(W.V. Code Chapters 9, 48, and 49)

Fund 0403 FY 2026 Org 0511

1	Personal Services and Employee Benefits.....	00100	\$	32,219,482
2	Salary and Benefits of Cabinet Secretary and			
3	Agency Heads.....	00201		162,850
4	Unclassified	09900		5,632,055
5	Current Expenses	13000		6,113,150
6	Child Care Development.....	14400		3,167,767
7	Jobs & Hope (R)	14902		2,357,000
8	Social Services	19500		46,136
9	Behavioral Health Program (R)	21900		64,469,814
10	Family Resource Networks	27400		1,762,464
11	Substance Abuse Continuum of Care (R)	35400		1,821,600
12	Office of Drug Control Policy (R)	35401		592,652
13	James “Tiger” Morton Catastrophic Illness Fund	45500		377,544
14	In-Home Family Education.....	68800		1,100,000
15	WV Works Separate State Program.....	69800		1,519,650
16	Child Support Enforcement	70500		7,236,632
17	Temporary Assistance for Needy Families/			
18	Maintenance of Effort	70700		25,819,096
19	Child Care – Maintenance of Effort Match.....	70800		5,693,743

20	Capital Outlay and Maintenance (R)	75500	11,875
21	Medical Services Administrative Costs.....	78900	98,472
22	Indigent Burials (R)	85100	1,550,000
23	CHIP Administrative Costs.....	85601	706,386
24	CHIP Services.....	85602	13,469,298
25	BRIM Premium.....	91300	945,891
26	Children's Trust Fund – Transfer.....	95100	<u>220,000</u>
27	Total.....		\$ 177,093,557

28 From the above appropriation of Current Expenses (fund 0403, appropriation 13000),
29 \$300,000 shall be used for Green Acres Regional Center, Inc.

30 Any unexpended balances remaining in the appropriations for Jobs & Hope (fund 0403,
31 appropriation 14902), Behavioral Health Program (fund 0403, appropriation 21900), Behavioral
32 Health Program – Surplus (fund 0403, appropriation 63100), Substance Abuse Continuum of
33 Care (fund 0403, appropriation 35400), Office of Drug Control Policy (fund 0403, appropriation
34 35401), Capital Outlay and Maintenance (fund 0403, appropriation 75500), Indigent Burials (fund
35 0403, appropriation 85100), and Office of Drug Control Policy – Surplus (fund 0403, appropriation
36 35402) at the close of the fiscal year 2025 are hereby reappropriated for expenditure during the
37 fiscal year 2026.

38 Notwithstanding the provisions of Title I, section three of this bill, the Secretary of the
39 Department of Human Services shall have the authority to transfer funds within the above
40 appropriations: *Provided*, That no more than five percent of the funds appropriated to one
41 appropriation may be transferred to other appropriations: *Provided, however*, That no funds from
42 other appropriations shall be transferred to the Personal Services and Employee Benefits
43 appropriation.

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

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

49 The above appropriation for WV Works Separate State Program (fund 0403, appropriation
50 69800) shall be transferred to the WV Works Separate State College Program Fund (fund 5467)
51 and the WV Works Separate State Two-Parent Program Fund (fund 5468) as determined by the
52 Secretary of the Department of Human Services.

53 From the above appropriation for Child Support Enforcement (fund 0403, appropriation
54 70500), an amount not to exceed \$300,000 may be transferred to a local banking depository to
55 be utilized to offset funds determined to be uncollectible.

56 Included in the appropriation for Behavioral Health Program (fund 0403, appropriation
57 21900), is \$100,000 for Recovery Point of Huntington.

58 The above appropriation for Children’s Trust Fund – Transfer (fund 0403, appropriation
59 95100) shall be transferred to the Children’s Trust Fund (fund 5469).

60 From the above appropriation for Substance Abuse Continuum of Care (fund 0403,
61 appropriation 35400), the funding will be consistent with the goal areas outlined in the
62 Comprehensive Substance Abuse Strategic Action Plan.

82 - *Department of Human Services –*

Office of the Shared Administration

(W.V. Code Chapter 16)

Fund 0481 FY 2026 Org 0511

1	Personal Services and Employee Benefits.....	00100	\$	10,709,072
2	Unclassified	09900		252,842
3	Current Expenses	13000		7,500,296
4	PATH	95400		<u>7,368,389</u>
5	Total.....		\$	25,830,599

83 - Bureau for Medical Services –

Office of the Commissioner

(W.V. Code Chapter 16)

Fund 0482 FY 2026 Org 0511

1	Personal Services and Employee Benefits.....	00100	\$	448,112
2	Current Expenses	13000		<u>446,183</u>
3	Total		\$	894,295

84 - Bureau for Medical Services –

Medical Services Administration

(W.V. Code Chapter 16)

Fund 0483 FY 2026 Org 0511

1	Personal Services and Employee Benefits.....	00100	\$	9,658
2	Current Expenses	13000		1,175
3	Medical Services Administrative Costs.....	78900		<u>47,116,150</u>
4	Total		\$	47,126,983

85 - Bureau for Medical Services –

Policy and Programming

(W.V. Code Chapter 16)

Fund 0484 FY 2026 Org 0511

1	Medical Services.....	18900	\$	79,174,335
2	WV Teaching Hospitals Tertiary/Safety Net	54700		6,356,000
3	Rural Hospitals Under 150 Beds	94000		2,596,000
4	Case Management.....	30012		123,264
5	Chiropractic Services	30013		5,784
6	Clinic Services	30014		160,523
7	Dental Services.....	30015		184,878

8	Diagnostic, Screening, Preventive and Rehabilitative Services	30016	3,529
9	Health Homes for Enrollees with Chronic Conditions	30017	141,477
10	Hospice.....	30018	1,554,214
11	Institution for Mental Disease Services	30019	1,418,872
12	Intermediate Care Facility Services.....	30020	3,592,852
13	Managed Care Organizations	30021	126,104,299
14	Prescription Drugs	30022	21,934,109
15	Physical and Occupational Therapy	30023	76,436
16	Podiatry Services, Optometry Services and Prosthetics.....	30024	34,531
17	Private Duty Nurses, Personal Care		
18	and Other Practitioner Services.....	30025	13,163,660
19	Respiratory Care Services	30026	11,203
20	Speech, Hearing, and Language Disorders.....	30027	<u>14,237</u>
21	Total.....		\$ 256,650,203

22 The Secretary of the Department of Human Services shall have the authority to transfer
 23 between the above items of appropriation.

86 - Bureau for Medical Services –

Home and Community Based Waiver Programs

(W.V. Code Chapter 16)

Fund 0485 FY 2026 Org 0511

1	I/DD Waiver	46600	\$ 108,541,736
2	Title XIX for Seniors Citizens.....	53300	47,060,282
3	Traumatic Brain Injury Waiver	83500	1,000,000
4	Substance Use Disorder Waiver	30028	<u>926,366</u>
5	Total.....		\$ 157,528,384

87 - Bureau for Social Services –

Office of the Commissioner

(W.V. Code Chapter 16)

Fund 0486 FY 2026 Org 0511

1	Personal Services and Employee Benefits.....	00100	\$	9,541,782
2	Current Expenses	13000		2,272,246
3	Social Services	19500		7,793,934
4	Domestic Violence Legal Services Fund	38400		400,000
5	Child Protective Services Case Workers.....	46800		6,525,340
6	Grants for Licensed Domestic Violence			
7	Programs and Statewide Prevention	75000		<u>2,500,000</u>
8	Total.....		\$	29,033,302

9 Included in the above appropriation for Social Services (fund 0486, appropriation 19500)

10 is funding for continuing education requirements relating to the practice of social work.

11 The above appropriation for Domestic Violence Legal Services Fund (fund 0486,

12 appropriation 38400) shall be transferred to the Domestic Violence Legal Services Fund (fund

13 5455).

14 From the above appropriation for the Grants for Licensed Domestic Violence Programs

15 and Statewide Prevention (fund 0486, appropriation 75000), 50 percent of the total shall be

16 divided equally and distributed among the 14 licensed programs and the West Virginia Coalition

17 Against Domestic Violence (WVCADV). The balance remaining in the appropriation for Grants for

18 Licensed Domestic Violence Programs and Statewide Prevention (fund 0486, appropriation

19 75000), shall be distributed according to the formula established by the Family Protection

20 Services Board.

88 - Bureau for Social Services –

Children's Services

(W.V. Code Chapter 16)

Fund 0487 FY 2026 Org 0511

1	Social Services	19500	\$	41,525,266
2	Family Preservation Program	19600		1,565,000
3	Current Expenses	13000		<u>2,000</u>
4	Total		\$	43,092,266

89 - Bureau for Social Services –

Adoption

(W.V. Code Chapter 16)

Fund 0488 FY 2026 Org 0511

1	Social Services	19500	\$	74,283,410
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90 - Bureau for Social Services –

Foster Care

(W.V. Code Chapter 16)

Fund 0489 FY 2026 Org 0511

1	Social Services	19500	\$	174,966,649
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91 - Bureau for Social Services –

Adult Services

(W.V. Code Chapter 16)

Fund 0492 FY 2026 Org 0511

1	Social Services	19500	\$	6,056,125
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92 - Bureau for Social Services –

Child Protective Services Case Workers

(W.V. Code Chapter 16)

Fund 0493 FY 2026 Org 0511

1	Social Services	19500	\$	5,157,339
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2	Child Protective Services Case Workers	46800	<u>24,964,445</u>
3	Total		\$ 30,121,784

93 - Bureau for Social Services –

Social Service Case Workers

(W.V. Code Chapter 16)

Fund 0494 FY 2026 Org 0511

1	Personal Services and Employee Benefits.....	00100	2,637,980
2	Current Expenses	13000	469,533
3	Social Services	19500	7,529,649
4	Child Protective Services Case Workers	46800	<u>2,037,632</u>
5	Total		\$ 12,674,794

94 - Bureau for Social Services –

Adult Protective Services Case Workers

(W.V. Code Chapter 16)

Fund 0495 FY 2026 Org 0511

1	Personal Services and Employee Benefits.....	00100	\$ 4,916,510
2	Current Expenses	13000	<u>217,408</u>
3	Total		\$ 5,133,918

95 - Bureau for Social Services –

Youth Service Case Workers

(W.V. Code Chapter 16)

Fund 0496 FY 2026 Org 0511

1	Personal Services and Employee Benefits.....	00100	1,153,162
2	Current Expenses	13000	170,344
3	Social Services	19500	<u>4,522,073</u>
4	Total		\$ 5,845,579

DEPARTMENT OF HEALTH FACILITIES*96 - Health Facilities –**Central Office*

(W.V. Code Chapter 16)

Fund 0401 FY 2026 Org 0512

1	Personal Services and Employee Benefits.....	00100	\$	1,719,019
2	Salary and Benefits of Cabinet Secretary and.....			
3	Agency Heads.....	00201		245,000
4	Shared Administration.....	30029		1
5	Current Expenses	13000		1,257,327
6	BRIM Premium.....	91300		<u>21,828</u>
7	Total		\$	3,243,175

*97 - Health Facilities –**Health Facilities Capital Projects Fund*

(W.V. Code Chapter 16)

Fund 0402 FY 2026 Org 0512

1	Capital Outlay and Maintenance	75500	\$	550,000
2	The Secretary shall have the ability to transfer between appropriations for Capital Outlay			
3	and Maintenance within the funds 0402, 0408, 0409, 0410, 0411, 0412, 0413, 0414, and 0415 as			
4	needed.			

*98 - Health Facilities –**Hopemont Hospital*

(W.V. Code Chapter 16)

Fund 0408 FY 2026 Org 0512

1	Personal Services and Employee Benefits (R).....	00100	\$	6,524,211
2	Repairs and Alterations (R)	06400		90,001

3	Equipment (R).....	07000	1
4	Current Expenses (R)	13000	2,173,082
5	Buildings (R)	25800	1
6	Other Assets (R)	69000	1
7	Contract Nursing (R)	72301	3,893,811
8	Capital Outlay and Maintenance (R)	75500	50,000
9	BRIM Premium (R).....	91300	<u>40,000</u>
10	Total.....		\$ 12,771,108

11 Any unexpended balances remaining in the appropriations for Personal Services and
12 Employee Benefits (fund 0408, appropriation 00100), Repairs and Alterations (fund 0408,
13 appropriation 06400), Equipment (0408, appropriation 07000), Current Expenses (fund 0408,
14 appropriation 13000), Buildings (fund 0408, appropriation 25800), Other Assets (fund 0408,
15 appropriation 69000), Contract Nursing (fund 0408, appropriation 72301), Capital Outlay and
16 Maintenance (fund 0408, appropriation 75500), and BRIM Premium (fund 0408, appropriation
17 91300) at the close of the fiscal year 2025 are hereby reappropriated for expenditure during the
18 fiscal year 2026.

19 The Secretary of the Department of Health Facilities shall have the authority to transfer
20 between the items of appropriation in order to maintain staffing and other issues that arise in a
21 timely manner.

99 - *Health Facilities –*

Lakin Hospital

(W.V. Code Chapter 16)

Fund 0409 FY 2026 Org 0512

1	Personal Services and Employee Benefits (R).....	00100	\$ 8,366,804
2	Repairs and Alterations (R).....	06400	60,001
3	Equipment (R).....	07000	1

4	Current Expenses (R)	13000	2,363,676
5	Buildings (R)	25800	1
6	Other Assets (R)	69000	1
7	Contract Nursing (R)	72301	3,539,262
8	Capital Outlay and Maintenance (R)	75500	50,000
9	BRIM Premium (R).....	91300	<u>174,055</u>
10	Total.....		\$ 14,553,801

Any unexpended balances remaining in the appropriations for Personal Services and Employee Benefits (fund 0409, appropriation 00100), Repairs and Alterations (fund 0409, appropriation 06400), Equipment (0409, appropriation 07000), Current Expenses (fund 0409, appropriation 13000), Buildings (fund 0409, appropriation 25800), Other Assets (fund 0409, appropriation 69000), Contract Nursing (fund 0409, appropriation 72301), Capital Outlay and Maintenance (fund 0409, appropriation 75500), and BRIM Premium (fund 0409, appropriation 91300) at the close of the fiscal year 2025 are hereby reappropriated for expenditure during the fiscal year 2026.

The Secretary of the Department of Health Facilities shall have the authority to transfer between the items of appropriation in order to maintain staffing and other issues that arise in a timely manner.

100 - Health Facilities –

John Manchin Senior Health Care Center

(W.V. Code Chapter 16)

Fund 0410 FY 2026 Org 0512

1	Personal Services and Employee Benefits (R)	00100	\$ 4,168,092
2	Repairs and Alterations (R)	06400	50,001
3	Equipment (R).....	07000	1
4	Current Expenses (R)	13000	1,471,878

5	Buildings (R)	25800	1
6	Other Assets (R)	69000	1
7	Contract Nursing (R)	72301	2,907,556
8	Capital Outlay and Maintenance (R)	75500	50,000
9	BRIM Premium (R).....	91300	<u>72,136</u>
10	Total.....		\$ 8,719,666

11 Any unexpended balances remaining in the appropriations for Personal Services and
 12 Employee Benefits (fund 0410, appropriation 00100), Repairs and Alterations (fund 0410,
 13 appropriation 06400), Equipment (0410, appropriation 07000), Current Expenses (fund 0410,
 14 appropriation 13000), Buildings (fund 0410, appropriation 25800), Other Assets (fund 0410,
 15 appropriation 69000), Contract Nursing (fund 0410, appropriation 72301), Capital Outlay and
 16 Maintenance (fund 0410, appropriation 75500), and BRIM Premium (fund 0410, appropriation
 17 91300) at the close of the fiscal year 2025 are hereby reappropriated for expenditure during the
 18 fiscal year 2026.

19 The Secretary of the Department of Health Facilities shall have the authority to transfer
 20 between the items of appropriation in order to maintain staffing and other issues that arise in a
 21 timely manner.

101 - Health Facilities –

Jackie Withrow Hospital

(W.V. Code Chapter 16)

Fund 0411 FY 2026 Org 0512

1	Personal Services and Employee Benefits (R)	00100	\$ 7,201,092
2	Repairs and Alterations (R)	06400	200,001
3	Equipment (R).....	07000	1
4	Current Expenses (R)	13000	2,655,893
5	Buildings (R)	25800	1

6	Other Assets (R)	69000	1
7	Contract Nursing (R)	72301	2,000,311
8	Capital Outlay and Maintenance (R)	75500	50,000
9	BRIM Premium (R).....	91300	<u>167,074</u>
10	Total.....	\$	12,274,374

Any unexpended balances remaining in the appropriations for Personal Services and Employee Benefits (fund 0411, appropriation 00100), Repairs and Alterations (fund 0411, appropriation 06400), Equipment (0411, appropriation 07000), Current Expenses (fund 0411, appropriation 13000), Buildings (fund 0411, appropriation 25800), Other Assets (fund 0411, appropriation 69000), Contract Nursing (fund 0411, appropriation 72301), Capital Outlay and Maintenance (fund 0411, appropriation 75500), and BRIM Premium (fund 0411, appropriation 91300) at the close of the fiscal year 2025 are hereby reappropriated for expenditure during the fiscal year 2026.

The Secretary of the Department of Health Facilities shall have the authority to transfer between the items of appropriation in order to maintain staffing and other issues that arise in a timely manner.

102 - Health Facilities –

Welch Community Hospital

(W.V. Code Chapter 16)

Fund 0412 FY 2026 Org 0512

1	Personal Services and Employee Benefits (R)	00100	\$	13,295,716
2	Repairs and Alterations (R)	06400		1
3	Equipment (R).....	07000		1
4	Current Expenses (R)	13000		15,525,686
5	Buildings (R)	25800		1
6	Other Assets (R)	69000		1

7	Contract Nursing (R)	72301	250,000
8	Capital Outlay and Maintenance (R)	75500	50,000
9	BRIM Premium (R).....	91300	<u>149,300</u>
10	Total.....		\$ 29,270,706

Any unexpended balances remaining in the appropriations for Personal Services and Employee Benefits (fund 0412, appropriation 00100), Repairs and Alterations (fund 0412, appropriation 06400), Equipment (0412, appropriation 07000), Current Expenses (fund 0412, appropriation 13000), Buildings (fund 0412, appropriation 25800), Other Assets (fund 0412, appropriation 69000), Contract Nursing (fund 0412, appropriation 72301), Capital Outlay and Maintenance (fund 0412, appropriation 75500), and BRIM Premium (fund 0412, appropriation 91300) at the close of the fiscal year 2025 are hereby reappropriated for expenditure during the fiscal year 2026.

The Secretary of the Department of Health Facilities shall have the authority to transfer between the items of appropriation in order to maintain staffing and other issues that arise in a timely manner.

103 - Health Facilities –

William R. Sharpe Jr. Hospital

(W.V. Code Chapter 16)

Fund 0413 FY 2026 Org 0512

1	Personal Services and Employee Benefits (R)	00100	\$ 28,384,787
2	Repairs and Alterations (R)	06400	350,001
3	Equipment (R).....	07000	1
4	Current Expenses (R)	13000	10,280,300
5	Buildings (R)	25800	1
6	Other Assets (R)	69000	1
7	Contract Nursing (R)	72301	41,969,835

8	Capital Outlay and Maintenance (R)	75500	50,000
9	BRIM Premium (R).....	91300	<u>315,334</u>
10	Total.....	\$	81,350,260

11 Any unexpended balances remaining in the appropriations for Personal Services and
 12 Employee Benefits (fund 0413, appropriation 00100), Repairs and Alterations (fund 0413,
 13 appropriation 06400), Equipment (0413, appropriation 07000), Current Expenses (fund 0413,
 14 appropriation 13000), Buildings (fund 0413, appropriation 25800), Other Assets (fund 0413,
 15 appropriation 69000), Contract Nursing (fund 0413, appropriation 72301), Capital Outlay and
 16 Maintenance (fund 0413, appropriation 75500), and BRIM Premium (fund 0413, appropriation
 17 91300) at the close of the fiscal year 2025 are hereby reappropriated for expenditure during the
 18 fiscal year 2026.

19 The Secretary of the Department of Health Facilities shall have the authority to transfer
 20 between the items of appropriation in order to maintain staffing and other issues that arise in a
 21 timely manner.

104 - Health Facilities –

Mildred Mitchell-Bateman Hospital

(W.V. Code Chapter 16)

Fund 0414 FY 2026 Org 0512

1	Personal Services and Employee Benefits (R)	00100	\$	25,979,665
2	Repairs and Alterations (R)	06400		300,001
3	Equipment (R).....	07000		1
4	Current Expenses (R)	13000		2,967,683
5	Buildings (R)	25800		1
6	Other Assets (R)	69000		1
7	Contract Nursing (R)	72301		24,957,520
8	Capital Outlay and Maintenance (R)	75500		50,000

9	BRIM Premium (R).....	91300	<u>283,122</u>
10	Total		\$ 54,537,994

11 Any unexpended balances remaining in the appropriations for Personal Services and
 12 Employee Benefits (fund 0414, appropriation 00100), Repairs and Alterations (fund 0414,
 13 appropriation 06400), Equipment (0414, appropriation 07000), Current Expenses (fund 0414,
 14 appropriation 13000), Buildings (fund 0414, appropriation 25800), Other Assets (fund 0414,
 15 appropriation 69000), Contract Nursing (fund 0414, appropriation 72301), Capital Outlay and
 16 Maintenance (fund 0414, appropriation 75500), and BRIM Premium (fund 0414, appropriation
 17 91300) at the close of the fiscal year 2025 are hereby reappropriated for expenditure during the
 18 fiscal year 2026.

19 The Secretary of the Department of Health Facilities shall have the authority to transfer
 20 between the items of appropriation in order to maintain staffing and other issues that arise in a
 21 timely manner.

105 - Health Facilities –

William R. Sharpe Jr. Hospital –

Transitional Living Facility

(W.V. Code Chapter 16)

Fund 0415 FY 2026 Org 0512

1	Personal Services and Employee Benefits (R)	00100	\$ 1,610,133
2	Repairs and Alterations (R)	06400	2,001
3	Equipment (R).....	07000	1
4	Current Expenses (R)	13000	171,794
5	Buildings (R)	25800	1
6	Other Assets (R)	69000	1
7	Contract Nursing (R)	72301	10,000
8	Capital Outlay and Maintenance (R)	75500	50,000

9	BRIM Premium (R).....	91300	<u>20,000</u>
10	Total	\$	1,863,931

11 Any unexpended balances remaining in the appropriations for Personal Services and
 12 Employee Benefits (fund 0415, appropriation 00100), Repairs and Alterations (fund 0415,
 13 appropriation 06400), Equipment (0415, appropriation 07000), Current Expenses (fund 0415,
 14 appropriation 13000), Buildings (fund 0415, appropriation 25800), Other Assets (fund 0415,
 15 appropriation 69000), Contract Nursing (fund 0415, appropriation 72301), Capital Outlay and
 16 Maintenance (fund 0415, appropriation 75500), and BRIM Premium (fund 0415, appropriation
 17 91300) at the close of the fiscal year 2025 are hereby reappropriated for expenditure during the
 18 fiscal year 2026.

19 The Secretary of the Department of Health Facilities shall have the authority to transfer
 20 between the items of appropriation in order to maintain staffing and other issues that arise in a
 21 timely manner.

DEPARTMENT OF HOMELAND SECURITY

106 - Department of Homeland Security –

Office of the Secretary

(W.V. Code Chapter 5F)

Fund 0430 FY 2026 Org 0601

1	Personal Services and Employee Benefits.....	00100	\$	701,752
2	Salary and Benefits of Cabinet Secretary and			
3	Agency Heads	00201		168,000
4	Repairs and Alterations.....	06400		500
5	Equipment.....	07000		500
6	Unclassified (R).....	09900		30,000
7	Current Expenses	13000		91,636
8	Fusion Center (R)	46900		3,084,238

9	Other Assets	69000	500
10	Directed Transfer	70000	32,000
11	BRIM Premium.....	91300	22,563
12	WV Fire and EMS Survivor Benefit (R)	93900	<u>200,000</u>
13	Total.....		\$ 4,331,689

14 Any unexpended balances remaining in the appropriations for Unclassified (fund 0430,
15 appropriation 09900), Current Expenses – Surplus (fund 0430, appropriation 13099), Fusion
16 Center (fund 0430, appropriation 46900), Justice Reinvestment Training – Surplus (fund 0430,
17 appropriation 69900), WV Fire and EMS Survivor Benefit (fund 0430, appropriation 93900), and
18 Homeland State Security Administrative Agency (fund 0430, appropriation 95300) at the close of
19 the fiscal year 2025 are hereby reappropriated for expenditure during the fiscal year 2026.

20 The above appropriation for Directed Transfer (fund 0430, appropriation 70000) shall be
21 transferred to the Law-Enforcement, Safety and Emergency Worker Funeral Expense Payment
22 Fund (fund 6003).

107 - Division of Emergency Management

(W.V. Code Chapter 15)

Fund 0443 FY 2026 Org 0606

1	Personal Services and Employee Benefits.....	00100	\$ 2,329,771
2	Salary and Benefits of Cabinet Secretary and		
3	Agency Heads	00201	61,250
4	Repairs and Alterations.....	06400	600
5	Unclassified	09900	21,022
6	Current Expenses	13000	51,065
7	Radiological Emergency Preparedness	55400	17,608
8	SIRN.....	55401	600,000
9	Federal Funds/Grant Match (R)	74900	1,866,447

10	Mine and Industrial Accident Rapid		
11	Response Call Center	78100	538,524
12	Early Warning Flood System (R)	87700	1,487,801
13	BRIM Premium	91300	<u>96,529</u>
14	Total		\$ 7,070,617

15 Any unexpended balances remaining in the appropriations for Federal Funds/Grant Match
 16 (fund 0443, appropriation 74900) and Early Warning Flood System (fund 0443, appropriation
 17 87700) at the close of the fiscal year 2025 are hereby reappropriated for expenditure during the
 18 fiscal year 2026.

108 - Division of Corrections and Rehabilitation –

West Virginia Parole Board

(W.V. Code Chapter 62)

Fund 0440 FY 2026 Org 0608

1	Personal Services and Employee Benefits	00100	\$ 318,332
2	Unclassified	09900	10,000
3	Current Expenses	13000	234,440
4	Salaries of Members of West Virginia Parole Board	22700	793,430
5	BRIM Premium	91300	<u>6,149</u>
6	Total		\$ 1,362,351

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

109 - Division of Corrections and Rehabilitation –

Central Office

(W.V. Code Chapter 15A)

Fund 0446 FY 2026 Org 0608

1	Personal Services and Employee Benefits.....	00100	\$	259,096
2	Salary and Benefits of Cabinet Secretary and			
3	Agency Heads.....	00201		126,518
4	Current Expenses	13000		<u>2,400</u>
5	Total.....		\$	388,014

110 - Division of Corrections and Rehabilitation –

Correctional Units

(W.V. Code Chapter 15A)

Fund 0450 FY 2026 Org 0608

1	Employee Benefits	01000	\$	1,258,136
2	Children's Protection Act (R).....	09000		838,437
3	Unclassified	09900		1,578,800
4	Current Expenses (R)	13000		57,690,483
5	Facilities Planning and Administration (R)	38600		1,274,200
6	Charleston Correctional Center	45600		4,292,171
7	Beckley Correctional Center.....	49000		3,373,622
8	Anthony Correctional Center	50400		6,944,138
9	Huttonsville Correctional Center.....	51400		23,315,435
10	Northern Correctional Center	53400		10,321,311
11	Inmate Medical Expenses (R)	53500		66,370,483
12	Pruntytown Correctional Center	54300		11,167,934
13	Corrections Academy.....	56900		2,342,458
14	Information Technology Services	59901		2,759,052
15	Martinsburg Correctional Center	66300		5,838,595
16	Parole Services.....	68600		7,712,380
17	Special Services	68700		7,470,058

18	Directed Transfer	70000	20,759,291
19	Investigative Services	71600	3,925,268
20	Capital Outlay and Maintenance (R)	75500	2,000,000
21	Salem Correctional Center	77400	13,930,445
22	McDowell County Correctional Center	79000	2,542,590
23	Stevens Correctional Center	79100	14,348,351
24	Parkersburg Correctional Center.....	82800	8,570,354
25	St. Mary's Correctional Center	88100	18,735,467
26	Denmar Correctional Center	88200	6,619,382
27	Ohio County Correctional Center	88300	2,868,233
28	Mt. Olive Correctional Complex.....	88800	29,202,306
29	Lakin Correctional Center	89600	14,045,574
30	BRIM Premium.....	91300	<u>2,527,657</u>
31	Total.....		\$ 354,622,611

32 Any unexpended balances remaining in the appropriations for Children's Protection Act
33 (fund 0450, appropriation 09000), Unclassified – Surplus (fund 0450, appropriation 09700),
34 Current Expenses (fund 0450, appropriation 13000), Facilities Planning and Administration (fund
35 0450, appropriation 38600), Inmate Medical Expenses (fund 0450, appropriation 53500), Capital
36 Improvements – Surplus (fund 0450, appropriation 66100), Capital Outlay and Maintenance (fund
37 0450, appropriation 75500), Security System Improvements – Surplus (fund 0450, appropriation
38 75501), Roof Repairs and Mechanical System Upgrades (fund 0450, appropriation 75502), and
39 Stevens Correctional Center – Surplus (fund 0450, appropriation 79500) at the close of the fiscal
40 year 2025 are hereby reappropriated for expenditure during the fiscal year 2026.

41 The Commissioner of Corrections and Rehabilitation shall have the authority to transfer
42 between appropriations.

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

46 The above appropriation for Directed Transfer (fund 0450, appropriation 70000) shall be
 47 transferred to the Regional Jails Operating Cash Control Account (fund 6678).

48 Any realized savings from Energy Savings Contract may be transferred to Facilities
 49 Planning and Administration (fund 0450, appropriation 38600).

111 - Division of Corrections and Rehabilitation –

Bureau of Juvenile Services

(W.V. Code Chapter 15A)

Fund 0570 FY 2026 Org 0608

1	Statewide Reporting Centers	26200	\$	7,954,237
2	Robert L. Shell Juvenile Center.....	26700		3,353,727
3	Resident Medical Expenses (R)	53501		6,000,078
4	Central Office	70100		2,157,860
5	Capital Outlay and Maintenance (R)	75500		250,000
6	Gene Spadaro Juvenile Center	79300		3,582,637
7	BRIM Premium.....	91300		115,967
8	Kenneth Honey Rubenstein Juvenile Center (R)	98000		7,045,294
9	Vicki Douglas Juvenile Center.....	98100		3,451,194
10	Northern Regional Juvenile Center	98200		2,876,302
11	Lorrie Yeager Jr. Juvenile Center.....	98300		3,300,206
12	Sam Perdue Juvenile Center	98400		3,487,390
13	Tiger Morton Center	98500		3,572,552
14	Donald R. Kuhn Juvenile Center	98600		6,826,359
15	J.M. "Chick" Buckbee Juvenile Center	98700		<u>3,497,404</u>

16 Total..... \$ 57,471,207

17 Any unexpended balances remaining in the appropriations for Resident Medical Expenses
 18 (fund 0570, appropriation 53501), Capital Outlay and Maintenance (fund 0570, appropriation
 19 75500), Roof Repairs and Mechanical System Upgrades (fund 0570, appropriation 75502), and
 20 Kenneth Honey Rubenstein Juvenile Center (fund 0570, appropriation 98000) at the close of the
 21 fiscal year 2025 are hereby reappropriated for expenditure during the fiscal year 2026.

22 The Director of Juvenile Services shall have the authority to transfer between
 23 appropriations to the individual juvenile centers above including Statewide Reporting Centers and
 24 Central Office and may transfer funds from the individual juvenile centers to Resident Medical
 25 Expenses (fund 0570, appropriation 53501).

112 - West Virginia State Police

(W.V. Code Chapter 15)

Fund 0453 FY 2026 Org 0612

1	Personal Services and Employee Benefits.....	00100	\$ 77,180,392
2	Salary and Benefits of Cabinet Secretary and		
3	Agency Heads.....	00201	139,300
4	Repairs and Alterations.....	06400	450,523
5	Children's Protection Act.....	09000	1,127,989
6	Current Expenses	13000	10,384,394
7	Trooper Class	52100	3,227,388
8	Barracks Lease Payments	55600	237,898
9	Communications and Other Equipment (R).....	55800	1,070,968
10	Trooper Retirement Fund.....	60500	14,319,315
11	Handgun Administration Expense	74700	89,432
12	Capital Outlay and Maintenance (R)	75500	250,000
13	Retirement Systems – Unfunded Liability.....	77500	1

14	Automated Fingerprint Identification System	89800	2,269,280
15	BRIM Premium.....	91300	<u>5,743,921</u>
16	Total.....		\$ 116,490,801

17 Any unexpended balances remaining in the appropriations for Communications and Other
 18 Equipment (fund 0453, appropriation 55800), Capital Outlay, Repairs and Equipment – Surplus
 19 (fund 0453, appropriation 67700), and Capital Outlay and Maintenance (fund 0453, appropriation
 20 75500) at the close of the fiscal year 2025 are hereby reappropriated for expenditure during the
 21 fiscal year 2026.

22 From the above appropriation for Personal Services and Employee Benefits (fund 0453,
 23 appropriation 00100), an amount not less than \$25,000 shall be expended to offset the costs
 24 associated with providing police services for the West Virginia State Fair.

113 - Fire Commission

(W.V. Code Chapter 15A)

Fund 0436 FY 2026 Org 0619

1	Current Expenses	13000	\$ 63,061
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114 - Division of Protective Services

(W.V. Code Chapter 5F)

Fund 0585 FY 2026 Org 0622

1	Personal Services and Employee Benefits.....	00100	\$ 3,516,776
2	Repairs and Alterations.....	06400	8,500
3	Equipment (R).....	07000	64,171
4	Unclassified (R).....	09900	21,991
5	Current Expenses	13000	372,981
6	BRIM Premium.....	91300	<u>32,602</u>
7	Total.....		\$ 4,017,021

8 Any unexpended balances remaining in the appropriations for Equipment (fund 0585,
 9 appropriation 07000) and Unclassified (fund 0585, appropriation 09900) at the close of the fiscal
 10 year 2025 are hereby reappropriated for expenditure during the fiscal year 2026.

115 - *Division of Administrative Services –*

Criminal Justice Fund

(W.V. Code Chapter 15A)

Fund 0546 FY 2026 Org 0623

1	Personal Services and Employee Benefits.....	00100	\$	723,413
2	Repairs and Alterations.....	06400		1,804
3	Current Expenses	13000		133,360
4	Victims of Crime Act (R).....	21601		12,966,931
5	Court Appointed Special Advocates.....	xxxxx		1,100,000
6	Child Advocacy Centers (R)	45800		2,216,336
7	Community Corrections (R).....	56100		4,616,145
8	Statistical Analysis Program.....	59700		51,495
9	Sexual Assault Forensic Examination Commission (R)	71400		285,570
10	Qualitative Analysis and Training for Youth Services (R)	76200		91,479
11	Law Enforcement Professional Standards.....	83800		183,676
12	Justice Reinvestment Initiative (R)	89501		2,346,044
13	BRIM Premium.....	91300		<u>2,123</u>
14	Total.....		\$	24,718,376

15 Any unexpended balances remaining in the appropriations for Victims of Crime Act (fund
 16 0546, appropriation 21601), Child Advocacy Centers (fund 0546, appropriation 45800),
 17 Community Corrections (fund 0546, appropriation 56100), Sexual Assault Forensic Examination
 18 Commission (fund 0546 appropriation 71400), Qualitative Analysis and Training for Youth
 19 Services (fund 0546, appropriation 76200), Justice Reinvestment Initiative (fund 0546,

20 appropriation 89501), and Victims of Crime Act – Surplus (fund 0546, appropriation 21099) at the
 21 close of the fiscal year 2025 are hereby reappropriated for expenditure during the fiscal year 2026.

22 From the above appropriation for Child Advocacy Centers (fund 0546, appropriation
 23 45800), the Division may retain an amount not to exceed four percent of the appropriation for
 24 administrative purposes.

116 - Division of Administrative Services

(W.V. Code Chapter 15A)

Fund 0619 FY 2026 Org 0623

1	Personal Services and Employee Benefits.....	00100	\$	5,408,574
2	Unclassified	09900		50,000
3	Current Expenses	13000		<u>555,000</u>
4	Total.....		\$	6,013,574

DEPARTMENT OF REVENUE

117 - Office of the Secretary

(W.V. Code Chapter 11)

Fund 0465 FY 2026 Org 0701

1	Personal Services and Employee Benefits.....	00100	\$	395,153
2	Salary and Benefits of Cabinet Secretary and			
3	Agency Heads.....	00201		169,820
4	Repairs and Alterations.....	06400		1,262
5	Equipment.....	07000		8,000
6	Unclassified	09900		437
7	Current Expenses	13000		81,594
8	Other Assets	69000		500
9	Directed Transfer	70000		<u>33,688,290</u>
10	Total.....		\$	34,345,056

Any unexpended balance remaining in the appropriation for Unclassified – Total (fund 0465, appropriation 09600) at the close of the fiscal year 2025 is hereby reappropriated for expenditure during the fiscal year 2026.

The above appropriation for Directed Transfer shall be transferred to the Personal Income Tax Reserve Fund (fund 1313).

118 - Tax Division

(W.V. Code Chapter 11)

Fund 0470 FY 2026 Org 0702

1	Personal Services and Employee Benefits (R)	00100	\$	20,798,910
2	Salary and Benefits of Cabinet Secretary and			
3	Agency Heads	00201		147,000
4	Repairs and Alterations	06400		10,150
5	Equipment	07000		54,850
6	Tax Technology Upgrade	09400		3,700,000
7	Unclassified (R)	09900		174,578
8	Current Expenses (R)	13000		6,823,635
9	Multi State Tax Commission	65300		77,958
10	Other Assets	69000		10,000
11	BRIM Premium	91300		<u>15,579</u>
12	Total		\$	31,812,660

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 2025 are hereby reappropriated for expenditure during the fiscal year 2026.

119 - State Budget Office

(W.V. Code Chapter 11B)

Fund 0595 FY 2026 Org 0703

1	Personal Services and Employee Benefits.....	00100	\$	1,064,630
2	Unclassified (R).....	09900		9,200
3	Current Expenses (R)	13000		<u>69,449</u>
4	Total.....		\$	1,143,279

5 Any unexpended balances remaining in the appropriations for Unclassified (fund 0595,
6 appropriation 09900) and Current Expenses (fund 0595, appropriation 13000) at the close of the
7 fiscal year 2025 are hereby reappropriated for expenditure during the fiscal year 2026.

120 - West Virginia Office of Tax Appeals

(W.V. Code Chapter 11)

Fund 0593 FY 2026 Org 0709

1	Personal Services and Employee Benefits.....	00100	\$	998,751
2	Unclassified	09900		5,255
3	Current Expenses (R)	13000		229,374
4	BRIM Premium.....	91300		<u>3,062</u>
5	Total.....		\$	1,236,442

6 Any unexpended balance remaining in the appropriation for Current Expenses (fund 0593,
7 appropriation 13000) at the close of the fiscal year 2025 is hereby reappropriated for expenditure
8 during the fiscal year 2026.

121 - State Athletic Commission

(W.V. Code Chapter 29)

Fund 0523 FY 2026 Org 0933

1	Personal Services and Employee Benefits.....	00100	\$	7,200
2	Current Expenses	13000		<u>29,611</u>
3	Total.....		\$	36,811

DEPARTMENT OF TRANSPORTATION

122 - Division of Multimodal Transportation Facilities –

State Rail Authority

(W.V. Code Chapter 17)

Fund 0506 FY 2026 Org 0810

1	Personal Services and Employee Benefits.....	00100	\$	390,790
2	Current Expenses	13000		287,707
3	Other Assets (R)	69000		1,270,019
4	BRIM Premium.....	91300		<u>201,541</u>
5	Total.....		\$	2,150,057

6 Any unexpended balance remaining in the appropriation for Other Assets (fund 0506,
7 appropriation 69000) at the close of the fiscal year 2025 is hereby reappropriated for expenditure
8 during the fiscal year 2026.

123 - Division of Multimodal Transportation Facilities –

Public Transit

(W.V. Code Chapter 17)

Fund 0510 FY 2026 Org 0810

1	Equipment (R).....	07000	\$	100,000
2	Current Expenses (R)	13000		2,042,989
3	Buildings (R)	25800		100,000
4	Other Assets (R)	69000		50,000
5	Federal Funds/Grant Match	74900		<u>1,250,000</u>
6	Total.....		\$	3,542,989

7 Any unexpended balances remaining in the appropriations for Equipment (fund 0510,
8 appropriation 07000), Current Expenses (fund 0510, appropriation 13000), Buildings (fund 0510,

9 appropriation 25800), and Other Assets (fund 0510, appropriation 69000) at the close of the fiscal
10 year 2025 are hereby reappropriated for expenditure during the fiscal year 2026.

11 From the above appropriation for Current Expenses (fund 0510, appropriation 13000),
12 \$30,000 will be used to support the Sistersville Ferry.

13 The appropriation for Federal Funds/ Grant Match (fund 0510, appropriation 74900) shall
14 be used to expand public transportation in, but not limited to, Tucker and Morgan counties.

15 *124 - Division of Multimodal Transportation Facilities –*

16 (W.V. Code Chapter 17)

17 Fund 0580 FY 2026 Org 0810

18	Personal Services and Employee Benefits (R)	00100	\$	723,563
19	Current Expenses (R)	13000		650,000
20	BRIM Premium.....	91300		<u>7,500</u>
21	Total.....		\$	1,381,063

22 Any unexpended balances remaining in the appropriations for Personal Services and
23 Employee Benefits (fund 0580, appropriation 00100) and Current Expenses (fund 0580,
24 appropriation 13000) at the close of the fiscal year 2025 are hereby reappropriated for expenditure
25 during the fiscal year 2026.

125 - Division of Multimodal Transportation Facilities –

Aeronautics Commission

(W.V. Code Chapter 17)

Fund 0582 FY 2026 Org 0810

1	Personal Services and Employee Benefits.....	00100	\$	238,109
2	Repairs and Alterations.....	06400		100
3	Current Expenses (R)	13000		1,791,839
4	BRIM Premium.....	91300		<u>4,438</u>
5	Total.....		\$	2,034,486

Any unexpended balance remaining in the appropriation for Current Expenses (fund 0582, appropriation 13000) at the close of the fiscal year 2025 is hereby reappropriated for expenditure during the fiscal year 2026.

From the above appropriation for Current Expenses (fund 0582, appropriation 13000) \$1,000,000 shall be used for the North Central West Virginia Airport apron and taxiway project.

DEPARTMENT OF VETERANS' ASSISTANCE

126 - Department of Veterans' Assistance

(W.V. Code Chapter 9A)

Fund 0456 FY 2026 Org 0613

1	Personal Services and Employee Benefits.....	00100	\$	2,696,166
2	Salary and Benefits of Cabinet Secretary and			
3	Agency Heads.....	00201		110,880
4	Repairs and Alterations.....	06400		5,000
5	Unclassified	09900		20,000
6	Current Expenses	13000		236,450
7	Veterans' Field Offices (R)	22800		585,550
8	Veterans' Nursing Home (R)	28600		11,443,175
9	Veterans' Toll Free Assistance Line	32800		2,015
10	Veterans' Reeducation Assistance (R).....	32900		10,000
11	Veterans' Grant Program (R)	34200		335,000
12	Veterans' Grave Markers	47300		10,000
13	Veterans' Cemetery (R)	80800		425,279
14	BRIM Premium.....	91300		<u>50,000</u>
15	Total.....		\$	15,929,515

Any unexpended balances remaining in the appropriations for Veterans' Field Offices (fund 0456, appropriation 22800), Buildings (fund 0456, appropriation 25800), Buildings – Surplus

18 (fund 0456, appropriation 25899), Veterans' Nursing Home (fund 0456, appropriation 28600),
 19 Veterans' Reeducation Assistance (fund 0456, appropriation 32900), Veterans' Grant Program
 20 (fund 0456, appropriation 34200), Veterans' Bonus – Surplus (fund 0456, appropriation 34400),
 21 Veterans' Cemetery (fund 0456, appropriation 80800), and Educational Opportunities for Children
 22 of Deceased Veterans (fund 0456, appropriation 85400) at the close of the fiscal year 2025 are
 23 hereby reappropriated for expenditure during the fiscal year 2026.

127 - Department of Veterans' Assistance –

Veterans' Home

(W.V. Code Chapter 9A)

Fund 0460 FY 2026 Org 0618

1	Personal Services and Employee Benefits.....	00100	\$	1,548,950
2	Current Expenses (R)	13000		150,944
3	Veterans Outreach Programs.....	61700		<u>214,345</u>
4	Total.....		\$	1,914,239

5 Any unexpended balances remaining in the appropriations for Current Expenses (fund
 6 0460, appropriation 13000) and Capital Outlay, Repairs and Equipment – Surplus (fund 0460,
 7 appropriation 67700) at the close of the fiscal year 2025 are hereby reappropriated for expenditure
 8 during the fiscal year 2026.

BUREAU OF SENIOR SERVICES

128 - Bureau of Senior Services

(W.V. Code Chapter 29)

Fund 0420 FY 2026 Org 0508

1	Transfer to Division of Human Services for Health Care			
2	and Title XIX Waiver for Senior Citizens.....	53900	\$	6,580,366

3 The above appropriation for Transfer to Division of Human Services for Health Care and
 4 Title XIX Waiver for Senior Citizens (fund 0420, appropriation 53900) along with the federal

5 moneys generated thereby shall be used for reimbursement for services provided under the
6 program.

7 The above appropriation is in addition to funding provided in the Lottery Senior Citizens
8 Fund (fund 5405) for this program.

**WEST VIRGINIA COUNCIL FOR COMMUNITY
AND TECHNICAL COLLEGE EDUCATION**

129 - West Virginia Council for

*Community and Technical College Education –
Control Account*

(W.V. Code Chapter 18B)

Fund 0596 FY 2026 Org 0420

1	West Virginia Council for Community			
2	and Technical Education (R)	39200	\$	766,404
3	Community College Workforce Development (R)	87800		2,791,367
4	College Transition Program.....	88700		278,222
5	West Virginia Advance Workforce Development (R)	89300		3,126,336
6	Technical Program Development (R)	89400		1,800,735
7	WV Invests Grant Program (R)	89401		5,049,753
8	Skilled Trades Apprenticeship Nontraditional Degree.....	XXXXX		1,033,650
9	Community and Technical Education			
10	Workforce Development Grants	XXXXX		<u>0</u>
11	Total.....		\$	14,846,467

12 Any unexpended balances remaining in the appropriations for West Virginia Council for
13 Community and Technical Education (fund 0596, appropriation 39200), Capital Improvements –
14 Surplus (fund 0596, appropriation 66100), Community College Workforce Development (fund
15 0596, appropriation 87800), West Virginia Advance Workforce Development (fund 0596,

16 appropriation 89300), Technical Program Development (fund 0596, appropriation 89400), and
 17 WV Invests Grant Program (fund 0596, appropriation 89401) at the close of the fiscal year 2025
 18 are hereby reappropriated for expenditure during the fiscal year 2026.

130 - Mountwest Community and Technical College

(W.V. Code Chapter 18B)

Fund 0599 FY 2026 Org 0444

1	Mountwest Community and Technical College.....	48700	\$	7,070,248
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131 - New River Community and Technical College

(W.V. Code Chapter 18B)

Fund 0600 FY 2026 Org 0445

1	New River Community and Technical College.....	35800	\$	6,900,124
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132 - Pierpont Community and Technical College

(W.V. Code Chapter 18B)

Fund 0597 FY 2026 Org 0446

1	Pierpont Community and Technical College.....	93000	\$	8,461,049
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133 - Blue Ridge Community and Technical College

(W.V. Code Chapter 18B)

Fund 0601 FY 2026 Org 0447

1	Blue Ridge Community and Technical College.....	88500	\$	9,545,266
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134 - West Virginia University at Parkersburg

(W.V. Code Chapter 18B)

Fund 0351 FY 2026 Org 0464

1	West Virginia University – Parkersburg.....	47100	\$	11,816,395
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135 - Southern West Virginia Community and Technical College

(W.V. Code Chapter 18B)

Fund 0380 FY 2026 Org 0487

1	Southern West Virginia Community and Technical College.....	44600	\$	9,459,029
	<i>136 - West Virginia Northern Community and Technical College</i>			
	(W.V. Code Chapter 18B)			
	Fund <u>0383</u> FY <u>2026</u> Org <u>0489</u>			
1	West Virginia Northern Community and Technical College	44700	\$	8,672,018
	<i>137 - Eastern West Virginia Community and Technical College</i>			
	(W.V. Code Chapter 18B)			
	Fund <u>0587</u> FY <u>2026</u> Org <u>0492</u>			
1	Eastern West Virginia Community and Technical College	41200	\$	2,439,405
	<i>138 - BridgeValley Community and Technical College</i>			
	(W.V. Code Chapter 18B)			
	Fund <u>0618</u> FY <u>2026</u> Org <u>0493</u>			
1	BridgeValley Community and Technical College	71700	\$	8,931,983
	HIGHER EDUCATION POLICY COMMISSION			
	<i>139 - Higher Education Policy Commission –</i>			
	<i>Administration –</i>			
	<i>Control Account</i>			
	(W.V. Code Chapter 18B and 18C)			
	Fund <u>0589</u> FY <u>2026</u> Org <u>0441</u>			
1	Personal Services and Employee Benefits.....	00100	\$	2,945,386
2	RHI Program and Site Support –			
3	RHEP Program Administration (R)	03700		80,000
4	Mental Health Provider Loan Repayment (R)	11301		100,000
5	Current Expenses	13000		1,096,902
6	Higher Education Grant Program	16400		40,619,864
7	Tuition Contract Program (R)	16500		1,533,917

8	Underwood-Smith Scholarship Program-Student Awards	16700	1,478,349
9	Facilities Planning and Administration	38600	1,760,254
10	Dual Enrollment Program	42201	5,810,625
11	Higher Education System Initiatives	48801	1,655,725
12	PROMISE Scholarship – Transfer	80000	18,500,000
13	HEAPS Grant Program (R)	86700	5,026,840
14	Health Professionals' Student Loan Program (R)	86701	547,470
15	Directed Transfer	70000	293,500
16	West Virginia University College of Law	xxxxx	250,000
17	BRIM Premium	91300	<u>17,817</u>
18	Total		\$ 81,716,649

19 Any unexpended balances remaining in the appropriations for RHI Program and Site
20 Support – RHEP Program Administration (fund 0589, 03700), Mental Health Provider Loan
21 Repayment (fund 0589, appropriation 11301), Tuition Contract Program (fund 0589, appropriation
22 16500), Fire and EMS Training Program Support – Surplus (fund 0589, appropriation 31099),
23 Dual Enrollment Program (fund 0589, appropriation 42201), Nursing Program Expansion Support
24 – Surplus (fund 0589, appropriation 42299), HEAPS Grant Program (fund 0589, appropriation
25 86700), and Health Professionals' Student Loan Program (fund 0589, appropriation 86701) at the
26 close of the fiscal year 2025 are hereby reappropriated for expenditure during the fiscal year 2026.

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

30 The above appropriation for Higher Education Grant Program (fund 0589, appropriation
31 16400) shall be transferred to the Higher Education Grant Fund (fund 4933) established by W.V.
32 Code §18C-5-3.

33 The above appropriation for Underwood-Smith Scholarship Program - Student Awards
 34 (fund 0589, appropriation 16700) shall be transferred to the Underwood-Smith Teaching Scholars
 35 Program Fund (fund 4922) established by W.V. Code §18C-4-1.

36 The above appropriation for Directed Transfer (fund 0589, appropriation 70000) shall be
 37 transferred to the Military College Advisory Council Fund (fund XXXX).

38 The above appropriation for PROMISE Scholarship-Transfer (fund 0589, appropriation
 39 80000) shall be transferred to the PROMISE Scholarship Fund (fund 4296) established by W.V.
 40 Code §18C-7-7.

41 The above appropriation for Dual Enrollment Program (fund 0589, appropriation 42201)
 42 shall be used for the Dual Enrollment Program established by House Bill 2005 during the 2023
 43 Regular Session.

140 - West Virginia University –

School of Medicine

Medical School Fund

(W.V. Code Chapter 18B)

Fund 0343 FY 2026 Org 0463

1	WVU School of Health Science – Eastern Division	05600	\$	2,449,725
2	WVU – School of Health Sciences	17400		16,318,104
3	WVU – School of Health Sciences – Charleston Division	17500		2,503,592
4	Rural Health Outreach Programs (R)	37700		172,019
5	West Virginia University School of Medicine			
6	BRIM Subsidy	46000		<u>1,203,087</u>
7	Total		\$	22,646,527

8 Any unexpended balance remaining in the appropriation for Rural Health Outreach
 9 Programs (fund 0343, appropriation 37700) at the close of fiscal year 2025 is hereby
 10 reappropriated for expenditure during the fiscal year 2026.

141 - West Virginia University –

General Administrative Fund

(W.V. Code Chapter 18B)

Fund 0344 FY 2026 Org 0463

1	West Virginia University	45900	\$	96,507,802
2	West Virginia University Land Grant Match	45101		8,644,064
3	Jackson's Mill (R).....	46100		516,910
4	West Virginia University Institute of Technology.....	47900		8,892,384
5	State Priorities – Brownfield Professional Development (R)	53100		816,556
6	Washington Center	xxxxx		1,500,000
7	Energy Express (R).....	86100		386,592
8	West Virginia University – Potomac State	99400		<u>5,307,402</u>
9	Total.....		\$	122,571,710

10 From the above appropriation for Jackson's Mill (fund 0344, appropriation 46100),
11 \$250,000 shall be used for the West Virginia State Fire Training Academy and \$43,000 shall be
12 used for the West Virginia University Fire Extension Service to fund a study to improve volunteer
13 fire departments.

14 Any unexpended balances remaining in the appropriations for West Virginia University –
15 Surplus (fund 0344, appropriation 30099), Jackson's Mill (fund 0344, appropriation 46100), State
16 Priorities – Brownfield Professional Development (fund 0344, appropriation 53100), National
17 Cancer Institute - Surplus (fund 0344, appropriation 65399), and Energy Express (fund 0344,
18 appropriation 86100) at the close of the fiscal year 2025 are hereby reappropriated for expenditure
19 during the fiscal year 2026.

142 - Marshall University –

School of Medicine

(W.V. Code Chapter 18B)

Fund 0347 FY 2026 Org 0471

1	Marshall Medical School	17300	\$	8,466,806
2	Rural Health Outreach Program (R)	37700		161,176
3	Forensic Lab (R)	37701		227,859
4	Center for Rural Health (R)	37702		170,920
5	Marshall University Medical School BRIM Subsidy	44900		<u>872,612</u>
6	Total		\$	9,899,373

7 Any unexpended balances remaining in the appropriations for Rural Health Outreach
8 Programs (fund 0347, appropriation 37700), Forensic Lab (fund 0347, appropriation 37701), and
9 Center for Rural Health (fund 0347, appropriation 37702) at the close of the fiscal year 2025 are
10 hereby reappropriated for expenditure during the fiscal year 2026.

*143 - Marshall University –**General Administration Fund*

(W.V. Code Chapter 18B)

Fund 0348 FY 2026 Org 0471

1	Marshall University	44800	\$	53,963,819
2	Marshall University Minority Health Institute	42301		100,000
3	Luke Lee Listening Language and Learning Lab (R)	44801		159,287
4	Vista E-Learning (R)	51900		229,019
5	National Youth Science Camp	13200		1,000,000
6	State Priorities – Brownfield Professional Development (R)	53100		809,606
7	Marshall University Graduate College Writing Project (R)	80700		25,412
8	WV Autism Training Center (R)	93200		<u>2,011,949</u>
9	Total		\$	58,299,092

10 Any unexpended balances remaining in the appropriations for Luke Lee Listening
11 Language and Learning Lab (fund 0348, appropriation 44801), VISTA E-Learning (fund 0348,

12 appropriation 51900), State Priorities – Brownfield Professional Development (fund 0348,
 13 appropriation 53100), Marshall University Graduate College Writing Project (fund 0348,
 14 appropriation 80700), WV Autism Training Center (fund 0348, appropriation 93200), Marshall
 15 University Minority Health Institute (fund 0348, appropriation 42301), and Marshall University
 16 Cybersecurity Program – Surplus (fund 0348, appropriation 42302) at the close of the fiscal year
 17 2025 are hereby reappropriated for expenditure during the fiscal year 2026.

144 - West Virginia School of Osteopathic Medicine

(W.V. Code Chapter 18B)

Fund 0336 FY 2026 Org 0476

1	West Virginia School of Osteopathic Medicine	17200	\$	5,696,122
2	Rural Health Outreach Programs (R)	37700		176,190
3	West Virginia School of Osteopathic Medicine			
4	BRIM Subsidy	40300		153,405
5	Rural Health Initiative – Medical Schools Support	58100		<u>421,157</u>
6	Total		\$	6,446,874

7 Any unexpended balances remaining in the appropriations for West Virginia School of
 8 Osteopathic Medicine – Surplus (fund 0336, appropriation 17299), Rural Health Outreach
 9 Programs (fund 0336, appropriation 37700), and Capital Outlay, Repairs and Equipment –
 10 Surplus (fund 0336, appropriation 67700) at the close of the fiscal year 2025 are hereby
 11 reappropriated for expenditure during the fiscal year 2026.

145 - Bluefield State University

(W.V. Code Chapter 18B)

Fund 0354 FY 2026 Org 0482

1	Bluefield State University	40800	\$	7,094,661
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146 - Concord University

(W.V. Code Chapter 18B)

Fund 0357 FY 2026 Org 0483

1	Concord University.....	41000	\$	11,494,967
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147 - Fairmont State University

(W.V. Code Chapter 18B)

Fund 0360 FY 2026 Org 0484

1	Fairmont State University.....	41400	\$	20,634,815
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148 - Glenville State University

(W.V. Code Chapter 18B)

Fund 0363 FY 2026 Org 0485

1	Glenville State University	42800	\$	7,591,844
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149 - Shepherd University

(W.V. Code Chapter 18B)

Fund 0366 FY 2026 Org 0486

1	Shepherd University.....	43200	\$	13,704,338
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150 - West Liberty University

(W.V. Code Chapter 18B)

Fund 0370 FY 2026 Org 0488

1	West Liberty University	43900	\$	10,416,184
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151 - West Virginia State University

(W.V. Code Chapter 18B)

Fund 0373 FY 2026 Org 0490

1	West Virginia State University	44100	\$	11,989,550
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2	Healthy Grandfamilies (R)	62101		800,000
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3	LPN to BSN	xxxxx		250,000
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4	West Virginia State University Land Grant Match.....	95600		<u>5,000,000</u>
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5	Total.....		\$	18,039,550
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6 Any unexpended balance remaining in the appropriation for Healthy Grandfamilies (fund
 7 0373, appropriation 62101) at the close of the fiscal year 2025 is hereby reappropriated for
 8 expenditure during the fiscal year 2026.

152 - Higher Education Policy Commission –

Administration -

West Virginia Network for Educational Telecomputing (WVNET)

(W.V. Code Chapter 18B)

Fund 0551 FY 2026 Org 0495

1	WVNET.....	16900	\$	1,977,941
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MISCELLANEOUS BOARDS AND COMMISSIONS

153 - Adjutant General –

State Militia

(W.V. Code Chapter 15)

Fund 0433 FY 2026 Org 0603

1	Salary and Benefits of Cabinet Secretary and			
2	Agency Heads.....	00201	\$	189,000
3	Unclassified (R).....	09900		106,798
4	College Education Fund.....	23200		2,500,000
5	Civil Air Patrol	23400		199,664
6	Armory Board Transfer.....	70015		2,317,555
7	Mountaineer ChalleNGe Academy.....	70900		3,614,600
8	SEARCH Director	xxxxx		70,000
9	Military Authority (R).....	74800		6,681,954
10	Drug Enforcement and Support.....	74801		<u>1,451,713</u>
11	Total		\$	17,131,284

Any unexpended balances remaining in the appropriations for Unclassified (fund 0433, appropriation 09900), Recruit WV Employment Program – Surplus (fund 0433, appropriation 30799), Capital Outlay, Repairs and Equipment – Surplus (fund 0433, appropriation 67700), Armory Board Transfers – Surplus (fund 0433, appropriation 70299), Mountaineer Challenge Academy (fund 0433, appropriation 70900), Military Authority (fund 0433, appropriation 74800), Military Authority – Surplus (fund 0433, appropriation 74899), and Federal Funds/Grant Match (fund 0433, appropriation 85700) at the close of the fiscal year 2025 are hereby reappropriated for expenditure during the fiscal year 2026.

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 \$3,614,600 to the Mountaineer Challenge Academy to meet anticipated program demand.

154 - Adjutant General –

Military Fund

(W.V. Code Chapter 15)

Fund 0605 FY 2026 Org 0603

Personal Services and Employee Benefits.....	00100	\$	100,000
Current Expenses	13000		<u>57,775</u>
Total		\$	157,775
Total TITLE II, Section 1 – General Revenue			
(Including claims against the state).....			<u>\$ 5,317,557,000</u>

Sec. 2. Appropriations from state road fund. — From the state road fund there are hereby appropriated conditionally upon the fulfillment of the provisions set forth in Article 2,

- 3 Chapter 11B of the Code the following amounts, as itemized, for expenditure during the fiscal
4 year 2026.

DEPARTMENT OF TRANSPORTATION

155 - Division of Motor Vehicles

(W.V. Code Chapters 17, 17A, 17B, 17C, 17D, 20, and 24A)

Fund 9007 FY 2026 Org 0802

			State
	Appro-		Road
	priation		Fund
1 Personal Services and Employee Benefits.....	00100	\$	43,505,517
2 Salary and Benefits of Cabinet Secretary and			
3 Agency Heads.....	00201		129,500
4 Repairs and Alterations.....	06400		144,000
5 Equipment.....	07000		1,080,000
6 Current Expenses	13000		27,556,730
7 Buildings	25800		10,000
8 Other Assets	69000		2,480,000
9 BRIM Premium.....	91300		<u>110,000</u>
10 Total.....		\$	75,015,747

156 - Division of Highways

(W.V. Code Chapters 17 and 17C)

Fund 9017 FY 2026 Org 0803

1 Salary and Benefits of Cabinet Secretary and			
2 Agency Heads.....	00201	\$	200,000
3 Debt Service	04000		120,000,000
4 Maintenance	23700		700,235,315

5	Inventory Revolving	27500	17,000,000
6	Equipment Revolving	27600	52,950,166
7	General Operations.....	27700	186,166,680
8	Interstate Construction	27800	275,000,000
9	Other Federal Aid Programs	27900	450,000,000
10	Appalachian Programs.....	28000	250,000,000
11	Highway Litter Control.....	28200	<u>1,650,000</u>
12	Total.....		\$ 2,053,202,161

13 The above appropriations are to be expended in accordance with the provisions of
14 Chapters 17 and 17C of the W.V. Code.

15 The Commissioner of Highways shall have the authority to operate revolving funds within
16 the State Road Fund for the operation and purchase of various types of equipment used directly
17 and indirectly in the construction and maintenance of roads and for the purchase of inventories
18 and materials and supplies.

19 There is hereby appropriated in addition to the above appropriations, sufficient money for
20 the payment of claims, accrued or arising during this budgetary period, to be paid in accordance
21 with Sections 17, 17a and 18, Article 2, Chapter 14 of the W.V. Code.

22 It is the intent of the Legislature to capture and match all federal funds available for
23 expenditure on the Appalachian highway system at the earliest possible time. Therefore, should
24 amounts in excess of those appropriated be required for the purposes of Appalachian Programs,
25 funds in excess of the amount appropriated may be made available upon recommendation of the
26 Commissioner and approval of the Governor. Further, for the purpose of Appalachian Programs,
27 funds appropriated by appropriation may be transferred to other appropriations upon
28 recommendation of the Commissioner and approval of the Governor.

29 Total TITLE II, Section 2 – State Road Fund

30 (Including claims against the state)..... \$ 2,129,082,658

1 **Sec. 3. Appropriations from other funds.** — From the funds designated there are
2 hereby appropriated conditionally upon the fulfillment of the provisions set forth in Article 2,
3 Chapter 11B of the Code the following amounts, as itemized, for expenditure during the fiscal
4 year 2026.

LEGISLATIVE

157 - Crime Victims Compensation Fund

(W.V. Code Chapter 14)

Fund 1731 FY 2026 Org 2300

		Appro-	Other
		priation	Funds
1	Personal Services and Employee Benefits.....	00100	\$ 498,020
2	Repairs and Alterations.....	06400	1,000
3	Current Expenses	13000	133,903
4	Economic Loss Claim Payment Fund.....	33400	2,000,000
5	Other Assets	69000	<u>3,700</u>
6	Total		\$ 2,636,623

JUDICIAL

158 - Supreme Court –

Court Advanced Technology Subscription Fund

(W.V. Code Chapter 51)

Fund 1704 FY 2026 Org 2400

1	Current Expenses	13000	\$ 100,000
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159 - Supreme Court –

Adult Drug Court Participation Fund

(W.V. Code Chapter 62)

Fund 1705 FY 2026 Org 2400

1	Current Expenses	13000	\$	200,000
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160 - Supreme Court –

Family Court Fund

(W.V. Code Chapter 51)

Fund 1763 FY 2026 Org 2400

1	Current Expenses	13000	\$	900,000
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161 - Supreme Court –

Court Facilities Maintenance Fund

(W.V. Code Chapter 51)

Fund 1766 FY 2026 Org 2400

1	Repairs and Alterations.....	06400	\$	70,000
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2	Current Expenses	13000		<u>680,000</u>
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3	Total		\$	750,000
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EXECUTIVE

162 - Governor's Office –

Minority Affairs Fund

(W.V. Code Chapter 5)

Fund 1058 FY 2026 Org 0100

1	Personal Services and Employee Benefits.....	00100	\$	239,958
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2	Martin Luther King, Jr. Holiday Celebration	03100		8,926
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3	Current Expenses	13000		<u>453,200</u>
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4	Total		\$	702,084
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163 - Auditor's Office –

Grant Recovery Fund

(W.V. Code Chapter 12)

Fund 1205 FY 2026 Org 1200

1	Repairs and Alterations.....	06400	\$	2,000
2	Equipment.....	07000		7,000
3	Current Expenses	13000		<u>191,000</u>
4	Total.....		\$	200,000

164 - Auditor's Office –

Land Operating Fund

(W.V. Code Chapters 11A, 12, and 36)

Fund 1206 FY 2026 Org 1200

1	Personal Services and Employee Benefits.....	00100	\$	901,372
2	Repairs and Alterations.....	06400		2,600
3	Equipment.....	07000		426,741
4	Unclassified	09900		15,139
5	Current Expenses	13000		715,291
6	Cost of Delinquent Land Sale.....	76800		<u>1,841,168</u>
7	Total.....		\$	3,902,311

8 There is hereby appropriated from this fund, in addition to the above appropriations if
9 needed, the necessary amount for the expenditure of funds other than Personal Services and
10 Employee Benefits to enable the division to pay the direct expenses relating to land sales as
11 provided in Chapter 11A of the West Virginia Code.

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

165 - Auditor's Office –

Local Government Purchasing Card Expenditure Fund

(W.V. Code Chapter 6)

Fund 1224 FY 2026 Org 1200

1	Personal Services and Employee Benefits.....	00100	\$	670,729
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2	Repairs and Alterations.....	06400	6,000
3	Equipment.....	07000	10,805
4	Current Expenses	13000	282,030
5	Other Assets	69000	50,000
6	Statutory Revenue Distribution.....	74100	<u>3,500,000</u>
7	Total.....		\$ 4,519,564

8 There is hereby appropriated from this fund, in addition to the above appropriations if
9 needed, the amount necessary to meet the transfer of revenue distribution requirements to
10 provide a proportionate share of rebates back to the general fund of local governments based on
11 utilization of the program in accordance with W.V. Code §6-9-2b.

166 - Auditor's Office –

Securities Regulation Fund

(W.V. Code Chapter 32)

Fund 1225 FY 2026 Org 1200

1	Personal Services and Employee Benefits.....	00100	\$ 3,579,931
2	Repairs and Alterations.....	06400	12,400
3	Equipment.....	07000	594,700
4	Unclassified	09900	31,866
5	Current Expenses	13000	1,463,830
6	Other Assets	69000	<u>1,200,000</u>
7	Total.....		\$ 6,882,727

167 - Auditor's Office –

Technology Support and Acquisition Fund

(W.V. Code Chapter 12)

Fund 1233 FY 2026 Org 1200

1	Current Expenses	13000	\$ 10,000
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2	Other Assets	69000	<u>5,000</u>
3	Total	\$	15,000

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

168 - Auditor's Office –

Purchasing Card Administration Fund

(W.V. Code Chapter 12)

Fund 1234 FY 2026 Org 1200

1	Personal Services and Employee Benefits.....	00100	\$ 3,927,244
2	Repairs and Alterations.....	06400	5,500
3	Equipment.....	07000	850,000
4	Current Expenses	13000	2,303,622
5	Other Assets	69000	508,886
6	Statutory Revenue Distribution.....	74100	<u>8,000,000</u>
7	Total	\$	15,595,252

8 There is hereby appropriated from this fund, in addition to the above appropriations if
9 needed, the amount necessary to meet the transfer and revenue distribution requirements to the
10 Purchasing Improvement Fund (fund 2264), the Entrepreneurship and Innovation Investment
11 Fund (fund 3014), the Hatfield-McCoy Regional Recreation Authority, and the State Park
12 Operating Fund (fund 3265) per W.V. Code §12-3-10d.

169 - Auditor's Office –

Chief Inspector's Fund

(W.V. Code Chapter 6)

Fund 1235 FY 2026 Org 1200

1	Personal Services and Employee Benefits.....	00100	\$ 3,910,235
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2	Equipment.....	07000	50,000
3	Current Expenses	13000	<u>765,915</u>
4	Total.....		\$ 4,726,150

170 - Auditor's Office –

Private Trust Company Application Fund

(W.V. Code Chapters 31 and 46)

Fund 1241 FY 2026 Org 1200

1	Equipment.....	07000	\$ 30,000
2	Current Expenses	13000	<u>60,000</u>
3	Total.....		\$ 90,000

171 - Department of Agriculture –

Agriculture Fees Fund

(W.V. Code Chapters 19)

Fund 1401 FY 2026 Org 1400

1	Personal Services and Employee Benefits.....	00100	\$ 3,102,402
2	Repairs and Alterations.....	06400	158,500
3	Equipment.....	07000	436,209
4	Unclassified	09900	37,425
5	Current Expenses	13000	1,856,184
6	Other Assets	69000	<u>10,000</u>
7	Total.....		\$ 5,600,720

172 - Department of Agriculture –

West Virginia Rural Rehabilitation Program

(W.V. Code Chapter 19)

Fund 1408 FY 2026 Org 1400

1	Personal Services and Employee Benefits.....	00100	\$ 85,293
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2	Unclassified	09900	10,476
3	Current Expenses	13000	<u>2,200,000</u>
4	Total		\$ 2,295,769

173 - Department of Agriculture –

General John McCausland Memorial Farm Fund

(W.V. Code Chapter 19)

Fund 1409 FY 2026 Org 1400

1	Personal Services and Employee Benefits.....	00100	\$ 85,545
2	Repairs and Alterations.....	06400	36,400
3	Equipment.....	07000	15,000
4	Unclassified	09900	2,100
5	Current Expenses	13000	<u>89,500</u>
6	Total		\$ 228,545

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

174 - Department of Agriculture –

Farm Operating Fund

(W.V. Code Chapter 19)

Fund 1412 FY 2026 Org 1400

1	Personal Services and Employee Benefits.....	00100	\$ 932,035
2	Repairs and Alterations.....	06400	388,722
3	Equipment.....	07000	399,393
4	Unclassified	09900	15,173
5	Current Expenses	13000	1,367,464
6	Other Assets	69000	<u>20,000</u>
7	Total		\$ 3,122,787

175 - Department of Agriculture –

Capital Improvements Fund

(W.V. Code Chapter 19)

Fund 1413 FY 2026 Org 1400

1	Repairs and Alterations.....	06400		250,000
2	Equipment.....	07000		350,000
3	Unclassified	09900		20,000
4	Current Expenses	13000		510,000
5	Buildings	25800		670,000
6	Other Assets	69000		<u>200,000</u>
7	Total		\$	2,000,000

176 - Department of Agriculture –

Agriculture Development Fund

(W.V. Code Chapter 19)

Fund 1423 FY 2026 Org 1400

1	Current Expenses	13000	\$	100,000
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177 - Department of Agriculture –

Donated Food Fund

(W.V. Code Chapter 19)

Fund 1446 FY 2026 Org 1400

1	Personal Services and Employee Benefits.....	00100	\$	1,163,783
2	Repairs and Alterations.....	06400		128,500
3	Equipment.....	07000		10,000
4	Unclassified	09900		45,807
5	Current Expenses	13000		3,410,542
6	Other Assets	69000		27,000

7	Land	73000	<u>250,000</u>
8	Total		\$ 5,035,632

178 - Department of Agriculture –

Integrated Predation Management Fund

(W.V. Code Chapter 7)

Fund 1465 FY 2026 Org 1400

1	Current Expenses	13000	\$ 112,500
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179 - Department of Agriculture –

West Virginia Spay Neuter Assistance Fund

(W.V. Code Chapter 19)

Fund 1481 FY 2026 Org 1400

1	Personal Services and Employee Benefits.....	00100	\$ 100,000
2	Current Expenses	13000	<u>1,000,000</u>
3	Total		\$ 1,100,000

180 - Department of Agriculture –

Veterans and Warriors to Agriculture Fund

(W.V. Code Chapter 19)

Fund 1483 FY 2026 Org 1400

1	Current Expenses	13000	\$ 7,500
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181 - Department of Agriculture –

State FFA-FHA Camp and Conference Center

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

Fund 1484 FY 2026 Org 1400

1	Personal Services and Employee Benefits.....	00100	\$ 1,289,160
2	Repairs and Alterations.....	06400	82,500
3	Equipment.....	07000	76,000

4	Unclassified	09900	17,000
5	Current Expenses	13000	1,143,306
6	Buildings	25800	1,000
7	Other Assets	69000	10,000
8	Land	73000	<u>1,000</u>
9	Total		\$ 2,619,966

182 - Attorney General –

Antitrust Enforcement Fund

(W.V. Code Chapter 47)

Fund 1507 FY 2026 Org 1500

1	Personal Services and Employee Benefits.....	00100	\$ 371,036
2	Repairs and Alterations.....	06400	1,000
3	Equipment.....	07000	1,000
4	Current Expenses	13000	<u>148,803</u>
5	Total		\$ 521,839

183 - Attorney General –

Preneed Burial Contract Regulation Fund

(W.V. Code Chapter 47)

Fund 1513 FY 2026 Org 1500

1	Personal Services and Employee Benefits.....	00100	\$ 240,959
2	Repairs and Alterations.....	06400	1,000
3	Equipment.....	07000	1,000
4	Current Expenses	13000	<u>54,615</u>
5	Total		\$ 297,574

184 - Attorney General –

Preneed Funeral Guarantee Fund

(W.V. Code Chapter 47)

Fund 1514 FY 2026 Org 1500

1	Current Expenses	13000	\$	901,135
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*185 - Secretary of State –**Service Fees and Collection Account*

(W.V. Code Chapters 3, 5, and 59)

Fund 1612 FY 2026 Org 1600

1	Personal Services and Employee Benefits.....	00100	\$	1,196,867
2	Unclassified	09900		4,524
3	Current Expenses	13000		<u>8,036</u>
4	Total		\$	1,209,427

*186 - Secretary of State –**General Administrative Fees Account*

(W.V. Code Chapters 3, 5, and 59)

Fund 1617 FY 2026 Org 1600

1	Personal Services and Employee Benefits.....	00100	\$	3,248,467
2	Unclassified	09900		25,529
3	Current Expenses	13000		1,276,716
4	Technology Improvements	59900		<u>1,370,000</u>
5	Total		\$	5,920,712

DEPARTMENT OF ADMINISTRATION*187 - Department of Administration –**Office of the Secretary –**Tobacco Settlement Fund*

(W.V. Code Chapter 4)

Fund 2041 FY 2026 Org 0201

1	Tobacco Settlement Securitization Trustee Passthru	65000	\$	80,000,000
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188 - Department of Administration –

Office of the Secretary –

Employee Pension and Health Care Benefit Fund

(W.V. Code Chapter 18)

Fund 2044 FY 2026 Org 0201

1	Current Expenses	13000	\$	39,831,000
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2 The above appropriation for Current Expenses (fund 2044, appropriation 13000) shall be
3 transferred to the Consolidated Public Retirement Board – Teachers’ Accumulation Fund (fund
4 2600).

189 - Department of Administration –

Division of Finance –

Shared Services Section Fund

(W.V. Code Chapter 5A)

Fund 2020 FY 2026 Org 0209

1	Personal Services and Employee Benefits.....	00100	\$	1,638,791
2	Current Expenses	13000		<u>500,000</u>
3	Total.....		\$	2,138,791

190 - Division of Purchasing –

Vendor Fee Fund

(W.V. Code Chapter 5A)

Fund 2263 FY 2026 Org 0213

1	Personal Services and Employee Benefits.....	00100	\$	611,378
2	Current Expenses	13000		9,115
3	BRIM Premium.....	91300		<u>810</u>
4	Total.....		\$	621,303

191 - Division of Purchasing –

Purchasing Improvement Fund

(W.V. Code Chapter 5A)

Fund 2264 FY 2026 Org 0213

1	Personal Services and Employee Benefits.....	00100	\$	1,060,880
2	Repairs and Alterations.....	06400		500
3	Equipment.....	07000		500
4	Unclassified	09900		5,562
5	Current Expenses	13000		492,066
6	Other Assets	69000		500
7	BRIM Premium.....	91300		<u>850</u>
8	Total.....		\$	1,560,858

192 - Travel Management –

Aviation Fund

(W.V. Code Chapter 5A)

Fund 2302 FY 2026 Org 0215

1	Repairs and Alterations.....	06400	\$	1,275,237
2	Equipment.....	07000		1,000
3	Unclassified	09900		1,000
4	Current Expenses	13000		149,700
5	Buildings	25800		100
6	Other Assets	69000		100
7	Land	73000		<u>100</u>
8	Total.....		\$	1,427,237

193 - Fleet Management Division Fund

(W.V. Code Chapter 5A)

Fund 2301 FY 2026 Org 0216

1	Personal Services and Employee Benefits.....	00100	\$	839,903
2	Repairs and Alterations.....	06400		12,000
3	Equipment.....	07000		800,000
4	Unclassified	09900		4,000
5	Current Expenses	13000		11,630,614
6	Other Assets	69000		<u>2,000</u>
7	Total.....		\$	13,288,517

194 - Division of Personnel

(W.V. Code Chapter 29)

Fund 2440 FY 2026 Org 0222

1	Personal Services and Employee Benefits.....	00100	\$	5,034,147
2	Salary and Benefits of Cabinet Secretary and			
3	Agency Heads.....	00201		122,500
4	Repairs and Alterations.....	06400		5,000
5	Equipment.....	07000		20,000
6	Unclassified	09900		51,418
7	Current Expenses	13000		1,262,813
8	Other Assets	69000		<u>60,000</u>
9	Total.....		\$	6,555,878

10 The total amount of these appropriations shall be paid from a special revenue fund out of

11 fees collected by the Division of Personnel.

195 - West Virginia Prosecuting Attorneys Institute

(W.V. Code Chapter 7)

Fund 2521 FY 2026 Org 0228

Personal Services and Employee Benefits.....	00100	\$	139,779
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Salary and Benefits of Cabinet Secretary and

Agency Heads	00201	119,000
Repairs and Alterations	06400	600
Equipment	07000	500
Unclassified	09900	4,023
Current Expenses	13000	297,528
Other Assets	69000	<u>500</u>
Total		\$ 561,930

196 - Office of Technology –

Office of Technology Fund

(W.V. Code Chapter 5A)

Fund 2220 FY 2026 Org 0231

1	Personal Services and Employee Benefits	00100	\$ 24,213,297
2	Repairs and Alterations	06400	1,000
3	Equipment	07000	2,100,000
4	Unclassified	09900	351,068
5	Current Expenses	13000	57,927,608
6	Other Assets	69000	<u>1,055,000</u>
7	Total		\$ 85,647,973

197 - Office of Technology –

Technology Infrastructure Reinvestment Fund

(W.V. Code Chapter 31)

Fund 2209 FY 2026 Org 0231

1	Current Expenses	13000	\$ 400,000
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DEPARTMENT OF COMMERCE

198 - Division of Forestry

(W.V. Code Chapter 19)

Fund 3081 FY 2026 Org 0305

1	Personal Services and Employee Benefits.....	00100	\$	224,509
2	Repairs and Alterations.....	06400		53,000
3	Equipment.....	07000		300,000
4	Current Expenses	13000		<u>439,830</u>
5	Total.....		\$	1,017,339

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

(W.V. Code Chapter 19)

Fund 3082 FY 2026 Org 0305

1	Personal Services and Employee Benefits.....	00100	\$	265,835
2	Repairs and Alterations.....	06400		11,250
3	Current Expenses	13000		<u>54,873</u>
4	Total.....		\$	331,958

*200 - Division of Forestry –**Severance Tax Operations*

(W.V. Code Chapter 11)

Fund 3084 FY 2026 Org 0305

1	Current Expenses	13000	\$	282,614
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*201 - Geological and Economic Survey –**Geological and Analytical Services Fund*

(W.V. Code Chapter 29)

Fund 3100 FY 2026 Org 0306

1	Personal Services and Employee Benefits.....	00100	\$	37,966
2	Repairs and Alterations.....	06400		50,000

3	Equipment.....	07000	20,000
4	Unclassified	09900	2,182
5	Current Expenses	13000	141,631
6	Other Assets	69000	<u>10,000</u>
7	Total.....		\$ 261,779

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

202 - Office of Energy –

Energy Assistance

(W.V. Code Chapter 5B)

Fund 3010 FY 2026 Org 0307

1	Energy Assistance - Total	64700	\$ 7,211
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203 - Division of Economic Development –

Broadband Enhancement Fund

(W.V. Code Chapter 31G)

Fund 3013 FY 2026 Org 0307

1	Personal Services and Employee Benefits.....	00100	\$ 133,072
2	Current Expenses	13000	<u>1,648,318</u>
3	Total.....		\$ 1,781,390

204 - Division of Economic Development –

Entrepreneurship and Innovation Investment Fund

(W.V. Code Chapter 5B)

Fund 3014 FY 2026 Org 0307

1	Entrepreneurship and Innovation Investment Fund	70301	\$ 1,500,000
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205 - Division of Economic Development –

Broadband Development Fund

(W.V. Code Chapter 31G)

Fund 3034 FY 2026 Org 0307

1	Personal Services and Employee Benefits.....	00100	\$	687,121
2	Unclassified	09900		2,000,000
3	Current Expenses	13000		<u>235,302,925</u>
4	Total.....		\$	237,990,046

*206 - Division of Economic Development –**Office of Coalfield Community Development*

(W.V. Code Chapter 5B)

Fund 3162 FY 2026 Org 0307

1	Personal Services and Employee Benefits.....	00100	\$	440,848
2	Unclassified	09900		8,300
3	Current Expenses	13000		<u>399,191</u>
4	Total.....		\$	848,339

*207 - Division of Labor –**West Virginia Jobs Act Fund*

(W.V. Code Chapter 21)

Fund 3176 FY 2026 Org 0308

1	Equipment.....	07000	\$	25,000
2	Current Expenses	13000		<u>75,000</u>
3	Total.....		\$	100,000

*208 - Division of Labor –**HVAC Fund*

(W.V. Code Chapter 21)

Fund 3186 FY 2026 Org 0308

1	Personal Services and Employee Benefits.....	00100	\$	482,855
2	Repairs and Alterations.....	06400		4,500

3	Unclassified	09900	4,000
4	Current Expenses	13000	82,000
5	Buildings	25800	1,000
6	BRIM Premium.....	91300	<u>8,500</u>
7	Total.....		\$ 582,855

209 - Division of Labor –

Elevator Safety Fund

(W.V. Code Chapter 21)

Fund 3188 FY 2026 Org 0308

1	Personal Services and Employee Benefits.....	00100	\$ 299,995
2	Salary and Benefits of Cabinet Secretary and		
3	Agency Heads.....	00201	129,221
4	Repairs and Alterations.....	06400	2,000
5	Unclassified	09900	2,261
6	Current Expenses	13000	94,712
7	Buildings	25800	1,000
8	BRIM Premium.....	91300	<u>8,500</u>
9	Total.....		\$ 537,689

210 - Division of Labor –

Steam Boiler Fund

(W.V. Code Chapter 21)

Fund 3189 FY 2026 Org 0308

1	Personal Services and Employee Benefits.....	00100	\$ 83,471
2	Repairs and Alterations.....	06400	2,000
3	Unclassified	09900	1,000
4	Current Expenses	13000	20,000

5	Buildings	25800	1,000
6	BRIM Premium.....	91300	<u>1,000</u>
7	Total	\$	108,471

211 - Division of Labor –

Crane Operator Certification Fund

(W.V. Code Chapter 21)

Fund 3191 FY 2026 Org 0308

1	Personal Services and Employee Benefits.....	00100	\$	141,576
2	Repairs and Alterations.....	06400		1,500
3	Unclassified	09900		380
4	Current Expenses	13000		46,175
5	Buildings	25800		1,000
6	BRIM Premium.....	91300		<u>7,000</u>
7	Total		\$	197,631

212 - Division of Labor –

Amusement Rides and Amusement Attraction Safety Fund

(W.V. Code Chapter 21)

Fund 3192 FY 2026 Org 0308

1	Personal Services and Employee Benefits.....	00100	\$	202,269
2	Repairs and Alterations.....	06400		2,000
3	Unclassified	09900		1,281
4	Current Expenses	13000		44,520
5	Buildings	25800		1,000
6	BRIM Premium.....	91300		<u>8,500</u>
7	Total		\$	259,570

213 - Division of Labor –

State Manufactured Housing Administration Fund

(W.V. Code Chapter 21)

Fund 3195 FY 2026 Org 0308

1	Personal Services and Employee Benefits.....	00100	\$	303,686
2	Repairs and Alterations.....	06400		1,000
3	Unclassified	09900		1,847
4	Current Expenses	13000		43,700
5	Buildings	25800		1,000
6	BRIM Premium.....	91300		<u>3,404</u>
7	Total.....		\$	354,637

*214 - Division of Labor –**Weights and Measures Fund*

(W.V. Code Chapter 47)

Fund 3196 FY 2026 Org 0308

1	Repairs and Alterations.....	06400	\$	10,000
2	Equipment.....	07000		10,000
3	Unclassified	09900		1,200
4	Current Expenses	13000		93,000
5	BRIM Premium.....	91300		<u>7,000</u>
6	Total.....		\$	121,200

*215 - Division of Labor –**Bedding and Upholstery Fund*

(W.V. Code Chapter 47)

Fund 3198 FY 2026 Org 0308

1	Personal Services and Employee Benefits.....	00100	\$	156,381
2	Repairs and Alterations.....	06400		2,000

3	Unclassified	09900	2,000
4	Current Expenses	13000	145,400
5	Buildings	25800	1,000
6	BRIM Premium.....	91300	<u>8,700</u>
7	Total.....		\$ 315,481

216 - Division of Labor –

Psychophysiological Examiners Fund

(W.V. Code Chapter 21)

Fund 3199 FY 2026 Org 0308

1	Current Expenses	13000	\$ 4,000
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217 - Division of Natural Resources –

License Fund – Wildlife Resources

(W.V. Code Chapter 20)

Fund 3200 FY 2026 Org 0310

1	Wildlife Resources	02300	\$ 11,294,856
2	Administration	15500	2,823,713
3	Capital Improvements and Land Purchase (R).....	24800	2,823,714
4	Law Enforcement	80600	<u>11,294,856</u>
5	Total.....		\$ 28,237,139

6 The total amount of these appropriations shall be paid from a special revenue fund out of
7 fees collected by the Division of Natural Resources.

8 Any unexpended balance remaining in the appropriation for Capital Improvements and
9 Land Purchase (fund 3200, appropriation 24800) at the close of the fiscal year 2025 is hereby
10 reappropriated for expenditure during the fiscal year 2026.

218 - Division of Natural Resources –

Natural Resources Game Fish and Aquatic Life Fund

(W.V. Code Chapter 22)

Fund 3202 FY 2026 Org 0310

1	Current Expenses	13000	\$	125,000
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*219 - Division of Natural Resources –**Nongame Fund*

(W.V. Code Chapter 20)

Fund 3203 FY 2026 Org 0310

1	Personal Services and Employee Benefits.....	00100	\$	727,138
2	Equipment.....	07000		106,615
3	Current Expenses	13000		<u>201,810</u>
4	Total		\$	1,035,563

*220 - Division of Natural Resources –**Planning and Development Division*

(W.V. Code Chapter 20)

Fund 3205 FY 2026 Org 0310

1	Personal Services and Employee Benefits.....	00100	\$	482,802
2	Repairs and Alterations.....	06400		15,016
3	Equipment.....	07000		308,300
4	Current Expenses	13000		1,056,876
5	Buildings	25800		8,300
6	Other Assets	69000		1,900,000
7	Land	73000		<u>31,700</u>
8	Total		\$	3,802,994

*221 - Division of Natural Resources –**State Parks and Recreation Endowment Fund*

(W.V. Code Chapter 20)

Fund 3211 FY 2026 Org 0310

1	Repairs and Alterations.....	06400	\$	3,000
2	Equipment.....	07000		2,000
3	Current Expenses	13000		6,000
4	Buildings	25800		3,000
5	Other Assets	69000		3,504,000
6	Land	73000		<u>2,000</u>
7	Total.....		\$	3,520,000

*222 - Division of Natural Resources –**Whitewater Study and Improvement Fund*

(W.V. Code Chapter 20)

Fund 3253 FY 2026 Org 0310

1	Personal Services and Employee Benefits.....	00100	\$	76,836
2	Equipment.....	07000		1,297
3	Current Expenses	13000		64,778
4	Buildings	25800		<u>6,969</u>
5	Total.....		\$	149,880

*223 - Division of Natural Resources –**Whitewater Advertising and Promotion Fund*

(W.V. Code Chapter 20)

Fund 3256 FY 2026 Org 0310

1	Unclassified	09900	\$	200
2	Current Expenses	13000		<u>19,800</u>
3	Total.....		\$	20,000

*224 - Division of Miners' Health, Safety and Training –**Special Health, Safety and Training Fund*

(W.V. Code Chapter 22A)

Fund 3355 FY 2026 Org 0314

1	Personal Services and Employee Benefits.....	00100	\$	543,068
2	W.V. Mining Extension Service	02600		150,000
3	Unclassified	09900		23,700
4	Current Expenses	13000		<u>1,671,842</u>
5	Total		\$	2,388,610

*225 - Department of Commerce –**Office of the Secretary –**Marketing and Communications Operating Fund*

(W.V. Code Chapter 5B)

Fund 3002 FY 2026 Org 0327

1	Personal Services and Employee Benefits.....	00100	\$	2,335,679
2	Equipment.....	07000		36,000
3	Unclassified	09900		30,000
4	Current Expenses	13000		<u>1,315,078</u>
5	Total		\$	3,716,757

*226 - State Board of Rehabilitation –**Division of Rehabilitation Services –**West Virginia Rehabilitation Center Special Account*

(W.V. Code Chapter 18)

Fund 8664 FY 2026 Org 0932

1	Personal Services and Employee Benefits.....	00100	\$	119,738
2	Repairs and Alterations.....	06400		85,500
3	Equipment.....	07000		220,000
4	Current Expenses	13000		1,180,122

5	Buildings	25800	150,000
6	Other Assets	69000	<u>150,000</u>
7	Total		\$ 1,905,360

DEPARTMENT OF TOURISM

227 - Division of Culture and History –

Public Records and Preservation Revenue Account

(W.V. Code Chapter 5A)

Fund 3542 FY 2026 Org 0432

1	Personal Services and Employee Benefits.....	00100	\$ 254,946
2	Equipment.....	07000	75,000
3	Current Expenses	13000	862,241
4	Buildings	25800	1,000
5	Other Assets	69000	52,328
6	Land	73000	<u>1,000</u>
7	Total		\$ 1,246,515

DEPARTMENT OF EDUCATION

228 - State Board of Education –

Strategic Staff Development

(W.V. Code Chapter 18)

Fund 3937 FY 2026 Org 0402

1	Personal Services and Employee Benefits.....	00100	\$ 35,000
2	Unclassified	09900	26,000
3	Current Expenses	13000	<u>2,039,000</u>
4	Total		\$ 2,100,000

229 - School Building Authority –

School Construction Fund

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

Fund 3952 FY 2026 Org 0404

1	SBA Construction Grants	24000	\$	152,345,818
2	Directed Transfer	70000		<u>1,516,472</u>
3	Total		\$	153,862,290

4 The above appropriation for Directed Transfer (fund 3952, appropriation 70000) shall be
 5 transferred to the School Building Authority Fund (fund 3959) for the administrative expenses of
 6 the School Building Authority.

230 - School Building Authority

(W.V. Code Chapter 18)

Fund 3959 FY 2026 Org 0404

1	Personal Services and Employee Benefits.....	00100	\$	1,233,127
2	Repairs and Alterations.....	06400		13,150
3	Equipment.....	07000		26,000
4	Current Expenses	13000		<u>244,195</u>
5	Total		\$	1,516,472

DEPARTMENT OF ENVIRONMENTAL PROTECTION*231 - Solid Waste Management Board*

(W.V. Code Chapter 22C)

Fund 3288 FY 2026 Org 0312

1	Personal Services and Employee Benefits.....	00100	\$	922,334
2	Repairs and Alterations.....	06400		1,000
3	Equipment.....	07000		5,000
4	Current Expenses	13000		2,059,457
5	Other Assets	69000		<u>4,403</u>
6	Total		\$	2,992,194

232 - Division of Environmental Protection –

Hazardous Waste Management Fund

(W.V. Code Chapter 22)

Fund 3023 FY 2026 Org 0313

1	Personal Services and Employee Benefits.....	00100	\$	831,098
2	Repairs and Alterations.....	06400		500
3	Equipment.....	07000		1,505
4	Unclassified	09900		8,072
5	Current Expenses	13000		155,969
6	Other Assets	69000		<u>2,000</u>
7	Total		\$	999,144

233 - Division of Environmental Protection –

Air Pollution Education and Environment Fund

(W.V. Code Chapter 22)

Fund 3024 FY 2026 Org 0313

1	Personal Services and Employee Benefits.....	00100	\$	590,995
2	Repairs and Alterations.....	06400		13,000
3	Equipment.....	07000		53,105
4	Unclassified	09900		12,919
5	Current Expenses	13000		612,291
6	Other Assets	69000		<u>20,000</u>
7	Total		\$	1,302,310

234 - Division of Environmental Protection –

Special Reclamation Fund

(W.V. Code Chapter 22)

Fund 3321 FY 2026 Org 0313

1	Personal Services and Employee Benefits.....	00100	\$	1,778,866
2	Repairs and Alterations.....	06400		79,950
3	Equipment.....	07000		130,192
4	Current Expenses	13000		16,185,006
5	Other Assets	69000		<u>32,000</u>
6	Total.....		\$	18,206,014

235 - Division of Environmental Protection –

Oil and Gas Reclamation Fund

(W.V. Code Chapter 22)

Fund 3322 FY 2026 Org 0313

1	Personal Services and Employee Benefits.....	00100	\$	562,296
2	Current Expenses	13000		<u>956,094</u>
3	Total.....		\$	1,518,390

236 - Division of Environmental Protection –

Oil and Gas Operating Permit and Processing Fund

(W.V. Code Chapter 22)

Fund 3323 FY 2026 Org 0313

1	Personal Services and Employee Benefits.....	00100	\$	3,080,953
2	Repairs and Alterations.....	06400		9,500
3	Equipment.....	07000		230,500
4	Unclassified	09900		30,700
5	Current Expenses	13000		937,300
6	Other Assets	69000		<u>500</u>
7	Total.....		\$	4,289,453

237 - Division of Environmental Protection –

Mining and Reclamation Operations Fund

(W.V. Code Chapter 22)

Fund 3324 FY 2026 Org 0313

1	Personal Services and Employee Benefits.....	00100	\$	2,774,699
2	Repairs and Alterations.....	06400		60,260
3	Equipment.....	07000		83,000
4	Unclassified	09900		920
5	Current Expenses	13000		1,479,231
6	Other Assets	69000		<u>57,500</u>
7	Total.....		\$	4,455,610

238 - Division of Environmental Protection –

*Underground Storage Tank**Administrative Fund*

(W.V. Code Chapter 22)

Fund 3325 FY 2026 Org 0313

1	Personal Services and Employee Benefits.....	00100	\$	503,574
2	Repairs and Alterations.....	06400		5,350
3	Equipment.....	07000		3,610
4	Unclassified	09900		7,520
5	Current Expenses	13000		318,420
6	Other Assets	69000		<u>3,500</u>
7	Total.....		\$	841,974

239 - Division of Environmental Protection –

Hazardous Waste Emergency Response Fund

(W.V. Code Chapter 22)

Fund 3331 FY 2026 Org 0313

1	Personal Services and Employee Benefits.....	00100	\$	354,585
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2025]	HOUSE OF DELEGATES	1223
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2	Repairs and Alterations.....	06400	7,014
3	Equipment.....	07000	9,000
4	Unclassified	09900	10,616
5	Current Expenses	13000	767,905
6	Other Assets	69000	<u>3,500</u>
7	Total.....		\$ 1,152,620

240 - Division of Environmental Protection –

Solid Waste Reclamation and

Environmental Response Fund

(W.V. Code Chapter 22)

Fund 3332 FY 2026 Org 0313

1	Personal Services and Employee Benefits.....	00100	\$ 904,165
2	Repairs and Alterations.....	06400	25,000
3	Equipment.....	07000	106,500
4	Unclassified	09900	22,900
5	Current Expenses	13000	3,929,737
6	Buildings.....	25800	500
7	Other Assets	69000	<u>1,000</u>
8	Total.....		\$ 4,989,802

241 - Division of Environmental Protection –

Solid Waste Enforcement Fund

(W.V. Code Chapter 22)

Fund 3333 FY 2026 Org 0313

1	Personal Services and Employee Benefits.....	00100	\$ 3,572,719
2	Repairs and Alterations.....	06400	30,930
3	Equipment.....	07000	23,356

4	Unclassified	09900	28,460
5	Current Expenses	13000	932,229
6	Other Assets	69000	<u>20,554</u>
7	Total		\$ 4,608,248

242 - Division of Environmental Protection –

Air Pollution Control Fund

(W.V. Code Chapter 22)

Fund 3336 FY 2026 Org 0313

1	Personal Services and Employee Benefits.....	00100	\$ 6,252,446
2	Repairs and Alterations.....	06400	84,045
3	Equipment.....	07000	103,601
4	Unclassified	09900	70,572
5	Current Expenses	13000	1,669,467
6	Other Assets	69000	<u>52,951</u>
7	Total		\$ 8,233,082

243 - Division of Environmental Protection –

Environmental Laboratory

Certification Fund

(W.V. Code Chapter 22)

Fund 3340 FY 2026 Org 0313

1	Personal Services and Employee Benefits.....	00100	\$ 389,614
2	Repairs and Alterations.....	06400	1,000
3	Unclassified	09900	1,120
4	Current Expenses	13000	201,146
5	Other Assets	69000	<u>163,000</u>
6	Total		\$ 755,880

244 - Division of Environmental Protection –

Stream Restoration Fund

(W.V. Code Chapter 22)

Fund 3349 FY 2026 Org 0313

1	Current Expenses	13000	\$	3,682,076
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245 - Division of Environmental Protection –

Litter Control Fund

(W.V. Code Chapter 22)

Fund 3486 FY 2026 Org 0313

1	Current Expenses	13000	\$	60,000
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246 - Division of Environmental Protection –

Recycling Assistance Fund

(W.V. Code Chapter 22)

Fund 3487 FY 2026 Org 0313

1	Personal Services and Employee Benefits.....	00100	\$	717,788
2	Repairs and Alterations.....	06400		800
3	Equipment.....	07000		500
4	Unclassified	09900		400
5	Current Expenses	13000		2,754,258
6	Other Assets	69000		<u>2,500</u>
7	Total		\$	3,476,246

247 - Division of Environmental Protection –

Mountaintop Removal Fund

(W.V. Code Chapter 22)

Fund 3490 FY 2026 Org 0313

1	Personal Services and Employee Benefits.....	00100	\$	858,694
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2	Repairs and Alterations.....	06400	27,612
3	Equipment.....	07000	23,500
4	Unclassified	09900	1,180
5	Current Expenses	13000	390,907
6	Other Assets	69000	<u>11,520</u>
7	Total		\$ 1,313,413

248 - Oil and Gas Conservation Commission –

Special Oil and Gas Conservation Fund

(W.V. Code Chapter 22C)

Fund 3371 FY 2026 Org 0315

1	Personal Services and Employee Benefits.....	00100	\$ 171,356
2	Repairs and Alterations.....	06400	1,000
3	Equipment.....	07000	9,481
4	Current Expenses	13000	161,225
5	Other Assets	69000	<u>1,500</u>
6	Total		\$ 344,562

DEPARTMENT OF HEALTH

249 - Department of Health –

Emergency Medical Service Workers Salary Enhancement Fund

(W.V. Code Chapter 16)

Fund 5049 FY 2026 Org 0506

1	Current Expenses	13000	\$ 8,000,000
2	Crisis Training	xxxxx	<u>2,000,000</u>
3	Total		\$ 10,000,000

250 - Department of Health –

The Vital Statistics Account

(W.V. Code Chapter 16)

Fund 5144 FY 2026 Org 0506

1	Personal Services and Employee Benefits.....	00100	\$	1,198,160
2	Unclassified	09900		15,500
3	Current Expenses	13000		<u>3,557,788</u>
4	Total.....		\$	4,771,448

*251 - Department of Health –**Laboratory Services Fund*

(W.V. Code Chapter 16)

Fund 5163 FY 2026 Org 0506

1	Personal Services and Employee Benefits.....	00100	\$	1,083,838
2	Unclassified	09900		18,114
3	Current Expenses	13000		<u>2,209,105</u>
4	Total.....		\$	3,311,057

*252 - Department of Health –**Hepatitis B Vaccine*

(W.V. Code Chapter 16)

Fund 5183 FY 2026 Org 0506

1	Current Expenses	13000	\$	9,740
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*253 - Department of Health –**Lead Abatement Account*

(W.V. Code Chapter 16)

Fund 5204 FY 2026 Org 0506

1	Personal Services and Employee Benefits.....	00100	\$	19,100
2	Unclassified	09900		373
3	Current Expenses	13000		<u>17,875</u>

4	Total		\$	37,348
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254 - Department of Health –

West Virginia Birth-to-Three Fund

(W.V. Code Chapter 16)

Fund 5214 FY 2026 Org 0506

1	Personal Services and Employee Benefits	00100	\$	769,278
2	Unclassified	09900		223,999
3	Current Expenses	13000		<u>44,881,617</u>
4	Total		\$	45,874,894

255 - Department of Health –

Tobacco Control Special Fund

(W.V. Code Chapter 16)

Fund 5218 FY 2026 Org 0506

1	Current Expenses	13000	\$	7,579
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256 - Department of Health –

Medical Cannabis Program Fund

(W.V. Code Chapter 16A)

Fund 5420 FY 2026 Org 0506

1	Personal Services and Employee Benefits	00100	\$	509,658
2	Current Expenses	13000		<u>2,046,040</u>
3	Total		\$	2,555,698

257 - West Virginia Health Care Authority –

Health Care Cost Review Fund

(W.V. Code Chapter 16)

Fund 5375 FY 2026 Org 0507

1	Personal Services and Employee Benefits	00100	\$	200,000
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2	Unclassified	09900	7,500
3	Current Expenses	13000	<u>542,586</u>
4	Total.....		\$ 750,086

5 The above appropriation is to be expended in accordance with and pursuant to the
6 provisions of W.V. Code §16-29B and from the special revolving fund designated Health Care
7 Cost Review Fund.

258 - West Virginia Health Care Authority –

Certificate of Need Program Fund

(W.V. Code Chapter 16)

Fund 5377 FY 2026 Org 0507

1	Personal Services and Employee Benefits.....	00100	\$ 555,842
2	Unclassified	09900	9,481
3	Current Expenses	13000	<u>382,786</u>
4	Total.....		\$ 948,109

259 - Office of the Inspector General –

The Health Facility Licensing Account

(W.V. Code Chapter 16)

Fund 5172 FY 2026 Org 0513

1	Personal Services and Employee Benefits.....	00100	\$ 712,839
2	Repairs and Alterations.....	06400	100
3	Equipment.....	07000	100
4	Unclassified	09900	7,113
5	Current Expenses	13000	97,947
6	Other Assets	69000	<u>100</u>
7	Total.....		\$ 818,199

DEPARTMENT OF HUMAN SERVICES

260 - Department of Human Services –

Health Care Provider Tax –

Medicaid State Share Fund

(W.V. Code Chapter 11)

Fund 5090 FY 2026 Org 0511

1	Medical Services.....	18900	\$	493,594,315
2	Medical Services Administrative Costs.....	78900		<u>268,451</u>
3	Total.....		\$	493,862,766

4 The above appropriation for Medical Services Administrative Costs (fund 5090,
5 appropriation 78900) shall be transferred to a special revenue account in the treasury for use by
6 the Department of Human Services for administrative purposes. The remainder of all moneys
7 deposited in the fund shall be transferred to the Medical Services Program Fund (fund 5084).

261 - Department of Human Services –

Child Support Enforcement Fund

(W.V. Code Chapter 48A)

Fund 5094 FY 2026 Org 0511

1	Personal Services and Employee Benefits.....	00100	\$	27,809,509
2	Unclassified	09900		380,000
3	Current Expenses	13000		<u>12,810,491</u>
4	Total.....		\$	41,000,000

262 - Department of Human Services –

Ryan Brown Addiction Prevention and Recovery Fund

(W.V. Code Chapter 19)

Fund 5111 FY 2026 Org 0511

1	Current Expenses	13000	\$	10,667,392
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263 - Department of Human Services –

Medical Services Trust Fund

(W.V. Code Chapter 9)

Fund 5185 FY 2026 Org 0511

1	Medical Services.....	18900	\$	67,000,000
2	Medical Services Administrative Costs.....	78900		<u>738,149</u>
3	Total.....		\$	67,738,149

4 The above appropriation to Medical Services shall be used to provide state match of

5 Medicaid expenditures as defined and authorized in subsection (c) of W.V. Code §9-4A-2a.

6 Expenditures from the fund are limited to the following: payment of backlogged billings, funding

7 for services to future federally mandated population groups and payment of the required state

8 match for Medicaid disproportionate share payments. The remainder of all moneys deposited in

9 the fund shall be transferred to the Department of Human Services accounts.

*264 - Department of Human Services –**James “Tiger” Morton Catastrophic Illness Fund*

(W.V. Code Chapter 16)

Fund 5454 FY 2026 Org 0511

1	Personal Services and Employee Benefits.....	00100	\$	136,984
2	Unclassified	09900		4,000
3	Current Expenses	13000		<u>396,000</u>
4	Total.....		\$	536,984

*265 - Department of Human Services –**Domestic Violence Legal Services Fund*

(W.V. Code Chapter 48)

Fund 5455 FY 2026 Org 0511

1	Current Expenses	13000	\$	900,000
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266 - Department of Human Services –

West Virginia Works Separate State College Program Fund

(W.V. Code Chapter 9)

Fund 5467 FY 2026 Org 0511

1	Current Expenses	13000	\$	500,000
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267 - Department of Human Services –

West Virginia Works Separate State Two-Parent Program Fund

(W.V. Code Chapter 9)

Fund 5468 FY 2026 Org 0511

1	Current Expenses	13000	\$	1,500,000
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268 - Department of Human Services –

Marriage Education Fund

(W.V. Code Chapter 9)

Fund 5490 FY 2026 Org 0511

1	Personal Services and Employee Benefits.....	00100	\$	10,000
2	Current Expenses	13000		<u>25,000</u>
3	Total		\$	35,000

DEPARTMENT OF HEALTH FACILITIES

269 - Department of Health Facilities –

*Hospital Services Revenue Account**Special Fund**Capital Improvement, Renovation and Operations*

(W.V. Code Chapter 16)

Fund 5156 FY 2026 Org 0512

1	Institutional Facilities Operations.....	33500	\$	59,195,646
2	Medical Services Trust Fund – Transfer.....	51200		<u>27,800,000</u>
3	Total		\$	86,995,646

4 The total amount of these appropriations shall be paid from the Hospital Services Revenue
 5 Account Special Fund created by W.V. Code §16-1-13, and shall be used for operating expenses
 6 and for improvements in connection with existing facilities.

7 Additional funds have been appropriated from General Revenue for the operation of the
 8 institutional facilities.

9 Necessary funds from the above appropriation for Institutional Facilities Operations may
 10 be used for medical facilities operations, either in connection with this fund or in connection with
 11 the appropriations designated for Hopemont Hospital, Lakin Hospital, John Manchin Senior
 12 Health Care Center, Jackie Withrow Hospital, Welch Community Hospital, William R. Sharpe Jr.
 13 Hospital, Mildred Mitchell-Bateman Hospital, and William R. Sharpe Jr. Hospital – Transitional
 14 Living Facility.

DEPARTMENT OF HOMELAND SECURITY

270 - 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 2026 Org 0601

1	Current Expenses	13000	\$	32,000
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271 - Division of Emergency Management –

Statewide Interoperable Radio Network Account

(W.V. Code Chapter 15)

Fund 6208 FY 2026 Org 0606

1	Current Expenses	13000	\$	80,000
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272 - Division of Emergency Management –

West Virginia Interoperable Radio Project

(W.V. Code Chapter 24)

Fund 6295 FY 2026 Org 0606

1	Repairs and Alterations.....	06400	\$	950,000
2	Equipment.....	07000		550,000
3	Unclassified	09900		20,000
4	Current Expenses	13000		<u>3,980,000</u>
5	Total.....		\$	5,500,000

*273 - Division of Corrections and Rehabilitation –**Parolee Supervision Fees*

(W.V. Code Chapter 15A)

Fund 6362 FY 2026 Org 0608

1	Personal Services and Employee Benefits.....	00100	\$	1,247,729
2	Equipment.....	07000		30,000
3	Unclassified	09900		9,804
4	Current Expenses	13000		758,480
5	Other Assets	69000		<u>40,129</u>
6	Total.....		\$	2,086,142

*274 - Division of Corrections and Rehabilitation –**Regional Jail and Correctional Facility Authority*

(W.V. Code Chapter 15A)

Fund 6675 FY 2026 Org 0608

1	Debt Service	04000		100,000
2	Repairs and Alterations.....	06400		1,000,000
3	Equipment.....	07000		100,000
4	Unclassified	09900		100,000
5	Current Expenses	13000		245,472

6	Buildings	25800	<u>15,000,000</u>
7	Total		\$ 16,545,472

275 - West Virginia State Police –

Motor Vehicle Inspection Fund

(W.V. Code Chapter 17C)

Fund 6501 FY 2026 Org 0612

1	Personal Services and Employee Benefits.....	00100	\$ 2,092,049
2	Repairs and Alterations.....	06400	204,500
3	Equipment.....	07000	3,770,751
4	Current Expenses	13000	1,488,211
5	Buildings	25800	534,000
6	Other Assets	69000	<u>5,000</u>
7	Total		\$ 8,094,511

8 The total amount of these appropriations shall be paid from the special revenue fund out
9 of fees collected for inspection stickers as provided by law.

276 - West Virginia State Police –

Forensic Laboratory Fund

(W.V. Code Chapter 15)

Fund 6511 FY 2026 Org 0612

1	Personal Services and Employee Benefits.....	00100	\$ 1,637,078
2	Repairs and Alterations.....	06400	5,000
3	Equipment.....	07000	545,000
4	Current Expenses	13000	<u>90,000</u>
5	Total		\$ 2,277,078

277 - West Virginia State Police –

Drunk Driving Prevention Fund

(W.V. Code Chapter 15)

Fund 6513 FY 2026 Org 0612

1	Current Expenses	13000	\$	2,827,000
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2 The total amount of this appropriations shall be paid from the special revenue fund out of

3 receipts collected pursuant to W.V. Code §11-15-9a and 16 and paid into a revolving fund account

4 in the State Treasury.

278 - West Virginia State Police –

Surplus Real Property Proceeds Fund

(W.V. Code Chapter 15)

Fund 6516 FY 2026 Org 0612

1	Buildings	25800	\$	1,022,778
2	Land	73000		<u>1,000</u>
3	Total		\$	1,023,778

279 - West Virginia State Police –

Surplus Transfer Account

(W.V. Code Chapter 15)

Fund 6519 FY 2026 Org 0612

1	Repairs and Alterations.....	06400	\$	20,000
2	Equipment.....	07000		250,000
3	Current Expenses	13000		225,000
4	Buildings	25800		40,000
5	Other Assets	69000		<u>45,000</u>
6	Total		\$	580,000

280 - West Virginia State Police –

Central Abuse Registry Fund

(W.V. Code Chapter 15)

Fund 6527 FY 2026 Org 0612

1	Personal Services and Employee Benefits.....	00100	\$	289,971
2	Repairs and Alterations.....	06400		500
3	Equipment.....	07000		300,500
4	Current Expenses	13000		376,443
5	Other Assets	69000		<u>300,500</u>
6	Total.....		\$	1,267,914

*281 - West Virginia State Police –**Bail Bond Enforcer Account*

(W.V. Code Chapter 15)

Fund 6532 FY 2026 Org 0612

1	Current Expenses	13000	\$	8,300
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*282 - West Virginia State Police –**State Police Academy Post Exchange*

(W.V. Code Chapter 15)

Fund 6544 FY 2026 Org 0612

1	Repairs and Alterations.....	06400	\$	40,000
2	Current Expenses	13000		<u>160,000</u>
3	Total.....		\$	200,000

*283 - Fire Commission –**Fire Marshal Fees*

(W.V. Code Chapter 15A)

Fund 6152 FY 2026 Org 0619

1	Personal Services and Employee Benefits.....	00100	\$	4,093,612
2	Repairs and Alterations.....	06400		58,500
3	Equipment.....	07000		440,800

4	Unclassified	09900	3,800
5	Current Expenses	13000	1,746,550
6	Other Assets	69000	450,000
7	BRIM Premium.....	91300	<u>65,000</u>
8	Total.....		\$ 6,858,262

284 - Division of Administrative Services –

W.V. Community Corrections Fund

(W.V. Code Chapter 62)

Fund 6386 FY 2026 Org 0623

1	Personal Services and Employee Benefits.....	00100	\$ 176,985
2	Repairs and Alterations.....	06400	1,000
3	Unclassified	09900	750
4	Current Expenses	13000	<u>1,846,250</u>
5	Total.....		\$ 2,024,985

285 - Division of Administrative Services –

Court Security Fund

(W.V. Code Chapter 51)

Fund 6804 FY 2026 Org 0623

1	Personal Services and Employee Benefits.....	00100	\$ 26,462
2	Current Expenses	13000	<u>1,478,135</u>
3	Total.....		\$ 1,504,597

286 - Division of Administrative Services –

Second Chance Driver's License Program Account

(W.V. Code Chapter 17B)

Fund 6810 FY 2026 Org 0623

1	Current Expenses	13000	\$ 125,000
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DEPARTMENT OF REVENUE*287 - Division of Financial Institutions*

(W.V. Code Chapter 31A)

Fund 3041 FY 2026 Org 0303

1	Personal Services and Employee Benefits.....	00100	\$	2,965,127
2	Salary and Benefits of Cabinet Secretary and			
3	Agency Heads.....	00201		119,000
4	Equipment.....	07000		8,500
5	Current Expenses	13000		<u>720,475</u>
6	Total.....		\$	3,813,102

*288 - Office of the Secretary –**State Debt Reduction Fund*

(W.V. Code Chapter 29)

Fund 7007 FY 2026 Org 0701

1	Retirement Systems – Unfunded Liability.....	77500	\$	20,000,000
2	The above appropriation for Retirement Systems – Unfunded Liability (fund 7007,			
3	appropriation 77500) shall be transferred to the School Aid Formula Funds Holding Account Fund			
4	(fund 2606).			

289 - Home Rule Board Operations

(W.V. Code Chapter 8)

Fund 7010 FY 2026 Org 0701

1	Personal Services and Employee Benefits.....	00100	\$	25,000
2	Repairs and Alterations.....	06400		120
3	Equipment.....	07000		200
4	Unclassified	09900		680
5	Current Expenses	13000		<u>42,000</u>

6	Total.....		\$	68,000
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290 - Tax Division –

Reduced Cigarette Ignition Propensity

Standard and Fire Prevention Act Fund

(W.V. Code Chapter 47)

Fund 7092 FY 2026 Org 0702

1	Equipment.....	07000	\$	15,000
2	Current Expenses	13000		35,000
3	Total.....		\$	50,000

291 - State Budget Office –

Public Employees Insurance Reserve Fund

(W.V. Code Chapter 11B)

Fund 7400 FY 2026 Org 0703

1	Public Employees Insurance Reserve Fund – Transfer.....	90300	\$	6,800,000
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2	The above appropriation for Public Employees Insurance Reserve Fund – Transfer shall			
3	be transferred to the Medical Services Trust Fund (fund 5185).			

292 - Insurance Commissioner –

Examination Revolving Fund

(W.V. Code Chapter 33)

Fund 7150 FY 2026 Org 0704

1	Repairs and Alterations.....	06400	\$	3,000
2	Equipment.....	07000		81,374
3	Current Expenses	13000		2,139,305
4	Buildings	25800		8,289
5	Other Assets	69000		11,426
6	Total.....		\$	2,243,394

293 - Insurance Commissioner –

Consumer Advocate

(W.V. Code Chapter 33)

Fund 7151 FY 2026 Org 0704

1	Personal Services and Employee Benefits.....	00100	\$	602,587
2	Repairs and Alterations.....	06400		5,000
3	Equipment.....	07000		34,225
4	Current Expenses	13000		202,152
5	Buildings	25800		4,865
6	Other Assets	69000		<u>19,460</u>
7	Total		\$	868,289

294 - Insurance Commissioner –

Insurance Commission Fund

(W.V. Code Chapter 33)

Fund 7152 FY 2026 Org 0704

1	Personal Services and Employee Benefits.....	00100	\$	20,619,440
2	Salary and Benefits of Cabinet Secretary and			
3	Agency Heads.....	00201		136,500
4	Repairs and Alterations.....	06400		68,614
5	Equipment.....	07000		2,688
6	Current Expenses	13000		9,097,758
7	Buildings	25800		25,000
8	Other Assets	69000		<u>50,000</u>
9	Total		\$	30,000,000

295 - Insurance Commissioner –

Insurance Fraud Prevention Fund

(W.V. Code Chapter 33)

Fund 7153 FY 2026 Org 0704

1	Current Expenses	13000	\$	15,000
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296 - Insurance Commissioner –

Workers' Compensation Old Fund

(W.V. Code Chapter 23)

Fund 7162 FY 2026 Org 0704

1	Employee Benefits	01000	\$	50,000
2	Current Expenses	13000		<u>250,500,000</u>
3	Total		\$	250,550,000

297 - Insurance Commissioner –

Workers' Compensation Uninsured Employers' Fund

(W.V. Code Chapter 23)

Fund 7163 FY 2026 Org 0704

1	Current Expenses	13000	\$	15,000,000
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298 - Insurance Commissioner –

Self-Insured Employer Guaranty Risk Pool

(W.V. Code Chapter 23)

Fund 7164 FY 2026 Org 0704

1	Current Expenses	13000	\$	9,000,000
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299 - Insurance Commissioner –

Self-Insured Employer Security Risk Pool

(W.V. Code Chapter 23)

Fund 7165 FY 2026 Org 0704

1	Current Expenses	13000	\$	14,000,000
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300 - Municipal Bond Commission

(W.V. Code Chapter 13)

Fund 7253 FY 2026 Org 0706

1	Personal Services and Employee Benefits.....	00100	\$	383,671
2	Equipment.....	07000		100
3	Current Expenses	13000		<u>154,344</u>
4	Total.....		\$	538,115

*301 - Racing Commission –**Relief Fund*

(W.V. Code Chapter 19)

Fund 7300 FY 2026 Org 0707

1	Medical Expenses – Total	24500	\$	154,000
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2 The total amount of this appropriation shall be paid from the special revenue fund out of

3 collections of license fees and fines as provided by law.

4 No expenditures shall be made from this fund except for hospitalization, medical care,

5 and/or funeral expenses for persons contributing to this fund.

*302 - Racing Commission –**Administration and Promotion Account*

(W.V. Code Chapter 19)

Fund 7304 FY 2026 Org 0707

1	Personal Services and Employee Benefits.....	00100	\$	288,127
2	Current Expenses	13000		85,433
3	Other Assets	69000		<u>5,000</u>
4	Total.....		\$	378,560

*303 - Racing Commission –**General Administration*

(W.V. Code Chapter 19)

Fund 7305 FY 2026 Org 0707

1	Personal Services and Employee Benefits.....	00100	\$	2,523,239
2	Salary and Benefits of Cabinet Secretary and			
3	Agency Heads.....	00201		59,533
4	Repairs and Alterations.....	06400		5,000
5	Current Expenses	13000		497,284
6	Other Assets	69000		<u>40,000</u>
7	Total.....		\$	3,125,056

304 - 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 2026 Org 0707

1	Personal Services and Employee Benefits.....	00100	\$	937,171
2	Current Expenses	13000		160,099
3	Other Assets	69000		<u>200,000</u>
4	Total.....		\$	1,297,270

305 - Racing Commission –

Advance Deposit Wagering Account

(W.V. Code Chapter 19)

Fund 7309 FY 2026 Org 0707

1	Current Expenses	13000	\$	250,000
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306 - Alcohol Beverage Control Administration –

Wine License Special Fund

(W.V. Code Chapter 60)

Fund 7351 FY 2026 Org 0708

1	Personal Services and Employee Benefits.....	00100	\$	156,111
2	Repairs and Alterations.....	06400		7,263
3	Equipment.....	07000		10,000
4	Current Expenses	13000		260,436
5	Buildings	25800		100,000
6	Transfer Liquor Profits and Taxes	42500		30,750
7	Other Assets	69000		<u>2,000,100</u>
8	Total.....		\$	2,564,660

To the extent permitted by law, four classified exempt positions shall be provided from

Personal Services and Employee Benefits appropriation for field auditors.

307 - Alcohol Beverage Control Administration

(W.V. Code Chapter 60)

Fund 7352 FY 2026 Org 0708

1	Personal Services and Employee Benefits.....	00100	\$	6,239,729
2	Salary and Benefits of Cabinet Secretary and			
3	Agency Heads.....	00201		122,500
4	Repairs and Alterations.....	06400		91,000
5	Equipment.....	07000		108,000
6	Current Expenses	13000		2,890,577
7	Buildings	25800		375,100
8	Purchase of Supplies for Resale	41900		104,000,000
9	Transfer Liquor Profits and Taxes	42500		33,400,000
10	Other Assets	69000		125,100
11	Land	73000		<u>100</u>
12	Total.....		\$	147,352,106

13 The total amount of these appropriations shall be paid from a special revenue fund out of
14 liquor revenues and any other revenues available.

15 The above appropriations include the salary of the Commissioner and the salaries,
16 expenses, and equipment of administrative offices, warehouses, and inspectors.

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

18 There is hereby appropriated from liquor revenues, in addition to the above appropriations
19 as needed, the necessary amount for the purchase of liquor as provided by law and the remittance
20 of profits and taxes to the General Revenue Fund.

308 - State Athletic Commission Fund

(W.V. Code Chapter 29)

Fund 7009 FY 2026 Org 0933

1	Personal Services and Employee Benefits.....	00100	\$	29,500
2	Current Expenses	13000		<u>28,000</u>
3	Total.....		\$	57,500

DEPARTMENT OF TRANSPORTATION

309 - Division of Motor Vehicles –

Dealer Recovery Fund

(W.V. Code Chapter 17)

Fund 8220 FY 2026 Org 0802

1	Current Expenses	13000	\$	189,000
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310 - Division of Motor Vehicles –

Motor Vehicle Fees Fund

(W.V. Code Chapter 17B)

Fund 8223 FY 2026 Org 0802

1	Personal Services and Employee Benefits.....	00100	\$	4,478,448
2	Repairs and Alterations.....	06400		16,000

3	Equipment.....	07000	75,000
4	Current Expenses	13000	4,337,712
5	Other Assets	69000	10,000
6	BRIM Premium.....	91300	<u>110,000</u>
7	Total.....		\$ 9,027,160

311 - Division of Highways –

A. James Manchin Fund

(W.V. Code Chapter 22)

Fund 8319 FY 2026 Org 0803

1	Current Expenses	13000	\$ 2,900,000
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312 - WV Division of Multimodal Transportation Facilities –

State Rail Authority –

West Virginia Commuter Rail Access Fund

(W.V. Code Chapter 29)

Fund 8402 FY 2026 Org 0810

1	Current Expenses	13000	\$ 600,000
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DEPARTMENT OF VETERANS' ASSISTANCE

313 - Veterans' Facilities Support Fund

(W.V. Code Chapter 9A)

Fund 6703 FY 2026 Org 0613

1	Personal Services and Employee Benefits.....	01000	\$ 99,135
2	Current Expenses	13000	1,654,234
3	Other Assets	69000	<u>10,000</u>
4	Total.....		\$ 1,763,369

314 - Department of Veterans' Assistance –

W.V. Veterans' Home –

Special Revenue Operating Fund

(W.V. Code Chapter 9A)

Fund 6754 FY 2026 Org 0618

1	Repairs and Alterations.....	06400	\$	10,600
2	Current Expenses	13000	\$	<u>321,050</u>
3	Total.....		\$	331,650

BUREAU OF SENIOR SERVICES*315 - Bureau of Senior Services –**Community Based Service Fund*

(W.V. Code Chapter 29)

Fund 5409 FY 2026 Org 0508

1	Personal Services and Employee Benefits.....	00100	\$	160,628
2	Salary and Benefits of Cabinet Secretary and			
3	Agency Heads.....	00201		33,547
4	Current Expenses	13000		<u>10,599,338</u>
5	Total.....		\$	10,793,513

6 The total amount of these appropriations are funded from annual table game license fees
7 to enable the aged and disabled citizens of West Virginia to stay in their homes through the
8 provision of home and community-based services.

HIGHER EDUCATION POLICY COMMISSION*316 - 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 2026 Org 0442

1	Debt Service	04000	\$	27,411,984
2	General Capital Expenditures	30600		5,000,000
3	Facilities Planning and Administration.....	38600		<u>479,369</u>
4	Total.....		\$	32,891,353

5 The total amount of these appropriations shall be paid from the Special Capital
6 Improvement Fund created in W.V. Code §18B-10-8. Projects are to be paid on a cash basis and
7 made available on July 1.

8 The above appropriations, except for Debt Service, may be transferred to special revenue
9 funds for capital improvement projects at the institutions.

317 - Tuition Fee Revenue Bond Construction Fund

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

Fund 4906 FY 2026 Org 0442

1 Any unexpended balance remaining in the appropriation for Capital Outlay (fund 4906,
2 appropriation 51100) at the close of the fiscal year 2025 is hereby reappropriated for expenditure
3 during the fiscal year 2026.

4 The appropriation shall be paid from available unexpended cash balances and interest
5 earnings accruing to the fund. The appropriation shall be expended at the discretion of the Higher
6 Education Policy Commission and the funds may be allocated to any institution within the system.

7 The total amount of this appropriation shall be paid from the unexpended proceeds of
8 revenue bonds previously issued pursuant to W.V. Code §18-12B-8, which have since been
9 refunded.

*318 - Higher Education Policy Commission –**Military College Advisory Council Fund*

(W.V. Code Chapter 18B)

Fund XXXX FY 2026 Org 0442

1	Personal Services and Employee Benefits.....	00100	\$	123,500
2	Current Expenses	13000		<u>170,000</u>
3	Total.....		\$	293,500

319 - West Virginia University –

West Virginia University Health Sciences Center

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

Fund 4179 FY 2026 Org 0463

1	Personal Services and Employee Benefits.....	00100	\$	11,795,211
2	Repairs and Alterations.....	06400		425,000
3	Equipment.....	07000		512,000
4	Current Expenses	13000		4,524,300
5	Buildings	25800		150,000
6	Other Assets	69000		<u>50,000</u>
7	Total.....		\$	17,456,511

320 - Marshall University –

School of Medicine

(W.V. Code Chapter 18B)

Fund 4271 FY 2026 Org 0471

1	Marshall Medical School	17300	\$	5,500,000
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321 - West Virginia School of Osteopathic Medicine

(W.V. Code Chapter 18B)

Fund 4272 FY 2026 Org 0476

1	West Virginia School of Osteopathic Medicine	17200	\$	4,115,931
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MISCELLANEOUS BOARDS AND COMMISSIONS

322 - Board of Barbers and Cosmetologists –

Barbers and Beauticians Special Fund

(W.V. Code Chapters 16 and 30)

Fund 5425 FY 2026 Org 0505

1	Personal Services and Employee Benefits.....	00100	\$	607,945
2	Repairs and Alterations.....	06400		5,000
3	Current Expenses	13000		<u>234,969</u>
4	Total.....		\$	847,914

5 The total amount of these appropriations shall be paid from a special revenue fund out of
6 collections made by the Board of Barbers and Cosmetologists as provided by law.

323 - Hospital Finance Authority –

Hospital Finance Authority Fund

(W.V. Code Chapter 16)

Fund 5475 FY 2026 Org 0509

1	Personal Services and Employee Benefits.....	00100	\$	10,000
2	Salary and Benefits of Cabinet Secretary and			
3	Agency Heads.....	00201		93,339
4	Unclassified	09900		1,501
5	Current Expenses	13000		<u>55,268</u>
6	Total.....		\$	160,108

7 The total amount of these appropriations shall be paid from the special revenue fund out
8 of fees and collections as provided by Article 29A, Chapter 16 of the W.V. Code.

324 - State Armory Board –

General Armory Fund

(W.V. Code Chapter 15)

Fund 6057 FY 2026 Org 0603

1	Personal Services and Employee Benefits.....	00100	\$	1,690,382
2	Repairs and Alterations.....	06400		385,652

3	Equipment.....	07000	250,000
4	Current Expenses	13000	650,000
5	Buildings	25800	520,820
6	Other Assets	69000	350,000
7	Land	73000	<u>200,000</u>
8	Total.....		\$ 4,046,854

9 From the above appropriations, the Adjutant General may receive and expend funds to
 10 conduct operations and activities to include functions of the Military Authority. The Adjutant
 11 General may transfer funds between appropriations, except no funds may be transferred to
 12 Personal Services and Employee Benefits (fund 6057, appropriation 00100).

325 - W.V. State Board of Examiners for Licensed Practical Nurses –

Licensed Practical Nurses

(W.V. Code Chapter 30)

Fund 8517 FY 2026 Org 0906

1	Personal Services and Employee Benefits.....	00100	\$ 1,002,286
2	Current Expenses	13000	<u>253,007</u>
3	Total.....		\$ 1,255,293

326 - W.V. Board of Examiners for Registered Professional Nurses –

Registered Professional Nurses

(W.V. Code Chapter 30)

Fund 8520 FY 2026 Org 0907

1	Personal Services and Employee Benefits.....	00100	\$ 1,502,835
2	Repairs and Alterations.....	06400	3,000
3	Equipment.....	07000	30,000
4	Current Expenses	13000	451,155
5	Other Assets	69000	<u>4,500</u>

6 Total \$ 1,991,490

327 - Public Service Commission

(W.V. Code Chapter 24)

Fund 8623 FY 2026 Org 0926

1	Personal Services and Employee Benefits.....	00100	\$ 14,410,245
2	Salary and Benefits of Cabinet Secretary and		
3	Agency Heads.....	00201	318,640
4	Repairs and Alterations.....	06400	120,000
5	Equipment.....	07000	160,000
6	Unclassified	09900	147,643
7	Current Expenses	13000	2,507,202
8	Buildings	25800	10
9	PSC Weight Enforcement	34500	5,199,295
10	Land	73000	10
11	BRIM Premium.....	91300	<u>172,216</u>
12	Total		\$ 23,035,261

13 The total amount of these appropriations shall be paid from a special revenue fund out of
14 collections for special license fees from public service corporations as provided by law.

15 The Public Service Commission is authorized to transfer up to \$500,000 from this fund to
16 meet the expected deficiencies in the Motor Carrier Division (fund 8625) due to the amendment
17 and reenactment of W.V. Code §24A-3-1 by Enrolled House Bill Number 2715, Regular Session,
18 1997.

328 - Public Service Commission –

Gas Pipeline Division –

Public Service Commission Pipeline Safety Fund

(W.V. Code Chapter 24B)

Fund 8624 FY 2026 Org 0926

1	Personal Services and Employee Benefits.....	00100	\$	394,133
2	Salary and Benefits of Cabinet Secretary and			
3	Agency Heads.....	00201		11,949
4	Repairs and Alterations.....	06400		4,000
5	Unclassified	09900		3,851
6	Current Expenses	13000		<u>93,115</u>
7	Total.....		\$	507,048

8 The total amount of these appropriations shall be paid from a special revenue fund out of
9 receipts collected for or by the Public Service Commission pursuant to and in the exercise of
10 regulatory authority over pipeline companies as provided by law.

*329 - Public Service Commission –**Motor Carrier Division*

(W.V. Code Chapter 24A)

Fund 8625 FY 2026 Org 0926

1	Personal Services and Employee Benefits.....	00100	\$	2,536,213
2	Salary and Benefits of Cabinet Secretary and			
3	Agency Heads.....	00201		67,711
4	Repairs and Alterations.....	06400		23,000
5	Equipment.....	07000		50,000
6	Unclassified	09900		29,233
7	Current Expenses	13000		<u>577,557</u>
8	Total.....		\$	3,283,714

9 The total amount of these appropriations shall be paid from a special revenue fund out of
10 receipts collected for or by the Public Service Commission pursuant to and in the exercise of
11 regulatory authority over motor carriers as provided by law.

330 - Public Service Commission –

Consumer Advocate Fund

(W.V. Code Chapter 24)

Fund 8627 FY 2026 Org 0926

1	Personal Services and Employee Benefits.....	00100	\$	1,212,911
2	Equipment.....	07000		9,872
3	Current Expenses	13000		536,472
4	BRIM Premium.....	91300		<u>4,660</u>
5	Total.....		\$	1,763,915

6 The total amount of these appropriations shall be supported by cash from a special
7 revenue fund out of collections made by the Public Service Commission.

331 - Real Estate Commission –

Real Estate License Fund

(W.V. Code Chapter 30)

Fund 8635 FY 2026 Org 0927

1	Personal Services and Employee Benefits.....	00100	\$	665,295
2	Repairs and Alterations.....	06400		2,500
3	Equipment.....	07000		5,000
4	Current Expenses	13000		<u>293,122</u>
5	Total.....		\$	965,917

6 The total amount of these appropriations shall be paid out of collections of license fees as
7 provided by law.

332 - W.V. Board of Examiners for Speech-Language

*Pathology and Audiology –**Speech-Language Pathology and Audiology Operating Fund*

(W.V. Code Chapter 30)

Fund 8646 FY 2026 Org 0930

1	Personal Services and Employee Benefits.....	00100	\$	129,595
2	Current Expenses	13000		<u>63,637</u>
3	Total.....		\$	193,232

333 - *W.V. Board of Respiratory Care –**Board of Respiratory Care Fund*

(W.V. Code Chapter 30)

Fund 8676 FY 2026 Org 0935

1	Personal Services and Employee Benefits.....	00100	\$	125,073
2	Current Expenses	13000		<u>73,143</u>
3	Total.....		\$	198,216

334 - *W.V. Board of Licensed Dietitians –**Dietitians Licensure Board Fund*

(W.V. Code Chapter 30)

Fund 8680 FY 2026 Org 0936

1	Personal Services and Employee Benefits.....	00100	\$	45,219
2	Current Expenses	13000		<u>20,250</u>
3	Total.....		\$	65,469

335 - *Massage Therapy Licensure Board –**Massage Therapist Board Fund*

(W.V. Code Chapter 30)

Fund 8671 FY 2026 Org 0938

1	Personal Services and Employee Benefits.....	00100	\$	122,310
2	Current Expenses	13000		<u>47,388</u>
3	Total.....		\$	169,698

336 - *Board of Medicine –*

Medical Licensing Board Fund

(W.V. Code Chapter 30)

Fund 9070 FY 2026 Org 0945

1	Personal Services and Employee Benefits.....	00100	\$	1,687,578
2	Repairs and Alterations.....	06400		8,000
3	Current Expenses	13000		<u>1,339,814</u>
4	Total.....		\$	3,035,392

*337 - West Virginia Enterprise Resource Planning Board –**Enterprise Resource Planning System Fund*

(W.V. Code Chapter 12)

Fund 9080 FY 2026 Org 0947

1	Personal Services and Employee Benefits.....	00100	\$	5,690,654
2	Repairs and Alterations.....	06400		300
3	Equipment.....	07000		502,000
4	Unclassified	09900		132,000
5	Current Expenses	13000		19,214,993
6	Buildings	25800		2,000
7	Other Assets	69000		<u>2,004,500</u>
8	Total.....		\$	27,546,447

*338 - Board of Treasury Investments –**Board of Treasury Investments Fee Fund*

(W.V. Code Chapter 12)

Fund 9152 FY 2026 Org 0950

1	Personal Services and Employee Benefits.....	00100	\$	982,714
2	Unclassified	09900		14,850
3	Current Expenses	13000		580,889

4	BRIM Premium.....	91300	31,547
5	Fees of Custodians, Fund Advisors and Fund Managers	93800	<u>5,500,000</u>
6	Total.....		\$ 7,110,000

7 There is hereby appropriated from this fund, in addition to the above appropriation if
8 needed, an amount of funds necessary for the Board of Treasury Investments to pay the fees and
9 expenses of custodians, fund advisors, and fund managers for the consolidated fund of the State
10 as provided in Article 6C, Chapter 12 of the W.V. Code.

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

339 - Contractor Licensing Board Fund

(W.V. Code Chapter 21)

Fund 3187 FY 2026 Org 0951

1	Personal Services and Employee Benefits.....	00100	\$ 2,559,000
2	Repairs and Alterations.....	06400	10,000
3	Unclassified	09900	21,000
4	Current Expenses	13000	500,000
5	BRIM Premium.....	91300	<u>8,500</u>
6	Total.....		\$ 3,098,500

7 Total TITLE II, Section 3 – Other Funds

8 (Including claims against the state)..... \$ 2,315,143,753

1 **Sec. 4. Appropriations from lottery net profits.** — Net profits of the lottery are to be
2 deposited by the Director of the Lottery to the following accounts in the amounts indicated. The
3 Director of the Lottery shall prorate each deposit of net profits in the proportion the appropriation
4 for each account bears to the total of the appropriations for all accounts.

5 After first satisfying the requirements for Fund 2252, Fund 3963, and Fund 4908 pursuant
6 to W.V. Code §29-22-18, the Director of the Lottery shall make available from the remaining net

7 profits of the lottery any amounts needed to pay debt service for which an appropriation is made
 8 for Fund 9065, Fund 4297, Fund 3390, Fund 3514, Fund 9067, and Fund 9068 and is authorized
 9 to transfer any such amounts to Fund 9065, Fund 4297, Fund 3390, Fund 3514, Fund 9067, and
 10 Fund 9068 for that purpose. Upon receipt of reimbursement of amounts so transferred, the
 11 Director of the Lottery shall deposit the reimbursement amounts to the following accounts as
 12 required by this section.

340 - Education, Arts, Sciences and Tourism –

Debt Service Fund

(W.V. Code Chapter 5)

Fund 2252 FY 2026 Org 0211

	Appro-		Lottery
	priation		Funds
1 Debt Service – Total	31000	\$	10,000,000

341 - Department of Tourism –

Office of the Secretary

(W.V. Code Chapter 5B)

Fund 3067 FY 2026 Org 0304

1 Tourism – Telemarketing Center	46300	\$	82,080
2 Tourism – Advertising (R)	61800		2,422,407
3 Tourism – Operations (R)	66200		<u>4,612,532</u>
4 Total		\$	7,117,019

5 Any unexpended balances remaining in the appropriations for Tourism – Advertising (fund
 6 3067, appropriation 61800) and Tourism – Operations (fund 3067, appropriation 66200) at the
 7 close of the fiscal year 2025 are hereby reappropriated for expenditure during the fiscal year 2026.

342 - Division of Natural Resources

(W.V. Code Chapter 20)

Fund 3267 FY 2026 Org 0310

1	Personal Services and Employee Benefits.....	00100	\$	2,826,421
2	Current Expenses	13000		26,900
3	Pricketts Fort State Park	32400		106,560
4	Non-Game Wildlife (R).....	52700		488,588
5	State Parks and Recreation Advertising (R)	61900		<u>494,578</u>
6	Total.....		\$	3,943,047

7 Any unexpended balances remaining in the appropriations for Capital Outlay – Parks (fund
8 3267, appropriation 28800), Non-Game Wildlife (fund 3267, appropriation 52700), and State
9 Parks and Recreation Advertising (fund 3267, appropriation 61900) at the close of the fiscal year
10 2025 are hereby reappropriated for expenditure during the fiscal year 2026.

343 - State Board of Education

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

Fund 3951 FY 2026 Org 0402

1	Hope Scholarship Program	30401	\$	9,197,431
2	FBI Checks	37200		127,704
3	Vocational Education Equipment Replacement.....	39300		800,000
4	Assessment Program (R).....	39600		490,439
5	Literacy Project	89900		700,000
6	21 st Century Technology Infrastructure			
7	Network Tools and Support (R)	93300		<u>12,683,392</u>
8	Total.....		\$	23,998,966

9 Any unexpended balances remaining in the appropriations for Assessment Program (fund
10 3951, appropriation 39600) and 21st Century Technology Infrastructure Network Tools and
11 Support (fund 3951, appropriation 93300) at the close of the fiscal year 2025 are hereby
12 reappropriated for expenditure during the fiscal year 2026.

*344 - State Department of Education –**School Building Authority –**Debt Service Fund*

(W.V. Code Chapter 18)

Fund 3963 FY 2026 Org 0404

1	Debt Service – Total	31000	\$	15,234,900
2	Directed Transfer	70000		<u>2,765,100</u>
3	Total.....		\$	18,000,000

4 The School Building Authority shall have the authority to transfer between the above
5 appropriations in accordance with W.V. Code §29-22-18.

6 The above appropriation for Directed Transfer (fund 3963, appropriation 70000) may be
7 transferred to the Department of Education – State Board of Education – School Building Authority
8 – School Construction Fund (fund 3952) to be used for school construction and maintenance
9 projects.

*345 - Division of Culture and History –**Lottery Education Fund*

(W.V. Code Chapter 29)

Fund 3534 FY 2026 Org 0432

1	Huntington Symphony.....	02700	\$	59,000
2	Preservation West Virginia (R)	09200		542,000
3	Fairs and Festivals (R)	12200		1,347,000
4	Commission for National and Community Service (R).....	19300		396,000
5	West Virginia Public Theater	31200		120,000
6	Greenbrier Valley Theater	42300		115,000
7	Theater Arts of West Virginia	46400		90,000
8	Marshall Artists Series	51800		36,000

9	West Virginia State Fair	65700	31,000
10	Contemporary American Theater Festival	81100	57,000
11	Independence Hall	81200	27,000
12	Mountain State Forest Festival	86400	38,000
13	WV Symphony	90700	59,000
14	Wheeling Symphony	90800	59,000
15	Appalachian Children's Chorus	91600	54,000
16	Culture and History Programs	XXXXX	<u>190,947</u>
17	Total		\$ 3,220,947

18 Any unexpended balances remaining in the appropriations for Preservation West Virginia
 19 (fund 3534, appropriation 09200), Fairs and Festivals (fund 3534, appropriation 12200),
 20 Commission for National and Community Service (fund 3534, appropriation 19300), Archeological
 21 Curation/Capital Improvements (fund 3534, appropriation 24600), Historic Preservation Grants
 22 (fund 3534, appropriation 31100), and Grants for Competitive Arts Program (fund 3534,
 23 appropriation 62400) at the close of the fiscal year 2025 are hereby reappropriated for expenditure
 24 during the fiscal year 2026.

25 From the above appropriation for Preservation West Virginia (fund 3534, appropriation
 26 09200) funding shall be provided to the African-American Heritage Family Tree Museum (Fayette)
 27 \$2,673, Aracoma Story (Logan) \$20,000, Arts Monongahela (Monongalia) \$11,881, Barbour
 28 County Arts and Humanities Council (Barbour) \$891, Buffalo Creek Memorial (Logan) \$2,970,
 29 Carnegie Hall (Greenbrier) \$46,899, Ceredo Historical Society (Wayne) \$1,188, Ceredo Kenova
 30 Railroad Museum (Wayne) \$1,188, Ceredo Museum (Wayne) \$720, Children's Theatre of
 31 Charleston (Kanawha) \$3,500, Chuck Mathena Center (Mercer) \$62,532, Country Music Hall of
 32 Fame and Museum (Marion) \$4,159, First Stage Children's Theater Company (Cabell) \$1,188,
 33 Flannigan Murrell House (Summers) \$3,781, Fort Ashby Fort (Mineral) \$891, Fort New Salem
 34 (Harrison) \$2,198, Fort Randolph (Mason) \$2,970, General Adam Stephen Memorial Foundation

35 (Berkeley) \$11,006, Grafton Mother's Day Shrine Committee (Taylor) \$9,029, Hardy County
 36 Tour and Crafts Association (Hardy) \$11,881, Heartwood in the Hills (Calhoun) \$5,040,
 37 Henderson Hall (Wood) \$20,000, Heritage Farm Museum & Village (Cabell) \$29,703, Historic
 38 Fayette Theater (Fayette) \$3,267, Historic Middleway Conservancy (Jefferson) \$594, Jefferson
 39 County Black History Preservation Society (Jefferson) \$2,970, Jefferson County Historical
 40 Landmark Commission (Jefferson) \$4,753, Maddie Carroll House (Cabell) \$4,455, Marshall
 41 County Historical Society (Marshall) \$5,049, McCoy Theater (Hardy) \$11,881, Memorial Day
 42 Patriotic Exercise (Taylor) \$20,000, Morgantown Theater Company (Monongalia) \$11,881,
 43 Nicholas Old Main Foundation (Nicholas) \$1,188, Norman Dillon Farm Museum (Berkeley)
 44 \$5,941, Oil and Gas Museum (Wood) \$20,000, Old Opera House Theater Company (Jefferson)
 45 \$8,911, Parkersburg Arts Center (Wood) \$11,881, Pocahontas Historic Opera House
 46 (Pocahontas) \$3,564, Raleigh County All Wars Museum (Raleigh) \$5,941, Roane County 4-H
 47 and FFA Youth Livestock Program (Roane) \$2,970, Robinson Grand Theatre (Harrison) \$50,000,
 48 Society for the Preservation of McGrew House (Preston) \$2,079, Southern West Virginia
 49 Veterans' Museum (Raleigh) \$3,393, Summers County Historic Landmark Commission
 50 (Summers) \$2,970, Those Who Served War Museum (Mercer) \$2,376, Three Rivers Avian
 51 Center (Summers) \$5,311, Veterans Committee for Civic Improvement of Huntington (Wayne)
 52 \$2,970, West Virginia Museum of Glass (Lewis) \$2,970, West Virginia Music Hall of Fame
 53 (Kanawha) \$20,792, YLA Camp Horseshoe (Tucker) \$59,406, Youth Museum of Southern West
 54 Virginia (Raleigh) \$7,129

55 From the above appropriation for Fairs and Festivals (fund 3534, appropriation 12200)
 56 funding shall be provided to A Princeton 4th (Mercer) \$1,800, African-American Cultural Heritage
 57 Festival (Jefferson) \$4,456, Allegheny Echo (Pocahontas) \$6,683, Alpine Festival/Leaf Peepers
 58 Festival (Tucker) \$6,683, American Civil War (Grant) \$3,127, American Legion Post 8 Veterans
 59 Day Parade (McDowell) \$1,250, Annual Don Redman Heritage Concert & Awards (Jefferson)
 60 \$938, Antique Market Fair (Lewis) \$1,188, Apple Butter Festival (Morgan) \$3,564, Armed Forces

61 Day-South Charleston (Kanawha) \$2,000, Arthurdale Heritage New Deal Festival (Preston)
62 \$2,970, Artists of the New (Fayette) \$2,000, Athens Town Fair (Mercer) \$1,188, Augusta Fair
63 (Randolph) \$2,970, Autumn Harvest Fest (Monroe) \$2,448, Back Home Festival (Wetzel) \$5,000,
64 Barbour County Fair (Barbour) \$14,851, Battelle District Fair (Monongalia) \$3,340, Battle of Dry
65 Creek (Greenbrier) \$891, Battle of Point Pleasant Memorial Committee (Mason) \$2,970, Beckley
66 Honey Festival (Raleigh) \$1,710, Beckley Main Street (Raleigh) \$2,000, Belleville Homecoming
67 (Wood) \$11,881, Berkeley County Youth Fair (Berkeley) \$10,990, BEX Arts Festival (Raleigh)
68 \$2,000, Black Heritage Festival (Harrison) \$3,564, Black Walnut Festival (Roane) \$5,940,
69 Blacksville VFD Memorial Day Celebration (Monongalia) \$1,000, Blast from the Past (Upshur)
70 \$1,440, Boone County Labor Day Celebration (Boone) \$2,376, Boone Day (Kanawha) \$1,000,
71 Bradshaw Fall Festival (McDowell) \$1,188, Bramwell Labor Day (Mercer) \$5,000, Brandonville
72 Heritage Day (Preston) \$1,048, Braxton County Fair (Braxton) \$6,832, Braxton County Monster
73 Fest / West Virginia Autumn Festival (Braxton) \$1,000, Brooke County Fair (Brooke) \$2,079,
74 Buckwheat Festival (Preston) \$5,050, Buffalo October Fest (Putnam) \$3,240, Burlington Apple
75 Harvest Auxiliary (Mineral) \$13,821, Burlington Pumpkin Harvest Festival (Raleigh) \$2,970,
76 Burlington Volunteer Fire and Rescue Carnival (Mineral) \$4,000, Burnsville Freedom Festival
77 (Braxton) \$1,407, Calhoun County Wood Festival (Calhoun) \$1,188, Campbell's Creek
78 Community Fair (Kanawha) \$2,000, Cape Coalwood Festival Association (McDowell) \$1,485,
79 Capon Bridge Founders Day Festival (Hampshire) \$500, Capon Springs Ruritan 4th of July
80 (Hampshire) \$2,500, Cedar Grove - Annual Fallfest (Kanawha) \$2,000, Celebration of America
81 (Monongalia) \$3,564, Chapmanville Apple Butter Festival (Logan) \$684, Chapmanville Fire
82 Department 4th of July (Logan) \$1,782, Charles Town Christmas Festival (Jefferson) \$2,970,
83 Charles Town Heritage Festival (Jefferson) \$2,970, Cherry River Festival (Nicholas) \$3,861,
84 Chester 4th of July Festivities (Hancock) \$2,970, Chilifest West Virginia State Chili
85 Championship (Cabell) \$1,563, Chillin' on the Elk (Kanawha) \$1,000, Christmas In Our Town
86 (Marion) \$3,127, Christmas In Our Town (Wetzel) \$2,000, Christmas in Shepherdstown

87 (Jefferson) \$2,376, Christmas in the Park (Brooke) \$2,970, Christmas in the Park (Logan)
88 \$14,851, Christmas on Main Street (Hancock) \$11,881, City of Dunbar Critter Dinner (Kanawha)
89 \$6,000, Clay County Golden Delicious Apple Festival (Clay) \$4,158, Clay District Fair
90 (Monongalia) \$3,341, Coal Field Jamboree (Logan) \$20,792, Coalton Days Fair (Randolph)
91 \$4,158, Country Roads Festival (Wetzel) \$2,000, Covered Bridge Festival (Marion) \$3,000,
92 Craigsville Fall Festival (Nicholas) \$2,079, Cruise into Princeton (Mercer) \$2,160, Culturefest
93 World Music & Arts Festival (Mercer) \$3,200, Day in the Valley - McCutcheon Car Show (Marion)
94 \$3,000, Delbarton Homecoming (Mingo) \$2,079, Dirt Days (Mingo) \$2,000, East Bank End of
95 Summer Celebration (Kanawha) \$2,000, Elbert/Filbert Reunion Festival (McDowell) \$891,
96 Fairview 4th of July Celebration (Marion) \$684, Farmer's Day Festival (Monroe) \$2,330,
97 Fenwick Mountain Old Time Community Festival (Nicholas) \$2,880, FestivALL Charleston
98 (Kanawha) \$12,000, Fly in Festival (Cabell) \$5,000, Follansbee Community Days (Brooke)
99 \$4,900, Fort Gay Mountain Heritage Days (Wayne) \$2,970, Fort Henry Days (Ohio) \$3,148,
100 Fort Henry Living History (Ohio) \$1,563, Fort New Salem Spirit of Christmas Festival (Harrison)
101 \$2,432, Frankford Autumnfest (Greenbrier) \$2,970, Franklin Fishing Derby (Pendleton)
102 \$10,709, Freedom Festival (Wood) \$8,000, Freshwater Folk Festival (Greenbrier) \$2,970,
103 Friends Auxiliary of W.R. Sharpe Hospital (Lewis) \$2,970, Fund for the Arts-Wine & All that Jazz
104 Festival (Kanawha) \$8,000, Gassaway Days Celebration (Braxton) \$2,970, Gilmer County
105 Farm Show (Gilmer) \$2,376, Great Greenbrier River Race (Pocahontas) \$5,940, Guyandotte
106 Civil War Days (Cabell) \$5,941, Hamlin 4th of July Celebration (Lincoln) \$2,970, Hampshire
107 Civil War Celebration Days (Hampshire) \$684, Hampshire County 4th of July Celebration
108 (Hampshire) \$11,881, Hampshire County Fair (Hampshire) \$5,002, Hampshire County Festival
109 (Hampshire) \$2,752, Hardy County Commission - 4th of July (Hardy) \$5,940, Harvest Moon
110 Festival (Wood) \$2,000, Hatfield McCoy Matewan Reunion Festival (Mingo) \$12,330, Hatfield
111 McCoy Reunion Festival (Logan) \$2,000, Hatfield McCoy Trail National ATV and Dirt Bike
112 Weekend (Wyoming) \$2,970, Head For the Hills Festival (Ritchie) \$3,000, Head of the Dragon

113 (McDowell) \$1,500, Heritage Craft Festival (Monroe) \$3,000, Hilltop Festival (Cabell) \$1,500,
114 Hinton Railroad Days (Summers) \$4,347, Holly River Festival (Webster) \$891, Hometown
115 Mountain Heritage Festival (Fayette) \$2,432, Hometown Trail Days (McDowell) \$1,188, Hundred
116 4th of July (Wetzel) \$6,207, Huntersville Traditions Day (Pocahontas) \$4,000, Iaeger Town Fair
117 (McDowell) \$891, Irish Heritage Festival of West Virginia (Raleigh) \$2,970, Irish Spring Festival
118 (Lewis) \$684, Italian Heritage Festival-Clarksburg (Harrison) \$17,821, Jackson County Fair
119 (Jackson) \$2,970, Jefferson County Fair Association (Jefferson) \$14,851, Jersey Mountain
120 Ruritan Pioneer Days (Hampshire) \$684, John Henry Days Festival (Monroe) \$4,698, Johnnie
121 Johnson Blues and Jazz Festival (Marion) \$2,970, Johnstown Community Fair (Harrison)
122 \$1,485, Junior Heifer Preview Show (Lewis) \$1,188, Keg and Barrel Fest (Mineral) \$2,000,
123 Kenova Autumn Festival (Wayne) \$4,377, Kermit Fall Festival (Mingo) \$1,782, King Coal
124 Festival (Mingo) \$2,970, Kingwood Downtown Street Fair and Heritage Days (Preston) \$1,188,
125 Knights of Columbus Irish Road Bowling (Marshall) \$3,000, L.Z. Rainelle West Virginia Veterans
126 Reunion (Greenbrier) \$2,970, Larry Joe Harless Center Octoberfest Hatfield McCoy Trail
127 (Mingo) \$5,940, Larry Joe Harless Community Center Spring Middle School Event (Mingo)
128 \$3,000, Last Blast of Summer (McDowell) \$2,970, Lewisburg Shanghai (Greenbrier) \$1,188,
129 Lincoln County Fall Festival (Lincoln) \$4,752, Lincoln County Winterfest (Lincoln) \$3,000,
130 Lindsie 4th of July Parade (Monroe) \$1,000, Lindsie Veterans' Day Parade (Monroe) \$720,
131 Little Levels Heritage Festival (Pocahontas) \$1,188, Lost Creek Community Festival (Harrison)
132 \$4,158, Main Street Arts Festival (Upshur) \$3,127, Main Street Martinsburg Chocolate Fest and
133 Book Fair (Berkeley) \$2,813, Main Street Martinsburg Food Truck Fest (Berkeley) \$4,700,
134 Malden Salt Fest (Kanawha) \$3,000, Mannington District Fair (Marion) \$3,564, Marmet Labor
135 Day Celebration (Kanawha) \$3,500, Marshall County Antique Power Show (Marshall) \$1,485,
136 Marshall County Fair (Marshall) \$3,564, Martinsburg Roundhouse Railfest (Berkeley) \$2,000,
137 Mason County Fair (Mason) \$2,970, Matewan Massacre Reenactment (Mingo) \$5,004,
138 Matewan-Magnolia Fair (Mingo) \$15,932, McGrew House History Day (Preston) \$1,188,

139 Meadow Bridge Hometown Festival (Fayette) \$1,000, Meadow River Days Festival (Greenbrier)
 140 \$1,782, Mercer County Fair (Mercer) \$1,188, Mercer County Heritage Festival (Mercer) \$3,474,
 141 Milton Christmas in the Park (Cabell) \$1,485, Milton Old Timey Days (Cabell) \$1,485, Mineral
 142 County Veterans Day Parade (Mineral) \$891, Molasses Festival (Calhoun) \$1,188, Monongalia
 143 County Fair (Monongalia) \$7,250, Moon Over Mountwood Fishing Festival (Wood) \$1,782,
 144 Morgan County Fair-History Wagon (Morgan) \$891, Moundsville Bass Festival (Marshall)
 145 \$2,376, Moundsville July 4th Celebration (Marshall) \$2,970, Mount Liberty Fall Festival
 146 (Barbour) \$1,485, Mountain Heritage Arts and Crafts Festival (Jefferson) \$2,970, Mountain Music
 147 Festival (McDowell) \$1,485, Mountain Roots Community Theater (Kanawha) \$5,000, Mountain
 148 State Apple Harvest Festival (Berkeley) \$4,456, Mountain State Arts & Crafts Fair Cedar Lakes
 149 (Jackson) \$26,732, Mountaineer Boys' State (Lewis) (Lewis) \$5,000, Mullens Dogwood Festival
 150 (Wyoming) \$4,158, Multi-Cultural Festival of West Virginia (Kanawha) \$12,000, New
 151 Cumberland 4th of July (Hancock) \$2,970, New Cumberland Christmas Parade (Hancock)
 152 \$1,782, New Martinsville Regatta (Wetzel) \$9,000, New Martinsville Vintage Regatta (Wetzel)
 153 \$5,000, New River Bridge Day Festival (Fayette) \$23,762, Nicholas County Potato Festival
 154 (Nicholas) \$5,000, Oak Leaf Festival (Fayette) \$6,253, Oceana Heritage Festival (Wyoming)
 155 \$4,000, Oglebay City Park - Festival of Lights (Ohio) \$47,524, Oglebay Festival (Ohio) \$5,940,
 156 Ohio County Country Fair (Ohio) \$5,346, Old Brick Playhouse (Randolph) \$7,000, Old Central
 157 City Fair (Cabell) \$2,970, Old Tyme Christmas (Jefferson) \$1,425, Osage Street Fair
 158 (Monongalia) \$2,188, Parkersburg Homecoming (Wood) \$8,754, Paw Paw District Fair (Marion)
 159 \$2,079, Pax Reunion Committee (Fayette) \$2,970, Pendleton County 4-H Weekend (Pendleton)
 160 \$1,188, Petersburg 4th of July Celebration (Grant) \$11,881, Piedmont-Annual Back Street
 161 Festival (Mineral) \$2,376, Pinch Reunion (Kanawha) \$5,000, Pine Bluff Fall Festival (Harrison)
 162 \$2,376, Pine Grove 4th of July Festival (Wetzel) \$6,058, Pleasants County Agriculture Youth
 163 Fair (Pleasants) \$2,970, Pocahontas County Pioneer Days (Pocahontas) \$4,159, Pratt Fall
 164 Festival (Kanawha) \$2,500, Princeton Autumnfest (Mercer) \$1,563, Princeton Street Fair

165 (Mercer) \$2,970, Putnam County Fair (Putnam) \$2,970, Quartets on Parade (Hardy) \$2,376,
166 Rainelle Fall Festival (Greenbrier) \$3,127, Rand Community Center Festival (Kanawha) \$2,500,
167 Randolph County Community Arts Council (Randolph) \$1,782, Randolph County Fair (Randolph)
168 \$4,158, Randolph County Ramps and Rails (Randolph) \$2,188, Ranson Christmas Festival
169 (Jefferson) \$2,970, Ranson Festival (Jefferson) \$2,970, Renick Liberty Festival (Greenbrier)
170 \$684, Rhododendron Girl's State (Ohio) (Ohio) \$5,941, Ripley 4th of July (Jackson) \$8,910,
171 Ritchie County Pioneer Days (Ritchie) \$684, River City Festival (Preston) \$684, Rivesville
172 Christmas Festival (Marion) \$2,000, Rivesville Riverfront Festival (Marion) \$2,000, Roane County
173 Agriculture Field Day (Roane) \$1,782, Rock the Park (Kanawha) \$1,500, Rockin New Years Eve
174 (Grant) \$2,000, Rowlesburg Labor Day Festival (Preston) \$684, Ruby Summer Concert Series
175 (Monongalia) \$2,000, Ruddle Park Jamboree (Pendleton) \$2,000, Rupert Country Fling
176 (Greenbrier) \$1,876, Saint Spyridon Greek Festival (Harrison) \$1,485, Salem Apple Butter
177 Festival (Harrison) \$2,376, Shiloh Days (Tyler) (Tyler) \$2,000, Sissonville Christmas Festival
178 (Kanawha) \$2,000, Sistersville 4th of July (Tyler) \$4,776, Skirmish on the River (Mingo) \$1,250,
179 Smoke on the Water (Wetzel) \$1,782, South Charleston Summerfest (Kanawha) \$7,500,
180 Southern Wayne County Fall Festival (Wayne) \$684, Spirit of Grafton Celebration (Taylor)
181 \$6,240, Spring Mountain Festival (Grant) \$2,500, St. Albans City of Lights - December
182 (Kanawha) \$3,000, St. Albans Train Fest (Kanawha) \$6,000, Sternwheel Festival (Wood)
183 \$1,782, STOCO Festival (Raleigh) \$1,485, Stonewall Jackson Heritage Arts & Crafts Jubilee
184 (Lewis) \$6,534, Stonewall Jackson's Roundhouse Raid (Berkeley) \$7,200, Strawberry Festival
185 (Upshur) \$17,821, Sylvester Big Coal River Festival (Boone) \$1,944, Tacy Fair (Barbour) \$684,
186 Taste of Parkersburg (Wood) \$2,970, Taylor County Fair (Taylor) \$3,567, Three Rivers Coal
187 Festival (Marion) \$4,604, Thunder on the Tygart - Mothers' Day Celebration (Taylor) \$7,300,
188 Town of Delbarton 4th of July Celebration (Mingo) \$1,782, Town of Fayetteville Heritage Festival
189 (Fayette) \$4,456, Town of Rivesville 4th of July Festival (Marion) \$3,127, Town of Winfield -
190 Putnam County Homecoming (Putnam) \$3,240, Treasure Mountain Festival (Pendleton)

191 \$25,000, Tri-County Fair (Grant) \$22,548, Tucker County Arts Festival and Celebration (Tucker)
192 \$10,692, Tucker County Fair (Tucker) \$2,821, Turkey Festival (Hardy) \$1,782, Tyler County
193 Fireworks Celebration (Tyler) \$3,000, Upper Kanawha Valley Oktoberfest (Kanawha) \$2,000,
194 Upper Ohio Valley Italian Festival (Ohio) \$7,128, Valley District Fair (Preston) \$2,079, Veterans
195 Welcome Home Celebration (Cabell) \$938, Vietnam Veterans of America # 949 Christmas Party
196 (Cabell) \$684, Volcano Days at Mountwood Park (Wood) \$2,970, War Homecoming Fall Festival
197 (McDowell) \$891, Wardensville Fall Festival (Hardy) \$2,970, Wayne County Fair (Wayne)
198 \$2,970, Wayne County Fall Festival (Wayne) \$2,970, Webster County Fair (Webster) \$3,600,
199 Webster County Wood Chopping Festival (Webster) \$8,910, Webster Wild Water Weekend
200 (Webster) \$1,188, Welcome Home Family Day (Wayne) \$1,900, Wellsburg Apple Festival of
201 Brooke County (Brooke) \$2,970, West Virginia Chestnut Festival (Preston) \$684, West Virginia
202 Coal Festival (Boone) \$5,940, West Virginia Dairy Cattle Show (Lewis) \$15,000, West Virginia
203 Dandelion Festival (Greenbrier) \$2,970, West Virginia Day at the Railroad Museum (Mercer)
204 \$1,800, West Virginia Fair and Exposition (Wood) \$4,812, West Virginia Freedom Festival
205 (Logan) \$4,456, West Virginia Oil and Gas Festival (Tyler) \$7,500, West Virginia Peach Festival
206 (Mineral) \$5,166, West Virginia Pumpkin Festival (Cabell) \$5,940, West Virginia Rivers and Rails
207 Festival (Pleasants) \$1,099, West Virginia State Folk Festival (Gilmer) \$2,970, West Virginia
208 Water Festival (Summers) \$9,144, Wetzel County Autumnfest (Wetzel) \$3,267, Wetzel County
209 Town and Country Days (Wetzel) \$10,098, Wheeling City of Lights (Ohio) \$4,752, Wheeling
210 Vintage Raceboat Regatta (Ohio) \$11,881, Whipple Community Action (Fayette) \$1,485,
211 Whitehall Community Event (Marion) \$2,000, Winfield Watersports Weekend (Putnam) \$3,240,
212 Wirt County Fair (Wirt) \$1,485, Wirt County Pioneer Days (Wirt) \$1,188, Youth Stockman Beef
213 Expo (Lewis) \$1,188
214 Any Fairs and Festivals awards shall be funded in addition to, and not in lieu of, individual
215 grant allocations derived from the Arts Council and Cultural Grant Program allocations.

346 - Division of Culture and History –

*Library Commission –**Lottery Education Fund*

(W.V. Code Chapter 10)

Fund 3559 FY 2026 Org 0432

1	Books and Films	17900	\$	360,784
2	Services to Libraries.....	18000		550,000
3	Grants to Public Libraries.....	18200		9,439,571
4	Digital Resources.....	30900		219,992
5	Infomine Network (R)	88400		<u>944,715</u>
6	Total.....		\$	11,515,062

7 Any unexpended balances remaining in the appropriation for Infomine Network (fund 3559,
8 appropriation 88400) at the close of the fiscal year 2025 are hereby reappropriated for expenditure
9 during the fiscal year 2026.

347 - Educational Broadcasting Commission

(W.V. Code Chapter 10)

Fund 3587 FY 2026 Org 0439

1 Any unexpended balance remaining in the appropriation for Capital Outlay and
2 Maintenance (fund 3587, appropriation 75500) at the close of the fiscal year 2025 is hereby
3 reappropriated for expenditure during the fiscal year 2026.

*348 - Higher Education Policy Commission –**Lottery Education –**Higher Education Policy Commission –**Control Account*

(W.V. Code Chapters 18B and 18C)

Fund 4925 FY 2026 Org 0441

1	RHI Program and Site Support (R).....	03600	\$	1,924,101
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2	RHI Program and Site Support –		
3	RHEP Program Administration	03700	146,653
4	RHI Program and Site Support – Grad Med		
5	Ed and Fiscal Oversight (R).....	03800	90,206
6	State Doctoral Fellowship (R).....	16600	129,604
7	Health Sciences Scholarship (R).....	17600	226,260
8	Vice Chancellor for Health Sciences –		
9	Rural Health Residency Program (R)	60100	62,725
10	WV Engineering, Science, and		
11	Technology Scholarship Program.....	86800	<u>452,831</u>
12	Total		\$ 3,032,380

13 Any unexpended balances remaining in the appropriations for RHI Program and Site
14 Support (fund 4925, appropriation 03600), RHI Program and Site Support – Grad Med Ed and
15 Fiscal Oversight (fund 4925, appropriation 03800), State Doctoral Fellowship (fund 4925,
16 appropriation 16600), Health Sciences Scholarship (fund 4925, appropriation 17600), and Vice
17 Chancellor for Health Sciences – Rural Health Residency Program (fund 4925, appropriation
18 60100) at the close of the fiscal year 2025 are hereby reappropriated for expenditure during the
19 fiscal year 2026.

20 The above appropriation for WV Engineering, Science, and Technology Scholarship
21 Program (fund 4925, appropriation 86800) shall be transferred to the West Virginia Engineering,
22 Science, and Technology Scholarship Fund (fund 4928) established by W.V. Code §18C-6-1.

349 - Community and Technical College –

Capital Improvement Fund

(W.V. Code Chapter 18B)

Fund 4908 FY 2026 Org 0442

1	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 the fiscal year 2025 is hereby reappropriated for expenditure during the fiscal year 2026.

The total amount of this appropriation shall be paid from the sale of the Series 2017 Community and Technical Colleges Capital Improvement Refunding Revenue Bonds and anticipated interest earnings.

350 - Higher Education Policy Commission –

Lottery Education –

West Virginia University – School of Medicine

(W.V. Code Chapter 18B)

Fund 4185 FY 2026 Org 0463

WVU Health Sciences –

RHI Program and Site Support (R)	03500	\$	1,257,402
MA Public Health Program and			
Health Science Technology (R)	62300		53,020
Health Sciences Career Opportunities Program (R)	86900		339,155
HSTA Program (R)	87000		1,919,907
Center for Excellence in Disabilities (R)	96700		<u>330,867</u>
Total		\$	3,900,351

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)

14 at the close of the fiscal year 2025 are hereby reappropriated for expenditure during the fiscal
 15 year 2026.

351 - Higher Education Policy Commission –

Lottery Education –

Marshall University – School of Medicine

(W.V. Code Chapter 18B)

Fund 4896 FY 2026 Org 0471

1 Marshall Medical School –

2	RHI Program and Site Support (R)	03300	\$	457,532
3	Vice Chancellor for Health Sciences –			
4	Rural Health Residency Program (R)	60100		<u>181,171</u>
5	Total		\$	638,703

6 Any unexpended balances remaining in the appropriations for Marshall Medical School –
 7 RHI Program and Site Support (fund 4896, appropriation 03300) and Vice Chancellor for Health
 8 Sciences – Rural Health Residency Program (fund 4896, appropriation 60100) at the close of the
 9 fiscal year 2025 are hereby reappropriated for expenditure during the fiscal year 2026.

352 - Bureau of Senior Services –

Lottery Senior Citizens Fund

(W.V. Code Chapter 29)

Fund 5405 FY 2026 Org 0508

1	Personal Services and Employee Benefits.....	00100	\$	163,530
2	Salary and Benefits of Cabinet Secretary and			
3	Agency Heads.....	00201		86,002
4	Repairs and Alterations.....	06400		1,000
5	Current Expenses	13000		332,284
6	Local Programs Service Delivery Costs	20000		2,435,250

7	Silver Haired Legislature	20200	18,500
8	Transfer to Division of Human Services for Health Care		
9	and Title XIX Waiver for Senior Citizens	53900	27,986,092
10	Roger Tompkins Alzheimers Respite Care.....	64300	2,310,673
11	WV Alzheimers Hotline	72400	45,000
12	Regional Aged and Disabled Resource Center	76700	425,000
13	Senior Services Medicaid Transfer.....	87100	16,400,070
14	Legislative Initiatives for the Elderly	90400	9,671,239
15	Long Term Care Ombudsmen.....	90500	297,226
16	BRIM Premium.....	91300	7,718
17	In-Home Services and Nutrition for Senior Citizens (R).....	91700	<u>6,845,941</u>
18	Total.....		\$ 67,025,525

19 Any unexpended balances remaining in the appropriation for Senior Citizen Centers and
20 Programs (fund 5405, appropriation 46200) and In-Home Services and Nutrition for Senior
21 Citizens (fund 5405, appropriation 91700) at the close of the fiscal year 2025 are hereby
22 reappropriated for expenditure during the fiscal year 2026.

23 Included in the above appropriation for Current Expenses (fund 5405, appropriation
24 13000), is funding to support an in-home direct care workforce registry.

25 The above appropriation for Transfer to the Department of Human Services for Health
26 Care and Title XIX Waiver for Senior Citizens (fund 5405, appropriation 53900) along with the
27 federal moneys generated thereby shall be used for reimbursement for services provided under
28 the program.

29 Total TITLE II, Section 4 – Lottery Revenue..... \$ 157,392,000

1 **Sec. 5. Appropriations from state excess lottery revenue fund.** — In accordance with
2 W.V. Code §29-22-18a, §29-22A-10d, §29-22A-10e, §29-22C-27a, and §29-25-22b, the following

3 appropriations shall be deposited and disbursed by the Director of the Lottery to the following
4 accounts in this section in the amounts indicated.

5 After first funding the appropriations required by W.V. Code §29-22-18a, §29-22A-10d,
6 §29-22A-10e, §29-22C-27a, and §29-25-22b, the Director of the Lottery shall provide funding
7 from the State Excess Lottery Revenue Fund for the remaining appropriations in this section to
8 the extent that funds are available. In the event that revenues to the State Excess Lottery Revenue
9 Fund are sufficient to meet all the appropriations required made pursuant to this section, then the
10 Director of the Lottery shall then provide the funds available for fund 5365, appropriation 18900.

353 - Governor's Office

(W.V. Code Chapter 5)

Fund 1046 FY 2026 Org 0100

1 Any unexpended balance remaining in the appropriation for Publication of Papers and
2 Transition Expenses – Lottery Surplus (fund 1046, appropriation 06600) at the close of the fiscal
3 year 2025 is hereby reappropriated for expenditure during the fiscal year 2026.

354 - Office of Technology

(W.V. Code Chapter 5A)

Fund 2532 FY 2026 Org 0231

1 Any unexpended balances remaining in the appropriations for Cyber Security (fund 2532,
2 appropriation 99001), Enterprise Data Center (fund 2532, appropriation 99002), and Enterprise
3 Telephony Modernization (fund 2532, appropriation 99003) at the close of the fiscal year 2025
4 are hereby reappropriated for expenditure during the fiscal year 2026.

355 - Division of Economic Development

(W.V. Code Chapter 5B)

Fund 3170 FY 2026 Org 0307

1 Any unexpended balance remaining in the appropriation for Recreational Grants or
 2 Economic Development Loans (fund 3170, appropriation 25300) at the close of the fiscal year
 3 2025 is hereby reappropriated for expenditure during the fiscal year 2026.

356 - Division of Natural Resources –

State Park Improvement Fund

Fund 3277 FY 2026 Org 0310

			Excess
	Appro-		Lottery
	priation		Funds
1 Repairs and Alterations (R)	06400	\$	161,200
2 Equipment (R)	07000		200,000
3 Current Expenses (R)	13000		23,300
4 Buildings (R)	25800		100,000
5 Other Assets (R)	69000		<u>1,020,500</u>
6 Total		\$	1,505,000

7 Any unexpended balances remaining in the appropriations for Repairs and Alterations
 8 (fund 3277, appropriation 06400), Equipment (fund 3277, appropriation 07000), Unclassified –
 9 Total (fund 3277, appropriation 09600), Current Expenses (fund 3277, appropriation 13000),
 10 Buildings (fund 3277, appropriation 25800), and Other Assets (fund 3277, appropriation 69000)
 11 at the close of the fiscal year 2025 are hereby reappropriated for expenditure during the fiscal
 12 year 2026.

357 - West Virginia Infrastructure Council –

West Virginia Infrastructure Transfer Fund

Fund 3390 FY 2026 Org 0316

1 Directed Transfer	70000	\$	46,000,000
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2 The above appropriation shall be allocated pursuant to W.V. Code §29-22-18d and §31-
3 15-9.

358 - Department of Education –

School Building Authority

Fund 3514 FY 2026 Org 0404

1	Debt Service - Total	31000	\$	16,571,230
2	Directed Transfer	70000		<u>2,428,770</u>
3	Total.....		\$	19,000,000

4 The School Building Authority shall have the authority to transfer between the above
5 appropriations in accordance with W.V. Code §29-22-18a.

6 The above appropriation for Directed Transfer (fund 3514, appropriation 70000) may be
7 transferred to the Department of Education – State Board of Education – School Building Authority
8 – School Construction Fund (fund 3952) to be used for school construction and maintenance
9 projects.

359 - Higher Education Policy Commission –

Education Improvement Fund

Fund 4295 FY 2026 Org 0441

1	PROMISE Scholarship – Transfer.....	80000	\$	29,000,000
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2 The above appropriation shall be transferred to the PROMISE Scholarship Fund (fund
3 4296) established by W.V. Code §18C-7-7.

4 The Legislature has explicitly set a finite amount of available appropriations and directed
5 the administrators of the Program to provide for the award of scholarships within the limits of
6 available appropriations.

360 - Higher Education Policy Commission –

Higher Education Improvement Fund

Fund 4297 FY 2026 Org 0441

1 Directed Transfer 70000 \$ 15,000,000

2 The above appropriation for Directed Transfer shall be transferred to Higher Education
3 Policy Commission – System – Tuition Fee Capital Improvement Fund (fund 4903) as authorized
4 by Senate Concurrent Resolution No. 41.

361 - Higher Education Policy Commission –

Administration –

Control Account

Fund 4932 FY 2026 Org 0441

1 Any unexpended balance remaining in the appropriation for Advanced Technology
2 Centers (fund 4932, appropriation 02800) at the close of the fiscal year 2025 is hereby
3 reappropriated for expenditure during the fiscal year 2026.

362 - Department of Human Services

(W.V. Code Chapters 9, 48, and 49)

Fund 5365 FY 2026 Org 0511

1 Medical Services..... 18900 \$ 80,805,007

363 - Division of Corrections and Rehabilitation –

Correctional Units

(W.V. Code Chapter 15A)

Fund 6283 FY 2026 Org 0608

1 Any unexpended balance remaining in the appropriation for Capital Outlay and
2 Maintenance (fund 6283, appropriation 75500) at the close of the fiscal year 2025 is hereby
3 reappropriated for expenditure during the fiscal year 2026.

364 - Lottery Commission –

General Purpose Account

Fund 7206 FY 2026 Org 0705

1 General Revenue Fund – Transfer..... 70011 \$ 65,000,000

2 The above appropriation shall be transferred to the General Revenue Fund as determined
3 by the Director of the Lottery in accordance with W.V. Code §29-22-18a.

365 - Lottery Commission –

Refundable Credit

Fund 7207 FY 2026 Org 0705

1 Directed Transfer 70000 \$ 10,000,000

2 The above appropriation shall be transferred to the General Revenue Fund to provide
3 reimbursement for the refundable credit allowable under W.V. Code §11-21-21. The amount of
4 the required transfer shall be determined solely by the State Tax Commissioner and shall be
5 completed by the Director of the Lottery upon the Commissioner's request.

366 - Lottery Commission –

Distributions to Statutory Funds and Purposes

Fund 7213 FY 2026 Org 0705

1	Parking Garage Fund – Transfer.....	70001	\$	300,000
2	2004 Capitol Complex Parking Garage Fund – Transfer	70002		116,478
3	Capitol Dome and Improvements Fund – Transfer.....	70003		1,096,256
4	Capitol Renovation and Improvement Fund – Transfer	70004		2,381,252
5	Economic Development Promotion and			
6	Closing Fund – Transfer	70005		1,298,864
7	Research Challenge Fund – Transfer	70006		1,731,820
8	Tourism Promotion Fund – Transfer.....	70007		4,808,142
9	Cultural Facilities and Capital Resources Matching			
10	Grant Program Fund – Transfer	70008		1,500,000
11	State Debt Reduction Fund – Transfer.....	70010		20,000,000
12	General Revenue Fund – Transfer.....	70011		1,167,799
13	West Virginia Racing Commission Racetrack			

14	Video Lottery Account	70012	3,463,637
15	Historic Resort Hotel Fund	70013	24,010
16	Licensed Racetrack Regular Purse Fund	70014	<u>22,383,247</u>
17	Total		\$ 60,271,505

367 - Racing Commission

Fund 7308 FY 2026 Org 0707

1	Special Breeders Compensation		
2	(W.V. Code §29-22-18a, subsection (I))	21800	\$ 2,000,000

368 - Economic Development Authority –

Cacapon and Beech Fork State Parks –

Lottery Revenue Debt Service

Fund 9067 FY 2026 Org 0944

1	Debt Service	04000	\$ 2,032,000
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369 - Economic Development Authority –

State Parks Lottery Revenue Debt Service Fund

Fund 9068 FY 2026 Org 0944

1	Debt Service	04000	\$ 4,395,000
2	Total TITLE II, Section 5 – Excess Lottery Funds.....		<u>\$ 335,008,512</u>

- 1 **Sec. 6. Appropriations of federal funds.** — In accordance with Article 11, Chapter 4 of
- 2 the Code from federal funds there are hereby appropriated conditionally upon the fulfillment of
- 3 the provisions set forth in Article 2, Chapter 11B of the Code the following amounts, as itemized,
- 4 for expenditure during the fiscal year 2026.

LEGISLATIVE

370 - Crime Victims Compensation Fund

(W.V. Code Chapter 14)

Fund 8738 FY 2026 Org 2300

		Appropriation	Federal Funds
1	Economic Loss Claim Payment Fund.....	33400	\$ 650,000

JUDICIAL*371 - Supreme Court*Fund 8867 FY 2026 Org 2400

1	Personal Services and Employee Benefits.....	00100	\$ 2,175,000
2	Repairs and Alterations.....	06400	100,000
3	Equipment.....	07000	250,000
4	Current Expenses	13000	1,275,000
5	Other Assets	69000	<u>200,000</u>
6	Total.....		\$ 4,000,000

EXECUTIVE*372 - Governor's Office –**Coronavirus State Fiscal Recovery Fund*

(W.V. Code Chapter 4)

Fund 8823 FY 2026 Org 0100

1	Repairs and Alterations.....	06400	\$ 1,000
2	Equipment.....	07000	1,000
3	Unclassified	09900	500,000
4	Current Expenses	13000	25,497,000
5	Other Assets	69000	<u>1,000</u>
6	Total.....		\$ 26,000,000

373 - Department of Agriculture

(W.V. Code Chapter 19)

Fund 8736 FY 2026 Org 1400

1	Personal Services and Employee Benefits.....	00100	\$	2,722,216
2	Repairs and Alterations.....	06400		650,000
3	Equipment.....	07000		910,500
4	Unclassified	09900		50,534
5	Current Expenses	13000		6,841,987
6	Buildings	25800		1,000,000
7	Other Assets	69000		550,000
8	Land	73000		500,000
9	Federal Coronavirus Pandemic.....	89101		<u>4,721,430</u>
10	Total.....		\$	17,946,667

374 - Department of Agriculture –

Meat Inspection Fund

(W.V. Code Chapter 19)

Fund 8737 FY 2026 Org 1400

1	Personal Services and Employee Benefits.....	00100	\$	739,966
2	Repairs and Alterations.....	06400		5,500
3	Equipment.....	07000		114,478
4	Unclassified	09900		8,755
5	Current Expenses	13000		<u>136,012</u>
6	Total.....		\$	1,004,711

375 - Department of Agriculture –

State Conservation Committee

(W.V. Code Chapter 19)

Fund 8783 FY 2026 Org 1400

1	Personal Services and Employee Benefits.....	00100	\$	99,978
2	Current Expenses	13000		<u>15,599,974</u>

3	Total		\$ 15,699,952
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376 - Department of Agriculture –

Land Protection Authority

(W.V. Code Chapter 19)

Fund 8896 FY 2026 Org 1400

1	Personal Services and Employee Benefits.....	00100	\$ 46,526
2	Unclassified	09900	5,004
3	Current Expenses	13000	<u>448,920</u>
4	Total		\$ 500,450

377 - Attorney General –

Medicaid Fraud Unit

(W.V. Code Chapter 5)

Fund 8882 FY 2026 Org 1500

1	Personal Services and Employee Benefits.....	00100	\$ 1,960,197
2	Repairs and Alterations.....	06400	4,313
3	Equipment.....	07000	7,500
4	Unclassified	09900	15,336
5	Current Expenses	13000	611,287
6	Other Assets	69000	<u>11,336</u>
7	Total		\$ 2,609,969

378 - Secretary of State –

State Election Fund

(W.V. Code Chapter 3)

Fund 8854 FY 2026 Org 1600

1	Personal Services and Employee Benefits.....	00100	\$ 210,240
2	Repairs and Alterations.....	06400	15,000

3	Unclassified	09900	7,484
4	Current Expenses	13000	415,727
5	Other Assets	69000	<u>100,000</u>
6	Total		\$ 748,451

DEPARTMENT OF COMMERCE*379 - Division of Forestry*

(W.V. Code Chapter 19)

Fund 8703 FY 2026 Org 0305

1	Personal Services and Employee Benefits.....	00100	\$ 645,226
2	Repairs and Alterations.....	06400	155,795
3	Equipment.....	07000	1,000,000
4	Unclassified	09900	51,050
5	Current Expenses	13000	3,062,013
6	Other Assets	69000	<u>3,078,847</u>
7	Total		\$ 7,992,931

380 - Geological and Economic Survey

(W.V. Code Chapter 29)

Fund 8704 FY 2026 Org 0306

	Personal Services and Employee Benefits.....	00100	\$ 204,432
	Repairs and Alterations.....	06400	305,000
	Equipment.....	07000	187,500
	Unclassified	09900	2,803
	Current Expenses	13000	195,639
	Buildings	25800	500,000
	Other Assets	69000	<u>15,000</u>
	Total		\$ 1,410,374

381 - Division of Economic Development

(W.V. Code Chapter 5B)

Fund 8705 FY 2026 Org 0307

1	Personal Services and Employee Benefits.....	00100	\$	1,808,480
2	Unclassified	09900		50,000
3	Current Expenses	13000		21,304,019
4	Broadband Federal Funding.....	87101		<u>792,031,764</u>
5	Total.....		\$	815,194,263

382 - Office of Energy

(W.V. Code Chapter 5B)

Fund 8892 FY 2026 Org 0307

1	Personal Services and Employee Benefits.....	00100	\$	1,020,137
2	Unclassified	09900		7,350
3	Current Expenses	13000		<u>8,266,076</u>
4	Total.....		\$	9,293,563

*383 - Division of Economic Development –**Office of Economic Opportunity*

(W.V. Code Chapter 5)

Fund 8901 FY 2026 Org 0307

1	Personal Services and Employee Benefits.....	00100	\$	857,689
2	Repairs and Alterations.....	06400		250
3	Equipment.....	07000		6,000
4	Unclassified	09900		106,795
5	Current Expenses	13000		<u>20,303,081</u>
6	Total.....		\$	21,273,815

384 - Division of Labor

(W.V. Code Chapters 21 and 47)

Fund 8706 FY 2026 Org 0308

1	Personal Services and Employee Benefits.....	00100	\$	460,197
2	Repairs and Alterations.....	06400		500
3	Unclassified	09900		5,572
4	Current Expenses	13000		<u>167,098</u>
5	Total		\$	633,367

385 - Division of Natural Resources

(W.V. Code Chapter 20)

Fund 8707 FY 2026 Org 0310

1	Personal Services and Employee Benefits.....	00100	\$	11,474,295
2	Repairs and Alterations.....	06400		566,250
3	Equipment.....	07000		2,126,141
4	Unclassified	09900		107,693
5	Current Expenses	13000		7,887,660
6	Administration	15500		50,325
7	Buildings	25800		951,000
8	Other Assets	69000		4,768,670
9	Land	73000		<u>2,893,920</u>
10	Total		\$	30,825,954

386 - Division of Miners' Health, Safety and Training

(W.V. Code Chapter 22)

Fund 8709 FY 2026 Org 0314

1	Personal Services and Employee Benefits.....	00100	\$	708,694
2	Current Expenses	13000		<u>150,000</u>
3	Total		\$	858,694

387 - WorkForce West Virginia

(W.V. Code Chapter 23)

Fund 8835 FY 2026 Org 0323

1	Unclassified	09900	\$	5,127
2	Current Expenses	13000		667,530
3	Reed Act 2002 – Unemployment Compensation.....	62200		4,446,737
4	Reed Act 2002 – Employment Services	63000		<u>3,246,737</u>
5	Total.....		\$	8,366,131

6 Pursuant to the requirements of 42 U.S.C. 1103, Section 903 of the Social Security Act,
7 as amended, and the provisions of W.V. Code §21A-9-9, the above appropriation to Unclassified
8 and Current Expenses shall be used by WorkForce West Virginia for the specific purpose of
9 administration of the State's unemployment insurance program or job service activities, subject
10 to each and every restriction, limitation or obligation imposed on the use of the funds by those
11 federal and state statutes.

388 - State Board of Rehabilitation –

Division of Rehabilitation Services

(W.V. Code Chapter 18)

Fund 8734 FY 2026 Org 0932

1	Personal Services and Employee Benefits.....	00100	\$	12,642,892
2	Salary and Benefits of Cabinet Secretary and			
3	Agency Heads.....	00201		153,000
4	Repairs and Alterations.....	06400		350,400
5	Equipment.....	07000		1,275,870
6	Current Expenses	13000		<u>68,440,940</u>
7	Total.....		\$	82,863,102

389 - State Board of Rehabilitation –

*Division of Rehabilitation Services –**Disability Determination Services*

(W.V. Code Chapter 18)

Fund 8890 FY 2026 Org 0932

1	Personal Services and Employee Benefits.....	00100	\$	19,748,690
2	Repairs and Alterations.....	06400		1,100
3	Equipment.....	07000		83,350
4	Current Expenses	13000		<u>13,383,206</u>
5	Total.....		\$	33,216,346

DEPARTMENT OF TOURISM*390 - Department of Tourism –**Tourism Workforce Development Fund*

(W.V. Code Chapter 5B)

Fund 8903 FY 2026 Org 0304

1	Federal Coronavirus Pandemic.....	89101	\$	2,765,115
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391 - Division of Culture and History

(W.V. Code Chapter 29)

Fund 8718 FY 2026 Org 0432

1	Personal Services and Employee Benefits.....	00100	\$	927,795
2	Repairs and Alterations.....	06400		1,000
3	Equipment.....	07000		1,000
4	Current Expenses	13000		1,947,372
5	Buildings	25800		1,000
6	Other Assets	69000		1,000
7	Land	73000		<u>360</u>
8	Total.....		\$	2,879,527

392 - Library Commission

(W.V. Code Chapter 10)

Fund 8720 FY 2026 Org 0432

1	Personal Services and Employee Benefits.....	00100	\$	387,033
2	Equipment.....	07000		543,406
3	Current Expenses	13000		1,076,162
4	Federal Coronavirus Pandemic.....	89101		<u>2,388,880</u>
5	Total.....		\$	4,395,481

393 - Commission for National and Community Service

(W.V. Code Chapter 5F)

Fund 8841 FY 2026 Org 0432

1	Personal Services and Employee Benefits.....	00100	\$	471,153
2	Repairs and Alterations.....	06400		1,000
3	Current Expenses	13000		5,587,325
4	Federal Coronavirus Pandemic.....	89101		<u>1,960,558</u>
5	Total.....		\$	8,020,036

394 - National Coal Heritage Area Authority

(W.V. Code Chapter 29)

Fund 8869 FY 2026 Org 0432

1	Personal Services and Employee Benefits.....	00100	\$	201,942
2	Repairs and Alterations.....	06400		5,000
3	Equipment.....	07000		3,000
4	Current Expenses	13000		328,008
5	Other Assets	69000		<u>2,000</u>
6	Total.....		\$	539,950

DEPARTMENT OF EDUCATION

395 - State Board of Education –

State Department of Education

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

Fund 8712 FY 2026 Org 0402

1	Personal Services and Employee Benefits.....	00100	\$	6,146,942
2	Repairs and Alterations.....	06400		10,000
3	Equipment.....	07000		10,000
4	Unclassified	09900		2,000,000
5	Current Expenses	13000		834,146,008
6	Other Assets	69000		10,000
7	Federal Coronavirus Pandemic.....	89101		<u>4,990,123</u>
8	Total.....		\$	847,313,073

396 - State Board of Education –

School Lunch Program

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

Fund 8713 FY 2026 Org 0402

1	Personal Services and Employee Benefits.....	00100	\$	2,010,501
2	Repairs and Alterations.....	06400		20,000
3	Equipment.....	07000		100,000
4	Unclassified	09900		1,150,500
5	Current Expenses	13000		258,781,265
6	Other Assets	69000		25,000
7	Federal Coronavirus Pandemic.....	89101		<u>743,436</u>
8	Total.....		\$	262,830,702

397 - State Board of Education –

Vocational Division

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

Fund 8714 FY 2026 Org 0402

1	Personal Services and Employee Benefits.....	00100	\$	2,032,898
2	Repairs and Alterations.....	06400		10,000
3	Equipment.....	07000		10,000
4	Unclassified	09900		155,000
5	Current Expenses	13000		20,820,081
6	Other Assets	69000		<u>10,000</u>
7	Total.....		\$	23,037,979

398 - State Board of Education –

Aid for Exceptional Children

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

Fund 8715 FY 2026 Org 0402

1	Personal Services and Employee Benefits.....	00100	\$	3,671,135
2	Repairs and Alterations.....	06400		10,000
3	Equipment.....	07000		10,000
4	Unclassified	09900		1,000,000
5	Current Expenses	13000		139,346,390
6	Other Assets	69000		10,000
7	Federal Coronavirus Pandemic.....	89101		<u>17,336,635</u>
8	Total.....		\$	161,384,160

399 - WV Professional Charter School Board

(W.V. Code Chapter 18)

Fund 8828 FY 2026 Org 0405

1	Personal Services and Employee Benefits.....	00100	\$	99,805
2	Repairs and Alterations.....	06400		100

3	Equipment.....	07000	100
4	Current Expenses	13000	4,287,108
5	Other Assets	69000	<u>100</u>
6	Total.....		\$ 4,387,213

DEPARTMENT OF ENVIRONMENTAL PROTECTION*400 - Division of Environmental Protection*

(W.V. Code Chapter 22)

Fund 8708 FY 2026 Org 0313

1	Personal Services and Employee Benefits.....	00100	\$ 37,148,357
2	Repairs and Alterations.....	06400	739,783
3	Equipment.....	07000	1,712,238
4	Unclassified	09900	1,923,580
5	Current Expenses	13000	347,447,019
6	West Virginia Drinking Water Treatment		
7	Revolving Fund – Transfer	68900	80,753,300
8	Other Assets	69000	2,177,261
9	Land	73000	<u>80,000</u>
10	Total.....		\$ 471,981,538

DEPARTMENT OF HEALTH*401 - Department of Health –**Central Office*

(W.V. Code Chapter 16)

Fund 8802 FY 2026 Org 0506

1	Personal Services and Employee Benefits.....	00100	\$ 21,101,605
2	Equipment.....	07000	456,972
3	Unclassified	09900	856,614

4	Current Expenses	13000	139,553,476
5	Buildings	25800	155,000
6	Other Assets	69000	380,000
7	Federal Coronavirus Pandemic.....	89101	<u>40,061,935</u>
8	Total.....		\$ 202,565,602

402 - Human Rights Commission

(W.V. Code Chapter 5)

Fund 8725 FY 2026 Org 0510

1	Personal Services and Employee Benefits.....	00100	\$ 737,485
2	Unclassified	09900	5,050
3	Current Expenses	13000	<u>164,950</u>
4	Total.....		\$ 907,485

403 - Office of the Inspector General

(W.V. Code Chapter 16B)

Fund 8211 FY 2026 Org 0513

1	Personal Services and Employee Benefits.....	00100	\$ 2,346,638
2	Repairs and Alterations.....	06400	500
3	Equipment.....	07000	500
4	Unclassified	09900	8,335
5	Current Expenses	13000	943,527
6	Other Assets	69000	<u>500</u>
7	Total.....		\$ 3,300,000

DEPARTMENT OF HUMAN SERVICES

404 - Department of Human Services

(W.V. Code Chapters 9, 48, and 49)

Fund 8722 FY 2026 Org 0511

1	Personal Services and Employee Benefits.....	00100	\$ 88,722,032
2	Salary and Benefits of Cabinet Secretary and		
3	Agency Heads.....	00201	73,500
4	Unclassified	09900	22,855,833
5	Current Expenses	13000	207,311,984
6	Medical Services.....	18900	4,151,432,776
7	Medical Services Administrative Costs.....	78900	170,074,119
8	CHIP Administrative Costs.....	85601	7,627,469
9	CHIP Services.....	85602	65,805,357
10	Federal Coronavirus Pandemic.....	89101	<u>4,000,000</u>
11	Total.....		\$ 4,717,903,070

405 - Department of Human Services –

Consolidated Medical Service Fund

(W.V. Code Chapter 16)

Fund 8723 FY 2026 Org 0511

1	Personal Services and Employee Benefits.....	00100	\$ 1,485,132
2	Unclassified	09900	73,307
3	Current Expenses	13000	103,197,690
4	Federal Coronavirus Pandemic.....	89101	<u>564,772</u>
5	Total.....		\$ 105,320,901

DEPARTMENT OF HOMELAND SECURITY

406 - Division of Emergency Management

(W.V. Code Chapter 15)

Fund 8727 FY 2026 Org 0606

1	Personal Services and Employee Benefits.....	00100	\$ 2,035,385
2	Salary and Benefits of Cabinet Secretary and		

3	Agency Heads.....	00201	61,250
4	Repairs and Alterations.....	06400	5,000
5	Equipment.....	07000	100,000
6	Current Expenses	13000	<u>20,429,281</u>
7	Total.....		\$ 22,630,916

407 - Division of Corrections and Rehabilitation

(W.V. Code Chapters 15A)

Fund 8836 FY 2026 Org 0608

1	Unclassified	09900	\$ 1,100
2	Current Expenses	13000	<u>1,900</u>
3	Total.....		\$ 3,000

408 - West Virginia State Police

(W.V. Code Chapter 15)

Fund 8741 FY 2026 Org 0612

1	Personal Services and Employee Benefits.....	00100	\$ 3,266,412
2	Repairs and Alterations.....	06400	42,000
3	Equipment.....	07000	13,356,035
4	Current Expenses	13000	2,250,971
5	Buildings	25800	1,740,500
6	Other Assets	69000	1,065,750
7	Land	73000	<u>500</u>
8	Total.....		\$ 21,722,168

409 - Fire Commission

(W.V. Code Chapter 15A)

Fund 8819 FY 2026 Org 0619

1	Current Expenses	13000	\$ 80,000
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410 - Division of Administrative Services

(W.V. Code Chapter 15)

Fund 8803 FY 2026 Org 0623

1	Personal Services and Employee Benefits.....	00100	\$	1,363,346
2	Repairs and Alterations.....	06400		1,750
3	Unclassified	09900		25,185
4	Current Expenses	13000		<u>75,381,973</u>
5	Total.....		\$	76,772,254

DEPARTMENT OF REVENUE

411 - Insurance Commissioner

(W.V. Code Chapter 33)

Fund 8883 FY 2026 Org 0704

1	Personal Services and Employee Benefits.....	00100	\$	145,000
2	Equipment.....	07000		30,000
3	Current Expenses	13000		<u>2,825,000</u>
4	Total		\$	3,000,000

DEPARTMENT OF TRANSPORTATION

412 - Division of Motor Vehicles

(W.V. Code Chapter 17B)

Fund 8787 FY 2026 Org 0802

1	Personal Services and Employee Benefits.....	00100	\$	900,000
2	Repairs and Alterations.....	06400		500
3	Current Expenses	13000		<u>5,448,106</u>
4	Total.....		\$	6,348,606

413 - Division of Multimodal Transportation Facilities –

Public Transit

(W.V. Code Chapter 17)

Fund 8745 FY 2026 Org 0810

1	Personal Services and Employee Benefits.....	00100	\$	1,089,934
2	Repairs and Alterations.....	06400		2,500
3	Equipment.....	07000		3,501,714
4	Current Expenses	13000		20,863,149
5	Buildings	25800		2,450,000
6	Other Assets	69000		<u>250,000</u>
7	Total.....		\$	28,157,297

*414 - Division of Multimodal Transportation Facilities –**Aeronautics Commission*

(W.V. Code Chapter 29)

Fund 8831 FY 2026 Org 0810

1	Current Expenses	13000	\$	199,800
2	Other Assets	69000		<u>100</u>
3	Total		\$	199,900

DEPARTMENT OF VETERANS' ASSISTANCE*415 - Department of Veterans' Assistance*

(W.V. Code Chapter 9A)

Fund 8858 FY 2026 Org 0613

1	Personal Services and Employee Benefits.....	00100	\$	3,453,384
2	Salary and Benefits of Cabinet Secretary and			
3	Agency Heads.....	00201		57,120
4	Repairs and Alterations.....	06400		20,000
5	Equipment.....	07000		25,000
6	Current Expenses	13000		3,840,300

7	Buildings	25800	22,750,000
8	Land	73000	500
9	Veterans' Cemetery	80800	175,000
10	Federal Coronavirus Pandemic.....	89101	<u>1,900,000</u>
11	Total.....		\$ 32,221,304

416 - Department of Veterans' Assistance –

Veterans' Home

(W.V. Code Chapter 9A)

Fund 8728 FY 2026 Org 0618

1	Personal Services and Employee Benefits.....	00100	\$ 1,062,331
2	Repairs and Alterations.....	06400	60,500
3	Equipment.....	07000	10,500
4	Current Expenses	13000	618,180
5	Buildings	25800	500
6	Other Assets	69000	6,500
7	Land	73000	100
8	Federal Coronavirus Pandemic.....	89101	<u>1,600,000</u>
9	Total.....		\$ 3,358,611

BUREAU OF SENIOR SERVICES

417 - Bureau of Senior Services

(W.V. Code Chapter 29)

Fund 8724 FY 2026 Org 0508

1	Personal Services and Employee Benefits.....	00100	\$ 857,874
2	Salary and Benefits of Cabinet Secretary and		
3	Agency Heads.....	00201	12,782
4	Repairs and Alterations.....	06400	3,000

5	Current Expenses	13000	<u>13,811,853</u>
6	Total		\$ 14,685,509

MISCELLANEOUS BOARDS AND COMMISSIONS

418 - Adjutant General –

State Militia

(W.V. Code Chapter 15)

Fund 8726 FY 2026 Org 0603

1	Unclassified	09900	\$ 982,705
2	Mountaineer ChalleNGe Academy	70900	12,312,486
3	Martinsburg Starbase	74200	890,990
4	Charleston Starbase	74300	857,297
5	Military Authority	74800	<u>90,033,787</u>
6	Total		\$ 105,077,265

7 The Adjutant General shall have the authority to transfer between appropriations.

419 - Adjutant General –

West Virginia National Guard Counterdrug Forfeiture Fund

(W.V. Code Chapter 15)

Fund 8785 FY 2026 Org 0603

1	Personal Services and Employee Benefits	00100	\$ 1,350,000
2	Repairs and Alterations	06400	50,000
3	Equipment	07000	200,000
4	Current Expenses	13000	150,000
5	Buildings	25800	100,000
6	Other Assets	69000	100,000
7	Land	73000	<u>50,000</u>
8	Total		\$ 2,000,000

420 - Public Service Commission –

Motor Carrier Division

(W.V. Code Chapter 24A)

Fund 8743 FY 2026 Org 0926

1	Personal Services and Employee Benefits.....	00100	\$	1,600,289
2	Repairs and Alterations.....	06400		39,000
3	Equipment.....	07000		1,000
4	Current Expenses	13000		<u>368,953</u>
5	Total.....		\$	2,009,242

421 - Public Service Commission –

Gas Pipeline Division

(W.V. Code Chapter 24B)

Fund 8744 FY 2026 Org 0926

1	Personal Services and Employee Benefits.....	00100	\$	725,664
2	Equipment.....	07000		3,000
3	Unclassified	09900		4,072
4	Current Expenses	13000		<u>124,628</u>
5	Total.....		\$	857,364

422 - Economic Development Authority

(W.V. Code Chapter 31)

Fund 8893 FY 2026 Org 0944

1	Current Expenses	13000		5,000,000
2	Total TITLE II, Section 6 – Federal Funds.....			<u>\$ 8,224,744,008</u>

- 1 **Sec. 7. Appropriations from federal block grants.** — The following items are hereby
- 2 appropriated from federal block grants to be available for expenditure during the fiscal year 2026.

423 - Division of Economic Development –

*Community Development*Fund 8746 FY 2026 Org 0307

1	Personal Services and Employee Benefits.....	00100	\$	10,672,367
2	Unclassified	09900		2,375,000
3	Current Expenses	13000		<u>224,476,883</u>
4	Total		\$	237,524,250

*424 - Division of Economic Development –**Office of Economic Opportunity –**Community Services*Fund 8902 FY 2026 Org 0307

1	Personal Services and Employee Benefits.....	00100	\$	773,389
2	Repairs and Alterations.....	06400		1,500
3	Equipment.....	07000		9,000
4	Unclassified	09900		125,000
5	Current Expenses	13000		<u>17,781,811</u>
6	Total		\$	18,690,700

*425 - WorkForce West Virginia –**Workforce Investment Act*Fund 8749 FY 2026 Org 0323

1	Personal Services and Employee Benefits.....	00100	\$	3,036,190
2	Salary and Benefits of Cabinet Secretary and			
3	Agency Heads.....	00201		124,018
4	Repairs and Alterations.....	06400		1,600
5	Equipment.....	07000		500
6	Unclassified	09900		23,023
7	Current Expenses	13000		63,381,511

8	Buildings	25800	<u>1,100</u>
9	Total		\$ 66,567,942

*426 - Department of Health –**Maternal and Child Health*Fund 8750 FY 2026 Org 0506

1	Personal Services and Employee Benefits.....	00100	\$ 2,509,103
2	Unclassified	09900	81,439
3	Current Expenses	13000	<u>7,294,267</u>
4	Total		\$ 9,884,809

*427 - Department of Health –**Preventive Health*Fund 8753 FY 2026 Org 0506

1	Personal Services and Employee Benefits.....	00100	\$ 283,642
2	Equipment.....	07000	165,642
3	Unclassified	09900	22,457
4	Current Expenses	13000	<u>1,895,366</u>
5	Total		\$ 2,367,107

*428 - Department of Human Services –**Energy Assistance*Fund 8755 FY 2026 Org 0511

1	Personal Services and Employee Benefits.....	00100	\$ 2,733,782
2	Salary and Benefits of Cabinet Secretary		
3	And Agency Heads.....	00201	2,450
4	Unclassified	09900	350,000
5	Current Expenses	13000	<u>57,082,035</u>
6	Total		\$ 60,168,267

*429 - Department of Human Services –**Social Services*Fund 8757 FY 2026 Org 0511

1	Personal Services and Employee Benefits.....	00100	\$	9,709,574
2	Unclassified	09900		171,982
3	Current Expenses	13000		<u>8,870,508</u>
4	Total		\$	18,752,064

*430 - Department of Human Services –**Substance Abuse Prevention and Treatment*Fund 8793 FY 2026 Org 0511

1	Personal Services and Employee Benefits.....	00100	\$	736,598
2	Unclassified	09900		115,924
3	Current Expenses	13000		10,853,740
4	Federal Coronavirus Pandemic.....	89101		<u>4,225,212</u>
5	Total		\$	15,931,474

*431 - Department of Human Services –**Community Mental Health Services*Fund 8794 FY 2026 Org 0511

1	Personal Services and Employee Benefits.....	00100	\$	748,144
2	Unclassified	09900		33,533
3	Current Expenses	13000		9,735,527
4	Federal Coronavirus Pandemic.....	89101		<u>2,070,960</u>
5	Total		\$	12,588,164

*432 - Department of Human Services –**Temporary Assistance for Needy Families*Fund 8816 FY 2026 Org 0511

1	Personal Services and Employee Benefits.....	00100	\$ 22,903,080
2	Salary and Benefits of Cabinet Secretary		
3	And Agency Head	00201	7,350
4	Unclassified	09900	1,250,000
5	Current Expenses	13000	<u>152,504,134</u>
6	Total.....		\$ 176,664,564

433 - Department of Human Services –

Child Care and Development

Fund 8817 FY 2026 Org 0511

1	Personal Services and Employee Benefits.....	00100	\$ 3,753,484
2	Salary and Benefits of Cabinet Secretary		
3	And Agency Head	00201	2,450
4	Unclassified	09900	350,000
5	Current Expenses	13000	<u>107,150,000</u>
6	Total.....		\$ 111,255,934
7	Total TITLE II, Section 7 – Federal Block Grants		<u>\$ 730,395,275</u>

1 **Sec. 8. Awards for claims against the state.** — There are hereby appropriated for fiscal
2 year 2026, from the fund as designated, in the amounts as specified, general revenue funds in
3 the amount of \$1,100,000, special revenue funds in the amount of \$250,000, and state road funds
4 in the amount of \$864,750 for payment of claims against the state.

1 **Sec. 9. Appropriations from general revenue fund surplus accrued.** — The following
2 items are hereby appropriated from the state fund, general revenue, and are to be available for
3 expenditure during the fiscal year 2026 out of surplus funds only, accrued from the fiscal year
4 ending June 30, 2025, 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, 2025 from the fiscal year ending June 30, 2025, only after first meeting requirements of W.Va. Code §11B-2-20(b).

In the event that surplus revenues available on July 31, 2025, 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.

434 - Division of Highways

(W.V. Code Chapter 17 and 17C)

Fund 0620 FY 2026 Org 0803

Direct Transfer - Surplus	70099	\$	125,000,000
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The above appropriation for Directed Transfer – Surplus (fund 0620, appropriation 70099) shall be transferred to Division of Highways (fund 9017).

435 - Division of Economic Development –

(W.V. Code Chapter 5B)

Fund 0256 FY 2026 Org 0307

Directed Transfer - Surplus	70099	\$	75,000,000
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The above appropriation for Directed Transfer – Surplus (fund 0256, appropriation 70099) shall be transferred to the Economic Development Project Fund (fund 9069).

436 - Division of Economic Development –

(W.V. Code Chapter 5B)

Fund 0256 FY 2026 Org 0307

Directed Transfer - Surplus	70099	\$	10,000,000
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The above appropriation for Directed Transfer – Surplus (fund 0256, appropriation 70099) shall be transferred to the Water Development Authority (fund 3382).

*437 - Division of Economic Development –**(W.V. Code Chapter 5B)*Fund 0256 FY 2026 Org 0307

1	Current Expense - Surplus.....	13099	\$	250,000
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2 The above appropriation for Current Expense – Surplus (fund 0256, appropriation 13099) shall

3 be granted to the Cabell County Commission for Lily’s Place.

4	Total TITLE II, Section 9 – General Revenue Surplus Accrued		\$	<u>210,250,000</u>
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1 **Sec. 10. Appropriations from lottery net profits surplus accrued.** — The following

2 items are hereby appropriated from the lottery net profits, and are to be available for expenditure

3 during the fiscal year 2026 out of surplus funds only, as determined by the Director of Lottery,

4 accrued from the fiscal year ending June 30, 2025, subject to the terms and conditions set forth

5 in this section.

6 It is the intent and mandate of the Legislature that the following appropriations be payable

7 only from surplus accrued from the fiscal year ending June 30, 2025.

8 In the event that surplus revenues available from the fiscal year ending June 30, 2025,

9 are not sufficient to meet the appropriations made pursuant to this section, then the appropriations

10 shall be made to the extent that surplus funds are available.

*438 - Bureau of Senior Services –**Lottery Senior Citizens Fund**(W.V. Code Chapter 29)*Fund 5405 FY 2026 Org 0508

1	Senior Services Medicaid Transfer – Lottery Surplus.....	68199	\$	14,750,000
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2	In-Home Services and Nutrition for Senior Citizens – Surplus.	76699		<u>2,000,000</u>
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3	Total.....			16,750,000
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4	Total TITLE II, Section 10 – Surplus Accrued.....		\$	<u>16,750,000</u>
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Sec. 11. Appropriations from state excess lottery revenue surplus accrued. — The following items are hereby appropriated from the state excess lottery revenue fund, and are to be available for expenditure during the fiscal year 2026 out of surplus funds only, as determined by the Director of Lottery, accrued from the fiscal year ending June 30, 2025, 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, 2025.

In the event that surplus revenues available from the fiscal year ending June 30, 2025, 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.

439 - Racing Commission –

General Administration

(W.V. Code Chapter 19)

Fund 7308 FY 2026 Org 0707

Directed Transfer – Lottery Surplus.....	70098	\$	800,000
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The above appropriation for Directed Transfer – Lottery Surplus (fund 7308, appropriation 70098), \$800,000 shall be transferred to the Racing Commission – General Administration (fund 7305).

440 - Department of Human Services

(W.V. Code Chapters 9, 48, and 49)

Fund 5365 FY 2026 Org 0511

Medical Services – Lottery Surplus	68100	\$	20,545,488
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Total TITLE II, Section 11 – Surplus Accrued.....		\$	<u>21,345,488</u>
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Sec. 12. Special revenue appropriations. — There are hereby appropriated for expenditure during the fiscal year 2026 special revenues collected pursuant to general law enactment of the Legislature which are not paid into the state fund as general revenue under the provisions of W.V.

Code §12-2-2 and are not expressly appropriated under this act: Provided, That none of the money so appropriated by this section shall be available for expenditure except in compliance with the provisions of W.V. Code §12-2-1 et seq., W.V. Code §12-3-1 et seq., and W.V. Code §11B-2-1 et seq., unless the spending unit has filed with the Director of the Budget and the Legislative Auditor prior to the beginning of each fiscal year:

(a) An estimate of the amount and sources of all revenues accruing to such fund; and

(b) A detailed expenditure schedule showing for what purposes the fund is to be expended:

Provided, however, That federal funds received by the state may be expended only in accordance with Sections (6) or (7) of this Title and with W.V. Code §4-11-1, *et seq.* *Provided further,* That federal funds that become available to a spending unit for expenditure while the Legislature is not in session and the availability of such funds could not reasonably have been anticipated and included in this act may be only be expended in the limited circumstances provided by W.V. Code §4-11-5(d): *And provided further,* That no provision of this act may be construed to authorize the expenditure of federal funds except as provided in this section.

During Fiscal Year 2026, the following funds are hereby available and are to be transferred to the Department of Health and Human Resources, Division of Human Services – Medical Services Trust Fund (fund 5185) from available balances per the following:

441 – Division of General Services –

Capitol Complex Parking Garage Fund

(WV Code Chapter 5A)

Fund 2461 FY 2026 Org 0211

1 Directed Transfer	70000	\$	1,000,000
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442 - Division of Labor –

Bedding and Upholstery Fund

(W.V. Code Chapter 47)

Fund 3198 FY 2026 Org 0308

1	Directed Transfer	70000	\$	1,000,000
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443 - Division of Natural Resources –

Planning and Development Division

(W.V. Code Chapter 20)

Fund 3205 FY 2026 Org 0310

1	Directed Transfer	70000	\$	2,000,000
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444 - Fire Commission –

Fire Marshal Fees

(W.V. Code Chapter 15A)

Fund 6152 FY 2026 Org 0619

1	Directed Transfer	70000	\$	4,000,000
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445 - Public Service Commission –

Motor Carrier Division

(W.V. Code Chapter 24A)

Fund 8625 FY 2026 Org 0926

1	Directed Transfer	70000	\$	4,000,000
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2	Total TITLE II, Section 12 – Special Revenue Appropriation...		\$	<u>12,000,000</u>
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1 **Sec. 13. State improvement fund appropriations.** — Bequests or donations of

2 nonpublic funds, received by the Governor on behalf of the state during the fiscal year 2026, for

3 the purpose of making studies and recommendations relative to improvements of the

4 administration and management of spending units in the executive branch of state government,

5 shall be deposited in the state treasury in a separate account therein designated state

6 improvement fund.

7 There are hereby appropriated all moneys so deposited during the fiscal year 2026 to be

8 expended as authorized by the Governor, for such studies and recommendations which may

9 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.

1 **Sec. 17. Appropriations for local governments.** — There are hereby appropriated for
2 payment to counties, districts, and municipal corporations such amounts as will be necessary to
3 pay taxes due counties, districts, and municipal corporations and which have been paid into the
4 treasury:

5 (a) For redemption of lands;

6 (b) By public service corporations;

7 (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.

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 495**), and there were—yeas 78, nays 18, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Anders, Bridges, Coop-Gonzalez, Dean, Dillon, Eldridge, Fluharty, Garcia, Hamilton, Hansen, Hornbuckle, Kimble, Lewis, Pushkin, Toney, Vance, White and Young.

Absent and Not Voting: Flanigan, Kump, Martin and Steele.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2026) passed.

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

At 8:29 p.m., the House of Delegates adjourned until 9:00 a.m., Friday, April 11, 2025.

HOUSE OF DELEGATES
JEFFREY PACK, Clerk
Building 1, Room M-212
1900 Kanawha Blvd., East
Charleston, WV 25305-0470

SPECIAL CALENDAR

Friday, April 11, 2025

59th Day

11:00 A.M.

THIRD READING

Com. Sub. for S. B. 35 -	Permitting campus police officers to participate in Deputy Sheriffs Retirement System
S. B. 75 -	Changing distribution of income from excess lottery fund
Com. Sub. for S. B. 102 -	Modifying form of certain deeds
Com. Sub. for S. B. 154 -	Prohibiting sexual orientation instruction in public schools [Right to Amend]
Com. Sub. for S. B. 158 -	Modifying eligibility requirements for serving as member of State Board of Education
Com. Sub. for S. B. 196 -	Lauren's Law
S. B. 280 -	Displaying official US motto in public schools
Com. Sub. for S. B. 299 -	Modifying WV regulations on pubertal modulation, hormonal therapy, and gender reassignment [Right to Amend]
Com. Sub. for S. B. 427 -	Permitting certain teenagers to work without obtaining work permit
Com. Sub. for S. B. 474 -	Ending diversity, equity, and inclusion programs [Right to Amend]
S. B. 483 -	Increasing civil penalties for failure to file required campaign finance reports
Com. Sub. for S. B. 488 -	Clarifying definition of electioneering
Com. Sub. for S. B. 503 -	Allowing sheriffs to appoint more than one chief deputy with consent of county commission
Com. Sub. for S. B. 526 -	Creating Pharmacist Prescribing Authority Act
Com. Sub. for S. B. 531 -	Relating to offenses of assault and battery on athletic officials
S. B. 561 -	Relating to Uniform Special Deposits Act
Com. Sub. for S. B. 576 -	Authorizing fixed odds racing in horse and dog racing
Com. Sub. for S. B. 581 -	Relating to school attendance and student participation in 4-H activities

Com. Sub. for S. B. 586 -	Relating to requirements for filling vacancies in certain elected federal, state, and county offices [Right to Amend]
Com. Sub. for S. B. 587 -	Relating generally to government contracting [Right to Amend]
Com. Sub. for S. B. 652 -	Expanding cardiac arrest provisions to be applicable to elementary schools
Com. Sub. for S. B. 677 -	Increasing fees charged by Commissioner of Securities for each offering
Com. Sub. for S. B. 710 -	Relating to the practice of teledentistry
S. B. 747 -	Relating to Real Estate License Act
Com. Sub. for S. B. 790 -	Requiring quarterly reporting by certain water and wastewater utilities [Right to Amend]
Com. Sub. for S. B. 794 -	Authorizing DOH to erect warning signs
Com. Sub. for S. B. 800 -	Relating to insurance holding company systems
Com. Sub. for S. B. 825 -	Permitting higher education institutions enter agreements with non-profit organizations for economic development and job creation [Right to Amend]
Com. Sub. for S. B. 833 -	Excluding pharmaceutical medication from prior authorization gold card process
S. B. 837 -	Eliminating WV Office of Equal Opportunity
S. B. 866 -	Requiring WV Board of Education to promulgate legislative rule in consultation with WV Board of Physical Therapy
Com. Sub. for S. B. 883 -	Providing director of WV Office of Miners' Health, Safety and Training discretion and authority in certain appointments
Com. Sub. for S. B. 911 -	Relating to adjunct teaching permits
Com. Sub. for S. B. 912 -	Relating to student growth assessment program
Com. Sub. for S. B. 914 -	Relating to testing and attendance requirements for private, parochial, and church schools
S. B. 940 -	Relating to Water Pollution Control Act
S. B. 941 -	Clarifying authority regarding dams designed by US Conservation Service
S. B. 942 -	Modifying requirements for diesel-powered equipment in mines
H. B. 3349 -	Supplemental Appropriation - Medicaid
H. B. 3352 -	Supplemental Appropriation - Human Services - Medicaid
H. B. 3359 -	Supplemental Appropriation - EDA and Medicaid Net Zero

H. B. 3371 -	Supplemental Appropriation - - HLFC to OIG Net Zero
H. B. 3520 -	Expiring funds to the surplus balance in the State Fund, General Revenue, Office of Energy
H. B. 3521 -	Expiring funds to the surplus balance in the State Fund, General Revenue, Consumer Protection Recovery Fund

SECOND READING

Com. Sub. for S. B. 128 -	Preventing courts from ordering services at higher rate than Medicaid
Com. Sub. for S. B. 748 -	Creating Safer Communities Act
S. B. 856 -	Removing certain reporting requirements to Joint Committee on Government and Finance

HOUSE CALENDAR

Friday, April 11, 2025

59th Day

11:00 A.M.

UNFINISHED BUSINESS

H. C. R. 19 - Declaring December 14 as Frosty the Snowman Day

THIRD READING

H. B. 2060 - Creating tax exemption for agricultural cooperative associations

Com. Sub. for H. B. 3377 - Non-State Owned Roads Improvement Act

H. B. 3425 - Clarifying that any person employed by the Division of Corrections and Rehabilitation pursuant to a contract includes contracted staff that work for vendors

H. B. 3516 - Relating to limit of liability through Board of Risk Management

SECOND READING

Com. Sub. for S. B. 482 - Certified Professional Midwife Licensing and Regulation

Com. Sub. for S. B. 592 - Relating generally to aboveground storage tanks

Com. Sub. for S. B. 904 - Clarifying requirements for Commissioner of Bureau for Public Health

Com. Sub. for H. B. 2006 - Defining Men and Women

Com. Sub. for H. B. 2146 - Exempting the processing of beef, pork or lamb by a slaughterhouse for an individual owner of the product processed from the Consumer Sales and Service Tax

Com. Sub. for H. B. 2355 - Permitting middle or high school students to participate in travel sports teams without repercussion.

Com. Sub. for H. B. 2400 - Prohibiting the delivery of unsolicited absentee ballot applications to any person who has not specifically requested one from the county clerk

Com. Sub. for H. B. 2409 - Updating cooperative agreements

H. B. 2683 - To prohibit rank choice voting

- Com. Sub. for H. B. 3072 - Creating Super two highways in West Virginia
- H. B. 3271 - Authorizing digital court records
- Com. Sub. for H. B. 3387 - Relating to the creation of a regional school district pilot program
- Com. Sub. for H. B. 3432 - Revising the statutes to clarify and separate duties identified in the code between the Division of Emergency Management and the West Virginia Department of Environmental Protection

FIRST READING

- Com. Sub. for H. B. 3452 - Transferring administration of Advanced Career Education (ACE) classes and programs from county boards of education to community and technical colleges.
- H. B. 3518 - Relating to the Medicaid Waiver expansion program

HOUSE OF DELEGATES
JEFFREY PACK, Clerk
Building 1, Room M-212
1900 Kanawha Blvd., East
Charleston, WV 25305-0470