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Saturday, March 9, 2024

SIXTIETH 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 Friday, March 8, 2024, 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 Householder announced that Com. Sub. for S. B. 571 and Com. Sub. for S. B. 716, on Third Reading, Special Calendar, had been transferred to the House Calendar; Com. Sub. for S. B. 453 was moved to follow after Com. Sub. for S. B. 280, on Third Reading; and Com. Sub. for S. B. 352 and S. B. 461 were moved to the foot of all bills.

Messages from the Senate

A message from the Senate, by
The Clerk of the Senate, announced that the Senate had refused to concur in the amendment of the House of Delegates and requested the House to recede from its amendment to

S. B. 155, Creating Violent Crime Prevention Act.

On motion of Delegate Jeffries, the House of Delegates refused to recede from its amendments, and therefore the House requested the Senate to agree to the appointment of a committee of conference on the disagreeing votes of the two houses.

Whereupon,

The Speaker announced conferees would be appointed on the next recess.

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. 4786, Delivery Network Company (DNC) Insurance Model Act.

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

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

"**ARTICLE 63. DELIVERY NETWORK COMPANY INSURANCE ACT.**

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

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

(b) As used in this article:

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

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

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

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

(A) Is operating a personal vehicle;

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

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

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

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

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

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

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

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

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

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

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

§33-63-2. Interaction with other law.

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

§33-63-3. Insurance requirements.

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

(b) During the delivery service period and delivery available period, the delivery network driver, delivery network company, or any combination of the two shall maintain insurance that insures the driver for liability to third parties of not less than $50,000 for damages arising out of bodily injury sustained by any one person in an accident, of not less than $100,000 for damages arising out of bodily injury sustained by all persons injured in an accident, and of not less than $25,000 for all damages arising out of damage to or destruction of property in an accident: *Provided*, That no provision in this article relieves the DNC and driver from the requirements of §17A-1-1 *et seq.* and §17D-1-1 *et seq.* of this code and from the uninsured motorists' coverage requirements of §33-6-31 of this code.

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

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

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

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

(g) A delivery network driver shall carry proof of insurance required pursuant to this section at all times while using a personal vehicle in connection with a digital network. In the event of an accident, a delivery network driver shall, upon request, provide insurance coverage information to the directly interested parties, motor vehicle insurers, and investigating law enforcement officers. The insurance coverage information may be displayed or provided in either paper or electronic form as provided in §17D-2A-4 of this code. A delivery network driver shall, upon request, disclose to the directly interested parties, motor vehicle insurers, and investigating law enforcement officers whether the driver was operating during the delivery available period or the delivery service period at the time of the accident.

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

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

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

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

(1) The insurance coverage, including the types of coverage and the limits for each coverage, that the delivery network company provides while the driver uses a personal vehicle in connection with a delivery network company's digital network; and

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

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

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

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

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

(3) Medical payments coverage;

(4) Comprehensive physical damage coverage; and

(5) Collision physical damage coverage.

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

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

(d) A motor vehicle liability insurer that defends or indemnifies a claim against a delivery network driver that is excluded under the terms of its policy shall have the right to seek recovery against the insurer providing coverage under §33-63-3(a) and §33-63-3(b) of this code if the claim:

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

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

§33-63-6. Effective date.

This article shall take effect on July 1, 2025."

And,

By amending the title of the bill to read as follows:

Com. Sub. for H. B. 4786 - "A Bill to amend the Code of West Virginia 1931, as amended, by adding thereto a new article, designated §33-63-1, §33-63-2, §33-63-3, §33-63-4, §33-63-5, and §33-63-6, all relating to creating the Delivery Network Company Insurance Act; providing a short title; defining terms; defining interaction with other laws; providing insurance and disclosure requirements relating to delivery network companies and delivery network drivers; specifying minimum insurance coverage amounts required of delivery network companies and delivery network drivers; setting forth when delivery network companies must assume primary liability; authorizing exclusions in motor vehicle liability insurance policies and retaining other rights of insurers; and creating an effective date."

With the further amendment, sponsored by Delegate Fast, being as follows:

On page 2, section 33-63-1, line 38, by striking the word "and".

And,

"On page 2, section 33-63-1, line 39, by striking the period and inserting a semicolon in lieu thereof.

And,

On page 2, section 33-63-1, after paragraph (B), by inserting the following:

(C) A two axel vehicle, the primary purpose of which is the transportation of passengers, including motorcycles and mopeds."

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. 709)**, and there were--yeas 92, nays 7, absent and not voting 1, with the nays and the absent and not voting being as follows:

Nays: Coop-Gonzalez, Dillon, Foster, Longanacre, Martin, Ridenour and Vance.

Absent and Not Voting: Bridges.

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. 4786) 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. 4851, To allow for public and private schools in West Virginia to employ security personnel.

On motion of Delegate Jeffries, the House refused to concur in the following amendment of the bill by the Senate, and requested the Senate to recede therefrom:

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

"**ARTICLE 5. COUNTY BOARD OF EDUCATION.**

§18-5-51. Public school West Virginia Guardian Program.

(a) *Purpose.* — County boards of education may contract with an independent contractor who is an honorably discharged veteran, former state trooper, former municipal police officer, former deputy sheriff, or former federal law-enforcement officer to provide West Virginia Guardian services as that term is defined in this section. The purpose of the contract is to provide public safety and/or security on public school grounds and buildings. Any county board of education may contract with as many independent contractors as the county school board considers necessary.

(b) *Definitions*. — For purposes of this section, the following words have the following meanings:

'Contract' means an agreement between a county board of education and an independent contractor relating to the procurement of public safety or security services.

'County school board' means the same as that term is used in §18-5-1 *et seq.* of this code.

'Independent contractor' means the same as that term is used in §21-5I-4 of this code.

'Public safety or security' means the protection of students, faculty, and staff of a public school from violence, bullying, theft, substance abuse, the sale or use of illegal substances, exposure to weapons, and threats on school grounds.

'Former deputy sheriff' means the same as that term is used in §7-14C-1 of this code, but who has retired from service.

'Former municipal police officer' means an individual previously employed as a member of a police department by a West Virginia municipality or municipal subdivision, and who has retired from service;

'Former state trooper' means a state police officer employed pursuant to the provisions of §15-2-1 *et seq.* of this code, and who has retired pursuant to the provisions of §15-2-27 of this code.

'Former federal law-enforcement officer' means a federal law-enforcement officer employed pursuant to the provisions of §15-10-5(b) of this code, who was classified as an 1811 Investigator, and who has retired from service.

'Honorably discharged veteran' means an honorably discharged veteran of the armed forces of the United States, reserve, or National Guard.

'West Virginia Guardian' means an independent contractor under contract to a county school board for the purposes of providing public safety and/or security on school grounds. Persons contracted to provide these services shall include an honorably discharged veteran, a former state trooper, a former municipal police officer, a former deputy sheriff, or a former federal law-enforcement officer. A West Virginia Guardian is considered an authorized individual for purposes of the Gun-Free School Zones Act of 1990, 18 U.S.C. §921 and §922.

(c) *Authority*. — Notwithstanding the provisions of §61-7-11a of this code or any applicable rule, an independent contractor acting as a West Virginia Guardian may carry a concealed weapon upon meeting all the requirements of this section. A West Virginia Guardian is not law enforcement and may not arrest. They are to provide public safety and security to protect life and property as set forth in this section, including, but not limited to, detention of individuals as may be necessary pending the arrival of law enforcement.

(d) *Requirements for participation*. — Prior to entering into a contract with a West Virginia Guardian, the county school board shall require an applicant to provide proof that he or she:

(1) Is a citizen of the United States and a resident of the state of West Virginia;

(2) Has received a high school diploma or a General Educational Development diploma known as a GED;

(3) Has met and passed all the requirements for a concealed carry permit as set forth in §61-7-4 of this code;

(4) Has completed and passed all the following training courses and examinations:

(A) The Law Enforcement Professional Standards program at the West Virginia State Police. The cost of this program shall be paid by the independent contractor;

(B) A fitness for duty examination that shall include a physical examination, vision examination, a psychiatric examination, and a pre-employment drug screen. The cost of these each shall be paid by the independent contractor; and

(C) A firearm and less than lethal use of force course. To maintain firearm proficiency, the independent contractor must complete yearly training in firearm and less than lethal use of force course.

(5) Has either been honorably discharged from the United States armed services or is retired from his or her employment as a state trooper, municipal police officer, deputy sheriff, or federal law-enforcement officer;

(6) Is current in any obligation, including taxes, to the state of West Virginia; and

(7) Any other requirements imposed by the county school board which may include, but are not limited to, a pre-employment written examination and a pre-employment polygraph exam. A county school board may also require an independent contractor to carry appropriate liability insurance at his or her expense.

(e) *Exclusions from participation.* — Any of the following shall preclude an independent contractor from participation as a West Virginia Guardian:

(1) A dishonorable or less than honorable discharge from the United States armed services;

(2) Having not retired from service as a state trooper, municipal police officer, or deputy sheriff;

(3) Having not retired from service as a federal law-enforcement officer;

(4) Credible evidence of illegal drug use by the independent contractor in the preceding five-year period;

(5) A disqualifying criminal offense, which shall include, but is not limited to:

(A) Domestic violence as set forth in §61-2-28 of this code;

(B) Driving under the influence as set forth in §17C-5-2 of this code;

(C) Child abuse as set forth in §61-8D-1 *et seq.* of this code; or

(D) Unlawful manufacture, delivery, or possession with intent to deliver any controlled substance as set forth in §60A-4-1 *et seq.* of this code; or

(E) Any other misdemeanor or felony conviction deemed exclusionary for contracting with the independent contractor by the county school board.

(f) *Liability.* — A county school board may not be held civilly liable or be criminally prosecuted for any action of a West Virginia Guardian acting within the scope of the duties for which their services were contracted unless the county school board can be shown to be grossly negligent or committed willful misconduct.

(g) *Miscellaneous.* —

(1) In contracting for the services set forth in this section, county school boards are not subject to the purchasing requirements set forth in §5A-3-1 *et seq.* of this code.

(2) Nothing in this section requires a county board of education to contract with a West Virginia Guardian. Participation by a county of board of education is voluntary and subject to the availability of county funds. Any county board of education that opts to participate shall do so at its own expense. The provisions of this section place no obligation for the state to appropriate money for the purposes set forth in this section.

(3) As an independent contractor, a West Virginia Guardian is not eligible for participation in the public employee insurance plan, workers' compensation, additional state retirement credited to employment as a West Virginia Guardian, or any other state-sponsored or state-offered benefit plan."

And,

By amending the title of the bill to read as follows:

Com. Sub. for H. B. 4851 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-51, relating to the creation of the West Virginia Guardian Program; setting out purpose of the program; allowing county school boards to contract with certain persons to provide safety services as independent contractors; defining terms; setting out the authority of independent contractors participating in the program; providing requirements for participation of a person in the program; providing exclusions from participation of a person in the program; setting forth a limitation of liability; providing exemptions from purchasing requirements; and excluding independent contractor from participation in state benefit programs."

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. 5084, Require retailers to verify identification and age upon purchase of vape products.

Delegate Jeffries moved that the House refuse to concur in the following amendment of the bill by the Senate, and requested the Senate to recede therefrom:

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

"**ARTICLE 9A. TOBACCO USAGE RESTRICTIONS.**

§16-9A-1. Legislative findings and intent.

Intent. - The Legislature hereby declares it to be the policy and intent of this state to discourage and ban the use of tobacco products by minors. As basis for this policy, the Legislature hereby finds and accepts the medical evidence that ~~smoking~~ tobacco products may cause lung cancer, lung or heart disease, emphysema, and other serious health problems while the use of smokeless tobacco may cause gum disease and oral cancer. It is the further intent of the Legislature to

reduce tobacco use by keeping tobacco products out of the hands of youth and young adults ~~in~~ by banning ~~the use of tobacco products by minors~~ the sale of tobacco products to persons younger than 21 years of age to ease the personal tragedy and eradicate the severe economic loss associated with the use of tobacco and to provide the state with a citizenry free from the use of tobacco.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) A person, firm, corporation, or business entity may not sell, give, or furnish, or cause to be sold, given, or furnished, any tobacco product, in any form, to any person younger than 21 years of age, which shall be verified by a valid driver's license, state identification card, or any valid and unexpired federally issued identification card such as a passport or military identification card:

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

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

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

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

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

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

(a) The ~~Commissioner of the West Virginia Alcohol Beverage Control Administration~~ Bureau for Behavioral Health of the Department of Human Services, the Superintendent of the West Virginia State Police, the sheriffs of the counties of this state, and the chiefs of police of municipalities of this state, may periodically conduct unannounced inspections at locations where tobacco products ~~or tobacco-derived products,~~ are sold or distributed to ensure compliance with the provisions of ~~§16-9A-2 and~~ §16-9A-3 of this code and in such manner as to conform with applicable federal and state laws, rules, and regulations. Persons ~~under the age of eighteen~~ younger than 21 years of age may be enlisted by ~~such~~ the commissioner, superintendent, sheriffs or chiefs of police or employees or agents thereof, to test compliance with these sections: *Provided*, That ~~minors~~ a person younger than 18 years of age may be used to test compliance only if the testing is conducted under the direct supervision of the commissioner, superintendent, sheriffs, or chiefs of police or employees or agents thereof, and written consent of ~~the~~ his or her parent or guardian ~~of such person is first obtained and such minors shall not be in violation of §16-9A-3 of this code article and chapter when acting under the direct supervision of the commissioner, superintendent, sheriffs or chiefs of police or employees or agents thereof and with the written consent of the parent or guardian~~. It is unlawful for any person to use persons ~~under the age of eighteen years~~ younger than the age of 21 to test compliance in any manner not set forth ~~herein~~ in this subsection and the person ~~so~~ using a minor is guilty of a misdemeanor and, upon conviction thereof, shall be fined the same amounts as set forth in ~~§16-9A-2~~ §16-9A-3 of this code.

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

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

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

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

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

that ~~community service~~ non-criminal, non-monetary obligations have been fulfilled, shall promptly notify the Commissioner of the West Virginia Alcohol Beverage Control Administration of the ~~conviction~~ violation and the satisfaction of imposed ~~community service~~ non-criminal, non-monetary penalty.

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

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

~~No~~ A person or business entity may not offer for sale any ~~cigarette~~ tobacco product ~~or tobacco-derived product,~~ in a vending machine. Any person or business entity which violates the provisions of this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined $250: *Provided*, That an establishment is exempt from this prohibition if ~~i~~individuals ~~under the age of eighteen~~ younger than 21 years of age are not permitted to be in the establishment or if the establishment is licensed by the alcohol beverage control commissioner as a Class A licensee. The alcohol beverage control commissioner shall promulgate rules for legislative approval pursuant to §29A-3-1 *et seq.* of this code, to establish standards for the location and control of the vending machines in Class A licensed establishments for the purpose of restricting access by ~~minors~~ persons younger than 21 years of age."

And,

By amending the title of the bill to read as follows;

Com. Sub. for H. B. 5084 – "A Bill to amend and reenact §16-9A-1, §16-9A-2, §16-9A-3, §16-9A-4, §16-9A-7, and §16-9A-8 of the Code of West Virginia, 1931, as amended, all relating to tobacco products; amending legislative intent; defining terms; prohibiting sale or gift of tobacco products to persons younger than 21 years of age; requiring that a valid driver's license, state identification card, or any valid and unexpired federally issued identification card be presented to verify the minimum age of 21 for the purchase or acceptance of tobacco products; setting forth fines and criminal penalties; increasing fines for selling tobacco products to persons younger than 21 years of age; removing penalties for possession of a tobacco product by a person younger than the age of 18; providing that an employee who sells a tobacco product to a person younger than 21 years of age is subject to noncriminal, nonmonetary penalties; allowing an employee who sells a tobacco product to a person younger than 21 years of age to be fired under certain circumstances; permitting persons younger than 21 years of age to be used in inspections of retail outlets where tobacco products are sold; providing a defense for a person charged with selling tobacco products to a person younger than 21 years of age; replacing the West Virginia Alcohol Beverage Control Administration with the Bureau for Behavioral Health as an agency with authority to conduct inspections; removing the requirement for the West Virginia Alcohol Beverage Control Administration to submit a report and instead requiring the Commissioner of the Bureau for Behavioral Health to submit the report; and amending language regarding vending machines to conform to the increased age requirement."

Delegate Coop-Gonzalez was recognized and moved to concur in the Senate amendment, to which the Speaker explained that a motion to concur would be in order if the current motion to refuse to concur was rejected and noted such. The Delegate then explained that he did not mean to make a motion but wanted to get the bill through.

On the motion to refuse to concur in the Senate amendment, the yeas and nays, were demanded which demand was sustained.

The yeas and nays have been ordered, they were taken **(Roll No. 710)**, and there were--yeas 53, nays 44, absent and not voting 3, with the nays and the absent and not voting being as follows:

Nays: Campbell, Cannon, T. Clark, W. Clark, Coop-Gonzalez, Devault, Dillon, Fast, Fehrenbacher, Ferrell, Fluharty, Foggin, Garcia, Green, Griffith, Hall, Hansen, Heckert, Holstein, Hornbuckle, Lewis, Longanacre, Lucas, Mazzocchi, Miller, Petitto, Pinson, E. Pritt, Pushkin, Ridenour, Rohrbach, Rowe, Shamblin, Sheedy, Statler, Stephens, Street, Toney, Tully, Vance, Ward, Warner, Westfall and Williams.

Absent and Not Voting: Bridges, Hamilton and Linville.

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

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. 5553, To provide and change graduation requirements and change duties relating to academic content standards.

Delegate Jeffries moved that the House refuse to concur in the following amendment of the bill by the Senate, and request the Senate to recede therefrom:

"**ARTICLE 2. REQUIRED COURSES OF INSTRUCTION.**

§18-2-7C. PROGRAM IN PERSONAL FINANCE.

(a) The Legislature finds and declares that persons with an understanding of personal finance are better prepared to manage their money and that providing a personal finance program in secondary schools in West Virginia will prepare students to handle their finances.

(b) To provide students a basic understanding of personal finance, the state board shall develop a program of instruction on personal finance which may be integrated into the curriculum of an appropriate existing course or courses for students in secondary schools.

(c) ~~Beginning with the class of students entering 9th grade in the 2024-2025 school year and thereafter, each high school student shall complete one-half credit course of study in personal finance during their 11th or 12th grade year as a requirement for high school graduation.~~ The ~~State Board of Education~~ state board shall develop and issue implementation guidance to local

school boards and other education agencies as to curriculum, content matter standards, eligible teacher certification(s), and graduation requirements the course may fulfill before July 1, 2024.

~~(d) Every student shall complete a course in personal finance prior to high school graduation.~~

§18-2-9. Required courses of instruction.

(a) (1) In all public, private, parochial, and denominational schools located within this state there shall be given prior to the completion of the eighth grade at least one year of instruction in the history of the State of West Virginia. The schools shall require regular courses of instruction by the completion of the 12th grade in the history of the United States, in civics, in the Constitution of the United States, and in the government of the State of West Virginia for the purpose of teaching, fostering, and perpetuating the ideals, principles, and spirit of political and economic democracy in America, and increasing the knowledge of the organization and machinery of the government of the United States and of the State of West Virginia. The required courses shall include instruction on the institutions and structure of American government, such as the separation of powers, the Electoral College, and federalism. The required courses shall include instruction that provides students an understanding of American political philosophy and history, utilizing writings from prominent figures in Western civilization, such as Aristotle, Thomas Hobbes, John Locke, and Thomas Jefferson. The courses of instruction shall offer an objective and critical analysis of ideologies throughout history including, but not limited to, capitalism, republicanism, democracy, socialism, communism, and fascism. The required courses shall emphasize the use of primary sources and interactive learning techniques, such as mock scenarios, debates, and open and impartial discussions.

(2) The state board shall, with the advice of the state superintendent, and after consultation with other entities, prescribe the courses of study, including the basic course requirements for middle school and high school, and the academic standards listed in subdivision (1) of this subsection for these courses of study covering these subjects for the public schools, and publish an approved list of instructional resources pursuant to §18-2A-1 *et seq.* of this code. The curriculum used in the delivery of instruction shall cover the standards adopted for such courses. The other entities for consultation may include such organizations as the Florida Joint Center for Citizenship, the College Board, the Bill of Rights Institute, Hillsdale College, the Gilder Lehrman Institute of American History, the Constitutional Sources Project, educators, school administrators, postsecondary education representatives, elected officials, business and industry leaders, parents, and the public. Officials or boards having authority over the respective private, parochial, and denominational schools shall prescribe courses of study for the schools under their control and supervision similar to those required for the public schools.

(3) The state board shall provide testing or assessment instruments for the history and civics courses of instruction required by this section. These testing instruments shall:

(A) Be aligned with the academic standards required by this section;

(B) Be mandatory for students enrolled in those courses of instruction;

(C) Be cumulative by including questions about knowledge learned in prior history and civics courses; and

(D) Measure students' factual and conceptual knowledge including how the facts interrelate and the reasons behind historical documents and events.

(4) To further this study, every high school student eligible by age for voter registration shall be afforded the opportunity to register to vote pursuant to §3-2-22 of this code.

(b) The state board shall cause to be taught in all public schools of this state the subject of health education, including instruction in any of the grades six through 12 as considered appropriate by the county board, on: (1) The prevention, transmission, and spread of acquired immune deficiency syndrome and other sexually transmitted diseases; (2) substance abuse, including the nature of alcoholic drinks and narcotics, tobacco products, and other potentially harmful drugs, with special instruction as to their effect upon the human system and upon society in general; (3) the importance of healthy eating and physical activity in maintaining healthy weight; and (4) education concerning cardiopulmonary resuscitation and first aid, including instruction in the care for conscious choking, and recognition of symptoms of drug or alcohol overdose. The course curriculum requirements and materials for the instruction shall be adopted by the state board by rule in consultation with the Department of Health. The state board shall prescribe a standardized health education assessment to be administered within health education classes to measure student health knowledge and program effectiveness.

(c) An opportunity shall be afforded to the parent or guardian of a child subject to instruction in the prevention, transmission, and spread of acquired immune deficiency syndrome and other sexually transmitted diseases to examine the course curriculum requirements and materials to be used in the instruction. The parent or guardian may exempt the child from participation in the instruction by giving notice to that effect in writing to the school principal.

(d) After July 1, 2015, the required instruction in cardiopulmonary resuscitation in subsection (b) of this section shall include at least 30 minutes of instruction for each student prior to graduation on the proper administration of cardiopulmonary resuscitation (CPR) and the psychomotor skills necessary to perform cardiopulmonary resuscitation. The term ‘psychomotor skills’ means the use of hands-on practicing to support cognitive learning. Cognitive-only training does not qualify as ‘psychomotor skills’. The CPR instruction shall be based on an instructional program established by the American Heart Association or the American Red Cross, or another program which is nationally recognized and uses the most current national evidence-based emergency cardiovascular care guidelines and incorporates psychomotor skills development into the instruction. A licensed teacher is not required to be a certified trainer of cardiopulmonary resuscitation to facilitate, provide, or oversee such instruction. The instruction may be given by community members, such as emergency medical technicians, paramedics, police officers, firefighters, licensed nurses, and representatives of the American Heart Association or the American Red Cross. These community members are encouraged to provide necessary training and instructional resources such as cardiopulmonary resuscitation kits and other material at no cost to the schools. The requirements of this subsection are minimum requirements. A local school district may offer CPR instruction for longer periods of time and may enhance the curriculum and training components, including, but not limited to, incorporating into the instruction the use of an automated external defibrillator (AED): *Provided*, That any instruction that results in a certification being earned shall be taught by an authorized CPR/AED instructor.

(e) A full week of classes during the week selected by the county board of education shall be recognized as Celebrate Freedom Week. The purpose of Celebrate Freedom Week is to educate students about the sacrifices made for freedom in the founding of this country and the values on which this country was founded.

Celebrate Freedom Week shall include appropriate instruction in each social studies class which:

(1) Includes an in-depth study of the intent, meaning, and importance of the Declaration of Independence, the Emancipation Proclamation, and the Constitution of the United States with an emphasis on the amendments that are crucial to the survival of democracy and freedom, such as the Bill of Rights and the 13th, 14th, 15th, and 19th amendments;

(2) Uses the historical, political, and social environments surrounding each document at the time of its initial passage or ratification; and

(3) Includes the study of historical documents to firmly establish the historical background leading to the establishment of the provisions of the constitution and Bill of Rights by the founding fathers for the purposes of safeguarding our constitutional republic.

The requirements of this subsection are applicable to all public, private, parochial, and denominational schools located within this state. Nothing in this subsection creates a standard or requirement subject to state accountability measures.

(f) Beginning the 2018-2019 school year, students in public schools shall be administered a test the same as or substantially similar to the civics portion of the naturalization test used by the United States Citizenship and Immigration Services between their ninth and 12th grade years as an indicator of student achievement in the area of civics education. The test results may be reported in the aggregate to the county board for evaluation by the board's curriculum director and reported to the board members. Nothing in this subsection creates a standard or requirement subject to state accountability measures.

(g) Beginning with the class of students entering ninth grade in the 2024-2025 school year, and thereafter, each high school student shall have the option of completing a one-half credit course of study in personal finance during their ninth through 12th grade year as a requirement for high school graduation; or

(h) Beginning with the ninth-grade class entering in the 2026-2027 school year, a one-half credit course of study in a high school computer science course as a requirement for high school graduation.

(3) 'Computer science' means the study of computers, algorithmic processes, coding, and logical thinking, including computer principles, their hardware and software designs, their implementation, and their impact on society. Content should focus on teaching students how to create new technologies, not simply how to use technology. Computer science does not include the study of everyday uses of computers and computer applications, such as keyboarding, word processing, digital literacy, or accessing the internet.

(4) The one-half high school credit for computer science required in this subsection may be earned in grades eight through twelve.

(5) A computer science course offered for high school credit shall:

(A) Be of high quality; and

(B) Meet or exceed the standards established by the state board; and

(6) The state board shall update computer science standards to include a high school introductory computer science course including foundational computer science concepts.

(7) Beginning in August of 2025, the state board shall make available to all public schools a list of foundational computer science courses that meet the requirements for this course. The list shall include both half credit and full credit courses.

(A) Beginning with the 2026-2027 school year, a public school district may employ a computer science teacher at each high school in the public school district.

(B) A computer science teacher employed in accordance with this subsection shall hold a teaching certificate approved by the state board.

(8) The state board may adopt rules to administer the provisions of this subsection, including rules for flexible options to license computer science teachers including, but not limited to, an authorization or endorsement.

(9) The computer science course may be used to fulfill existing graduation requirements, as determined by the state board.

(i) All public schools located within this state shall give age-appropriate instruction on the Holocaust, the systematic, planned annihilation on European Jews and other groups by Nazi Germany, a watershed event in the history of humanity, to be taught in a manner that leads to an investigation of human behavior and an examination of what it means to be a responsible and respectful person, for the purposes of encouraging tolerance of diversity in a pluralistic society and for nurturing and protecting democratic values and institutions: *Provided,* That beginning in the 2024-2025 school year, each public school, including each public charter school, shall incorporate age-appropriate reading and discussion into its Holocaust education curriculum, in grades 10 or 11. The Holocaust discussion must include a reading of *The Diary of a Young Girl*, by Anne Frank."

And,

By amending the title of the bill to read as follows:

Com. Sub. for H. B. 5553 – "A Bill to amend and reenact §18-2-7c and §18-2-9 the Code of West Virginia, 1931, as amended, relating to requiring all West Virginia high school students to pass certain minimum one-half credit hours in personal finance or computer science and technology courses as a high school graduation requirement; defining computer science; establishing computer science course requirements; requiring the state board of education to modify computer science standards; establishing rulemaking to establish licensing requirements for computer science teachers; and relating to requiring all public schools located within the state to give age-appropriate instruction on the Holocaust."

On the motion to refuse to concur in the Senate amendment, the yeas and nays, were demanded which demand was sustained.

The yeas and nays have been ordered, they were taken **(Roll No. 711)**, and there were--yeas 78, nays 21, absent and not voting 1, wih the nays and the absent and not voting being as follows:

Nays: Cannon, Coop-Gonzalez, Fluharty, Garcia, Griffith, Hamilton, Hansen, Heckert, Holstein, Hornbuckle, Lewis, Longanacre, Lewis, Lucas, Pushkin, Ridenour, Rowe, Summers, Tully, Ward, Williams, Winzenreid and Young.

Absent and Not Voting: Bridges.

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

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

At this time, the Speaker appointed as conferees for S. B. 155 on the part of the House of Delegates the following:

Delegates Fast, Horst and Garcia.

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

The Clerk announced a message from the Clerk of the Senate regarding Com. Sub. for H. B. 5223 but the Speaker noted that the message would not be received at that time.

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. 5349, West Virginia Truth in Food Labeling Act.

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

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

"**ARTICLE 39. TRUTH IN FOOD PRODUCT LABELING ACT.**

§19-39-1. Definitions.

For purposes of this article:

(1) 'Analogue product' means a food product derived by combining processed plant products, insects, or fungus with food additives to approximate the texture, flavor, appearance, or other aesthetic qualities or the chemical characteristics of any specific type of egg, egg product, fish, meat, meat food product, poultry, or poultry product.

(2) 'Cell-cultured product' means a food product derived by harvesting animal cells and artificially or chemically replicating those cells in a growth medium in a laboratory to produce tissue to approximate the texture, flavor, appearance, or other aesthetic qualities or the chemical characteristics of any specific type of egg, egg product, fish, meat, meat food product, poultry, or poultry product.

(3) 'Egg' has the meaning assigned by 21 U.S.C. §1033(g) and by §19-10A-2(i) of this code. The term does not include an analogue product or a cell-cultured product.

(4) 'Egg product' has the meaning assigned by 21 U.S.C. §1033(f). The term does not include an analogue product or a cell-cultured product.

(5) 'Fish' has the meaning assigned by 21 C.F.R. §123.3 and by §19-29-2(a) of this code. The term does not include an analogue product or a cell-cultured product.

(6) 'Fishery product' has the meaning assigned by 21 C.F.R. §123.3. The term does not include an analogue product or a cell-cultured product.

(7) 'Food' means any egg, egg product, fish, fishery product, meat, meat food product, poultry, or poultry product, but does not include any analogue product or cell-cultured product.

(8) 'Food product' means any analogue product or cell-cultured product, but does not include any egg, egg product, fish, fishery product, meat, meat product, poultry, or poultry product.

(8) 'Meat' has the meaning assigned by 9 C.F.R. §301.2 and by §19-29-2(d) of this code. The term does not include an analogue product or a cell-cultured product.

(9) 'Meat food product' has the meaning assigned by 21 U.S.C. §601(j). The term does not include an analogue product or a cell-cultured product.

(10) 'Poultry' has the meaning assigned by 21 U.S.C. §453(e). The term does not include an analogue product or a cell-cultured product.

(11) 'Poultry product' has the meaning assigned by 21 U.S.C. §453(f). The term does not include an analogue product or a cell-cultured product.

§19-39-2. Misbranded food.

(a) A food product is misbranded:

(1) If its labeling is false or misleading in any manner, or fails to otherwise conform with the requirements of this article;

(2) If, in the case of a food product to which 21 U.S.C. §343 applies, its advertising is false or misleading in a material respect or its labeling is in violation of 21 U.S.C. §343;

(2) If it is offered for sale under the name of a food;

(3) If it is an imitation of a food, unless its label bears, in prominent type, the word 'imitation' and immediately before or after the name of the food imitated;

(4) If it is an analogue product, unless its label bears in prominent type immediately before or after the name of the product one of the following:

(A) 'Analogue';

(B) 'Meatless';

(C) 'Plant-based';

(D) 'Made from plants'; or

(E) A similar, accurate qualifying term or disclaimer intended to clearly communicate to a consumer the contents of the product;

(5) If it is a cell-cultured product, unless its label bears in prominent type immediately before or after the name of the product using one of the following:

(A) 'Cell-cultured';

(B) 'Lab-grown'; or

(C) A similar, accurate qualifying term or disclaimer intended to clearly communicate to a consumer the contents of the product;

(6) If its container is made, formed, or filled in a manner that is misleading;

(7) If in package form, unless it bears a label containing:

(A) The name and place of business of the manufacturer, packer, or distributor; and

(B) An accurate statement, located on the principal display panel of the label, of the quantity of the contents in terms of weight, measure, or numerical count: *Provided,* that under this subsection, reasonable variations may be permitted and exemptions as to small packages may be established by rule;

(8) If any word, statement, or other information required by or under the authority of this chapter to appear on the label or labeling is not prominently placed on the label or labeling with such conspicuousness, as compared with other words, statements, designs, or devices in the labeling, and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use;

(9) If it purports to be or is represented as a food or food product for which a definition and standard of identity has been prescribed by federal law or as otherwise provided by this chapter, unless:

(A) It conforms to such definition and standard; and

(B) Its label bears the name of the food or food product specified in the definition and standard, and, in so far as may be required by those regulations or rules, the common names of ingredients, other than spices, flavoring, and coloring, present in such food or food product;

(10) If it purports to be or is represented as:

(A) A food or food product for which a standard of quality has been prescribed by federal regulations or department rules as provided under this chapter, and its quality falls below such standard unless its label bears, in such manner and form as those regulations or rules specify, a statement that it falls below such standard; or

(B) A food or food product for which a standard or standards of fill of container have been prescribed by federal regulations or department rules, and it falls below the standard of fill of container applicable thereto, unless its label bears, in such manner and form as those regulations or rules specify, a statement that it falls below such standard;

(11) Unless its label bears:

(A) The common or usual name of the food product, if any, and

(B) In case it is fabricated from two or more ingredients, the common or usual name of each such ingredient, and if the food product purports to be a beverage containing vegetable or fruit juice, a statement with appropriate prominence on the information panel of the total percentage of the fruit or vegetable juice contained in the food; except that spices, flavorings, and colors not required to be certified under 21 U.S.C. §379e, other than those sold as such, may be designated as spices, flavorings, and colors, without naming each: *Provided*, That to the extent that compliance with the requirements of this paragraph is impractical or results in deception or unfair competition, exemptions shall be established by department rules;

(12) If it purports to be or is represented for special dietary uses, unless its label bears such information concerning its vitamin, mineral, and other dietary properties as the commissioner determines to be, and by rule prescribed, as necessary in order to fully inform purchasers as to its value for such uses;

(13) If it bears or contains any artificial flavoring, artificial coloring, or chemical preservative, unless it bears labeling stating that fact: *Provided*, That, to the extent that compliance with the requirements of this subdivision is impracticable, exemptions shall be established by department rules. The provisions of this subdivision, §29-39-2(9) of this code, and §29-39-2(11) of this code with respect to artificial coloring do not apply in the case of butter, cheese, and ice cream;

(14) If it is a raw agricultural commodity that is the produce of the soil and bears or contains a pesticide chemical applied after harvest, unless the shipping container of the commodity bears labeling that declares the presence of the chemical in or on the commodity and the common or usual name and the function of the chemical, except that the declaration is not required while the commodity, after removal from the shipping container, is being held or displayed for sale at retail out of the container in accordance with the custom of the trade;

(15) If it is a product intended as an ingredient of another food or food product and if used according to the directions of the purveyor will result in the final food or food product being adulterated or misbranded;

(16) If it is a color additive, unless its packaging and labeling are in conformity with the packaging and labeling requirements applicable to the color additive as may be contained in regulations issued under 21 U.S.C. §379e;

(17) If its packaging or labeling is in violation of an applicable regulation issued under 15 U.S.C. §1472 and 15 U.S.C. §1473, the Poison Prevention Packaging Act of 1970;

(18) If it is a food product intended for human consumption and is offered for sale, unless its label or labeling bears nutrition information that provides:

(A) The serving size that is an amount customarily consumed and that is expressed in a common household measure that is appropriate to the food product; or

(B) If the use of the food product is not typically expressed in a serving size, the common household unit of measure that expresses the serving size of the food product;

(C) The number of servings or other units of measure per container;

(D) The total number of calories in each serving size or other unit of measure that are:

(i) Derived from any source; and

(ii) Derived from fat;

(E) The amount of total fat, saturated fat, cholesterol, sodium, total carbohydrates, complex carbohydrates, sugar, dietary fiber, and total protein contained in each serving size or other unit of measure; and

(F) Any vitamin, mineral, or other nutrient required to be placed on the label and labeling of food or food product under 21 U.S.C. §343; or

(G) If it is a food product distributed at retail in bulk display cases, or a food product received in bulk containers, unless it has nutrition labeling prescribed by the commissioner; and

(H) If the commissioner determines it is necessary, nutrition labeling will be mandatory for raw fruits, vegetables, and fish, including freshwater or marine finfish, crustaceans, mollusks including shellfish, amphibians, and other forms of aquatic animal life;

(22) If it is a food product intended for human consumption and is offered for sale, and a claim is made on the label, labeling, or retail display relating to the nutrient content or a nutritional quality of the food product to a specific disease or condition of the human body, except as permitted by 21 U.S.C. §360ee; or

(23) If it is a food product intended for human consumption and its label, labeling, and retail display do not comply with the requirements of 21 U.S.C. §360ee pertaining to nutrient content and health claims.

(b) The provisions of §29-39-2(a)(18) of this code do not apply to a food product:

(1) That is served in restaurants or other establishments in which food or food product is served for immediate human consumption or that is sold for sale or use in those establishments;

(2) That is processed and prepared primarily in a retail establishment, that is ready for human consumption, that is of the type described in subdivision (1) of this subsection, that is offered for sale to consumers but not for immediate human consumption in the establishment, and that is not offered for sale outside the establishment;

(3) That is an infant formula subject to 21 U.S.C. §350a;

(4) That is a medical food as defined in 21 U.S.C. §360ee;

(5) If the commissioner determines by rule that compliance with §29-39-29(a)(18) of this code is impracticable because the package of the food product is too small to comply with the requirements of that subdivision and if the label of that food product does not contain any nutrition information;

(6) If the commissioner determines that a food product contains insignificant amounts of all the nutrients required by §19-39-2(18) of this code to be listed on the label or labeling of food products as long as the label, labeling, or advertising of the food product does not make any claim with respect to the nutritional value of the food product: *Provided*, That if the commissioner determines that a food product contains insignificant amounts of more than half the nutrients

required by §19-39-2(18) of this code to be in the label or labeling of the food product, the amounts of those nutrients shall be stated in a simplified form prescribed by the commissioner; or

(7) If a food product is sold by a food distributor, as long as the food distributor principally sells the food product to restaurants or other establishments in which the food product is served for immediate human consumption and the food distributor does not manufacture, process, or repackage the food product it sells.

(c) If a food product is subject to 21 U.S.C. §343, the food product shall comply with §29-39-2(18) of this code in a manner prescribed by rule.

(d) If a person offers a food product for sale and has annual gross sales made or business done in sales to consumers that is not more than $500,000, or has annual gross sales made or business done in sales of the food product to consumers that is not more than $50,000, the requirements of this section do not apply.

§19-39-3. Rulemaking; duplication or conflict with federal law.

(a) The commissioner may propose emergency rules and rules for legislative approval in accordance with the provisions of §29A-3-1 *et seq.* of this code to implement the provisions of this article, which may include, but are not limited to:

(1) Inspection requirements;

(2) Any other labeling information necessary to ensure that a misbranded food product will not have false, misleading, or inaccurate labeling and that the public will be informed of the manner of handling required to maintain the food product in a wholesome condition;

(3) Violations of this article and administrative fines or forfeitures therefor;

(4) Procedures for administrative enforcement of violations of this article; and

(5) Procedures for appeals of proceedings under this article.

(b) In the event any provision of this article duplicates or conflicts with federal law or regulation, that provision under this article shall not apply and the federal law or regulation controls."

And,

By amending the title of the bill to read as follows:

Com. Sub. for H. B. 5349- "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §19-39-1, §19-39-2, and §19-39-3, all relating to the Truth in Food Product Labeling Act; defining terms; establishing what constitutes misbranding of a food product; providing exceptions; providing certain food products subject to federal law shall comply with rule; authorizing emergency and legislative rules; and providing for inapplicability of provision duplicating or conflicting with federal law."

With the further amendment, sponsored by Delegate Householder, being as follows:

On page 1, section 1, line 5, after the word 'fish,' by inserting the words 'fishery product,'

And,

On page 1, section 1, line 9, after the word 'fish,' by inserting the words 'fishery product,'.

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. 712)**, and there were--yeas 88, nays 9, absent and not voting 3, with the nays and the absent and not voting being as follows:

Nays: Griffith, Hamilton, Hansen, Hornbuckle, Lewis, Pushkin, Rowe, Williams and Young.

Absent and Not Voting: Bridges, Fluharty and Garcia.

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. 5349) 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, to take effect March 1, 2025, a bill of the House of Delegates, as follows:

Com. Sub. for H. B. 5544, Relating to requiring certain reporting from the Mountaineer Trail Network Authority each year.

On motion of Delegate Jeffries, the House refused to concur in the following amendment of the bill by the Senate, and requested the Senate to recede therefrom:

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

'**ARTICLE 17A. MOUNTAINEER TRAIL NETWORK RECREATION AUTHORITY.**

§20-17A-6. Reporting.

(a) There shall be an annual report made from the Mountaineer Trail Network Authority to the Joint Committee on Economic Development concerning:

(1) Progress made towards the goals laid out in §20-17-1 *et seq.* and §20-17A-1 *et seq.* of this code;

(2) A report of grants requested and received; and

(3) Progress made on other projects within the Trail Networks throughout the state.

(b) This reporting shall begin on December 1, 2024.

ARTICLE 20. MOUNTAIN BIKE RESPONSIBILITY ACT.

§20-20-1. Legislative findings.

The West Virginia Legislature finds that our natural resources and topography provide world class opportunities to attract both resident and nonresident bicyclists to this state to enjoy the sport of mountain biking, significantly contributing to the economy of West Virginia. Further, it is recognized that there are inherent risks in the sport of bicycling, and the purpose of this article is to define those areas of responsibilities and affirmative acts for which the mountain operators shall be liable for loss, damage, or injury and to define those risks that the bicyclist expressly assume. Nothing in this article shall impact other defenses that may be raised by mountain operators against claims asserted by bicyclists.

§20-20-2. Definitions.

The terms in this article have the following meaning, unless the context clearly requires a different meaning:

(1) 'Aerial passenger tramway' means any device operated by a trail system operator used to transport passengers by single or double reversable tramway, chairlift or gondola lift, T-bar lift, J-bar lift, platter lift, or similar device; a fiber rope or wire rope tow, or a conveyor.

(2) 'Mountain Bicyclist' means any person present at a trail system area under the control of a trail system operator for the purpose of engaging in activities, including, without limitation, bicycling downhill or uphill, jumping on a bicycle, or any other cycling device. 'Mountain Bicyclist' does not include a person using an aerial passenger tramway.

(3) 'Trail system area' means the property owned, leased, or authorized under a special use permit, and under the control of the trail system operator.

(4) 'Trail system operator' means any person, partnership, corporation, or other commercial entity, its agents, officers, employees, or representatives, who has, as part of a commercial, private, or for-profit endeavor, operational responsibility for mountain bicycling activities at any trail system area and the use of an aerial passenger tramway for such purpose. Trail system operator does not include any public or non-profit corporation, its agents, officers, employees, or representatives, who has operational responsibility of mountain bicycling activities at any trail system area.

(5) 'Passenger' means any person who is lawfully using an aerial passenger tramway or is waiting to embark or has recently disembarked from an aerial passenger tramway and is in its immediate vicinity.

(6) 'Mountain Bike trails' means all mountain bike trails designated by the trail system operator to be used by mountain bicyclists for the purpose of participating in the sport of mountain biking including but not limited, to downhill trails, cross-country trails, free ride trails, pump tracks, and skills areas.

§20-20-3. Duties of trail system operators with respect to trail system.

Every trail system operator shall:

(1) Maintain a trail board at a prominent location at the trail system area displaying that area's network of mountain bike trails;

(2) Designate and mark conspicuously all mountain bike trails with a name and color, or symbol recognized in the mountain biking industry reflecting the relative degree of difficulty of the mountain bike trail. Such designation shall be at or near the top or entrance of the mountain bike trail. Any mountain bike trail which is closed shall be so marked at the trailhead;

(3) Follow published operational industry standards and guidelines;

(4) Provide internal trained and dedicated emergency response personnel or enter into an adequate emergency response plan with a local fire or EMS agency, or post at the trail board maintained under subdivision (1) of this section instructions on how to contact emergency response personnel;

(5) Maintain the mountain bike trails in a reasonably safe condition, except that such trail system operator shall not be responsible for any injury, loss or damage caused by the following: uneven or slippery rail and feature conditions; varying slopes and terrain; bumps; stumps; trees; roots; forest growth; cliffs; rock and rock drops; loose gravel and dirt; wet surfaces; holes and potholes; downed timber; debris; depressions; other bicyclists; dark tunnels; jumps; bridges; dirt or wood features/jumps; elevated features; and other constructed features; lift loading and unloading; padded and nonpadded barriers; paved surfaces; collisions with vehicles, pedestrians, wildlife, heavy equipment that is identified as a dangerous and/or hazardous work zone; properly marked permanent structures; and mechanical or other failure of rental or personal equipment;

(6) Post at the trail board maintained under subdivision (1) of this section the following language:

'WARNING – ASSUMPTION OF RISKS:

Under West Virginia law, every mountain bicyclist is considered to have accepted and to have knowledge of the risk of injury (including death) to the mountain bicyclist, as well as damage to property of the mountain bicyclist. Under West Virginia law, every mountain bicyclist has the duty to take the precautions that are necessary to avoid injury or death, as well as damage to property. West Virginia law sets forth certain limitations on the liability of trail system operators for injury or death to a bicyclist, as well as damage to property.

(7) Post a sign at all aerial passenger tramways that advises the passengers to seek advice if not familiar with riding the aerial passenger tramway; and

(8) Construct, operate, maintain, and repair any aerial passenger tramway in accordance with relevant and published national standards and safety requirements for such machinery.

§20-20-4. Duties of passengers.

No passenger shall:

(1) Board or embark upon or disembark from an aerial passenger tramway except at an area designated for such purpose;

(2) Drop, throw, or expel any object from an aerial passenger tramway;

(3) Perform any act that interferes with the running or operation of an aerial passenger tramway;

(4) Use any aerial passenger tramway if the passenger does not have the ability to use it safely without instruction, until the passenger has received sufficient instruction to permit safe usage;

(5) Embark on an aerial passenger tramway without engaging such safety or restraining devices as may be provided;

(6) Embark on an aerial passenger tramway without the authority, expressed or implied, of the trail system operator;

(7) Embark on an aerial passenger tramway while impaired by alcohol or drugs.

§20-20-5. Duties of mountain bicyclists.

(a) It is expressly recognized that mountain bicycling as a recreational sport is hazardous, regardless of all feasible safety measures which can be taken.

(b) Each mountain bicyclist expressly assumes the risk of, and legal responsibility for, any injury, loss or damage to person or property which results from participation in the sport of mountain bicycling including, but not limited to, any injury, loss or damage caused by the following: uneven or slippery trail and feature conditions; varying slopes and terrain; bumps, stumps; trees; roots; forest growth; cliffs; rock and rock drops; loose gravel and dirt; wet surfaces; holes and potholes; downed timber; debris; depressions; other bicyclists; dark tunnels; jumps; bridges; dirt or wood features/jumps; elevated features and other constructed features; lift loading and unloading; padded and nonpadded barriers; paved surfaces; collisions with vehicles, pedestrians, wildlife, heavy equipment that is identified as a dangerous and/or hazardous work zone; properly marked permanent structures; and mechanical or other failure of rental or personal equipment.

(c) Each mountain bicyclist shall have the sole individual responsibility for knowing the range of his or her own ability to negotiate any trail. Further, it shall be the duty of each mountain bicyclist to ride within the limits of the mountain bicyclist's own ability; to maintain reasonable control of speed and course at all times while mountain bicycling; to heed all posted warnings; to mountain bicycle only on a bike trail area designated by the trail system operator; to assess the difficulty of mountain bike trails; to be able to stop or avoid other individuals and objects; and to refrain from acting in a manner which may cause or contribute to the injury of anyone.

(d) If involved in a collision with another individual that results in injury, it shall be the duty of a mountain bicyclist to remain in the vicinity of the collision until giving his or her name and current address to a representative of the trail system operator or to all other parties to the collision except to secure aid for a person injured in a collision. A mountain bicyclist who leaves the vicinity to secure aid shall provide his or her name and current address after securing the aid.

(e) If while mountain bicycling any mountain bicyclist collides with any object or person, except an obviously intoxicated person of whom the trail system operator is aware, the responsibility for such collision shall be solely that of the mountain bicyclist or mountain bicyclists involved and not that of the trail system operator.

§20-20-6. Liability of trail system operator.

(a) A trail system operator may be liable for injury, loss, or damage caused by its failure to follow the duties set forth in section 3 of this article where the violation of duty is causally related to the injury, loss, or damage suffered.

(b) A trail system operator is not liable for any injury, loss, or damage caused by the negligence of any person who is not an agent or employee of the trail system operator.

(c) A trail system operator is not liable for any injury, loss, or damage caused by a mountain bicyclist or passenger's violation of any duty described in this article.

(d) Every trail system operator shall carry public liability insurance in limits of no less than $100,000 per person, $300,000 per occurrence, and $10,000 for property damage.

§20-20-7. Liability of passengers.

Any passenger may be liable for injury, loss, or damage resulting from violations of the duties established in section four of this article where the violation of duty is causally related to the injury, loss, or damage suffered.

§20-20-8. Liability of mountain bicyclist.

Any mountain bicyclist may be liable for injury, loss, or damage resulting from violations of the duties established in section five of this article where the violation of duty is causally related to the injury, loss, or damage suffered.

§20-20-9. Release of minor participant.

A parent or guardian of a minor participant may execute a release assuming responsibility for the risks of the minor participant. The release must give notice to the minor participant, and the parent or guardian, of the risks associated with the release.'

And,

By amending the title of the bill to read as follows:

Com. Sub. for H. B. 5544 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-17A-6, and to amend said code by adding thereto a new article, designated §20-20-1, §20-20-2, §20-20-3, §20-20-4, §20-20-5, §20-20-6, §20-20-7, §20-20-8, and §20-20-9, all relating to requiring certain reporting from the Mountaineer Trail Network Authority each year, beginning on December 1, 2024; to the creation of the Mountain Bike Responsibility Act; stating a legislative purpose; defining terms; and providing for duties of trail system operators, mountain bicyclists, and passengers on aerial passenger tramways."

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

Special Calendar

Third Reading

S. B. 837, Reorganizing offices of Public Defender Corporations to conform to circuit reconfiguration; 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. 713)**, 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: Bridges, Fluharty, Garcia and Vance.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 837) passed.

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

On this question, the yeas and nays were taken **(Roll No. 714)**, 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: Bridges, Garcia and Vance.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 837) takes effect from its passage.

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

Com. Sub. for S. B. 850, Updating Consumer Credit and Protection 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. 715)**, and there were--yeas 87, nays 11, absent and not voting 2, with the nays and the absent and not voting being as follows:

Nays: Butler, T. Clark, Dillon, Hardy, Hite, Linville, Longanacre, Pinson, Ridenour, Tully and Vance.

Absent and Not Voting: Bridges and Garcia.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 850) passed.

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

S. B. 858, Clarifying filing requirements and deadlines in property tax cases; on third reading, coming up in regular order, with the right to amend, was reported by the Clerk.

There being no amendments, the bill was read a third time.

The question being on the passage of the bill, the yeas and nays were taken **(Roll No. 716)**, 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: Bridges, W. Clark and Garcia.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 858) passed.

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

S. B. 858 – "A Bill to amend and reenact §11-3-25b of the Code of West Virginia, 1931, as amended, relating to appellate jurisdiction of Office of Tax Appeals; clarifying that Office of Tax Appeals has appellate jurisdiction and may hear and decide cases over property tax issues even when a taxpayer fails to file a petition in writing, register a complaint, or request a review by an assessor or county commission."

Delegate Householder moved that the bill take effect July 1, 2024.

On this question, the yeas and nays were taken **(Roll No. 717)**, 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: Tully.

Absent and Not Voting: Bridges, W. Clark and Garcia.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 858) takes effect July 1, 2024.

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

S. B. 864, Clarifying reporting requirements of Grant Transparency and Accountability 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. 718)**, 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: Bridges and DeVault.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 864) passed.

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

On this question, the yeas and nays were taken **(Roll No. 719)**, 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: Bridges and DeVault.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 864) takes effect from its passage.

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

S. B. 872, Relating to county fire service fees; 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. 720)**, 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: Ridenour.

Absent and Not Voting: Bridges, Devault and Hornby.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 872) passed.

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

On this question, the yeas and nays were taken **(Roll No. 721)**, 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: Bridges, DeVault and Hornby.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 872) takes effect from its passage.

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

S. B. 873, Schedule for tax installment payments; 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. 722)**, 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: Bridges and DeVault.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 873) passed.

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

S. B. 875, Relating to certain insurance coverage provided by BRIM; on third reading, coming up in regular order, was read a third time.

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

The Speaker ruled that the Delegate was a member of a class of persons possibly to be affected and did not excuse the Member from voting.

The question being on the passage of the bill, the yeas and nays were taken **(Roll No. 723)**, and there were--yeas 93, nays 5, absent and not voting 2, with the nays and the absent and not voting being as follows:

Nays: Adkins, Dillon, Longanacre, C. Pritt and Vance.

Absent and Not Voting: Bridges and Shamblin.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 875) passed.

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

On this question, the yeas and nays were taken **(Roll No. 724)**, 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: Bridges, Fehrenbacher, Shamblin and Steele.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 875) takes effect from its passage.

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

At 10:58 a.m., on motion of Delegate Householder, the House of Delegates recessed until 12:30 p.m.

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Afternoon Session

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

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 January 1, 2025, a bill of the House of Delegates, as follows:

Com. Sub. for H. B. 4350, Relating to appointment of candidates after filing period.

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

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

"**ARTICLE 5. PRIMARY ELECTIONS AND NOMINATING PROCEDURES.**

§3-5-11. Withdrawals; filling vacancies in candidacy; publication.

a) A candidate who has filed a certificate of announcement and wishes to withdraw and decline to stand as a candidate for the office shall file a signed and notarized statement of withdrawal on a form provided by the Secretary of State with the same officer with whom the certificate of announcement was filed. If the notarized statement of withdrawal is received by the proper officer by the deadlines set forth in subsection (b) of this section, the candidate's withdrawal is final and his or her name shall not be certified as a candidate nor printed on any ballot. If a candidate files a notarized statement of withdrawal after the deadlines set forth in subsection (b) of this section, the candidate shall not be withdrawn and the candidate's name shall remain on the ballot.

(b) Deadlines for withdrawing as a candidate:

(1) For primary or special primary elections or nonpartisan elections held in conjunction with a primary election: The notarized statement of withdrawal must be received by the same officer with whom the certificate of announcement was filed by the close of business of that officer not later than the third Tuesday following the close of the candidate filing period.

(2) For general or special general elections or nonpartisan elections held in conjunction with a general election: The notarized statement of withdrawal must be received by the same officer with whom the certificate of announcement was filed by the close of business of that officer not later than ~~eighty four~~ 84 days before the general election.

(c) Upon request of the candidate's family, the board of ballot commissioners may remove the name of a candidate who dies before the ballots are printed. If a candidate dies after the ballots are printed but before the election, the clerk of the county commission shall give a written notice which shall be posted with the sample ballot at each precinct with the county to the following effect: 'To the voter: (name) of (residence), a candidate for (office) is deceased.'

(d) If after the time is closed for announcing as a candidate there is a vacancy on the ballot caused by the failure of any person of a particular party to file for each available seat of each available office, ~~the executive committee of the party for the political division within which such candidate was to be voted for, or its chair if the committee fails to act, may fill the vacancy and certify the candidate named to the appropriate filing officer: *Provided*, That for a delegate district or senatorial district situated entirely within a single county, the county executive committee, or its chairperson if the committee fails to act, may fill the vacancy and certify the candidate named to the appropriate filing officer. Certification of the appointment by the executive committee or its chair, the candidate's certificate of announcement, and the filing fee must be received by the appropriate filing officer as follows: For an appointment by an executive committee, no later than the second Friday following the close of filing, for an appointment by its chair, no later than the third Tuesday following the close of filing: *Provided, however*, That any candidate appointed to an intra-county delegate or senatorial district by a county executive committee for that district pursuant to the process and by the deadline provided in this subsection shall not be refused certification for placement on the 2022 primary election ballot for that reason. A candidate appointed to fill a vacancy on the ballot under this subsection shall have his or her name printed on the primary ballot for that party.~~ that vacancy may not be filled: *Provided,* That if no person in any party has filed to run for an available seat or available office by the close of the candidate filing period, the relevant party executive committee may fill the vacancy and submit the name to the appropriate filing officer no later than the third Tuesday following the close of the filing period: *Provided, however,* That if the executive committee fails to make an appointment within the time required, the chairperson of the executive committee may make the appointment not later than two days following the deadline for the executive committee; *Provided further,* That for a delegate

district or senatorial district situated entirely within a single county, the county executive committee, or its chairperson if the committee fails to act, may fill the vacancy and certify the candidate named to the appropriate filing officer.

(e) No other vacancy shall be filled after the date of the primary election, except as provided in §3-5-19 of this code.

~~(e) The amendments to this section enacted by the Legislature during the 2022 Regular Session shall be retrospective to January 30, 2022.~~

§3-5-19. Vacancies in nominations; how filled; fees.

(a) If any vacancy occurs in the party nomination of candidates for office nominated at the primary election or by appointment under the provisions of section ~~eleven~~ 11 of this article, the vacancies may be filled, subject to the following requirements and limitations:

(1) Each appointment made under this section shall be made by the executive committee of the political party for the political division in which the vacancy occurs: *Provided*, That if the executive committee holds a duly called meeting in accordance with §3-1-9 of this code but fails to make an appointment or fails to certify the appointment of the candidate to the proper filing officer within the time required, the chairperson of the executive committee may make the appointment not later than two days following the deadline for the executive committee: *Provided, however*, That for a delegate district or senatorial district situated entirely within a single county, the county executive committee, or its chairperson if the committee fails to act, may fill the vacancy and certify the candidate named to the appropriate filing officer.

(2) Each appointment made under this section is complete only upon the receipt by the proper filing officer of the certificate of appointment by the executive committee, or its chairperson, as the case may be, the certificate of announcement of the candidate as prescribed in section seven of this article and, except for appointments made under subdivision (4), (5), (6) or (7) of this subsection, the filing fee or waiver of fee as prescribed in section eight or eight-a of this article. The proper filing officer is the officer with whom the original certificate of announcement is regularly filed for that office.

(3) If a vacancy in nomination will be caused by the failure of a candidate to file for an office~~,~~ or by withdrawal of a candidate, ~~no later than the third Tuesday following the close of candidate filing pursuant to the provisions of section eleven of this article, a nominee may be appointed by the executive committee and certified to the proper filing officer no later than 30 days after the last day to file a certificate of announcement pursuant to section seven of this article: *Provided*, That in no case shall any such vacancy be filled after the date of the primary election.~~the vacancy may not be filled.

(4) If a vacancy in nomination is caused by the disqualification of a candidate and the vacancy occurs not later than 84 days before the general election, a nominee may be appointed by the executive committee and certified to the proper filing officer not later than 78 days before the general election. A candidate may be determined disqualified if a written request is made by an individual with information to show a candidate's ineligibility to the State Election Commission no later than 84 days before the general election explaining grounds why a candidate is not eligible to be placed on the general election ballot or not eligible to hold the office, if elected. The State Election Commission shall review the reasons for the request. If the commission finds the circumstances warrant the disqualification of the candidate, the commission shall authorize

appointment by the executive committee to fill the vacancy. Upon receipt of the authorization, a nominee may be appointed by the executive committee and certified to the proper filing officer no later than 78 days before the general election.

(5) If a vacancy in nomination is caused by the incapacity of the candidate and if the vacancy occurs not later than 84 days before the general election, a nominee may be appointed by the executive committee and certified to the proper filing officer no later than 78 days before the general election.

~~(6) If a vacancy in nomination is caused by the timely filing of a notarized statement of withdrawal, according to section eleven of this article, of a candidate whose name would otherwise appear on the general election ballot, a replacement on the general election ballot may be appointed by the executive committee and certified to the proper filing officer no later than 78 days before the general election.~~

~~(7)~~(6) If a vacancy in nomination is caused by the death of the candidate occurring no later than 25 days before the general election, a nominee may be appointed by the executive committee and certified to the proper filing officer no later than 21 days following the date of death or no later than 22 days before the general election, whichever date occurs first.

(b) Except as otherwise provided in §3-10-1 *et seq.* of this code, if any vacancy occurs in a partisan office or position other than political party executive committee, which creates an unexpired term for a position which would not otherwise appear on the ballot in the general election, and the vacancy occurs after the close of candidate filing for the primary election but not later than 84 days before the general election, a nominee of each political party may be appointed by the executive committee and certified to the proper filing officer no later than 78 days before the general election. Appointments shall be filed in the same manner as provided in subsection (a) of this section, except that the filing fee shall be paid before the appointment is complete.

(c) When a vacancy occurs in the board of education after the close of candidate filing for the primary election but not later than 84 days before the general election, a special candidate filing period shall be established. Candidates seeking election to any unexpired term for board of education shall file a certificate of announcement and pay the filing fee to the clerk of the county commission no earlier than the first Monday in August and no later than 77 days before the general election.

~~(d) The amendments to this section enacted by the Legislature during the 2022 Regular Session shall be retrospective to January 30, 2022.~~"

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. 725)**, and there were--yeas 80, nays 15, absent and not voting 5, with the nays and the absent and not voting being as follows:

Nays: Brooks, Coop-Gonzalez, Fluharty, Garcia, Griffith, Hamilton, Hansen, Hornbuckle, Lewis, E. Pritt, Pushkin, Ridenour, Rowe, Williams and Young.

Absent and Not Voting: Adkins, Bridges, Butler, Riley 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. 4350) passed.

Delegate Kimble moved that the bill take effect January 1, 2025.

On this question, the yeas and nays were taken **(Roll No. 726)**, and there were--yeas 83, nays 12, absent and not voting 5, with the nays and the absent and not voting being as follows:

Nays: Brooks, Coop-Gonzalez, Fluharty, Garcia, Griffith, Hamilton, Hansen, Hornbuckle, Howell, Lewis, Williams and Young.

Absent and Not Voting: Adkins, Bridges, Fehrenbacher, Riley 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. 4350) takes effect January 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, to take effect from passage, a bill of the House of Delegates, as follows:

Com. Sub. for H. B. 4975, Relating to establishing a foster parent information system.

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

On page 2, section 111c, line 29, after the word 'before' by striking out the words 'January 1, 2025' and inserting in lieu thereof the words 'July 1, 2025';

On page 2, section 111c, line 30, after the word 'before' by striking out the words 'January 1, 2026' and inserting in lieu thereof the words 'July 1, 2026';

And,

On page 3, section 111c, after line 54 by inserting a new subdivision (4) to read as follows:

"(4) On or before December 31, 2024, the Department of Human Services shall submit a report to the Legislative Oversight Commission on Health and Human Resources setting forth an overview of the status of implementation of the web-based communication system set forth in this section. The report shall contain, at a minimum, timelines for completion of the web-based communication system and projected expenditures."

And,

By amending the title of the bill to read as follows:

Com. Sub. for H. B. 4975 – "A Bill to amend and reenact §49-2-111c of the Code of West Virginia, 1931, as amended, relating to establishing a web-based communication system; setting forth the requirements of the system; establishing deadlines for implementation; requiring the

Department of Human Services to provide analysis, evaluation, and reports regarding the system; and deleting obsolete language."

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. 727)**, 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: Bridges, Riley 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. 4975) passed.

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

On this question, the yeas and nays were taken **(Roll No. 728)**, 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: Bridges, Riley 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. 4975) 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 concurrence in part and refusal in part in the amendment of the House of Delegates and the passage, as amended, to take effect from passage, of

Com. Sub. for S. B. 632, Relating to Dangerousness Assessment Advisory Board multi-disciplinary study group.

On motion of Delegate Kimble, the House receded from the following part of its amendment of the bill:

On page 5, line 95, by striking, "(g) The study group steering committee comprised of the Chairman of the Dangerousness Assessment Advisory Board, the Statewide Forensic Clinical Director, and the Statewide Forensic Coordinator may:" and inserting in lieu thereof the following, "(g) The study group steering committee comprised of members as selected by Commissioner for the Bureau of Behavioral Health may:"

The question then being on the passage of the bill, the yeas and nays were taken **(Roll No. 729)**, 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: Bridges, Foster, Riley and Steele.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 632) passed.

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

On this question, the yeas and nays were taken **(Roll No. 730)**, and there were--yeas 94, nays 1, absent and not voting 5, with the nays and the absent and not voting being as follows:

Nays: Miller.

Absent and Not Voting: Bridges, Foster, C. Pritt, Riley 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 S. B. 632) 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, a bill of the House of Delegates, as follows:

Com. Sub. for H. B. 4911, Relating to the sale of raw milk.

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

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

"**ARTICLE 1. DEPARTMENT OF AGRICULTURE.**

§19-1-7. ~~Shared animal ownership agreement to consume~~ Sale of raw milk.

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

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

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

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

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

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

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

~~(c) The herd seller shall meet the animal health requirements for milk-producing animals established by the state veterinarian in accordance with state and national standards including the following:~~

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

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

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

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

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

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

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

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

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

(b) Notwithstanding any other provision of this code to the contrary, raw milk may be sold by a seller in West Virginia to a consumer in West Virginia: *Provided*, That any container of raw milk sold pursuant to this article shall be clearly labeled as 'unpasteurized raw milk', and shall include the name and physical address of the seller, the date of production, and the following warning:

'Consuming unpasteurized raw milk may increase your risk of foodborne illness, especially for children, elderly, immunocompromised individuals, and persons with certain medical conditions'.

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

And,

By amending the title of the bill to read as follows:

Com. Sub. for H. B. 4911 – "A Bill to amend and reenact §19-1-7 of the Code of West Virginia, 1931, as amended, relating to raw milk; defining 'raw milk'; authorizing intrastate sales of raw milk; imposing labeling requirements; and authorizing rulemaking."

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. 731)**, and there were--yeas 95, nays 1, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Westfall.

Absent and Not Voting: Bridges, C. Pritt, Riley 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. 4911) 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. 5257, Relating generally to allowing the Supreme Court of Appeals discretion to create uniform pay scales for all levels of judicial support staff.

On motion of Delegate Kimble, the House refused to concur in the following amendment of the bill by the Senate, and requested the Senate to recede therefrom:

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

"**CHAPTER 50. MAGISTRATE COURTS.**

ARTICLE 1. COURTS AND OFFICERS.

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

(a) In each county having three or more magistrates, the judge of the circuit court or the chief judge of the circuit court, if there is more than one judge of the circuit court, shall appoint a magistrate court clerk. In all other counties the judge may appoint a magistrate court clerk or may,

by rule, require the duties of the magistrate court clerk to be performed by the clerk of the circuit court, in which event the circuit court clerk is entitled to additional compensation in the amount of $2,500 per year. The magistrate court clerk serves at the will and pleasure of the circuit judge.

(b) Magistrate court clerks shall be paid at least twice per month by the state. The annual salary of all magistrate court clerks ~~is $52,296. Beginning July 1, 2023, the annual salary of a magistrate court clerk shall be $54,596~~ shall be determined by a pay scale established by the Administrative Director of the Supreme Court. Magistrate court clerks may receive any general salary increase granted to state employees, whose salaries are not set by statute, expressed as a percentage increase or an across-the-board increase, implemented after July 1, 2023.

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

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

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

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

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

(1) The preparation of summons in civil actions;

(2) The assignment of civil actions to the various magistrates;

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

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

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

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

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

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

(c) Magistrate assistants shall be paid at least twice per month by the state. The annual salary of all magistrate assistants ~~is $46,932. Beginning July 1, 2023, the annual salary of a magistrate assistant shall be $49,232~~ shall be determined by a pay scale established by the Administrative Director of the Supreme Court. Magistrate assistants may receive any general salary increase granted to state employees, whose salaries are not set by statute, expressed as a percentage increase or an across-the-board increase enacted after July 1, 2023.

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

(a) Whenever required by workload and upon the recommendation of the judge of the circuit court, or the chief judge of the circuit court if there is more than one judge of the circuit court, the Supreme Court of Appeals may provide by rule for the appointment of magistrate court deputy clerks. The magistrate court deputy clerks shall be appointed by the judge of the circuit court, or the chief judge of the circuit court if there is more than one judge of the circuit court, to serve at his or her will and pleasure under the immediate supervision of the magistrate court clerk.

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

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

(d) Magistrate court deputy clerks shall be paid at least twice per month by the state. The annual salary of all magistrate court deputy clerks ~~is $46,932. Beginning July 1, 2023, the annual salary of a magistrate court deputy clerk shall be $49,232~~ shall be determined by a pay scale established by the Administrative Director of the Supreme Court. Magistrate court deputy clerks may receive any general salary increase granted to state employees whose salaries are not set

by statute, expressed as a percentage increase or an across-the-board increase implemented after July 1, 2023.

CHAPTER 51. COURTS AND THEIR OFFICERS.

ARTICLE 2A. FAMILY COURTS.

§51-2A-6. Compensation and expenses of family court judges and their staffs.

(a) A family court judge is entitled to receive as compensation for his or her services an annual salary of $62,500: *Provided*, That beginning July 1, 2005, a family court judge is entitled to receive as compensation for his or her services an annual salary of $82,500: *Provided, however*, That beginning July 1, 2011, the annual salary of a family court judge shall be $94,500: *Provided further*, That beginning July 1, 2020, the annual salary of a family court judge shall be $103,950.

(b) The secretary-clerk of the family court judge is appointed by the family court judge and serves at his or her will and pleasure. The secretary-clerk of the family court shall be paid at least twice per month by the state. The annual salary of all secretary-clerks of the family court ~~is $42,576. Beginning July 1, 2023, the annual salary of a family court secretary-clerk shall be $44,876~~ shall be determined by a pay scale established by the Administrative Director of the Supreme Court. Family court secretary-clerks may receive any general salary increase granted to state employees, whose salaries are not set by statute, expressed as a percentage increase or an across-the-board increase enacted after July 1, 2023.

(c) The family court judge may employ not more than one family case coordinator who serves at his or her will and pleasure: *Provided*, That the Supreme Court of Appeals may authorize additional family case coordinators if the workload of a circuit's family court requires extra staff support. The annual salary of the family case coordinator of the family court judge ~~shall be established by the Administrative Director of the Supreme Court of Appeals but may not exceed $54,576. Beginning July 1, 2023, the annual salary of a family court case coordinator shall not exceed $56,876~~ shall be determined by a pay scale established by the Administrative Director of the Supreme Court. Family court case coordinators may receive any general salary increase granted to state employees, whose salaries are not set by statute, expressed as a percentage increase or an across-the-board increase enacted after July 1, 2023. If more than one family case coordinator is approved by the Supreme Court of Appeals, then the chief family court judge of that circuit shall appoint, supervise, and assign job duties for any additional family case coordinator as needed for that circuit.

(d) The sheriff or his or her designated deputy shall serve as a bailiff for a family court judge. The sheriff of each county shall serve or designate persons to serve so as to assure that a bailiff is available when a family court judge determines the same is necessary for the orderly and efficient conduct of the business of the family court.

(e) Disbursement of salaries for family court judges and members of their staffs are made by or pursuant to the order of the Director of the Administrative Office of the Supreme Court of Appeals.

(f) Family court judges and members of their ~~staffs~~ staff are allowed their actual and necessary expenses incurred in the performance of their duties. The expenses and compensation will be determined and paid by the Director of the Administrative Office of the Supreme Court of Appeals under such guidelines as he or she may prescribe, as approved by the Supreme Court of Appeals.

(g) The Supreme Court of Appeals is authorized to create additional classifications of support staff that it deems necessary to adequately and efficiently staff the family courts of this state, including, but not limited to, receptionists, assistant case coordinators, and assistant secretary-clerks. The Supreme Court of Appeals may determine the authority to hire and terminate, supervise, and assign job duties for these positions pursuant to its own employment rules, policies, and procedures. The annual salary of additional support staff authorized by this section shall not exceed the regular annual salary of a secretary-clerk and shall be paid by the state on the same basis established for secretary-clerks as provided in this section.

CHAPTER 62. CRIMINAL PROCEDURE.

ARTICLE 1C. BAIL.

§62-1C-1a. Pretrial release; types of release; conditions for release; considerations as to conditions of release.

(a) Subject to the provisions of §62-1C-1 of this code when a ~~person~~ defendant charged with a violation or violations of the criminal laws of this state first appears before a judicial officer:

(1) Except for good cause shown, a judicial officer shall release a ~~person~~ defendant charged with a misdemeanor ~~an~~ offense on his or her own recognizance at the initial appearance unless ~~that person~~ he or she is charged with:

(A) A misdemeanor offense of actual violence or threat of violence against a person;

(B) A misdemeanor offense where the victim was a minor, as defined in §61-8C-1 of this code;

(C) A misdemeanor offense involving the use of a deadly weapon, as defined in §61-7-2 of this code;

(D) A misdemeanor ~~offense~~ violation of the Uniform Controlled Substances Act involving a Schedule I or II narcotic drug or methamphetamine as set forth in chapter 60A of this code;

(E) A misdemeanor offenses of sexual abuse;

(F) A serious misdemeanor traffic offense set forth in §17C-5-1 or §17C-5-2 of this code; or

(G) A misdemeanor offense involving auto tampering; petit larceny; or possession, transfer, or receiving of stolen property when the alleged value ~~on~~ of the property involved exceeds $250.

(2) For the ~~misdemeanor~~ offenses ~~specified~~ listed in this subsection, and all other offenses ~~which~~ that carry a possible penalty of incarceration, ~~the arrested person is entitled to~~ a defendant shall be admitted to bail subject to the least restrictive condition or combination of conditions that the judicial officer determines reasonably necessary to assure that person will appear as required, and ~~which~~ that will not jeopardize the safety of the ~~arrested person~~ defendant, victims, witnesses, or other persons in the community or the safety and maintenance of evidence: *Provided*, That a magistrate may not release a defendant charged with a felony offense on his or her own recognizance at an initial appearance. Further conditions may include that the ~~person charged~~ defendant shall:

(A) Not violate any criminal law of this state, another state, or the United States;

(B) Remain in the custody of a person designated by the judicial officer who agrees to assume supervision and to report any violation of a release condition to the court, if the designated person is reasonably able to assure the judicial officer that the ~~person~~ defendant will appear as required and will not pose a danger to himself or herself or to the safety of any other person or the community;

(C) Participate in home incarceration pursuant to §62-11B-1 *et seq.* of this code;

(D) Participate in an electronic monitoring program if one is available where the person is charged or will reside;

(E) Maintain employment, or, if unemployed, actively seek employment;

(F) Avoid all contact with an alleged victim of the alleged offense and with potential witnesses and other persons as directed by the court;

(G) Refrain from the use or excessive use of alcohol, or any use of a narcotic drug or other controlled substance, as defined in §60A-1-1 *et seq.* of this code without a prescription from a licensed medical practitioner; or

~~(H) Execute an agreement to forfeit, upon failing to appear as required, property of a sufficient unencumbered value, including money, as is reasonably necessary to assure the appearance of the person as required. The person charged shall provide the court with proof of ownership, the value of the property, and information regarding existing encumbrances of the property as, in the discretion of the judicial officer, is reasonable and necessary collateral to ensure the subsequent appearance of the person as required;~~

~~(I) Post a cash bond, or execute a bail bond with solvent sureties who will execute an agreement to forfeit an amount reasonably necessary to assure appearance of the person as required. If other than an approved surety, the surety shall provide the court with information regarding the value of its assets and liabilities and the nature and extent of encumbrances against the surety's property. The surety shall have a net worth of sufficiently unencumbered value to pay the amount of the bail bond; or~~

~~(J)~~(H) Satisfy any other condition that is reasonably necessary to assure the appearance of the ~~person~~ defendant as required and to assure the safety of the ~~arrested person~~ defendant, victims, witnesses, other persons in the community, or the safety and maintenance of evidence.

(3) ~~Proper~~ The considerations in determining whether to release the ~~arrested person~~ defendant on ~~an unsecured bond~~ his or her own recognizance, fixing a reasonable amount of bail, or imposing other reasonable conditions of release ~~are~~ shall be:

(A) The ability of the ~~arrested person~~ defendant to give bail;

(B) The nature, number, and gravity of the offenses;

(C) The potential penalty the ~~arrested person~~ defendant faces;

(D) Whether the alleged acts were violent in nature;

(E) The ~~arrested person's~~ defendant's prior record of criminal convictions and delinquency adjudications, if any;

(F) The character, health, residence, and reputation of the ~~arrested person~~ defendant;

(G) The character and strength of the evidence which has been presented to the judicial officer;

(H) Whether the ~~arrested person~~ defendant is currently on probation, extended supervision, or parole;

(I) Whether the ~~arrested person~~ defendant is already on bail or subject to other release conditions in other pending cases;

(J) Whether the ~~arrested person~~ defendant has been bound over for trial after a preliminary examination;

(K) Whether the ~~arrested person~~ defendant has in the past forfeited bail or violated a condition of release or was ever a fugitive from justice; and

(L) The policy against unnecessary incarceration of ~~arrested persons~~ defendants pending trial set forth in this section.

(b) In all misdemeanors, ~~cash~~ bail may not exceed three times the maximum fine provided for the offense. If the person is charged with more than one misdemeanor, ~~cash~~ bail may not exceed three times the ~~highest~~ combined total maximum fine ~~of the charged offenses~~ for the offenses.

(c) Notwithstanding any provisions of this article to the contrary, whenever a defendant ~~person not subject to the provisions of §62-1C-1 of this code~~ not released on his or her own recognizance pursuant to subsection (a) of this section remains incarcerated after his or her initial appearance~~,~~ relating to a misdemeanor, ~~due to the inability to meet the requirements of a secured bond,~~a magistrate or judge shall hold a hearing within five days of setting the initial bail to determine if there is a condition or combination of conditions which can meet the considerations set forth in §62-1C-1a(a)(2) of this code.

(d) A judicial officer may upon notice and hearing modify the conditions of release at any time by imposing additional or different conditions.

(e) A prosecuting attorney and defense counsel, unless expressly waived by the defendant, shall appear at all hearings in which bail ~~or bond conditions~~ condition is or are at issue other than the proceeding at which the conditions of release are initially set.

(f) ~~No~~ A judicial officer may not recommend the services of a surety who is his or her relative as that term is defined in §6B-1-3 of this code.

§62-1C-2. Bail defined; ~~form~~ selection of form by defendant; receipts; right of judicial officer to impose conditions on release.

(a) Bail is the pretrial release of a defendant from custody upon terms and conditions specified by order of an appropriate judicial officer. Bail shall be set at a monetary amount determined by

a judicial officer to provide adequate security for the appearance of a defendant to answer to a specific criminal charge before any court or magistrate at a specific time or at any time to which the case may be continued.

(b) ~~It may take any~~ Except as provided in §62-1C-2(e), a defendant is entitled to and may select one of the following forms for making bail:

~~(a) The~~ (1) By the deposit by the defendant or by some other person for him or her of cash, in a manner consistent with rules promulgated by the Supreme Court of Appeals;

(2) By executing an agreement to forfeit, upon failing to appear as required, real or personal property of a sufficient unencumbered value, including money, as is reasonably necessary to assure the appearance of the person as required which shall be known as a recognizance. The defendant or person or persons owning the property shall provide the court with proof of ownership, the value of the property, and information regarding existing encumbrances of the property as, in the discretion of the judicial officer, is reasonable and necessary collateral to ensure the subsequent appearance of the defendant as ordered; or

(3) By use of a bail bondsman, as defined in §51-10A-1 of this code, who shall post a cash bond or execute a bail bond with a solvent surety or sureties who will execute an agreement to forfeit an amount reasonably necessary to assure appearance of the defendant as required. If other than an approved surety is used, the surety shall provide the judicial officer with information regarding the value of its assets and liabilities and the nature and extent of encumbrances against the surety's property. The surety shall have a net worth of sufficiently unencumbered value to pay the amount of the bail bond.

~~(b) The written undertaking by one or more persons to forfeit a sum of money equal to the amount of the bail if the defendant is in default for appearance, which shall be known as a recognizance;~~

~~(c) Such other form as the judge of the court that will have jurisdiction to try the offense may determine.~~

(c) All bail shall be received by the clerk of the court, or by the magistrate and, except in case of recognizance, receipts shall be given ~~therefor by him~~ to the surety.

(d) Nothing in this article shall be construed as limiting a circuit court at any stage of a proceeding from imposing any condition or combination of conditions that he or she determines are reasonably necessary to assure that the defendant will appear as required, and that will not jeopardize the safety of the defendant, victims, witnesses, or other persons in the community or the safety and maintenance of evidence pursuant to the provisions of §62-1C-1a of this code, including, but not limited to, release of a defendant on his or her own recognizance.

(e) A judicial officer, in his or her discretion, may set a cash only bail, in a manner consistent with rules promulgated by the Supreme Court of Appeals for the following offenses:

(1) Violations of the Uniform Controlled Substances Act for manufacturing, delivering, or possessing with the intent to deliver a Schedule I or II substance as set forth in chapter 60A of this code;

(2) All offenses included in §61-2-1 *et seq.* of this code;

(3) All offenses included in §61-8B-1 *et seq.* of this code;

(4) All offenses included in §61-8C-1 *et seq.* of this code; or

(5) All offenses included in §61-8D-1 *et seq.* of this code."

And,

By amending the title of the bill to read as follows:

H. B. 5257 – "A Bill to amend and reenact §50-1-8, §50-1-9, and §50-1-9a of the Code of West Virginia, 1931, as amended; to amend and reenact §51-2A-6 of said code; and to amend and reenact §62-1C-1a and §65-1C-2 of said code, relating generally to allowing the Supreme Court of Appeals discretion to create uniform pay scales for all levels of judicial support staff and relating generally to pretrial release generally; clarifying right to pretrial release; clarifying maximum bail amount for charges for multiple misdemeanor offenses; defining terms; establishing that defendant has right to select method of securing bail; clarifying that personal recognizance bonds shall include an unsecured monetary amount; prohibiting magistrate from setting cash only or property only bail; authorizing judicial officer to impose reasonably necessary conditions to assure defendant will appear as required, including releasing defendant on his or her own recognizance; clarifying that a magistrate may not release a defendant charged with a felony offense on his or her own recognizance on initial appearance; providing circumstances when a bail bond is not appropriate; providing circumstances when a magistrate has discretion to set a cash only bond; and making technical corrections."

Ordered, That the Clerk 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. 5024, Relating to exempting non-grantor trusts administered in this state from the personal income tax.

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

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

"ARTICLE 21. PERSONAL INCOME TAX.

§11-21-3. Imposition of tax; persons subject to tax.

(a) Imposition of tax. — A tax determined in accordance with the rates hereinafter set forth in this article is hereby imposed for each taxable year on the West Virginia taxable income of every individual, estate, electing pass-through entity, and trust: *Provided,* That, for tax years beginning on or after January 1, 2024, the income of a non-grantor trust administered by a licensed private trust company created pursuant to the provisions of §31I-1-1 *et seq.* of this code shall have no tax imposed upon it by this section.

(b) Partners and partnerships. — A partnership or other pass-through entity as such shall not be subject to tax under this article, unless the partnership or other pass-through entity elects to be subject to the tax levied under this section for a taxable year pursuant to §11-21-3a of this code. Persons carrying on business as partners or owners of a pass-through entity shall be liable for tax under this article only in their separate or individual capacities, unless the partnership or other pass-through entity elects to be subject to the tax levied under this section for a taxable year pursuant to §11-21-3a of this code. However, partnerships and other pass-through entities are subject to the tax imposed by this article to the extent they elect to pay additional West Virginia income taxes owed that are attributable to final federal partnership audit adjustments under §11-21A-3 of this code.

(c) Associations taxable as corporations. — An association, trust, or other unincorporated organization which is taxable as a corporation for federal income tax purposes, shall not be subject to tax under this article.

(d) Exempt trusts and organizations. — A trust or other unincorporated organization which by reason of its purposes or activities is exempt from federal income tax shall be exempt from tax under this article (regardless of whether subject to federal income tax on unrelated business taxable income).

(e) Cross references. — For definitions of West Virginia taxable income of:

(1) Resident individual, see §11-21-11 of this code.

(2) Resident estate or trust, see §11-21-18 of this code.

(3) Nonresident individual, see §11-21-30 of this code.

(4) Nonresident estate or trust, see §11-21-38 of this code.

(f) Effective date. — This section as amended in 2023 shall apply to taxable years beginning on and after January 1, 2022.

§11-21-4g Rate of tax — Taxable years beginning on and after January 1, 2023.

(a) Rate of tax on individuals (except married individuals filing separate returns), individuals filing joint returns, heads of households, and estates and trusts. — The tax imposed by §11-21-3 of this code on the West Virginia taxable income of every individual (except married individuals filing separate returns); every individual who is a head of a household in the determination of his or her federal income tax for the taxable year; every husband and wife who file a joint return under this article; every individual who is entitled to file his or her federal income tax return for the taxable year as a surviving spouse; and every estate and trust <u>(except non-grantor trusts administered by licensed private trust companies created pursuant to the provisions of §31I-1-1 *et seq.* of this code)</u> shall be determined in accordance with the following table:

If the West Virginia taxable income is:	The tax is:
Not over $10,000	2.36% of the taxable income

Over $10,000 but not over $25,000	$236 plus 3.15% of excess over $10,000
Over $25,000 but not over $40,000	$708.50 plus 3.54% of excess over $25,000
Over $40,000 but not over $60,000	$1,239.50 plus 4.72% of excess over $40,000
Over $60,000	$2,183.50 plus 5.12% of excess over $60,000

(b) Rate of tax on married individuals filing separate returns. — In the case of husband and wife filing separate returns under this article for the taxable year, the tax imposed by §11-21-3 of this code on the West Virginia taxable income of each spouse shall be determined in accordance with the following table:

If the West Virginia taxable income is:	The tax is:
Not over $5,000	2.36% of the taxable income
Over $5,000 but not over $12,500	$118 plus 3.15% of excess over $5,000
Over $12,500 but not over $20,000	$354.25 plus 3.54% of excess over $12,500
Over $20,000 but not over $30,000	$619.75 plus 4.72% of excess over $20,000
Over $30,000	$1,091.75 plus 5.12% of excess over $30,000

(c) Rate of tax on non-grantor trusts administered by licensed private trust companies. – In the case of non-grantor trusts administered by licensed private trust companies created pursuant to §31I-1-1 *et seq.* of this code, there is no tax imposed by §11-21-3 of this code.

(c) (d) Effect of rates on Nonresident Composite and Withholding Obligations — Notwithstanding any provision of this article to the contrary, for taxable years beginning on and after the retroactive date specific in §11-21-4g(d) of this code subsection (e) of this section, whenever the words 'six and one-half percent' appear in §11-21-51a, §11-21-71a, §11-21-71b, or §11-21-77, of this article, with relation to a tax return of, or the tax rate imposed on income of individuals, individuals filing joint returns, heads of households, and estates and trusts (except non-grantor trusts administered by licensed private trust companies created pursuant to the provisions of §31I-1-1 *et seq.* of this code), the stated percentage shall be changed to 5.12%.

(d) (e) Applicability of this section. — The provisions of this section shall be applicable in determining the rates of tax imposed by this article and shall apply retroactively for all taxable years beginning on and after January 1, 2023, and shall be in lieu of the rates of tax specified in §11-21-4e of this code.

§11-21-18. West Virginia taxable income of resident estate or trust.

The West Virginia taxable income of a resident estate or trust (except non-grantor trusts administered by licensed private trust companies created pursuant to the provisions of §31I-1-1 *et seq.* of this code) means its federal taxable income for the taxable year as defined in the laws of the United States and section nine of this article §11-21-9 of this code for the taxable year, with the following modifications:

(1) There shall be subtracted $600 as the West Virginia personal exemption of the estate or trust, and there shall be added the amount of its federal deduction for a personal exemption.

(2) There shall be added or subtracted, as the case may be, the share of the estate or trust in the West Virginia fiduciary adjustment determined under section nineteen of this article §11-21-19 of this code.

(3) There shall be added to federal adjusted gross income, unless already included therein, the amount of a lump sum distribution for which the taxpayer has elected under Section 402(e) of the Internal Revenue Code of 1986, as amended, to be separately taxed for federal income tax purposes: *Provided,* That the provisions of this subdivision shall first be effective for taxable years beginning after December 31, 1990.

(4) There shall be added by an electing small business trust as defined in Section 1361(e) of the Internal Revenue Code of 1986, as amended, which is a shareholder in one or more electing small business corporations, the portion of the trust's income attributable to electing small business corporation stock held by the trust that is not included in the trust's federal taxable income pursuant to Section 641 of the Internal Revenue Code of 1986, as amended.

(b) The amendments to this section enacted in the 2005 regular session of the Legislature are effective for tax years beginning on or after January 1, 2005.

PART III. NONRESIDENT AND PART-YEAR RESIDENTS.

§11-21-30. Computation of tax on income of nonresidents and part-year residents.

(a) *Computation of tax.* — For taxable years beginning after December 31, 1991, the tax due under this article on taxable income derived from sources in this state by a nonresident individual, estate, or trust (except non-grantor trusts administered by licensed private trust companies created pursuant to the provisions of §31I-1-1 *et seq.* of this code) or by a part-year resident individual shall be calculated as provided in this section.

(1) Taxpayer shall first calculate tax liability under this article as if taxpayer, whether an individual, estate or trust, were a resident of this state for the entire taxable year. When determining tentative tax liability under this subdivision, a nonresident shall be allowed the same deductions, exemptions and credits that would be allowable if taxpayer were a resident individual, estate or trust, as the case may be, for the entire taxable year, except that no credit shall be allowed under section twenty of this article §11-21-20 of this code.

(2) The amount of tentative tax determined under subdivision (1) of this subsection shall then be multiplied by a fraction the numerator of which is the taxpayer's West Virginia source income, determined in accordance with Part III of this article for the taxable year, and the denominator of which is such taxpayer's 'federal adjusted gross income' for the taxable year as defined in section nine of this article §11-21-9 of this code: *Provided*, That if this computation produces a result that is out of all appropriate proportion to the amount of taxpayer's West Virginia source income, the Tax Commissioner may provide such equitable relief as the Tax Commissioner, in his or her discretion, considers to be appropriate under the circumstances.

(b) *Special rules for estates and trusts.* — For purposes of subdivision (1), subsection (a) of this section:

(1) The 'federal adjusted gross income' of an estate or trust (except non-grantor trusts administered by licensed private trust companies created pursuant to the provisions of §31I-1-1 *et seq.* of this code) shall be determined as if such estate or trust were an individual; and

(2) In the case of a trust (except non-grantor trusts administered by licensed private trust companies created pursuant to the provisions of §31I-1-1 *et seq.* of this code), 'federal adjusted gross income' shall be its 'federal adjusted gross income' for the taxable year increased by the amount of any includable gain, reduced by any deductions properly allocable thereto, upon which the tax is imposed for the taxable year pursuant to Section 644 of the Internal Revenue Code.

(3) When an electing small business trust as defined in Section 1361(e)(1) of the Internal Revenue Code of 1986, as amended, is a shareholder in one or more electing small business corporations, the portion of the trust's income attributable to electing small business corporation stock held by the trust that is not included in the trust's federal taxable income pursuant to Section 641(c) of that code the Internal Revenue Code of 1986 shall be included in West Virginia taxable income of the trust (except non-grantor trusts administered by licensed private trust companies created pursuant to the provisions of §31I-1-1 *et seq.* of this code).

(c) *Special rules for part-year residents.* —

(1) For purposes of subdivision (1), subsection (a) of this section, the 'federal adjusted gross income' of a part-year resident individual shall be taxpayer's federal adjusted gross income for the taxable year, as defined in section nine of this article §11-21-9 of this code, increased or decreased, as the case may be, by the items accrued under subdivision (1), subsection (b), section forty-four of this article §11-21-44(b)(1) of this code, to the extent such items are not otherwise included in federal adjusted gross income for the taxable year, and decreased or increased, as the case may be by the items accrued under subdivision (2) of said subsection §11-21-44(b)(2) of this code, to the extent such items are included in federal adjusted gross income for the taxable year; and

(2) In computing the tax due as if taxpayer were a resident of this state for the entire tax year, West Virginia adjusted gross income shall include the accruals specified in subdivision (1) of this subsection, with the applicable modifications described in section forty-four of this article §11-21-44 of this code.

(d) *Definitions.* —

(1) 'Nonresident estate' means an estate of a decedent who was not a resident of this state at the time of his or her death.

(2) 'Nonresident trust' means a trust which is not a resident trust, as defined in section seven of this article §11-21-7 of this code.

(3) 'Part-year resident individual' means an individual who is not a resident or nonresident of this state for the entire taxable year.

(e) *Effective date.* — (1) The provisions of this section shall apply to taxable years beginning after December 31, 1991. As to taxable years beginning prior to that date, the provisions of this article as then in effect shall apply and be controlling, and for that purpose, prior law is fully and completely preserved.

(2) The amendments to this section enacted in the 2005 regular session of the Legislature are effective for tax years beginning on or after January 1, 2005.

§11-21-40. Credit for income tax of state of residence.

(a) General. — A nonresident shall be allowed a credit against the tax otherwise due under this article for any income tax imposed for the taxable year by another state of the United States or by the District of Columbia, of which the taxpayer is a resident.

(b) Limitation. — The credit under this section shall not exceed either:

(1) The percentage of the other tax determined by dividing the portion of the taxpayer's West Virginia income which is also subject to the other tax by the total amount of his or her income subject to such other tax, or

(2) The percentage of the tax otherwise due under this article, determined by dividing the portion of the taxpayer's West Virginia income which is also subject to the other tax by the total amount of the taxpayer's West Virginia income.

(c) Exceptions. — No credit may be allowed under this section for a taxable year beginning after December 31, 1987, except pursuant to a written agreement between this state and the nonresident individual's state of residence. The State Tax Commissioner is hereby authorized to enter into such agreements necessary to effectuate the purpose of this section when he or she determines that such agreements are in the best interest of this state and its residents.

(d) Definition. — For purposes of this section West Virginia income means:

(1) The West Virginia adjusted gross income of an individual, or

(2) The income derived from West Virginia sources by an estate or trust (except non-grantor trusts administered by licensed private trust companies created pursuant to the provisions of §31I-1-1 *et seq.* of this code), determined in accordance with the applicable rules of section thirty-two §11-21-32 of this code as in the case of a nonresident individual.

§11-21-51. Returns and liabilities.

(a) *General.* — On or before the fifteenth day of the fourth month following the close of a taxable year, an income tax return under this article shall be made and filed by or for:

(1) Every resident individual required to file a federal income tax return for the taxable year, or having West Virginia adjusted gross income for the taxable year, determined under section twelve of this article §11-21-12 of this code in excess of the sum of his or her West Virginia personal exemptions: *Provided,* That the Tax Commissioner shall by legislative rule specify circumstances when an individual is not required to file a return as a result of the application of section ten of this article §11-21-10 of this code;

(2) Every resident estate or trust (except non-grantor trusts administered by licensed private trust companies created pursuant to the provisions of §31I-1-1 *et seq.* of this code) required to file a federal income tax return for the taxable year, or having any West Virginia taxable income for the taxable year, determined under section eighteen of this article §11-21-18 of this code;

(3) Every nonresident individual having any West Virginia adjusted gross income for the taxable year, determined under section thirty-two of this article §11-21-32 of this code, in excess of the sum of his or her West Virginia personal exemptions, except when all of such nonresident individual's West Virginia source income is taxed on a composite return filed under this article for the taxable year; and

(4) Every nonresident estate or trust having items of income or gain derived from West Virginia sources, determined in accordance with the applicable rules of section thirty-two of this article §11-21-32 of this code as in the case of a nonresident individual, in excess of its West Virginia exemption.

(b) *Husband and wife.* —

(1) If the federal income tax liability of husband or wife is determined on a separate federal income tax return, their West Virginia income tax liabilities and returns shall be separate.

(2) If the federal income tax liabilities of husband and wife other than a husband and wife described in subdivision (3) of this subsection are determined on a joint federal return, or if neither files a federal return:

(A) They shall file a joint West Virginia income tax return, and their tax liabilities shall be joint and several; or

(B) They may elect to file separate West Virginia income tax returns on a single or separate form, as may be required by the Tax Commissioner, if they comply with the requirements of the Tax Commissioner in setting forth information, and in such event their tax liabilities shall be separate.

(3) If either husband and/or wife is a resident and the other is a nonresident, they shall file separate West Virginia income tax returns on such single or separate forms as may be required by the Tax Commissioner, and in such event their tax liabilities shall be separate.

(c) *Decedents.* — The return of any deceased individual shall be made and filed by his or her executor, administrator or other person charged with his or her property.

(d) *Individuals under a disability.* — The return for an individual who is unable to make a return by reason of minority or other disability shall be made and filed by his or her guardian, committee, fiduciary or other person charged with the care of his or her person or property (other than a receiver in possession of only a part of his or her property), by his or her duly authorized agent.

(e) *Estates and trusts.* — The return for an estate or trust (except non-grantor trusts administered by licensed private trust companies created pursuant to the provisions of §31I-1-1 *et seq.* of this code) shall be made and filed by the fiduciary.

(f) *Joint fiduciaries.* — If two or more fiduciaries are acting jointly, the return may be made by any one of them.

(g) *Tax a debt.* — Any tax under this article, and any increase, interest or penalty thereon, shall, from the time it is due and payable, be a personal debt of the person liable to pay the same, to the State of West Virginia.

(h) *Cross reference.* — For provisions as to information returns by partnerships, employers and other persons, see section fifty-eight of this article §11-21-58 of this code. For provisions as to composite returns of nonresidents, see section fifty-one-a of this article §11-21-51a of this code. For provisions as to information returns by electing small business corporations, see section thirteen-b, article twenty-four of this chapter.

(i) *Effective date.* — This section, as amended by this act in the year 1996, shall apply to all taxable years beginning after December 31, 1995.

§11-21-71a. Withholding tax on West Virginia source income of nonresident partners, nonresident S corporation shareholders, and nonresident beneficiaries of estates and trusts.

(a) General rule. — For the privilege of doing business in this state or deriving rents or royalties from real or tangible personal property located in this state, including, but not limited to, natural resources in place and standing timber, a partnership, S corporation, estate or trust, which is treated as a pass-through entity for federal income tax purposes and which has taxable income for the taxable year derived from or connected with West Virginia sources any portion of which is allocable to a nonresident partner, nonresident shareholder, or nonresident beneficiary, as the case may be, shall pay a withholding tax under this section, except as provided in subsections (c) and (k) of this section.

(b) Amount of withholding tax. —

(1) In general. — The amount of withholding tax payable by any partnership, S corporation, estate or trust (except non-grantor trusts administered by licensed private trust companies created pursuant to the provisions of §31I-1-1 *et seq.* of this code), under subsection (a) of this section, shall be equal to four percent of the effectively connected taxable income of the partnership, S corporation, estate or trust (except non-grantor trusts administered by licensed private trust companies created pursuant to the provisions of §31I-1-1 *et seq.* of this code), as the case may be, which may lawfully be taxed by this state and which is allocable to a nonresident partner, nonresident shareholder, or nonresident beneficiary of a trust (except non-grantor trusts administered by licensed private trust companies created pursuant to the provisions of §31I-1-1 *et seq.* of this code) or estate: *Provided*, That for taxable years commencing on or after January 1, 2008, the amount of withholding tax payable by any partnership, S corporation, estate or trust (except non-grantor trusts administered by licensed private trust companies created pursuant to the provisions of §31I-1-1 *et seq.* of this code), under subsection (a) of this section, shall be equal to six and one-half percent of the effectively connected taxable income of the partnership, S corporation, estate or trust (except non-grantor trusts administered by licensed private trust companies created pursuant to the provisions of §31I-1-1 *et seq.* of this code), as the case may be, which may lawfully be taxed by this state and which is allocable to a nonresident partner, nonresident shareholder, or nonresident beneficiary of a trust or estate.

(2) Credits against tax. — When determining the amount of withholding tax due under this section, the pass-through entity may apply any tax credits allowable under this chapter to the pass-through entity which pass through to the nonresident distributees: *Provided*, That in no event may the application of any credit or credits reduce the tax liability of the distributee under this article to less than zero.

(c) When withholding is not required. — Withholding may not be required:

(1) On distribution to a person, other than a corporation, who is exempt from the tax imposed by this article. For purposes of this subdivision, a person is exempt from the tax imposed by this article only if such person is, by reason of that person's purpose or activities, exempt from paying federal income taxes on such person's West Virginia source income. The pass-through entity may rely on the written statement of the person claiming to be exempt from the tax imposed by this article provided the pass-through entity discloses the name and federal taxpayer identification number for all such persons in its return for the taxable year filed under this article or §11-24-1 *et seq.* of this code; or

(2) On distributions to a corporation which is exempt from the tax imposed by §11-24-1 *et seq.* of this code. For purposes of this subdivision, a corporation is exempt from the tax imposed by §11-24-1 *et seq.* of this code only if the corporation, by reason of its purpose or activities is exempt from paying federal income taxes on the corporation's West Virginia source income. The pass-through entity may rely on the written statement of the person claiming to be exempt from the tax imposed by §11-24-1 *et seq.* of this code provided the pass-through entity discloses the name and federal taxpayer identification number for all such corporations in its return for the taxable year filed under this article or §11-24-1 *et seq.* of this code; or

(3) On distributions when compliance will cause undue hardship on the pass-through entity: *Provided*, That no pass-through entity shall be exempt under this subdivision from complying with the withholding requirements of this section unless the Tax Commissioner, in his or her discretion, approves in writing the pass-through entity's written petition for exemption from the withholding requirements of this section based on undue hardship. The Tax Commissioner may prescribe the form and contents of such a petition and specify standards for when a pass-through entity will not be required to comply with the withholding requirements of this section due to undue hardship. Such standards shall take into account (among other relevant factors) the ability of a pass-through entity to comply at reasonable cost with the withholding requirements of this section and the cost to this state of collecting the tax directly from a nonresident distributee who does not voluntarily file a return and pay the amount of tax due under this article with respect to such distributions; or

(4) On distributions by nonpartnership ventures. An unincorporated organization that has elected, under Section 761 of the Internal Revenue Code, to not be treated as a partnership for federal income tax is not treated as a partnership under this article and is not required to withhold under this section. However, such unincorporated organizations shall make and file with the Tax Commissioner a true and accurate return of information under §11-21-58(c) of this code, under such rules and in such form and manner as the Tax Commissioner may prescribe, setting forth: (A) The amount of fixed or determinable gains, profits, and income; and (B) the name, address and taxpayer identification number of persons receiving fixed or determinable gains, profits or income from the nonpartnership venture.

(5) Publicly traded partnerships. — A publicly traded partnership, as defined in §11-21A-1 of this code, that is treated as a partnership for federal income tax purposes for the taxable year, is exempt from the withholding requirements of §11-21-71a of this code <u>of this section</u>, if the following information is provided to the Tax Commissioner: The name, address, taxpayer identification number, and West Virginia source income of each partner that had an interest in the publicly traded partnership during the taxable year. This information shall be provided in an electronic format approved by the Tax Commissioner.

(d) Payment of withheld tax. —

(1) General rule. — Each partnership, S corporation, estate or trust, required to withhold tax under this section, shall pay the amount required to be withheld to the Tax Commissioner no later than:

(A) S corporations. — The 15th day of the third month following the close of the taxable year of the S corporation along with the annual information return due under §11-24-1 *et seq.* of this code, unless paragraph (C) of this subdivision applies.

(B) Partnerships, estates, and trusts. — The 15th day of the fourth month following the close of the taxable year of the partnership, estate or trust, with the annual return of the partnership, estate or trust due under this article, unless paragraph (C) of this subdivision applies: *Provided*, That for tax years beginning after December 31, 2015, partnerships shall pay the amount required to be withheld to the Tax Commissioner, along with the annual return of the partnership due under this article, on the 15th day of the third month following the close of the taxable year of the partnership, unless paragraph (C) of this subdivision applies.

(C) Composite returns. — The 15th day of the fourth month of the taxable year with the composite return filed under §11-21-51a of this code: *Provided*, That for tax years beginning after December 31, 2015, partnerships or partners in a partnership filing composite returns under §11-21-51a of this code shall pay the amount required to be withheld to the Tax Commissioner, along with the annual return due under this article, on the 15th day of the third month following the close of the taxable year.

(2) Special rules. —

(A) Where there is extension of time to file return. — An extension of time for filing the returns referenced in subdivision (1) of this subsection does not extend the time for paying the amount of withholding tax due under this section. In this situation, the pass-through entity shall pay, by the date specified in subdivision (1) of this subsection, at least 90 percent of the withholding tax due for the taxable year, or 100 percent of the tax paid under this section for the prior taxable year, if such taxable year was a taxable year of 12 months and tax was paid under this section for that taxable year. The remaining portion of the tax due under this section, if any, shall be paid at the time the pass-through entity files the return specified in subdivision (1) of this subsection. If the balance due is paid by the last day of the extension period for filing the return and the amount of tax due with such return is 10 percent or less of the tax due under this section for the taxable year, no additions to tax may be imposed under §11-10-1 *et seq.* of this code with respect to balance so remitted. If the amount of withholding tax due under this section for the taxable year is less than the estimated withholding taxes paid for the taxable year by the pass-through entity, the excess shall be refunded to the pass-through entity or, at its election, established as a credit against withholding tax due under this section for the then current taxable year.

(B) Deposit in trust for Tax Commissioner. — The Tax Commissioner may, if the commissioner believes such action is necessary for the protection of trust fund moneys due this state, require any pass-through entity to pay over to the Tax Commissioner the tax deducted and withheld under this section, at any earlier time or times.

(e) Effectively connected taxable income. — For purposes of this section, the term ‘effectively connected taxable income’ means the taxable income or portion thereof of a partnership, S corporation, estate or trust, as the case may be, which is derived from or attributable to West Virginia sources as determined under §11-21-32 of this code and such rules as the Tax

Commissioner may prescribe, whether the amount is actually distributed or is determined to have been distributed for federal income tax purposes.

(f) Treatment of nonresident partners, S corporation shareholders, or beneficiaries of a trust or estate. —

(1) Allowance of credit. — Each nonresident partner, nonresident shareholder, or nonresident beneficiary shall be allowed a credit for such partner's or shareholder's or beneficiary's share of the tax withheld by the partnership, S corporation, estate or trust under this section: *Provided*, That when the distribution is to a corporation taxable under §11-24-1 *et seq.* of this code, the credit allowed by this section shall be applied against the distributee corporation's liability for tax under §11-24-1 *et seq.* of this code.

(2) Credit treated as distributed to partner, shareholder, or beneficiary. — Except as provided in rules, a nonresident partner's share, a nonresident shareholder's share, or a nonresident beneficiary's share of any withholding tax paid by the partnership, S corporation, estate or trust under this section shall be treated as distributed to the partner by the partnership, or to the shareholder by the S corporation, or to the beneficiary by the estate or trust on the earlier of:

(A) The day on which the tax was paid to the Tax Commissioner by the partnership, S corporation, estate, or trust; or

(B) The last day of the taxable year for which the tax was paid by the partnership, S corporation, estate, or trust.

(g) Regulations. — The Tax Commissioner shall prescribe such rules as may be necessary to carry out the purposes of this section.

(h) Information statement. —

(1) Every person required to deduct and withhold tax under this section shall furnish to each nonresident partner, or nonresident shareholder, or nonresident beneficiary, as the case may be, a written statement, as prescribed by the Tax Commissioner, showing the amount of West Virginia effectively connected taxable income, whether distributed or not distributed for federal income tax purposes by such partnership, S corporation, estate or trust, to the nonresident partner, or nonresident shareholder, or nonresident beneficiary, the amount deducted and withheld as tax under this section; and such other information as the Tax Commissioner may require.

(2) A copy of the information statements required by this subsection shall be filed with the West Virginia return filed under this article (or §11-24-1 *et seq.* of this code for S corporations) by the pass-through entity for its taxable year to which the distribution relates. This information statement shall be furnished to each nonresident distributee on or before the due date of the pass-through entity's return under this article or §11-24-1 *et seq.* of this code for the taxable year, including extensions of time for filing such return, or such later date as may be allowed by the Tax Commissioner.

(i) Liability for withheld tax. — Every person required to deduct and withhold tax under this section is hereby made liable for the payment of the tax due under this section for taxable years (of such persons) beginning after December 31, 1991, except as otherwise provided in this section. The amount of tax required to be withheld and paid over to the Tax Commissioner shall be considered the tax of the partnership, estate, or trust, as the case may be, for purposes of §11-

9-1 *et seq.* and §11-10-1 *et seq.* of this code. Any amount of tax withheld under this section shall be held in trust for the Tax Commissioner. No partner, S corporation shareholder, or beneficiary of a trust or estate, may have a right of action against the partnership, S corporation, estate, or trust, in respect to any moneys withheld from the person's distributive share and paid over to the Tax Commissioner in compliance with or in intended compliance with this section.

(j) Failure to withhold. — If any partnership, S corporation, estate or trust fails to deduct and withhold tax as required by this section and thereafter the tax against which the tax may be credited is paid, the tax so required to be deducted and withheld under this section may not be collected from the partnership, S corporation, estate, or trust, as the case may be, but the partnership, S corporation, estate, or trust may not be relieved from liability for any penalties or interest on additions to tax otherwise applicable in respect of the failure to withhold.

(k) Distributee agreements. —

(1) The Tax Commissioner shall permit a nonresident distributee to file with a pass-through entity, on a form prescribed by the Tax Commissioner, the agreement of the nonresident distributee: (A) To timely file returns and make timely payment of all taxes imposed by this article or §11-24-1 *et seq.* of this code in the case of a C corporation, on the distributee with respect to the effectively connected taxable income of the pass-through entity; and (B) to be subject to personal jurisdiction in this state for purposes of the collection of any unpaid income tax under this article (or §11-24-1 *et seq.* of this code in the case of a C corporation), together with related interest, penalties, additional amounts and additions to tax, owed by the nonresident distributee.

(2) A nonresident distributee electing to execute an agreement under this subsection shall file a complete and properly executed agreement with each pass-through entity for which this election is made, on or before the last day of the first taxable year of the pass-through entity in respect of which the agreement applies. The pass-through entity shall file a copy of that agreement with the Tax Commissioner as provided in subdivision (5) of this subsection.

(3) After an agreement is filed with the pass-through entity, that agreement may be revoked by a distributee only in accordance with rules promulgated by the Tax Commissioner.

(4) Upon receipt of such an agreement properly executed by the nonresident distributee, the pass-through entity may not withhold tax under this section for the taxable year of the pass-through entity in which the agreement is received by the pass-through entity and for any taxable year subsequent thereto until either the nonresident distributee notifies the pass-through entity, in writing, to begin withholding tax under this section or the Tax Commissioner directs the pass-through entity, in writing, to begin withholding tax under this section because of the distributee' s continuing failure to comply with the terms of the agreement.

(5) The pass-through entity shall file with the Tax Commissioner a copy of all distributee agreements received by the pass-through entity during any taxable year with this annual information return filed under this article, or §11-24-1 *et seq.* of this code if S corporations. If the pass-through entity fails to timely file with the Tax Commissioner a copy of an agreement executed by a distributee and furnished to the pass-through entity in accordance with this section, then the pass-through entity shall remit to the Tax Commissioner an amount equal to the amount that should have been withheld under this section from the nonresident distributee. The pass-through entity may recover payment made pursuant to the preceding sentence from the distributee on whose behalf the payment was made.

(l) Definitions. — For purposes of this section, the following terms mean:

(1) Corporation. — The term 'corporation' includes associations, joint stock companies, and other entities which are taxed as corporations for federal income tax purposes.

(A) C corporation. — The term 'C corporation' means a corporation which is not an S corporation for federal income tax purposes.

(B) S corporation. — The term 'S corporation' means a corporation for which a valid election under Section 1362(a) of the Internal Revenue Code is in effect for the taxable period. All other corporations are C corporations.

(2) Distributee. — The term 'distributee' includes any partner of a partnership, any shareholder of an S corporation and any beneficiary of an estate or trust that is treated as a pass-through entity for federal income tax purposes for the taxable year of the entity, with respect to all or a portion of its income.

(3) Internal Revenue Code. — The term 'Internal Revenue Code' means the Internal Revenue Code of 1986, as amended, through the date specified in §11-21-9 of this code.

(4) Nonresident distributee. — The term 'nonresident distributee' includes any individual who is treated as a nonresident of this state under this article; and any partnership, estate, trust, or corporation whose commercial domicile is located outside this state.

(5) Partner. — The term 'partner' includes a member of a partnership as that term is defined in this section, and an equity owner of any other pass-through entity.

(6) Partnership. — The term 'partnership' includes a syndicate, group, pool, joint venture, or other unincorporated organization through or by means of which any business, financial operation, or venture is carried on and which is not a trust or estate, a corporation or a sole proprietorship. 'Partnership' does not include an unincorporated organization which, under Section 761 of the Internal Revenue Code, is not treated as a partnership for the taxable year for federal income tax purposes.

(7) 'Pass-through entity' means any partnership or other business entity, that is not subject to tax under §11-24-1 *et seq.* of this code, imposing tax on C corporations or other entities taxable as a C corporation for federal income tax purposes.

(8) Taxable period. — The term 'taxable period' means, if an S corporation, any taxable year or portion of a taxable year during which a corporation is an S corporation.

(9) Taxable year of the pass-through entity. — The term 'taxable year of the pass-through entity' means the taxable year of the pass-through entity for federal income tax purposes. If a pass-through entity does not have a taxable year for federal tax purposes, its tax year for purposes of this article shall be the calendar year.

(m) Effective date. — The provisions of this section shall first apply to taxable years of pass-through entities beginning after December 31, 1991.

(n) This section as amended in the year 2019 shall apply, without regard to the taxable year, to taxes owed attributable to federal determinations that become final on or after the effective date of this section enacted in the year 2019."

And,

By amending the title of the bill to read as follows:

Com. Sub. for H. B. 5024 – "A Bill to amend and reenact §11-21-3, §11-21-4g, §11-21-18, §11-21-30, §11-21-40, §11-21-51, and §11-21-71a of the Code of West Virginia, 1931, as amended, all relating to the personal income tax by exempting non-grantor trusts administered by licensed private trust companies in this state from the personal income tax."

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. 732)**, 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: Bridges, Longanacre, Riley, Steele and Warner.

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. 5024) 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. 5223, To create the Southern Coalfield Resiliency and Revitalization Program.

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

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

"**ARTICLE 2Q. SOUTHERN COALFIELD RESILIENCY PROGRAM.**

§5B-2Q-1. Short Title.

This article shall be known as cited as the 'Southern Coalfield Resiliency Program Act'.

§5B-2Q-2. Legislative purpose; findings; intent.

The impact of excessive and economically biased federal regulations on the domestic coal-fired electricity market has led to a profound and significant injury to the coal industry in Boone, Logan, McDowell, Mingo, and Wyoming Counties, and has resulted in a dramatic negative economic impact on the southern coalfield area of West Virginia.

The purpose of this section is to establish the Southern Coalfield Resiliency and Revitalization Program. To further this purpose, this program creates a collaboration among local government, higher education, and private and nonprofit sectors to streamline and increase technical, agricultural, and economic assistance capacity, continue and increase existing services and other resources to facilitate community revitalization in the southern coalfield area.

It is the intent of the Legislature to identify resources that can be prioritized to support the counties of the southern coalfield area, generate thoughtful and responsible ideas to mitigate the negative effects of the currently injured coal industry, and help chart a new course and prosperous future for the southern coalfield.

§5B-2Q-3. Definitions.

The following terms have the meanings ascribed to them by this section, unless a different meaning is clearly required by either the context in which the term is used, or by specific definition in this article:

'Contributing partners' means those entities or their representatives described in subsection (f) of this section.

'Program' means the Southern Coalfield Resiliency and Revitalization Program established in this section.

'Revitalization Council' means those entities or their representatives described in subsection (d) of this section.

'Technical assistance' means resources provided by local government, the revitalization council, contributing partners, or any other individuals or entities providing programming, funding, or other support to benefit the counties in the southern coalfield area of West Virginia under the program.

'Southern Coalfield' means an area that encompasses Boone, Logan, McDowell, Mingo, and Wyoming counties.

'Southern Coalfield Resiliency and Revitalization Program' means the entire process undertaken to further the goals of this section, including collaboration development and implementation between the members, contributors, and technical assistance resource providers.

§5B-2Q-4. Southern Coalfield Resiliency and Revitalization Program established; duration.

(a) The Southern Coalfield Resiliency and Revitalization Program is established in accordance with the provisions of this section, subject to the availability of funding necessary to support the program. The program shall inventory existing assets and resources, prioritize planning and technical assistance, and determine such other assistance as might be available to revitalize communities in the counties in the Southern Coalfield.

(b) The program shall be established for an initial period of five years from the effective date of this legislation.

§5B-2Q-5. Revitalization Council created.

The Revitalization Council is hereby created as an independent body corporate to fulfill the purposes of this section. The county commissions of Boone County, Logan County, McDowell County, Mingo County, and Wyoming County shall choose a representative to serve as chairperson of the council, which shall coordinate the Revitalization Council's functions and operations, including, but not be limited to, providing administrative, clerical, and technical support from existing funding for the commissions. The following entities shall serve as members of the Revitalization Council:

(1) A representative from the Boone County Commission;

(2) A representative from the Logan County Commission;

(3) A representative from the McDowell County Commission;

(4) A representative from the Mingo County Commission;

(5) A representative from the Wyoming County Commission;

(6) A representative from Southern West Virginia Community and Technical College;

(7) A representative from West Virginia University;

(8) A representative from Marshall University;

(9) The County Directors of Economic Development from Boone County, Logan County, McDowell County, Mingo County, and Wyoming County;

(10) The President of West Virginia University Technical College; and

(11) A representative from the Regional Planning and Development Councils encompassing the five participating counties.

§5B-2Q-6. Duties of the revitalization council.

(a) The council shall identify resources that can be prioritized to support economic development efforts in the Southern Coalfield counties.

(b) The council shall direct existing resources in a unified effort and in conjunction with contributing partners, as applicable, to support the Southern Coalfield counties.

(c) The council shall develop a rapid response strategy to attract or develop new enterprises and job creating opportunities in the Southern Coalfield counties.

(d) The council shall conduct or commission a comprehensive assessment of assets available at the reclaimed mine sites and abandoned industrial complexes and closed businesses and determine how those assets will be preserved and repurposed, or marketed to interested industrial parties.

(e) The council shall assist communities in the Southern Coalfield counties by developing economic policy recommendations to diversify and advance the communities.

(f) Members of the council shall support both the planning and implementation for the program and shall give priority wherever possible to programmatic activity and discretionary, noncompetitive funding during the period the program remains in effect.

(g) Members of the council shall work together to leverage funding or other agency resources to benefit efforts to revitalize the Southern Coalfield counties.

§5B-2Q-7. Contributing partners.

To the extent possible, the Revitalization Council shall incorporate the resources and expertise of additional providers of technical assistance to support the program, which shall include, but not be limited to:

(1) The West Virginia Small Business Development Center;

(2) The Center for Rural Health Development;

(3) The West Virginia University Encova Center for Innovation and Entrepreneurship;

(4) The West Virginia University Land Use and Sustainability Law Clinic;

(5) The West Virginia University Davis College Research, Education, and Outreach Centers;

(6) The West Virginia University County Extension Services;

(7) The Rahall Transportation Institute;

(8) The Marshall University Center for Business and Economic Research;

(9) West Virginia Small Business Association;

(10) The West Virginia Community Development Hub;

(11) The West Virginia Brownfields Assistance Center at Marshall University;

(12) West Virginia State University Extension Services; and

(13) West Virginia University Extension Services Agriculture, Community, Health, Economic, and Workforce Development Programs.

§5B-2Q-8. Reporting and agency accountability.

The Revitalization Council, in coordination with its contributing partners, as applicable, shall report annually to the Governor and the Joint Committee on Government and Finance detailing the progress of the technical assistance support provided by the program, the strategic plan for the Southern Coalfield counties, and the results of these efforts.

§5B-2Q-9. Economic incentives for businesses investing in the Southern Coalfield counties.

The Revitalization Council, as applicable, will work to educate businesses investing, or interested in investing, in the Southern Coalfield about the availability of, and access to, economic development assistance, including, but not limited to, the economic opportunity tax credit provided in §11-13Q-19 of this code; the manufacturing investment tax credit provided under §11-13S-1 *et seq.* of this code; and any other applicable tax credit or development assistance.

§5B-2Q-10. Prioritization.

The program shall prioritize and seek to leverage West Virginia's natural, native resources and industries, including the manufacture of value-added or finished products from raw materials or agriculture commodities sourced in West Virginia. The program shall prioritize and seek to assist existing industries to expand where possible and identify opportunities for synergistic relationships between native West Virginia businesses. The program shall prioritize and seek to leverage West Virginia's natural, self-sufficient, and reliable forms of energy such as coal, oil, and natural gas, to decrease the overall cost of manufacturing in the Southern Coalfield and enhance industrial efforts."

With the further amendment, sponsored by Delegate Vance, being as follows:

On page 1, by striking out everything after the enacting clause and inserting in lieu thereof the following:

"**ARTICLE 2Q. SOUTHERN COALFIELD RESILIENCY PROGRAM.**

§5B-2Q-1. Short Title.

This article shall be known as cited as the 'Southern Coalfield Resiliency Program Act'.

§5B-2Q-2. Legislative purpose; findings; intent.

(a) The impact of excessive and economically biased federal regulations on the domestic coal-fired electricity market has led to a profound and significant injury to the coal industry in Boone, Logan, McDowell, Mingo and Wyoming Counties, and has resulted in a dramatic negative economic impact on the Southern Coalfield area of West Virginia.

(b) The purpose of this section is to establish the Southern Coalfield Resiliency and Revitalization Program. To further this purpose, this program creates a collaboration among state government, higher education, and private and nonprofit sectors to streamline and increase technical, agricultural, and economic assistance capacity, continue and increase existing services and other resources to facilitate community revitalization in the southern coalfield area.

(c) It is the intent of the Legislature to identify resources that can be prioritized to support the counties of the southern coalfield area, generate thoughtful and responsible ideas to mitigate the negative effects of the currently injured coal industry, and help chart a new course and prosperous future for the Southern Coalfield.

§5B-2Q-3. Definitions.

Terms defined in this section have the meanings ascribed to them by this section, unless a different meaning is clearly required by either the context in which the term is used, or by specific definition in this section.

(1) 'Contributing partners' means those entities or their representatives described in subsection (f) of this section.

(2) 'Department' means the West Virginia Department of Economic Development.

(3) 'Program' means the Southern Coalfield Resiliency and Revitalization Program established in this section.

(4) 'Revitalization council' means those entities or their representatives described in subsection (d) of this section.

(5) 'Technical assistance' means resources provided by the state, revitalization council, contributing partners or any other individuals or entities providing programming, funding, or other support to benefit the counties in the Southern Coal field area of West Virginia under the program.

(6) 'Southern Coalfield' means an area defined by the department that encompasses Boone, Logan, McDowell, Mingo, and Wyoming counties.

(7) 'Southern Coalfield Resiliency and Revitalization Program' means the entire process undertaken to further the goals of this section, including collaboration development and implementation between the members, contributors, and technical assistance resource providers.

§5B-2Q-4. Southern Coalfield Resiliency and Revitalization Program established; duration.

(a) The department shall establish the Southern Coalfield Resiliency and Revitalization Program in accordance with the provisions of this section, subject to the availability of funding necessary to support the program: *Provided*, That the department may not create any new positions or hire any additional employees to implement the provisions of this article.

(b) The program shall inventory existing assets and resources, prioritize planning and technical assistance, and determine such other assistance as might be available to revitalize communities in the counties in the southern coalfield area.

(c) The program shall be established for an initial period of five years from the effective date of this legislation.

§5B-2Q-5. Revitalization Council created.

(a) There is hereby created a revitalization council to fulfill the purposes of this section. The revitalization council shall be coordinated by the department and be subject to oversight by the secretary of the department.

(b) The following entities shall serve as members of the revitalization council:

(1) The secretary of the department or their designee, who shall serve as chairperson of the council;

(2) The Secretary of the Department of Health or his or her designee;

(3) The Secretary of the Department of Human Services or his or her designee;

(4) The Commissioner of the Department of Agriculture or his or her designee;

(5) The Executive Director of the West Virginia Housing Development Fund or his or her designee;

(6) A representative from the Boone County Commission;

(7) A representative from the Logan County Commission;

(8) A representative from the McDowell County Commission;

(9) A representative from the Mingo County Commission;

(10) A representative from the Wyoming County Commission;

(11) A representative from Southern West Virginia Community and Technical College;

(12) A representative from West Virginia University;

(13) A representative from Marshall University;

(14) The County Directors of Economic Development from Boone County, Logan County, McDowell County, Mingo County, and Wyoming County; and

(15) The President of West Virginia University Technical College.

(c) Council members may not be compensated for their services or reimbursed for their expenses.

(d) The Department of Health, the Department of Human Services, the Department of Agriculture, and the West Virginia Housing Development fund may not create any new positions or hire any additional employees to implement the provisions of this article.

§5B-2Q-6. Duties of the revitalization council.

(a) The council shall identify resources that can be prioritized to support economic development efforts in the Southern Coalfield counties.

(b) The council shall direct existing resources in a unified effort and in conjunction with contributing partners, as applicable, to support the Southern Coalfield counties.

(c) The council shall develop a rapid response strategy to attract or develop new enterprises and job creating opportunities in the Southern Coalfield counties.

(d) The council shall conduct or commission a comprehensive assessment of assets available at the reclaimed mine sites and abandoned industrial complexes and closed businesses and determine how those assets will be preserved and repurposed, or marketed to interested industrial parties.

(e) The council shall assist communities in the Southern Coalfield counties by developing economic policy recommendations to diversify and advance the communities.

(f) Members of the council shall support both the planning and implementation for the program and shall give priority wherever possible to programmatic activity and discretionary, noncompetitive funding during the period the program remains in effect.

(g) Members of the council shall work together to leverage funding or other agency resources to benefit efforts to revitalize the Southern Coalfield counties.

§5B-2Q-7. Contributing partners.

To the extent possible, the revitalization council shall incorporate the resources and expertise of additional providers of technical assistance to support the program, which shall include but not be limited to:

(1) The West Virginia Small Business Development Center;

(2) The Center for Rural Health Development;

(3) The West Virginia University Encova Center for Innovation and Entrepreneurship;

(4) The West Virginia University Land Use and Sustainability Law Clinic;

(5) The West Virginia University Davis College Research, Education and Outreach Centers;

(6) The West Virginia University County Extension services;

(7) The Rahall Transportation Institute;

(8) The Marshall University Center for Business and Economic Research;

(9) West Virginia Small Business Association;

(10) The West Virginia Community Development Hub;

(11) The West Virginia Brownfields Assistance Center at Marshall University;

(12) West Virginia State University Extension Services; and

(13) West Virginia University Extension Services Agriculture, Community, Health, Economic, and Workforce Development Programs; and

(14) A representative from the Regional Planning and Development Councils encompassing the five participating counties.

§5B-2Q-8. Reporting and agency accountability.

The revitalization council, in coordination with its contributing partners, as applicable, shall report annually to the Governor and the Joint Committee on Government and Finance detailing the progress of the technical assistance support provided by the program, the strategic plan for the Southern Coalfield counties and the results of these efforts.

§5B-2Q-9. Economic incentives for businesses investing in the Southern Coalfield counties.

The department and the revitalization council, as applicable, will work to educate businesses investing or interested in investing in the Southern Coalfield about the availability of, and access to, economic development assistance, including but not limited to, the economic opportunity tax credit provided in §11-13Q-19 of this code; the manufacturing investment tax credit provided under §11-13S-1 *et seq.* of this code; and any other applicable tax credit or development assistance.

§5B-2Q-10. Use of state property and equipment; prioritization.

The program shall prioritize and seek to leverage West Virginia's natural, native resources and industries, including the manufacture of value-added or finished products from raw materials or agriculture commodities sourced in West Virginia. The program shall prioritize and seek to assist existing industries to expand where possible and identify opportunities for synergistic relationships between native West Virginia businesses. The program shall prioritize and seek to leverage West Virginia's natural, self-sufficient, and reliable forms of energy such as coal, oil, and natural gas, to decrease the overall cost of manufacturing in the Southern Coalfield and enhance industrial efforts."

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. 733)**, and there were--yeas 90, nays 6, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Coop-Gonzalez, Dillon, Fast, Ridenour, Street and Thorne.

Absent and Not Voting: Bridges, Longanacre, Riley 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. 5223) 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:

H. B. 4297, Law Enforcement Officers Safety Act.

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

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

"**ARTICLE 3. DIVISION OF CORRECTIONS AND REHABILITATION.**

§15A-3-10. Law-enforcement powers of employees; authority to carry firearms.

(a) Other than as outlined in this section, a correctional officer employed by the division is not a law-enforcement officer as that term is defined in §30-29-1 of this code.

(b) The commissioner is a law-enforcement official, and has~~ the authority to use~~ may, and permit and allow or disallow his or her designated employees to use, publicly provided carriage to travel from their residences to their workplace and return: *Provided*, That the usage is subject to the supervision of the commissioner and is directly connected with and required by the nature and in the performance of the official's or designated employee's duties and responsibilities.

(c) All employees of the division are responsible for enforcing rules and laws necessary for the control and management of correctional units and the maintenance of public safety that is within the scope of responsibilities of the division.

(d) Persons employed by the Division of Corrections and Rehabilitation as correctional officers ~~are authorized and empowered to~~ may make arrests of persons already charged with a violation of law who surrender themselves to the correctional officer, ~~to~~ arrest persons already in the custody of the division for violations of law occurring in the officer's presence, ~~to~~ detain or arrest persons for violations of state law committed on the property of any facility under the jurisdiction of the commissioner, and ~~to~~ conduct investigations, pursue, and apprehend escapees from the custody of a facility of the division.

(e) The commissioner may designate correctional employees as correctional peace officers wh~~o have the authority~~ may:

(1) ~~To detain~~ Detain persons for violations of state law committed on the property of any state correctional institution;

(2) ~~To conduct~~ Conduct investigations regarding criminal activity occurring within a correctional facility;

(3) ~~To execute~~ Execute criminal process or other process in furtherance of these duties; and

(4) ~~To apply~~ Apply for, obtain, and execute search warrants necessary for the completion of ~~his or her~~ their duties and responsibilities.

(f) The Corrections Special Operations Team is continued and consists of the Corrections Emergency Response Team, the K9 unit, and the Crisis Negotiations team created under the former Division of Corrections. The Corrections Special Operations Team serves as the first responder necessary for the protection of life, liberty, and property. It has limited law-enforcement authority regarding matters occurring at jails, correctional centers, and juvenile centers, and arrest powers to apprehend escapees, absconders, and in all matters arising on the grounds of a facility under the care and control of the commissioner: *Provided*, That at any time the Corrections Special Operations Team is apprehending an escapee or an absconder outside the confinement of the facility grounds, it does so with the assistance and cooperation of local law enforcement or the West Virginia State Police.

(g) Notwithstanding any provision of this code to the contrary, the commissioner may issue a certificate authorizing any correctional employee who has successfully completed the division's training program for firearms certification to carry a firearm in the performance of his or her official duties. The training program shall be approved by the commissioner and be equivalent to the training requirements applicable to deputy sheriffs for the use and handling of firearms. Any

correctional employee authorized to do so by the commissioner may carry division-issued firearms while in the performance of his or her official duties, which shall include travel to and from work sites. To maintain certification, a correctional employee must successfully complete an annual firearms qualification course equivalent to that required of certified law-enforcement officers as established by the law enforcement professional standards program. The certificate shall be on a form prescribed by the commissioner and shall bear his or her official signature.

(h) In recognition of the duties of their employment supervising the confinement and transportation of inmates, and their arrest powers referenced in this section which constitute law enforcement, correctional officers with the power to arrest and who have been authorized to carry firearms by the Commissioner are determined to be qualified law-enforcement officers as that term is used in 18 U.S.C. § 926B.

(i) Any state designated correctional officer may carry a concealed firearm for self-defense purposes pursuant to the provisions of 18 U.S.C. § 926B, if the following criteria are met:

(1) The Commissioner of Corrections has a written policy authorizing correctional officers to carry a concealed firearm for self-defense purposes;

(2) There is in place a requirement that the designated correctional officers annually qualify in the use of a firearm with standards for qualification which are equal to, or exceed, those required of sheriff's deputies by the Law-Enforcement Professional Standards Program;

(3) The Commissioner issues a photographic identification and certification card which identify the designated correctional officers as qualified law-enforcement employees pursuant to the provisions of this subsection.

(j) Any policy instituted pursuant to this section shall include provisions which:

(1) Preclude or remove a person from participation in the concealed firearm program;

(2) Preclude from participation persons prohibited by federal or state law from possessing or receiving a firearm and;

(3) Prohibit persons from carrying a firearm pursuant to the provisions of this subsection while in an impaired state as defined in §17C-5-2 of this code.

(k) Any designated correctional officer who participates in a program authorized by the provisions of this subsection is responsible, at his or her expense, for obtaining and maintaining a suitable firearm and ammunition.

(l) It is the intent of the Legislature in enacting the amendments to this section during the 2024 regular session of the Legislature to authorize designated correctional officers wishing to do so to meet the requirements of the federal Law-Enforcement Officer's Safety Act, 18 U.S.C. § 926B.

(m) The privileges authorized by the amendments to this section enacted during the 2024 regular session of the Legislature are wholly within the discretion of the Commissioner."

And,

By amending the title of the bill to read as follows:

H. B. 4297 – "A Bill to amend and reenact §15A-3-10 of the Code of West Virginia, 1931, as amended; relating to recognizing that certain designated correctional officers are law enforcement officers for purposes of the Law Enforcement Officers Safety Act,18 U.S.C.§926B; establishing requirements for eligibility; setting forth training requirements; stating the intent of the Legislature; and declaring that the Commissioner of Corrections has discretion as to eligibility and operation of the program."

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. 734)**, 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: Bridges, Longanacre, Riley 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. 4297) 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 concurrence in the amendment of the House of Delegates, with further amendment, and the passage, as amended, of

S. B. 146, Creating adult education taskforce.

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

On page 1, subsection (c), by striking out the words "Chancellor for Community and Technical College Education" and inserting in lieu thereof the words "State Superintendent of Schools, in consultation with the Chancellor for Community and Technical College Education".

And,

By amending the title of the bill to read as follows:

S. B. 146 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-19e, relating to requiring the State Superintendent of Schools to create a taskforce to consider options for direct funding of adult education learning centers; declaring legislative findings; providing for membership and meetings of the taskforce; establishing deadlines for the taskforce to be created, to begin its meetings, and for submitting a report of recommendations to the Legislative Oversight Commission on Education Accountability; and establishing sunset date.

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

The question being on the passage of the bill, the yeas and nays were taken **(Roll No. 735)**, and there were--yeas 92, nays 4, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Burkhammer, Dillon, Longanacre and Tully.

Absent and Not Voting: Bridges, Hornby, Riley and Steele.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 146) 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 concurrence in the amendment of the House of Delegates, with further amendment, and the passage, as amended, of

S. B. 164, Relating generally to trespassing.

Delegate Kimble moved that the House concur in the following amendment by the Senate, with further amendment:

On page 1, section 2, line 17, after "$100" by inserting the words "nor more than $1,000".

With the further amendment, sponsored by Delegate Fast, being as follows:

On page 2, section 3, line 25, after the word "$100" by inserting the words "nor more than $1,000".

The being no objection, unanimous consent was obtained to permit the offering and consideration of a tertiary amendment.

The motion to concur in the Senate amendment with further amendment was adopted.

The question then being on the passage of the bill, the yeas and nays were taken **(Roll No. 736)**, 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: Bridges, Riley and Steele.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 164) 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:

H. B. 4945, Relating generally to the Hope Scholarship Program.

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

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

"**ARTICLE 8. COMPULSORY SCHOOL ATTENDANCE.**

§18-8-12. Issuance of a diploma or other appropriate credential by public, private, ~~or~~ home school, microschool, or learning pod administrator.

A person who administers a program of secondary education at a public school, private school, ~~or~~ home school, microschool, learning pod, or individualized instructional program pursuant to the Hope Scholarship Act that meets the requirements of this chapter may issue a diploma or other appropriate credential to a person who has completed the program of secondary education. Such diploma or credential is legally sufficient to demonstrate that the person meets the definition of having a high school diploma or its equivalent. No state agency or institution of higher learning in this state may reject or otherwise treat a person differently solely on the grounds of the source of such a diploma or credential. Nothing in this section prevents an institution, once a student has been fully admitted, from administering placement tests or other assessments to determine the appropriate placement of students into college-level course sequences or to assess the content thereof for the purposes of determining whether a person meets other requirements for a specific program.

ARTICLE 9A. PUBLIC SCHOOL SUPPORT.

§18-9A-25. Funding for Hope Scholarship Program.

(a) Notwithstanding any other provision of this article to the contrary, for fiscal year 2023 and each fiscal year thereafter, in addition to all other amounts required by this article, the Department of Education shall include in its budget request, and the Governor shall include in each budget bill submitted to the Legislature, an appropriation to the Department of Education for the greater of an amount not less than two percent of net public school enrollment adjusted for state aid purposes or the total number of ~~eligible Hope Scholarship applications received by the Hope Scholarship Board, if available~~ estimated Hope Scholarship applications for the fiscal year, multiplied by the prior year's statewide average net state aid allotted per pupil. The Hope Scholarship Board shall certify the estimated number of Hope Scholarship applications for the fiscal year to the Department of Education by December 10 of each year. The amount appropriated shall be transferred by the Department of Education to the Hope Scholarship Board to be used solely to meet the Hope Scholarship Program obligations set forth in §18-31-1 *et seq.* of this code except as otherwise provided in this section. The Governor shall also provide in each budget for the reappropriation for expenditure during the ensuing fiscal year the unused accumulated balance in the Hope Scholarship Fund. ~~to the Department of Education that was not transferred to the Hope Scholarship Board due to an accumulated balance from prior years as provided under subsection (b) of this section.~~

~~(b) Each fiscal year, the amount required to be requested and included in the budget bill for appropriation under subsection (a) of this section shall be reduced by the sum of:~~

~~(1) Any unused accumulated amounts transferred to the Hope Scholarship Board for these purposes from previous years. and~~

~~(2) Any unused appropriations made to the Department of Education for these purposes that were not transferred to the Hope Scholarship Board due to an accumulated balance from prior years.~~

(b) Each fiscal year, the amount required to be requested and included in the budget bill for appropriation under subsection (a) of this section shall be reduced by an amount equal to the unused accumulated amounts transferred to the Hope Scholarship Board for these purposes from previous years.

ARTICLE 31. HOPE SCHOLARSHIP PROGRAM.

§18-31-2. Definitions.

The following words have the meanings ascribed to them unless the context clearly indicates a different meaning:

(1) 'Account' or 'scholarship' means a Hope Scholarship account, awarded pursuant to this article, to which funds are allocated by the board to the parent or parents of an eligible Hope Scholarship student in order to pay qualifying elementary and secondary education expenses to educate the student pursuant to the requirements and conditions of this article;

(2) 'Board' means the Hope Scholarship Board created pursuant to §18-31-3 of this code;

(3) 'Curriculum' means a complete course of study for a particular elementary or secondary education content area or grade level including, but not limited to, textbooks; workbooks; student and teacher curriculum kits; activity, learning, or study guides; or any supplemental materials required by the curriculum;

(4) 'Education service provider' means a person or organization that receives payments from Hope Scholarship accounts to provide educational goods and services to Hope Scholarship students;

(5) 'Eligible recipient' means a child who:

(A) Is a resident of this state; and

(B) Is enrolled full-time and attending a public elementary or secondary school program in this state for at least 45 calendar days during an instructional term at the time of application and until an award letter is issued by the board under §18-31-5(c) of this code, or enrolled full-time in a public elementary or secondary school program in this state for the entire instructional term the previous year, or is eligible at the time of application to enroll in a kindergarten program in this state pursuant to §18-8-1a of this code, except that if on July 1, 2024, the participation rate of the combined number of students in the Hope Scholarship Program and students eligible who have applied to participate in the Hope Scholarship program during the previous school year is less than five percent of net public school enrollment adjusted for state aid purposes for the previous school year, then, effective July 1, 2026, a child is considered to meet the requirements of this paragraph if he or she is enrolled, eligible to be enrolled, or required to be enrolled in a kindergarten program or public elementary or secondary school program in this state at the time of application;

(6) 'Hope scholarship funds' means the moneys deposited in a Hope Scholarship student's account in accordance with the requirements of this article:

(7) 'Hope scholarship student' means a student who receives a scholarship pursuant to this article;

(8) 'Individualized Instructional Program (IIP)' means a customized educational experience that takes place either at home or another location. Hope Scholarship students participating in an IIP are not enrolled in a participating school and shall be governed by the requirements of this article, unless otherwise stated, and not any other compulsory school attendance exemption requirements;

~~(8)~~ (9) 'Parent' means a biological parent, legal guardian, custodian, or other person with legal authority to act on behalf of an eligible recipient or Hope Scholarship student;

~~(9)~~ (10) 'Participating school' means any private school that provides education to elementary and/or secondary students and has notified the board of its intention to participate in the program and comply with the program's requirements;

~~(10)~~ (11) 'Resident school district' means the county school district in which the student resides; and

~~(11)~~ (12) 'Treasurer' means the West Virginia State Treasurer.

§18-31-2a. Educational privileges and programs available to Hope Scholarship students.

(a) Notwithstanding any provision of this code to the contrary, a Hope Scholarship student that pursues an individualized instructional program is exempt from the requirements of compulsory school attendance pursuant to §18-8-1(m) of this code and shall be subject to the requirements of this article unless otherwise stated: *Provided,* That a Hope Scholarship student that pursues an individualized instructional program shall have the same privileges and access to programs that this code makes available to students exempt from compulsory school attendance pursuant to §18-8-1(c) of this code including, but not limited to:

(1) The ability to receive a diploma from the student's secondary educational program administrator according to the requirements of §18-8-12 of this code;

(2) The ability to receive the PROMISE scholarship according to the requirements of §18C-7-1 *et seq.* of this code;

(3) The ability to receive a work permit without prior review by a school administrator pursuant to §21-6-3 of this code; and

(4) The ability to participate in an ACE program according to the requirements in §18-2E-11 of this code.

(b) Notwithstanding any provision of this code to the contrary, a Hope Scholarship student that attends a participating school shall have the same privileges and access to programs available to students exempt from compulsory school attendance pursuant to §18-8-1 of this code by virtue of attendance of a nonpublic school including, but not limited to:

(1) The ability to receive a diploma from the student's school administrator according to the requirements of §18-8-12 of this code;

(2) The ability to receive the PROMISE scholarship according to the requirements of §18C-7-1 *et. seq.* of this code; and

(3) The ability to participate in an ACE program according to the requirements in §18-2E-11 of this code.

(c) Nothing in this section may be construed as subjecting homeschool students or nonpublic school students not participating in the Hope Scholarship Program to the requirements of this article.

§18-31-3. West Virginia Hope Scholarship Board; members; terms; compensation; proceedings generally.

(a) The West Virginia Hope Scholarship Program shall be administered by the West Virginia Hope Scholarship Board.

(b) The board shall consist of nine members and include the following:

(1) The State Treasurer, or his or her designee;

(2) The State Auditor, or his or her designee;

(3) The State Attorney General, or his or her designee;

(4) The State Superintendent of Schools, or his or her designee;

(5) The Chancellor of Higher Education, or his or her designee;

(6) The Director of the Herbert Henderson Office of Minority Affairs, or his or her designee; and

(7) Three members appointed by the Governor with the advice and consent of the Senate who are parents of Hope Scholarship students, or for the initial appointments of board members following the effective date of this article, parents who intend to apply for the Hope Scholarship on behalf of eligible recipients, to be appointed as follows:

(A) Only state residents are eligible for appointment to the board;

(B) The parent members shall reside in geographically diverse areas of the state;

~~(C) Members shall be initially appointed to staggered terms as follows:~~

~~(i) One member appointed by the Governor to a one-year term;~~

~~(ii) One member appointed by the Governor to a two-year term; and~~

~~(iii) One member each appointed by the Governor to a three-year term.~~

(C) For appointments made after July 1, 2024, the parent members shall represent parents of students engaged in a diverse range of educational options, such as microschools or other individualized instruction;

The Governor shall make appointments necessary to satisfy the requirements of subdivision (7) of this section to staggered terms as determined by the Governor. After the initial staggering of terms, appointed parent board members shall serve for three-year terms and are eligible for reappointment at the expiration of their terms; and

(D) If there is a vacancy among appointed members, the vacancy shall be filled by appointment to the unexpired term of a person meeting the requirements of this section by the Governor with the advice and consent of the Senate. Members of the board shall serve until the later of the expiration of the term for which the member was appointed or the appointment of his or her successor.

(c) Members of the board shall serve without compensation. The board may reimburse members for all reasonable and necessary expenses, including travel expenses, actually incurred by board members in the conduct of their official duties. Any expense reimbursements shall be made from the West Virginia Hope Scholarship Program Expense Fund at the same rate paid to state employees.

(d) The Treasurer is the chairman and presiding officer of the board. The Treasurer may provide office space and staff to the board upon request of the board.

(e) The State Superintendent of Schools may provide staff to the board, upon request of the board.

(f) A majority of the members of the board constitutes a quorum for the transaction of the business of the board.

(g) Members of the board are subject to the ethical standards and financial disclosure requirements of the West Virginia Governmental Ethics Act in §6B-1-1 *et seq.* of this code.

§18-31-4. Powers of the board.

The board is authorized to take any action necessary to effectuate the provisions of this article and to successfully administer the Hope Scholarship Program, subject to applicable state and federal law including, but not limited to, the following:

(1) Adopt and amend bylaws;

(2) Execute contracts and other instruments for necessary goods and services, employ necessary personnel and engage the services of private consultants, actuaries, auditors, counsel, managers, trustees, and any other contractor or professional needed for rendering professional and technical assistance and advice: *Provided*, That election of these services is not subject to the provisions of §5A-3-1 *et seq.* of this code;

(3) Implement the program through the use of financial organizations as account depositories and managers;

(4) Develop and impose requirements, policies, procedures, and guidelines to implement and manage the program;

(5) Determine whether an expenditure of Hope Scholarship funds is or was a qualifying expense to educate a Hope Scholarship student pursuant to §18-31-7 of this code. The board may approve or deny expenditures by a majority vote;

(6) Review any appeals made pursuant to §18-31-10(b) and §18-31-10(d) of this code;

(7) Establish the method by which moneys in the Hope Scholarship Expense Fund shall be allocated to pay for administrative costs and assess, collect and expend administrative fees, charges, and penalties;

(8) Authorize the assessment, collection, and retention of fees and charges against the amounts paid into and the earnings on the Hope Scholarship funds by a financial institution, investment manager, fund manager, West Virginia Investment Management Board, West Virginia Board of Treasury Investments, or other professional managing or investing the Hope Scholarship funds and accounts;

(9) Invest and reinvest any of the funds and accounts under the board's control with a financial institution, an investment manager, a fund manager, the West Virginia Investment Management Board, West Virginia Board of Treasury Investments, or other professionals investing the funds and accounts: *Provided*, That investments made under this article shall be made in accordance with the provisions of §44-6C-1 *et seq.* of this code; ~~and~~

(10) Solicit and accept gifts, including bequests and other testamentary gifts made by will, trust, or other disposition; grants; loans; aid; and property, real or personal of any nature and from any source, or to participate in any other way in any federal, state, or local governmental programs in carrying out the purposes of this article: *Provided*, That the board shall use the property received to effectuate the desires of the donor, and shall convert the property received into cash within 180 days of receipt;

(11) Take any issues relating to Hope Scholarship student participation in established public charter schools to the West Virginia Professional Charter School Board; and

(12) Request such information from the Department of Education and the county boards as is necessary for the completion of the board's responsibilities pursuant to this article.

§18-31-5. Award of Hope Scholarships.

(a) The Hope Scholarship Program is established to provide the option for a parent to better meet the individual elementary and secondary education needs of his or her eligible child. The program shall be operational no later than July 1, 2022.

(b) The board shall create a standard application form that a parent can submit to establish his or her student's eligibility for the award of Hope Scholarship funds, to be placed in a personal education savings account to be used for qualifying education expenses on behalf of the eligible recipient as provided for in §18-31-7 of this code. Information about scholarship funds and the application process shall be made available on the board's website.

(c) The board shall ~~make such applications available no later than March 1, 2022 and shall begin accepting applications immediately thereafter~~ process, accept, and make available Hope Scholarship applications and awards at any time during the calendar year. The board may update the application as needed. The board shall issue an award letter to eligible recipients within 45 days of receipt of a completed application and all required documentation.

(d) The board shall approve an application for a Hope Scholarship if all of the following circumstances are met:

(1) A parent submits an application for a Hope Scholarship in accordance with the legislative rules promulgated by the board;

(2) A student on whose behalf the parent is applying is an eligible recipient, as provided ~~for~~ in §18-31-2(5) of this code;

(3) The parent signs an agreement with the board, promising to do all of the following:

(A) To provide an education for the eligible recipient in at least the subjects of reading, language, mathematics, science, and social studies;

(B) To use the Hope Scholarship funds exclusively for qualifying expenses incurred in providing the student an elementary or secondary education as provided for in §18-31-7 of this code;

(C) To comply with the rules and requirements of the Hope Scholarship Program; ~~and~~

(D) To afford the Hope Scholarship student opportunities for educational enrichment such as organized athletics, art, music, or literature; and

(E) To notify the Hope Scholarship Board immediately and cease use of Hope Scholarship funds upon the student's reenrollment in a public school or when the student graduates from or otherwise successfully completes a secondary school program;

(4) The board confirms with the West Virginia Department of Education that the student satisfies §18-31-2(5) of this code: *Provided*, That if the department does not reply within 30 days, this criteria is considered satisfied.

(e) ~~An application for a Hope Scholarship is~~ All records accepted or maintained by the board containing personally identifying information of a Hope Scholarship student, applicant, or parent are confidential and not a public record subject to release pursuant to the West Virginia Freedom of Information Act, as codified in §29B-1-1 *et seq.* of this code.

§18-31-6. Funding of Hope Scholarships; program and expense funds.

(a) There is hereby created in the State Treasury a special revenue fund designated and known as the West Virginia Hope Scholarship Program Fund. The fund shall be administered by the Treasurer and shall consist of funds transferred by the Department of Education in accordance with §18-9A-25 of this code. All interest and other returns derived from the deposit and investment of moneys in the Hope Scholarship Fund shall be credited to the fund. Any balance, including accrued interest and other returns, remaining in the fund at the end of each fiscal year shall not

revert to the General Revenue Fund but shall remain in the fund and be expended as provided by this section.

(b) The amount of Hope Scholarship funds made available to an eligible recipient on a yearly basis shall be equal to 100 percent of the prior year's statewide average net state aid share allotted per pupil based on net enrollment adjusted for state aid purposes, subject to the provisions of subsection (c) of this section: *Provided*, That the amount of the funding to an eligible recipient who is awarded a Hope Scholarship account for less than a full fiscal year shall be prorated based on the portion of the fiscal year the eligible recipient is awarded the Hope Scholarship account. On or prior to the submission of the Department of Education's budget request each year, the board shall notify the Department of Education of ~~the total number of eligible Hope Scholarship applications received by the board~~ the estimated number of Hope Scholarship applications for the fiscal year for purposes of facilitating the necessary transfer of moneys pursuant to §18-9A-25 of this code.

(c) Expenditures from the Hope Scholarship Fund shall be limited to the purposes set forth in this article: *Provided*, That an amount not to exceed five percent of the fund shall be transferred annually to the West Virginia Hope Scholarship Program Expense Fund established in subsection (h) of this section to cover the annual administrative costs of the Hope Scholarship Program. If the number of Hope Scholarship accounts increases significantly after any fiscal year, the Treasurer may request an appropriation by the Legislature to the West Virginia Hope Scholarship Program Expense Fund in an amount equal to the administrative costs associated with the increase in Hope Scholarship accounts.

(d) The first deposit of Hope Scholarship funds into an eligible recipient account shall be subject to the execution of the parental agreement required by §18-31-5 of this code. Upon execution of the required parental agreement, and subject to the provisions of §18-31-9(e) of this code, one half of the total annually required deposit shall be made no later than August 15 of every year into an eligible recipient's Hope Scholarship account, and one half of the total annually required deposit shall be made no later than January 15 of every year. Any funds remaining in a Hope Scholarship account at the end of the fiscal year may be carried over to the next fiscal year upon successful renewal of the account.

(e) Funds deposited in a student's Hope Scholarship account, other than those funds expended on transportation services pursuant to §18-31-7(11) of this code, do not constitute taxable income to the parent or the Hope Scholarship student.

(f) The board shall continue to make deposits into an eligible recipient's Hope Scholarship account in accordance with the provisions of this section unless any of the following conditions have occurred:

(1) A parent of an eligible recipient fails to renew a Hope Scholarship account or withdraws from the Hope Scholarship Program;

(2) The board determines that a student is no longer eligible for a Hope Scholarship;

(3) The board suspends or revokes participation in the Hope Scholarship Program for failure to comply with the requirements of this article;

(4) The Hope Scholarship student successfully completes a secondary education program or does not commence kindergarten-level education in the year that eligibility is based on the student's kindergartener status; or

(5) The Hope Scholarship student reaches 21 years of age.

(g) If any of the conditions in subsection (f) of this section occur, the board shall notify the parent that the eligible recipient's account will be closed in 45 calendar days. If a parent fails to adequately address the condition or conditions upon which closure is based or does not respond within 30 calendar days of receipt of notice, the board shall close the account and any remaining moneys shall be returned to the state.

(h)(1) There is hereby created in the State Treasury a special revenue fund designated and known as the West Virginia Hope Scholarship Program Expense Fund. The account shall consist of moneys received pursuant to this section; moneys, if any, transferred from special revenue funds administered by the Treasurer; or any governmental or private grants and any state general fund appropriations, if any, for the Hope Scholarship Program. All interest and other returns derived from the deposit and investment of moneys in the Hope Scholarship Program Expense Fund shall be credited to the fund. Any balance, including accrued interest and other returns, remaining in the fund at the end of each fiscal year shall not revert to the General Revenue Fund but shall remain in the fund and be expended as provided by this section.

(2) All expenses incurred by the Treasurer or the board in developing and administering the Hope Scholarship Program shall be payable from the West Virginia Hope Scholarship Expense Fund.

§18-31-7. Qualifying expenses for Hope Scholarship accounts.

(a) Parents of a Hope Scholarship student shall agree to use the funds deposited in their student's Hope Scholarship account only for the following qualifying expenses to educate the student:

(1) Ongoing services provided by a public school district pursuant to §18-31-8(f) of this code, including without limitation, individual classes and extracurricular activities and programs: *Provided,* That notwithstanding the provisions of §18-5G-3 of this code, a public charter school may invoice a Hope Scholarship student's account for said services;

(2) Tuition and fees at a participating school;

(3) Tutoring services provided by an individual or a tutoring facility: *Provided*, That such tutoring services are not provided by a member of the Hope Scholarship student's immediate family;

(4) Fees for nationally standardized assessments, advanced placement examinations, any examinations related to college or university admission, and tuition and/or fees for preparatory courses for the aforementioned exams;

(5) Tuition and fees for programs of study or the curriculum of courses that lead to an industry-recognized credential that satisfies a workforce need;

(6) Tuition and fees for nonpublic online learning programs including, but not limited to, online curriculum courses and tutorial programs;

(7) Tuition and fees for alternative education programs;

(8) Fees for after-school or summer education programs;

(9) Educational services and therapies including, but not limited to, occupational, behavioral, physical, speech-language, and audiology therapies;

(10) Curriculum as defined in §18-31-2 of this code;

(11) Instruments or equipment required as part of a music education course or curriculum;

~~(11)~~ (12) Fees for transportation paid to a fee-for-service transportation provider for the student to travel to and from an education service provider; and

~~(12)~~ (13) Any other ~~qualified~~ qualifying expenses as approved by the board established pursuant to §18-31-3 of this code: *Provided*, That the board may adopt rules and procedures for Hope Scholarship students who want to continue to receive services provided by a public school or district.

(b) Hope Scholarship funds may only be used for educational purposes in accordance with subsection (a) of this section. Nothing in this section requires that a Hope Scholarship student be enrolled, full- or part-time, in either a private school or nonpublic online school.

(c) Hope Scholarship funds may not be refunded, rebated, or shared with a parent or student in any manner: *Provided*, That the Hope Scholarship Board shall promulgate legislative rules to ensure that an education service provider with 15 or more students can provide compensation to employees of the provider in the provider's regular course of business, notwithstanding the fact that an employee's child receives services from the education service provider.

(d) The board may adopt procedures for establishing a reimbursement process for any qualifying expenses not available for purchase by a Hope Scholarship parent through the existing online Hope Scholarship Program portal. Any refund or rebate for goods or services purchased with Hope Scholarship funds shall be credited directly to a student's Hope Scholarship account.

(e) Nothing in this section prohibits the parents of a Hope Scholarship student from making payments for the costs of educational goods and services not covered by the funds in their student's Hope Scholarship account. However, personal deposits into a Hope Scholarship account are not permitted.

§18-31-8. ~~Renewal~~ Annual continuation of Hope Scholarship accounts; participation in public school system.

(a) ~~A parent must renew an eligible recipient's Hope Scholarship on an annual basis.~~ Notwithstanding any changes in eligibility, effective January 1, 2025, a Hope Scholarship student ~~who has previously qualified for a Hope Scholarship account remains eligible to apply for renewal~~ may continue participation in the program from school year to school year without reapplying for the program until one of the conditions set forth in §18-31-6(f) occurs: *Provided*, That the board shall verify with the Department of Education the following information by July 1 of every year:

(1) A list of all active Hope Scholarship accounts;

(2) The resident school district of each Hope Scholarship student;

(3) For a Hope Scholarship student who chooses to attend a participating school, annual confirmation of his or her continued attendance at a nonpublic school that complies with all requirements that other nonpublic school students must comply with; and

(4) For a Hope Scholarship student who chooses an individualized instructional program:

(A) (i) He or she has annually taken a nationally normed standardized achievement test of academic achievement in the subject areas of reading, language, and mathematics, and when available for the student's grade-level, science and social studies;

(ii) The mean of the child's overall test results in the subject areas ~~of reading, language, mathematics, science, and social studies~~ tested for any single year is within or above the fourth stanine or, if below the fourth stanine, show improvement from the previous year's results; and

(iii) The mean of the child's overall test results are reported to the county superintendent; or

(B) (i) A certified teacher conducts a review of the student's academic work annually;

(ii) The certified teacher determines that the student is making academic progress commensurate with his or her age and ability; and

(iii) The certified teacher's determination is reported to the county superintendent.

(b) As a condition of continued participation in the Hope Scholarship Program from one school year to the next, a parent must annually meet the following requirements, according to the deadlines and procedures established by the Board:

(1) The parent must submit proof of the student’s continued West Virginia residency;

(2) The parent must execute the parent agreement with the Board described in §18-31-5(d)(3) of this code ahead of each school year; and

(3) The parent must report to the county superintendent of the student’s county of residence that the student has complied with all attendance and academic requirements in accordance with subsection (a) of this section for the most recent school year.

~~(b)~~ (c) Each county superintendent shall submit the test results and determinations reported to him or her pursuant to subsection (a) of this section to the board and the Department of Education each year on or before June 15.

~~(c)~~ (d) If a parent fails to ~~renew an eligible recipient's Hope Scholarship~~ meet the annual conditions for continued participation in the Hope Scholarship Program described in subsection (b) of this section, the board shall notify the parent that the eligible recipient's account will be closed in 45 calendar days. If a parent ~~chooses not to renew or~~ declines continued participation in the program or does not respond within 30 calendar days of receipt of notice, the board shall close the account and any remaining moneys shall be returned to the state.

~~(d)~~ (e) If an eligible recipient decides to return to the Hope Scholarship Program after failing to ~~renew~~ meet the conditions for continued participation described in subsection (b) of this section, they must reapply.

~~(e) The board, in consultation with the Department of Education, may adopt rules and policies to provide the least disruptive process for Hope Scholarship students who desire to stop receiving Hope Scholarship payments and return full-time to a public school.~~

(f) The board, in consultation with the Department of Education, may adopt rules and policies for Hope Scholarship students who want to continue to receive services provided by a public school or district, including individual classes and extracurricular programs, in combination with an individualized instructional program. The board, in consultation with the Department of Education, shall ensure that any public school or school district providing such services receives the appropriate pro rata share of a student's Hope Scholarship funds based on the percentage of total instruction provided to the student by the public school or school district. County boards and charter school governing boards shall charge tuition to Hope Scholarship students who enroll for services in a public school within the county or in a public charter school. Hope Scholarship students who enroll for services part-time in public school shall not be included in net enrollment for state aid funding purposes under §18-9A-2 of this code. Nothing in this subsection prohibits a Hope Scholarship student from using the funds deposited in his or her account on both services provided by a public school or district and other qualifying expenses as provided for in §18-31-7 of this code.

(g) The board, in consultation with the Department of Education, may adopt rules and policies to provide the least disruptive process for Hope Scholarship students who desire to stop receiving Hope Scholarship payments and return full-time to a public school.

§18-31-10. Auditing of Hope Scholarship Program; suspension of accounts and providers.

(a) The board may propose legislative rules for approval pursuant to §29A-3-1 *et seq.* of this code for the auditing of individual Hope Scholarship accounts and shall conduct or contract for the random auditing of individual Hope Scholarship accounts as needed to ensure compliance with the requirements of this article and rules promulgated pursuant to this article.

(b) As part of the auditing process, the board may remove a parent or eligible recipient from the Hope Scholarship Program and close a Hope Scholarship account for failure to comply with the terms of the parental agreement required by §18-31-5 of this code, failure to comply with the applicable laws, failure of the student to remain eligible, or intentional and fraudulent misuse of Hope Scholarship funds: *Provided*, That the board shall create procedures to ensure that a fair process exists to determine the removal of a parent or eligible recipient from the Hope Scholarship Program and a parent or Hope Scholarship student may appeal the decision to make the student ineligible for funds to the board.

~~(c) The board may conduct or contract for the audit of education service providers accepting payments from Hope Scholarship accounts. if it determines that the education service provider has:~~

~~(1) Intentionally and substantially misrepresented information or failed to refund any overpayments in a timely manner; or~~

~~(2) Routinely failed to.provide students with promised educational goods or services.~~

(c) The board may propose legislative rules for approval pursuant to §29A-3-1 *et seq.* of this code for the auditing of education service providers and shall conduct or contract for the random auditing of individual providers as needed to ensure compliance with the requirements of this article and rules promulgated pursuant to this article.

(d) If the board determines that an education service provider has intentionally and substantially misused Hope Scholarship funds, the board may bar the education service provider from continuing to receive payments. The board shall create procedures to ensure that a fair process exists to determine whether an education service provider may be barred from receiving payment from Hope Scholarship accounts and an education service provider may appeal a decision to bar it from receiving payments to the board. If the board bars an education service provider from receiving payments from Hope Scholarship accounts, it shall notify parents and students of its decision as quickly as possible.

(e) If the board obtains evidence of potential fraudulent use of Hope Scholarship funds, it may refer suspected cases to the State Auditor for purposes of investigation, collection, and potential criminal investigation.

§18-31-11. Requirements for and rights of education service providers.

(a) To be eligible to accept payments from a Hope Scholarship account, an education service provider shall:

(1) Submit notice to the board that they wish to participate in the Hope Scholarship Program;

(2) Provide participating parents with a receipt for all qualifying educational expenses for the Hope Scholarship student;

(3) Agree not to refund, rebate, or share Hope Scholarship funds with parents or students in any manner, except that funds may be remitted or refunded to a Hope Scholarship account in accordance with §18-31-7(c) of this code;

(4) Certify that it will not discriminate on any basis prohibited by 42 U.S.C. 1981;

(5) ~~Agree to~~ Submit any employee or other person who will have contact with Hope Scholarship students receiving services from the provider to a criminal background check~~;~~ and certify that said background check does not indicate conviction of a felony involving violence to the person and that the employee or other person is not on a federal or state sex offender registry; and

(6) In the case of a participating school, provide notice of each Hope Scholarship student's enrollment annually to the county superintendent of any student for which a student's tuition is being paid through the Hope Scholarship Program.

(b) This article does not limit the independence or autonomy of an education service provider or make the actions of an education service provider the actions of the state government.

(c) Education service providers shall be given maximum freedom to provide for the educational needs of Hope Scholarship students without governmental control.

(d) A participating school or education service provider is not required to alter its creed, practices, admission policy, hiring policy or curriculum in order to accept eligible recipients whose parents pay tuition or fees from a Hope Scholarship account pursuant to this article: *Provided,* That an education service provider is prohibited from requiring a student or family to pay tuition, costs, or fees above or in addition to the provider's regular tuition or fee schedule based in whole or in part upon a student or family member's participation in the Hope Scholarship Program.

(e) This article does not expand the regulatory authority of the state, its officers, or any school district to impose any additional regulation of education service providers beyond those necessary to enforce the requirements of the program.

§18-31-14. Reporting.

(a) The board shall provide a comprehensive report on the status of the Hope Scholarship Program to the Legislative Oversight Commission on Education Accountability on or before December 31, 2026, and annually on or before December 31 of each year thereafter, addressing the progress of the program throughout the state. As part of the annual report, the board, in collaboration with the state and county boards of education, shall survey participating Hope Scholarship families to determine:

(1) The types of educational services chosen by Hope Scholarship students;

(2) Demographic and geographic data of participating students;

(3) Number of students participating with special needs;

(4) For Hope Scholarship students who withdrew from a public school, the stated reason for withdrawing;

(5) County superintendent and board compliance with Hope Scholarship reporting requirements; and

(6) Parent satisfaction with the Hope Scholarship Program.

(b) The board shall use only aggregate, nonidentifying evaluation data when compiling any such public reports."

And,

By amending the title of the bill to read as follows:

H. B. 4945 – "A Bill to amend and reenact §18-8-12 of the Code of West Virginia, 1931, as amended; to amend and reenact §18-9A-25 of said code; to amend and reenact §18-31-2, §18-31-3, §18-31-4, §18-31-5, §18-31-6, §18-31-7, §18-31-8, §18-31-10, and §18-31-11 of said code; and to amend said code by adding thereto two new sections, designated §18-31-2a and §18-31-14, all relating generally to the Hope Scholarship Program; providing that microschools, learning pods, and individualized instructional programs have the authority to issue secondary school diplomas; providing that the annual Hope Scholarship Program appropriation calculation will be based on the estimated number of participating students instead of the number of participating students in the prior year; defining terms; providing that Hope Scholarship students have certain educational privileges made available to other nonpublic school students; permitting

the State Treasurer to appear by designee at Hope Scholarship Board meetings; modifying qualifications for certain Board members for future appointments; clarifying that the Hope Scholarship Board may take issues involving Hope Scholarship students in charter schools to the West Virginia Professional Charter School Board; authorizing the Hope Scholarship Board to request certain information from county superintendents and county boards of education; clarifying that Hope Scholarship funds may only be utilized for expenses incurred in a kindergarten through secondary school education; requiring a year-round application and awards process; requiring parental agreement to include provisions requiring parents to notify the board if a student reenrolls in public school or graduates from a secondary school program; clarifying that all records and personally identifying information of a Hope Scholarship student, applicant, or parent is confidential and not subject to disclosure pursuant to the West Virginia Freedom of Information Act; clarifying that a kindergarten-level applicant's Hope Scholarship participation does not commence if the student does not begin kindergarten-level education that school year; clarifying that a public charter school may invoice a Hope Scholarship student for educational services; modifying qualifying expenses for Hope Scholarship accounts; authorizing the Board to adopt rules and procedures regarding Hope Scholarship student receipt of services from a public school or school district; requiring the Board to promulgate legislative rules permitting certain providers to compensate employees who are parents of Hope Scholarship students; authorizing the Board to adopt certain reimbursement procedures; clarifying annual renewal process for Hope Scholarship parents and students; modifying annual academic assessment requirements for certain grade levels; authorizing the Board to propose legislative rules related to audit of education service providers; requiring education service providers conducting background screenings of employees and other persons in contact with students to certify screening results to the board; clarifying that providers may not assess increased or additional fees against Hope Scholarship students based on participation in the program; and adding reporting requirements."

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. 737)**, and there were--yeas 80, nays 17, absent and not voting 3, with the nays and the absent and not voting being as follows:

Nays: Campbell, Dillon, Ferrell, Fluharty, Garcia, Griffith, Hamilton, Hansen, Hornbuckle, Kirby, Lewis, E. Pritt, Pushkin, Stephens, Toney, Williams and Young.

Absent and Not Voting: Bridges, Riley 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. 4945) 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 concurrence in part and refusal in part in the amendment of the House of Delegates and the passage, as amended, to take effect from passage, of

Com. Sub. for S. B. 17, Authorizing Department of Health to promulgate legislative rules.

On motion of Delegate Kimble, the House receded in the following part of the House amendment:

On page 2, line 19, by striking the period and inserting the following:

"with the following amendment:

On page 48, by inserting a new section §18 to read as follows:

'18.1 A hospital shall conduct and report the survey results in plain language of the 'Hospital Consumer Assessment of Healthcare Provider and Systems Survey (HCAHPS)' and 'Center for Medicare & Medicaid Services (CMS) Hospital Inpatient Quality Reporting (IQR). A hospital shall place a menu item, entitled, 'Quality Information' in the 'Footer' of all patient-facing pages of its website. The link shall directly connect the user to another page on the hospital's website which shall provide the public results of all CMS Hospital Compare reporting measures: *Provided,* That results shall include 'Preferred Direction of Results'; most current quarterly results submitted to CMS expressed as a numerator/denominator of incidents/total procedures; last published results with date; 'State Average'; and 'National Average'. A hospital not required by CMS to conduct such surveys is exempt from this provision.'

And,

Renumbering the remaining sections accordingly.

The question then being on the passage of the bill, the yeas and nays were taken **(Roll No. 738)**, and there were--yeas 90, nays 5, absent and not voting 5, with the nays and the absent and not voting being as follows:

Nays: Dillon, Linville, Miller, Tully and Vance.

Absent and Not Voting: Bridges, Criss, Foster, Riley and Steele.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 17) passed.

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

On this question, the yeas and nays were taken **(Roll No. 739)**, and there were--yeas 94, nays 1, absent and not voting 5, with the nays and the absent and not voting being as follows:

Nays: Vance.

Absent and Not Voting: Bridges, Criss, Foster, Riley 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 S. B. 17) 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 refused to concur in the amendment of the House of Delegates and requested the House to recede from its amendment to

Com. Sub. for S. B. 675, Establishing accreditation deadline for convention and visitors bureaus.

On motion of Delegate Kimble, the House of Delegates refused to recede from its amendment and requested the Senate to agree to the appointment of a committee of conference of three from each House on the disagreeing votes of the two houses.

Whereupon,

The Speaker appointed as conferees on the part of the House of Delegates the following:

Delegates Howell, Dittman and Williams.

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 refused to recede from its amendment and requested the House of Delegates to agree to the appointment of a Committee of Conference of three from each house on the disagreeing votes of the two houses as to

H. B. 5237, Prohibiting driving slow in left lane except under certain circumstances.

The message further announced that the President of the Senate had appointed as conferees on the part of the Senate the following:

Senators Clements, Oliverio and Woelfel.

On motion of Delegate Kimble, the House of Delegates agreed to the appointment of a Committee of Conference of three from each house on the disagreeing votes of the two houses.

Whereupon,

The Speaker appointed as conferees on the part of the House of Delegates the following:

Delegates Westfall, Chiarelli and Fluharty.

At 2:05 p.m., on motion of Delegate Householder, the House of Delegates recessed until 3:30 p.m.

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Late Afternoon Session

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Speaker Pro Tempore Espinosa in the Chair

The House of Delegates was called to order by the Honorable Paul Espinosa, Speaker Pro Tempore.

Several Members were recognized to make farewell speeches.

At 4:37 p.m., on motion of Delegate Householder, the House of Delegates recessed until 5:00 p.m.

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Early Evening Session

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

Reordering of the Calendar

Pursuant to the action of the Committee on Rules, Delegate Householder announced that Com. Sub. for S. B. 601, on Third Reading, Special Calendar, had been moved to the foot of all bills; and Com. Sub. for S. B. 841, on Third Reading, House Calendar, had been transferred to the top of the Special Calendar.

Messages from the Senate

A message from the Senate, by
The Clerk of the Senate, announced that the Senate had refused to recede from its amendment and requested the House of Delegates to agree to the appointment of a Committee of Conference of three from each house on the disagreeing votes of the two houses as to

Com. Sub. for H. B. 4399, Creating the equitable right to expungement.

The message further announced that the President of the Senate had appointed as conferees on the part of the Senate the following:

Senators Stover, Deeds and Caputo.

On motion of Delegate Householder, the House of Delegates agreed to the appointment of a Committee of Conference of three from each house on the disagreeing votes of the two houses.

Whereupon,

The Speaker appointed as conferees on the part of the House of Delegates the following:

Delegates C. Pritt, Nestor and Garcia.

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 refused to recede from its amendment and requested the House of Delegates to agree to the appointment of a Committee of Conference of three from each house on the disagreeing votes of the two houses as to

Com. Sub. for H. B. 5084, Require retailers to verify identification and age upon purchase of vape products.

The message further announced that the President of the Senate had appointed as conferees on the part of the Senate the following:

Senators Weld, Stuart and Woelfel.

On motion of Delegate Householder, the House of Delegates agreed to the appointment of a Committee of Conference of three from each house on the disagreeing votes of the two houses.

Whereupon,

The Speaker appointed as conferees on the part of the House of Delegates the following:

Delegates Kelly, Worrell and Garcia.

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

Messages from the Senate

A message from the Senate, by
The Clerk of the Senate, announced that the Senate had refused to recede from its amendment and requested the House of Delegates to agree to the appointment of a Committee of Conference of three from each house on the disagreeing votes of the two houses as to

Com. Sub. for H. B. 4851, To allow for public and private schools in West Virginia to employ security personnel.

The message further announced that the President of the Senate had appointed as conferees on the part of the Senate the following:

Senators Hamilton, Oliverio and Woelfel.

On motion of Delegate Householder, the House of Delegates agreed to the appointment of a Committee of Conference of three from each house on the disagreeing votes of the two houses.

Whereupon,

The Speaker appointed as conferees on the part of the House of Delegates the following:

Delegates Statler, Smith and Rowe.

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 refused to recede from its amendment and requested the House of Delegates to agree to the appointment of a Committee of Conference of three from each house on the disagreeing votes of the two houses as to

Com. Sub. for H. B. 5544, Relating to requiring certain reporting from the Mountaineer Trail Network Authority each year.

The message further announced that the President of the Senate had appointed as conferees on the part of the Senate the following:

Senators Jeffries, Maynard and Caputo.

On motion of Delegate Householder, the House of Delegates agreed to the appointment of a Committee of Conference of three from each house on the disagreeing votes of the two houses.

Whereupon,

The Speaker appointed as conferees on the part of the House of Delegates the following:

Delegates Howell, Jeffries and Hamilton.

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

Special Calendar

Third Reading

Com. Sub. for S. B. 841, Setting amount of unemployment taxes and benefits; on third reading, with the right to amend, was reported by the Clerk.

An amendment recommended by the Committee on Finance was reported by the Clerk, on page one, following the enacting clause, by striking out the remainder of the bill and inserting in lieu thereof the following:

"**ARTICLE 1A. DEFINITIONS.**

§21A-1A-28. Wages~~; average annual wage; threshold wage~~.

(a) 'Wages' means all remuneration for personal service, including commissions, gratuities customarily received by an individual in the course of employment from persons other than the employing unit, as long as such gratuities equal or exceed an amount of not less than $20 each month and which are required to be reported to the employer by the employee, bonuses and the cash value of all remuneration in any medium other than cash except for agricultural labor and domestic service. The term "wages" includes remuneration for service rendered to the state as a member of the state National Guard or Air National Guard only when serving on a temporary basis pursuant to a call made by the Governor under §15-1D-1 and §15-1D-2 of this code.

(b) The term 'wages' does not include:

(1) That part of the remuneration which, after remuneration equal to ~~$8,000~~ $10,000 ~~or, after the amendment and reenactment of this section during the 2009 legislative session, the threshold wage~~ is paid during a calendar year to an individual by an employer or his or her predecessor with respect to employment during any calendar year, is paid to such individual by such employer during such calendar year unless that part of the remuneration is subject to a tax under a federal law imposing a tax against which credit may be taken for contributions required to be paid into a state unemployment fund. For the purposes of this section, the term "employment" includes service constituting employment under any unemployment compensation law of another state; or

which as a condition for full tax credit against the tax imposed by the federal Unemployment Tax Act is required to be covered under this chapter; and, except that for the purposes of §21A-6-1, §21A-6-10, §21A-6-11, and §21A-6-13 of this code, all remuneration earned by an individual in employment shall be credited to the individual and included in his or her computation of base period wages: *Provided*, That the remuneration paid to an individual by an employer with respect to employment in another state or other states upon which contributions were required of and paid by such employer under an unemployment compensation law of such other state or states shall be included as a part of the remuneration equal to the amounts of ~~$8,000~~ $10,000. ~~or, after the amendment and reenactment of this section during the 2009 legislative session, the threshold wage herein referred to~~ In applying such limitation on the amount of remuneration that is taxable, an employer shall be accorded the benefit of all or any portion of such amount which may have been paid by its predecessor or predecessors: *Provided, however*, That if the definition of the term "wages" as contained in Section 3306(b) of the Internal Revenue Code of 1954, as amended, is amended to include remuneration in excess of ~~$8,000~~ $10,000 ~~or, after the amendment and reenactment of this section during the 2009 legislative session, the threshold wage~~ paid to an individual by an employer under the federal Unemployment Tax Act during any calendar year, wages for the purposes of this definition shall include remuneration paid in a calendar year to an individual by an employer subject to this chapter or his or her predecessor with respect to employment during any calendar year up to an amount equal to the amount of remuneration taxable under the federal Unemployment Tax Act;

(2) The amount of any payment made (including any amount paid by an employer for insurance or annuities, or into a fund, to provide for any such payment) to, or on behalf of, an individual in its employ or any of his or her dependents, under a plan or system established by an employer which makes provision for individuals in its employ generally (or for such individuals and their dependents), or for a class or classes of such individuals (or for a class or classes of such individuals and their dependents) on account of: (A) Retirement; or (B) sickness or accident disability payments made to an employee under an approved state workers' compensation law; or (C) medical or hospitalization expenses in connection with sickness or accident disability; or (D) death;

(3) Any payment made by an employer to an individual in its employ (including any amount paid by an employer for insurance or annuities, or into a fund, to provide for any such payment) on account of retirement;

(4) Any payment made by an employer on account of sickness or accident disability, or medical or hospitalization expenses in connection with sickness or accident disability to, or on behalf of, an individual in its employ after the expiration of six calendar months following the last calendar month in which such individual worked for such employer;

(5) Any payment made by an employer to, or on behalf of, an individual in its employ or his or her beneficiary: (A) From or to a trust described in Section 401(a) which is exempt from tax under Section 501(a) of the federal Internal Revenue Code at the time of such payments unless such payment is made to such individual as an employee of the trust as remuneration for services rendered by such individual and not as a beneficiary of the trust; or (B) under or to an annuity plan which, at the time of such payment, is a plan described in Section 403(a) of the federal Internal Revenue Code;

(6) The payment by an employer of the tax imposed upon an employer under Section 3101 of the federal Internal Revenue Code with respect to remuneration paid to an employee for domestic service in a private home or the employer of agricultural labor;

(7) Remuneration paid by an employer in any medium other than cash to an individual in its employ for service not in the course of the employer's trade or business;

(8) Any payment (other than vacation or sick pay) made by an employer to an individual in its employ after the month in which he or she attains the age of 65 years if he or she did not work for the employer in the period for which such payment is made;

(9) Payments, not required under any contract of hire, made to an individual with respect to his or her period of training or service in the armed forces of the United States by an employer by which such individual was formerly employed; and

(10) Vacation pay, severance pay or savings plans received by an individual before or after becoming totally or partially unemployed but earned prior to becoming totally or partially unemployed: *Provided,* That the term totally or partially unemployed does not include: (A) Employees who are on vacation by reason of the request of the employees or their duly authorized agent, for a vacation at a specific time, and which request by the employees or their agent is acceded to by their employer; (B) employees who are on vacation by reason of the employer's request provided they are so informed at least 90 days prior to such vacation; or (C) employees who are on vacation by reason of the employer's request where such vacation is in addition to the regular vacation and the employer compensates such employee at a rate equal to or exceeding their regular daily rate of pay during the vacation period.

(c) The reasonable cash value of remuneration in any medium other than cash shall be estimated and determined in accordance with rules prescribed by the commissioner, except for remuneration other than cash for services performed in agricultural labor and domestic service.

~~(d) 'Average annual wage' means the state's average annual wage which is computed on or before September 30 of the year immediately preceding the rate year and is the total remuneration paid by employers as reported on contribution reports on or before that date with respect to all employment during the four consecutive calendar quarters ending on June 30 of that year divided by the average monthly number of individuals performing services in employment during the same four calendar quarters as reported on the contribution reports.~~

~~'Threshold wage' means the wage amount the employer pays unemployment taxes on for each person in his or her employ during a calendar year. On and after the effective date of the amendment and reenactment of this chapter by the Legislature in 2009, the threshold wage will be $12,000: *Provided*, That when the moneys in the unemployment fund reach $220 million on February 15 of any year, the threshold wage thereafter will be reduced to $9,000: *Provided, however*, That each year thereafter the threshold wage shall increase or decrease by the same percentage that the state's average wage increases or decreases~~

(d) The amendments made to this section during the 2024 Regular Session shall become effective January 1, 2025.

ARTICLE 6. EMPLOYEE ELIGIBILITY; BENEFITS.

§21A-6-1. Eligibility qualifications.

An unemployed individual shall be eligible to receive benefits only if the commissioner finds that:

(1) He or she has registered for work at and thereafter continues to report at an employment office in accordance with the regulations of the commissioner;

(2) He or she has made a claim for benefits in accordance with the provisions of article seven of this chapter §21A-7-1 *et seq.* of this code and has furnished his or her Social Security number, or numbers if he or she has more than one such number;

(3) He or she is able to work and is available for full-time work for which he or she is fitted by prior training or experience and is ~~doing that which a reasonably prudent person in his or her circumstances would do in seeking work~~ actively seeking work as defined in §21A-6-1d of this code;

(4) He or she has been totally or partially unemployed during his or her benefit year for a waiting period of one-week prior to the week for which he or she claims benefits for total or partial unemployment;

(5) He or she has within his or her base period been paid wages for employment equal to not less than $2,200 and must have earned wages in more than one quarter of his or her base period or, if he or she is not eligible under his or her base period, has within his or her alternative base period been paid wages for employment equal to not less than $2,200 and must have earned wages in more than one quarter of his or her alternative base period; and

(6) He or she participates in reemployment services as defined in §21A-6-1d of this code, such as job search assistance services, if the individual has been determined to be likely to exhaust regular benefits and needs reemployment services pursuant to a profiling system established by the commissioner, unless the commissioner determines that:

(A) The individual has completed such services; or

(B) There is justifiable cause for the claimant's failure to participate in such services.

The amendments made to this section during the 2024 Regular Session shall become effective January 1, 2025.

§21A-6-1d. Jobs and Reemployment Act.

(a) In addition to compliance with all other eligibility requirements, an individual shall be eligible, and shall remain eligible, for unemployment benefits only if he or she actively seeks, and continues to seek, work by conducting at least four work search activities weekly, defined as:

(1) Registering for work with the state’s labor exchange system, placement firm, temporary work agencies, or educational institution with job placement offices;

(2) Logging on and looking for work in the state’s labor exchange or other online job matching system;

(3) Using reemployment services in job centers or completing similar online or self-service activities, including, but not limited to, obtaining and using labor market and career information, participating in Reemployment Services and Eligibility Assessment activities, participating in skills assessment for occupational matching, instructional workshops, or other specialized activities;

(4) Completing job applications for employers that have, or are reasonably expected to have, job openings, or following through on job referrals or job development attempts, as directed by Workforce West Virginia staff;

(5) Applying for or participating in employment and training services provided by partner programs in job centers;

(6) Participating in work-related networking events, such as job clubs, job fairs, industry association events, or networking groups;

(7) Making contacts with, or in-person visits to, employers that have, or are reasonably expected to have, job openings;

(8) Taking a civil service examination;

(9) Going on interviews with employers, either in-person or virtually; or

(10) Performing any other work search activities prescribed or allowed by rules promulgated by Workforce West Virginia.

(b) The commissioner may:

(1) Require an individual, at the time of application for unemployment benefits and weekly thereafter, to provide proof of all his or her work search activities;

(2) Verify submissions of proof of work search activities by individuals applying for or receiving unemployment benefits; and

(3) Determine any individual who fails to perform work search activities or provide proof of work search activities as required by this section, ineligible to receive unemployment benefits unless the individual can reasonably explain his or her failure to do so or timely remedy the failure to provide proof of his or her work search activity.

(c) The commissioner shall have discretion to determine the sufficiency of the proof of work search activities submitted, the explanation of a failure to submit such proof, the provision of such proof after an inaccuracy in the proof provided is identified, and whether an individual has otherwise complied with the requirements of this section.

(d) The commissioner shall, utilizing existing resources:

(1) Establish a process by which Workforce West Virginia will share open positions submitted to, or posted by, the Division of Personnel or any other state-administered job board by employers directly with individuals applying for or receiving unemployment benefits; and

(2) Establish a process by which, for the purpose of helping individuals applying for or receiving unemployment benefits secure suitable work, Workforce West Virginia shall refer individuals applying for or receiving unemployment benefits to such open positions, including facilitating contact between employers and those individuals, and monitoring whether those individuals are sufficiently responsive to a referral.

(e) An individual applying for or receiving unemployment benefits who receives referrals from Workforce West Virginia to a job or jobs considered to be suitable, as that term is defined in this chapter, shall apply for that job or those jobs within one-week of receiving the referrals and accept employment in suitable work if offered.

(f) Employers shall report the refusal of any individual who is receiving unemployment benefits and who receives job referrals from Workforce West Virginia to accept an offer of employment to the commissioner and also report those that accept employment and either leave or are dismissed from that employment within six weeks of the start date of that employment. The report shall be made in writing in a manner prescribed by the commissioner and shall be signed by the employer. The report shall become part of the file of the individual's claim for benefits.

(g) Individuals receiving unemployment benefits who accept a referral to a part-time open position or otherwise accept part-time employment for which the wages are less than his or her weekly benefit rate, shall continue to receive unemployment benefits without reduction for those wages for the duration of his or her benefits period.

(h) With the exception of individuals who have received or been served with a summons for jury duty or are serving on a jury in any court of this state, the United States, or any state of the United States; are receiving vocational training as described in the provisions of §21A-6-4 of this code; are partially unemployed and are receiving low-earnings reports from their employer; are eligible to receive short-time compensation under a work-sharing plan as described in §21A-6B-5 of this code; or who are members in good standing of a union that refers its members to employment from a union hall; all individuals applying for or receiving unemployment benefits shall be subject to the requirements of this section, including, but not limited to, individuals who are seasonally unemployed or laid off subject to recall by their employer.

(i) Workforce West Virginia shall notify individuals seeking benefits, at the time an initial claim is filed and at any other time during the benefit year that the requirements substantively change, of the obligation to actively seek work. Delivery of the notification shall be made by the method selected by the individual seeking benefits, and may include United States mail, email, online mailbox, or text message. The notification shall include, at a minimum, the types of work search activities that are acceptable; the number of work search activities that are required in any week; the requirement that work search activities be documented; and the requirement to apply, and accept if offered, suitable jobs referred by the agency.

(j) The commissioner shall promulgate rules for legislative approval in accordance with the provisions of §29A-3-1 *et seq.* of this code.

(k) The provisions of this section shall become effective January 1, 2025.

§21A-6-10. Benefit rate — total unemployment; ~~annual computation and publication of rates.~~

~~(a) Each eligible individual who is totally unemployed in any week shall be paid benefits with respect to that week at the weekly rate appearing in Column (C) in the benefit table in this section, on the line on which in Column (A) there is indicated the employee's wage class, except as otherwise provided under the term "total and partial unemployment" in §21A-1A-27 of this code. The employee's wage class shall be determined by his or her base period wages as shown in Column (B) in the benefit table. The right of an employee to receive benefits shall not be prejudiced nor the amount thereof be diminished by reason of failure by an employer to pay either~~

~~the wages earned by the employee or the contribution due on such wages. An individual who is totally unemployed but earns in excess of $60 as a result of odd job or subsidiary work, or is paid a bonus in any benefit week shall be paid benefits for such week in accordance with the provisions of this chapter pertaining to benefits for partial unemployment.~~

~~(b) (1) The maximum benefit for each wage class shall be equal to twenty-six times the weekly benefit rate.~~

~~(2) The maximum benefit rate shall be 66 and two-thirds percent of the average weekly wage in West Virginia as determined by the commissioner.~~

~~(c) On July 1 of each year, the commissioner shall determine the maximum weekly benefit rate upon the basis of the formula set forth above and shall establish wage classes as are required, increasing or decreasing the amount of the base period wages required for each wage class by $150, establishing the weekly benefit rate for each wage class by rounded dollar amount to be 55 percent of one fifty-second of the median dollar amount of wages in the base period for such wage class and establishing the maximum benefit for each wage class as an amount equal to twenty-six times the weekly benefit rate. Provided, That the commissioner shall may not increase or decrease the maximum weekly benefit rate for the period beginning on the effective date of the amendment and reenactment of this section in the regular session of the Legislature in 2009 until the threshold wage is reduced to $9,000, as required by §21A-1A-28(d) of this code The maximum weekly benefit rate, when computed by the commissioner, in accordance with the foregoing provisions, shall be rounded to the next lowest multiple of $1.~~

~~(d) After he or she has established such wage classes, the commissioner shall prepare and publish a table setting forth such information.~~

~~(e) Average weekly wage shall be computed by dividing the number of employees in West Virginia earning wages in covered employment into the total wages paid to employees in West Virginia in covered employment, and by further dividing said result by 52, and shall be determined from employer wage and contribution reports for the previous calendar year which are furnished to the department on or before June 1 following such calendar year. The average weekly wage, as determined by the commissioner, shall be rounded to the next higher dollar.~~

~~(f) The computation and determination of rates as aforesaid shall be completed annually before July 1 and any such new wage class, with its corresponding wages in base period, weekly benefit rate, and maximum benefit in a benefit year established by the commissioner in the foregoing manner effective on July 1 shall apply only to a new claim established by a claimant on and after July 1, and does not apply to continued claims of a claimant based on his or her new claim established before said July 1.~~

~~BENEFIT TABLE~~

~~A~~	~~B~~	~~C~~
~~WAGE CLASS~~	~~WAGES IN BASE PERIOD~~	~~WEEKLY BENEFIT RATE~~
~~MAXIMUM BENEFIT RATE~~		
~~Under~~	~~$ 2,200.00~~	~~Ineligible~~

1	$2,200.00	2,359.99	24.00	624.00
2	2,350.00	2,499.99	25.00	650.00
3	2,500.00	2,649.99	27.00	702.00
4	2,650.00	2,799.99	28.00	728.00
5	2,800.00	2,949.99	30.00	780.00
6	2,950.00	3,099.99	31.00	806.00
7	3,100.00	3,249.99	33.00	858.00
8	3,250.00	3,399.99	35.00	910.00
9	3,400.00	3,549.99	36.00	936.00
10	3,550.00	3,699.99	38.00	988.00
11	3,700.00	3,849.99	39.00	1,014.00
12	3,850.00	3,999.99	41.00	1,066.00
13	4,000.00	4,149.99	43.00	1,118.00
14	4,150.00	4,299.99	44.00	1,144.00
15	4,300.00	4,449.99	46.00	1,196.00
16	4,450.00	4,599.99	47.00	1,222.00
17	4,600.00	4,749.99	49.00	1,274.00
18	4,750.00	4,899.99	51.00	1,326.00
19	4,900.00	5,049.99	52.00	1,352.00
20	5,050.00	5,199.99	54.00	1,404.00
21	5,200.00	5,349.99	55.00	1,430.00
22	5,350.00	5,499.99	57.00	1,482.00
23	5,500.00	5,649.99	58.00	1,508.00
24	5,650.00	5,799.99	60.00	1,560.00
25	5,800.00	5,949.99	62.00	1,612.00
26	5,950.00	6,099.99	63.00	1,638.00

27	6,100.00	-6,249.99	65.00	1,690.00
28	6,250.00	-6,399.99	66.00	1,716.00
29	6,400.00	-6,549.99	68.00	1,768.00
30	6,550.00	-6,699.99	70.00	1,820.00
31	6,700.00	-6,849.99	71.00	1,846.00
32	6,850.00	-6,999.99	73.00	1,898.00
33	7,000.00	-7,149.99	74.00	1,924.00
34	7,150.00	-7,299.99	76.00	1,976.00
35	7,300.00	-7,449.99	78.00	2,028.00
36	7,450.00	-7,599.99	79.00	2,054.00
37	7,600.00	-7,749.99	81.00	2,106.00
38	7,750.00	-7,899.99	82.00	2,132.00
39	7,900.00	-8,049.99	84.00	2,184.00
40	8,050.00	-8,199.99	85.00	2,210.00
41	8,200.00	-8,349.99	87.00	2,262.00
42	8,350.00	-8,499.99	89.00	2,314.00
43	8,500.00	-8,649.99	90.00	2,340.00
44	8,650.00	-8,799.99	92.00	2,392.00
45	8,800.00	-8,949.99	93.00	2,418.00
46	8,950.00	-9,099.99	95.00	2,470.00
47	9,100.00	-9,249.99	97.00	2,522.00
48	9,250.00	-9,399.99	98.00	2,548.00
49	9,400.00	-9,549.99	100.00	2,600.00
50	9,550.00	-9,699.99	101.00	2,626.00
51	9,700.00	-9,849.99	103.00	2,678.00
52	9,850.00	-9,999.99	104.00	2,704.00

53	10,000.00	-10,149.99	106.00	2,756.00
54	10,150.00	-10,299.99	108.00	2,808.00
55	10,300.00	-10,449.99	109.00	2,834.00
56	10,450.00	-10,599.99	111.00	2,886.00
57	10,600.00	-10,749.99	112.00	2,912.00
58	10,750.00	-10,899.99	114.00	2,964.00
59	10,900.00	-11,049.99	116.00	3,016.00
60	11,050.00	-11,199.99	117.00	3,042.00
61	11,200.00	-11,349.99	119.00	3,094.00
62	11,350.00	-11,499.99	120.00	3,120.00
63	11,500.00	-11,649.99	122.00	3,172.00
64	11,650.00	-11,799.99	124.00	3,224.00
65	11,800.00	-11,949.99	125.00	3,250.00
66	11,950.00	-12,099.99	127.00	3,302.00
67	12,100.00	-12,249.99	128.00	3,328.00
68	12,250.00	-12,399.99	130.00	3,380.00
69	12,400.00	-12,549.99	131.00	3,406.00
70	12,550.00	-12,699.99	133.00	3,458.00
71	12,700.00	-12,849.99	135.00	3,510.00
72	12,850.00	-12,999.99	136.00	3,536.00
73	13,000.00	-13,149.99	138.00	3,588.00
74	13,150.00	-13,299.99	139.00	3,614.00
75	13,300.00	-13,449.99	141.00	3,666.00
76	13,450.00	-13,599.99	143.00	3,718.00
77	13,600.00	-13,749.99	144.00	3,744.00
78	13,750.00	-13,899.99	146.00	3,796.00

79	13,900.00	-14,049.99	147.00	3,822.00
80	14,050.00	-14,199.99	149.00	3,874.00
81	14,200.00	-14,349.99	150.00	3,900.00
82	14,350.00	-14,499.99	152.00	3,952.00
83	14,500.00	-14,649.99	154.00	4,004.00
84	14,650.00	-14,799.99	155.00	4,030.00
85	14,800.00	-14,949.99	157.00	4,082.00
86	14,950.00	-15,099.99	158.00	4,108.00
87	15,100.00	-15,249.99	160.00	4,160.00
88	15,250.00	-15,399.99	162.00	4,212.00
89	15,400.00	-15,549.99	163.00	4,238.00
90	15,550.00	-15,699.99	165.00	4,290.00
91	15,700.00	-15,849.99	166.00	4,316.00
92	15,850.00	-15,999.99	168.00	4,368.00
93	16,000.00	-16,149.99	170.00	4,420.00
94	16,150.00	-16,299.99	171.00	4,446.00
95	16,300.00	-16,449.99	173.00	4,498.00
96	16,450.00	-16,599.99	174.00	4,524.00
97	16,600.00	-16,749.99	176.00	4,576.00
98	16,750.00	-16,899.99	177.00	4,602.00
99	16,900.00	-17,049.99	179.00	4,654.00
100	17,050.00	-17,199.99	181.00	4,706.00
101	17,200.00	-17,349.99	182.00	4,732.00
102	17,350.00	-17,499.99	184.00	4,784.00
103	17,500.00	-17,649.99	185.00	4,810.00
104	17,650.00	-17,799.99	187.00	4,862.00

105	17,800.00	-17,949.99	189.00	4,914.00
106	17,950.00	-18,099.99	190.00	4,940.00
107	18,100.00	-18,249.99	192.00	4,992.00
108	18,250.00	-18,399.99	193.00	5,018.00
109	18,400.00	-18,549.99	195.00	5,070.00
110	18,550.00	-18,699.99	196.00	5,096.00
111	18,700.00	-18,849.99	198.00	5,148.00
112	18,850.00	-18,999.99	200.00	5,200.00
113	19,000.00	-19,149.99	201.00	5,226.00
114	19,150.00	-19,299.99	203.00	5,278.00
115	19,300.00	-19,449.99	204.00	5,304.00
116	19,450.00	-19,599.99	206.00	5,356.00
117	19,600.00	-19,749.99	208.00	5,408.00
118	19,750.00	-19,899.99	209.00	5,434.00
119	19,900.00	-20,049.99	211.00	5,486.00
120	20,050.00	-20,199.99	212.00	5,512.00
121	20,200.00	-20,349.99	214.00	5,564.00
122	20,350.00	-20,499.99	216.00	5,616.00
123	20,500.00	-20,649.99	217.00	5,642.00
124	20,650.00	-20,799.99	219.00	5,694.00
125	20,800.00	-20,949.99	220.00	5,720.00
126	20,950.00	-21,099.99	222.00	5,772.00
127	21,100.00	-21,249.99	223.00	5,798.00
128	21,250.00	-21,399.99	225.00	5,850.00
129	21,400.00	-21,549.99	227.00	5,902.00
130	21,550.00	-21,699.99	228.00	5,928.00

131	21,700.00	-21,849.99	230.00	5,980.00
132	21,850.00	-21,999.99	231.00	6,006.00
133	22,000.00	-22,149.99	233.00	6,058.00
134	22,150.00	-22,299.99	235.00	6,110.00
135	22,300.00	-22,449.99	236.00	6,136.00
136	22,450.00	-22,599.99	238.00	6,188.00
137	22,600.00	-22,749.99	239.00	6,214.00
138	22,750.00	-22,899.99	241.00	6,266.00
139	22,900.00	-23,049.99	243.00	6,318.00
140	23,050.00	-23,199.99	244.00	6,344.00
141	23,200.00	-23,349.99	246.00	6,396.00
142	23,350.00	-23,499.99	247.00	6,422.00
143	23,500.00	-23,649.99	249.00	6,474.00
144	23,650.00	-23,799.99	250.00	6,500.00
145	23,800.00	-23,949.99	252.00	6,552.00
146	23,950.00	-24,099.99	254.00	6,604.00
147	24,100.00	-24,249.99	255.00	6,630.00
148	24,250.00	-24,399.99	257.00	6,682.00
149	24,400.00	-24,549.99	258.00	6,708.00
150	24,550.00	-24,699.99	260.00	6,760.00
151	24,700.00	-24,849.99	262.00	6,812.00
152	24,850.00	-24,999.99	263.00	6,838.00
153	25,000.00	-25,149.99	265.00	6,890.00
154	25,150.00	-25,299.99	266.00	6,916.00
155	25,300.00	-25,449.99	268.00	6,968.00
156	25,450.00	-25,599.99	269.00	6,994.00

157	25,600.00	-25,749.99	271.00	7,046.00
158	25,750.00	-25,899.99	273.00	7,098.00
159	25,900.00	-26,049.99	274.00	7,124.00
160	26,050.00	-26,199.99	276.00	7,176.00
161	26,200.00	-26,349.99	277.00	7,202.00
162	26,350.00	-26,499.99	279.00	7,254.00
163	26,500.00	-26,649.99	281.00	7,306.00
164	26,650.00	-26,799.99	282.00	7,332.00
165	26,800.00	-26,949.99	284.00	7,384.00
166	26,950.00	-27,099.99	285.00	7,410.00
167	27,100.00	-27,249.99	287.00	7,462.00
168	27,250.00	-27,399.99	289.00	7,514.00
169	27,400.00	-27,549.99	290.00	7,540.00
170	27,550.00	-27,699.99	292.00	7,592.00
171	27,700.00	-27,849.99	293.00	7,618.00
172	27,850.00	-27,999.99	295.00	7,670.00
173	28,000.00	-28,149.99	296.00	7,696.00
174	28,150.00	-28,299.99	298.00	7,748.00
175	28,300.00	-28,449.99	300.00	7,800.00
176	28,450.00	-28,599.99	301.00	7,826.00
177	28,600.00	-28,749.99	303.00	7,878.00
178	28,750.00	-28,899.99	304.00	7,904.00
179	28,900.00	-29,049.99	306.00	7,956.00
180	29,050.00	-29,199.99	308.00	8,008.00
181	29,200.00	-29,349.99	309.00	8,034.00
182	29,350.00	-29,499.99	311.00	8,086.00

183	29,500.00	-29,649.99	312.00	8,112.00
184	29,650.00	-29,799.99	314.00	8,164.00
185	29,800.00	-29,949.99	315.00	8,190.00
186	29,950.00	-30,099.99	317.00	8,242.00
187	30,100.00	-30,249.99	319.00	8,294.00
188	30,250.00	-30,399.99	320.00	8,320.00
189	30,400.00	-30,549.99	322.00	8,372.00
190	30,550.00	-30,699.99	323.00	8,398.00
191	30,700.00	-30,849.99	325.00	8,450.00
192	30,850.00	-30,999.99	327.00	8,502.00
193	31,000.00	-31,149.99	328.00	8,528.00
194	31,150.00	-31,299.99	330.00	8,580.00
195	31,300.00	-31,449.99	331.00	8,606.00
196	31,450.00	-31,599.99	333.00	8,658.00
197	31,600.00	-31,749.99	335.00	8,710.00
198	31,750.00	-31,899.99	336.00	8,736.00
199	31,900.00	-32,049.99	338.00	8,788.00
200	32,050.00	-32,199.99	339.00	8,814.00
201	32,200.00	-32,349.99	341.00	8,866.00
202	32,350.00	-32,499.99	342.00	8,892.00
203	32,500.00	-32,649.99	344.00	8,944.00
204	32,650.00	-32,799.99	346.00	8,996.00
205	32,800.00	-32,949.99	347.00	9,022.00
206	32,950.00	-33,099.99	349.00	9,074.00
207	33,100.00	-33,249.99	350.00	9,100.00
208	33,250.00	-33,399.99	352.00	9,152.00

209	33,400.00	-33,549.99	354.00	9,204.00
210	33,550.00	-33,699.99	355.00	9,230.00
211	33,700.00	-33,849.99	357.00	9,282.00
212	33,850.00	-33,999.99	358.00	9,308.00
213	34,000.00	-34,149.99	360.00	9,360.00
214	34,150.00	-34,299.99	361.00	9,386.00
215	34,300.00	-34,449.99	363.00	9,438.00
216	34,450.00	-34,599.99	365.00	9,490.00
217	34,600.00	-34,749.99	366.00	9,516.00
218	34,750.00	-34,899.99	368.00	9,568.00
219	34,900.00	-35,049.99	369.00	9,594.00
220	35,050.00	-35,199.99	371.00	9,646.00
221	35,200.00	-35,349.99	373.00	9,698.00
222	35,350.00	-35,499.99	374.00	9,724.00
223	35,500.00	-35,649.99	376.00	9,776.00
224	35,650.00	-35,799.99	377.00	9,802.00
225	35,800.00	-35,949.99	379.00	9,854.00
226	35,950.00	-36,999.99	381.00	9,906.00
227	36,100.00	-36,249.99	382.00	9,932.00
228	36,250.00	-36,399.99	384.00	9,984.00
229	36,400.00	-36,549.99	385.00	10,010.00
230	36,550.00	-36,699.99	387.00	10,062.00
231	36,700.00	-36,849.99	388.00	10,088.00
232	36,850.00	-36,999.99	390.00	10,140.00
233	37,000.00	-37,149.99	392.00	10,192.00
234	37,150.00	-37,299.99	393.00	10,218.00

235	37,300.00	-37,449.99	395.00	10,270.00
236	37,450.00	-37,599.99	396.00	10,296.00
237	37,600.00	-37,749.99	398.00	10,348.00
238	37,750.00	-37,899.99	400.00	10,400.00
239	37,900.00	-38,049.99	401.00	10,426.00
240	38,050.00	-38,199.99	403.00	10,478.00
241	38,200.00	-38,349.99	404.00	10,504.00
242	38,350.00	-38,499.99	406.00	10,556.00
243	38,500.00	-38,649.99	408.00	10,608.00
244	38,650.00	-38,799.99	409.00	10,634.00
245	38,800.00	-38,949.99	411.00	10,686.00
246	38,950.00	-39,099.99	412.00	10,712.00
247	39,100.00	-39,249.99	414.00	10,764.00
248	39,250.00	-39,399.99	415.00	10,790.00
249	39,400.00	39,549.99	417.00	10,842.00
250	39,550.00	-39,699.99	419.00	10,894.00
251	39,700.00	-39,849.99	420.00	10,920.00
252	39,850.00	-39,999.99	422.00	10,972.00
253	40,000.00	-40,149.99	423.00	10,998.00
254	40,150.00	-and above	424.00	11,024.00
254	40,150.00	-40,299.99	425.00	11,050.00
255	40,300.00	-40,449.99	427.00	11,102.00
256	40,450.00	-40,599.99	428.00	11,128.00
257	40,600.00	-40,749.99	430.00	11,180.00
258	40,750.00	-40,899.99	431.00	11,206.00
259	40,900.00	-41,049.99	433.00	11,258.00

260	41,050.00	41,199.99	434.00	11,284.00
261	41,200.00	41,349.99	436.00	11,336.00
262	41,350.00	41,499.99	438.00	11,388.00
263	41,500.00	41,649.99	439.00	11,414.00
264	41,650.00	41,799.99	441.00	11,466.00
265	41,800.00	41,949.99	442.00	11,492.00
266	41,950.00	42,099.99	444.00	11,544.00
267	42,100.00	42,249.99	446.00	11,596.00
268	42,250.00	42,399.99	447.00	11,622.00
269	42,400.00	42,549.99	449.00	11,674.00
270	42,550.00	42,699.99	450.00	11,700.00
271	42,700.00	42,849.99	452.00	11,752.00
272	42,850.00	42,999.99	454.00	11,804.00
273	43,000.00	43,149.99	455.00	11,830.00
274	43,150.00	43,299.99	457.00	11,882.00
275	43,300.00	43,449.99	458.00	11,908.00
276	43,450.00	43,599.99	460.00	11,960.00
277	43,600.00	43,749.99	461.00	11,986.00
278	43,750.00	43,899.99	463.00	12,038.00
279	43,900.00	44,049.99	465.00	12,090.00
280	44,050.00	44,199.99	466.00	12,116.00
281	44,200.00	44,349.99	468.00	12,168.00
282	44,350.00	44,499.99	469.00	12,194.00
283	44,500.00	44,649.99	471.00	12,246.00
284	44,650.00	44,799.99	473.00	12,298.00
285	44,800.00	44,949.99	474.00	12,324.00

286	44,950.00	-45,099.99	476.00	12,376.00
287	45,100.00	-45,249.99	477.00	12,402.00
288	45,250.00	-45,399.99	479.00	12,454.00
289	45,400.00	-45,549.99	480.00	12,480.00
290	45,550.00	-45,699.99	482.00	12,532.00
291	45,700.00	-45,849.99	484.00	12,584.00
292	45,850.00	-45,999.99	485.00	12,610.00
293	46,000.00	-46,149.99	487.00	12,662.00
294	46,150.00	-46,299.99	488.00	12,688.00
295	46,300.00	-46,449.99	490.00	12,740.00
296	46,450.00	-46,599.99	492.00	12,792.00
297	46,600.00	-46,749.99	493.00	12,818.00
298	46,750.00	-46,899.99	495.00	12,870.00
299	46,900.00	-47,049.99	496.00	12,896.00
300	47,050.00	-47,199.99	498.00	12,948.00
301	47,200.00	-47,349.99	500.00	13,000.00
302	47,350.00	-47,499.99	501.00	13,026.00
303	47,500.00	-47,649.99	503.00	13,078.00
304	47,650.00	-47,799.99	504.00	13,104.00
305	47,800.00	-47,949.99	506.00	13,156.00
306	47,950.00	-48,099.99	507.00	13,182.00
307	48,100.00	-48,249.99	509.00	13,234.00
308	48,250.00	-48,399.99	511.00	13,286.00
309	48,400.00	-48,549.99	512.00	13,312.00
310	48,550.00	-48,699.99	514.00	13,364.00
311	48,700.00	-48,849.99	515.00	13,390.00

312	48,850.00	-48,999.99	517.00	13,442.00
313	49,000.00	-49,149.99	519.00	13,494.00
314	49,150.00	-49,299.99	520.00	13,520.00
315	49,300.00	-49,449.99	522.00	13,572.00
316	49,450.00	-49,599.99	523.00	13,598.00
317	49,600.00	-49,749.99	525.00	13,650.00
318	49,750.00	-49,899.99	526.00	13,676.00
319	49,900.00	-50,049.99	528.00	13,728.00
320	50,050.00	-50,199.99	530.00	13,780.00
321	50,200.00	-50,349.99	531.00	13,806.00
322	50,350.00	-50,499.99	533.00	13,858.00
323	50,500.00	-50,649.99	534.00	13,884.00
324	50,650.00	-50,799.99	536.00	13,936.00
325	50,800.00	-50,949.99	538.00	13,988.00
326	50,950.00	-51,099.99	539.00	14,014.00
327	51,100.00	-51,249.99	541.00	14,066.00
328	51,250.00	-51,399.99	542.00	14,092.00
329	51,400.00	-51,549.99	544.00	14,144.00
330	51,550.00	-51,699.99	546.00	14,196.00
331	51,700.00	-51,849.99	547.00	14,222.00
332	51,850.00	-51,999.99	549.00	14,274.00
333	52,000.00	-52,149.99	550.00	14,300.00
334	52,150.00	-52,299.99	552.00	14,352.00
335	52,300.00	-52,449.99	553.00	14,378.00
336	52,450.00	-52,599.99	555.00	14,430.00
337	52,600.00	-52,749.99	557.00	14,482.00

338	52,750.00	52,899.99	558.00	14,508.00
339	52,900.00	53,049.99	560.00	14,560.00
340	53,050.00	53,199.99	561.00	14,586.00
341	53,200.00	53,349.99	563.00	14,638.00
342	53,350.00	53,499.99	565.00	14,690.00
343	53,500.00	53,649.99	566.00	14,716.00
344	53,650.00	53,799.99	568.00	14,768.00
345	53,800.00	53,949.99	569.00	14,794.00
346	53,950.00	54,099.99	571.00	14,846.00
347	54,100.00	54,249.99	573.00	14,898.00
348	54,250.00	54,399.99	574.00	14,924.00
349	54,400.00	54,549.99	576.00	14,976.00
350	54,550.00	54,699.99	577.00	15,002.00
351	54,700.00	54,849.99	579.00	15,054.00
352	54,850.00	54,999.99	580.00	15,080.00
353	55,000.00	55,149.99	582.00	15,132.00
354	55,150.00	55,299.99	584.00	15,184.00
355	55,300.00	55,449.99	585.00	15,210.00
356	55,450.00	55,599.99	587.00	15,262.00
357	55,600.00	55,749.99	588.00	15,288.00
358	55,750.00	55,899.99	590.00	15,340.00
359	55,900.00	56,049.99	592.00	15,392.00
360	56,050.00	56,199.99	593.00	15,418.00
361	56,200.00	56,349.99	595.00	15,470.00
362	56,350.00	56,499.99	596.00	15,496.00
363	56,500.00	56,649.99	598.00	15,548.00

364	56,650.00	-56,799.99	599.00	15,574.00
365	56,800.00	-56,949.99	601.00	15,626.00
366	56,950.00	-57,099.99	603.00	15,678.00
367	57,100.00	-57,249.99	604.00	15,704.00
368	57,250.00	-57,399.99	606.00	15,756.00
369	57,400.00	-57,549.99	607.00	15,782.00
370	57,550.00	-57,699.99	608.00	15,808.00
371	57,700.00	-57,849.99	611.00	15,886.00
372	57,850.00	-57,999.99	612.00	15,912.00
373	58,000.00	-58,149.99	614.00	15,964.00
374	58,150.00	-58,299.99	615.00	15,990.00
375	58,300.00	-58,449.99	617.00	16,042.00
376	58,450.00	-58,599.99	619.00	16,094.00
377	58,600.00	-58,749.99	620.00	16,120.00
378	58,750.00	-58,899.99	622.00	16,172.00
379	58,900.00	-59,049.99	623.00	16,198.00
380	59,050.00	-59,199.99	625.00	16,250.00
381	59,200.00	-59,349.99	626.00	16,276.00
382	59,350.00	-59,499.99	628.00	16,328.00
383	59,500.00	-59,649.99	630.00	16,380.00
384	59,650.00	-59,799.99	631.00	16,406.00
385	59,800.00	-59,949.99	633.00	16,458.00
386	59,950.00	-60,099.99	634.00	16,484.00
387	60,100.00	-60,249.99	636.00	16,536.00
388	60,250.00	-60,399.99	638.00	16,588.00
389	60,400.00	-60,549.99	639.00	16,614.00

~~390 60,550.00 60,699.99 641.00 16,666.00~~

~~391 60,700.00 60,849.99 642.00 16,692.00~~

~~392 60,850.00 60,999.99 644.00 16,744.00~~

~~393 61,000.00 61,149.99 645.00 16,770.00~~

~~394 61,150.00 61,299.99 647.00 16,822.00~~

~~395 61,300.00 61,449.99 649.00 16,874.00~~

~~396 61,450.00 61,599.99 650.00 16,900.00~~

~~397 61,600.00 61,749.99 652.00 16,952.00~~

~~398 61,750.00 61,899.99 653.00 16,978.00~~

~~399 61,900.00 62,049.99 655.00 17,030.00~~

~~400 62,050.00 62,199.99 657.00 17,082.00~~

~~401 62,200.00 62,349.99 658.00 17,108.00~~

~~402 62,350.00 62,499.99 660.00 17,160.00~~

~~403 62,500.00 62,649.99 661.00 17,186.00~~

~~404 62,650.00 and over 662.00 17,212.00~~

(a) For purposes of this article “average weekly wage” is defined as 1/52nd of an individual's total base period wages from covered employment. For individuals with base period wages of $53,000 or more, the average weekly wage shall be computed as 1/52nd of $53,000.

(b) For all valid unemployment compensation claims submitted, the weekly benefit rate shall be calculated as follows:

(1) Throughout the first four-week period of benefits paid, the weekly benefit rate shall be 70 percent of the individual’s average weekly wage rounded to the next lowest multiple of $1.

(2) Throughout the second four-week period of benefits paid, the weekly benefit rate shall be 65 percent of the individual’s average weekly wage rounded to the next lowest multiple of $1.

(3) Throughout the third four-week period of benefits paid, the weekly benefit rate shall be 60 percent of the individual’s average weekly wage rounded to the next lowest multiple of $1.

(4) Throughout the fourth four-week period of benefits paid, the weekly benefit rate shall be 55 percent of the individual’s average weekly wage rounded to the next lowest multiple of $1.

(5) Throughout the fifth four-week period of benefits paid, the weekly benefit rate shall be 50 percent of the individual’s average weekly wage rounded to the next lowest multiple of $1.

(6) Throughout the sixth four-week period of benefits paid, the weekly benefit rate shall be 45 percent of the individual's average weekly wage rounded to the next lowest multiple of $1.

(c) The maximum benefit shall be total potential benefits payable as determined by subsection (b) of this section.

(d) An individual who is totally unemployed but earns in excess of $60 as a result of an odd job, a non-payrolled job or work from a non-covered employer or is paid a bonus in any benefit week, shall be paid benefits for such week in accordance with the provisions of §21A-6-11 of this code pertaining to benefits for partial unemployment.

(e) If a balance of benefits remains after an individual receives 24 weeks of unemployment benefits, due to partial unemployment as defined in §21A-6-11 of this code, the individual may receive benefit payments at the same weekly benefit rate as the most recent week, until the maximum benefit balance is exhausted.

(f) The right of an employee to receive benefits shall not be prejudiced, nor the amount thereof be diminished by reason of failure by an employer to pay either the wages earned by the employee or the contribution due on such wages.

(g) The amendments made to this section during the 2024 Regular Session shall become effective January 1, 2025.

ARTICLE 6A. EXTENDED BENEFITS PROGRAM.

§21A-6A-4. Weekly extended benefit amount.

The weekly extended benefit amount payable to an individual for a week of total unemployment in his eligibility period shall be an amount equal to the weekly benefit payable to ~~him~~ the eligible individual during ~~his~~ the first four weeks of the applicable benefit year: *Provided*, That for any week during a period in which federal payments to states under section 204 of the Federal-State Extended Unemployment Compensation Act of 1970 are reduced under an order issued under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985, the weekly extended benefit amount payable to an individual for a week of total unemployment in his eligibility period shall be reduced by a percentage equivalent to the percentage of the reduction in the federal payment. Such reduced weekly extended benefit amount, if not a full dollar amount, shall be rounded to the nearest lower full dollar amount.

The amendments made to this section during the 2024 Regular Session shall become effective January 1, 2025.

§21A-6A-5. Total extended benefit amount.

The total extended benefit amount payable to an eligible individual with respect to his or her applicable benefit year shall be the least of the following amounts:

(1) Fifty percent of the total amount of regular benefits which were payable to him or her under this chapter in his or her applicable benefit year;

(2) Thirteen times his or her weekly benefit amount which was payable to him or her under this chapter ~~for a week~~ during the first four weeks of total unemployment in the applicable benefit

year: *Provided,* That an individual filing for extended benefits through the interstate benefit payment plan and residing in a state where an extended benefit period is not in effect shall be limited to payment for only the first two weeks of such extended benefits: *Provided, however*, That during any fiscal year in which federal payments to states under section 204 of the Federal-State Extended Unemployment Compensation Act of 1970 are reduced under an order issued under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985, the total extended benefit amount payable to an individual with respect to his or her applicable benefit year shall be reduced by an amount equal to the aggregate of the reductions under ~~section four, article six-a of this chapter~~ §21A-6A-4 of this code in the weekly amounts paid to the individual.

(3)(A) For weeks beginning in a high unemployment period, subdivision (1) of this section shall be applied by substituting 80 percent for 50 percent, and subdivision (2) of this section shall be applied by substituting 20 for 13.

(B) For the purposes of this article, the term "high unemployment period" means any period during which the provisions of ~~subdivision (3), section one of this article~~ §21A-6A-1(3) of this code would result in a "state >on' indicator" if ~~subdivision (3), section one of this article~~ §21A-6A-1(3) of this code were applied by substituting eight percent for six and one-half percent.

(4) The amendments made to this section during the 2024 Regular Session shall become effective January 1, 2025.

ARTICLE 6B. SHORT TIME COMPENSATION PROGRAM.

§21A-6B-6. Benefits

(a) The short-time compensation weekly benefit amount shall be the product of the regular weekly unemployment compensation amount for ~~a week~~ the first four weeks of total unemployment as defined in §21A-6-10 multiplied by the percentage of reduction in the individual's usual weekly hours of work.

(b) An individual may be eligible for short-time compensation or unemployment benefits, as appropriate: *Provided*, That no individual shall be eligible for combined benefits in any benefit year in an amount more than the maximum entitlement established for regular unemployment benefits: *Provided, however*, That no individual shall be paid short-time compensation benefits for more than 26 weeks under a plan.

(c) Provisions applicable to unemployment benefits claimants shall apply to short-time compensation claimants to the extent that they are not inconsistent with the program's provisions. An individual who files an initial claim for short-time compensation benefits shall receive a monetary determination.

(d) An employee who is not provided any work during a week by the short-time compensation employer, or any other employer, and who is otherwise eligible for unemployment benefits shall be eligible for the amount of regular unemployment compensation to which he or she would otherwise be eligible.

(e) An employee who is not provided any work by the short-time compensation employer during a week, but who works for another employer and is otherwise eligible, may be paid unemployment benefits for that week subject to the disqualifying income and other provisions applicable to claims for regular unemployment benefits.

(f) An employee who has received all of the short-time compensation or combined unemployment benefits and short-time compensation available in a benefit year shall be considered an exhaustee for purposes of extended benefits and, if otherwise eligible under those provisions, shall be eligible to receive extended benefits.

(g) The amendments made to this section during the 2024 Regular Session shall become effective January 1, 2025."

Delegates Riley and Fehrenbacher moved to amend the committee amendment on page one, following the enacting clause, by striking out the remainder of the bill and inserting in lieu thereof the following:

"**ARTICLE 1A. DEFINITIONS.**

§21A-1A-28. Wages~~; average annual wage; threshold wage~~.

(a) 'Wages' means all remuneration for personal service, including commissions, gratuities customarily received by an individual in the course of employment from persons other than the employing unit, as long as such gratuities equal or exceed an amount of not less than $20 each month and which are required to be reported to the employer by the employee, bonuses and the cash value of all remuneration in any medium other than cash except for agricultural labor and domestic service. The term 'wages' includes remuneration for service rendered to the state as a member of the state National Guard or Air National Guard only when serving on a temporary basis pursuant to a call made by the Governor under §15-1D-1 and §15-1D-2 of this code.

(b) The term 'wages' does not include:

(1) That part of the remuneration which, after remuneration equal to ~~$8,000~~ $9,500 ~~or, after the amendment and reenactment of this section during the 2009 legislative session, the threshold wage~~ is paid during a calendar year to an individual by an employer or his or her predecessor with respect to employment during any calendar year, is paid to such individual by such employer during such calendar year unless that part of the remuneration is subject to a tax under a federal law imposing a tax against which credit may be taken for contributions required to be paid into a state unemployment fund. For the purposes of this section, the term 'employment' includes service constituting employment under any unemployment compensation law of another state; or which as a condition for full tax credit against the tax imposed by the federal Unemployment Tax Act is required to be covered under this chapter; and, except that for the purposes of §21A-6-1, §21A-6-10, §21A-6-11, and §21A-6-13 of this code, all remuneration earned by an individual in employment shall be credited to the individual and included in his or her computation of base period wages: *Provided*, That the remuneration paid to an individual by an employer with respect to employment in another state or other states upon which contributions were required of and paid by such employer under an unemployment compensation law of such other state or states shall be included as a part of the remuneration equal to the amounts of ~~$8,000~~ $9,500. ~~or, after the amendment and reenactment of this section during the 2009 legislative session, the threshold wage herein referred to~~ In applying such limitation on the amount of remuneration that is taxable, an employer shall be accorded the benefit of all or any portion of such amount which may have been paid by its predecessor or predecessors: *Provided, however*, That if the definition of the term "wages" as contained in Section 3306(b) of the Internal Revenue Code of 1954, as amended, is amended to include remuneration in excess of ~~$8,000~~ $9,500 ~~or, after the amendment and reenactment of this section during the 2009 legislative session, the threshold wage~~ paid to an individual by an employer under the federal Unemployment Tax Act during any calendar year,

wages for the purposes of this definition shall include remuneration paid in a calendar year to an individual by an employer subject to this chapter or his or her predecessor with respect to employment during any calendar year up to an amount equal to the amount of remuneration taxable under the federal Unemployment Tax Act;

(2) The amount of any payment made (including any amount paid by an employer for insurance or annuities, or into a fund, to provide for any such payment) to, or on behalf of, an individual in its employ or any of his or her dependents, under a plan or system established by an employer which makes provision for individuals in its employ generally (or for such individuals and their dependents), or for a class or classes of such individuals (or for a class or classes of such individuals and their dependents) on account of: (A) Retirement; or (B) sickness or accident disability payments made to an employee under an approved state workers' compensation law; or (C) medical or hospitalization expenses in connection with sickness or accident disability; or (D) death;

(3) Any payment made by an employer to an individual in its employ (including any amount paid by an employer for insurance or annuities, or into a fund, to provide for any such payment) on account of retirement;

(4) Any payment made by an employer on account of sickness or accident disability, or medical or hospitalization expenses in connection with sickness or accident disability to, or on behalf of, an individual in its employ after the expiration of six calendar months following the last calendar month in which such individual worked for such employer;

(5) Any payment made by an employer to, or on behalf of, an individual in its employ or his or her beneficiary: (A) From or to a trust described in Section 401(a) which is exempt from tax under Section 501(a) of the federal Internal Revenue Code at the time of such payments unless such payment is made to such individual as an employee of the trust as remuneration for services rendered by such individual and not as a beneficiary of the trust; or (B) under or to an annuity plan which, at the time of such payment, is a plan described in Section 403(a) of the federal Internal Revenue Code;

(6) The payment by an employer of the tax imposed upon an employer under Section 3101 of the federal Internal Revenue Code with respect to remuneration paid to an employee for domestic service in a private home or the employer of agricultural labor;

(7) Remuneration paid by an employer in any medium other than cash to an individual in its employ for service not in the course of the employer's trade or business;

(8) Any payment (other than vacation or sick pay) made by an employer to an individual in its employ after the month in which he or she attains the age of 65 <u>years</u> if he or she did not work for the employer in the period for which such payment is made;

(9) Payments, not required under any contract of hire, made to an individual with respect to his or her period of training or service in the armed forces of the United States by an employer by which such individual was formerly employed; and

(10) Vacation pay, severance pay or savings plans received by an individual before or after becoming totally or partially unemployed but earned prior to becoming totally or partially unemployed: *Provided,* That the term totally or partially unemployed does not include: (A) Employees who are on vacation by reason of the request of the employees or their duly authorized

agent, for a vacation at a specific time, and which request by the employees or their agent is acceded to by their employer; (B) employees who are on vacation by reason of the employer's request provided they are so informed at least 90 days prior to such vacation; or (C) employees who are on vacation by reason of the employer's request where such vacation is in addition to the regular vacation and the employer compensates such employee at a rate equal to or exceeding their regular daily rate of pay during the vacation period.

(c) The reasonable cash value of remuneration in any medium other than cash shall be estimated and determined in accordance with rules prescribed by the commissioner, except for remuneration other than cash for services performed in agricultural labor and domestic service.

~~(d) 'Average annual wage' means the state's average annual wage which is computed on or before September 30 of the year immediately preceding the rate year and is the total remuneration paid by employers as reported on contribution reports on or before that date with respect to all employment during the four consecutive calendar quarters ending on June 30 of that year divided by the average monthly number of individuals performing services in employment during the same four calendar quarters as reported on the contribution reports.~~

~~'Threshold wage' means the wage amount the employer pays unemployment taxes on for each person in his or her employ during a calendar year. On and after the effective date of the amendment and reenactment of this chapter by the Legislature in 2009, the threshold wage will be $12,000: *Provided*, That when the moneys in the unemployment fund reach $220 million on February 15 of any year, the threshold wage thereafter will be reduced to $9,000: *Provided, however*, That each year thereafter the threshold wage shall increase or decrease by the same percentage that the state's average wage increases or decreases~~

(d) The amendments made to this section during the 2024 Regular Session shall become effective July 1, 2024.

ARTICLE 6. EMPLOYEE ELIGIBILITY; BENEFITS.

§21A-6-1. Eligibility qualifications.

An unemployed individual shall be eligible to receive benefits only if the commissioner finds that:

(1) He or she has registered for work at and thereafter continues to report at an employment office in accordance with the regulations of the commissioner;

(2) He or she has made a claim for benefits in accordance with the provisions of article seven of this chapter §21A-7-1 *et seq.* of this code and has furnished his or her Social Security number, or numbers if he or she has more than one such number;

(3) He or she is able to work and is available for full-time work for which he or she is fitted by prior training or experience and is ~~doing that which a reasonably prudent person in his or her circumstances would do in seeking work~~ actively seeking work as defined in §21A-6-1d of this code;

(4) He or she has been totally or partially unemployed during his or her benefit year for a waiting period of one-week prior to the week for which he or she claims benefits for total or partial unemployment;

(5) He or she has within his or her base period been paid wages for employment equal to not less than $2,200 and must have earned wages in more than one quarter of his or her base period or, if he or she is not eligible under his or her base period, has within his or her alternative base period been paid wages for employment equal to not less than $2,200 and must have earned wages in more than one quarter of his or her alternative base period; and

(6) He or she participates in reemployment services as defined in §21A-6-1d of this code, such as job search assistance services, if the individual has been determined to be likely to exhaust regular benefits and needs reemployment services pursuant to a profiling system established by the commissioner, unless the commissioner determines that:

(A) The individual has completed such services; or

(B) There is justifiable cause for the claimant's failure to participate in such services.

The amendments made to this section during the 2024 Regular Session shall become effective July 1, 2024.

§21A-6-1d. Jobs and Reemployment Act.

(a) In addition to compliance with all other eligibility requirements, an individual shall be eligible, and shall remain eligible, for unemployment benefits only if he or she actively seeks, and continues to seek, work by conducting at least four work search activities weekly, defined as:

(1) Registering for work with the state's labor exchange system, placement firm, temporary work agencies, or educational institution with job placement offices;

(2) Logging on and looking for work in the state's labor exchange or other online job matching system;

(3) Using reemployment services in job centers or completing similar online or self-service activities, including, but not limited to, obtaining and using labor market and career information, participating in Reemployment Services and Eligibility Assessment activities, participating in skills assessment for occupational matching, instructional workshops, or other specialized activities;

(4) Completing job applications for employers that have, or are reasonably expected to have, job openings, or following through on job referrals or job development attempts, as directed by Workforce West Virginia staff;

(5) Applying for or participating in employment and training services provided by partner programs in job centers;

(6) Participating in work-related networking events, such as job clubs, job fairs, industry association events, or networking groups;

(7) Making contacts with, or in-person visits to, employers that have, or are reasonably expected to have, job openings;

(8) Taking a civil service examination;

(9) Going on interviews with employers, either in-person or virtually; or

(10) Performing any other work search activities prescribed or allowed by rules promulgated by Workforce West Virginia.

(b) The commissioner may:

(1) Require an individual, at the time of application for unemployment benefits and weekly thereafter, to provide proof of all his or her work search activities;

(2) Verify submissions of proof of work search activities by individuals applying for or receiving unemployment benefits; and

(3) Determine any individual who fails to perform work search activities or provide proof of work search activities as required by this section, ineligible to receive unemployment benefits unless the individual can reasonably explain his or her failure to do so or timely remedy the failure to provide proof of his or her work search activity.

(c) The commissioner shall have discretion to determine the sufficiency of the proof of work search activities submitted, the explanation of a failure to submit such proof, the provision of such proof after an inaccuracy in the proof provided is identified, and whether an individual has otherwise complied with the requirements of this section.

(d) The commissioner shall, utilizing existing resources:

(1) Establish a process by which Workforce West Virginia will share open positions submitted to, or posted by, the Division of Personnel or any other state-administered job board by employers directly with individuals applying for or receiving unemployment benefits; and

(2) Establish a process by which, for the purpose of helping individuals applying for or receiving unemployment benefits secure suitable work, Workforce West Virginia shall refer individuals applying for or receiving unemployment benefits to such open positions, including facilitating contact between employers and those individuals, and monitoring whether those individuals are sufficiently responsive to a referral.

(e) An individual applying for or receiving unemployment benefits who receives referrals from Workforce West Virginia to a job or jobs considered to be suitable, as that term is defined in this chapter, shall apply for that job or those jobs within one-week of receiving the referrals and accept employment in suitable work if offered.

(f) Employers shall report the refusal of any individual who is receiving unemployment benefits and who receives job referrals from Workforce West Virginia to accept an offer of employment to the commissioner and also report those that accept employment and either leave or are dismissed from that employment within six weeks of the start date of that employment. The report shall be made in writing in a manner prescribed by the commissioner and shall be signed by the employer. The report shall become part of the file of the individual's claim for benefits.

(g) Individuals receiving unemployment benefits who accept a referral to a part-time open position or otherwise accept part-time employment for which the wages are less than his or her weekly benefit rate, shall continue to receive unemployment benefits without reduction for those wages for the duration of his or her benefits period.

(h) With the exception of individuals who have received or been served with a summons for jury duty or are serving on a jury in any court of this state, the United States, or any state of the United States; are receiving vocational training as described in the provisions of §21A-6-4 of this code; are partially unemployed and are receiving low-earnings reports from their employer; are eligible to receive short-time compensation under a work-sharing plan as described in §21A-6B-5 of this code; or who are members in good standing of a union that refers its members to employment from a union hall; all individuals applying for or receiving unemployment benefits shall be subject to the requirements of this section, including, but not limited to, individuals who are seasonally unemployed or laid off subject to recall by their employer.

(i) Workforce West Virginia shall notify individuals seeking benefits, at the time an initial claim is filed and at any other time during the benefit year that the requirements substantively change, of the obligation to actively seek work. Delivery of the notification shall be made by the method selected by the individual seeking benefits, and may include United States mail, email, online mailbox, or text message. The notification shall include, at a minimum, the types of work search activities that are acceptable; the number of work search activities that are required in any week; the requirement that work search activities be documented; and the requirement to apply, and accept if offered, suitable jobs referred by the agency.

(j) The commissioner shall promulgate rules for legislative approval in accordance with the provisions of §29A-3-1 *et seq.* of this code.

(k) The provisions of this section shall become effective July 1, 2024.

§21A-6-10. Benefit rate — total unemployment; ~~annual computation and publication of rates.~~

(a) Each eligible individual who is totally unemployed in any week shall be paid benefits with respect to that week at the weekly rate appearing in Column (C) in the benefit table in this section, on the line on which in Column (A) there is indicated the employee's wage class, except as otherwise provided under the term "total and partial unemployment" in §21A-1A-27 of this code. The employee's wage class shall be determined by his or her base period wages as shown in Column (B) in the benefit table. The right of an employee to receive benefits shall not be prejudiced nor the amount thereof be diminished by reason of failure by an employer to pay either the wages earned by the employee or the contribution due on such wages. ~~An individual who is totally unemployed but earns in excess of $60 as a result of odd job or subsidiary work, or is paid a bonus in any benefit week shall be paid benefits for such week in accordance with the provisions of this chapter pertaining to benefits for partial unemployment.~~

(b) ~~(1)~~ The maximum benefit for each wage class shall be equal to ~~twenty-six~~ 26 times the weekly benefit rate.

~~(2) The maximum benefit rate shall be 66 and two-thirds percent of the average weekly wage in West Virginia as determined by the commissioner.~~

~~(c) On July 1 of each year, the commissioner shall determine the maximum weekly benefit rate upon the basis of the formula set forth above and shall establish wage classes as are required, increasing or decreasing the amount of the base period wages required for each wage class by $150, establishing the weekly benefit rate for each wage class by rounded dollar amount to be 55 percent of one fifty-second of the median dollar amount of wages in the base period for such wage class and establishing the maximum benefit for each wage class as an amount equal~~

~~to twenty-six times the weekly benefit rate. Provided, That the commissioner shall may not increase or decrease the maximum weekly benefit rate for the period beginning on the effective date of the amendment and reenactment of this section in the regular session of the Legislature in 2009 until the threshold wage is reduced to $9,000, as required by §21A-1A-28(d) of this code The maximum weekly benefit rate, when computed by the commissioner, in accordance with the foregoing provisions, shall be rounded to the next lowest multiple of $1.~~

~~(d) After he or she has established such wage classes, the commissioner shall prepare and publish a table setting forth such information.~~

~~(e) Average weekly wage shall be computed by dividing the number of employees in West Virginia earning wages in covered employment into the total wages paid to employees in West Virginia in covered employment, and by further dividing said result by 52, and shall be determined from employer wage and contribution reports for the previous calendar year which are furnished to the department on or before June 1 following such calendar year. The average weekly wage, as determined by the commissioner, shall be rounded to the next higher dollar.~~

~~(f) The computation and determination of rates as aforesaid shall be completed annually before July 1 and any such new wage class, with its corresponding wages in base period, weekly benefit rate, and maximum benefit in a benefit year established by the commissioner in the foregoing manner effective on July 1 shall apply only to a new claim established by a claimant on and after July 1, and does not apply to continued claims of a claimant based on his or her new claim established before said July 1.~~

BENEFIT TABLE

A	B			C	
WAGE CLASS	WAGES IN BASE PERIOD			WEEKLY BENEFIT RATE	MAXIMUM BENEFIT RATE
	Under $ 2,200.00		Ineligible		
1	$2,200.00	-	2,359.99	24.00	624.00
2	2,350.00	-	2,499.99	25.00	650.00
3	2,500.00	-	2,649.99	27.00	702.00
4	2,650.00	-	2,799.99	28.00	728.00
5	2,800.00	-	2,949.99	30.00	780.00
6	2,950.00	-	3,099.99	31.00	806.00
7	3,100.00	-	3,249.99	33.00	858.00
8	3,250.00	-	3,399.99	35.00	910.00
9	3,400.00	-	3,549.99	36.00	936.00

10	3,550.00	-	3,699.99	38.00	988.00
11	3,700.00	-	3,849.99	39.00	1,014.00
12	3,850.00	-	3,999.99	41.00	1,066.00
13	4,000.00	-	4,149.99	43.00	1,118.00
14	4,150.00	-	4,299.99	44.00	1,144.00
15	4,300.00	-	4,449.99	46.00	1,196.00
16	4,450.00	-	4,599.99	47.00	1,222.00
17	4,600.00	-	4,749.99	49.00	1,274.00
18	4,750.00	-	4,899.99	51.00	1,326.00
19	4,900.00	-	5,049.99	52.00	1,352.00
20	5,050.00	-	5,199.99	54.00	1,404.00
21	5,200.00	-	5,349.99	55.00	1,430.00
22	5,350.00	-	5,499.99	57.00	1,482.00
23	5,500.00	-	5,649.99	58.00	1,508.00
24	5,650.00	-	5,799.99	60.00	1,560.00
25	5,800.00	-	5,949.99	62.00	1,612.00
26	5,950.00	-	6,099.99	63.00	1,638.00
27	6,100.00	-	6,249.99	65.00	1,690.00
28	6,250.00	-	6,399.99	66.00	1,716.00
29	6,400.00	-	6,549.99	68.00	1,768.00
30	6,550.00	-	6,699.99	70.00	1,820.00
31	6,700.00	-	6,849.99	71.00	1,846.00
32	6,850.00	-	6,999.99	73.00	1,898.00
33	7,000.00	-	7,149.99	74.00	1,924.00
34	7,150.00	-	7,299.99	76.00	1,976.00
35	7,300.00	-	7,449.99	78.00	2,028.00

36	7,450.00	-	7,599.99	79.00	2,054.00
37	7,600.00	-	7,749.99	81.00	2,106.00
38	7,750.00	-	7,899.99	82.00	2,132.00
39	7,900.00	-	8,049.99	84.00	2,184.00
40	8,050.00	-	8,199.99	85.00	2,210.00
41	8,200.00	-	8,349.99	87.00	2,262.00
42	8,350.00	-	8,499.99	89.00	2,314.00
43	8,500.00	-	8,649.99	90.00	2,340.00
44	8,650.00	-	8,799.99	92.00	2,392.00
45	8,800.00	-	8,949.99	93.00	2,418.00
46	8,950.00	-	9,099.99	95.00	2,470.00
47	9,100.00	-	9,249.99	97.00	2,522.00
48	9,250.00	-	9,399.99	98.00	2,548.00
49	9,400.00	-	9,549.99	100.00	2,600.00
50	9,550.00	-	9,699.99	101.00	2,626.00
51	9,700.00	-	9,849.99	103.00	2,678.00
52	9,850.00	-	9,999.99	104.00	2,704.00
53	10,000.00	-	10,149.99	106.00	2,756.00
54	10,150.00	-	10,299.99	108.00	2,808.00
55	10,300.00	-	10,449.99	109.00	2,834.00
56	10,450.00	-	10,599.99	111.00	2,886.00
57	10,600.00	-	10,749.99	112.00	2,912.00
58	10,750.00	-	10,899.99	114.00	2,964.00
59	10,900.00	-	11,049.99	116.00	3,016.00
60	11,050.00	-	11,199.99	117.00	3,042.00
61	11,200.00	-	11,349.99	119.00	3,094.00

62	11,350.00	-	11,499.99	120.00	3,120.00
63	11,500.00	-	11,649.99	122.00	3,172.00
64	11,650.00	-	11,799.99	124.00	3,224.00
65	11,800.00	-	11,949.99	125.00	3,250.00
66	11,950.00	-	12,099.99	127.00	3,302.00
67	12,100.00	-	12,249.99	128.00	3,328.00
68	12,250.00	-	12,399.99	130.00	3,380.00
69	12,400.00	-	12,549.99	131.00	3,406.00
70	12,550.00	-	12,699.99	133.00	3,458.00
71	12,700.00	-	12,849.99	135.00	3,510.00
72	12,850.00	-	12,999.99	136.00	3,536.00
73	13,000.00	-	13,149.99	138.00	3,588.00
74	13,150.00	-	13,299.99	139.00	3,614.00
75	13,300.00	-	13,449.99	141.00	3,666.00
76	13,450.00	-	13,599.99	143.00	3,718.00
77	13,600.00	-	13,749.99	144.00	3,744.00
78	13,750.00	-	13,899.99	146.00	3,796.00
79	13,900.00	-	14,049.99	147.00	3,822.00
80	14,050.00	-	14,199.99	149.00	3,874.00
81	14,200.00	-	14,349.99	150.00	3,900.00
82	14,350.00	-	14,499.99	152.00	3,952.00
83	14,500.00	-	14,649.99	154.00	4,004.00
84	14,650.00	-	14,799.99	155.00	4,030.00
85	14,800.00	-	14,949.99	157.00	4,082.00
86	14,950.00	-	15,099.99	158.00	4,108.00
87	15,100.00	-	15,249.99	160.00	4,160.00

88	15,250.00	-	15,399.99	162.00	4,212.00
89	15,400.00	-	15,549.99	163.00	4,238.00
90	15,550.00	-	15,699.99	165.00	4,290.00
91	15,700.00	-	15,849.99	166.00	4,316.00
92	15,850.00	-	15,999.99	168.00	4,368.00
93	16,000.00	-	16,149.99	170.00	4,420.00
94	16,150.00	-	16,299.99	171.00	4,446.00
95	16,300.00	-	16,449.99	173.00	4,498.00
96	16,450.00	-	16,599.99	174.00	4,524.00
97	16,600.00	-	16,749.99	176.00	4,576.00
98	16,750.00	-	16,899.99	177.00	4,602.00
99	16,900.00	-	17,049.99	179.00	4,654.00
100	17,050.00	-	17,199.99	181.00	4,706.00
101	17,200.00	-	17,349.99	182.00	4,732.00
102	17,350.00	-	17,499.99	184.00	4,784.00
103	17,500.00	-	17,649.99	185.00	4,810.00
104	17,650.00	-	17,799.99	187.00	4,862.00
105	17,800.00	-	17,949.99	189.00	4,914.00
106	17,950.00	-	18,099.99	190.00	4,940.00
107	18,100.00	-	18,249.99	192.00	4,992.00
108	18,250.00	-	18,399.99	193.00	5,018.00
109	18,400.00	-	18,549.99	195.00	5,070.00
110	18,550.00	-	18,699.99	196.00	5,096.00
111	18,700.00	-	18,849.99	198.00	5,148.00
112	18,850.00	-	18,999.99	200.00	5,200.00
113	19,000.00	-	19,149.99	201.00	5,226.00

114	19,150.00	-	19,299.99	203.00	5,278.00
115	19,300.00	-	19,449.99	204.00	5,304.00
116	19,450.00	-	19,599.99	206.00	5,356.00
117	19,600.00	-	19,749.99	208.00	5,408.00
118	19,750.00	-	19,899.99	209.00	5,434.00
119	19,900.00	-	20,049.99	211.00	5,486.00
120	20,050.00	-	20,199.99	212.00	5,512.00
121	20,200.00	-	20,349.99	214.00	5,564.00
122	20,350.00	-	20,499.99	216.00	5,616.00
123	20,500.00	-	20,649.99	217.00	5,642.00
124	20,650.00	-	20,799.99	219.00	5,694.00
125	20,800.00	-	20,949.99	220.00	5,720.00
126	20,950.00	-	21,099.99	222.00	5,772.00
127	21,100.00	-	21,249.99	223.00	5,798.00
128	21,250.00	-	21,399.99	225.00	5,850.00
129	21,400.00	-	21,549.99	227.00	5,902.00
130	21,550.00	-	21,699.99	228.00	5,928.00
131	21,700.00	-	21,849.99	230.00	5,980.00
132	21,850.00	-	21,999.99	231.00	6,006.00
133	22,000.00	-	22,149.99	233.00	6,058.00
134	22,150.00	-	22,299.99	235.00	6,110.00
135	22,300.00	-	22,449.99	236.00	6,136.00
136	22,450.00	-	22,599.99	238.00	6,188.00
137	22,600.00	-	22,749.99	239.00	6,214.00
138	22,750.00	-	22,899.99	241.00	6,266.00
139	22,900.00	-	23,049.99	243.00	6,318.00

140	23,050.00	-	23,199.99	244.00	6,344.00
141	23,200.00	-	23,349.99	246.00	6,396.00
142	23,350.00	-	23,499.99	247.00	6,422.00
143	23,500.00	-	23,649.99	249.00	6,474.00
144	23,650.00	-	23,799.99	250.00	6,500.00
145	23,800.00	-	23,949.99	252.00	6,552.00
146	23,950.00	-	24,099.99	254.00	6,604.00
147	24,100.00	-	24,249.99	255.00	6,630.00
148	24,250.00	-	24,399.99	257.00	6,682.00
149	24,400.00	-	24,549.99	258.00	6,708.00
150	24,550.00	-	24,699.99	260.00	6,760.00
151	24,700.00	-	24,849.99	262.00	6,812.00
152	24,850.00	-	24,999.99	263.00	6,838.00
153	25,000.00	-	25,149.99	265.00	6,890.00
154	25,150.00	-	25,299.99	266.00	6,916.00
155	25,300.00	-	25,449.99	268.00	6,968.00
156	25,450.00	-	25,599.99	269.00	6,994.00
157	25,600.00	-	25,749.99	271.00	7,046.00
158	25,750.00	-	25,899.99	273.00	7,098.00
159	25,900.00	-	26,049.99	274.00	7,124.00
160	26,050.00	-	26,199.99	276.00	7,176.00
161	26,200.00	-	26,349.99	277.00	7,202.00
162	26,350.00	-	26,499.99	279.00	7,254.00
163	26,500.00	-	26,649.99	281.00	7,306.00
164	26,650.00	-	26,799.99	282.00	7,332.00
165	26,800.00	-	26,949.99	284.00	7,384.00

166	26,950.00	-	27,099.99	285.00	7,410.00
167	27,100.00	-	27,249.99	287.00	7,462.00
168	27,250.00	-	27,399.99	289.00	7,514.00
169	27,400.00	-	27,549.99	290.00	7,540.00
170	27,550.00	-	27,699.99	292.00	7,592.00
171	27,700.00	-	27,849.99	293.00	7,618.00
172	27,850.00	-	27,999.99	295.00	7,670.00
173	28,000.00	-	28,149.99	296.00	7,696.00
174	28,150.00	-	28,299.99	298.00	7,748.00
175	28,300.00	-	28,449.99	300.00	7,800.00
176	28,450.00	-	28,599.99	301.00	7,826.00
177	28,600.00	-	28,749.99	303.00	7,878.00
178	28,750.00	-	28,899.99	304.00	7,904.00
179	28,900.00	-	29,049.99	306.00	7,956.00
180	29,050.00	-	29,199.99	308.00	8,008.00
181	29,200.00	-	29,349.99	309.00	8,034.00
182	29,350.00	-	29,499.99	311.00	8,086.00
183	29,500.00	-	29,649.99	312.00	8,112.00
184	29,650.00	-	29,799.99	314.00	8,164.00
185	29,800.00	-	29,949.99	315.00	8,190.00
186	29,950.00	-	30,099.99	317.00	8,242.00
187	30,100.00	-	30,249.99	319.00	8,294.00
188	30,250.00	-	30,399.99	320.00	8,320.00
189	30,400.00	-	30,549.99	322.00	8,372.00
190	30,550.00	-	30,699.99	323.00	8,398.00
191	30,700.00	-	30,849.99	325.00	8,450.00

192	30,850.00	-	30,999.99	327.00	8,502.00
193	31,000.00	-	31,149.99	328.00	8,528.00
194	31,150.00	-	31,299.99	330.00	8,580.00
195	31,300.00	-	31,449.99	331.00	8,606.00
196	31,450.00	-	31,599.99	333.00	8,658.00
197	31,600.00	-	31,749.99	335.00	8,710.00
198	31,750.00	-	31,899.99	336.00	8,736.00
199	31,900.00	-	32,049.99	338.00	8,788.00
200	32,050.00	-	32,199.99	339.00	8,814.00
201	32,200.00	-	32,349.99	341.00	8,866.00
202	32,350.00	-	32,499.99	342.00	8,892.00
203	32,500.00	-	32,649.99	344.00	8,944.00
204	32,650.00	-	32,799.99	346.00	8,996.00
205	32,800.00	-	32,949.99	347.00	9,022.00
206	32,950.00	-	33,099.99	349.00	9,074.00
207	33,100.00	-	33,249.99	350.00	9,100.00
208	33,250.00	-	33,399.99	352.00	9,152.00
209	33,400.00	-	33,549.99	354.00	9,204.00
210	33,550.00	-	33,699.99	355.00	9,230.00
211	33,700.00	-	33,849.99	357.00	9,282.00
212	33,850.00	-	33,999.99	358.00	9,308.00
213	34,000.00	-	34,149.99	360.00	9,360.00
214	34,150.00	-	34,299.99	361.00	9,386.00
215	34,300.00	-	34,449.99	363.00	9,438.00
216	34,450.00	-	34,599.99	365.00	9,490.00
217	34,600.00	-	34,749.99	366.00	9,516.00

218	34,750.00	-	34,899.99	368.00	9,568.00
219	34,900.00	-	35,049.99	369.00	9,594.00
220	35,050.00	-	35,199.99	371.00	9,646.00
221	35,200.00	-	35,349.99	373.00	9,698.00
222	35,350.00	-	35,499.99	374.00	9,724.00
223	35,500.00	-	35,649.99	376.00	9,776.00
224	35,650.00	-	35,799.99	377.00	9,802.00
225	35,800.00	-	35,949.99	379.00	9,854.00
226	35,950.00	-	36,999.99	381.00	9,906.00
227	36,100.00	-	36,249.99	382.00	9,932.00
228	36,250.00	-	36,399.99	384.00	9,984.00
229	36,400.00	-	36,549.99	385.00	10,010.00
230	36,550.00	-	36,699.99	387.00	10,062.00
231	36,700.00	-	36,849.99	388.00	10,088.00
232	36,850.00	-	36,999.99	390.00	10,140.00
233	37,000.00	-	37,149.99	392.00	10,192.00
234	37,150.00	-	37,299.99	393.00	10,218.00
235	37,300.00	-	37,449.99	395.00	10,270.00
236	37,450.00	-	37,599.99	396.00	10,296.00
237	37,600.00	-	37,749.99	398.00	10,348.00
238	37,750.00	-	37,899.99	400.00	10,400.00
239	37,900.00	-	38,049.99	401.00	10,426.00
240	38,050.00	-	38,199.99	403.00	10,478.00
241	38,200.00	-	38,349.99	404.00	10,504.00
242	38,350.00	-	38,499.99	406.00	10,556.00
243	38,500.00	-	38,649.99	408.00	10,608.00

244	38,650.00	-	38,799.99	409.00	10,634.00
245	38,800.00	-	38,949.99	411.00	10,686.00
246	38,950.00	-	39,099.99	412.00	10,712.00
247	39,100.00	-	39,249.99	414.00	10,764.00
248	39,250.00	-	39,399.99	415.00	10,790.00
249	39,400.00	-	39,549.99	417.00	10,842.00
250	39,550.00	-	39,699.99	419.00	10,894.00
251	39,700.00	-	39,849.99	420.00	10,920.00
252	39,850.00	-	39,999.99	422.00	10,972.00
253	40,000.00	-	40,149.99	423.00	10,998.00
254	40,150.00	-	and above	424.00	11,024.00
254	40,150.00	-	40,299.99	425.00	11,050.00
255	40,300.00	-	40,449.99	427.00	11,102.00
256	40,450.00	-	40,599.99	428.00	11,128.00
257	40,600.00	-	40,749.99	430.00	11,180.00
258	40,750.00	-	40,899.99	431.00	11,206.00
259	40,900.00	-	41,049.99	433.00	11,258.00
260	41,050.00	-	41,199.99	434.00	11,284.00
261	41,200.00	-	41,349.99	436.00	11,336.00
262	41,350.00	-	41,499.99	438.00	11,388.00
263	41,500.00	-	41,649.99	439.00	11,414.00
264	41,650.00	-	41,799.99	441.00	11,466.00
265	41,800.00	-	41,949.99	442.00	11,492.00
266	41,950.00	-	42,099.99	444.00	11,544.00
267	42,100.00	-	42,249.99	446.00	11,596.00
268	42,250.00	-	42,399.99	447.00	11,622.00

269	42,400.00	-	42,549.99	449.00	11,674.00
270	42,550.00	-	42,699.99	450.00	11,700.00
271	42,700.00	-	42,849.99	452.00	11,752.00
272	42,850.00	-	42,999.99	454.00	11,804.00
273	43,000.00	-	43,149.99	455.00	11,830.00
274	43,150.00	-	43,299.99	457.00	11,882.00
275	43,300.00	-	43,449.99	458.00	11,908.00
276	43,450.00	-	43,599.99	460.00	11,960.00
277	43,600.00	-	43,749.99	461.00	11,986.00
278	43,750.00	-	43,899.99	463.00	12,038.00
279	43,900.00	-	44,049.99	465.00	12,090.00
280	44,050.00	-	44,199.99	466.00	12,116.00
281	44,200.00	-	44,349.99	468.00	12,168.00
282	44,350.00	-	44,499.99	469.00	12,194.00
283	44,500.00	-	44,649.99	471.00	12,246.00
284	44,650.00	-	44,799.99	473.00	12,298.00
285	44,800.00	-	44,949.99	474.00	12,324.00
286	44,950.00	-	45,099.99	476.00	12,376.00
287	45,100.00	-	45,249.99	477.00	12,402.00
288	45,250.00	-	45,399.99	479.00	12,454.00
289	45,400.00	-	45,549.99	480.00	12,480.00
290	45,550.00	-	45,699.99	482.00	12,532.00
291	45,700.00	-	45,849.99	484.00	12,584.00
292	45,850.00	-	45,999.99	485.00	12,610.00
293	46,000.00	-	46,149.99	487.00	12,662.00
294	46,150.00	-	46,299.99	488.00	12,688.00

295	46,300.00	-	46,449.99	490.00	12,740.00
296	46,450.00	-	46,599.99	492.00	12,792.00
297	46,600.00	-	46,749.99	493.00	12,818.00
298	46,750.00	-	46,899.99	495.00	12,870.00
299	46,900.00	-	47,049.99	496.00	12,896.00
300	47,050.00	-	47,199.99	498.00	12,948.00
301	47,200.00	-	47,349.99	500.00	13,000.00
302	47,350.00	-	47,499.99	501.00	13,026.00
303	47,500.00	-	47,649.99	503.00	13,078.00
304	47,650.00	-	47,799.99	504.00	13,104.00
305	47,800.00	-	47,949.99	506.00	13,156.00
306	47,950.00	-	48,099.99	507.00	13,182.00
307	48,100.00	-	48,249.99	509.00	13,234.00
308	48,250.00	-	48,399.99	511.00	13,286.00
309	48,400.00	-	48,549.99	512.00	13,312.00
310	48,550.00	-	48,699.99	514.00	13,364.00
311	48,700.00	-	48,849.99	515.00	13,390.00
312	48,850.00	-	48,999.99	517.00	13,442.00
313	49,000.00	-	49,149.99	519.00	13,494.00
314	49,150.00	-	49,299.99	520.00	13,520.00
315	49,300.00	-	49,449.99	522.00	13,572.00
316	49,450.00	-	49,599.99	523.00	13,598.00
317	49,600.00	-	49,749.99	525.00	13,650.00
318	49,750.00	-	49,899.99	526.00	13,676.00
319	49,900.00	-	50,049.99	528.00	13,728.00
320	50,050.00	-	50,199.99	530.00	13,780.00

321	50,200.00	-	50,349.99	531.00	13,806.00
322	50,350.00	-	50,499.99	533.00	13,858.00
323	50,500.00	-	50,649.99	534.00	13,884.00
324	50,650.00	-	50,799.99	536.00	13,936.00
325	50,800.00	-	50,949.99	538.00	13,988.00
326	50,950.00	-	51,099.99	539.00	14,014.00
327	51,100.00	-	51,249.99	541.00	14,066.00
328	51,250.00	-	51,399.99	542.00	14,092.00
329	51,400.00	-	51,549.99	544.00	14,144.00
330	51,550.00	-	51,699.99	546.00	14,196.00
331	51,700.00	-	51,849.99	547.00	14,222.00
332	51,850.00	-	51,999.99	549.00	14,274.00
333	52,000.00	-	52,149.99	550.00	14,300.00
334	52,150.00	-	52,299.99	552.00	14,352.00
335	52,300.00	-	52,449.99	553.00	14,378.00
336	52,450.00	-	52,599.99	555.00	14,430.00
337	52,600.00	-	52,749.99	557.00	14,482.00
338	52,750.00	-	52,899.99	558.00	14,508.00
339	52,900.00	-	53,049.99	560.00	14,560.00
340	53,050.00	-	53,199.99	561.00	14,586.00
341	53,200.00	-	53,349.99	563.00	14,638.00
342	53,350.00	-	53,499.99	565.00	14,690.00
343	53,500.00	-	53,649.99	566.00	14,716.00
344	53,650.00	-	53,799.99	568.00	14,768.00
345	53,800.00	-	53,949.99	569.00	14,794.00
346	53,950.00	-	54,099.99	571.00	14,846.00

347	54,100.00	-	54,249.99	573.00	14,898.00
348	54,250.00	-	54,399.99	574.00	14,924.00
349	54,400.00	-	54,549.99	576.00	14,976.00
350	54,550.00	-	54,699.99	577.00	15,002.00
351	54,700.00	-	54,849.99	579.00	15,054.00
352	54,850.00	-	54,999.99	580.00	15,080.00
353	55,000.00	-	55,149.99	582.00	15,132.00
354	55,150.00	-	55,299.99	584.00	15,184.00
355	55,300.00	-	55,449.99	585.00	15,210.00
356	55,450.00	-	55,599.99	587.00	15,262.00
357	55,600.00	-	55,749.99	588.00	15,288.00
358	55,750.00	-	55,899.99	590.00	15,340.00
359	55,900.00	-	56,049.99	592.00	15,392.00
360	56,050.00	-	56,199.99	593.00	15,418.00
361	56,200.00	-	56,349.99	595.00	15,470.00
362	56,350.00	-	56,499.99	596.00	15,496.00
363	56,500.00	-	56,649.99	598.00	15,548.00
364	56,650.00	-	56,799.99	599.00	15,574.00
365	56,800.00	-	56,949.99	601.00	15,626.00
366	56,950.00	-	57,099.99	603.00	15,678.00
367	57,100.00	-	57,249.99	604.00	15,704.00
368	57,250.00	-	57,399.99	606.00	15,756.00
369	57,400.00	-	57,549.99	607.00	15,782.00
370	57,550.00	-	57,699.99	608.00	15,808.00
371	57,700.00	-	57,849.99	611.00	15,886.00
372	57,850.00	-	57,999.99	612.00	15,912.00

373	58,000.00	-	58,149.99	614.00	15,964.00
374	58,150.00	-	58,299.99	615.00	15,990.00
375	58,300.00	-	58,449.99	617.00	16,042.00
376	58,450.00	-	58,599.99	619.00	16,094.00
377	58,600.00	-	58,749.99	620.00	16,120.00
378	58,750.00	-	58,899.99	622.00	16,172.00
379	58,900.00	-	59,049.99	623.00	16,198.00
380	59,050.00	-	59,199.99	625.00	16,250.00
381	59,200.00	-	59,349.99	626.00	16,276.00
382	59,350.00	-	59,499.99	628.00	16,328.00
383	59,500.00	-	59,649.99	630.00	16,380.00
384	59,650.00	-	59,799.99	631.00	16,406.00
385	59,800.00	-	59,949.99	633.00	16,458.00
386	59,950.00	-	60,099.99	634.00	16,484.00
387	60,100.00	-	60,249.99	636.00	16,536.00
388	60,250.00	-	60,399.99	638.00	16,588.00
389	60,400.00	-	60,549.99	639.00	16,614.00
390	60,550.00	-	60,699.99	641.00	16,666.00
391	60,700.00	-	60,849.99	642.00	16,692.00
392	60,850.00	-	60,999.99	644.00	16,744.00
393	61,000.00	-	61,149.99	645.00	16,770.00
394	61,150.00	-	61,299.99	647.00	16,822.00
395	61,300.00	-	61,449.99	649.00	16,874.00
396	61,450.00	-	61,599.99	650.00	16,900.00
397	61,600.00	-	61,749.99	652.00	16,952.00
398	61,750.00	-	61,899.99	653.00	16,978.00

399	61,900.00	-	62,049.99	655.00	17,030.00
400	62,050.00	-	62,199.99	657.00	17,082.00
401	62,200.00	-	62,349.99	658.00	17,108.00
402	62,350.00	-	62,499.99	660.00	17,160.00
403	62,500.00	-	62,649.99	661.00	17,186.00
404	62,650.00	-	and over	662.00	17,212.00

(a) For individuals with base period wages of $62,650 or more, the weekly benefit amount shall be $662.

(b) An individual who is totally unemployed but earns in excess of $60 as a result of an odd job, a non-payrolled job or work from a non-covered employer or is paid a bonus in any benefit week, shall be paid benefits for such week in accordance with the provisions of §21A-6-11 of this code pertaining to benefits for partial unemployment.

(c) If a balance of benefits remains after an individual receives 26 weeks of unemployment benefits, due to partial unemployment as defined in §21A-6-11 of this code, the individual may receive benefit payments at the same weekly benefit rate as the most recent week, until the maximum benefit balance is exhausted.

(f) The right of an employee to receive benefits shall not be prejudiced, nor the amount thereof be diminished by reason of failure by an employer to pay either the wages earned by the employee or the contribution due on such wages.

(g) The amendments made to this section during the 2024 Regular Session shall become effective July 1, 2024.

ARTICLE 6A. EXTENDED BENEFITS PROGRAM.

§21A-6A-4. Weekly extended benefit amount.

The weekly extended benefit amount payable to an individual for a week of total unemployment in his eligibility period shall be an amount equal to the weekly benefit payable to ~~him~~ the eligible individual during ~~his~~ the eligible individual's applicable benefit year: *Provided*, That for any week during a period in which federal payments to states under section 204 of the Federal-State Extended Unemployment Compensation Act of 1970 are reduced under an order issued under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985, the weekly extended benefit amount payable to an individual for a week of total unemployment in his eligibility period shall be reduced by a percentage equivalent to the percentage of the reduction in the federal payment. Such reduced weekly extended benefit amount, if not a full dollar amount, shall be rounded to the nearest lower full dollar amount.

The amendments made to this section during the 2024 Regular Session shall become effective July 1, 2024.

§21A-6A-5. Total extended benefit amount.

The total extended benefit amount payable to an eligible individual with respect to his or her applicable benefit year shall be the least of the following amounts:

(1) Fifty percent of the total amount of regular benefits which were payable to him or her under this chapter in his or her applicable benefit year;

(2) Thirteen times his or her weekly benefit amount which was payable to him or her under this chapter for a week of total unemployment in the applicable benefit year: *Provided,* That an individual filing for extended benefits through the interstate benefit payment plan and residing in a state where an extended benefit period is not in effect shall be limited to payment for only the first two weeks of such extended benefits: *Provided, however*, That during any fiscal year in which federal payments to states under section 204 of the Federal-State Extended Unemployment Compensation Act of 1970 are reduced under an order issued under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985, the total extended benefit amount payable to an individual with respect to his or her applicable benefit year shall be reduced by an amount equal to the aggregate of the reductions under ~~section four, article six-a of this chapter~~ §21A-6A-4 of this code in the weekly amounts paid to the individual.

(3)(A) For weeks beginning in a high unemployment period, subdivision (1) of this section shall be applied by substituting 80 percent for 50 percent, and subdivision (2) of this section shall be applied by substituting 20 for 13.

(B) For the purposes of this article, the term "high unemployment period" means any period during which the provisions of ~~subdivision (3), section one of this article~~ §21A-6A-1(3) of this code would result in a "state >on' indicator" if ~~subdivision (3), section one of this article~~ §21A-6A-1(3) of this code were applied by substituting eight percent for six and one-half percent.

(4) The amendments made to this section during the 2024 Regular Session shall become effective July 1, 2024.

ARTICLE 6B. SHORT TIME COMPENSATION PROGRAM.

§21A-6B-6. Benefits

(a) The short-time compensation weekly benefit amount shall be the product of the regular weekly unemployment compensation amount for a week of total unemployment as defined in §21A-6-10 multiplied by the percentage of reduction in the individual's usual weekly hours of work.

(b) An individual may be eligible for short-time compensation or unemployment benefits, as appropriate: *Provided*, That no individual shall be eligible for combined benefits in any benefit year in an amount more than the maximum entitlement established for regular unemployment benefits: *Provided, however*, That no individual shall be paid short-time compensation benefits for more than 26 weeks under a plan.

(c) Provisions applicable to unemployment benefits claimants shall apply to short-time compensation claimants to the extent that they are not inconsistent with the program's provisions. An individual who files an initial claim for short-time compensation benefits shall receive a monetary determination.

(d) An employee who is not provided any work during a week by the short-time compensation employer, or any other employer, and who is otherwise eligible for unemployment benefits shall be eligible for the amount of regular unemployment compensation to which he or she would otherwise be eligible.

(e) An employee who is not provided any work by the short-time compensation employer during a week, but who works for another employer and is otherwise eligible, may be paid unemployment benefits for that week subject to the disqualifying income and other provisions applicable to claims for regular unemployment benefits.

(f) An employee who has received all of the short-time compensation or combined unemployment benefits and short-time compensation available in a benefit year shall be considered an exhaustee for purposes of extended benefits and, if otherwise eligible under those provisions, shall be eligible to receive extended benefits.

(g) The amendments made to this section during the 2024 Regular Session shall become effective July 1, 2024."

Objection was heard regarding the amendment being explained in lieu of having it read in full.

Delegate Burkhammer then moved that the amendment be explained in lieu of having it read.

On this motion, the yeas and nays were taken **(Roll No. 740)**, and there were--yeas 84, nays 15, absent and not voting 1, with the nays and the absent and not voting being as follows:

Nays: Bridges, Fluharty, Garcia, Griffith, Hamilton, Hansen, Hornbuckle, Lewis, E. Pritt, Pushkin, Rowe, Vance, Williams, Worrell and Young.

Absent and Not Voting: Criss.

So, a two thirds of the members present having voted in the affirmative, the motion prevailed.

The amendment was then explained.

An amendment offered by Delegates Hardy and Gearheart was reported by the Clerk.

Whereupon,

Delegate Gearheart then obtained unanimous consent to have an amendment sponsored by Delegates Hardy and Gearheart withdrawn.

On the question of the adoption of the amendment by Delegates Riley and Fehrenbacher, the same was put, and adopted.

The Committee on Finance amendment, as amended, was then adopted.

There being no further amendments, the bill as amended, was read a third time.

Messages from the Senate

The following message was received during the reading of Com. Sub. for S. B. 841.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had agreed to the appointment of a Committee of Conference of three from each house on the disagreeing votes of the two houses as to

S. B. 155, Creating Violent Crime Prevention Act.

The message further announced that the President of the Senate had appointed as conferees on the part of the Senate the following:

Senators Stewart, Deeds and Caputo.

Conference Committee Report Availability

During the reading of Com. Sub. for S. B. 841, at 6:08 p.m., the Clerk announced that the report of **H. B. 5237**, Prohibiting driving slow in left lane except under certain circumstances, would be available in the Clerk's Office.

On the question of passage of Com. Sub. for S. B. 841, the yeas and nays were taken **(Roll No. 741)**, and there were--yeas 66, nays 31, absent and not voting 3, with the nays and the absent and not voting being as follows:

Nays: Bridges, Butler, Dean, Dillon, Ferrell, Fluharty, Foggin, Garcia, Griffith, Hamilton, Hansen, Heckert, Hornbuckle, Lewis, Miller, Moore, Pinson, C. Pritt, E. Pritt, Pushkin, Ross, Shamblin, Sheedy, Stephens, Toney, Vance, Williams, Willis, Worrell, Young and Zatezalo.

Absent and Not Voting: Rowe, Smith and Statler.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 841) passed.

A title amendment recommended by the Committee on Finance was reported by the Clerk.

Whereupon,

Delegate Criss obtained unanimous consent to have the title amendment withdrawn.

On motion of Delegates Riley and Fehrenbacher the title of the bill was amended to read as follows:

Com. Sub. for S. B. 841 - "A Bill to amend and reenact §21A-1A-28 of the Code of West Virginia, 1931, as amended; to amend and reenact §21A-6-1 and §21A-6-10 of said code; to amend said code by adding thereto an new section, designated §21A-6-1d; to amend and reenact §21A-6A-4 and §21A-6A-5 of said code; and to amend §21A-6B-6 of said code; all relating to the amount of unemployment taxes and benefits; removing definitions; modifying the calculation of the taxable wage base; modifying the maximum benefit rate; requiring work search activities to qualify for unemployment benefits; defining what constitutes work search activities; mandating submittal of proof of work search activities; providing for verification of work search activities; granting commissioner of Workforce West Virginia discretion in verification of work search activities; mandating establishment of process to refer individuals seeking unemployment benefits to job opportunities; requiring individuals receiving referrals to suitable work to apply for and

accept that work; mandating employers to report refusal of offer of employment to commissioner and other matters; allowing individuals who accept part-time non-suitable employment to receive unemployment benefits without reduction for wages under certain circumstances; making certain individuals applying for or receiving unemployment benefits exempt from work search requirements; establishing process for notification of work search activity requirements; requiring rulemaking; setting internal effective dates; modifying the total extended benefit amount; and modifying the short-time compensation weekly benefit amount."

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

Conference Committee Report Availability

At 7:41 p.m., the Clerk announced that the report of the Committee of Conference on **Com. Sub. for H. B. 4399**, Creating the equitable right to expungement, would be available in the Clerk's Office.

At 7:42 p.m., the Clerk announced that the report of the Committee of Conference on **Com. Sub. for H. B. 5084**, Require retailers to verify identification and age upon purchase of vape products, would be available in the Clerk's Office.

Special Calendar

Third Reading

-continued-

Com. Sub. for S. B. 280, Allowing teachers in public schools to discuss scientific theories; on third reading, was read a third time.

Speaker Pro Tempore Espinosa in the Chair

Delegate Vance demanded the previous question, which demand was sustained.

On 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. 742)**, and there were--yeas 77, nays 20, absent and not voting 3, with the nays and the absent and not voting being as follows:

Nays: Anderson, Fluharty, Garcia, Griffith, Hamilton, Hansen, Hornbuckle, Howell, Lewis, Pinson, Pushkin, Riley, Rowe, Statler, Summers, Toney, Tully, Williams, Worrell and Young.

Absent and Not Voting: Bridges, Warner and Hanshaw (Mr. Speaker).

So, a majority of the members present having voted in the affirmative, the motion for the previous question was adopted.

The question being on the passage of the bill, the yeas and nays were taken **(Roll No. 743)**, and there were--yeas 89, nays 9, absent and not voting 2, with the nays and the absent and not voting being as follows:

Nays: Fluharty, Garcia, Hamilton, Hansen, Hornbuckle, Lewis, Williams, Winzenreid and Young.

Absent and Not Voting: Bridges and Hanshaw (Mr. Speaker).

So, a majority of the members present having voted in the affirmative, the Speaker Pro Tempore declared the bill (Com. Sub. for S. B. 280) passed.

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

Com. Sub. for S. B. 280 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-41a, relating to allowing a public school classroom teacher to respond to student inquiries or answer student questions about scientific theories of how the universe and/or life came to exist."

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

At 8:11 p.m., on motion of Delegate Householder, the House of Delegates recessed until 8:30 p.m.

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Evening Session

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The House of Delegates was called to order by the Honorable Paul Espinosa, Speaker Pro Tempore.

Com. Sub. for S. B. 453, Requiring pricing and payment transparency from pharmacy benefits managers contracting with PEIA; on third reading, was reported by the Clerk.

Mr. Speaker, Delegate Hanshaw in the Chair

Delegate Criss obtained unanimous consent to reconsider and withdraw the House amendment to Com. Sub. for S. B. 453.

The bill was read a third time.

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

The Speaker ruled that the Delegate was a member of a class of persons possibly to be affected and did not excuse the Member from voting.

The question being on the passage of the bill, the yeas and nays were taken **(Roll No. 744)**, 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: Bridges.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 453) passed.

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

Conference Committee Reports

Delegate Westfall, from the committee of conference on matters of disagreement between the two houses, as to

Eng. House Bill 5237 -- Prohibiting driving slow in left lane except under certain circumstances.

Submitted the following report, which was received:

Your committee of conference on the disagreeing votes of the two houses as to the amendments of the Senate to Engrossed House Bill 5237 having met, after full and free conference, have agreed to recommend and do recommend to their respective houses, as follows:

That both houses recede from their respective positions as to the amendment of the Senate, striking out everything after the enacting clause, and agree to the same as follows:

ARTICLE 7. DRIVING ON RIGHT SIDE OF ROADWAY, OVERTAKING AND PASSING, ETC.

§17C-7-1. Driving on right side of roadway; vehicles not to be driven on left side of roadway; exceptions; penalty.

(a) Upon all roadways of sufficient width, a vehicle shall be driven upon the right half of the roadway, except as follows:

(1) When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;

(2) When an obstruction exists that makes it necessary to drive to the left of the center of the highway: *Provided*, That any person doing so shall yield the right-of-way to all vehicles traveling in the proper direction upon the unobstructed portion of the highway within such distance as to constitute an immediate hazard;

~~(2)~~(3) When the right half of a roadway is closed to traffic while under construction or repair;

~~(3)~~(4) Upon a roadway divided into three marked lanes for traffic under the rules applicable thereon; or

~~(4)~~(5) Upon a roadway designated and signposted for one-way traffic.

(b) Upon all roadways any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane then available for traffic, or as close as practicable to the right-hand curb or edge of the roadway,

except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway.

(c) Upon all roadways having two or more lanes for traffic moving in the same direction, a vehicle shall not be driven in the left-most lane except:

(1) When passing another vehicle;

(2) When traffic conditions and congestion make it impractical to drive in the right lane; *Provided,* That driving in the left lane does not impede the normal and reasonable movement of traffic in the left lane;

(3) When snow or other inclement weather conditions make it unsafe to drive in the right half of the roadway;

(4) When obstructions or hazards exist in the right lane;

(5) When all other lanes for traveling in the same direction are in disrepair or are in an otherwise undrivable or unsafe condition;

(6) When compliance with a law, rule, ordinance, or traffic control device makes it necessary to operate a vehicle in the leftmost lane;

(7) When a driver of a vehicle requiring a commercial motor vehicle license to operate is unable to move into the right lane safely due to a highway grade or another vehicle overtaking or passing such commercial motor vehicle on the right;

(8) When paying a toll or user fee at a toll collection facility; or

(9) When moving left to allow traffic to merge.

(10) When, because of highway design, a vehicle must be driven in the left lane when preparing to exit;

(11) When approaching a stationary authorized emergency vehicle as provided in §17C-14-9a of this code.

The provisions of this subsection shall not apply to law-enforcement vehicles, ambulances, or other emergency vehicles engaged in official duties, and vehicles engaged in highway maintenance and construction operations.

(d) The Division of Highways shall erect appropriate signs alerting drivers to keep right except to pass on all roadways with at least two lanes in one direction of travel leading into the state.

(e) Nothing in this section limits the Division of Highways' ability to establish and delineate lane restrictions for certain types of vehicles or prohibit operation of the specified vehicles in the designated lanes.

(f) Any person violating the provisions of this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than ~~$100~~ $25; upon a second conviction within one year thereafter, shall be fined not more than $200; and upon a third or subsequent conviction, shall be fined not more than $500.

And,

That both houses recede from their respective positions as to the title of the bill and agree to the same as follows:

Eng. House Bill No. 5237--A Bill to amend and reenact §17C-7-1 of the Code of West Virginia, 1931, as amended, relating to requiring operators of vehicles to drive in rightmost portion or lane of roads or highways; providing exceptions thereto; providing requirement for Division of Highways for erection of signs; clarifying authority of Division of Highways to establish further lane restrictions; and modifying criminal penalties.

Respectfully submitted,

Steve Westfall,	Charles Clements,
Chair.	*Chair.*
Geno Chiarelli,	Michael Oliverio,
Shawn Fluharty,	Mike Woelfel,
Conferees on the part of the House of Delegates.	*Conferees on the part of the Senate.*

On the question of adoption of the conference committee report, the yeas and nays were demanded, which demand was sustained.

Having been ordered, the yeas and nays were taken **(Roll No. 745)**, and there were--yeas 46, nays 52, absent and not voting 2, with the yeas and the absent and not voting being as follows:

Yeas: Adkins, Anderson, Brooks, Campbell, Cannon, Cooper, Criss, DeVault, Dittman, Fast, Foster, Green, Hall, Heckert, Hillenbrand, Hite, Hott, Howell, Jeffries, Jennings, Kelly, Linville, Lucas, Mallow, Martin, Maynor, Mazzocchi, Miller, Petitto, Phillips, C. Pritt, Ridenour, Riley,

Rohrbach, Sheedy, Smith, Steele, Stephens, Toney, Tully, Vance, Warner, Westfall, Willis, Zatezalo and Hanshaw (Mr. Speaker).

Absent and Not Voting: Bridges and Chiarelli.

So, a majority of the members present not having voted in the affirmative, the conference committee report was rejected.

Delegate Kelly, from the committee of conference on matters of disagreement between the two houses, as to

Eng. House Bill No. 5084, Require retailers to verify identification and age upon purchase of vape products.

Submitted the following report, which was received:

Your committee of conference on the disagreeing votes of the two houses as to the amendment of the Senate to Engrossed Committee Substitute for House Bill 5084 having met, after full and free conference, have agreed to recommend and do recommend to their respective houses, as follows:

That the House agree to the amendments of the Senate to the bill and its title.

Respectfully submitted,

Ryan W. Weld	David Kelly
Chair.	*Chair.*
Mike Stuart	Evan Worrell
Mike Woelfel	Joey Garcia
Conferees on the part of the Senate.	*Conferees on the part of the House of Delegates.*

On the question of adoption of the report of the Committee of Conference, the same was put and prevailed.

The bill, as amended by said report, was then put upon its passage.

On the passage of the bill, the yeas and nays were taken **(Roll No. 746)**, and there were--yeas 82, nays 16, absent and not voting 2, with the nays and the absent and not voting being as follows:

Nays: Butler, DeVault, Dillon, Gearheart, Horst, Kimble, Kirby, Linville, Phillips, C. Pritt, Ross, Steele, Summers, Toney, Ward and Winzenreid.

Absent and Not Voting: Bridges and W. Clark.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 5084) passed.

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

Conference Committee Report

Delegate C. Pritt, from the committee of conference on matters of disagreement between the two houses, as to

Eng. House Bill No. 4399, Creating the equitable right to expungement.

Submitted the following report, which was received:

Your committee of conference on the disagreeing votes of the two houses as to the amendment of the Senate to Engrossed Committee Substitute on House Bill 4399 having met, after full and free conference, have agreed to recommend and do recommend to their respective houses, as follows:

That both houses recede from their respective positions as to the amendment of the Senate, and that the Senate and House agree to an amendment as follows:

Page 5, Section 25, line 1 by striking all of subsection (a) and inserting in lieu thereof a new subsection (a), to read as follows:

(a) Any person who has been charged with a criminal offense under the laws of this state and who has been found not guilty of the offense, or against whom charges have been dismissed, and not in exchange for a guilty plea to another offense <u>resulting in a conviction,</u> may file a civil petition in the circuit court in which the charges were filed to expunge all records relating to the arrest, charge, or other matters arising out of the arrest or charge. <u>Any person whose charges have been dismissed following a full and successful completion of a pre-trial diversion pursuant to §61-11-22 of this code, or whose charges have been dismissed following the full and successful completion of a deferred adjudication pursuant to §61-11-22a of this code, may file a civil petition in the circuit court for expungement of all charges originally brought, provided that the charges sought to be expunged arose from the same transaction or occurrence, and all records relating to the arrest, charges, or other matters arising out of the arrest or charges may be expunged:</u>

Provided, That no record in the Division of Motor Vehicles may be expunged by virtue of any order of expungement entered pursuant to §17C-5-2b of this code nor may any charges ultimately dismissed by way of full and successful completion of any deferred adjudication be expunged for violations of §61-2-28(a), §61-2-28(b), §61-2-9(a), §61-2-9a, §61-2-9(b), or §61-2-9(c) of this code where the alleged victim is a family or household member as defined in §48-27-204 of this code: Provided, further, That any person who has previously been convicted of a felony may not file a petition for expungement pursuant to this section. The term records as used in this section includes, but is not limited to, arrest records, fingerprints, photographs, index references, or other data whether in documentary or electronic form, relating to the arrest, charge, or other matters arising out of the arrest or charge. Criminal investigation reports and all records relating to offenses subject to the provisions of §15-12-1 *et seq.* of this code because the person was found not guilty by reason of mental illness, ~~mental retardation~~ intellectual disability, or addiction are exempt from the provisions of this section.

And,

That both houses recede from their respective positions as to the title of the bill and agree to the same as follows:

Eng. Com. Sub. for House Bill 4399—A Bill to amend and reenact §61-11-22, §61-11-22a, and §61-11-25 of the Code of West Virginia, 1931, as amended, relating to general provisions concerning crimes; correcting internal citations; expungement of criminal records; and when a civil action may be filed to expunge criminal records for cases where charges have been dismissed following a full and successful completion of a pretrial diversion or deferred adjudication; relating to exceptions to the allowance to file a civil action for expungement.

Respectfully submitted,

David Stover	Chris Pritt
Chair.	*Chair.*
Vince Deeds	Ty Nestor
Mike Caputo	Joey Garcia
Conferees on the part of the Senate.	*Conferees on the part of the House of Delegates.*

On the question of adoption of the report of the Committee of Conference, the same was put and prevailed.

The bill, as amended by said report, was then put upon its passage.

On the passage of the bill, the yeas and nays were taken **(Roll No. 747)**, and there were--yeas 94, nays 4, absent and not voting 2, with the nays and the absent and not voting being as follows:

Nays: Burkhammer, Coop-Gonzalez, Dillon and Ross.

Absent and Not Voting: Bridges and Williams.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4399) passed.

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

Messages from the Senate

A message from the Senate, by
The Clerk of the Senate, announced that the Senate had passed, without amendment, and changed the effective date to take effect July 1, 2024, a bill of the House of Delegates as follows:

Com. Sub. for H. B. 4883, Relating to increasing annual salaries of certain employees of the state.

Delegate Kimble moved that the bill take effect July 1, 2024.

On this question, the yeas and nays were taken **(Roll No. 748)**, 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: Bridges, Hite and C. Pritt.

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. 4883) takes effect July 1, 2024.

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. 4880, Relating to personal income tax social security exemption.

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

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

"**§11-21-12. West Virginia adjusted gross income of resident individual.**

(a) General. — The West Virginia adjusted gross income of a resident individual means his or her federal adjusted gross income as defined in the laws of the United States for the taxable year with the modifications specified in this section.

(b) Modifications increasing federal adjusted gross income. — There shall be added to federal adjusted gross income, unless already included therein, the following items:

(1) Interest income on obligations of any state other than this state or of a political subdivision of any other state unless created by compact or agreement to which this state is a party;

(2) Interest or dividend income on obligations or securities of any authority, commission or instrumentality of the United States, which the laws of the United States exempt from federal income tax but not from state income taxes;

(3) Any deduction allowed when determining federal adjusted gross income for federal income tax purposes for the taxable year that is not allowed as a deduction under this article for the taxable year;

(4) Interest on indebtedness incurred or continued to purchase or carry obligations or securities the income from which is exempt from tax under this article, to the extent deductible in determining federal adjusted gross income;

(5) Interest on a depository institution tax-exempt savings certificate which is allowed as an exclusion from federal gross income under Section 128 of the Internal Revenue Code, for the federal taxable year;

(6) The amount of a lump sum distribution for which the taxpayer has elected under Section 402(e) of the Internal Revenue Code of 1986, as amended, to be separately taxed for federal income tax purposes; and

(7) Amounts withdrawn from a medical savings account established by or for an individual under §33-15-20 or §33-16-15 of this code that are used for a purpose other than payment of

medical expenses, as defined in those sections.

(c) Modifications reducing federal adjusted gross income. — There shall be subtracted from federal adjusted gross income to the extent included therein:

(1) Interest income on obligations of the United States and its possessions to the extent includable in gross income for federal income tax purposes;

(2) Interest or dividend income on obligations or securities of any authority, commission or instrumentality of the United States or of the State of West Virginia to the extent includable in gross income for federal income tax purposes but exempt from state income taxes under the laws of the United States or of the State of West Virginia, including federal interest or dividends paid to shareholders of a regulated investment company, under Section 852 of the Internal Revenue Code for taxable years ending after June 30, 1987;

(3) Any amount included in federal adjusted gross income for federal income tax purposes for the taxable year that is not included in federal adjusted gross income under this article for the taxable year;

(4) The amount of any refund or credit for overpayment of income taxes imposed by this state, or any other taxing jurisdiction, to the extent properly included in gross income for federal income tax purposes;

(5) Annuities, retirement allowances, returns of contributions and any other benefit received under the West Virginia Public Employees Retirement System, and the West Virginia State Teachers Retirement System, including any survivorship annuities derived therefrom, to the extent includable in gross income for federal income tax purposes: *Provided*, That notwithstanding any provisions in this code to the contrary this modification shall be limited to the first $2,000 of benefits received under the West Virginia Public Employees Retirement System, the West Virginia State Teachers Retirement System and, including any survivorship annuities derived therefrom, to the extent includable in gross income for federal income tax purposes for taxable years beginning after December 31, 1986; and the first $2,000 of benefits received under any federal retirement system to which Title 4 U.S.C. §111 applies: *Provided, however*, That the total modification under this paragraph shall not exceed $2,000 per person receiving retirement benefits and this limitation shall apply to all returns or amended returns filed after December 31, 1988;

(6) Retirement income received in the form of pensions and annuities after December 31, 1979, under any West Virginia police, West Virginia Firemen's Retirement System or the West Virginia State Police Death, Disability and Retirement Fund, the West Virginia State Police Retirement System or the West Virginia Deputy Sheriff Retirement System, including any survivorship annuities derived from any of these programs, to the extent includable in gross income for federal income tax purposes;

(7) (A) For taxable years beginning after December 31, 2000, and ending prior to January 1, 2003, an amount equal to two percent multiplied by the number of years of active duty in the Armed Forces of the United States of America with the product thereof multiplied by the first $30,000 of military retirement income, including retirement income from the regular Armed Forces, Reserves and National Guard paid by the United States or by this state after December 31, 2000, including any survivorship annuities, to the extent included in gross income for federal income tax purposes for the taxable year.

(B) For taxable years beginning after December 31, 2000, the first $20,000 of military retirement income, including retirement income from the regular Armed Forces, Reserves and National Guard paid by the United States or by this state after December 31, 2002, including any survivorship annuities, to the extent included in gross income for federal income tax purposes for the taxable year.

(C) For taxable years beginning after December 31, 2017, military retirement income, including retirement income from the regular Armed Forces, Reserves and National Guard paid by the United States or by this state after December 31, 2017, including any survivorship annuities, to the extent included in federal adjusted gross income for the taxable year. For taxable years beginning after December 31, 2018, retirement income from the uniformed services, including the Army, Navy, Marines, Air Force, Coast Guard, Public Health Service, National Oceanic Atmospheric Administration, reserves, and National Guard, paid by the United States or

by this state after December 31, 2018, including any survivorship annuities, to the extent included in federal adjusted gross income for the taxable year.

(D) In the event that any of the provisions of this subdivision are found by a court of competent jurisdiction to violate either the Constitution of this state or of the United States, or is held to be extended to persons other than specified in this subdivision, this subdivision shall become null and void by operation of law.

(8) Decreasing modification for social security income.

~~(A) For taxable years beginning on and after January 1, 2020, 35 percent of the amount of social security benefits received pursuant to Title 42 U.S.C., Chapter 7, including, but not limited to, social security benefits paid by the Social Security Administration as Old Age, Survivors and Disability Insurance Benefits as provided in §42 U.S.C. 401 *et. seq.* or as Supplemental Security Income for the Aged, Blind, and Disabled as provided in §42 U.S.C. 1381 *et. seq.*, included in federal adjusted gross income for the taxable year shall be allowed as a decreasing modification from federal adjusted gross income when determining West Virginia taxable income subject to the tax imposed by this article, subject to the limitation in §11-21-12(c)(8)(D) of this code.~~

~~(B) For taxable years beginning on or after January 1, 2021, 65 percent of the social security benefits received pursuant to Title 42 U.S.C., Chapter 7, including, but not limited to, social security benefits paid by the Social Security Administration as Old Age, Survivors and Disability Insurance Benefits as provided in §42 U.S.C. 401 *et. seq.* or as Supplemental Security Income for the Aged, Blind, and Disabled as provided in §42 U.S.C. 1381 *et. seq.*, included in federal adjusted gross income for the taxable year shall be allowed as a decreasing modification from federal adjusted gross income when determining West Virginia taxable income subject to the tax imposed by this article, subject to the limitation in §11-21-12(c)(8)(D) of this code.~~

~~(C)~~ (A) For taxable years beginning on or after January 1, 2022, 100 percent of the social security benefits received pursuant to Title 42 U.S.C., Chapter 7, including, but not limited to, social security benefits paid by the Social Security Administration as Old Age, Survivors and Disability Insurance Benefits as provided in §42 U.S.C. 401 *et. seq.* or as Supplemental Security Income for the Aged, Blind, and Disabled as provided in §42 U.S.C. 1381 *et. seq.*, included in federal adjusted gross income for the taxable year shall be allowed as a decreasing modification from federal adjusted gross income when determining West Virginia taxable income subject to the tax imposed by this article, subject to the limitation in ~~§11-21-12(c)(8)(D)~~ §11-21-12(c)(8)(B) of this code.

~~(D)~~ (B) The deduction allowed by ~~§11-21-12(c)(8)(A), §11-21-12(c)(8)(B), and §11-21-12(c)(8)(C)~~ §11-21-12(c)(8)(A) of this code are allowable only when the federal adjusted gross income of a married couple filing a joint return does not exceed $100,000, or $50,000 in the case of a single individual or a married individual filing a separate return.

(C) For taxable years beginning on and after January 1, 2024, 35 percent of the amount of social security benefits received pursuant to Title 42 U.S.C., Chapter 7, including, but not limited to, social security benefits paid by the Social Security Administration as Old Age, Survivors and Disability Insurance Benefits as provided in §42 U.S.C. 401 *et. seq.* or as Supplemental Security Income for the Aged, Blind, and Disabled as provided in §42 U.S.C. 1381 *et. seq.*, included in federal adjusted gross income for the taxable year shall be allowed as a decreasing modification from federal adjusted gross income when determining West Virginia taxable income subject to the tax imposed by this article, subject to the limitation in §11-21-12(c)(8)(F) of this code.

(D) For taxable years beginning on or after January 1, 2025, 65 percent of the social security benefits received pursuant to Title 42 U.S.C., Chapter 7, including, but not limited to, social security benefits paid by the Social Security Administration as Old Age, Survivors and Disability Insurance Benefits as provided in §42 U.S.C. 401 *et. seq*. or as Supplemental Security Income for the Aged, Blind, and Disabled as provided in §42 U.S.C. 1381 *et. seq*., included in federal adjusted gross income for the taxable year shall be allowed as a decreasing modification from federal adjusted gross income when determining West Virginia taxable income subject to the tax imposed by this article, subject to the limitation in §11-21-12(c)(8)(F) of this code.

(E) For taxable years beginning on or after January 1, 2026, 100 percent of the social security benefits received pursuant to Title 42 U.S.C., Chapter 7, including, but not limited to, social security benefits paid by the Social Security Administration as Old Age, Survivors and Disability Insurance Benefits as provided in §42 U.S.C. 401 *et. seq*. or as Supplemental Security Income for the Aged, Blind, and Disabled as provided in §42 U.S.C. 1381 *et. seq*., included in federal adjusted gross income for the taxable year shall be allowed as a decreasing modification from federal adjusted gross income when determining West Virginia taxable income subject to the tax imposed by this article, subject to the limitation in §11-21-12(c)(8)(F) of this code.

(F) The deduction allowed by §11-21-12(c)(8)(C), §11-21-12(c)(8)(D), and §11-21-12(c)(8)(E) of this code are allowable only when the federal adjusted gross income of a married couple filing a joint return exceeds $100,000, or $50,000 in the case of a single individual or a married individual filing a separate return.

(9) Federal adjusted gross income in the amount of $8,000 received from any source after December 31, 1986, by any person who has attained the age of 65 on or before the last day of the taxable year, or by any person certified by proper authority as permanently and totally disabled, regardless of age, on or before the last day of the taxable year, to the extent includable in federal adjusted gross income for federal tax purposes: *Provided*, That if a person has a medical certification from a prior year and he or she is still permanently and totally disabled, a copy of the original certificate is acceptable as proof of disability. A copy of the form filed for the federal disability income tax exclusion is acceptable: *Provided, however*, That:

(i) Where the total modification under subdivisions (1), (2), (5), (6), (7), and (8) of this subsection is $8,000 per person or more, no deduction shall be allowed under this subdivision; and

(ii) Where the total modification under subdivisions (1), (2), (5), (6), (7), and (8) of this subsection is less than $8,000 per person, the total modification allowed under this subdivision for all gross income received by that person shall be limited to the difference between $8,000 and the sum of modifications under subdivisions (1), (2), (5), (6), (7), and (8) of this subsection;

(10) Federal adjusted gross income in the amount of $8,000 received from any source after December 31, 1986, by the surviving spouse of any person who had attained the age of 65 or who had been certified as permanently and totally disabled, to the extent includable in federal adjusted gross income for federal tax purposes: *Provided*, That:

(i) Where the total modification under subdivisions (1), (2), (5), (6), (7), and (8) of this subsection is $8,000 or more, no deduction shall be allowed under this subdivision; and

(ii) Where the total modification under subdivisions (1), (2), (5), (6), (7), and (8) of this subsection is less than $8,000 per person, the total modification allowed under this subdivision

for all gross income received by that person shall be limited to the difference between $8,000 and the sum of subdivisions (1), (2), (5), (6), (7), and (8) of this subsection;

(11) Contributions from any source to a medical savings account established by or for the individual pursuant to §33-15-20 or §33-16-15 of this code, plus interest earned on the account, to the extent includable in federal adjusted gross income for federal tax purposes: *Provided*, That the amount subtracted pursuant to this subdivision for any one taxable year may not exceed $2,000 plus interest earned on the account. For married individuals filing a joint return, the maximum deduction is computed separately for each individual; and

(12) Any other income which this state is prohibited from taxing under the laws of the United States including, but not limited to, tier I retirement benefits as defined in Section 86(d)(4) of the Internal Revenue Code.

(d) Modification for West Virginia fiduciary adjustment. — There shall be added to or subtracted from federal adjusted gross income, as the case may be, the taxpayer's share, as beneficiary of an estate or trust, of the West Virginia fiduciary adjustment determined under §11-21-19 of this code.

(e) Partners and S corporation shareholders. — The amounts of modifications required to be made under this section by a partner or an S corporation shareholder, which relate to items of income, gain, loss or deduction of a partnership or an S corporation, shall be determined under §11-21-17 of this code.

(f) Husband and wife. — If husband and wife determine their federal income tax on a joint return but determine their West Virginia income taxes separately, they shall determine their West Virginia adjusted gross incomes separately as if their federal adjusted gross incomes had been determined separately.

(g) Effective date. –

(1) Changes in the language of this section enacted in the year 2000 shall apply to taxable years beginning after December 31, 2000.

(2) Changes in the language of this section enacted in the year 2002 shall apply to taxable years beginning after December 31, 2002.

(3) Changes in the language of this section enacted in the year 2019 shall apply to taxable years beginning after December 31, 2018.

(4) Changes in the language of this section enacted in the year 2024 shall apply retroactively to taxable years beginning after December 31, 2023."

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. 749)**, 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: Bridges, Hite and C. Pritt.

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. 4880) 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 the adoption by the Senate, with amendment, of a joint resolution of the House of Delegates as follows:

Com. Sub. for H. J. R. 28, Protection from medically-assisted suicide or euthanasia in West Virginia Amendment.

On motion of Delegate Kimble, the House concurred in the following amendment of the joint resolution by the Senate:

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

"That the question of ratification or rejection of an amendment to the Constitution of the State of West Virginia be submitted to the voters of the state at the next general election to be held in the year 2024, which proposed amendment is that Article III thereof, be amended by adding thereto a new section, designated section twenty-three, to read as follows:

ARTICLE III. BILL OF RIGHTS.

§3-23. Protection against medically assisted suicide.

No person, physician, or health care provider in the State of West Virginia shall participate in the practice of medically assisted suicide, euthanasia, or mercy killing of a person. Nothing in this section prohibits the administration or prescription of medication for the purpose of alleviating pain or discomfort while the patient's condition follows its natural course; nor does anything in this section prohibit the withholding or withdrawing of life-sustaining treatment, as requested by the patient or the patient's decision-maker, in accordance with State law. Further, nothing in this section prevents the State from providing capital punishment.

Resolved further, That in accordance with the provisions of article eleven, chapter three of the Code of West Virginia, 1931, as amended, such amendment is hereby numbered "Amendment 1" and designated as the 'Protection of persons against medically assisted suicide' and the purpose of the proposed amendment is summarized as follows: "The purpose of this amendment is to protect West Virginians against medically assisted suicide."

On the adoption of the resolution, as amended, the yeas and nays were taken **(Roll No. 750)**, and there were--yeas 88, nays 10, absent and not voting 2, with the yeas, nays, and absent and not voting being as follows:

Yeas: Adkins, Akers, Anderson, Barnhart, Brooks, Burkhammer, Butler, Campbell, Chiarelli, T. Clark, W. Clark, Cooper, Coop-Gonzalez, Criss, Crouse, Dean, Devault, Dillon, Dittman, Ellington, Espinosa, Fast, Fehrenbacher, Ferrell, Foggin, Forsht, Foster, Gearheart, Green, Griffith, Hall, Hardy, Heckert, Hillenbrand, Hite, Holstein, Hornby, Horst, Hott, Householder, Howell, Jeffries, Jennings, Kelly, Kimble, Kirby, Kump, Linville, Longanacre, Lucas, Mallow, Marple, Martin, Maynor, Mazzocchi, McGeehan, Miller, Moore, Nestor, Petitto, Phillips, Pinson,

C. Pritt, E. Pritt, Ridenour, Riley, Rohrbach, Ross, Shamblin, Sheedy, Smith, Statler, Steele, Stephens, Street, Summers, Thorne, Toney, Tully, Vance, Ward, Warner, Westfall, Willis, Winzenreid, Worrell, Zatezalo and Hanshaw (Mr. Speaker).

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

Absent and Not Voting: Bridges and Cannon.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the resolution (Com. Sub. for H. J. R. 28) adopted, as follows:

Com. Sub. for H. J. R. 28 – "Proposing an amendment to the Constitution of the State of West Virginia amending Article III thereof by adding thereto a new section, designated section twenty-three, relating to the protection from medically-assisted suicide or euthanasia in West Virginia; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

Resolved by the Legislature of West Virginia, two thirds of the members elected to each house agreeing thereto:

That the question of ratification or rejection of an amendment to the Constitution of the State of West Virginia be submitted to the voters of the state at the next general election to be held in the year 2024, which proposed amendment is that Article III thereof, be amended by adding thereto a new section, designated section twenty-three, to read as follows:

ARTICLE III. BILL OF RIGHTS.

§3-23. Protection against medically assisted suicide.

No person, physician, or health care provider in the State of West Virginia shall participate in the practice of medically assisted suicide, euthanasia, or mercy killing of a person. Nothing in this section prohibits the administration or prescription of medication for the purpose of alleviating pain or discomfort while the patient's condition follows its natural course; nor does anything in this section prohibit the withholding or withdrawing of life-sustaining treatment, as requested by the patient or the patient's decision-maker, in accordance with State law. Further, nothing in this section prevents the State from providing capital punishment.

Resolved further, That in accordance with the provisions of article eleven, chapter three of the Code of West Virginia, 1931, as amended, such amendment is hereby numbered 'Amendment 1' and designated as the 'Protection of persons against medically assisted suicide' and the purpose of the proposed amendment is summarized as follows: "The purpose of this amendment is to protect West Virginians against medically assisted suicide."

Ordered, That the Clerk 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. 5105, To eliminate the vaccine requirements for public virtual schools..

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(l) A full time virtual public school student who does not physically attend public school shall be exempt from the requirements of subsection (c): *Provided*, That students enrolled in virtual

public school classes that also attend a private or parochial school shall be subject to the requirements of subsection (j).”

And,

By amending the title of the bill to read as follows:

Com. Sub. for H. B. 5105 – “A Bill to amend and reenact §16-3-4 of the Code of West Virginia, 1931, as amended, relating to eliminating the vaccine requirements for private schools, parochial schools, or virtual public schools in specified situations; providing private or parochial school may elect to develop a policy that exempts the private or parochial school from the mandatory vaccination requirements; providing no cause of action against private or parochial school, administrator, employee, board, owner or operator who choose to maintain compliance with mandatory vaccination requirements; providing no cause of action against private or parochial school, administrator, employee, board, owner or operator who choose to adopt a policy of exemption provided certain requirements are met; requiring all students in any West Virginia Secondary School Activities Commission sponsored activities meet the mandatory vaccination requirements or have an exemption; requiring all students participating in any school sponsored club activities resulting in competition meet the mandatory vaccination requirements or have an exemption; providing that a full time virtual public school student meeting specified circumstances is exempt from the mandatory vaccination requirements; and requiring that a student enrolled in virtual public school classes that also attend a private or parochial school shall be subject to specific requirements.”

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. 751)**, and there were--yeas 70, nays 29, absent and not voting 1, with the nays and the absent and not voting being as follows:

Nays: Adkins, Akers, Anderson, Campbell, Cannon, Dittman, Fluharty, Garcia, Griffith, Hall, Hamilton, Hansen, Hornbuckle, Hott, Kelly, Lucas, Pushkin, Riley, Rohrbach, Rowe, Shamblin, Statler, Toney, Westfall, Williams, Willis, Young, Zatezalo and Hanshaw (Mr. Speaker).

Absent and Not Voting: Bridges.

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. 5105) 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 concurrence in the amendment of the House of Delegates, with further amendment, and the passage, as amended, of

S. B. 803, Updating definitions for assessment of real property.

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

On page 2, line 44, by striking out the words 'trustees and'.

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

The question being on the passage of the bill, the yeas and nays were taken **(Roll No. 752)**, 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: Bridges and Williams.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 803) passed.

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

On this question, the yeas and nays were taken **(Roll No. 753)**, 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: Bridges and Williams.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 803) 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 concurrence in the amendment of the House of Delegates, with further amendment, and the passage, as amended, of

Com. Sub. for S. B. 568, Creating multi-tiered system for school absenteeism.

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

On page 1, section 2, by striking out the entirety of subsection (a) and inserting a new subsection (a), to read as follows:

"(a) A student's absence due to a student's pregnancy or parenting needs is an excused absence as provided under this section, and for purposes of §18-8-4(a)(1) of this code.";

On page 1, section 2, line 3, by striking out the words 'Each county board' and inserting in lieu thereof the words "The State Board of Education";

And,

On page 2, section 2, line 19, by striking the words "ensure that the parent remains" and inserting in lieu thereof the words "make reasonable efforts to encourage the parent remain".

And,

By amending the title of the bill to read as follows:

Com. Sub. for S. B. 568 - "A Bill to amend and reenact §18-8-2 and §18-8-4 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new article, designated §18-34-1, §18-34-2, and §18-34-3; and to amend and reenact §49-4-702 of said code, all relating to student absences; amending criminal penalties imposed for failing to attend school without good cause; defining terms; requiring the State Board to implement a System of Support Plan to encourage and promote compulsory school attendance with implementation to be ensured by the county attendance director; requiring the school to make periodic meaningful contact with parents, guardians, or custodians of children who fail to attend school; removing requirement for attendance director and assistant directors to prepare a report for submission by the county superintendent to the State Superintendent of Schools on school attendance; providing legislative intent for Jaycie's Law; providing that a student's absence due to a student's pregnancy or parenting needs is a lawful absence; requiring the State Board of Education to develop a written attendance policy for pregnant and parenting students that and sets forth minimum requirements therefore; establishing article effective date; and making referral for the development of a diversion program in truancy offense matters discretionary."

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

The question being on the passage of the bill, the yeas and nays were taken **(Roll No. 754)**, and there were--yeas 97, nays 1, absent and not voting 2, with the nays and the absent and not voting being as follows:

Nays: Dillon.

Absent and Not Voting: Bridges and W. Clark.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 568) 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 refused to concur in the amendment of the House of Delegates and requested the House to recede from its amendment to

S. B. 681, Revising service obligation for certain doctoral medical degree programs.

On motion of Delegate Hott, the House receded from its position.

The question then being on the passage of the bill, the yeas and nays were taken **(Roll No. 755)**, and there were--yeas 88, nays 7, absent and not voting 5, with the nays and the absent and not voting being as follows:

Nays: Brooks, Butler, Coop-Gonzalez, Dillon, Longanacre, Steele and Ward.

Absent and Not Voting: Barnhart, Bridges, Foggin, Foster and Martin.

So, a majority of the members present having voted in the affirmative, the motion prevailed.

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 concurrence in the amendment of the House of Delegates, with further title amendment, and the passage, as amended, of

Com. Sub. for S. B. 624, Cancelling voter registration records for individuals no longer WV residents.

On motion of Delegate Hott, the House concurred in the following Senate title amendment:

Com. Sub. for S. B. 624 - "A Bill to amend and reenact §3-2-6 and §3-2-27 of the Code of West Virginia, 1931, as amended, all relating to voter registration procedures; specifying times of closure of voter registration before election; and authorizing cancellation of voter registration for individuals who are no longer West Virginia citizens and who have obtained driver's license in another state."

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

The question being on the passage of the bill, the yeas and nays were taken **(Roll No. 756)**, 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: Barnhart, Bridges, Foster, Martin and Worrell.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 624) passed.

Delegate Hott moved that the bill take effect January 1, 2025.

On this question, the yeas and nays were taken **(Roll No. 757)**, 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: Ridenour.

Absent and Not Voting: Barnhart, Bridges and Martin.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 624) takes effect January 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:

H. B. 4793, Relating to distilled liquor.

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

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

"**ARTICLE 6. MISCELLANEOUS PROVISIONS.**

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

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

(b) Notwithstanding the restriction of subsection (a) of this section, a person at least 21 years of age may manufacture alcoholic liquor for personal or family use. The aggregate amount of alcoholic liquor manufactured per household may not exceed 10 gallons per calendar year, if there are two or more persons over the age of 21 years, or 5 gallons per calendar year, if there is only one person over the age of 21 years in the household. Any alcoholic liquor manufactured under this section may not be sold or offered for sale."

The bill, 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. 758)**, and there were--yeas 64, nays 34, absent and not voting 2, with the nays and the absent and not voting being as follows:

Nays: Adkins, Akers, Brooks, Burkhammer, Butler, Campbell, T. Clark, Cooper, Coop-Gonzalez, Dillon, Fast, Ferrell, Griffith, Hillenbrand, Holstein, Jeffries, Jennings, Kelly, Kirby, Kump, Longanacre, Mallow, Mazzocchi, Moore, Nestor, Pinson, Ridenour, Ross, Statler, Street, Toney, Vance, Ward and Worrell.

Absent and Not Voting: Barnhart and Bridges.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 4793) 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. 5430, Relating to per diem compensation and expenses of newly elected or appointed judicial officers receiving education and training prior to taking the oath of office.

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

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

"**ARTICLE 3. COURTS IN GENERAL.**

§51-3-20. Judicial officer education and training.

(a) The Supreme Court of Appeals may, in its discretion, pay a newly appointed or elected circuit judge, family court judge, or magistrate per diem compensation and expenses for attending any training and education session prior to taking the oath of office and beginning his or her term.

(b) The Supreme Court of Appeals may compensate the judicial officers specified in subsection (a) of this section up to a rate equivalent to the daily per diem rate of senior status circuit judges, senior status family court judges, or senior status magistrates for each required day of attendance, plus travel expenses."

And,

By amending the title of the bill to read as follows:

H. B. 5430 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §51-3-20, relating to authorizing Supreme Court of Appeals to pay per diem compensation and expenses of certain newly appointed or elected judicial officers receiving training and education prior to taking oath of office and beginning term; and establishing rate of compensation."

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. 759)**, and there were--yeas 95, nays 1, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Foster.

Absent and Not Voting: Barnhart, Bridges, Kirby and Worrell.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 5430) 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 title amendment, a bill of the House of Delegates, as follows:

H. B. 5348, Changing the name of the 'Raleigh County Recreation Authority' to the 'Raleigh County Parks and Recreation Authority'.

On motion of Delegate Hott, the House concurred in the following Senate title amendment:

H. B. 5348 – "A Bill to amend and reenact section two, chapter 136, Acts of the Legislature, regular session, 1982, as last amended and reenacted by section two, chapter 154, Acts of the

Legislature, regular session, 1987, relating to renaming the Raleigh County Recreation Authority to the Raleigh County Parks and Recreation Authority."

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. 760)**, 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: Barnhart, Bridges, Kirby and Worrell.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 5348) 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, to take effect May 1, 2024, a bill of the House of Delegates, as follows:

Com. Sub. for H. B. 5294, Revising state law regulating farm wineries.

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

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

"**CHAPTER 11. TAXATION.**

ARTICLE 16. NONINTOXICATING BEER.

§11-16-6a. Brewer and resident brewer license to manufacture, sell, and provide ~~complimentary~~ samples.

(a) *Legislative findings.* — The Legislature hereby finds that it is in the public interest to regulate, control, and support the brewing, manufacturing, distribution, sale, consumption, transportation, and storage of nonintoxicating beer and nonintoxicating craft beer and its industry in this state in order to protect the public health, welfare, and safety of the citizens of this state, and promote hospitality and tourism. Therefore, this section authorizes a licensed brewer or resident brewer with its principal place of business and manufacture located in this state to have certain abilities in order to promote the sale of nonintoxicating beer and nonintoxicating craft beer manufactured in this state for the benefit of the citizens of this state, the state's growing brewing industry, and the state's hospitality and tourism industry, all of which are vital components for the state's economy.

(b) *Sales of nonintoxicating beer.* — A licensed brewer or resident brewer with its principal place of business and manufacture located in the State of West Virginia may offer only nonintoxicating beer or nonintoxicating craft beer manufactured by the licensed brewer or resident brewer for retail sale to customers from the brewer's or resident brewer's licensed premises for consumption off of the licensed premises only in the form of kegs, bottles, cans, or growlers for

personal consumption and not for resale. A licensed brewer or resident brewer may not sell, give, or furnish nonintoxicating beer for consumption on the premises of the principal place of business and manufacture located in the State of West Virginia, except for the limited purpose of ~~complimentary~~ samples as permitted in subsection (c) of this section.

(c) ~~*Complimentary samples*~~ *Samples*. — A licensed brewer or resident brewer with its principal place of business and manufacture located in the State of West Virginia may only offer ~~complimentary~~ samples of nonintoxicating beer or nonintoxicating craft beer brewed at the brewer's or resident brewer's principal place of business and manufacture located in the State of West Virginia. The ~~complimentary~~ samples may be no greater than two ounces per sample per patron, and a sampling shall not exceed 10 ~~complimentary~~ two-ounce samples per patron per day. A licensed brewer or resident brewer providing ~~complimentary~~ samples shall provide complimentary food items to the patron consuming the ~~complimentary~~ samples; and prior to any sampling, verify, using proper identification, that the patron ~~sampling~~ consuming the samples is 21 years of age or over and that the patron is not visibly intoxicated.

(d) *Retail sales.* — Every licensed brewer or resident brewer under this section shall comply with all the provisions of this article as applicable to nonintoxicating beer retailers when conducting sales of nonintoxicating beer or nonintoxicating craft beer and ~~shall be~~ is subject to all applicable requirements and penalties in this article. In the interest of promoting tourism throughout the state, every licensed brewer or resident brewer manufacturing nonintoxicating beer or nonintoxicating craft beer in this state is authorized, with a limited off-site retail privilege at private ~~fair~~ fairs and festivals, for on-premises consumption sales and off-premises consumption sales of only the brewer or resident brewer's ~~sealed~~ nonintoxicating beer or nonintoxicating craft beer. At least five days prior to an approved private fair and festival, an authorized brewer or resident brewer shall provide a copy of a written agreement to sell only nonintoxicating beer or nonintoxicating craft beer manufactured by the brewer or resident brewer at the private fair and festival's licensed premises. If approved, an authorized brewer or resident brewer may conduct on-premises and off-premises consumption sales of their nonintoxicating beer or nonintoxicating craft beer from a designated booth at the private fair and festival as set forth in §60-7-8a of this code. All authorized and approved brewers or resident brewers conducting the on-premises and off-premises consumption sales shall comply with all retail requirements in §11-16-1 *et seq.* of this code, and specifically with respect to all markups, taxes, and fees. Additionally, an authorized brewer or resident brewer may provide, sell, and serve its nonintoxicating beer or nonintoxicating craft beer ~~complimentary~~ samples in the amount set forth in subsection (c) of this section and its nonintoxicating beer or nonintoxicating craft beer by the glass or drink, or by the bottle or can for on-premises consumption when licensesd as set forth in this article to patrons who are 21 years of age or over and who are not intoxicated in the amounts set forth in subsection (c).

(e) *Payment of taxes and fees.* — A licensed brewer or resident brewer under this section shall pay all taxes and fees required of licensed nonintoxicating beer retailers, in addition to any other taxes and fees required, and meet applicable licensing provisions as required by this chapter and by rule of the commissioner.

(f) *Advertising.* — A licensed brewer or resident brewer under this section may advertise a particular brand or brands of nonintoxicating beer or nonintoxicating craft beer produced by the licensed brewer or resident brewer and the price of the nonintoxicating beer or nonintoxicating craft beer subject to state and federal requirements or restrictions. The advertisement may not encourage intemperance.

(g) *Growler requirements.* — A licensed brewer or resident brewer under this section shall fill a growler and patrons are not permitted to access the secure area or fill a growler. A licensed brewer or resident brewer under this section shall sanitize, fill, securely seal, and label any growler prior to its sale. A licensed brewer or resident brewer under this section may only offer for retail sale growlers no larger than 128 fluid ounces of nonintoxicating beer or nonintoxicating craft beer manufactured by the licensed brewer or resident brewer for personal consumption off of the licensed premises and not for resale. A licensed brewer or resident brewer under this section may refill a growler subject to the requirements of this section. A licensed brewer or resident brewer shall visually inspect any growler before filling or refilling it. A licensed brewer or resident brewer may not fill or refill any growler that appears to be cracked, broken, unsafe, or otherwise unfit to serve as a sealed beverage container.

(h) *Growler labeling.* — A licensed brewer or resident brewer under this section selling growlers shall affix a conspicuous label on all sold and securely sealed growlers listing the name of the licensee selling the growler, the brand of the nonintoxicating beer or nonintoxicating craft beer in the growler, the alcohol content by volume of the nonintoxicating beer or nonintoxicating craft beer in the growler, and the date the growler was filled or refilled. ~~and, further,~~ ~~all~~ All labeling on the growler shall be consistent with all federal labeling and warning requirements.

(i) *Growler sanitation.* — A licensed brewer or resident brewer authorized under this section shall clean and sanitize all growlers he or she fills or refills in accordance with all state and county health requirements prior to its sealing. In addition, the licensed brewer or resident brewer shall sanitize, in accordance with all state and county health requirements, all taps, tap lines, pipelines, barrel tubes, and any other related equipment used to fill or refill growlers. Failure to comply with this subsection may result in penalties under §11-16-23 of this code.

(j) *Fee.* — There is no additional fee for a licensed brewer or resident brewer authorized under this section to sell growlers.

(k) *Limitations on licensees.* — To be authorized under this section, a licensed brewer or resident brewer may not produce more than 25,000 barrels per calendar year at the brewer's or resident brewer's principal place of business and manufacture located in the State of West Virginia. No more than one brewer or resident brewer license may be issued to a single person or entity and no person may hold both a brewer and a resident brewer license. A licensed brewer or resident brewer under this section may only conduct tours, give ~~complimentary~~ samples, and sell growlers during the hours of operation set forth in §11-16-18(a)(1) of this code. A licensed brewer or resident brewer authorized under this section ~~shall be~~ is subject to the applicable penalties under §11-16-23 of this code for violations of this section.

(l) (1) ~~*Contract Brewing Services*~~ *Alternating Proprietorship Agreements.* - A licensed brewer or resident brewer may enter into ~~contract brewing services~~ alternating proprietorship agreements with another licensed brewer or resident brewer with its principal place of business and manufacture located in the State of West Virginia for purposes of sharing brewing equipment or facilities as part of the manufacture of nonintoxicating beer or nonintoxicating craft beer. Any such ~~contract brewing services~~ alternating proprietorship agreement shall be provided to the West Virginia Alcohol Beverage and Control Administration and set forth the following terms and conditions:

(A) The licensed brewer or resident brewer serving as the brewer of record and retaining ownership, rights, title, and interest in the nonintoxicating beer or nonintoxicating craft beer recipe and brand;

(B) The licensed brewer or resident brewer who will be responsible for executing any brew of nonintoxicating beer or nonintoxicating craft beer;

(C) The location of the facilities to be ~~utilized~~ used for the manufacture of the nonintoxicating beer or nonintoxicating craft beer;

(D) Specifications regarding the packaging of all nonintoxicating beer or nonintoxicating craft beer manufactured under the contract brewing services agreement; and

(E) The manner of payment of any and all federal and state excise taxes associated with the manufactured nonintoxicating beer or nonintoxicating craft beer.

(2) The licensed brewer or resident brewer serving as the brewer of record is responsible for the transportation of the finished and packaged product to ~~their~~ its licensed facility, where it must come to rest ~~be~~ tax determined. Any nonintoxicating beer or nonintoxicating craft beer manufactured pursuant to ~~a contract brewing services~~ an alternating proprietorship agreement shall be credited to the specified brewer of record for purposes of the barrel limitations set forth in §11-16-6a(k) of this code, and not the licensed brewer or resident brewer responsible for executing any brew on behalf of the brewer of record.

(m) *Rules.* — The commissioner, in consultation with the Bureau for Public Health concerning sanitation, may propose rules for legislative approval, pursuant to §29A-3-1 *et seq.* of this code, to implement this section.

§11-16-11a. Nonintoxicating beer sampling.

(a) Notwithstanding any provision of this code to the contrary, a Class A retail licensee or Class B retail licensee may, with the written approval of the commissioner, conduct a nonintoxicating beer sampling event on a designated nonintoxicating beer sampling day.

(b) At least five business days prior to the nonintoxicating beer sampling, the Class A retail licensee or Class B retail licensee shall submit a written proposal to the commissioner requesting to hold a nonintoxicating beer sampling event, including:

(1) The day of the event;

(2) The location of the event;

(3) The times for the event;

(4) The names of up to three specific brands, types, and flavors, if any, of the nonintoxicating beer to be sampled; and

(5) A statement indicating that all the nonintoxicating beer brands have been registered and approved for sale in the state by the commissioner.

(c) Upon approval by the commissioner, a Class A retail licensee or Class B retail licensee may serve the complimentary nonintoxicating beer samples of the approved brands, types, and flavors that are purchased by the Class A retail licensee or Class B retail licensee, with all taxes paid, from its inventory.

(d) The complimentary nonintoxicating beer sample on any nonintoxicating beer sampling day shall not exceed:

(1) ~~One~~ Three separate and individual sample servings per brand, type, and flavor per customer verified to be 21 years of age or older; and

(2) ~~Two~~ Four ounces in total volume per brand, type, and flavor.

(e) Servers at the nonintoxicating beer sampling event shall:

(1) Be employees of the Class A retail licensee or Class B retail licensee;

(2) Be at least 21 years of age or older; and

(3) Have specific knowledge of the nonintoxicating beer being sampled to convey to the customer.

(f) All servers at the nonintoxicating beer sampling event shall verify the age of the customer sampling nonintoxicating beer by requiring and reviewing proper forms of identification. Servers at the nonintoxicating beer event may not serve any person who is:

(1) Under the age of 21 years; or

(2) Intoxicated.

(g) A nonintoxicating beer sampling event shall:

(1) Occur only inside the Class A retail licensee's or Class B retail licensee's licensed premises; and

(2) Cease on or before 9:00 p.m. on any approved nonintoxicating beer sampling day.

(h) Any nonintoxicating beer bottle or can used for sampling must be from the inventory of the licensee, and clearly and conspicuously labeled 'SAMPLE, NOT FOR RESALE'. If the seal is broken on any nonintoxicating beer bottle or can, or if any nonintoxicating beer bottle or can is opened, then that nonintoxicating beer bottle or can must be removed from the licensed premises immediately following the event.

(i) Violations of this section are subject to the civil and criminal penalties set forth in §11-16-18, §11-16-19, §11-16-20, §11-16-22, §11-16-23, §11-16-24 and §11-16-25 of this code.

(j) To implement the provisions of this section, the commissioner may promulgate emergency rules pursuant to the provisions of §29a-3-1 of this code or propose rules for legislative approval in accordance with the provisions of §29a -3-1 *et seq.* of this code.

CHAPTER 60. STATE CONTROL OF ALCOHOLIC LIQUORS.

ARTICLE 3A. SALES BY RETAIL LIQUOR LICENSEES

§60-3A-3a. Liquor sampling.

(a) Notwithstanding any provision of this code to the contrary, a Class A retail licensee or Class B retail licensee may conduct a liquor sampling event on a designated sampling day.

(b) At least five business days prior to the liquor sampling, the Class A retail licensee or Class B retail licensee shall submit a written proposal to the commissioner informing the Commissioner that the Class A licensee or Class B retail licensee will hold a liquor sampling event, including:

(1) The day of the event;

(2) The location of the event;

(3) The times for the event; and

(4) The specific brand and flavor of the West Virginia product to be sampled.

(c) Upon approval by the commissioner, a Class A retail licensee or Class B retail licensee may serve a complimentary liquor sample of the approved brand and flavor of the West Virginia product that is purchased by the Class A retail licensee, Class B retail licensee, or from the commissioner. Alternatively, a licensed representative may purchase a sealed bottle of West Virginia product at retail in West Virginia from the Class A retail licensee or Class B retail licensee for use at the licensee's liquor sampling event on an approved sampling day. The licensed representative must submit a promotions form and receive approval prior to purchasing and furnishing a sealed bottle of West Virginia product at retail in West Virginia for a Class A retail licensee or Class B retail licensee. The licensed representative may, upon approval of the licensee, serve the complimentary samples subject to the requirements of this section. Any licensed representative that participates in purchasing sealed bottles of West Virginia product for licensees must make this same or equivalent sampling opportunity available to any Class A retail licensee or Class B retail licensee upon request by the licensee.

(d) The complimentary liquor samples on any sampling day shall not exceed:

(1) ~~Three~~ four separate and individual half ounce samples ~~serving~~ per customer verified to be 21 years of age or older; ~~and~~ totaling not more than two ounces of liquor.

(2) ~~One and one-half ounces in total volume.~~ Samples may be mixed with each other or with non-alcoholic liquids as long as the total amount of the liquor sampled does not exceed ~~one and one-half~~ two ounces.

(e) Servers at the liquor sampling event shall:

(1) Be employees of the Class A retail licensee,or Class B retail licensee; and

(2) Be at least 21 years of age or older.

(f) All servers at the liquor sampling event shall verify the age of the customer sampling liquor by requiring and reviewing proper forms of identification. Servers at the liquor sampling event may not serve any person who is:

(1) Under the age of 21 years;

(2) Intoxicated.

(g) A liquor sampling event shall:

(1) Occur only inside the Class A retail licensee's licensed premises or Class B retail licensee's restricted area on the licensed premises; and

(2) Cease on or before 9:00 p.m. on any approved sampling day.

(h) Any liquor bottle used for sampling must be from the inventory of the licensee, and clearly and conspicuously labeled 'SAMPLE, NOT FOR RESALE'. If the seal is broken on any liquor bottle or if any liquor bottle is opened, then that liquor bottle must be removed from the licensed premises immediately following the event.

(i) Violations of this section are subject to the civil and criminal penalties set forth in §60-3A-24, §60-3A-25a, §60-3A-26, and §60-3A-27 of this code;

ARTICLE 4. LICENSES.

§60-4-3a. Distillery, mini-distillery, and micro-distillery license to manufacture and sell.

(a) Sales of liquor. — An operator of a distillery, mini-distillery, or micro-distillery may offer liquor for retail sale to customers from the distillery, mini-distillery, or micro-distillery for consumption off-premises only. Except for ~~complimentary~~ samples offered pursuant to §60-6-1 of this code, customers may not consume any liquor on the premises of the distillery, mini-distillery, or micro-distillery, ~~and~~ except for a distillery, mini-distillery, or micro-distillery that obtains a private manufacturer club license set forth in §60-7-1 *et seq.* of this code, and a Class A retail dealer license set forth in §11-16-1 *et seq.* of the code: *Provided*, That a licensed distillery, mini-distillery, or micro-distillery may offer ~~complimentary~~ samples of alcoholic liquors as authorized by this subsection when alcoholic liquors are manufactured by that licensed distillery, mini-distillery, or micro-distillery for consumption on the licensed premises. Notwithstanding any other provision of law to the contrary, a licensed distillery, mini-distillery, or micro-distillery may sell, furnish, and serve alcoholic liquors when licensed accordingly beginning at 6:00 a.m. unless otherwise determined by the residents of the county pursuant to §7-1-3ss of this code.

(b) Retail on-premises and off-premises consumption sales. — Every licensed distillery, mini-distillery, or micro-distillery shall comply with the provisions of §60-3A-9, §60-3A-11, §60-3A-13, §60-3A-16, §60-3A-17, §60-3A-18, §60-3A-19, §60-3A-22, §60-3A-23, §60-3A-24, §60-3A-25, and §60-3A-26 of this code, and the provisions of §60-3-1 *et seq.*, ~~and~~ §60-4-1 *et seq.*, and §60-7-1 *et seq.* of this code, applicable to liquor retailers, and distillers. In the interest of promoting tourism throughout the state, every licensed distillery, mini-distillery, or micro-distillery manufacturing liquor in this state is authorized, with a limited off-site retail privilege at private ~~fair~~ fairs and festivals, for on-premises consumption sales served by the drink or glass, off-premises consumption sales by the bottle of only the licensed distillery, mini-distillery, or micro-distillery's sealed liquor. At least five days prior to an approved private fair and festival, an authorized distillery, mini-distillery, or micro-distillery shall provide a copy of a written agreement to sell only liquor manufactured by the licensed distillery, mini-distillery, or micro-distillery at the private fair and festival's licensed premises. If approved, an authorized distillery, mini-distillery, or micro-distillery may conduct on-premises and off-premises consumption sales of ~~their~~ its liquor from a designated booth at the private fair and festival as set forth in §60-7-8a of this code. All authorized and approved distilleries, mini-distilleries, and micro-distilleries' off-premises consumption sales shall comply with all retail requirements in §60-3A-1 *et seq.* of this code, and specifically §60-3A-17 of this code with respect to all markups, taxes, and fees and also all retail requirements of §60-

7-1 *et seq.* of this code when applicable. Additionally, every authorized distillery, mini-distillery, and micro-distillery may provide ~~complimentary~~ samples to patrons who are 21 years of age and older and who are not intoxicated. The ~~complimentary~~ liquor samples of the licensed distillery, mini-distillery, or micro-distillery's product on any sampling day shall not exceed:

(1) Three separate and individual ~~samples~~ sample servings per customer verified to be 21 years of age or older; and

(2) ~~One and one-half~~ Six ounces in total volume. Samples may be mixed with each other or with non-alcoholic liquids as long as the total amount of the liquor sampled does not exceed ~~one and one-half~~ six ounces.

(c) Payment of taxes and fees. — The distillery, mini-distillery, or micro-distillery shall pay all taxes and fees required of licensed retailers and meet applicable licensing provisions as required by this chapter and by rule of the commissioner, except for payments of the wholesale markup percentage and the handling fee provided by rule of the commissioner: *Provided*, That all liquor for sale to customers from the distillery, mini-distillery, or micro-distillery for off-premises consumption is subject of a five percent wholesale markup fee and an 80 cents per case bailment fee to be paid to the commissioner: *Provided, however*, That liquor sold by the distillery, mini-distillery, or micro-distillery shall not be priced less than the price set by the commissioner pursuant §60-3A-17 of this code.

(d) Payments to market zone retailers. — Each distillery, mini-distillery, or micro-distillery shall submit to the commissioner two percent of the gross sales price of each retail liquor sale for the value of all sales at the distillery, mini-distillery, or micro-distillery each month. Any sales by a distillery, mini-distillery, or micro-distillery at a private fair and festival are treated as occurring on their licensed premises for purposes of this market zone calculation. This collection shall be distributed by the commissioner, at least quarterly, to each market zone retailer located in the distillery, mini-distillery, or micro-distillery's market zone, proportionate to each market zone retailer's annual gross prior years pretax value sales. The maximum amount of market zone payments that a distillery, mini-distillery, or micro-distillery shall submit to the commissioner is $15,000 per annum.

(e) Limitations on licensees. — A distillery, mini-distillery, or micro-distillery may not produce more than 50,000 gallons per calendar year. The commissioner may issue more than one distillery, mini-distillery, or micro-distillery license to a single person or entity and a person may hold both a distillery and a mini-distillery license. The owners of a licensed distillery, mini-distillery, or micro-distillery may operate a winery, farm winery, brewery, or as a resident brewer as otherwise specified in the code.

(f) Building code and tax classification. — Notwithstanding any provision of this code to the contrary, the mere addition of a distillery, mini-distillery, or micro-distillery licensed under this article on a property does not change the nature or use of the property which otherwise qualifies as agricultural use for building code and property tax classification purposes.

(g) A political subdivision of this state may not regulate any of the following activities of a distillery, mini-distillery, or micro-distillery licensed and operating in accordance with this section:

(1) The on-premises sale, tasting, or consumption of liquor during business hours set forth in §60-7-12 of this code;

(2) The storage, warehousing, and wholesaling of liquor in accordance with the rules of the commissioner and federal law or regulations; or

(3) The sale of liquor related items including but not limited to the sale of pre-packaged food not requiring kitchen preparation that are incidental to the sale of liquor and on-premises consumption.

§60-4-3b. Winery and farm winery license to manufacture and sell.

(a) An operator of a winery or farm winery may offer wine produced by the winery, farm winery, or a farm entity authorized by §60-1-5c of this code, for retail sale to customers from the winery or farm winery for consumption on-premises or ~~off the~~ off-premises ~~only~~. Customers may consume wine ~~on the~~ on-premises by the glass or drink or by the bottle when consumed by the glass when an operator of a winery or farm winery offers ~~complimentary~~ samples pursuant to this section and §60-6-1 of this code, and when the winery or farm winery is licensed as a private wine restaurant, or the winery or farm winery is licensed as a private manufacturer club. Customers may not consume any wine on the licensed premises of the winery, farm winery, or a farm entity authorized by §60-1-5c of this code, unless the winery, farm winery, or farm entity has obtained a multi-capacity winery or farm winery license: *Provided*, That under this subsection, a licensed winery or farm winery may offer ~~complimentary~~ samples of wine manufactured by that licensed winery or farm winery for consumption ~~on the~~ on-premises ~~only on Sundays beginning at 6:00 a.m. in any county in which the same has been approved as provided in §7-1-3ss~~ during the hours of operation set forth in §60-8-34 of this code. Notwithstanding any other provision of law to the contrary, a licensed winery or farm winery may sell, serve, and furnish wine, for on-premises consumption when licensed accordingly~~, beginning at 6:00 a.m., and for off-premises consumption beginning at 6:00 a.m. on any day of the week,~~ during the hours of operation set forth in §60-8-34 of this code unless otherwise determined by the residents of the county pursuant to §7-1-3ss of this code.

(b) Restriction by a political subdivision upon activities and events of farm wineries licensed in accordance with §60-4-3b of the code, to market and sell their products shall be reasonable and shall take into account the economic impact on the farm winery of such restriction, the agricultural nature of such activities and events, and whether such activities and events are usual and customary for farm wineries throughout the state of West Virginia and adjacent states. Usual and customary activities and events at farm wineries shall be permitted without local regulation unless there is a substantial impact on the health, safety, or welfare of the public. No local ordinance regulating noise, other than outdoor amplified music, arising from activities and events at farm wineries shall be more restrictive than that in the general noise ordinance. In authorizing outdoor amplified music at a farm winery, the political subdivision shall consider the effect on adjacent property owners and nearby residents.

~~(b)~~ (c) A political subdivision may not regulate any of the following activities of a farm winery licensed and operating in accordance with this section:

(1) The production and harvesting of fruit and other agricultural products and the manufacturing of wine;

(2) The on-premises sale, tasting, or consumption of wine during business hours set forth in §60-8-34 of this code;

(3) The direct sale and shipment of wine by common carrier to consumers in accordance with the requirements of §60-8-6 and §60-8-6a of this code and the rules of the West Virginia Alcohol Beverage Control Commissioner;

(4) The storage, warehousing, and wholesaling of wine in accordance with the rules of the West Virginia and federal law or regulations; or

(5) The sale of wine-related items, including, but not limited, to the sale of pre-packaged food not requiring kitchen preparation, that are incidental to the sale of wine and on-premises consumption.

(6) To serve and sell wine by the glass or drink and by the bottle when consumed by the glass for consumption on- premises consumption, without the requirement to serve prepared food with the wine or application of any local health department limitations for food service in the area in which the wine is served.

(d) No political subdivision may treat private personal gatherings held by the owner of a licensed farm winery who resides at the farm winery or on property adjacent thereto that is owned or controlled by such owner at which gatherings wine is not sold or marketed and for which no consideration is received by the farm winery or its agents differently from private personal gatherings by other citizens.

~~(b) Complimentary samples~~ (e) Samples allowed by the provisions of this section may not exceed ~~two~~ three fluid ounces and no more than ~~three~~ six samples may be given to a patron in any one day.

~~(c)Complimentary samples~~ (f) Samples may be provided only for on-premises consumption.

~~(d)~~ (g) A winery, farm winery, or farm entity, pursuant to §60-1-5c of this code, may offer for retail sale from ~~their~~ its licensed premises sealed original container bottles of wine for off-premises consumption ~~only~~.

~~(e)~~ (h) A winery, farm winery, or farm entity licensed pursuant to §60-1-5c of this code, holding a multi-capacity license and a private wine restaurant license or private manufacturer club license may offer for sale wine by the drink or glass ~~in a private wine restaurant located~~ or wine by the bottle when consumed by the glass on the property of the winery, farm winery, or farm entity licensed pursuant to §60-1-5c of this code.

~~(f)~~ (i) Every licensed winery or farm winery shall comply with the provisions of §60-3-1 *et seq.*, §60-4-1 *et seq.*, and §60-8-1 *et seq.* of this code as applicable to wine retailers, wineries, and suppliers when properly licensed in such capacities.

~~(g)~~ (j) (1) The winery or farm winery shall pay all taxes and fees required of licensed wine retailers and meet applicable licensing provisions as required by this chapter and by rules promulgated by the commissioner.

(2) Each winery or farm winery acting as its own supplier shall submit to the Tax Commissioner the liter tax for all sales at the winery or farm winery each month, as provided in §60-8-1 *et seq.* of this code.

(3) The five percent wine excise tax, levied pursuant to §60-3-9d of this code, or pursuant to §8-13-7 of this code, may not be imposed or collected on purchases of wine in the original sealed package for the purpose of resale in the original sealed package, if the final purchase of the wine is subject to the excise tax or if the purchase is delivered outside this state.

(4) A liter tax shall not be collected on wine sold in the original sealed package for the purpose of resale in the original sealed package if a subsequent sale of the wine is subject to the liter tax.

(5) This section shall not be interpreted to authorize a purchase for resale exemption in contravention of §11-15-9a of this code.

~~(h)~~ (k) A winery or farm winery may advertise a particular brand or brands of wine produced by it. The price of the wine is subject to federal requirements or restrictions.

~~(i)~~ (l) A winery or farm winery shall maintain separate winery or farm winery supplier, retailer, and direct shipper licenses when acting in one or more of those capacities and shall pay all associated license fees, unless the winery or farm winery holds a license issued pursuant to the provisions of §60-8-3(b)(12) of this code. A winery or farm winery, if holding the appropriate licenses or a multi-capacity winery or farm winery license, may act as its own supplier; retailer for off-premises consumption of its wine as specified in §60-6-2 of this code; private wine restaurant; ~~and~~ or direct shipper for wine produced by the winery or farm winery. A winery or farm winery that has applied, paid all fees, and met all requirements may obtain a private manufacturer club license subject to the requirements of §60-7-1 *et seq.* of this code, and a Class A retail dealer license subject to the requirements of §11-16-1 *et seq.* of this code. All wineries shall use a distributor to distribute and sell their wine in the state, except for farm wineries. Wineries or farm wineries may enter into alternating wine proprietorship agreements, pursuant to §60-1-5c of this code.

~~(j)~~ (m) The owners of a licensed winery or farm winery may operate a distillery, mini-distillery, or micro-distillery, brewery, or as a resident brewer, as otherwise specified in the code.

~~(k)~~ (n) For purposes of this section, terms have the same meaning as provided in §8-13-7 of this code.

~~(l)~~ (o) Building code and tax classification. — Notwithstanding any provision of this code to the contrary, the mere addition of a winery or farm winery licensed under this article on a property does not change the nature or use of the property which otherwise qualifies as agricultural use for building code and property tax classification purposes.

~~(m)~~ (p) In the interest of promoting tourism throughout the state, every licensed winery or farm winery manufacturing wine in this state is authorized, with a limited off-site retail privilege at private ~~fair~~ fairs and festivals, for on-premises consumption sales and off-premises consumption sales of only the winery or farm winery's ~~sealed~~ wine. At least five days prior to an approved private fair and festival, an authorized winery or farm winery shall provide a copy of a written agreement to sell only wine manufactured by the licensed winery or farm winery at the private fair and festival's licensed premises. If approved, an authorized licensed winery or farm winery may conduct on-premises and off-premises consumption sales of ~~their~~ its wine from a designated booth at the private fair and festival as set forth in §60-7-8a of this code. All authorized and approved wineries and farm wineries' on-premises and off-premises consumption sales shall comply with all retail requirements in §60-8-1 *et seq.* of this code, and specifically with respect to all markups, taxes, and fees. Additionally, an authorized winery, farm winery, or unlicensed winery, as referenced in §60-8-3 of this code ~~or~~ may provide, sell, and serve ~~complimentary~~ wine

samples of its wine in the amounts set forth in subsection (b) of this section, wine by the glass or drink, or ~~drinks~~ wine by the bottle, ~~or~~ when consumed by the glass, for on-premises consumption to patrons who are 21 years of age and older and who are not intoxicated ~~in the amounts set forth in subsection (b)~~.

(q) Farm Wineries. – A farm winery is permitted to serve and sell wine as authorized by this section without the requirement to serve prepared food or the application of any local health department requirements for food service. Prior to the sale, the licensee shall verify, using proper identification, that any patron purchasing wine is 21 years of age or over and that the patron is not visibly intoxicated.

(r) All Farm Wineries may serve and sell wine at any fair or festival in the state of West Virginia consistent with the requirements of §60-8-3 and §60-8-8 of this code.

ARTICLE 6. MISCELLANEOUS PROVISIONS.

§60-6-1. When lawful to possess, use or serve alcoholic liquors.

The provisions of this chapter may not prevent:

(1) A person from keeping and possessing alcoholic liquors in his or her residence for the personal use of himself or herself, his or her family, his or her employee, or his or her guests if the alcoholic liquors have been lawfully acquired by him or her;

(2) A person, his or her family, or employee from giving or serving such alcoholic liquors to guests in the residence, when the gift or service is not for the purpose of evading the provisions of this chapter;

(3) The holder of a winery or a farm winery license from serving ~~complimentary~~ samples of its wine ~~in moderate quantities for tasting~~ on the winery or the farm winery premises; and

(4) The holder of a distillery, mini-distillery, or a micro-distillery license from serving ~~complimentary~~ samples of its alcoholic liquor ~~in moderate quantities for tasting~~ on the distillery, mini-distillery, or micro-distillery premises.

ARTICLE 7. LICENSES TO PRIVATE CLUBS.

§60-7-2. Definitions; authorizations; requirements for certain licenses.

Unless the context in which used clearly requires a different meaning, as used in this article:

(1) ‘Applicant’ means a private club applying for a license under the provisions of this article.

(2) ‘Code’ means the official Code of West Virginia, 1931, as amended.

(3) ‘Commissioner’ means the West Virginia Alcohol Beverage Control Commissioner.

(4) ‘Licensee’ means the holder of a license to operate a private club granted under this article, which remains unexpired, unsuspended, and unrevoked.

(5) ‘Private club’ means any corporation or unincorporated association which either:

(A) Belongs to or is affiliated with a nationally recognized fraternal or veterans' organization which is operated exclusively for the benefit of its members, which pays no part of its income to its shareholders or individual members, which owns or leases a building or other premises to which ~~club~~ are admitted only duly-elected or approved dues-paying members in good standing of the corporation or association and their guests while in the company of a member and to which club the general public is not admitted, and which maintains in the building or on the premises a suitable kitchen and dining facility with related equipment for serving food to members and their guests;

(B) Is a nonprofit social club, which is operated exclusively for the benefit of its members, which pays no part of its income to its shareholders or individual members, which owns or leases a building or other premises to which ~~club~~ are admitted only duly-elected or approved dues-paying members in good standing of the corporation or association and their guests while in the company of a member and to which club the general public is not admitted, and which maintains in the building or on the premises a suitable kitchen and dining facility with related equipment for serving food to members and their guests;

(C) Is organized and operated for legitimate purposes which has at least 100 duly- elected or approved dues-paying members in good standing, which owns or leases a building or other premises, including any vessel licensed or approved by any federal agency to carry or accommodate passengers on navigable waters of this state, to which ~~club~~ are admitted only duly-elected or approved dues-paying members in good standing of the corporation or association and their guests while in the company of a member and to which ~~club~~ the general public is not admitted, and which club maintains in the building or on the premises a suitable kitchen and dining facility with related equipment and employs a sufficient number of persons for serving meals to members and their guests; or

(D) Is organized for legitimate purposes and owns or leases a building or other delimited premises in any state, county, or municipal park, or at any airport, in which ~~building or premises~~ a club has been established, to which ~~club~~ are admitted only duly-elected and approved dues-paying members in good standing and their guests while in the company of a member and to which the general public is not admitted, and which maintains in connection with the club a suitable kitchen and dining facility and related equipment and employs a sufficient number of persons for serving meals in the club to the members and their guests.

(6) 'Private bakery' means an applicant for a private club or licensed private club license that has a primary function of operating a food preparation business that produces baked goods, including brownies, cookies, cupcakes, confections, muffins, breads, cakes, wedding cakes, and other baked goods where the applicant or licensee desires to sell baked goods infused with liquor, wine, or nonintoxicating beer or nonintoxicating craft beer, ~~either:~~ included: (A) In the icing, syrup, drizzle, or some other topping; (B) as an infusion where the alcohol is not processed or cooked out of the baked goods; or (C) ~~the alcohol can be added by the purchaser~~ from an infusion packet containing alcohol no greater than 10 milliliters where the purchaser adds the alcohol. This applicant or licensee may not sell liquor, wine, or nonintoxicating beer or nonintoxicating craft beer for ~~on~~ on-premises or off-premises consumption. The applicant or licensee may sell the baked goods with alcohol added as authorized for on-premises and off-premises consumption. Further, the applicant or licensee shall:

(i) Have at least 50 members;

(ii) Operate a kitchen that produces baked goods, as specified in this subdivision, including at least: (I) A baking oven and a four-burner range or hot plate; (II) a sink with hot and cold running water; (III) a 17 cubic foot refrigerator or freezer, or some combination of a refrigerator and freezer which is not used for alcohol cold storage; (IV) baking utensils and pans, kitchen utensils, and other food consumption apparatus as determined by the commissioner; and (V) food fit for human consumption available to be served during all hours of operation on the licensed premises;

(iii) Maintain, at any one time, a food inventory capable of being prepared in the private bakery's kitchen. In calculating the food inventory, the commissioner shall include television dinners, bags of chips or similar products, microwavable food or meals, frozen meals, pre-packaged foods, baking items such as flour, sugar, icing, and other confectionary items, or canned prepared foods;

(iv) Use an age verification system approved by the commissioner for the purpose of verifying that persons under the age of 21 who are in the private bakery are not sold items containing alcoholic liquors, nonintoxicating beer or nonintoxicating craft beer, or wine. A person under 21 years of age may enter the shop and purchase other items not containing alcoholic liquors; and

(v) Meet and be subject to all other private club requirements.

(7) 'Private cigar shop' means an applicant for a private club or licensed private club licensee that has a primary function of operating a cigar shop for sales of premium cigars for consumption on or off the licensed premises. Where permitted by law, indoor on-premises cigar consumption is permitted with a limited food menu, which may be met by using a private caterer, for members and guests while the private club applicant or licensee is selling and serving liquor, wine, or nonintoxicating beer or nonintoxicating craft beer for on-premises consumption. Further, the applicant or licensee ~~shal~~ shall:

(A) Have at least 50 members;

(B) Operate a cigar shop and bar with a kitchen, including at least: (i) A two-burner hot plate, air fryer, or microwave oven; (ii) a sink with hot and cold running water; (iii) a 17 cubic foot refrigerator or freezer, or some combination of a refrigerator and freezer which is not used for alcohol cold storage; (iv) kitchen utensils and other food consumption apparatus as determined by the commissioner; and (v) food fit for human consumption available to be served during all hours of operation on the licensed premises;

(C) Maintain, at any one time, not less than a food inventory capable of being prepared in the private club bar's kitchen or have on hand at least $150 in food provided by a private caterer. In calculating the food inventory, the commissioner shall include television dinners, bags of chips or similar products, microwavable food or meals, frozen meals, pre-packaged foods, or canned prepared foods;

(D) Use an age verification system approved by the commissioner for the purpose of verifying that persons under the age of 21 who are in the private club bar are accompanied by a parent or legal guardian, and if a person under 21 years of age is not accompanied by a parent or legal guardian, that person may not be admitted as a guest; and

(E) Meet and is subject to all other private club requirements.

(8) 'Private caterer' means a licensed private club restaurant, private hotel, or private resort hotel authorized by the commissioner to cater and serve food and sell and serve alcoholic liquors, or non-intoxicating beer or non-intoxicating craft beer. A private caterer shall purchase wine sold or served at a catering event from a wine distributor. A private caterer shall purchase nonintoxicating beer and nonintoxicating craft beer sold or served at the catering event from a licensed beer distributor. A private caterer shall purchase liquor from a retail liquor outlet authorized to sell in the market zone, where the catering event is held. The private caterer or the persons or entity holding the catering event shall:

(A) Have at least 10 members and guests attending the catering event;

(B) Have obtained an open container waiver or have otherwise been approved by a municipality or county in which the event is being held;

(C) Operate a private club restaurant on a daily operating basis;

(D) Only use its employees, independent contractors, or volunteers to sell and serve alcoholic liquors and nonintoxicating beer or nonintoxicating craft beer who have received certified training in verifying the legal identification, the age of a purchasing person, and the signs of visible, noticeable, and physical intoxication;

(E) Provide to the commissioner, at least seven days before the event is to take place:

(i) The name and business address of the unlicensed private venue where the private caterer is to provide food and alcohol for a catering event;

(ii) The name of the owner or operator of the unlicensed private venue;

(iii) A copy of the contract or contracts between the private caterer, the person contracting with the caterer, and the unlicensed private venue;

(iv) A floorplan of the unlicensed private venue to comprise the private catering premises, which shall only include spaces in buildings or rooms of an unlicensed private venue where the private caterer has control of the space for a set time period and where the space safely accounts for the ingress and egress of the stated members and guests who will be attending the private catering event at the catering premises. The unlicensed private venue's floorplan during the set time period as stated in the contract shall comprise the private caterer's licensed premises, which is authorized for the lawful sale, service, and consumption of alcoholic liquors, nonintoxicating beer and nonintoxicating craft beer, and wine throughout the licensed private catering premises: *Provided*, That the unlicensed private venue shall: (I) Be inside a building or structure; (II) have other facilities to prepare and serve food and alcohol; (III) have adequate restrooms and sufficient building facilities for the number of members and guests expected to attend the private catering event; and (IV) otherwise be in compliance with health, fire, safety, and zoning requirements;

(F) Not hold more than 15 private catering events per calendar year. Upon reaching the 16th event, the unlicensed venue shall obtain its own private club license;

(G) Submit to the commissioner, evidence that any noncontiguous area of an unlicensed venue is within 150 feet of the private caterer's submitted floorplan and may submit a floorplan extension for authorization to permit alcohol and food at an outdoor event;

(H) Meet and be subject to all other private club requirements; and

(I) Use an age verification system approved by the commissioner.

(9) 'Private club bar' means an applicant for a private club or licensed private club licensee that has a primary function for the use of the licensed premises as a bar for the sale and consumption of alcoholic liquors and nonintoxicating beer or nonintoxicating craft beer and wine when licensed for those sales, while providing a limited food menu for members and guests, and meeting the criteria set forth in this subdivision which:

(A) Has at least 100 members;

(B) Operates a bar with a kitchen, including at least: (i) A two-burner hot plate, air fryer, or microwave oven; (ii) a sink with hot and cold running water; (iii) a 17 cubic foot refrigerator or freezer, or some combination of a refrigerator and freezer which is not used for alcohol cold storage; (iv) kitchen utensils and other food consumption apparatus as determined by the commissioner; and (v) food fit for human consumption available to be served during all hours of operation on the licensed premises;

(C) Maintains, at any one time, a food inventory capable of being prepared in the private club bar's kitchen. In calculating the food inventory, the commissioner shall include television dinners, bags of chips or similar products, microwavable food or meals, frozen meals, prepackaged foods, or canned prepared foods;

(D) Uses an age verification system approved by the commissioner for the purpose of verifying that persons under the age of 18 who are in the private club bar are accompanied by a parent or legal guardian. If a person under 18 years of age is not accompanied by a parent or legal guardian that person may not be admitted as a guest; and

(E) Meets and is subject to all other private club requirements.

(10) 'Private food truck' means an applicant for a private club, licensed private club licensee, or licensed private manufacturer's club licensee that has a primary function of operating a food preparation business using an industrial truck, van, or trailer to prepare food and meals for sale at various locations within the state while using a propane or electric generator powered kitchen. The private food truck applicant shall obtain county or municipal approval to operate for food and liquor, wine, hard cider, and nonintoxicating beer or nonintoxicating craft beer sales and service, while providing a food menu for members and guests. The private food truck applicant shall:

(A) Have at least 10 members;

(B) Operate with a kitchen, including at least: (i) A two-burner hot plate, air fryer, or microwave oven; (ii) a sink with hot and cold running water; (iii) at least a 10 cubic foot refrigerator or freezer, or some combination of a refrigerator and freezer which is not used for alcohol cold storage; and (iv) plastic or metal kitchen utensils and other food consumption apparatus as determined by the commissioner;

(C) Maintain, at any one time, not less than $200 of food inventory that is fit for human consumption and capable of being prepared and served from the private food truck's kitchen during all hours of operation;

(D) Is sponsored, endorsed, or approved by the governing body or its designee of the county or municipality in which the private food truck is to be located and operated. Each location shall have a bounded and defined area and set hours for private food truck operations, sales, and consumption of alcohol that are not greater than a private club's hours of operation;

(E) Provide the commissioner with a list of all locations, including a main business location, where the private food truck operates, and is approved for sales pursuant to ~~subsection~~ paragraph (D) of this section, and immediately update the commissioner when new locations are approved by a county or municipality;

(F) Require all nonintoxicating beer and nonintoxicating craft beer sold, furnished, tendered, or served pursuant to the license created by this section to be purchased from the licensed distributor where the private food truck has its home location or from a resident brewer acting in a limited capacity as a distributor, all in accordance with §11-16-1 *et seq.* of this code.

(G) Require wine or hard cider sold, furnished, tendered, or served pursuant to the license created by this section to be purchased from a licensed distributor, winery, or farm winery in accordance with §60-8-1 *et seq.* of this code.

(H) Require liquor sold, furnished, tendered, or served pursuant to the license created by this section shall be purchased from a licensed retail liquor outlet in the market zone or contiguous market zone where the private food truck has its main business location, all in accordance with §60-3A-1 *et seq.* of this code.

(I) A licensee authorized by this section shall use bona fide employees to sell, furnish, tender, or serve the nonintoxicating beer or nonintoxicating craft beer, wine, or liquor.

(J) A brewer, resident brewer, winery, farm winery, distillery, mini-distillery, or micro-distillery may obtain a private food truck license;

(K) Licensed representatives of a brewer, resident brewer, beer distributor, wine distributor, wine supplier, winery, farm winery, distillery, mini-distillery, micro-distillery, and liquor broker representatives may attend a location where a private food truck is located and discuss their respective products but may not engage in the selling, furnishing, tendering, or serving of any nonintoxicating beer or nonintoxicating craft beer, wine, or liquor.

(L) Use an age verification system approved by the commissioner for the purpose of verifying that persons under the age of 21 who are in the private club bar are not permitted to be served any alcoholic liquors, nonintoxicating beer or nonintoxicating craft beer, or wine but may be permitted to purchase food or other items;

(M) Obtain all permits required by §60-6-12 of this code; and

(N) Meet and be subject to all other applicable private club requirements.

(11) 'Private club restaurant' means an applicant for a private club or licensed private club licensee that has a primary function of using the licensed premises as a restaurant for serving freshly prepared meals and dining in the restaurant area. The private club restaurant may have a bar area separate from or commingled ~~with~~ within the restaurant where seating requirements for members and guests ~~shall be~~ are met by including the restaurant area. The applicant for a private club restaurant license is an applicant which:

(A) Has at least 100 members;

(B) Operate a restaurant and full kitchen with at least: (i) Ovens and four-burner ranges; (ii) refrigerators or freezers, or some combination of refrigerators and freezers greater than 50 cubic feet, or a walk-in refrigerator or freezer; (iii) other kitchen utensils and apparatus as determined by the commissioner; and (iv) freshly prepared food fit for human consumption available to be served during all hours of operation on the licensed premises;

(C) Maintains, at any one time, fresh food capable of being prepared in the private club restaurant's full kitchen. In calculating the food inventory, the commissioner may not include television dinners, bags of chips or similar products, microwavable meals, frozen meals, pre-packaged foods, or canned prepared foods;

(D) Uses an age verification system approved by the commissioner for the purpose of verifying that persons under 18 years of age who are in the bar area of a private club restaurant are accompanied by a parent or legal guardian. The licensee may not seat a person in the bar area who is under the age of 18 years and who is not accompanied by a parent or legal guardian, but may allow that person, as a guest, to dine for food and nonalcoholic beverage purposes in the restaurant area of a private club restaurant:

(E) May uncork and serve members and guests up to two bottles of wine that a member purchased from a wine retailer, wine specialty shop, an applicable winery or farm winery when licensed for retail sales, or a licensed wine direct shipper when the purchase is for personal use and, not for resale. The licensee may charge a corkage fee of up to $10 dollars per bottle. In no event may a member or a group of members and guests exceed two sealed bottles or containers of wine to carry onto the licensed premises for uncorking and serving by the private club restaurant and for personal consumption by the member and guests. A member or guest may cork and reseal any unconsumed wine bottles as provided in §60-8-3 (j) of this code and the legislative rules for carrying unconsumed wine off the licensed premises;

(F) Has at least two restrooms for members and their guests: *Provided*, That this requirement may be waived by the local health department upon supplying a written waiver of the requirement to the commissioner: *Provided, however*, That the requirement may also be waived for a historic building by written waiver supplied to commissioner of the requirement from the historic association or district with jurisdiction over a historic building: *Provided, further* That in no event may a private club restaurant have less than one restroom; and

(G) Meets and is subject to all other private club requirements.

(12) ‘Private manufacturer club’ means an applicant for a private club or licensed private club licensee which is also licensed as a distillery, mini-distillery, micro-distillery, winery, farm winery, brewery, or resident brewery that manufacturers liquor, wine, nonintoxicating beer or nonintoxicating craft beer, which may be sold, served, and furnished to members and guests for on-premises consumption at the licensee's licensed premises and in the area or areas denoted on the licensee's floorplan, and which:

(A) Has at least 100 members;

(B) Offers tours, may offer ~~complimentary~~ samples, and may offer space as a conference center or for meetings;

(C) Operates a restaurant and full kitchen with ovens, four-burner ranges, a refrigerator, or freezer, or some combination of a refrigerator and freezer, and other kitchen utensils and apparatus as determined by the commissioner on the licensed premises and serves ~~freshly prepared~~ food ~~at least 15 hours per week~~: *Provided*, That a licensee required by the provisions of this code to serve food on premises in order to lawfully serve alcoholic liquors, ~~beer~~ nonintoxicating beer or nonintoxicating craft beer, wine, or hard cider may meet the requirement of having on-premises food preparation facilities by, during all hours alcoholic liquors, beer, wine, and hard cider are offered for sale or sampling, having on-site an operating food truck or other portable kitchen: *Provided, however*, That the approval of the commissioner and the appropriate health department is required to operate as allowed by subsection (a) of this section;

(D) Maintains, at any one time fresh food capable of being prepared in the private manufacturer club's full kitchen. In calculating the food inventory, the commissioner may ~~not~~ include television dinners, bags of chips or similar products, microwavable meals, frozen meals, pre-packaged foods, or canned prepared foods;

(E) Owns or leases, controls, operates, and uses space which is contiguous, bounded, or fenced real property sufficient to safely operate the licensed premises that would be listed on the licensee's floorplan and may be used for large events such as weddings, reunions, conferences, meetings, and sporting or recreational events;

(F) Lists the entire property from paragraph (E) of this subdivision and all adjoining buildings and structures on the private manufacturer club's floorplan that would comprise the licensed premises, which would be authorized for the lawful sale, service, and consumption of alcoholic liquors, nonintoxicating beer or nonintoxicating craft beer, and wine throughout the licensed premises, whether these activities were conducted in a building or structure or outdoors while on the private manufacturer club's licensed premises, and as noted on the private manufacturer club's floorplan;

(G) Identifies a person, persons, an entity, or entities who or which have the right, title, and ownership or lease interest in the real property, buildings, and structures located on the proposed licensed premises;

(H) Uses an age verification system approved by the commissioner; and

(I) Meets and is subject to all other private club requirements.

(13) ‘Private fair and festival’ means an applicant for a private club or a licensed private club licensee meeting the requirements of §60-7-8a of this code for a temporary event, and the criteria set forth in this subdivision which:

(A) Has at least 100 members;

(B) Has been sponsored, endorsed, or approved, in writing, by the governing body, or its duly elected or appointed officers, of either the municipality or of the county in which the festival, fair, or other event is to be conducted;

(C) Prepares, provides, or engages a food vendor to provide adequate freshly prepared food or meals to serve its stated members and guests who will be attending the temporary festival, fair, or other event, and further shall provide any documentation or agreements to the commissioner prior to approval;

(D) Does not use third-party entities or individuals to purchase, sell, furnish, or serve alcoholic liquors, nonintoxicating beer or nonintoxicating craft beer;

(E) Provides adequate restroom facilities, whether permanent or portable, to serve the stated members and guests who will be attending the festival, fair, or other event;

(F) Provides a floorplan for the proposed premises with a defined and bounded area to safely account for the ingress and egress of stated members and guests who will be attending the festival, fair, or other event;

(G) Uses an age verification system approved by the commissioner; and

(H) Meets and is subject to all other private club requirements.

(14) 'Private hotel' means an applicant for a private club or licensed private club licensee meeting the criteria set forth in this subsection which:

(A) Has at least 2,000 members;

(B) Offers short-term, daily rate accommodations or lodging for members and their guests amounting to at least 30 separate bedrooms, and also offers a conference center for meetings;

(C) Operates a restaurant and full kitchen with ovens, four-burner ranges, walk-in freezers, and other kitchen utensils and apparatus as determined by the commissioner on the licensed premises and serves freshly prepared food at least 20 hours per week;

(D) Maintains, at any one time, fresh food capable of being prepared in the private hotel's full kitchen. In calculating the food inventory, the commissioner may not include microwavable, frozen, or canned foods;

(E) Owns or leases, controls, operates, and uses acreage amounting to more than one acre but fewer than three acres, which are contiguous acres of bounded or fenced real property which would be listed on the licensee's floorplan and would be used for hotel and conferences and large contracted-for group-type events such as weddings, reunions, conferences, meetings, and sporting or recreational events;

(F) Lists the entire property from paragraph (E) of this subdivision and all adjoining buildings and structures on the private hotel's floorplan which would comprise the licensed premises, which would be authorized for the lawful sales, service, and consumption of alcoholic liquors and nonintoxicating beer or nonintoxicating craft beer throughout the licensed premises whether these activities were conducted in a building or structure or outdoors while on the private hotel's licensed premises and as noted on the private hotel's floorplan;

(G) Has an identified person, persons, or entity that has right, title, and ownership or lease interest in the real property buildings and structures located on the proposed licensed premises;

(H) Uses an age verification system approved by the commissioner;

(I) Meets and is subject to all other private club requirements; and

(J) May provide members and guests who are verified by proper form of identification to be 21 years of age or older to have secure access via key or key card to an in-room mini-bar in their rented short-term accommodation; the mini-bar may be a small refrigerator not in excess of 1.6 cubic feet for the sale of nonintoxicating beer or nonintoxicating craft beer, wine, hard cider, and liquor sold from the original sealed container, and the refrigerator may contain: (i) Any combination of 12 fluid ounce cans or bottles not exceeding 72 fluid ounces of nonintoxicating beer or nonintoxicating craft beer; (ii) any combination of cans or bottles of wine or hard cider not exceeding 750 ml of wine or hard cider; (iii) liquor in bottles sized from 50 ml, 100 ml, and 200 ml, with any combination of those liquor bottles not exceeding 750 ml; and (iv) any combination of canned or packaged food valued at least $50. All markups, fees, and taxes shall be charged on the sale of nonintoxicating beer, nonintoxicating craft beer, wine, liquor, and hard cider. All nonintoxicating beer or nonintoxicating craft beer available for sale shall be purchased from the licensed distributor in the area where licensed. All wine or hard cider available for sale shall be purchased from a licensed wine distributor or authorized farm winery. All liquor available for sale shall be purchased from the licensed retail liquor outlet in the market zone of the licensed premises. The mini-bar shall be checked daily and replenished as needed to benefit the member and guest.

(15) 'Private resort hotel' means an applicant for a private club or licensed private club licensee which:

(A) Has at least 5,000 members;

(B) Offers short term, daily rate accommodations or lodging for members and their guests amounting to at least 50 separate bedrooms;

(C) Operates a restaurant and full kitchen with ovens, six-burner ranges, walk-in freezers, and other kitchen utensils and apparatus as determined by the commissioner on the licensed premises and serves freshly prepared food at least 25 hours per week;

(D) Maintains, at any one time, fresh food capable of being prepared in the private resort hotel's full kitchen. In calculating the food inventory, the commissioner may not include microwavable, frozen, or canned foods;

(E) Owns or leases, controls, operates, and uses acreage amounting to at least 10 contiguous acres of bounded or fenced real property which would be listed on the licensee's floorplan and would be used for destination, resort, and large contracted-for group-type events such as weddings, reunions, conferences, meetings, and sporting or recreational events;

(F) Lists the entire property from paragraph (E) of this subdivision and all adjoining buildings and structures on the private resort hotel's floorplan comprising the licensed premises which would be authorized for the lawful sales, service, and consumption of alcoholic liquors and nonintoxicating beer or nonintoxicating craft beer throughout the licensed premises whether these activities were conducted in a building or structure or outdoors while on the private resort hotel's licensed premises;

(G) Has an identified person, persons, or entity that has right, title, and ownership or lease interest in the real property, buildings, and structures located on the proposed licensed premises;

(H) Uses an age verification system approved by the commissioner;

(I) Meets and is subject to all other private club requirements;

(J) May have a separately licensed resident brewer with a brewpub license inner-connected via a walkway, doorway, or entryway, all as determined and approved by the commissioner, for limited access during permitted hours of operation for tours and ~~complimentary~~ samples at the resident brewery; and

(K) May provide members and guests who are verified by proper form of identification to be 21 years of age or older to have access via key or key card to an in-room mini-bar in their rented short-term accommodation. The mini-bar may be a small refrigerator not in excess of 3.2 cubic feet for the sale of nonintoxicating beer, nonintoxicating craft beer, wine, hard cider, and liquor sold from the original sealed container, and the refrigerator may contain: (i) Any combination of 12 fluid ounce cans or bottles not exceeding 144 fluid ounces of nonintoxicating beer or nonintoxicating craft beer; (ii) any combination of cans or bottles of wine or hard cider not exceeding one and a half liters of wine or hard cider; (iii) liquor in bottles sized from 50 ml, 100 ml, 200 ml, and 375 ml with any combination of such liquor bottles not exceeding one and a half liters; and (iv) any combination of canned or packaged food valued at least $100. All markups, fees, and taxes shall be charged on the sale of nonintoxicating beer, nonintoxicating craft beer, hard cider, wine, and liquor. All nonintoxicating beer or nonintoxicating craft beer available for sale shall be purchased from the licensed distributor in the area where licensed. All wine or hard cider available for sale shall be purchased from a licensed wine distributor or authorized farm winery. All liquor available for sale shall be purchased from the licensed retail liquor outlet in the market zone of the licensed premises. The mini-bar shall be checked daily and replenished as needed to benefit the member and guest.

(16) 'Private golf club' means an applicant for a private club or licensed private club licensee which:

(A) Has at least 100 members;

(B) Maintains at least one 18-hole golf course with separate and distinct golf playing holes, not reusing nine golf playing holes to comprise the 18 golf playing holes, and a clubhouse;

(C) Operates a restaurant and full kitchen with ovens, as determined by the commissioner, on the licensed premises and serves freshly prepared food at least 15 hours per week;

(D) Owns or leases, controls, operates, and uses acreage amounting to at least 80 contiguous acres of bounded or fenced real property which would be listed on the private golf club's floorplan and could be used for golfing events and large contracted-for group-type events such as weddings, reunions, conferences, meetings, and sporting or recreational events;

(E) Lists the entire property from paragraph (D) of this subsection and all adjoining buildings and structures on the private golf club's floorplan comprising the licensed premises which would be authorized for the lawful sales, service, and consumption of alcoholic liquors and nonintoxicating beer or nonintoxicating craft beer throughout the licensed premises whether these activities were conducted in a building or structure or outdoors while on the private golf club's licensed premises;

(F) Has an identified person, persons, or entity that has right, title, and ownership interest in the real property, buildings, and structures located on the proposed licensed premises;

(G) Uses an age verification system approved by the commissioner; and

(H) Meets and is subject to all other private club requirements.

(17) 'Private nine-hole golf course' means an applicant for a private club or licensed private club licensee which:

(A) Has at least 50 members;

(B) Maintains at least one nine-hole golf course with separate and distinct golf playing holes;

(C) Operates a restaurant and full kitchen with ovens, as determined by the commissioner, on the licensed premises and serves freshly prepared food at least 15 hours per week;

(D) Owns or leases, controls, operates, and uses acreage amounting to at least 30 contiguous acres of bounded or fenced real property which would be listed on the private nine-hole golf course's floorplan and could be used for golfing events and large contracted for group-type events such as weddings, reunions, conferences, meetings, and sporting or recreational events;

(E) Lists the entire property from paragraph (D) of this subdivision and all adjoining buildings and structures on the private nine-hole golf course's floorplan comprising the licensed premises which would be authorized for the lawful sales, service, and consumption of alcoholic liquors and nonintoxicating beer or nonintoxicating craft beer throughout the licensed premises whether these activities were conducted in a building or structure or outdoors while on the private nine-hole golf course's licensed premises;

(F) Has an identified person, persons, or entity that has right, title, and ownership interest in the real property buildings and structures located on the proposed licensed premises;

(G) Uses an age verification system approved by the commissioner; and

(H) Meets and is subject to all other private club requirements.

(18) 'Private tennis club' means an applicant for a private club or licensed private club licensee which:

(A) Has at least 100 members;

(B) Maintains at least four separate and distinct tennis courts, either indoor or outdoor, and a clubhouse or similar facility;

(C) Has a restaurant and full kitchen with ovens, as determined by the commissioner, on the licensed premises which is capable of serving freshly prepared food;

(D) Owns or leases, controls, operates, and uses acreage amounting to at least two contiguous acres of bounded or fenced real property which would be listed on the private tennis club's floorplan and could be used for tennis events and large events such as weddings, reunions, conferences, tournaments, meetings, and sporting or recreational events;

(E) Lists the entire property from paragraph (D) of this subdivision and all adjoining buildings and structures on the private tennis club's floorplan comprising the licensed premises which would be authorized for the lawful sales, service, and consumption of alcoholic liquors throughout the

licensed premises whether these activities were conducted in a building or structure or outdoors while on the private tennis club's licensed premises;

(F) Has identified a person, persons, an entity, or entities who or which has right, title, and ownership interest in the real property buildings and structures located on the proposed licensed premises;

(G) Meets and is subject to all other private club requirements; and

(H) Uses an age verification system approved by the commissioner.

(19) 'Private college sports stadium' means an applicant for a private club or licensed private club licensee that operates a college or university stadium or coliseum for Division I, II, or III sports and ~~what~~ that involves a college public or private or university that is a member of the National Collegiate Athletic Association, or its successor, and uses the facility for football, basketball, baseball, soccer, or other Division I, II, or III sports, reserved weddings, reunions, conferences, meetings, or other special events and does not maintain daily or regular operating hours as a bar or restaurant. The licensee may sell alcoholic liquors and nonintoxicating beer or nonintoxicating craft beer when conducting or temporarily hosting non-collegiate sporting events. This license may be issued in the name of the National Collegiate Athletic Association Division I, II, or III college or university or the name of the primary food and beverage vendor under contract with that college or university. All alcohol sales shall take place within the confines of the college or university stadium: *Provided*, That any outside area approved for alcohol sales and nonintoxicating beer or nonintoxicating craft beer shall be surrounded by a fence or other barrier prohibiting entry except upon the college or university's express permission, and under the conditions and restrictions established by the college or university, so that the alcohol sales area is closed in order to prevent entry and access by the general public. Further the applicant shall:

(A) Have at least 100 members;

(B) Maintain an open-air or enclosed stadium or coliseum venue primarily used for sporting events, such as football, basketball, baseball, soccer, or other Division I, II, or III sports, and also weddings, reunions, conferences, meetings, or other events where parties shall reserve the college stadium venue in advance of the event;

(C) Operate a restaurant and full kitchen with ovens and equipment that is equivalent or greater than a private club restaurant, as determined by the commissioner, on the licensed premises that is capable of serving freshly prepared food or meals to its stated members, guests, and patrons who will be attending the event at the private college sports stadium;

(D) Own or lease, control, operate, and use acreage amounting to at least two contiguous acres of bounded or fenced real property, as determined by the commissioner, which would be listed on the private college stadium's floorplan and could be used for contracted-for temporary non-collegiate sporting events, group-type weddings, reunions, conferences, meetings, or other events;

(E) List the entire property from paragraph (D) of this subdivision and all adjoining buildings and structures on the private college sports stadium's floorplan which would comprise the licensed premises, which would be authorized for the lawful sales, service, and consumption of alcoholic liquors and nonintoxicating beer or nonintoxicating craft beer throughout the licensed premises whether these activities were conducted in a building or structure or outdoors while on the private

college sports stadium's licensed premises and as noted on the private college sports stadium's floorplan;

(F) Have an identified person, persons, or entity that has right, title, and ownership interest in the real property buildings and structures located on the proposed licensed premises;

(G) Meet and be subject to all other private club requirements; and

(H) Use an age verification system approved by the commissioner.

(20) 'Private professional sports stadium' means an applicant for a private club or licensed private club licensee that is only open for professional sporting events when the events are affiliated with or sponsored by a professional sporting association, reserved weddings, reunions, conferences, meetings, or other special events and does not maintain daily or regular operating hours as a bar or restaurant. The licensee may not sell alcoholic liquors and nonintoxicating beer or nonintoxicating craft beer when conducting or hosting non-professional sporting events, and further the applicant shall:

(A) Have at least 1,000 members;

(B) Maintain an open-air or enclosed stadium venue primarily used for sporting events, such as football, baseball, soccer, auto racing, or other professional sports, and also weddings, reunions, conferences, meetings, or other events where parties reserve the stadium venue in advance of the event;

(C) Operate a restaurant and full kitchen with ovens, as determined by the commissioner, on the licensed premises which is capable of serving freshly prepared food or meals to serve its stated members, guests, and patrons who will be attending the event at the private professional sports stadium;

(D) Own or lease, control, operate, and use acreage amounting to at least three contiguous acres of bounded or fenced real property, as determined by the commissioner, which would be listed on the professional sports stadium's floorplan and could be used for contracted- for professional sporting events, group-type weddings, reunions, conferences, meetings, or other events;

(E) List the entire property from paragraph (D) of this subdivision and all adjoining buildings and structures on the private professional sports stadium's floorplan comprising the licensed premises which would be authorized for the lawful sales, service, and consumption of alcoholic liquors and nonintoxicating beer or nonintoxicating craft beer throughout the licensed premises whether these activities were conducted in a building or structure or outdoors while on the private professional sports stadium's licensed premises;

(F) Have an identified person, persons, or entity that has right, title, and ownership interest in the real property buildings and structures located on the proposed licensed premises;

(G) Meet and be subject to all other private club requirements; and

(H) Use an age verification system approved by the commissioner.

(21) 'Private farmers market' means an applicant for a private club or licensed private club licensee that operates as an association of bars, restaurants, and retailers who sell West Virginia-made products among other products, and other stores who open primarily during daytime hours of 6:00 a.m. to 6:00 p.m., but may operate in the day or evenings for special events where the sale of food and alcoholic liquors and nonintoxicating beer or nonintoxicating craft beer may occur for on-premises consumption, such as reserved weddings, reserved dinners, pairing events, tasting events, reunions, conferences, meetings, or other special events and does not maintain daily or regular operating hours as a bar or restaurant. All businesses that are members of the association shall agree in writing to be liable and responsible for all sales, service, furnishing, tendering, and consumption of alcoholic liquors, nonintoxicating beer, nonintoxicating craft beer, wine, and hard cider occurring on the entire licensed premises of the private farmer's market, including indoor and outdoor bounded areas, and further the applicant shall:

(A) Have at least 100 members;

(B) Have one or more members operating a private club restaurant and full kitchen with ovens, four-burner ranges, a refrigerator or freezer or some combination of a refrigerator and freezer, and other kitchen utensils and apparatus as determined by the commissioner on the licensed premises and serve freshly prepared food at least 15 hours per week;

(C) Have one or more members operating a private club restaurant who maintain, at any one time, fresh food capable of being prepared for events conducted at the private farmers market in the private club restaurant's full kitchen. In calculating the food inventory, the commissioner may not include television dinners, bags of chips or similar products, microwavable meals, frozen meals, pre-packaged foods, or canned prepared foods;

(D) Have an association that owns or leases, controls, operates, and uses acreage amounting to more than one acre, which is contiguous acreage of bounded or fenced real property which would be listed on the licensee's floorplan and would be used for large contracted-for reserved weddings, reserved dinners, pairing events, tasting events, reunions, conferences, meetings, or other special events;

(E) Have an association that lists in the application for licensure the entire property and all adjoining buildings and structures on the private farmers market's floorplan which would comprise the licensed premises, which would be authorized for the lawful sales, service, and consumption of alcoholic liquors and nonintoxicating beer or nonintoxicating craft beer throughout the licensed premises whether these activities were conducted in a building or structure or outdoors while on the private farmers market's licensed premises and as noted on the private farmers market's floorplan;

(F) Have an identified person, persons, or entity that has right, title, and ownership or lease interest in the real property buildings and structures located on the proposed licensed premises;

(G) Have at least two separate and unrelated vendors applying for the license and certifying that all vendors in the association have agreed to the liability responsibility associated with a private farmers market license;

(H) Only use its employees, independent contractors, or volunteers to purchase, sell, furnish, or serve liquor, wine, nonintoxicating beer or nonintoxicating craft beer;

(I) Provide adequate restroom facilities, whether permanent or portable, to serve the stated members and guests who will be attending the private farmers market;

(J) Provide a copy of a written agreement between all the vendors of the association that is executed by all vendors stating that each vendor is jointly and severally liable for any violations of this chapter committed during the event;

(K) Provide a security plan indicating all vendor points of service, entrances, and exits in order to verify members', patrons', and guests' ages, to verify whether a member, patron, or guest is intoxicated, and to provide for the public health and safety of members, patrons, and guests;

(L) Use an age verification system approved by the commissioner; and

(M) Meet and be subject to all other private club requirements.

(22) 'Private wedding venue or barn' means an applicant for a private club or licensed private club licensee that is only open for reserved weddings, reunions, conferences, meetings, or other events and does not maintain daily or regular operating hours, and which:

(A) Has at least 25 members;

(B) Maintains a venue, facility, barn, or pavilion primarily used for weddings, reunions, conferences, meetings, or other events where parties reserve or contract for the venue, facility, barn, or pavilion in advance of the event;

(C) Operates a restaurant and full kitchen with ovens, as determined by the commissioner, on the licensed premises that is capable of serving freshly prepared food, or engages a food caterer to provide adequate freshly prepared food or meals to serve its stated members, guests, and patrons who will be attending the event at the private wedding venue or barn. The applicant or licensee shall provide written documentation including a list of food caterers or written agreements regarding any food catering operations to the commissioner prior to approval of a food catering event;

(D) Owns or leases, controls, operates, and uses space sufficient to safely operate the licensed premises. The applicant or licensee shall verify that, the property is not less than two acres and is remotely located, subject to the commissioner's approval. The bounded or fenced real property may be listed on the private wedding venue's <u>or barn's</u> floorplan and may be used for large events such as weddings, reunions, conferences, meetings, or other events;

(E) Lists the entire property from paragraph (D) of this subdivision and all adjoining buildings and structures on the private wedding venue or barn's floorplan that would comprise the licensed premises which would be authorized for the lawful sales, service, and consumption of alcoholic liquors <u>and nonintoxicating beer or nonintoxicating craft beer</u> throughout the licensed premises whether these activities were conducted in a building or structure or outdoors while on the private wedding venue or barn's licensed premises;

(F) Has an identified person, persons, or entity that has right, title, and ownership interest in the real property buildings and structures located on the proposed licensed premises;

(G) Meets and is subject to all other private club requirements; and

(H) Uses an age verification system approved by the commissioner.

(23) 'Private multi-sport complex' means an applicant for a private club or licensed private club licensee that is open for multiple sports events to be played at the complex facilities, reserved weddings, concerts, reunions, conferences, meetings, or other special events, and which:

(A) Has at least 100 members;

(B) Maintains an open-air multi-sport complex primarily for use for sporting events, such as baseball, soccer, basketball, tennis, frisbee, or other sports, but may also conduct weddings, concerts, reunions, conferences, meetings, or other events where parties reserve the parts of the sports complex in advance of the sporting or other event;

(C) Operates a restaurant and full kitchen with ovens in the licensee's main facility, as determined by the commissioner, on the licensed premises which is capable of serving freshly prepared food, or meals to serve its stated members, guests, and patrons who will be attending the event at the private multi-sport complex. A licensee may contract with temporary food vendors or food trucks for food sales only, but not on a permanent basis, in areas of the multi-sport complex not readily accessible by the main facility;

(D) Maintains, at any one time, fresh food capable of being prepared in the private multi-sport complex's full kitchen. In calculating the food inventory, the commissioner may not include television dinners, bags of chips or similar products, microwavable meals, frozen meals, prepackaged foods, or canned prepared foods;

(E) Owns or leases, controls, operates, and uses acreage amounting to at least 50 contiguous acres of bounded or fenced real property, as determined by the commissioner, which would be listed on the private multi-sport complex's floorplan and could be used for contracted-for sporting events, group-type weddings, concerts, reunions, conferences, meetings, or other events;

(F) Lists the entire property from paragraph (E) of this subdivision and all adjoining buildings and structures on the private multi-sport complex's floorplan which would comprise the licensed premises, which would be authorized for the lawful sales, service, and consumption of alcoholic liquors, nonintoxicating beer, nonintoxicating craft beer, and hard cider throughout the licensed premises whether these activities were conducted in a building or structure or outdoors while on the private multi-sport complex's licensed premises and as noted on the private multi-sport complex's floorplan. The licensee may sell alcoholic liquors and nonintoxicating beer or nonintoxicating craft beer from a golf cart or food truck owned or leased by the licensee and also operated by the licensee when the golf cart or food truck is located on the private multi-sport complex's licensed premises;

(G) Has an identified person, persons, or entity that has right, title, and ownership interest in the real property buildings and structures located on the proposed licensed premises;

(H) Meets and is subject to all other private club requirements; and

(I) Uses an age verification system approved by the commissioner.

(24) 'Private coliseum or center' means an applicant for a private club or licensed private club licensee that is open for various events including, but not limited to, musical concerts, bands, sporting events, monster trucks, sports entertainment events, circuses, expos, hobby events,

tradeshows, health events, reserved weddings, reunions, retreats, conventions, conferences, meetings, or other special events. The licensee may not sell alcoholic liquors, nonintoxicating beer or wine when conducting or hosting events focused on patrons who are less than 21 years of age, and further the applicant shall:

(A) Have at least 5,000 members;

(B) Maintain an enclosed coliseum or center venue with at least 80,000 square feet of event space primarily used for events ~~as noted above,~~ where parties reserve the coliseum or center venue in advance of the event;

(C) Operate a restaurant and full kitchen with ovens, as determined by the commissioner, on the licensed premises and be capable of serving freshly prepared food or meals to its stated members, guests, and patrons who will be attending events at the private coliseum or center;

(D) Own or lease, control, operate, and use acreage amounting to at least two contiguous acres of bounded or fenced real property, as determined by the commissioner, which would be listed on the private coliseum or center's floorplan and could be used for contracted-for events, ~~as noted above,~~ or a private fair and festival, as authorized by the commissioner per dual licensing requirements as set forth in §60-7-2a of this code;

(E) List the entire property from paragraph (D) of this subdivision and all adjoining buildings and structures on the private coliseum or center's floorplan comprising the licensed premises which would be authorized for the lawful sales, service, and consumption of alcoholic liquors and nonintoxicating beer or nonintoxicating craft beer throughout the licensed premises whether these activities were conducted in a building or structure or outdoors while on private coliseum or center's licensed premises;

(F) Have an identified person, persons, or entity that has right, title, and ownership interest in the real property buildings and structures located on the proposed licensed premises;

(G) Meet and be subject to all other private club requirements; and

(H) Use an age verification system approved by the commissioner.

(25) 'Private food court' means an applicant who qualifies for a private club restaurant or licensed private club restaurant licensee that operates in a facility within a licensed premises with one licensed floorplan that includes an association of other inter-connected licensed private club restaurants or unlicensed restaurants that operate legally without alcohol sales, where all businesses that are licensed members of the association have agreed in writing to be liable and responsible for all sales, service, furnishing, tendering, and consumption of alcoholic liquors and nonintoxicating beer or nonintoxicating craft beer occurring on the entire licensed premises of the private food court, and further the applicant shall:

(A) Have at least 100 members;

(B) Have at least one member of its association who qualifies for a private club restaurant containing a full kitchen with ovens, four-burner ranges, a refrigerator or freezer or some combination of a refrigerator and freezer, and other kitchen utensils and apparatus as determined by the commissioner on the licensed premises and be capable of serving freshly prepared food at least 15 hours per week in the private food court;

(C) Have at least one member of its association who qualifies for a private club restaurant who maintains, at any one time, fresh food capable of being prepared in the private club restaurant's full kitchen, and in calculating the food inventory the commissioner may not include television dinners, bags of chips or similar products, microwavable meals, frozen meals, pre-packaged foods, or canned prepared foods;

(D) Have an association that owns or leases, controls, operates, and uses a facility that meets requirements of this article, and the entire facility is listed on the licensee's floorplan as its licensed premises;

(E) Have an association that lists in the application for licensure the entire facility and any inter-connected and adjoining structures on the private food court's floorplan which would compromise the licensed premises, and which would be authorized for the lawful sales, service, and consumption of alcoholic liquors and nonintoxicating beer or nonintoxicating craft beer throughout the licensed premises whether these activities were conducted in a building or structure while on the private food court's licensed premises and as noted on the private food court's licensed floorplan;

(F) Have an identified person, persons, or entity that has right, title, and ownership or lease interest in the real property buildings and structures located on the proposed licensed premises;

(G) Have at least one separate and unrelated business applying for the license and certifying that all licensed businesses in the association have agreed to the liability responsibility associated with a private food court license;

(H) Only use its employees, independent contractors, or volunteers to purchase, sell, furnish, or serve liquor, wine, nonintoxicating beer or nonintoxicating craft beer;

(I) Provide adequate restroom facilities, whether permanent or portable, to serve the stated members and guests who will be attending the private food court;

(J) Provide a copy of a written agreement between all the vendors of the association that is executed by all businesses stating that each licensed vendor is jointly and severally liable for any violations of this chapter committed on the licensed premises;

(K) Provide a security plan indicating all businesses who will be selling and serving alcoholic liquors and nonintoxicating beer or nonintoxicating craft beer, list non-licensees who will be selling and serving food, list all entrances, and list all exits, provide a plan to verify the ages of members, patrons, and guests, a plan to verify whether a member, patron, or guest is intoxicated, and a plan to provide for the public health and safety of members, patrons, and guests;

(L) Use an age verification system approved by the commissioner; and

(M) Meet and be subject to all other private club requirements.

The ~~Department~~ Division of Natural Resources, the authority governing any county or municipal park, or any county commission, municipality, other governmental entity, public corporation, or public authority operating any park or airport may lease, as lessor, a building or portion thereof or other limited premises in any park or airport to any corporation or unincorporated association for the establishment of a private club pursuant to this article.

§60-7-8a. Special license for a private fair and festival; licensee fee and application; license fee; license subject to provisions of article; exception.

(a) There is hereby created a special license designated Class S2 private fair and festival license for the retail sale of alcoholic liquors and nonintoxicating beer, and nonintoxicating craft beer for on-premises consumption.

(b) To be eligible for the license authorized by subsection (a) of this section, the private fair and festival or other event shall:

(1) Be sponsored, endorsed, or approved by the governing body or its designee of the county or municipality in which the private fair and festival or other event is located;

(2) Make application with the commissioner at least 15 days prior to the private fair, festival, or other event;

(3) Pay a nonrefundable non-prorated license fee of $500; and

(4) Be approved by the commissioner to operate the private fair, festival, or other event. (c) A private fair and festival license under this section shall be for a duration of no more than 10 consecutive days.

(d) Nonintoxicating beer and nonintoxicating craft beer sold, furnished, tendered, or served for on-premises consumption by the private fair and festival pursuant to the license created by this section shall be purchased from licensed distributors that service the area in which the private fair and festival is held or from a resident brewer acting in a limited capacity as a distributor, all in accordance with §11-16-1 *et seq.* of this code. ~~Sealed containers of nonintoxicating~~ Nonintoxicating beer or nonintoxicating craft beer may be sold and served ~~for~~ by the drink or glass, or by the bottle or can for on-premises consumption and in sealed bottles or cans for off-premises consumption if the nonintoxicating beer and nonintoxicating craft beer is being sold by an authorized brewer or resident brewer, as set forth in §11-16-6a~~(d)~~ of this code, who manufactures the nonintoxicating beer or nonintoxicating craft beer in this state. The on-premises and off-premises consumption sales shall be made pursuant to a written agreement between the private fair and festival and an authorized brewer or resident brewer. Prior to the start of the private fair or festival, an authorized brewer or resident brewer who agrees to offer on-premises and off-premises consumption sales of ~~their~~ nonintoxicating beer or nonintoxicating craft beer from a booth or other facility on the private fair and festival's licensed premises must meet the requirements of §11-16-6a(d) of this code. The written agreement with each authorized brewer or resident brewer shall account for lawful sales of nonintoxicating beer and nonintoxicating craft beer sold for off-premises consumption as set forth in §11-16-1 *et seq.* of this code. The authorized and approved brewer, resident brewer, or its licensed representatives may give or sell approved promotional items to private fair and festival members and guests, but not to the private fair and festival's volunteers, independent contractors, or employees.

(e) Wine or hard cider sold, furnished, tendered, or served for on-premises consumption by the private fair and festival pursuant to the license created by this section shall be purchased from a licensed wine or hard cider distributor or farm winery in accordance with §60-8-1 *et seq.* of this code and §60-8A-1 *et seq.* of this code, as applicable. ~~Sealed containers of wine~~ Wine or hard cider may be sold and served for on-premises consumption by the drink or glass, or by the bottle when consumed by the glass and by the sealed bottle for off-premises consumption by the sealed bottle if the wine or hard cider is being sold by an authorized winery or farm winery, as set forth

in §60-4-3b~~(m)~~ and §60-8A-5~~(c)~~ of this code, who manufactures that wine or hard cider in this state. The on-premises and off-premises consumption sales shall be made pursuant to a written agreement between the private fair and festival and an authorized winery or farm winery. An authorized winery or farm winery ~~who~~ which agrees to offer for sale and service ~~their~~ its wine or hard cider for on-premises consumption by the drink or glass, or by the bottle when consumed by the glass pursuant to §60-7-1 *et seq.* of this code and for off-premises consumption sealed bottle sales from a booth or other facility on the private fair and festival's licensed premises prior to the start of the private fair or festival shall meet the requirements of §60-4-3b~~(m)~~ and §60-8A-5~~(c)~~ of this code, as applicable. The written agreement with each authorized winery or farm winery shall account for lawful sales of wine or hard cider sold for on premises or off-premises consumption as set forth in §60-8-1 *et seq.* of this code and §60-8A-1 *et seq.* of this code, as applicable. The authorized and approved winery, farm winery or its licensed representatives may give or sell approved promotional items to private fair and festival members and guests, but not to the private fair and festival's volunteers, independent contractors, or employees.

(f) Liquor sold, furnished, tendered, or served for on-premises consumption by the private fair and festival pursuant to the license created by this section shall be purchased from a licensed retail liquor outlet in the market zone or contiguous market zone where the private fair or festival is occurring, all in accordance with §60-3A-1 *et seq.* of this code. ~~Sealed containers of liquor~~ Liquor may be sold and served for on-premises consumption by the drink off-premises consumption by the sealed bottle if the liquor is being sold by an authorized distillery, mini-distillery, or micro-distillery, as set forth in §60-4-3a of this code, who manufactures ~~their~~ its liquor in this state. Off-premises consumption sales shall comply with §60-3A-17 of this code and §60-4-3a(c) of this code shall not apply to these sales. The on-premises and off-premises consumption sales shall be made pursuant to a written agreement between the private fair and festival and an authorized distillery, mini-distillery, or micro-distillery. An authorized licensed distillery, mini-distillery, or micro-distillery who agrees to offer off-premises consumption sales of their manufactured liquor by the bottle from a booth or other facility on the private fair and festival's licensed premises prior to the start of the private fair, festival, or other event must meet the requirements as set forth in §60-4-3a of this code. An authorized licensed distillery, mini-distillery, or micro-distillery which agrees to offer on-premises consumption sales of its manufactured liquor by the drink or glass from a booth or other facility on the premises of the licensed fair and festival must meet the requirements set forth and in §60-7-1 *et seq.* of this code. The written agreement with each authorized distillery, mini-distillery, or micro-distillery shall account for lawful sales of liquor sold for off-premises consumption as set forth in §60-3A-1 *et seq.* of this code. An authorized and approved distillery, mini-distillery, micro-distillery or its licensed representatives may give or sell approved promotional items to private fair and festival members and guests, but not to the private fair and festival's volunteers, independent contractors, or employees.

(g) A licensee authorized by this section may use bona fide employees, volunteers, or in limited circumstances licensed representatives to sell, furnish, tender, or serve the nonintoxicating beer, nonintoxicating craft beer, wine, liquor, or hard cider.

(h) Licensed representatives of an authorized and approved brewer, resident brewer, beer distributor, wine distributor, wine supplier, winery, farm winery, distillery, mini-distillery, micro-distillery, and liquor broker representatives may attend a private fair and festival and discuss their respective products ~~but shall not~~ and may engage in the selling, furnishing, tendering, or serving of any nonintoxicating beer, nonintoxicating craft beer, wine, hard cider, or liquor. However, licensed representatives of a brewer, resident brewer, winery, farm winery, distillery, mini-distillery, or micro-distillery that has agreed in writing to conduct sampling, ~~and~~ on-premises consumption sales, and off-premises consumption sales of their respective licensee's products at

the private fair and festival, may discuss their respective products and engage in ~~the limited giving of complimentary samples~~ sampling in accordance with §11-16-6a ~~(c) and (d),~~ §60-4-3a ~~(a) and (b),~~ and §60-4-3b ~~(b) and (m)~~ of this code; and the selling of ~~sealed bottles or cans of~~ their respective nonintoxicating beer, nonintoxicating craft beer, wine, hard cider, or liquor products for on-premises consumption or off-premises consumption as specified in this section. All taxes and fees must be paid on lawful sales.

(i) A license issued under this section and the licensee are subject to all other provisions of this article and the rules and orders of the commissioner: *Provided*, That the commissioner may by rule or order allow certain waivers or exceptions with respect to those provisions, rules, or orders as the circumstances of each private fair and festival require, including without limitation, the right to revoke or suspend immediately any license issued under this section prior to any notice or hearing, notwithstanding §60-7-13a of this code: *Provided, however*, That under no circumstances may the provisions of §60-7-12 of this code be waived or an exception granted with respect thereto;

(j) Dual licensing is permitted for private fairs and festivals pursuant to §60-7-2a of this code, including but not limited to a dual licensing simultaneous to any other qualified permit holders as defined in §60-7-1, *et seq.* of this code.

(k) A private fair and festival licensee who executes a written agreement with a licensed brewer, resident brewer, winery, farm winery, distillery, mini-distillery, micro-distillery, or ~~their~~ its licensed representatives is jointly liable and responsible for any violations of this article.

(l) A private fair and festival licensee who executes a written agreement with a licensed brewer, resident brewer, winery, farm winery, distillery, mini-distillery, or micro-distillery to conduct limited on-premises and off-premises consumption sales shall not have any pecuniary interest, share, or percentage in any sales of sealed nonintoxicating beer, nonintoxicating craft beer, wine, hard cider, or liquor.

(m) A private fair and festival licensee who executes a written agreement with a licensed brewer, resident brewer, winery, farm winery, distillery, mini-distillery, or micro-distillery to conduct limited on-premises and off-premises consumption sales may charge them a flat booth rental fee.

(n) A private fair and festival licensee, licensed brewer, resident brewer, winery, farm winery, distillery, mini-distillery, micro-distillery, or ~~their~~ licensed representatives who ~~permits~~ permit members or guests to consume, on the private fair and festival's licensed premises, any nonintoxicating beer, nonintoxicating craft beer, wine, hard cider, or liquor, that was purchased as an off-premises consumption sale, shall have ~~their~~ its respective license immediately suspended, and that conduct is grounds for revocation of ~~their~~ license.

§60-7-8d. Where private clubs may sell and serve alcoholic liquors and nonintoxicating beer or nonintoxicating craft beer.

(a) With prior approval of the commissioner a private club licensee may sell, serve, and furnish alcoholic liquor and, if also licensed to sell, serve, and furnish nonintoxicating beer or nonintoxicating craft beer to be consumed on premises in a legally demarcated area which may include a temporary private outdoor dining area or temporary private outdoor street dining area. A temporary private outdoor street dining area shall be approved by the municipal government or county commission in which the licensee operates. The commissioner shall develop and make available an application form to facilitate the purposes of this subsection.

(b) The private club licensee shall submit to the commissioner: (1) the municipal or county approval of the private outdoor dining area or private outdoor street dining area; and, (2) a revised floorplan requesting to sell alcoholic liquors, and when licensed for nonintoxicating beer or nonintoxicating craft beer, then nonintoxicating beer or nonintoxicating craft beer, subject to the commissioner's requirements, in an approved and bounded outdoor area. The approved and bounded area need not be adjacent to the licensee's licensed premises, but in close proximity, for private outdoor street dining or private outdoor dining. For purposes of this subsection, 'close proximity' means an available area within ~~150~~ 300 feet of a licensee's licensed premises and under the licensee's control and with right of ingress and egress.

(c) This private outdoor dining or private outdoor street dining may be operated in conjunction with a private wine outdoor dining or private wine outdoor street dining area set forth in §60-8-32a of this code and nonintoxicating beer or nonintoxicating craft beer outdoor dining or outdoor street dining set forth in §11-16-9 of this code.

(d) For purposes of this section, private outdoor dining and private outdoor street dining include dining areas that are:

(1) Outside and not served by an HVAC system for air handling services and use outside air;

(2) Open to the air; and

(3) Not enclosed by fixed or temporary walls; however, the commissioner may seasonally approve a partial enclosure with up to three temporary or fixed walls.

Any area where seating is incorporated inside a permanent building with ambient air through HVAC is not considered outdoor dining pursuant to this subsection.

(e) A private club restaurant or a private manufacturer club licensed for craft cocktail growler sales must provide food or a meal along with sealed craft cocktail growler sales as set forth in this article to a patron who is in-person or in-vehicle while picking up food or a meal, and a sealed craft cocktail growler order-to-go, subject to verification that the purchasing person is 21 years of age or older, and not visibly, or noticeably intoxicated, and as otherwise specified in this article.

ARTICLE 8. SALE OF WINES.

§60-8-2. Definitions.

Unless the context in which used clearly requires a different meaning, as used in this article:

'Commissioner' or 'commission' means the West Virginia Alcohol Beverage Control Commissioner.

'Distributor' means any person whose principal place of business is within the State of West Virginia who makes purchases from a supplier to sell or distribute wine to retailers, grocery stores, private wine bed and breakfasts, private wine restaurants, private wine spas, private clubs, or wine specialty shops and that sells or distributes nonfortified dessert wine, port, sherry, and Madeira wines to wine specialty shops, private wine restaurants, private clubs, or retailers under authority of this article and maintains a warehouse in this state for the distribution of wine. For the purpose of a distributor only, the term 'person' means and includes an individual, firm, trust, partnership, limited partnership, limited liability company, association, or corporation. Any trust

licensed as a distributor or any trust that is an owner of a distributor licensee, and the trustee or other persons in active control of the activities of the trust relating to the distributor license, is liable for acts of the trust or its beneficiaries relating to the distributor license that are unlawful acts or violations of this article, notwithstanding the liability of trustees in §44D-10-1 *et seq.* of this code.

'Fortified wine' means any wine to which brandy or other alcohol has been added where the alcohol content by volume does not exceed 24 percent, and includes nonfortified dessert wines where the alcohol content by volume is greater than 17 percent and does not exceed 24 percent.

'Grocery store' means any retail establishment, commonly known as a grocery store, supermarket, delicatessen, caterer, or party supply store, where food, food products, and supplies for the table are sold for consumption off the premises with average monthly sales (exclusive of sales of wine) of not less than $500 and an average monthly inventory (exclusive of inventory of wine) of not less than $500. The term 'grocery store' also includes and means a separate and segregated portion of any other retail store which is dedicated solely to the sale of food, food products, and supplies for the table for consumption off the premises with average monthly sales with respect to the separate or segregated portion, exclusive of sales of wine, of not less than $500 and an average monthly inventory, exclusive of inventory of wine, of not less than $500.

'Hard Cider' means a type of wine that is derived primarily from the fermentation of apples, pears, peaches, honey, or another fruit, or from apple, pear, peach, or another fruit juice concentrate and water; contains no more than 0.64 grams of carbon dioxide per 100 milliliters; contains at least one half of one percent and less than 12 and one-half percent alcohol by volume; and is advertised, labeled, offered for sale, or sold, as hard cider or cider containing alcohol, and not as wine, wine product, or as a substitute for wine.

'Hard Cider Distributor' means any person whose principal place of business is within the State of West Virginia who makes purchases from a supplier to sell or distribute hard cider, but not other types of wine, to retailers, grocery stores, private wine bed and breakfasts, private wine restaurants, private wine spas, private clubs, or wine specialty shops under authority of this code and maintains a warehouse in this state for the distribution of hard cider, but not other types of wine. For the purpose of a hard cider distributor, the term 'person' means and includes an individual, firm, trust, partnership, limited partnership, limited liability company, association, or corporation. Any trust licensed as a distributor or any trust that is an owner of a distributor licensee, and the trustee, or any other person or persons in active control of the activities of the trust relating to the distributor license, is liable for acts of the trust or its beneficiaries relating to the distributor license that are unlawful acts or violations of this article, notwithstanding the liability of trustees in §44D-10-1 *et seq.* of this code.

'Licensee' means the holder of a license granted under the provisions of this article.

'Nonfortified dessert wine' means a wine that is a dessert wine to which brandy or other alcohol has not been added, and which has an alcohol content by volume of at least 15.6 percent and less than or equal to 17 percent.

'Person' means and includes an individual, firm, partnership, limited partnership, limited liability company, association, or corporation.

'Private wine bed and breakfast' means any business with the sole purpose of providing, in a residential or country setting, a hotel, motel, inn, or other such establishment properly zoned as

to its municipality or local ordinances, lodging and meals to its customers in the course of their stay at the establishment, which business also: (1) Is a partnership, limited partnership, corporation, unincorporated association, or other business entity which as part of its general business purpose provides meals on its premises to its members and their guests; (2) is licensed under the provisions of this article as to all of its premises or as to a separate segregated portion of its premises to serve wine to its members and their guests when the sale accompanies the serving of food or meals; and (3) admits only duly elected and approved dues-paying members and their guests while in the company of a member and does not admit the general public.

'Private wine restaurant' means a restaurant which: (1) Is a partnership, limited partnership, corporation, unincorporated association, or other business entity which has, as its principal purpose, the business of serving meals on its premises to its members and their guests; (2) is licensed under the provisions of this article as to all of its premises or as to a separate segregated portion of its premises to serve wine to its members and their guests when the sale accompanies the serving of food or meals; and (3) admits only duly elected and approved dues-paying members and their guests while in the company of a member and does not admit the general public. Private clubs that meet the private wine restaurant requirements ~~numbered (1), (2), and (3)~~ in this definition shall be considered private wine restaurants: *Provided*, That, a private wine restaurant shall have at least two restrooms: *Provided, however*, That the two restroom requirement may be waived by a written waiver provided from a local health department to the commissioner: *And provided further*, That a private wine restaurant located in an historic building may also be relieved of the two restroom requirement if a historic association or district with jurisdiction over a historic building provides a written waiver of the requirement to the commissioner: *And provided further*, That in no event shall a private wine restaurant have less than one restroom. *And provided further*, That a winery or farm winery holding a private wine restaurant license or a multi-capacity winery or farm winery license is not subject to the food service requirements of this subdivision.

'Private wine spa' means any business with the sole purpose of providing commercial facilities devoted especially to health, fitness, weight loss, beauty, therapeutic services, and relaxation, and may also be a licensed massage parlor or a salon with licensed beauticians or stylists, which business also: (1) Is a partnership, limited partnership, corporation, unincorporated association, or other business entity which as part of its general business purpose provides meals on its premises to its members and their guests; (2) is licensed under the provisions of this article as to all of its premises or as to a separate segregated portion of its premises to serve up to two glasses of wine to its members and their guests when the sale accompanies the serving of food or meals; and (3) admits only duly elected and approved dues-paying members and their guests while in the company of a member, and does not admit the general public.

'Retailer' means any person licensed to sell wine at retail to the public at his or her established place of business for off-premises consumption and who is licensed to do so under authority of this article.

'Supplier' means any manufacturer, producer, processor, winery, farm winery, national distributor, or other supplier of wine who sells or offers to sell or solicits or negotiates the sale of wine to any licensed West Virginia distributor.

'Table wine' means a wine with an alcohol content by volume between 0.5 percent and 15.5 percent.

'Tax' includes within its meaning interest, additions to tax, and penalties.

'Taxpayer' means any person liable for any tax, interest, additions to tax, or penalty under the provisions of this article, and any person claiming a refund of tax.

'Varietal wine' means any wine labeled according to the grape variety from which the wine is made.

'Vintage wine' or 'vintage-dated wine' means wines from which the grapes used to produce the wine are harvested during a particular year, or wines produced from the grapes of a particular harvest in a particular region of production.

'Wine' means any alcoholic beverage obtained by the natural fermentation of the natural content of grapes, other fruits, or honey or other agricultural products containing sugar to which no alcohol has been added and includes table wine, hard cider, nonfortified dessert wine, wine coolers, and other similar wine-based beverages. Fortified wine and any product defined as or contained within the definition of nonintoxicating beer under the provisions of §11-16-1 *et seq.*, of this code are excluded from this definition of wine.

'Wine specialty shop' means a retailer who deals principally in the sale of table wine, nonfortified dessert wines, wine accessories, and food or foodstuffs normally associated with wine and: (1) Who maintains a representative number of wines for sale in his or her inventory which are designated by label as varietal wine, vintage, generic, and/or according to region of production and the inventory shall contain not less than 15 percent vintage or vintage-dated wine by actual bottle count; and (2) who, any other provisions of this code to the contrary notwithstanding, may maintain an inventory of port, sherry, and Madeira wines having an alcoholic content of not more than 22 percent alcohol by volume and which have been matured in wooden barrels or casks. All wine available for sale shall be for off-premises consumption except where wine tasting or wine sampling is separately authorized by this code.

§60-8-3. Licenses; fees; general restrictions.

(a) No person may engage in business in the capacity of a winery, farm winery, supplier, distributor, retailer, private wine bed and breakfast, private wine restaurant, private wine spa, or wine specialty shop without first obtaining a license from the commissioner, nor shall a person continue to engage in any activity after his or her license has expired, been suspended, or revoked. No person may be licensed simultaneously as a distributor and a retailer. No person, except for a winery or farm winery, may be licensed simultaneously as a supplier and a retailer. No person except for a winery or farm winery holding a multi-capacity winery or farm winery license may be licensed simultaneously as a supplier and a private wine bed and breakfast, private wine restaurant, or a private wine spa. No person may be licensed simultaneously as a distributor and a private wine bed and breakfast, a private wine restaurant, or a private wine spa. No person except for a winery or farm winery or holding a multi-capacity winery or farm winery license may be licensed simultaneously as a retailer and a private wine bed and breakfast, a private wine restaurant, or a private wine spa. Any person who is licensed to engage in any business concerning the manufacture, sale, or distribution of wine may also engage in the manufacture, sale, or distribution of hard cider without obtaining a separate hard cider license.

(b) The commissioner shall collect an annual fee for licenses issued under this article as follows:

(1) One hundred fifty dollars per year for a supplier's license;

(2) Two thousand five hundred dollars per year for a distributor's license and each separate warehouse or other facility from which a distributor sells, transfers, or delivers wine shall be separately licensed and there shall be collected with respect to each location, the annual license fee of $2,500 as provided in this subdivision;

(3) One hundred fifty dollars per year for a retailer's license;

(4) Two hundred fifty dollars per year for a wine specialty shop license, in addition to any other licensing fees paid by a winery or retailer holding a license. Except for the amount of the license fee and the restriction to sales of winery or farm winery wines, a winery, or farm winery acting as a wine specialty shop retailer is subject to all other provisions of this article which are applicable to a wine specialty shop retailer as defined in §60-8-2 of this code;

(5) One hundred fifty dollars per year for a wine tasting license;

(6) One hundred fifty dollars per year for a private wine bed and breakfast license. Each separate bed and breakfast from which a licensee sells wine shall be separately licensed and there shall be collected with respect to each location the annual license fee of $150 as provided in this subdivision;

(7) Two hundred fifty dollars per year for a private wine restaurant license. Each separate restaurant from which a licensee sells wine shall be separately licensed and there shall be collected with respect to each location the annual license fee of $250 as provided in this subdivision;

(8) One hundred fifty dollars per year for a private wine spa license. Each separate private wine spa from which a licensee sells wine shall be separately licensed and there shall be collected with respect to each location the annual license fee of $150 as provided in this subdivision;

(9) One hundred fifty dollars per year for a wine sampling license issued for a wine specialty shop under subsection (n) of this section;

(10) No fee for a special one-day license under subsection (p) of this section or for a heritage fair and festival license under subsection (q) of this section;

(11) One hundred fifty dollars per year for a direct shipper's license for a licensee who sells and ships only wine and $250 per year for a direct shipper's license who ships and sells wine, nonfortified dessert wine, port, sherry, or Madeira wines;

(12) Three hundred fifty dollars per year for a multi-capacity winery or farm winery license which enables the holder to operate as a retailer, wine specialty shop, supplier, and direct shipper without obtaining an individual license for each capacity; and

(13) Two hundred fifty dollars per year for a hard cider distributor's license. Each separate warehouse or other facility from which a distributor sells, transfers, or delivers hard cider shall be separately licensed and there shall be collected with respect to each location the annual license fee of $250 as provided in this subdivision: *Provided*, That if a licensee is licensed as a nonintoxicating beer or nonintoxicating beer distributor, then there is no additional license fee to distribute hard cider.

(c) The license period begins on July 1 of each year and ends on June 30 of the following year and if granted for a less period, the ~~same~~ fee shall be computed semiannually in proportion to the remainder of the fiscal year.

(d) No retailer may be licensed as a private club as provided by §60-7-1 *et seq.* of this code, except as provided by subsection (k) of this section.

(e) No retailer may be licensed as a Class A retail dealer in nonintoxicating beer as provided by §11-16-1 *et seq.* of this code: *Provided*, That a delicatessen, a caterer, or party supply store, which is a grocery store as defined in §60-8-2 of this code, and which is licensed as a Class A retail dealer in nonintoxicating beer may be a retailer under this article: *Provided, however*, That any delicatessen, caterer, or party supply store licensed in both capacities shall maintain average monthly sales exclusive of sales of wine and nonintoxicating beer which exceed the average monthly sales of nonintoxicating beer.

(f) A wine specialty shop under this article may also hold a wine tasting license authorizing the retailer to serve complimentary samples of wine in moderate quantities for tasting. The wine specialty shop shall organize a wine taster's club, which has at least 50 duly elected or approved dues-paying members in good standing. The club shall meet on the wine specialty shop's premises not more than one time per week and shall either meet at a time when the premises are closed to the general public, or meet in a separate segregated facility on the premises to which the general public is not admitted. Attendance at tastings shall be limited to duly elected or approved dues-paying members and their guests.

(g) A retailer who has more than one place of retail business shall obtain a license for each separate retail establishment. A retailer's license may be issued only to the proprietor or owner of a bona fide grocery store or wine specialty shop.

(h)(1) The commissioner may issue a license for the retail sale of wine at any ~~festival or fair~~ fair or festival which is endorsed or sponsored by the governing body of a municipality or a county commission. The license shall be issued for a term of no longer than 10 consecutive days and the fee for the license is $250 regardless of the term of the license. The application for the license shall contain information required by the commissioner and shall be submitted to the commissioner at least 30 days prior to the first day when wine is to be sold at the any ~~festival or fair~~ fair or festival.

(2) Notwithstanding subdivision (1) of this subsection, if the applicant for the ~~festival or fair~~ fair or festival license is the manufacturer of the wine, a winery, or a farm winery as defined in §60-1-5a of this code, and the event is located on the premises of a winery or a farm winery, then the license fee is $50 per ~~festival or fair~~ fair or festival.

(3) A licensed winery or a farm winery, which has the ~~festival or fair~~ fair or festival licensee's written authorization and approval from the commissioner, may, in addition to, or in conjunction with the ~~festival and fair~~ fair and festival licensee, exhibit, conduct complimentary tastings, or sell samples not to exceed ~~three~~ six, ~~two~~ three-fluid ounce, tastings or samples per patron, or serve wine by the glass for consumption on the premises during the operation of a ~~festival or fair~~ fair or festival only; and may sell wine by the bottle for on-premises consumption, when consumed by the glass, and sealed bottles of wine for off-premises consumption ~~only~~: *Provided*, That for licensed wineries or farm wineries at a licensed ~~festival or fair~~ fair or festival; tastings, samples, on-premises sales, and off-premises sales shall occur under the hours of operation as required

in this article, except on Sunday, tastings, samples, and off-premises sales are unlawful between the hours of 2:00 a.m. and 6:00 a.m.

(4) A ~~festival or fair~~ fair or festival license may be issued to a 'wine club' as defined in this subdivision for a license fee of $250. The festival or fair committee or the governing body shall designate a person to organize a club under a name which includes the name of the ~~festival or fair~~ fair or festival and the words 'wine club'. The license shall be issued in the name of the wine club. A licensee may not sell wine as provided in this subdivision until the wine club has at least 50 dues-paying members who have been enrolled, and to whom membership cards have been issued. Thereafter, new members may be enrolled and issued membership cards at any time during the period for which the license is issued. A wine club licensed under the provisions of this subdivision may sell wine only to its members, and in portions not to exceed eight ounces per serving. The sales shall take place on-premises or in an area cordoned or segregated so as to be closed to the general public, and the general public shall not be admitted to the premises or area. A wine club licensee under the provisions of this subdivision may serve complimentary samples of wine in moderate quantities for tasting. A wine club may not make wine purchases from a direct shipper where the wine may be consumed on the licensed premises of any Class A private wine retail ~~license~~ licensee or private club licensee. A wine club which violates the provisions of this subdivision is subject to the penalties in this article.

(5) A licensed winery or farm winery approved to participate in a ~~festival or fair~~ fair or festival under the provisions of this section and the licensee holding the license, or the licensed winery or farm winery approved to attend a licensed ~~festival or fair~~ fair or festival, is subject to all other provisions of this article and the rules and orders of the commissioner relating to the license: *Provided*, That the commissioner may by rule or order provide for certain waivers or exceptions with respect to the provisions, rules, or orders required by the circumstances of each ~~festival or fair~~ fair or festival, including, without limitation, the right to revoke or suspend any license issued pursuant to this section prior to any notice or hearing notwithstanding the provisions §60-8-27 and §60-8-28 of this code: *Provided, however*, That under no circumstances shall the provisions of §60-8-20(c) or §60-8-20(d) of this code, be waived nor shall any exception be granted with respect to those subsections.

(6) A license issued under the provisions of this section and the licensee holding the license are not subject to the provisions of subsection (g) of this section.

(7) An unlicensed winery temporarily licensed and meeting the requirements set forth in subsection (q) of this section may conduct the same sampling and sales set forth in subsection (q) of this section at a licensed fair and festival upon approval of the licensee holding the fair and festival license and temporary and limited licensure by the commissioner. An unlicensed winery is subject to the same limits, fees, requirements, restrictions, and penalties set forth in subsection (q) of this section: *Provided*, That the commissioner may by rule or order provide for certain waivers or exceptions with respect to the provisions, rules, or orders required by the circumstances of each ~~festival or fair~~ fair or festival. The commissioner may revoke or suspend any license issued pursuant to this section prior to any notice or hearing notwithstanding the provisions §60-8-27 and §60-8-28 of this code: *Provided, however*, That under no circumstances shall the provisions of §60-8-20(c) or §60-8-20(d) of this code be waived nor shall any exception be granted with respect to those subsections.

(i)(1) The commissioner may issue a special license for the retail sale of wine in a professional baseball stadium. A license to sell wine granted pursuant to this subsection entitles the licensee to sell and serve wine for consumption in a professional baseball stadium. For the purpose of this

subsection, 'professional baseball stadium' means a facility constructed primarily for the use of a major or minor league baseball franchisee affiliated with the National Association of Professional Baseball Leagues, Inc., or its successor, and used as a major or minor league baseball park. Any special license issued pursuant to this subsection shall be for a term beginning on the date of issuance and ending on the next following June 30, and its fee is $250 regardless of the length of the term of the license. The application for the special license shall contain information required by the commissioner and must be submitted to the commissioner at least 30 days prior to the first day when wine is to be sold at the professional baseball stadium. The special license may be issued in the name of the baseball franchisee or the name of the primary food and beverage vendor under contract with the baseball franchisee. These sales must take place within the confines of the professional baseball stadium. The exterior of the area where wine sales may occur shall be surrounded by a fence or other barrier prohibiting entry except upon the franchisee's express permission, and under the conditions and restrictions established by the franchisee, so that the wine sales area is closed to free and unrestricted entry by the general public.

(2) A license issued under this subsection and the licensee holding the license are subject to all other provisions of this article and the rules and orders of the commissioner relating to the special license: *Provided*, That the commissioner may by rule or order grant certain waivers or exceptions to those rules or orders required by the circumstances of each professional baseball stadium. The commissioner may revoke or suspend any license issued pursuant to this section prior to any notice or hearing notwithstanding §60-8-27 and §60-8-28 of this code: *Provided, however*, That under no circumstances may §60-8-20(c) or §60-8-20(d) of this code be waived nor shall any exception be granted concerning those subsections.

(3) The commissioner may propose legislative rules for promulgation in accordance with §29A-3-1 *et seq.* of this code to implement this subsection.

(j) A license to sell wine granted to a private wine bed and breakfast, private wine restaurant, private wine spa, or a private club under the provisions of this article entitles the operator to sell and serve wine, for consumption on the premises of the licensee, when the sale accompanies the serving of food or a meal to its members and their guests in accordance with the provisions of this article: *Provided*, That a licensed private wine bed and breakfast, private wine restaurant, private wine spa, or a private club may permit a person over 21 years of age to purchase wine, consume wine, and recork or reseal, using a tamper resistant cork or seal, up to two separate bottles of unconsumed wine in conjunction with the serving of food or a meal to its members and their guests in accordance with the provisions of this article and in accordance with rules promulgated by the commissioner for the purpose of consumption of the wine off premises: *Provided, however*, That a licensed private wine restaurant or a private club may offer for sale, for consumption ~~off the~~ off-premises, sealed bottles of wine to its customers provided that no more than one bottle is sold per each person over 21 years of age, as verified by the private wine restaurant or private club, for consumption ~~off the~~ off-premises. The licensees may keep and maintain on ~~their~~ its premises a supply of wine in quantities appropriate for the conduct of operations thereof. Any sale of wine is subject to all restrictions set forth in §60-8-20 of this code. A private wine restaurant may also be licensed as a Class A retail dealer in nonintoxicating beer as provided by §11-16-1 *et seq.* of this code.

(k) With respect to subsections (h), (i), (j), (o), and (p) of this section, the commissioner shall propose legislative rules for promulgation in accordance with §29A-1-1 *et seq.* of this code, including, but not limited to, the form of the applications and the suitability of both the applicant and location of the licensed premises.

(l) The commissioner shall propose legislative rules for promulgation in accordance with the provisions of §29A-1-1 *et seq.* of this code to allow restaurants to serve wine with meals and to sell wine by the bottle for off-premises consumption as provided in subsection (j) of this section. Each licensed restaurant shall be charged an additional $100 per year fee.

(m) The commissioner shall establish guidelines to permit wines to be sold in all stores licensed for retail sales.

(n) Wineries and farm wineries may advertise off premises as provided in §17-22-7 of this code.

(o) A licensed wine specialty shop under this article may also hold a wine sampling license authorizing the wine specialty shop to conduct special wine sampling events ~~at a licensed wine specialty shop~~ at its location during regular hours of business. The wine specialty shop may serve up to ~~three~~ six complimentary samples of wine, consisting of no more than ~~two~~ three fluid ounces each, to any one consumer ~~in one~~ per day. Persons serving the ~~complimentary~~ samples shall be 21 years of age or older and an authorized representative of the licensed wine specialty shop, winery, farm winery, or a representative of a distributor or registered supplier. Distributor and supplier representatives attending wine sampling events shall register with the commissioner. No licensee, employee, or representative may furnish, give, sell, or serve ~~complimentary~~ samples of wine to any person less than 21 years of age or to a person who is physically incapacitated due to the consumption of alcoholic liquor or the use of drugs. The wine specialty shop shall notify and secure permission from the commissioner for all wine sampling events 30 days prior to the event. Wine sampling events may not exceed six hours per calendar day. Licensees shall purchase all wines used during these events from a licensed farm winery or a licensed distributor.

(p) The commissioner may issue special one-day licenses to duly organized, nonprofit corporations and associations allowing the sale and serving of wine, and may, if applicable, also allow the charitable auctioning of certain sealed bottles of wine for off-premises consumption only, when raising money for athletic, charitable, educational, or religious purposes. 'Auction or auctioning', for the purposes of this subsection, means any silent, physical act, or verbal bid auction, whether or not the auction requires in-presence bidding or online Internet-based electronic bidding through a secure application or website, but shall not include any action in violation of §47-20-10, §47-20-11, or §61-10-1 *et seq.* of this code. The license application shall contain information required by the commissioner and shall be submitted to the commissioner at least 30 days prior to the event. Accompanying the license application, the applicant shall submit a signed and notarized statement that at least 80 percent of the net proceeds from the charitable event will be donated directly to the nonprofit corporation or organization. Wines used during these events may be donated by, or purchased from, a licensed retailer, a distributor, winery, or a farm winery. A licensed winery or farm winery which is authorized in writing by a representative of the duly organized, nonprofit corporation or association which has obtained the one-day license; is in good standing with the state; and obtains the commissioner's approval prior to the one-day license event may, in conjunction with the one-day licensee, exhibit, conduct complimentary tastings, ~~or~~ sell samples not to exceed ~~three~~ six, ~~two~~ three-fluid ounce tastings or samples per patron, sell wine by the glass or by the bottle, when consumed by the glass, for consumption ~~on the~~ on-premises during the operation of the one-day license event~~;~~ and may sell certain sealed wine bottles manufactured by the licensed winery or farm winery for off-premises consumption: *Provided*, That for a licensed winery or farm winery at a licensed one-day event, the tastings, samples, on-premises sales, and off-premises sales of its wine shall occur under the hours of operation permitted by this article, except on Sunday, tastings, samples, on-premises sales, and off-premises sales of its wine are unlawful between the hours of 2:00 a.m. and 6:00

a.m., from the one-day licensee's submitted floor plan for the event subject to the requirements in the code and rules. Under no circumstances may the provisions of §60-8-20(c) or §60-8-20(f) of this code be waived nor may any exception be granted with respect to those subsections.

(q)(1) In addition to the authorization granted to licensed wineries and farm wineries in subsections (h) and (p) of this section, an unlicensed winery, regardless of its designation in another state, ~~but~~ that is duly licensed in its domicile state, may pay a $150 nonrefundable and ~~nonprorated~~ non-prorated fee and submit an application for temporary licensure on a one-day basis for temporary sampling and sale of wine in sealed containers for off-premises consumption at a special one-day license nonprofit event.

(2) The application shall include, but is not limited to, the person or entity's name, address, taxpayer identification number, and location; a copy of its licensure in its domicile state; a signed and notarized verification that it produces 50,000 gallons or less of wine per year; a signed and notarized verification that it is in good standing with its domicile state; copies of its federal certificate of label approvals and certified lab alcohol analysis for the wines it desires to temporarily provide samples and temporarily sell wine in sealed containers for off-premises consumption at a special one-day license for a nonprofit event issued under subsection (p) of this section; and any other information as the commissioner may reasonably require; *Provided*, That the background investigation requirement set forth in §60-8-16 of this code is inapplicable to licenses authorized by this subdivision.

(3) The applicant winery shall include a list of all wines proposed to be temporarily sampled and temporarily sold by the glass or bottle, when consumed by the glass, for on-premises consumption or in sealed containers for off-premises consumption at a special one-day license for a nonprofit event so that the wines may be reviewed in the interest of public health and safety. Once approved, the submitted wine list creates a temporary wine brand registration for up to two special one-day licenses for a nonprofit event for no additional fee.

(4) An applicant winery that receives this temporary special one-day license for a nonprofit event shall provide the commissioner a signed and notarized written agreement acknowledging that the applicant winery understands its responsibility to pay all municipal, local, and sales taxes applicable to the sale of wine in West Virginia.

(5) An application must be submitted ~~per~~ for each special one-day license for a nonprofit event the applicant winery desires to attend, and the license fee shall cover up to two special one-day ~~license~~ licenses for nonprofit events before an additional fee ~~would be~~ is required. In no circumstance would the winery be permitted to attend more than four special one-day licensed events. Any applicant or unlicensed winery desiring to attend more than four special one-day license for nonprofit events per year or otherwise operate in West Virginia would need to seek appropriate licensure as a winery or a farm winery in this state.

(6) Notwithstanding the provisions of this article and requirements for licensure, wine brand registration, payment of wine liter tax, and the winery's appointment of suppliers and distributors, this temporary special one-day license for a nonprofit event, once granted, permits a winery to operate in this limited capacity only at the approved specific, special one-day license for a nonprofit event subject to the limitations contained in this section.

(7) The applicant winery shall also apply for and receive a transportation permit to legally transport wine in the state per §60-6-12 of this code.

(8) The applicant winery is subject to all applicable violations and/or penalties under this article and the legislative rules that are not otherwise excepted by this subsection: *Provided*, That the commissioner may by rule or order provide for certain waivers or exceptions with respect to the provisions, rules, or orders required by the circumstances of each ~~festival or fair~~ fair or festival. The commissioner may revoke or suspend any license issued pursuant to this article, prior to any notice or hearing.

(r) The commissioner may issue special licenses to heritage fairs and festivals allowing the sale, serving, and sampling of wine from a licensed farm winery. The license application shall contain information required by the commissioner and shall be submitted to the commissioner at least 30 days prior to the event. Wines used during these events may be donated by or purchased from a licensed farm winery. Under no circumstances may the provision of §60-8-20(c) of this code be waived nor may any exception be granted with respect thereto. The commissioner shall propose rules for legislative approval in accordance with §29A-3-1 *et seq.* of this code to implement the provisions of this subsection.

(s)(1) The commissioner may issue a special license for the retail sale of wine in a college or university stadium. A license to sell wine granted pursuant to this subsection entitles the licensee to sell and serve wine for consumption in a college or university stadium. For the purpose of this subsection, 'college stadium' means a facility constructed primarily for the use of a Division I, II, or III college or university that is a member of the National Collegiate Athletic Association, or its successor, and used as a football, basketball, baseball, soccer, or other Division I, II, or III sports stadium. A special license issued pursuant to this subsection shall be for a term beginning on the date of its issuance and ending on the next following June 30, and its fee is $250 regardless of the length of the term of the license. The application for the special license shall contain information required by the commissioner and must be submitted to the commissioner at least 30 days prior to the first day when wine is to be sold. The special license may be issued in the name of the National Collegiate Athletic Association Division I, II, or III college or university or the name of the primary food and beverage vendor under contract with that college or university. All sales must take place within the confines of the college or university stadium: *Provided*, That the exterior of the area where wine sales may occur shall be surrounded by a fence or other barrier prohibiting entry except upon the college or university's express permission, and under the conditions and restrictions established by the college or university, so that the wine sales area is closed to free and unrestricted entry by the general public.

(2) A license issued under this subsection and the licensee are subject to the other requirements of this article and the rules and orders of the commissioner relating to the special license: *Provided*, That the commissioner may by rule or order grant certain waivers or exceptions to those rules or orders as required by the circumstances of each the college or university stadium. The commissioner may revoke or immediately suspend any license issued pursuant to this section prior to any notice or hearing notwithstanding §60-8-27 and §60-8-28 of this code: *Provided, however*, That §60-8-20(c) or §60-8-20(d) of this code may not be waived, nor shall any exception be granted concerning those subsections.

(3) The commissioner may propose legislative rules for promulgation in accordance with §29A-3-1 *et seq.* of this code to implement this subsection.

§60-8-6c. Winery and farm winery license to sell wine growlers and provide ~~complimentary~~ samples prior to purchasing a wine growler.

(a) *Legislative findings*. — The Legislature hereby finds that it is in the public interest to regulate, control, and support the brewing, manufacturing, distribution, sale, consumption, transportation, and storage of wine and its industry in this state to protect the public health, welfare, and safety of the citizens of this state, and promote hospitality and tourism. Therefore, this section authorizes a licensed winery or farm winery with its principal place of business and manufacture located in this state to have certain abilities to promote the sale of wine manufactured in this state for the benefit of the citizens of this state, the state's growing wine industry, and the state's hospitality and tourism industry, all of which are vital components for the state's economy.

(b) *Sales of wine*. — A licensed winery or farm winery with its principal place of business and manufacture located in the State of West Virginia may, when licensed under this section, offer only wine manufactured by the licensed winery or farm winery for retail sale to customers from the winery or farm winery's licensed premises for consumption ~~off of the licensed~~ off-premises only in the form of original container sealed wine kegs, wine bottles, or wine cans, or also a sealed wine growler for personal consumption, and not for resale. A licensed winery or farm winery may not sell, give, or furnish its wine for consumption on the premises of the principal place of business and manufacture located in the State of West Virginia, except for the limited purpose of ~~complimentary~~ samples as permitted in subsection (c) of this section, ~~or unless separately licensed~~ for on-premises sales in accordance with §60-4-3b of this code, or for on-premises sales when separately licensed as a private wine restaurant or a private manufacturer club.

(c) ~~*Complimentary s*~~ *Samples*. — A licensed winery or farm winery with its principal place of business and manufacture located in the State of West Virginia may offer ~~complimentary~~ samples of wine as set forth in §60-4-3b of this code.

(d) *Retail sales*. — Every licensed winery or farm winery under this section shall comply with all the provisions of this article as applicable to wine retailers when conducting wine growler sales and is subject to all applicable requirements and penalties in this article.

(e) *Payment of taxes and fees*. — A winery or farm winery licensed under this section shall pay all taxes and fees required of licensed wine retailers, in addition to any other taxes and fees required, and shall meet applicable licensing provisions as required by this chapter and by rule of the commissioner.

(f) *Advertising*. — A licensed winery or farm winery under this section may advertise a particular brand or brands of wine produced by the licensed winery or farm winery and the price of the wine subject to state and federal requirements or restrictions. The advertisement may not encourage intemperance or target minors.

(g) *Wine Growler defined*. — For purposes of this section and section §60-8-6d of the code, 'wine growler' means a container or jug that is made of glass, ceramic, metal, or other material approved by the commissioner, that may be no larger than 128 fluid ounces in size and is capable of being securely sealed. The growler may be used by an authorized licensee for purposes of off-premises sales only of wine for personal consumption, and not for resale. The wine served and sold in a sealed wine growler may include ice or water mixed with the wine to create a frozen alcoholic beverage. Any frozen alcoholic beverage machine used for filling wine growlers shall be sanitized daily and shall be under control and served by the licensee from the secure area. Notwithstanding any other provision of this code to the contrary, a securely sealed wine growler is not an open container under state and local law. A wine growler with a broken seal is an open container under state and local law unless it is located in an area of the motor vehicle physically separated from the passenger compartment. For purpose of this article, a secure seal means

using a tamper evident seal, such as: (1) A plastic heat shrink wrap band, strip, or sleeve extending around the cap or lid of wine growler to form a seal that ~~shall be~~ is broken when the container is opened; or (2) A screw top cap or lid that breaks apart when the wine growler is opened.

(h) *Wine Growler requirements*. — A winery or farm winery licensed under this section shall prevent patrons from accessing the secure area where the winery or farm winery fills a wine growler and prevent patrons from filling a wine growler. A licensed winery or farm winery under this section shall sanitize, fill, securely seal, and label any wine growler prior to its sale. A licensed winery or farm winery under this section may refill a wine growler subject to the requirements of this section. A winery or farm winery shall visually inspect any wine growler before filling or refilling it. A winery or farm winery may not fill or refill any wine growler that appears to be cracked, broken, unsafe, or otherwise unfit to serve as a sealed beverage container.

(i) *Wine Growler labeling*. — A winery or farm winery licensed under this section selling wine growlers shall affix a conspicuous label on all sold and securely sealed wine growlers listing the name of the licensee selling the wine growler, the brand of the wine in the wine growler, the alcohol content by volume of the wine in the wine growler, and the date the wine growler was filled or refilled. All labeling on the wine growler shall be consistent with all federal labeling and warning requirements.

(j) *Wine Growler sanitation*. — A licensed winery or farm winery authorized under this section shall clean and sanitize all wine growlers it fills or refills in accordance with all state and county health requirements prior to its filling and sealing. In addition, the licensed winery or farm winery shall sanitize, in accordance with all state and county health requirements, all taps, tap lines, pipelines, barrel tubes, and any other related equipment used to fill or refill growlers. Failure to comply with this subsection may result in penalties under this article.

(k) *Fee*. — There is no additional fee for a licensed winery or farm winery authorized under this section to sell wine growlers, but the licensee shall meet all other requirements of this section.

(l) *Limitations on licensees*. — To be authorized under this section, a licensed winery or farm winery may not produce more than 10,000 gallons of wine per calendar year at the winery or farm winery's principal place of business and manufacture located in the State of West Virginia. A licensed winery or farm winery authorized under this section is subject to the applicable penalties under this article for violations of this section.

(m) *Rules*. — The commissioner, in consultation with the Bureau for Public Health, may propose legislative rules concerning sanitation for legislative approval, pursuant to §29A-3-1 *et seq.* of this code, to implement this section.

§60-8-8. Authorizing wineries and farm wineries to sell and serve wine at fairs and festivals.

All wineries and farm wineries also possessing a Class A wine license or private manufacturer club license may serve and sell wine as set forth in §60-4-3b and §60-8-3 of this code at any licensed fair or festival in the state of West Virginia, subject to the fair or festival licensee granting the winery or farm winery permission to do so in writing.

§60-8-32a. Where wine may be sold and consumed for on-premises consumption.

(a) With prior approval of the commissioner, a Class A wine licensee may sell, serve, and furnish wine for on premises consumption in a legally demarcated area which may include a temporary private wine outdoor dining area or a temporary private wine outdoor street dining area. A temporary private wine outdoor street area shall be approved by the municipal government or county commission in which the licensee operates. The commissioner shall develop and make available an application form to facilitate the purposes of this subsection.

(b) The Class A wine licensee shall submit to a municipality or county commission for the approval of the private wine outdoor dining area or private wine outdoor street dining area and submit to the municipality or county commission a revised floorplan requesting to sell wine, subject to the commissioner's requirements, in an approved and bounded outdoor area. For private wine outdoor street dining or private wine outdoor dining the approved and bounded outdoor area need not be adjacent to the licensee's licensed premises, but in close proximity and under the licensee's control and with right of ingress and egress. For purposes of this section, 'close proximity,' means an available area within ~~150~~ 300 feet of the licensee's licensed premises.

(c) This private wine outdoor dining or private wine outdoor street dining may be operated in conjunction with a private outdoor dining or private outdoor street dining area set forth in §60-7-8d of this code, and nonintoxicating beer or nonintoxicating craft beer outdoor dining or outdoor street dining set forth in §11-16-9 of this code.

(d) For purposes of this section, 'private wine outdoor dining and private wine outdoor street dining' include dining areas that are:

(1) Outside and not served by an HVAC system for air handling services and use outside air;

(2) Open to the air; and

(3) Not enclosed by fixed or temporary walls; however, the commissioner may seasonally approve a partial enclosure with up to three temporary or fixed walls.

Any areas where seating is incorporated inside a permanent building with ambient air through HVAC is not considered outdoor dining pursuant to this subsection.

(e) Class A licensees licensed for on-premises sales shall provide food, which may be pre-packaged food not requiring kitchen preparation, or a meal along with sealed wine in the original container or a sealed wine growler sales and service as set forth in this section and in §60-8-3 of this code, to a patron who is in-person or in-vehicle while picking up food and sealed wine in the original containers or sealed wine growlers ordered-to-go, subject to verification that the purchasing person is 21 years of age or older, and not visibly, or noticeably intoxicated, and as otherwise specified in this article.

(f) West Virginia farm wineries possessing a Class A license may serve and sell wine by the glass or by the bottle in accordance with §60-4-3b and §60-8-32a of this code.

ARTICLE 8A. MANUFACTURE AND SALE OF HARD CIDER.

§60-8A-5. Winery or farm winery licensee's authority to manufacture, sell, and provide ~~complimentary~~ samples; growler sales; advertisements; taxes; fees; rulemaking.

(a) Sales of hard cider. — A licensed winery or farm winery with its principal place of business or manufacturing facility located in the State of West Virginia may offer hard cider manufactured by the licensed winery or farm winery for retail sale to customers from the winery's or farm winery's licensed premises for consumption ~~off of the licensed~~ off-premises only in approved and registered hard cider kegs, bottles, or cans, or also sealed wine growlers for personal consumption and not for resale. A licensed winery or farm winery may not sell, give, or furnish hard cider for consumption on the premises of the principal place of business or manufacturing facility located in the State of West Virginia, except for the limited purpose of ~~complimentary~~ samples as permitted in subsection (b) of this section. 'Wine Growler' has the meaning set forth in §60-8-6c(g) of this code. Customers may consume hard cider on-premises when an operator of a winery or farm winery is licensed as a private wine restaurant or a private manufacturer club.

(b) ~~Complimentary~~ Samples. — A licensed winery or farm winery with its principal place of business or manufacturing facility located in the State of West Virginia may offer ~~complimentary~~ samples of hard cider manufactured at the winery's or farm winery's principal place of business or manufacturing facility located in the State of West Virginia. The ~~complimentary~~ samples may be no greater than ~~two~~ three fluid ounces per sample per patron, and a sampling shall not exceed six complimentary ~~two~~ three fluid ounce samples per patron per day. A licensed winery or farm winery providing ~~complimentary~~ samples shall provide ~~complimentary~~ food, which may be pre-packaged food not requiring kitchen preparation, items to the patron consuming the ~~complimentary~~ samples; and prior to any sampling, verify, using proper identification, that the patron sampling is 21 years of age or older and that the patron is not noticeably or visibly intoxicated. The winery or farm winery is subject to the hours of operation set forth in §60-8-34 of this code.

(c) Retail sales. — Every licensed winery or farm winery under this section shall comply with all the provisions applicable to wine retailers when conducting sales of hard cider and is subject to all applicable requirements and penalties. A winery or a farm winery holding a private wine restaurant license or private manufacturer club license may offer for sale and service hard cider by the drink or glass or cider by the bottle when consumed by the glass on the property of the winery or farm winery. In the interest of promoting tourism throughout the state, every licensed winery or farm winery manufacturing cider in this state is authorized, with a limited off-site retail privilege at private fair and festivals, for off-premises consumption sales of ~~only~~ the winery or farm winery's sealed hard cider. At least five days prior to an approved private fair and festival, an authorized winery or farm winery shall provide a copy of a written agreement to sell only hard cider manufactured by the licensed winery or farm winery at the private fair and festival's licensed premises. If approved, an authorized winery or farm winery may conduct on-premises and off-premises consumption sales of their hard cider from a designated booth at the private fair and festival as set forth in §60-7-8a of this code. All authorized and approved wineries and farm wineries' on-premises and off-premises consumption sales of hard cider shall comply with all retail requirements in §60-8-1 *et seq.* of this code and §60-8A-1 *et seq.* of this code, and specifically with respect to all markups, taxes, and fees. Additionally, an authorized winery or farm winery may provide, sell, and serve hard cider samples in the amounts set forth in subsection(b) of this section, hard cider by the glass or drink, or hard cider by the bottle when consumed by the glass of its hard cider for on-premises consumption to patrons who are 21 years of age and older and who are not intoxicated.

(d) Payment of taxes and fees. — A licensed winery or farm winery under this section shall pay all taxes and fees required of licensed wine retailers, in addition to any other taxes and fees required, and meet applicable licensing provisions as required by law and by rule of the commissioner.

(e) Advertising. — A licensed winery or farm winery may advertise a particular brand or brands of hard cider produced by the licensed winery or farm winery and the price of the hard cider subject to state and federal requirements or restrictions. The advertisement may not encourage intemperance or target minors.

(f) Growler requirements. — A licensed winery or farm winery, if offering wine growler filling services, shall meet the filling, labeling, sanitation, and all other wine growler requirements in §60-8-6c of this code.

(g) Fee. — There is no additional fee for a licensed winery or farm winery authorized under §60-8-6c of this code, to sell wine growlers, if a winery or farm winery only desires to sell hard cider in the wine growler, and no other wine, then the annual non-prorated and nonrefundable license fee is $50."

And,

By amending the title of the bill to read as follows:

H. B. 5294 – "A Bill to amend and reenact the provisions of §11-16-6a and §11-16-11a of the Code of West Virginia, as amended; to amend and reenact §60-3A-3a of said code; to amend and reenact §60-4-3a and §60-4-3b; to amend and reenact §60-6-1 of said code; to amend and reenact §60-7-2, §60-7-8a, and §60-7-8d of said code; to amend and reenact §60-8-2, §60-8-3, §60-8-6c, and to amend said code by adding thereto a new section designated §60-8-8; to amend and reenact §60-8-32a of said code and to amend and reenact §60-8A-5 of said code all relating to alcoholic liquors and non-intoxicating beer generally; removing requirement that certain samples must be complimentary; allowing on-premises consumption of alcoholic beverages at wineries, farm wineries, distilleries, mini distilleries, micro distilleries, brewers or resident brewers under specified conditions; increasing number of samples per patron per day**;** allowing licensed alcohol representatives to purchase West Virginia product for approved sampling events; modifying sample sizes; authorizing alcohol manufacturers to attend private fairs and festivals, wine festivals, and one day charitable events and sell their manufactured alcohol by the drink or glass for on-premises consumption or by the bottle off-premises consumption; clarifying that certain alcohol manufacturers may sell sealed bottles for off-premises consumption; modifying definition of close proximity to 300 feet; removing the ability of political subdivisions to regulate certain conduct of alcohol manufacturers and wine, wineries and farm wineries; removing private manufacturer club licensees 15 hours per week food service requirement; authorizing simultaneous duel licensing in some circumstances; allowing sale and serving of alcohol, wine, nonintoxicating beer, nonintoxicating craft beer and cider in various types of containers, including glasses and bottles by specified licensees on specified premises; authorizing Class B retail licensees to conduct nonintoxicating beer and liquor sampling events; modifying sample sizes for Class A retail licenses and Class B retail licenses; authorizing licensed brewers and resident brewers to enter into alternating partnership agreements; providing that wineries or farm wineries possessing certain licenses are not subject to the food requirements for private wine restaurants; authorizing licensed representatives to purchase bottles for Class A retail licenses and Class B retail licenses who conduct events; permitting licensed representatives to serve samples; providing for market zone calculations; allowing Class A wine licensees to serve food that does not require kitchen preparation; allowing wineries or farm wineries providing hard cider samples to serve food that does not require kitchen preparation; and exempting out of state wineries requesting a temporary license from background investigation requirements."

With the further amendment, sponsored by Delegate Phillips, amending the title of the bill to read as follows:

Com. Sub. for H. B. 5294 – "A Bill to amend and reenact the provisions of §11-16-6a and §11-16-11a of the Code of West Virginia, as amended; to amend and reenact §60-3A-3a of said code; to amend and reenact §60-4-3a and §60-4-3b of said code; to amend and reenact §60-6-1 of said code; to amend and reenact §60-7-2, §60-7-8a, and §60-7-8d of said code; to amend and reenact §60-8-2, §60-8-3, §60-8-6c of said code; to amend said code by adding thereto a new section designated §60-8-8; to amend and reenact §60-8-32a of said code; and to amend and reenact §60-8A-5 of said code, all relating to wine, alcoholic liquors, hard cider and non-intoxicating beer generally; defining terms; removing requirement that certain samples must be complimentary; allowing on-premises consumption of alcoholic beverages at wineries, farm wineries, distilleries, mini distilleries, micro distilleries, brewers or resident brewers under specified conditions; increasing number of samples per patron per day**;** allowing licensed alcohol representatives to purchase West Virginia product for approved sampling events; modifying sample sizes; authorizing alcohol manufacturers to attend private fairs and festivals, wine festivals, and one day charitable events and sell their manufactured alcohol by the drink or glass for on-premises consumption or by the bottle for off-premises consumption; clarifying that certain alcohol manufacturers may sell sealed bottles for off-premises consumption and on premises bottle service by the glass; modifying definition of close proximity to 300 feet; removing or limiting the ability of political subdivisions to regulate certain conduct of alcohol manufacturers, distilleries, mini-distilleries, micro-distilleries, wineries and farm wineries; removing private manufacturer club licensees' 15 hours per week food service requirement; authorizing simultaneous dual licensing in some circumstances; allowing sale and serving of alcohol, wine, nonintoxicating beer, nonintoxicating craft beer and cider in various types of containers, including glasses and bottles by specified licensees on specified premises; authorizing Class B retail licensees to conduct nonintoxicating beer and liquor sampling events; modifying sample sizes for Class A retail licenses and Class B retail licenses; authorizing licensed brewers and resident brewers to enter into alternating partnership agreements; providing that wineries or farm wineries possessing certain licenses are not subject to the food requirements for private wine restaurants; authorizing licensed representatives to purchase bottles for Class A retail licenses and Class B retail licenses who conduct events; permitting licensed representatives to serve samples; providing for treating fair and festival sales by licensees as on premises sales for the purpose of calculating the two percent of gross sales price of each retail liquor sale for market zone calculations; providing that temporary out of state licensees for one day events are not exempt from background checks required of full licensees; providing that certain licenses are not subject to specified background check requirements; allowing Class A wine licensees to serve food that does not require kitchen preparation; and allowing wineries or farm wineries providing hard cider samples to serve food that does not require kitchen preparation."

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. 761)**, and there were--yeas 75, nays 22, absent and not voting 3, with the nays and the absent and not voting being as follows:

Nays: Brooks, Burkhammer, Butler, Coop-Gonzalez, Dillon, Fast, Ferrell, Holstein, Jeffries, Jennings, Kelly, Kirby, Kump, Longanacre, Mallow, Mazzocchi, Pinson, Ross, Street, Toney, Vance and Ward.

Absent and Not Voting: Bridges, Garcia and Worrell.

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. 5294) passed.

Delegate Hott moved that the bill take effect May 1, 2024.

Delegate Martin then moved to amend the motion by Delegate Hott by striking May 1, 2024 and inserting July 1, 2024.

On the question of adoption of the amendment by Delegate Martin, the yeas and nays were demanded, which demand was not sustained.

The amendment to the motion was then rejected.

On the effective date motion by Delegate Hott, the yeas and nays were taken **(Roll No. 762)**, and there were--yeas 73, nays 20, absent and not voting 7, with the nays and the absent and not voting being as follows:

Nays: Brooks, Burkhammer, Butler, Coop-Gonzalez, Dillon, Fast, Ferrell, Jennings, Kelly, Kirby, Kump, Mallow, Martin, Pinson, Ross, Street, Toney, Vance, Ward and Worrell.

Absent and Not Voting: Bridges, DeVault, Lewis, Longanacre, Smith, Tully* and Winzenreid.

*Note: Delegate Tully subsequently announced that she did not believe that her vote recorded on Roll No. 762 and that she would like to be recorded as a “Yea”.

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. 5294) takes effect May 1, 2024.

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 concurrence in the amendment of the House of Delegates, with further amendment, and the passage, as amended, of

Com. Sub. for S. B. 200, Budget Bill.

Delegate Householder moved that the House concur in the following amendment by the Senate:

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

TITLE I – GENERAL PROVISIONS.

Section 1. General policy. – The purpose of this bill is to appropriate money necessary for the economical and efficient discharge of the duties and responsibilities of the state and its agencies during the fiscal year 2025.

Sec. 2. Definitions. — For the purpose of this bill:

"Governor" shall mean the Governor of the State of West Virginia.

"Code" shall mean the Code of West Virginia, one thousand nine hundred thirty-one, as amended.

"Spending unit" shall mean the department, bureau, division, office, board, commission, agency, or institution to which an appropriation is made.

The "fiscal year 2025" shall mean the period from July 1, 2024, through June 30, 2025.

"General revenue fund" shall mean the general operating fund of the state and includes all moneys received or collected by the state except as provided in W.V. Code §12-2-2 or as otherwise provided.

"Special revenue funds" shall mean specific revenue sources which by legislative enactments are not required to be accounted for as general revenue, including federal funds.

"From collections" shall mean that part of the total appropriation which must be collected by the spending unit to be available for expenditure. If the authorized amount of collections is not collected, the total appropriation for the spending unit shall be reduced automatically by the amount of the deficiency in the collections. If the amount collected exceeds the amount designated "from collections," the excess shall be set aside in a special surplus fund and may be expended for the purpose of the spending unit as provided by Article 2, Chapter 11B of the Code.

Sec. 3. Classification of appropriations. — An appropriation for:

"Personal services" shall mean salaries, wages and other compensation paid to full-time, part-time and temporary employees of the spending unit but shall not include fees or contractual payments paid to consultants or to independent contractors engaged by the spending unit. "Personal services" shall include "annual increment" for "eligible employees" and shall be disbursed only in accordance with Article 5, Chapter 5 of the Code.

Unless otherwise specified, appropriations for "personal services" shall include salaries of heads of spending units.

"Employee benefits" shall mean social security matching, workers' compensation, unemployment compensation, pension and retirement contributions, public employees insurance matching, personnel fees or any other benefit normally paid by the employer as a direct cost of employment. Should the appropriation be insufficient to cover such costs, the remainder of such cost shall be paid by each spending unit from its "unclassified" appropriation, or its "current expenses" appropriation or other appropriate appropriation. Each spending unit is hereby authorized and required to make such payments in accordance with the provisions of Article 2, Chapter 11B of the Code.

Each spending unit shall be responsible for all contributions, payments or other costs related to coverage and claims of its employees for unemployment compensation and workers compensation. Such expenditures shall be considered an employee benefit.

"BRIM Premiums" shall mean the amount charged as consideration for insurance protection and includes the present value of projected losses and administrative expenses. Premiums are

assessed for coverages, as defined in the applicable policies, for claims arising from, inter alia, general liability, wrongful acts, property, professional liability, and automobile exposures.

Should the appropriation for "BRIM Premium" be insufficient to cover such cost, the remainder of such costs shall be paid by each spending unit from its "unclassified" appropriation, its "current expenses" appropriation or any other appropriate appropriation to the Board of Risk and Insurance Management. Each spending unit is hereby authorized and required to make such payments. If there is no appropriation for "BRIM Premium" such costs shall be paid by each spending unit from its "current expenses" appropriation, "unclassified" appropriation or other appropriate appropriation.

West Virginia Council for Community and Technical College Education and Higher Education Policy Commission entities operating with special revenue funds and/or federal funds shall pay their proportionate share of the Board of Risk and Insurance Management total insurance premium cost for their respective institutions.

"Current expenses" shall mean operating costs other than personal services and shall not include equipment, repairs and alterations, buildings, or lands. Each spending unit shall be responsible for and charged monthly for all postage meter service and shall reimburse the appropriate revolving fund monthly for all such amounts. Such expenditures shall be considered a current expense.

"Equipment" shall mean equipment items which have an appreciable and calculable period of usefulness in excess of one year.

"Repairs and alterations" shall mean routine maintenance and repairs to structures and minor improvements to property which do not increase the capital assets.

"Buildings" shall include new construction and major alteration of existing structures and the improvement of lands and shall include shelter, support, storage, protection, or the improvement of a natural condition.

"Lands" shall mean the purchase of real property or interest in real property.

"Capital outlay" shall mean and include buildings, lands or buildings and lands, with such category or item of appropriation to remain in effect as provided by W.V. Code §12-3-12.

From appropriations made to the spending units of state government, upon approval of the Governor there may be transferred to a special account an amount sufficient to match federal funds under any federal act.

Appropriations classified in any of the above categories shall be expended only for the purposes as defined above and only for the spending units herein designated: *Provided,* That the secretary of each department shall have the authority to transfer within the department those general revenue funds appropriated to the various agencies of the department: *Provided, however,* That no more than five percent of the general revenue funds appropriated to any one agency or board may be transferred to other agencies or boards within the department: and no funds may be transferred to a "Personal Services and Employee Benefits" appropriation unless the source funds are also wholly from a "Personal Services and Employee Benefits" line, or unless the source funds are from another appropriation that has exclusively funded employment expenses for at least twelve consecutive months prior to the time of transfer and the position(s)

supported by the transferred funds are also permanently transferred to the receiving agency or board within the department: *Provided further,* Notwithstanding any previous provision no more than twenty-five percent of the general revenue funds appropriated to the following funds 0401, 0402, 0408, 0409, 0410, 0411, 0412, 0413, 0414 and 0415 within the Department of Health Facilities may be transferred between the aforementioned funds: and no funds may be transferred to a "Personal Services and Employee Benefits" appropriation unless the source funds are also wholly from a "Personal Services and Employee Benefits" line, or unless the source funds are from another appropriation that has exclusively funded employment expenses for at least twelve consecutive months prior to the time of transfer and the position(s) supported by the transferred funds are also permanently transferred to the receiving agency or board within the department: *Provided further,* That the secretary of each department and the director, commissioner, executive secretary, superintendent, chairman or any other agency head not governed by a departmental secretary as established by Chapter 5F of the Code shall have the authority to transfer funds appropriated to "Personal Services and Employee Benefits," "Current Expenses," "Repairs and Alterations," "Equipment," "Other Assets," "Land," "Buildings," "Contract Nursing" and "Unclassified: to other appropriations within the same account and no funds from other appropriations shall be transferred to the "Personal Services and Employee Benefits" or the "Unclassified" appropriation except that during Fiscal Year 2025, and upon approval from the State Budget Office, agencies with the appropriation "Salary and Benefits of Cabinet Secretary and Agency Heads" and "Salary and Benefits of Elected Officials" may transfer between this appropriation and the appropriation "Personal Services and Employee Benefits" an amount to cover annualized salaries and employee benefits for the fiscal year ending June 30, 2025, as provided by W.V. Code §6-7-2a: *And provided further,* That no authority exists hereunder to transfer funds into appropriations to which no funds are legislatively appropriated: *And provided further,* That if the Legislature creates new, consolidates, reorganizes or terminates agencies, boards or functions, within any fiscal year the secretary or other appropriate agency head, or in the case of the termination of a spending unit of the state, the Director of the State Budget Office, in the absence of general law providing otherwise, may transfer the funds formerly appropriated to such agency, board or function, allocating items of appropriation as may be necessary if only part of the item may be allocated, in order to implement such consolidation, reorganization or termination. No funds may be transferred from a Special Revenue Account, dedicated account, capital expenditure account or any other account or fund specifically exempted by the Legislature from transfer, except that the use of the appropriations from the State Road Fund for the office of the Secretary of the Department of Transportation is not a use other than the purpose for which such funds were dedicated and is permitted.

Appropriations otherwise classified shall be expended only where the distribution of expenditures for different purposes cannot well be determined in advance or it is necessary or desirable to permit the spending unit the freedom to spend an appropriation for more than one of the above classifications.

Sec. 4. Method of expenditure. — Money appropriated by this bill, unless otherwise specifically directed, shall be appropriated, and expended according to the provisions of Article 3, Chapter 12 of the Code or according to any law detailing a procedure specifically limiting that article.

Sec. 5. Maximum expenditures. — No authority or requirement of law shall be interpreted as requiring or permitting an expenditure in excess of the appropriations set out in this bill.

TITLE II – APPROPRIATIONS.

ORDER OF SECTIONS

SECTION 1. Appropriations from general revenue.

SECTION 2. Appropriations from state road fund.

SECTION 3. Appropriations from other funds.

SECTION 4. Appropriations from lottery net profits.

SECTION 5. Appropriations from state excess lottery revenue.

SECTION 6. Appropriations of federal funds.

SECTION 7. Appropriations from federal block grants.

SECTION 8. Awards for claims against the state.

SECTION 9. Appropriations from general revenue fund surplus accrued.

SECTION 10. Appropriations from lottery net profits surplus accrued.

SECTION 11. Appropriations from state excess lottery revenue surplus accrued.

SECTION 12. Special revenue appropriations.

SECTION 13. State improvement fund appropriations.

SECTION 14. Specific funds and collection accounts.

SECTION 15. Appropriations for refunding erroneous payment.

SECTION 16. Sinking fund deficiencies.

SECTION 17. Appropriations for local governments.

SECTION 18. Total appropriations.

SECTION 19. General school fund.

Section 1. Appropriations from general revenue. – From the State Fund, General Revenue, there are hereby appropriated conditionally upon the fulfillment of the provisions set forth in Article 2, Chapter 11B the following amounts, as itemized, for expenditure during the fiscal year 2025.

LEGISLATIVE

1 - Senate

Fund 0165 FY 2025 Org 2100

	Appro-priation	General Revenue Fund
Compensation of Members (R)	00300	$ 1,010,000
Compensation and Per Diem of Officers and Employees (R)	00500	4,111,332
Current Expenses and Contingent Fund (R)	02100	321,392
Repairs and Alterations (R)	06400	35,000
Technology Repair and Modernization (R)	29800	80,000
Expenses of Members (R)	39900	550,000
BRIM Premium (R)	91300	44,482
Total		$ 6,152,206

The appropriations for the Senate for the fiscal year 2024 are to remain in full force and effect and are hereby reappropriated to June 30, 2025. Any balances so reappropriated may be transferred and credited to the fiscal year 2024 accounts.

Upon the written request of the Clerk of the Senate, the Auditor shall transfer amounts between items of the total appropriation in order to protect or increase the efficiency of the service.

The Clerk of the Senate, with the approval of the President, is authorized to draw his or her requisitions upon the Auditor, payable out of the Current Expenses and Contingent Fund of the Senate, for any bills for supplies and services that may have been incurred by the Senate and not included in the appropriation bill, for supplies and services incurred in preparation for the opening, the conduct of the business and after adjournment of any regular or extraordinary session, and for the necessary operation of the Senate offices, the requisitions for which are to be accompanied by bills to be filed with the Auditor.

The Clerk of the Senate, with the approval of the President, or the President of the Senate shall have authority to employ such staff personnel during any session of the Legislature as shall be needed in addition to staff personnel authorized by the Senate resolution adopted during any such session. The Clerk of the Senate, with the approval of the President, or the President of the Senate shall have authority to employ such staff personnel between sessions of the Legislature as shall be needed, the compensation of all staff personnel during and between sessions of the

Legislature, notwithstanding any such Senate resolution, to be fixed by the President of the Senate. The Clerk is hereby authorized to draw his or her requisitions upon the Auditor for the payment of all such staff personnel for such services, payable out of the appropriation for Compensation and Per Diem of Officers and Employees or Current Expenses and Contingent Fund of the Senate.

For duties imposed by law and by the Senate, the Clerk of the Senate shall be paid a monthly salary as provided by the Senate resolution, unless increased between sessions under the authority of the President, payable out of the appropriation for Compensation and Per Diem of Officers and Employees or Current Expenses and Contingent Fund of the Senate.

Included in the above appropriation for Senate (fund 0165, appropriation 02100), an amount not less than $5,000 is to be used for the West Virginia Academy of Family Physicians - Doc of the Day Program.

2 - House of Delegates

Fund 0170 FY 2025 Org 2200

Compensation of Members (R)	00300	$	3,500,000
Compensation and Per Diem of Officers and Employees (R)	00500		575,000
Current Expenses and Contingent Fund (R)	02100		6,000,000
Expenses of Members (R)	39900		1,350,000
Capital Outlay, Repairs and Equipment (R)	58900		500,000
BRIM Premium (R)	91300		60,000
Total		$	11,985,000

The appropriations for the House of Delegates for the fiscal year 2024 are to remain in full force and effect and are hereby reappropriated to June 30, 2025. Any balances so reappropriated may be transferred and credited to the fiscal year 2024 accounts.

Upon the written request of the Clerk of the House of Delegates, the Auditor shall transfer amounts between items of the total appropriation in order to protect or increase the efficiency of the service.

The Clerk of the House of Delegates, with the approval of the Speaker, is authorized to draw his or her requisitions upon the Auditor, payable out of the Current Expenses and Contingent Fund of the House of Delegates, for any bills for supplies and services that may have been incurred by the House of Delegates and not included in the appropriation bill, for bills for services and supplies incurred in preparation for the opening of the session and after adjournment, and for the necessary operation of the House of Delegates' offices, the requisitions for which are to be accompanied by bills to be filed with the Auditor.

The Speaker of the House of Delegates shall have authority to employ such staff personnel during and between sessions of the Legislature as shall be needed, in addition to personnel designated in the House resolution, and the compensation of all personnel shall be as fixed in such House resolution for the session or fixed by the Speaker during and between sessions of the Legislature, notwithstanding such House resolution. The Clerk of the House of Delegates is hereby authorized to draw requisitions upon the Auditor for such services, payable out of the appropriation for the Compensation and Per Diem of Officers and Employees or Current Expenses and Contingent Fund of the House of Delegates.

For duties imposed by law and by the House of Delegates, including salary allowed by law as keeper of the rolls, the Clerk of the House of Delegates shall be paid a monthly salary as provided in the House resolution, unless increased between sessions under the authority of the Speaker and payable out of the appropriation for Compensation and Per Diem of Officers and Employees or Current Expenses and Contingent Fund of the House of Delegates.

Included in the above appropriation for House of Delegates (fund 0170, appropriation 02100), an amount not less than $5,000 is to be used for the West Virginia Academy of Family Physicians - Doc of the Day Program.

3 - Joint Expenses

(W.V. Code Chapter 4)

Fund 0175 FY 2025 Org 2300

Joint Committee on Government and Finance (R)	10400	$	8,725,138
Legislative Printing (R).....	10500		260,000
Legislative Rule-Making Review Committee (R).....	10600		147,250
Legislative Computer System (R).....	10700		1,447,500
Legislative Dues and Fees (R).....	10701		600,000
BRIM Premium (R).....	91300		60,569
Total.....		$	11,240,457

The appropriations for the Joint Expenses for the fiscal year 2024 are to remain in full force and effect and are hereby reappropriated to June 30, 2025. Any balances reappropriated may be transferred and credited to the fiscal year 2024 accounts.

Upon the written request of the Clerk of the Senate, with the approval of the President of the Senate, and the Clerk of the House of Delegates, with the approval of the Speaker of the House of Delegates, and a copy to the Legislative Auditor, the Auditor shall transfer amounts between items of the total appropriation in order to protect or increase the efficiency of the service.

JUDICIAL

4 - Supreme Court –

General Judicial

Fund 0180 FY 2025 Org 2400

Personal Services and Employee Benefits (R)	00100	$ 140,730,477
Repairs and Alterations (R)	06400	45,000
Equipment (R)	07000	1,812,000
Military Services Members Court (R)	09002	300,000
Judges' Retirement System (R)	11000	1,220,000
Current Expenses (R)	13000	21,482,914
Buildings (R)	25800	10,000
Other Assets (R)	69000	80,000
BRIM Premium (R)	91300	636,118
Total		$ 166,316,509

The appropriations to the Supreme Court of Appeals for the fiscal years 2021, 2022, 2023 and 2024 are to remain in full force and effect and are hereby reappropriated to June 30, 2025. Any balances so reappropriated may be transferred and credited to the fiscal year 2024 accounts.

This fund shall be administered by the Administrative Director of the Supreme Court of Appeals, who shall draw requisitions for warrants in payment in the form of payrolls, making deductions therefrom as required by law for taxes and other items.

The appropriation for the Judges' Retirement System (fund 0180, appropriation 11000) is to be transferred to the Consolidated Public Retirement Board, in accordance with the law relating thereto, upon requisition of the Administrative Director of the Supreme Court of Appeals.

EXECUTIVE

5 - Governor's Office

(W.V. Code Chapter 5)

Fund 0101 FY 2025 Org 0100

Personal Services and Employee Benefits	00100	$ 3,334,423

Salary and Benefits of Elected Officials	00200		201,802
Repairs and Alterations	06400		25,000
Equipment	07000		1,000
National Governors Association	12300		60,700
Current Expenses (R)	13000		799,000
Herbert Henderson Office of Minority Affairs	13400		396,726
Community Food Program	18500		1,000,000
Office of Resiliency (R)	18600		623,744
BRIM Premium	91300		183,645
Total		$	6,626,040

Any unexpended balances remaining in the appropriations for Unclassified (fund 0101, appropriation 09900), Current Expenses (fund 0101, appropriation 13000), Office of Resiliency (fund 0101, appropriation 18600) and Posey Perry Emergency Food Band Fund – Surplus (fund 0101, appropriation 42399) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

The above appropriation for Herbert Henderson Office of Minority Affairs (fund 0101, appropriation 13400) shall be transferred to the Minority Affairs Fund (fund 1058).

6 - Governor's Office –

Custodial Fund

(W.V. Code Chapter 5)

Fund 0102 FY 2025 Org 0100

Personal Services and Employee Benefits	00100	$	427,269
Repairs and Alterations	06400		5,000
Equipment	07000		1,000
Current Expenses (R)	13000		182,158
Total		$	615,427

Any unexpended balance remaining in the appropriation for Current Expenses (fund 0102, appropriation 13000) at the close of the fiscal year 2024 is hereby reappropriated for expenditure during the fiscal year 2025.

Appropriations are to be used for current general expenses, including compensation of employees, household maintenance, cost of official functions, and additional household expenses occasioned by such official functions.

7 - Governor's Office –

Civil Contingent Fund

(W.V. Code Chapter 5)

Fund 0105 FY 2025 Org 0100

Congressional Earmark Maintenance of Effort	XXXXX	$	0
Directed Transfer	70000		0
Milton Flood Wall (R)	75701		3,500,000
Local Economic Development Assistance (R)	81900		5,000,000
Total		$	8,500,000

Any unexpended balances remaining in the appropriations for Business and Economic Development Stimulus – Surplus (fund 0105, appropriation 08400), Civil Contingent Fund – Total (fund 0105, appropriation 11400), 2012 Natural Disasters – Surplus (fund 0105, appropriation 13500), Congressional Earmark Maintenance of Effort – Surplus (fund 0105, appropriation 22599), Civil Contingent Fund – Total – Surplus (fund 0105, appropriation 23800), Civil Contingent Fund – Surplus (fund 0105, appropriation 26300), Local Economic Development Assistance – Surplus (fund 0105, appropriation 26600), Business and Economic Development Stimulus (fund 0105, appropriation 58600), Civil Contingent Fund (fund 0105, appropriation 61400), Milton Flood Wall (fund 0105, appropriation 75701), Milton Flood Wall – Surplus (fund 0105, appropriation 75799), Natural Disasters – Surplus (fund 0105, appropriation 76400), Local Economic Development Assistance (fund 0105, appropriation 81900), and Federal Funds/Grant Match – Surplus (fund 0105, appropriation 85700) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

From this fund there may be expended, at the discretion of the Governor, an amount not to exceed $1,000 as West Virginia's contribution to the Interstate Oil Compact Commission.

The above fund is intended to provide contingency funding for accidental, unanticipated, emergency, or unplanned events which may occur during the fiscal year and is not to be expended for the normal day-to-day operations of the Governor's Office.

8 - Auditor's Office –

General Administration

(W.V. Code Chapter 12)

Fund 0116 FY 2025 Org 1200

Personal Services and Employee Benefits	00100	$	2,526,780

Salary and Benefits of Elected Officials	00200		172,237
Current Expenses (R)	13000		13,429
BRIM Premium	91300		12,077
Total		$	2,724,523

Any unexpended balance remaining in the appropriation for Current Expenses (fund 0116, appropriation 13000) at the close of the fiscal year 2024 is hereby reappropriated for expenditure during the fiscal year 2025.

9 - Treasurer's Office

(W.V. Code Chapter 12)

Fund 0126 FY 2025 Org 1300

Personal Services and Employee Benefits	00100	$	2,673,991
Salary and Benefits of Elected Officials	00200		179,158
Unclassified	09900		31,463
Abandoned Property Program	11800		41,794
Current Expenses (R)	13000		572,684
Other Assets	69000		10,000
ABLE Program	69201		150,000
BRIM Premium	91300		59,169
Total		$	3,718,259

Any unexpended balance remaining in the appropriation for Current Expenses (fund 0126, appropriation 13000) at the close of the fiscal year 2024 is hereby reappropriated for expenditure during the fiscal year 2025.

10 - Department of Agriculture

(W.V. Code Chapter 19)

Fund 0131 FY 2025 Org 1400

Personal Services and Employee Benefits	00100	$	7,126,454
Salary and Benefits of Elected Officials	00200		158,702

Animal Identification Program	03900	140,226
State Farm Museum	05500	87,759
Gypsy Moth Program (R)	11900	1,156,460
WV Farmers Market	12801	150,467
Current Expenses (R)	13000	848,115
Black Fly Control	13700	462,894
HEMP Program	13701	393,442
Donated Foods Program	36300	45,000
Veterans to Agriculture Program (R)	36301	276,314
Predator Control (R)	47000	176,400
Bee Research	69100	77,071
Microbiology Program	78500	109,024
Moorefield Agriculture Center	78600	1,106,427
Chesapeake Bay Watershed	83000	127,793
Livestock Care Standards Board	84300	8,820
BRIM Premium	91300	138,905
State FFA-FHA Camp and Conference Center	94101	809,507
Threat Preparedness	94200	80,708
WV Food Banks	96900	426,000
Senior's Farmers' Market Nutrition Coupon Program	97000	55,835
Total		$ 13,962,323

Any unexpended balances remaining in the appropriations for Gypsy Moth Program (fund 0131, appropriation 11900), Current Expenses (fund 0131, appropriation 13000), Veterans to Agriculture Program (fund 0131, appropriation 36301), Predator Control (fund 0131, appropriation 47000), and Agricultural Disaster and Mitigation Needs – Surplus (fund 0131, appropriation 85000) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

The above appropriation for Predator Control (fund 0131, appropriation 47000) is to be made available to the United States Department of Agriculture, Wildlife Services to administer the Predator Control Program.

A portion of the Current Expenses appropriation may be transferred to a special revenue fund for the purpose of matching federal funds for marketing and development activities.

From the above appropriation for WV Food Banks (fund 0131, appropriation 96900), $20,000 is for House of Hope and the remainder of the appropriation shall be allocated to the Huntington Food Bank and the Mountaineer Food Bank in Braxton County.

11 - West Virginia Conservation Agency

(W.V. Code Chapter 19)

Fund 0132 FY 2025 Org 1400

Personal Services and Employee Benefits	00100	$	914,027
Unclassified	09900		77,059
Soil Conservation Projects (R)	12000		10,293,335
Current Expenses (R)	13000		317,848
BRIM Premium	91300		34,428
Total		$	11,636,697

Any unexpended balances remaining in the appropriations for Soil Conservation Projects (fund 0132, appropriation 12000), Current Expenses (fund 0132, appropriation 13000), and Soil Conservation Projects – Surplus (fund 0132, appropriation 26900) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

12 - Department of Agriculture –

Meat Inspection Fund

(W.V. Code Chapter 19)

Fund 0135 FY 2025 Org 1400

Personal Services and Employee Benefits	00100	$	1,079,845
Unclassified	09900		7,090
Current Expenses	13000		82,605
Total		$	1,169,540

Any part or all of this appropriation may be transferred to a special revenue fund for the purpose of matching federal funds for the above-named program.

13 - Department of Agriculture –

Agricultural Awards Fund

(W.V. Code Chapter 19)

Fund 0136 FY 2025 Org 1400

Programs and Awards for 4-H Clubs and FFA/FHA	57700	$	15,000
Commissioner's Awards and Programs	73700		39,250
Total		$	54,250

14 - Department of Agriculture –

West Virginia Agricultural Land Protection Authority

(W.V. Code Chapter 8A)

Fund 0607 FY 2025 Org 1400

Personal Services and Employee Benefits	00100	$	108,743
Unclassified	09900		950
Total		$	109,693

15 - Attorney General

(W.V. Code Chapters 5, 14, 46A and 47)

Fund 0150 FY 2025 Org 1500

Personal Services and Employee Benefits (R)	00100	$	3,599,891
Salary and Benefits of Elected Officials	00200		156,799
Repairs and Alterations	06400		1,000
Equipment	07000		7,500
Unclassified (R)	09900		24,428
Current Expenses (R)	13000		681,295
Criminal Convictions and Habeas Corpus Appeals (R)	26000		1,010,387
Better Government Bureau	74000		292,286
BRIM Premium	91300		120,654
Total		$	5,894,240

Any unexpended balances remaining in the appropriations for Personal Services and Employee Benefits (fund 0150, appropriation 00100), Unclassified (fund 0150, appropriation

09900), Current Expenses (fund 0150, appropriation 13000), Criminal Convictions and Habeas Corpus Appeals (fund 0150, appropriation 26000), and Agency Client Revolving Liquidity Pool (fund 0150, appropriation 36200) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

When legal counsel or secretarial help is appointed by the Attorney General for any state spending unit, this account shall be reimbursed from such spending units specifically appropriated account or from accounts appropriated by general language contained within this bill: *Provided*, That the spending unit shall reimburse at a rate and upon terms agreed to by the state spending unit and the Attorney General: *Provided, however,* That if the spending unit and the Attorney General are unable to agree on the amount and terms of the reimbursement, the spending unit and the Attorney General shall submit their proposed reimbursement rates and terms to the Governor for final determination.

16 - Secretary of State

(W.V. Code Chapters 3, 5, and 59)

Fund 0155 FY 2025 Org 1600

Salary and Benefits of Elected Officials	00200	$	158,702
Unclassified (R)	09900		8,352
Current Expenses (R)	13000		781,584
BRIM Premium	91300		34,500
Total		$	983,138

Any unexpended balances remaining in the appropriations for Unclassified (fund 0155, appropriation 09900) and Current Expenses (fund 0155, appropriation 13000) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

17 - State Election Commission

(W.V. Code Chapter 3)

Fund 0160 FY 2025 Org 1601

Personal Services and Employee Benefits	00100	$	2,477
Unclassified	09900		75
Current Expenses	13000		4,956
Total		$	7,508

DEPARTMENT OF ADMINISTRATION

18 - Department of Administration –

Office of the Secretary

(W.V. Code Chapter 5F)

Fund 0186 FY 2025 Org 0201

Personal Services and Employee Benefits	00100	$	494,563
Salary and Benefits of Cabinet Secretary and Agency Heads	00201		153,400
Repairs and Alterations	06400		100
Equipment	07000		1,000
Unclassified	09900		9,177
Current Expenses	13000		86,009
Financial Advisor (R)	30400		27,546
Lease Rental Payments	51600		14,850,000
Design-Build Board	54000		4,000
Other Assets	69000		100
BRIM Premium	91300		5,736
Total		$	15,631,631

Any unexpended balance remaining in the appropriation for Financial Advisor (fund 0186, appropriation 30400) at the close of the fiscal year 2024 is hereby reappropriated for expenditure during the fiscal year 2025.

The appropriation for Lease Rental Payments (fund 0186, appropriation 51600) shall be disbursed as provided by W.V. Code §31-15-6b.

19 - Consolidated Public Retirement Board

(W.V. Code Chapter 5)

Fund 0195 FY 2025 Org 0205

The Division of Highways, Division of Motor Vehicles, Public Service Commission, and other departments, bureaus, divisions, or commissions operating from special revenue funds and/or federal funds shall pay their proportionate share of the retirement costs for their respective divisions. When specific appropriations are not made, such payments may be made from the balances in the various special revenue funds in excess of specific appropriations.

20 - Division of Finance

(W.V. Code Chapter 5A)

Fund 0203 FY 2025 Org 0209

Personal Services and Employee Benefits	00100	$	67,855
Unclassified	09900		1,400
GAAP Project (R)	12500		667,274
Current Expenses	13000		61,563
BRIM Premium	91300		12,675
Total		$	810,767

Any unexpended balance remaining in the appropriation for GAAP Project (fund 0203, appropriation 12500) at the close of the fiscal year 2024 is hereby reappropriated for expenditure during the fiscal year 2025.

21 - Division of General Services

(W.V. Code Chapter 5A)

Fund 0230 FY 2025 Org 0211

Personal Services and Employee Benefits	00100	$	3,147,415
Repairs and Alterations	06400		500
Equipment	07000		5,000
Unclassified	09900		20,000
Fire Service Fee	12600		14,000
Current Expenses	13000		1,148,349

Preservation and Maintenance of Statues and Monuments

on Capitol Grounds	37100		68,000
Capital Outlay, Repairs and Equipment (R)	58900		21,610,888
BRIM Premium	91300		379,983
Total		$	26,394,135

Any unexpended balance remaining in the appropriation for Capital Outlay, Repairs and Equipment (fund 0230, appropriation 58900), Capital Outlay, Repairs and Equipment – Surplus (fund 0230, appropriation 67700), and Consolidated State Laboratory – Surplus (fund 0230, appropriation 37799) at the close of the fiscal year 2024 is hereby reappropriated for expenditure during the fiscal year 2025.

From the above appropriation for Preservation and Maintenance of Statues and Monuments on Capitol Grounds (fund 0230, appropriation 37100), the Division shall consult the Division of Culture and History and Capitol Building Commission in all aspects of planning, assessment, maintenance, and restoration.

The above appropriation for Capital Outlay, Repairs and Equipment (fund 0230, appropriation 58900) shall be expended for capital improvements, maintenance, repairs, and equipment for state-owned buildings.

22 - Division of Purchasing

(W.V. Code Chapter 5A)

Fund 0210 FY 2025 Org 0213

Personal Services and Employee Benefits	00100	$	1,138,111
Repairs and Alterations	06400		200
Unclassified	09900		144
Current Expenses	13000		1,285
BRIM Premium	91300		6,922
Total		$	1,146,662

The Division of Highways shall reimburse Fund 2031 within the Division of Purchasing for all actual expenses incurred pursuant to the provisions of W.V. Code §17-2A-13.

23 - Travel Management

(W.V. Code Chapter 5A)

Fund 0615 FY 2025 Org 0215

Personal Services and Employee Benefits	00100	$	866,731
Repairs and Alterations	06400		1,000
Equipment	07000		5,000
Unclassified	09900		12,032
Current Expenses	13000		440,247
Buildings	25800		100
Other Assets	69000		100
Total		$	1,325,210

24 - Commission on Uniform State Laws

(W.V. Code Chapter 29)

Fund 0214 FY 2025 Org 0217

Current Expenses	13000	$	45,550

To pay expenses for members of the Commission on Uniform State Laws.

25 - West Virginia Public Employees Grievance Board

(W.V. Code Chapter 6C)

Fund 0220 FY 2025 Org 0219

Personal Services and Employee Benefits	00100	$	1,058,141
Equipment	07000		50
Unclassified	09900		1,000
Current Expenses	13000		146,035
BRIM Premium	91300		8,000
Total		$	1,213,226

26 - Ethics Commission

(W.V. Code Chapter 6B)

Fund 0223 FY 2025 Org 0220

Personal Services and Employee Benefits	00100	$	660,353
Repairs and Alterations	06400		500
Unclassified	09900		2,200
Current Expenses	13000		105,501
Other Assets	69000		100
BRIM Premium	91300		4,574
Total		$	773,228

27 - Public Defender Services

(W.V. Code Chapter 29)

Fund 0226 FY 2025 Org 0221

Personal Services and Employee Benefits	00100	$	2,007,935
Salary and Benefits of Cabinet Secretary and Agency Heads	00201		119,000
Unclassified	09900		333,300
Current Expenses	13000		12,740
Public Defender Corporations	35200		23,021,081
Appointed Counsel Fees (R)	78800		12,691,113
BRIM Premium	91300		10,575
Total		$	38,195,744

Any unexpended balance remaining in the appropriation for Appointed Counsel Fees - Surplus (fund 0226, appropriation 43500) and Appointed Counsel Fees (fund 0226, appropriation 78800) at the close of the fiscal year 2024 is hereby reappropriated for expenditure during the fiscal year 2025.

The Director shall have the authority to transfer funds from the appropriation to Public Defender Corporations (fund 0226, appropriation 35200) to Appointed Counsel Fees (fund 0226, appropriation 78800

28 - Division of Personnel

(W.V. Code Chapter 29)

Fund 0206 FY 2025 Org 0222

Directed Transfer	70000	$	1,800,000

The above appropriation for Directed Transfer (fund 0206, appropriation 70000) shall be transferred to the Division of Personnel (fund 2440).

29 - Committee for the Purchase of

Commodities and Services from the Handicapped

(W.V. Code Chapter 5A)

Fund 0233 FY 2025 Org 0224

Personal Services and Employee Benefits.....	00100	$	3,187
Current Expenses	13000		868
Total.....		$	4,055

30 - West Virginia Prosecuting Attorneys Institute

(W.V. Code Chapter 7)

Fund 0557 FY 2025 Org 0228

Forensic Medical Examinations (R).....	68300	$	571,016
Federal Funds/Grant Match (R)	74900		117,028
Total.....		$	688,044

Any unexpended balances remaining in the appropriations for Forensic Medical Examinations (fund 0557, appropriation 68300) and Federal Funds/Grant Match (fund 0557, appropriation 74900) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

31 - Office of Technology

(W.V. Code Chapter 5A)

Fund 0204 FY 2025 Org 0231

Directed Transfer	70000	$	5,000,000

The above appropriation for Directed Transfer (fund 0204, appropriation 70000) shall be transferred to the Information Services and Communication Fund(fund 2440).

32 - Real Estate Division

(W.V. Code Chapter 5A)

Fund 0610 FY 2025 Org 0233

Personal Services and Employee Benefits	00100	$	752,882
Repairs and Alterations	06400		100
Equipment	07000		2,500
Unclassified	09900		124
Current Expenses	13000		138,881
BRIM Premium	91300		8,284
Total		$	902,771

DEPARTMENT OF COMMERCE

33 - Division of Forestry

(W.V. Code Chapter 19)

Fund 0250 FY 2025 Org 0305

Personal Services and Employee Benefits	00100	$	5,235,593
Salary and Benefits of Cabinet Secretary and Agency Heads	00201		111,674
Repairs and Alterations	06400		80,000
Unclassified	09900		21,435
Current Expenses	13000		558,024

BRIM Premium	91300		98,754
Total		$	6,105,480

Out of the above appropriations a sum may be used to match federal funds for cooperative studies or other funds for similar purposes.

Any unexpended balances remaining in the appropriations for Current Expenses – Surplus (fund 0250, appropriation 13099) and Equipment – Surplus (fund 0250, appropriation 34100) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

34 - Geological and Economic Survey

(W.V. Code Chapter 29)

Fund 0253 FY 2025 Org 0306

Personal Services and Employee Benefits	00100	$	1,895,457
Salary and Benefits of Cabinet Secretary and Agency Heads	00201		112,753
Repairs and Alterations	06400		968
Unclassified	09900		27,678
Current Expenses	13000		51,524
Mineral Mapping System (R)	20700		1,215,510
BRIM Premium	91300		24,486
Total		$	3,328,376

Any unexpended balance remaining in the appropriation for Mineral Mapping System (fund 0253, appropriation 20700) at the close of the fiscal year 2024 is hereby reappropriated for expenditure during the fiscal year 2025.

The above Unclassified and Current Expenses appropriations include funding to secure federal and other contracts and may be transferred to a special revolving fund (fund 3105) for the purpose of providing advance funding for such contracts.

35 - Division of Labor

(W.V. Code Chapters 21 and 47)

Fund 0260 FY 2025 Org 0308

Personal Services and Employee Benefits	00100	$	1,738,911
Repairs and Alterations	06400		28,000
Unclassified	09900		15,000
Current Expenses	13000		227,000
BRIM Premium	91300		8,500
Total		$	2,017,411

36 - Division of Natural Resources

(W.V. Code Chapter 20)

Fund 0265 FY 2025 Org 0310

Personal Services and Employee Benefits	00100	$	21,378,594
Salary and Benefits of Cabinet Secretary and Agency Heads	00201		113,188
Repairs and Alterations	06400		100
Equipment	07000		100
Unclassified	09900		184,711
Current Expenses	13000		529,654
Buildings (R)	25800		100
Capital Outlay – Parks (R)	28800		6,000,000
Litter Control Conservation Officers	56400		156,980
Upper Mud River Flood Control (R)	65400		176,930
Other Assets	69000		100
Land (R)	73000		100
Law Enforcement	80600		2,731,281
BRIM Premium	91300		45,141
Total		$	31,316,979

Any unexpended balances remaining in the appropriations for Equine Enrichment - Surplus (fund 0265, appropriation 22899), Buildings (fund 0265, appropriation 25800), Capital Outlay – Parks (fund 0265, appropriation 28800), Upper Mud River Flood Control (fund 0265, appropriation 65400), Current Expenses – Surplus (fund 0265, appropriation 13099), Capital Outlay, Repairs and Equipment – Surplus (fund 0265, appropriation 67700), Land (fund 0265, appropriation 73000), and State Park Improvements – Surplus (fund 0265, appropriation 76300) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

Any revenue derived from mineral extraction at any state park shall be deposited in a special revenue account of the Division of Natural Resources, first for bond debt payment purposes and with any remainder to be for park operation and improvement purposes.

37 - Division of Miners' Health, Safety and Training

(W.V. Code Chapter 22A)

Fund 0277 FY 2025 Org 0314

Personal Services and Employee Benefits	00100	$	10,244,651
Unclassified	09900		111,016
Current Expenses	13000		1,396,141
Coal Dust and Rock Dust Sampling	27000		509,584
BRIM Premium	91300		80,668
Total		$	12,342,060

Included in the above appropriation for Current Expenses (fund 0277, appropriation 13000) is $500,000 to be used for coal mine training activities at an established mine training facility in southern West Virginia.

38 - Board of Coal Mine Health and Safety

(W.V. Code Chapter 22A)

Fund 0280 FY 2025 Org 0319

Personal Services and Employee Benefits	00100	$	248,931
Unclassified	09900		3,480
Current Expenses	13000		118,138
Total		$	370,549

Included in the above appropriation for Current Expenses (fund 0280, appropriation 13000) up to $29,000 shall be used for the Coal Mine Safety and Technical Review Committee.

39 - WorkForce West Virginia

(W.V. Code Chapter 21A)

Fund 0572 FY 2025 Org 0323

Personal Services and Employee Benefits	00100	$	51,433
Unclassified	09900		584
Current Expenses	13000		23,683
Total		$	75,700

40 - Department of Commerce –

Office of the Secretary

(W.V. Code Chapter 5B)

Fund 0606 FY 2025 Org 0327

Personal Services and Employee Benefits	00100	$	1,469,368
Salary and Benefits of Cabinet Secretary and			
Agency Heads	00201		153,750
Unclassified	09900		1,490
Current Expenses	13000		353,147
Total		$	1,977,755

Any unexpended balance remaining in the appropriation for Jobs for WV Graduates - Surplus (fund 0606, appropriation 86399) at the close of the fiscal year 2024 is hereby reappropriated for expenditure during the fiscal year 2025.

41 - State Board of Rehabilitation –

Division of Rehabilitation Services

(W.V. Code Chapter 18)

Fund 0310 FY 2025 Org 0932

Personal Services and Employee Benefits	00100	$	12,795,976
Independent Living Services	00900		429,418
Current Expenses	13000		558,815
Workshop Development	16300		1,817,427
Supported Employment Extended Services	20600		77,960
Ron Yost Personal Assistance Fund	40700		333,828
Employment Attendant Care Program	59800		131,575
BRIM Premium	91300		77,464
Total		$	16,222,463

The above appropriation for Workshop Development (fund 0310, appropriation 16300) shall be used exclusively with the private nonprofit community rehabilitation program organizations known as work centers or sheltered workshops. The appropriation shall also be used to continue the support of the program, services, and individuals with disabilities currently in place at those organizations.

DEPARTMENT OF TOURISM

42 - Department of Tourism –

Office of the Secretary

(W.V. Code Chapter 5B)

Fund 0246 FY 2025 Org 0304

Tourism – Brand Promotion (R)	61803	$	8,000,000
Tourism – Public Relations (R)	61804		1,500,000
Tourism – Events and Sponsorships (R)	61805		500,000
Tourism – Industry Development (R)	61806		2,500,000
State Parks and Recreation Advertising (R)	61900		1,500,000
Total		$	14,000,000

Any unexpended balances remaining in the appropriations for Tourism – Development Opportunity Fund (fund 0246, appropriation 11601), Tourism – Brand Promotion (fund 0246, appropriation 61803), Tourism – Public Relations (fund 0246, appropriation 61804), Tourism – Events and Sponsorships (fund 0246, appropriation 61805), Tourism – Industry Development

(fund 0246, appropriation 61806), State Parks and Recreation Advertising (fund 0246, appropriation 61900), Tourism – Brand Promotion – Surplus (fund 0246, appropriation 61893), and Tourism – Industry Development – Surplus (fund 0246, appropriation 61896 at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

The Secretary of the Department of Tourism shall have the authority to transfer between the above items of appropriation.

DEPARTMENT OF ECONOMIC DEVELOPMENT

43 - Department of Economic Development –

Office of the Secretary

(W.V. Code Chapter 5B)

Fund 0256 FY 2025 Org 0307

Personal Services and Employee Benefits	00100	$	4,403,988
Unclassified	09900		108,055
Current Expenses	13000		4,738,464
National Youth Science Camp	13200		241,570
Local Economic Development Partnerships (R)	13300		1,250,000
ARC Assessment	13600		152,585
Global Economic Development Partnerships (R)	20201		150,000
Guaranteed Work Force Grant (R)	24200		994,970
Mainstreet Program	79400		176,663
Marshall University Research Corporation	80701		500,000
BRIM Premium	91300		3,157
Hatfield McCoy Recreational Trail	96000		198,415
Total		$	12,917,867

Any unexpended balances remaining in the appropriations for Unclassified – Surplus (fund 0256, appropriation 09700), Partnership Grants (fund 0256, appropriation 13100), Local Economic Development Partnerships (fund 0256, appropriation 13300), Global Economic Development Partnerships (fund 0256, appropriation 20201), Guaranteed Work Force Grant (fund 0256, appropriation 24200), and Current Expenses – Surplus (fund 0256, appropriation

13099) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

From the above appropriation for Current Expenses (fund 0256, appropriation 13000), $50,000 shall be used for the Western Potomac Economic Partnership, $100,000 shall be used for Advantage Valley, $750,000 shall be used for the Robert C. Byrd Institute, $548,915 shall be used for West Virginia University, and $298,915 shall be used for Southern West Virginia Community and Technical College for the Mine Training and Energy Technologies Academy.

The above appropriation to Local Economic Development Partnerships (fund 0256, appropriation 13300) shall be used by the Department of Economic Development for the award of funding assistance to county and regional economic development corporations or authorities participating in the Certified Development Community Program developed under the provisions of W.V. Code §5B-2-14. The Department of Economic Development shall award the funding assistance through a matching grant program, based upon a formula whereby funding assistance may not exceed $30,000 per county served by an economic development or redevelopment corporation or authority.

The above appropriation for Directed Transfer (fund 0256, appropriation 70000) shall be transferred to the Economic Enhancement Grant Fund (fund 3382).

DEPARTMENT OF EDUCATION

44 - State Board of Education –

School Lunch Program

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

Fund 0303 FY 2025 Org 0402

Personal Services and Employee Benefits	00100	$	378,654
Current Expenses	13000		2,118,865
Total		$	2,497,519

45 - State Board of Education –

State Department of Education

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

Fund 0313 FY 2025 Org 0402

Personal Services and Employee Benefits	00100	$	4,965,309
Teachers' Retirement Savings Realized	09500		38,166,000

Unclassified (R)	09900	420,000
Center for Professional Development (R)	11500	150,000
Current Expenses (R)	13000	4,580,000
Increased Enrollment	14000	10,440,000
Safe Schools	14300	4,432,241
Attendance Incentive Bonus (R)	15001	2,262,389
National Teacher Certification (R)	16100	300,000
Jobs & Hope – Childhood Drug Prevention Education	21901	5,000,000
Technology Repair and Modernization	29800	951,003
Hope Scholarship Program	30401	18,222,183
HVAC Technicians	35500	555,872
Early Retirement Notification Incentive	36600	300,000
MATH Program	36800	886,532
Assessment Programs (R)	39600	4,002,567
Benedum Professional Development Collaborative (R)	42700	429,775
Governor's Honors Academy (R)	47800	1,059,270
21st Century Fellows	50700	274,899
English as a Second Language	52800	96,000
Teacher Reimbursement	57300	297,188
Hospitality Training	60000	281,051
Youth in Government	61600	100,000
High Acuity Special Needs (R)	63400	1,500,000
Foreign Student Education	63600	102,133
State Board of Education Administrative Costs	68400	289,328
IT Academy (R)	72100	500,000
Early Literacy Program	75600	5,724,015

School Based Truancy Prevention (R)	78101	2,084,385
Communities in Schools (R)	78103	4,912,637
Mastery Based Education	78104	125,000
Mountain State Digital Literacy Program	86401	415,500
21st Century Learners (R)	88600	1,859,919
BRIM Premium	91300	342,859
21st Century Assessment and Professional Development	93100	2,015,254
21st Century Technology Infrastructure Network		
Tools and Support (R)	93300	10,042,723
Special Olympic Games	96600	25,000
Educational Program Allowance	99600	516,250
Total		$ 128,627,282

The above appropriations include funding for the State Board of Education and its executive office.

From the above appropriation for Current Expenses (fund 0313, appropriation 13000), $2,000,000 shall be used for the Department of Education Child Nutrition Program – Non-traditional Child Hunger Solutions.

Any unexpended balances remaining in the appropriations for Unclassified (fund 0313, appropriation 09900), Current Expenses (fund 0313, appropriation 13000), Center for Professional Development (fund 0313, appropriation 11500), Attendance Incentive Bonus (fund 0313, appropriation 15001), National Teacher Certification (fund 0313, appropriation 16100), Hope Scholarship Program (fund 0313, appropriation 30401), Assessment Programs (fund 0313, appropriation 39600), Benedum Professional Development Collaborative (fund 0313, appropriation 42700), Governor's Honors Academy (fund 0313, appropriation 47800), High Acuity Special Needs (fund 0313, appropriation 63400), IT Academy (fund 0313, appropriation 72100), School Based Truancy Prevention (fund 0313, appropriation 78101), Communities in Schools (fund 0313, appropriation 78103), 21st Century Learners (fund 0313, appropriation 88600), 21st Century Technology Infrastructure Network Tools and Support (fund 0313, appropriation 93300), and Communities in Schools – Surplus (fund 0313, appropriation 78199) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

The above appropriation for Teachers' Retirement Savings Realized (fund 0313, appropriation 09500) shall be transferred to the Employee Pension and Health Care Benefit Fund (fund 2044).

From the above appropriation for Unclassified (fund 0313, appropriation 09900), $120,000 shall be for assisting low income students with AP and CLEP exam fees.

From the above appropriation for MATH Program (fund 0313, appropriation 36800), $50,000 shall be for Math Counts.

The above appropriation for Hospitality Training (fund 0313, appropriation 60000), shall be allocated only to entities that have a plan approved for funding by the Department of Education, at the funding level determined by the State Superintendent of Schools. Plans shall be submitted to the State Superintendent of Schools to be considered for funding.

From the above appropriation for Educational Program Allowance (fund 0313, appropriation 99600), $100,000 shall be expended for the Morgan County Board of Education for Paw Paw Schools; $150,000 shall be for the Randolph County Board of Education for Pickens School; $100,000 shall be for the Preston County Board of Education for the Aurora School; $100,000 shall be for the Fayette County Board of Education for Meadow Bridge; and $66,250 is for Project Based Learning in STEM fields.

46 - State Board of Education –

Aid for Exceptional Children

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

Fund 0314 FY 2025 Org 0402

Special Education – Counties	15900	$	7,425,757
Special Education – Institutions	16000		4,289,257
Education of Juveniles Held in Predispositional			
Juvenile Detention Centers	30200		731,666
Education of Institutionalized Juveniles and Adults (R)	47200		22,666,536
Total		$	35,113,216

Any unexpended balance remaining in the appropriation for Education of Institutionalized Juveniles and Adults (fund 0314, appropriation 47200) at the close of the fiscal year 2024 is hereby reappropriated for expenditure during the fiscal year 2025.

From the above appropriations, the Superintendent shall have authority to expend funds for the costs of special education for those children residing in out-of-state placements.

47 - State Board of Education –

State Aid to Schools

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

Fund 0317 FY 2025 Org 0402

Other Current Expenses	02200	$ 200,472,511
Advanced Placement	05300	716,707
Professional Educators	15100	968,229,854
Service Personnel	15200	384,280,888
Fixed Charges	15300	116,946,777
Transportation	15400	99,231,183
Improved Instructional Programs	15600	64,052,249
Professional Student Support Services	65500	66,746,268
21st Century Strategic Technology Learning Growth	93600	50,599,261
Teacher and Leader Induction	93601	29,634,380
Basic Foundation Allowances		1,980,910,078
Less Local Share		(597,038,264)
Adjustments		8,212,243
Total Basic State Aid		1,392,084,057
Public Employees' Insurance Matching	01200	292,043,423
Teachers' Retirement System	01900	71,801,418
Retirement Systems – Unfunded Liability	77500	283,652,958
Total		$ 2,039,581,856

48 - State Board of Education –

Vocational Division

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

Fund 0390 FY 2025 Org 0402

Personal Services and Employee Benefits	00100	$ 1,447,535
Unclassified	09900	268,800
Current Expenses	13000	883,106

Wood Products – Forestry Vocational Program	14600	88,600
Albert Yanni Vocational Program	14700	132,123
Vocational Aid	14800	24,826,517
Adult Basic Education	14900	5,905,442
Jobs & Hope (R)	14902	6,256,170
Program Modernization	30500	884,313
High School Equivalency Diploma Testing (R)	72600	820,630
FFA Grant Awards	83900	11,496
Pre-Engineering Academy Program	84000	265,294
Total		$ 41,790,026

Any unexpended balances remaining in the appropriations for Jim's Dream (fund 0390, appropriation 14901), Jobs and Hope (fund 0390, appropriation 14902), High School Equivalency Diploma Testing (fund 0390, appropriation 72600), and Jobs & Hope – Surplus (fund 0390, appropriation 14099) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

49 - State Board of Education –

West Virginia Schools for the Deaf and the Blind

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

Fund 0320 FY 2025 Org 0403

Personal Services and Employee Benefits	00100	$ 11,281,982
Repairs and Alterations	06400	164,675
Equipment	07000	77,000
Unclassified (R)	09900	110,000
Current Expenses (R)	13000	2,250,696
Buildings (R)	25800	45,000
Capital Outlay and Maintenance (R)	75500	1,670,000
BRIM Premium	91300	130,842

Total		$	15,730,195

Any unexpended balances remaining in the appropriations for Unclassified (fund 0320, appropriation 09900), Current Expenses (fund 0320, appropriation 13000), Buildings (fund 0320, appropriation 25800) and Capital Outlay and Maintenance (fund 0320, appropriation 75500) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

50 - State Board of Education –

School Building Authority

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

Fund 0318 FY 2025 Org 0404

School Building Authority	45300	$	24,000,000

The above appropriation for School Building Authority (fund 0318, appropriation 45300) shall be transferred to the School Construction Fund (fund 3952).

DEPARTMENT OF ARTS, CULTURE, AND HISTORY

51 - Division of Culture and History

(W.V. Code Chapter 29)

Fund 0293 FY 2025 Org 0432

Personal Services and Employee Benefits	00100	$	4,356,187
Salary and Benefits of Cabinet Secretary and Agency Heads	00201		120,106
Repairs and Alterations	06400		1,000
Equipment	07000		1
Unclassified (R)	09900		28,483
Current Expenses	13000		610,843
WV Humanities Council	16800		250,000
Buildings	25800		1
Other Assets	69000		1

Educational Enhancements	69500	73,500
Land	73000	1
Culture and History Programming	73200	231,573
Capital Outlay and Maintenance (R)	75500	19,600
Historical Highway Marker Program	84400	57,548
BRIM Premium	91300	39,337
Total		$ 5,788,181

Any unexpended balances remaining in the appropriations for Unclassified (fund 0293, appropriation 09900), Capital Outlay, Repairs and Equipment (fund 0293, appropriation 58900), Capital Improvements – Surplus (fund 0293, appropriation 66100), Capital Outlay, Repairs and Equipment – Surplus (fund 0293, appropriation 67700), Capital Outlay and Maintenance (fund 0293, appropriation 75500), and Current Expenses – Surplus (fund 0293, appropriation 13099) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

From the above appropriation for Educational Enhancements (fund 0293, appropriation 69500) $73,500 shall be used for the Clay Center.

The Current Expenses appropriation includes funding for the arts funds, department programming funds, grants, fairs and festivals, and Camp Washington Carver; and shall be expended only upon authorization of the Division of Culture and History and in accordance with the provisions of Chapter 5A, Article 3, and Chapter 12 of the W.V. Code.

52 - Library Commission

(W.V. Code Chapter 10)

Fund 0296 FY 2025 Org 0432

Personal Services and Employee Benefits	00100	$ 1,206,111
Salary and Benefits of Cabinet Secretary and Agency Heads	00201	112,000
Repairs and Alterations	06400	6,500
Current Expenses	13000	139,624
Services to Blind & Handicapped	18100	161,717
BRIM Premium	91300	18,205

Total		$	1,644,157

53 - Educational Broadcasting Commission

(W.V. Code Chapter 10)

Fund 0300 FY 2025 Org 0439

Personal Services and Employee Benefits	00100	$	3,542,948
Salary and Benefits of Cabinet Secretary and Agency Heads	00201		120,106
Current Expenses	13000		113,844
Mountain Stage	24900		450,000
Capital Outlay and Maintenance (R)	75500		49,250
BRIM Premium	91300		47,727
Total		$	4,323,875

Any unexpended balance remaining in the appropriation for Capital Outlay and Maintenance (fund 0300, appropriation 75500) at the close of the fiscal year 2024 is hereby reappropriated for expenditure during the fiscal year 2025.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

54 - Environmental Quality Board

(W.V. Code Chapter 20)

Fund 0270 FY 2025 Org 0311

Personal Services and Employee Benefits	00100	$	100,930
Repairs and Alterations	06400		800
Equipment	07000		500
Current Expenses	13000		28,453
Other Assets	69000		400
BRIM Premium	91300		791
Total		$	131,874

55 - Division of Environmental Protection

(W.V. Code Chapter 22)

Fund 0273 FY 2025 Org 0313

Personal Services and Employee Benefits	00100	$	4,428,232
Salary and Benefits of Cabinet Secretary and Agency Heads	00201		168,000
Water Resources Protection and Management	06800		596,832
Current Expenses	13000		85,816
Environmental Response and Cleanups	27101		91,888
Dam Safety	60700		258,751
West Virginia Stream Partners Program	63700		77,396
West Virginia Drinking Water Treatment Revolving Fund – Transfer	68900		647,500
W.V. Contributions to River Commissions	77600		148,485
Office of Water Resources Non-Enforcement Activity	85500		1,119,545
Total		$	7,622,445

56 - Air Quality Board

(W.V. Code Chapter 16)

Fund 0550 FY 2025 Org 0325

Personal Services and Employee Benefits	00100	$	60,737
Repairs and Alterations	06400		800
Equipment	07000		400
Current Expenses	13000		11,612
Other Assets	69000		200

BRIM Premium	91300		2,304
Total		$	76,053

DEPARTMENT OF HEALTH

57 - Department of Health –

Central Office

(W.V. Code Chapter 16)

Fund 0407 FY 2025 Org 0506

Personal Services and Employee Benefits	00100	$	3,362,243
Salary and Benefits of Cabinet Secretary and Agency Heads	00201		358,400
Chief Medical Examiner (R)	04500		0
Unclassified	09900		6,459
Current Expenses	13000		225,201
State Aid for Local and Basic Public Health Services	18400		0
Safe Drinking Water Program (R)	18700		0
Women, Infants and Children	21000		0
Early Intervention	22300		0
Cancer Registry	22500		0
Office of Drug Control Policy	35401		0
Statewide EMS Program Support (R)	38300		0
Office of Medical Cannabis (R)	42001		0
Black Lung Clinics	46700		0
Vaccine for Children	55100		0
Tuberculosis Control	55300		0
Maternal and Child Health Clinics, Clinicians and Medical Contracts and Fees (R)	57500		0

Epidemiology Support	62600	0
Primary Care Support	62800	0
Commission for the Deaf and Hard of Hearing	70400	0
Sexual Assault Intervention and Prevention	72300	0
Health Right Free Clinics	72700	0
Capital Outlay and Maintenance (R)	75500	70,000
Healthy Lifestyles	77800	0
Maternal Mortality Review	83400	0
Diabetes Education and Prevention	87300	0
BRIM Premium	91300	169,791
State Trauma and Emergency Care System	91800	0
WVU Charleston Poison Control Hotline	94400	0
Total		$ 4,192,094

Any unexpended balances remaining in the appropriations for Capital Outlay and Maintenance (fund 0407, appropriation 75500), Emergency Response Entities – Special Projects (fund 0407, appropriation 82200), Tobacco Education Program (fund 0407, appropriation 90600), and Pregnancy Centers – Surplus (fund 0407, appropriation 49999) the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

Any unexpended balances remaining in the appropriation Chief Medical Examiner (fund 0407, appropriation 04500) at the close of fiscal year 2024 shall be transferred to Chief Medical Examiner appropriation (fund xxxx, appropriation 04500).

Any unexpended balances remaining in the appropriation Safe Drinking Water Program (fund 0407, appropriation 18700) at the close of fiscal year 2024 shall be transferred to Environmental Health Services appropriation (fund xxxx, appropriation xxxxx).

Any unexpected balances remaining in the appropriation Statewide EMS Program Support (fund 0407, appropriation 38300) at the close of fiscal year 2024 shall be transferred to Statewide EMS Program Support appropriation (fund xxxx appropriation 38300)

Any unexpended balances remaining in the appropriation Office of Medical Cannabis (fund 0407, appropriation 42001) at the close of fiscal year 2024 shall be transferred to Office of Medical Cannabis appropriation (fund xxxx, appropriation 42001).

Any unexpended balances remaining in the appropriation Office of Medical Cannabis - Surplus (fund 0407, appropriation 42009) at the close of fiscal year 2024 shall be transferred to Office of Medical Cannabis - Surplus appropriation (fund xxxx, appropriation 42099).

Any unexpended balances remaining in the appropriation Vaccine for Children (fund 0407, appropriation 55100) at the close of fiscal year 2024 shall be transferred to Vaccine for Children appropriation (fund xxxx, appropriation 55100).

Any unexpended balances remaining in the appropriation Maternal and Child Health Clinics, Clinicians and Medical Contracts and Fees (fund 0407, appropriation 57500) at the close of fiscal year 2024 shall be transferred to the Maternal and Child Health Clinics, Clinicians and Medical Contracts and Fees appropriation (fund xxxx, appropriation 57500).

Any unexpended balances remaining in the appropriations Office of Drug Control Policy (fund 0407, appropriation 35401) at the close of fiscal year 2024 shall be transferred to Office of Drug Control Policy (fund 0403, appropriation 35401).

Any unexpended balances remaining in the appropriations Office of Drug Control Policy – Surplus (fund 0407, appropriation 35402) at the close of fiscal year 2024 shall be transferred to Office of Drug Control Policy – Surplus (fund 0403, appropriation 35402).

Notwithstanding the provisions of Title I, section three of this bill, the Secretary of the Department of Health shall have the authority to transfer funds within the above appropriations: *Provided,* That no more than five percent of the funds appropriated to one appropriation may be transferred to other appropriations: *Provided, however*, That no funds from other appropriations shall be transferred to the Personal Services and Employee Benefits appropriation: *Provided, further, notwithstanding the above,* that for Fiscal Year 2025 the Secretary of the Department of Health shall have additional authority to transfer appropriations between Personal Services and Employee Benefits and other dedicated appropriations within the respective departments to effectuate the 5% average salary increases granted during the 2024 regular legislative session.

58 - Department of Health–

Office of the Shared Administration

(W.V. Code Chapter 16)

Fund xxxx FY 2025 Org 0506

Personal Services and Employee Benefits	00100	$	4,149,452
Unclassified	09900		62,815
Current Expenses	13000		1,083,876
Total		$	5,296,143

59 - Bureau for Public Health –

Office of the Commissioner

(W.V. Code Chapter 16)

Fund xxxx FY 2025 Org 0506

Personal Services and Employee Benefits	00100	$	2,456,006

Unclassified	09900		594,893
Maternal and Child Health Clinics, Clinicians and			
Medical Contracts and Fees (R)	57500		834,807
Total		$	3,885,706

Any unexpended balances remaining in the appropriations for Maternal and Child Health Clinics, Clinicians and Medical Contracts and Fees (fund xxxx, appropriation 57500), at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

60 - Bureau for Public Health –

Health Statistics Center

(W.V. Code Chapter 16)

Fund xxxx FY 2025 Org 0506

Personal Services and Employee Benefits	00100	$	459,923
Current Expenses	13000		76,026
Total		$	535,949

61 - Bureau for Public Health –

Office of Community Health and Health Promotion

(W.V. Code Chapter 16)

Fund xxxx FY 2025 Org 0506

Black Lung Clinics	46700	$	170,885
Primary Care Support	62800		2,001,696
Health Right Free Clinic	72700		4,250,000
Healthy Lifestyles	77800		907,229
Diabetes Education and Prevention	87300		97,125
Total		$	7,426,935

From the above appropriation for Primary Care Support (fund xxxx, appropriation 62800), an amount not less than $100,000 shall be used for the West Virginia Cancer Coalition

62 - Bureau for Public Health –

Office of Environmental Health Services -

(W.V. Code Chapter 16)

Fund xxxx FY 2025 Org 0506

Environmental Health Services (R)	xxxxx	2,771,537

Any unexpended balances remaining in the appropriations for Environmental Health Services (fund xxxx, appropriation 18700), at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

63 - Bureau for Public Health –

Office of Epidemiology and Prevention Services -

(W.V. Code Chapter 16)

Fund xxxx FY 2025 Org 0506

Cancer Registry	22500	$	221,211
Vaccine for Children (R).....	55100		341,261
Tuberculosis Control	55300		350,013
Epidemiology Support.....	62600		1,967,979
Total.....		$	2,880,464

From the above appropriation for Epidemiology Support (fund xxxx, appropriation 62600), $50,000 shall be used for the West Virginia AIDS Coalition; and $100,000 shall be used for Adolescent Immunization Education

Any unexpended balances remaining in the appropriations for Vaccine for Children (fund xxxx, appropriation 55100), at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

64 - Bureau for Public Health –

Office of Laboratory Services -

(W.V. Code Chapter 16)

Fund xxxx FY 2025 Org 0506

Laboratory Services	xxxxx	$	3,275,870

65 - Bureau for Public Health –

Office of Maternal, Child, and Family Health -

Children's Specialty Care

(W.V. Code Chapter 16)

Fund xxxx FY 2025 Org 0506

Children's Specialty Care	xxxxx	$	1,500,830

66 - Bureau for Public Health –

Office of Maternal, Child, and Family Health -

Infant, Child, Adolescent, and Young Adult Health

(W.V. Code Chapter 16)

Fund xxxx FY 2025 Org 0506

Sexual Assault Intervention and Prevention	72300	$	2,000,000
Infant, Child Adolescent and			
Young Adult Health and Administration	xxxxx		27,036
Total		$	2,027,036

67 - Bureau for Public Health –

Office of Maternal, Child, and Family Health -

Maternal, Child, and Family Health Epidemiology

(W.V. Code Chapter 16)

Fund xxxx FY 2025 Org 0506

Maternal Mortality Review	83400	$	51,660
Maternal, Child and Family			
Health Epidemiology	xxxxx		360,076
Total		$	411,736

68 - Bureau for Public Health –

Office of Maternal, Child and Family Health -

Community Health

(W.V. Code Chapter 16)

Fund xxxx FY 2025 Org 0506

Maternal and Child Health Community Health ..... xxxxx $ 382,989

From the above appropriation for Maternal and Child Health Community Health and Fees (fund xxxx, appropriation xxxxx) $11,000 shall be used for the Marshall County Health Department for dental services.

69 - Bureau for Public Health –

Office of Maternal Child and Family Health -

Women's and Family Health

(W.V. Code Chapter 16)

Fund xxxx FY 2025 Org 0506

Women's and Family Health ..... xxxxx $ 2,300,505

From the above appropriation for Women's and Family Health (fund xxxx, appropriation xxxxx) up to $400,000 may be transferred to the Breast and Cervical Cancer Diagnostic Treatment Fund (fund 5197).

70 - Bureau for Public Health –

Office of Maternal Child and Family Health -

West Virginia Birth to Three

(W.V. Code Chapter 16)

Fund xxxx FY 2025 Org 0506

West Virginia Birth to Three ..... xxxxx $ 9,291,855

71 - Bureau for Public Health –

Office of Medical Cannabis -

(W.V. Code Chapter 16)

Fund xxxx FY 2025 Org 0506

Office of Medical Cannabis (R) 42001 1,020,075

Any unexpended balances remaining in the appropriations for Office of Medical Cannabis fund xxxx, appropriation 42001), and Office of Drug Control Policy – Surplus (fund xxxx, appropriation 42099) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

72 - Bureau for Public Health –

Office of Nutrition Services -

(W.V. Code Chapter 16)

Fund xxxx FY 2025 Org 0506

Women, Infants, and Children	21000	$	38,621

73 - Deaf and Hard of Hearing

(W.V. Code Chapter 16)

Fund xxxx FY 2025 Org 0506

Commission for Deaf and Hard of Hearing	70400	$	238,259

74 - Center for Local Health–

(W.V. Code Chapter 16)

Fund xxxx FY 2025 Org 0506

State Aid for Local and Basic Public Health Services	18400		15,571,992

75 - Office of Chief Medical Examiner

(W.V. Code Chapter 16)

Fund xxxx FY 2025 Org 0506

Chief Medical Examiner (R)	04500		13,852,264

Any unexpended balances remaining in the appropriations for Chief Medical Examiner (fund xxxx, appropriation 04500), at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

76 - Office of Emergency Medical Services

(W.V. Code Chapter 16)

Fund xxxx FY 2025 Org 0506

Statewide EMS Program Support (R)	38300	$	1,664,582
State Trauma and Emergency Care System	91800		1,954,953
WVU Charleston Poison Control Hotline	94400		712,942
Telestroke	xxxxx		1,000,000
Total		$	5,332,477

Any unexpended balances remaining in the appropriations for Statewide EMS Program Support (fund xxxx, appropriation 38300), at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

77 - Office of Threat Preparedness

(W.V. Code Chapter 16)

Fund xxxx FY 2025 Org 0506

Threat Preparedness and Administration	xxxxx	$	5,036

78 - Office of the Inspector General

(W.V. Code Chapter 16B)

Fund xxxx FY 2025 Org xxxx

Personal Services and Employee Benefits	00100	$	5,583,690
Unclassified	09900		57,469
Current Expenses	13000		1,583,603
Total		$	7,224,762

From the above appropriation for Current Expenses (fund xxxx, appropriation 13000), $73,065 shall be used for informal dispute resolution relating to nursing home administrative appeals.

79 - Human Rights Commission

(W.V. Code Chapter 5)

Fund 0416 FY 2025 Org 0510

Personal Services and Employee Benefits	00100	$	1,107,869
Salary and Benefits of Cabinet Secretary and Agency Heads	00201		114,091
Unclassified	09900		4,024
Current Expenses	13000		331,304
BRIM Premium	91300		10,764
Total		$	1,568,052

DEPARTMENT OF HUMAN SERVICES

80 - Division of Human Services

(W.V. Code Chapters 9, 48, and 49)

Fund 0403 FY 2025 Org 0511

Personal Services and Employee Benefits	00100	$	32,554,845
Salary and Benefits of Cabinet Secretary and Agency Heads	00201		159,250
Unclassified	09900		5,120,050
Current Expenses	13000		5,557,409
Child Care Development	14400		3,138,536
Jobs & Hope	14902		2,357,000
Medical Services	18900		0
Social Services	19500		46,136
Family Preservation Program	19600		0
Behavioral Health Program (R)	21900		66,864,419
Family Resource Networks	27400		1,762,464
Substance Abuse Continuum of Care (R)	35400		1,656,000
Office of Drug Control Policy (R)	35401		567,875
Domestic Violence Legal Services Fund	38400		0
James “Tiger” Morton Catastrophic Illness Fund	45500		373,424
I/DD Waiver	46600		0
Child Protective Services Case Workers	46800		0
Title XIX Waiver for Seniors	53300		0
WV Teaching Hospitals Tertiary/Safety Net	54700		0
In-Home Family Education	68800		1,000,000
WV Works Separate State Program	69800		1,381,500
Child Support Enforcement	70500		6,227,186
Temporary Assistance for Needy Families/			

Maintenance of Effort	70700	23,237,186
Child Care – Maintenance of Effort Match	70800	5,693,743
Grants for Licensed Domestic Violence Programs and Statewide Prevention	75000	0
Capital Outlay and Maintenance (R)	75500	11,875
Community Based Services and Pilot Programs for Youth	75900	0
Medical Services Administrative Costs	78900	58,017
Traumatic Brain Injury Waiver	83500	0
Indigent Burials (R)	85100	1,550,000
CHIP Administrative Costs	85601	633,107
CHIP Services	85602	12,122,368
BRIM Premium	91300	945,891
Rural Hospitals Under 150 Beds	94000	0
Children's Trust Fund – Transfer	95100	220,000
PATH	95400	0
Total		$ 173,258,504

From the above appropriation of Current Expenses (fund 0403, appropriation 13000), $300,000 shall be used for Green Acres Regional Center, Inc.

Any unexpended balances remaining in the appropriations for Behavioral Health Program (fund 0403, appropriation 21900), Substance Abuse Continuum of Care (fund 0403, appropriation 35400), Office of Drug Control Policy (fund 0403, appropriation 35401), Capital Outlay and Maintenance (fund 0403, appropriation 75500), Indigent Burials (fund 0403, appropriation 85100), and Office of Drug Control Policy – Surplus (fund 0403, appropriation 35402) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

Notwithstanding the provisions of Title I, section three of this bill, the Secretary of the Department of Human Services shall have the authority to transfer funds within the above appropriations: *Provided,* That no more than five percent of the funds appropriated to one appropriation may be transferred to other appropriations: *Provided, however,* That no funds from other appropriations shall be transferred to the Personal Services and Employee Benefits appropriation: *Provided, further, notwithstanding the above,* that for Fiscal Year 2025 the Secretary of the Department of Human Services shall have additional authority to transfer appropriations between Personal Services and Employee Benefits and other dedicated appropriations within the respective departments to effectuate the 5% average salary increases granted during the 2024 regular legislative session.

The Secretary shall have authority to expend funds for the educational costs of those children residing in out-of-state placements, excluding the costs of special education programs.

The above appropriation for James "Tiger" Morton Catastrophic Illness Fund (fund 0403, appropriation 45500) shall be transferred to the James "Tiger" Morton Catastrophic Illness Fund (fund 5454) as provided by Article 5Q, Chapter 16 of the WV Code.

The above appropriation for WV Works Separate State Program (fund 0403, appropriation 69800) shall be transferred to the WV Works Separate State College Program Fund (fund 5467) and the WV Works Separate State Two-Parent Program Fund (fund 5468) as determined by the Secretary of the Department of Human Services.

From the above appropriation for Child Support Enforcement (fund 0403, appropriation 70500), an amount not to exceed $300,000 may be transferred to a local banking depository to be utilized to offset funds determined to be uncollectible.

Included in the appropriation for Behavioral Health Program (fund 0403, appropriation 21900), is $100,000 for Recovery Point of Huntington.

The above appropriation for Children's Trust Fund – Transfer (fund 0403, appropriation 95100) shall be transferred to the Children's Trust Fund (fund 5469).

From the above appropriation for Substance Abuse Continuum of Care (fund 0403, appropriation 35400), the funding will be consistent with the goal areas outlined in the Comprehensive Substance Abuse Strategic Action Plan.

81 - Department of Human Services–

Office of the Shared Administration

(W.V. Code Chapter 16)

Fund xxxx FY 2025 Org 0511

Personal Services and Employee Benefits	00100	$	9,445,934
Unclassified	09900		252,842
Current Expenses	13000		6,417,369
PATH	95400		7,282,925
Total		$	23,399,070

82 - Bureau for Medical Services –

Office of the Commissioner

(W.V. Code Chapter 16)

Fund xxxx FY 2025 Org 0511

Personal Services and Employee Benefits	00100	$	389,895
Current Expenses	13000		405,621
Total		$	795,516

83 - Bureau for Medical Services –

Medical Services Administration

(W.V. Code Chapter 16)

Fund xxxx FY 2025 Org 0511

Personal Services and Employee Benefits	00100	$	7,939
Current Expenses	13000		1,057
Medical Services Administration Costs	78900		42,290,777
Total		$	42,299,773

84 - Bureau for Medical Services –

Policy and Programming

(W.V. Code Chapter 16)

Fund xxxx FY 2025 Org 0511

Medical Services	18900	$	67,704,620
WV Teaching Hospitals Tertiary/Safety Net	54700		5,720,400
Rural Hospitals Under 150 Beds	94000		2,336,400
Case Management	xxxxx		110,938
Chiropractic Services	xxxxx		5,206
Clinic Services	xxxxx		144,471
Dental Services	xxxxx		166,390
Diagnostic, Screening, Preventive and Rehabilitative Services	xxxxx		3,176
Health Homes for Enrollees with Chronic Conditions	xxxxx		127,329
Hospice	xxxxx		1,398,793
Institution for Mental Disease Services	xxxxx		1,276,985

Intermediate Care Facility Services	xxxxx	3,233,567
Managed Care Organizations	xxxxx	113,493,869
Prescription Drugs	xxxxx	19,740,698
Physical and Occupational Therapy	xxxxx	68,792
Podiatry Services, Optometry Services and Prosthetics	xxxxx	31,078
Private Duty Nurses, Personal Care and Other Practitioner Services	xxxxx	11,847,294
Respiratory Care Services	xxxxx	10,083
Speech, Hearing, and Language Disorders	xxxxx	12,813
Total		$ 227,432,902

The Commissioner of the Bureau for Medical Services shall have the authority to transfer between the above items of appropriation.

85 - Bureau for Medical Services –

Home and Community Based Waiver Programs

(W.V. Code Chapter 16)

Fund xxxx FY 2025 Org 0511

I/DD Waiver	46600	$ 97,687,562
Title XIX for Seniors Citizens	53300	13,593,620
Traumatic Brain Injury Waiver	83500	720,000
Substance Use Disorder Waiver	xxxxx	842,151
Total		$ 112,843,333

86 - Bureau for Social Services –

Office of the Commissioner

(W.V. Code Chapter 16)

Fund xxxx FY 2025 Org 0511

Personal Services and Employee Benefits	00100	$ 8,319,214
Current Expenses	13000	1,869,474

Social Services	19500		6,308,727
Domestic Violence Legal Services Fund	38400		400,000
Child Protective Services Case Workers	46800		6,337,162
Grants for Licensed Domestic Violence Programs and Statewide Prevention	75000		2,500,000
Total		$	25,734,577

Included in the above appropriation for Social Services (fund xxxx, appropriation 19500) is funding for continuing education requirements relating to the practice of social work.

The above appropriation for Domestic Violence Legal Services Fund (fund xxxx, appropriation 38400) shall be transferred to the Domestic Violence Legal Services Fund (fund 5455).

From the above appropriation for the Grants for Licensed Domestic Violence Programs and Statewide Prevention (fund xxxx, appropriation 75000), 50 percent of the total shall be divided equally and distributed among the 14 licensed programs and the West Virginia Coalition Against Domestic Violence (WVCADV). The balance remaining in the appropriation for Grants for Licensed Domestic Violence Programs and Statewide Prevention (fund xxxx, appropriation 75000), shall be distributed according to the formula established by the Family Protection Services Board

87 - Bureau for Social Services –

Children's Services

(W.V. Code Chapter 16)

Fund xxxx FY 2025 Org 0511

Social Services	19500	$	36,472,739
Family Preservation Program	19600		1,408,500
Current Expenses	13000		1,800
Community Based Services and Pilot Program for Youth	75900		0
Total		$	37,883,039

88 - Bureau for Social Services –

Adoption

(W.V. Code Chapter 16)

Fund xxxx FY 2025 Org 0511

Social Services	19500	$	39,855,069

89 - Bureau for Social Services –

Foster Care

(W.V. Code Chapter 16)

Fund xxxx FY 2025 Org 0511

Social Services	19500	$	110,230,811

90 - Bureau for Social Services –

Adult Services

(W.V. Code Chapter 16)

Fund xxxx FY 2025 Org 0511

Social Services	19500	$	5,450,513

91 - Bureau for Social Services –

Child Protective Services Case Workers

(W.V. Code Chapter 16)

Fund xxxx FY 2025 Org 0511

Social Services	19500	$	4,334,300
Child Protective Services Case Workers	46800		22,079,385
Total		$	26,770,365

92 - Bureau for Social Services –

Social Service Case Workers

(W.V. Code Chapter 16)

Fund xxxx FY 2025 Org 0511

Personal Services and Employee Benefits	00100		1,860,603
Current Expenses	13000		227,280
Social Services	19500		6,370,702

Child Protective Services Case Workers	46800		2,000,000
Total		$	10,458,585

93 - Bureau for Social Services –

Adult Protective Services Case Workers

(W.V. Code Chapter 16)

Fund xxxx FY 2025 Org 0511

Personal Services and Employee Benefits	00100	$	3,803,727
Current Expenses	13000		181,267
Total		$	3,984,994

94 - Bureau for Social Services –

Youth Service Case Workers

(W.V. Code Chapter 16)

Fund xxxx FY 2025 Org 0511

Personal Services and Employee Benefits	00100		693,745
Current Expenses	13000		123,159
Social Services	19500		3,881,340
Total		$	4,698,244

DEPARTMENT OF HEALTH FACILITIES

95 - Health Facilities –

Central Office

(W.V. Code Chapter 16)

Fund 0401 FY 2025 Org 0512

Personal Services and Employee Benefits	00100	$	1,710,519
Salary and Benefits of Cabinet Secretary and Agency Heads	00201		245,000

Shared Administration	xxxxx		1
Current Expenses	13000		1,257,327
BRIM Premium	91300		442,849
Total		$	3,655,696

96 - Health Facilities –

Health Facilities Capital Projects Fund

(W.V. Code Chapter 16)

Fund 0402 FY 2025 Org 0512 Capital Outlay and Maintenance	75500	$	550,000

The Secretary shall have the ability to transfer between appropriations for Capital Outlay and Maintenance within the funds 0402, 0408, 0409, 0410, 0411, 0412, 0413, 0414 and 0415 as needed.

97 - Health Facilities –

Hopemont Hospital

(W.V. Code Chapter 16)

Fund 0408 FY 2025 Org 0512

Personal Services and Employee Benefits (R)	00100	$	6,580,740
Repairs and Alterations (R)	06400		90,001
Equipment (R)	07000		1
Current Expenses (R)	13000		2,173,082
Buildings (R)	25800		1
Other Assets (R)	69000		1
Contract Nursing (R)	72301		3,893,811
Capital Outlay and Maintenance (R)	75500		50,000
BRIM Premium (R)	91300		40,000
Total		$	12,827,637

Any unexpended balances remaining in Personal Services and Employee Benefits (fund 0408, appropriation 00100), Repairs and Alterations (fund 0408, appropriation 06400), Equipment (0408, appropriation 07000), Current Expenses (fund 0408, appropriation 13000), Buildings (fund 0408, appropriation 25800), Other Assets (fund 0408, appropriation 69000), Contract Nursing

(fund 0408, appropriation 72301), Capital Outlay and Maintenance (fund 0408, appropriation 75500), and BRIM Premium (fund 0408, appropriation 91300) at the close of fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

The Secretary of the Department of Health Facilities shall have the authority to transfer between the items of appropriation in order to maintain staffing and other issues that arise in a timely manner.

98 - Health Facilities –

Lakin Hospital

(W.V. Code Chapter 16)

Fund 0409 FY 2025 Org 0512

Personal Services and Employee Benefits (R)	00100	$	8,368,450
Repairs and Alterations (R)	06400		60,001
Equipment (R)	07000		1
Current Expenses (R)	13000		2,363,676
Buildings (R)	25800		1
Other Assets (R)	69000		1
Contract Nursing (R)	72301		3,539,262
Capital Outlay and Maintenance (R)	75500		50,000
BRIM Premium (R)	91300		70,000
Total		$	14,451,392

Any unexpended balances remaining in Personal Services and Employee Benefits (fund 0409, appropriation 00100), Repairs and Alterations (fund 0409, appropriation 06400), Equipment (0409, appropriation 07000), Current Expenses (fund 0409, appropriation 13000), Buildings (fund 0409, appropriation 25800), Other Assets (fund 0409, appropriation 69000), Contract Nursing (fund 0409, appropriation 72301), Capital Outlay and Maintenance (fund 0409, appropriation 75500), and BRIM Premium (fund 0409, appropriation 91300) at the close of fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

The Secretary of the Department of Health Facilities shall have the authority to transfer between the items of appropriation in order to maintain staffing and other issues that arise in a timely manner.

99 - Health Facilities –

John Manchin Senior Health Care Center

(W.V. Code Chapter 16)

Fund 0410 FY 2025 Org 0512

Personal Services and Employee Benefits (R)	00100	$	4,199,228
Repairs and Alterations (R)	06400		50,001
Equipment (R)	07000		1
Current Expenses (R)	13000		1,471,878
Buildings (R)	25800		1
Other Assets (R)	69000		1
Contract Nursing (R)	72301		2,907,556
Capital Outlay and Maintenance (R)	75500		50,000
BRIM Premium (R)	91300		25,000
Total		$	8,703,666

Any unexpended balances remaining in Personal Services and Employee Benefits (fund 0410, appropriation 00100), Repairs and Alterations (fund 0410, appropriation 06400), Equipment (0410, appropriation 07000), Current Expenses (fund 0410, appropriation 13000), Buildings (fund 0410, appropriation 25800), Other Assets (fund 0410, appropriation 69000), Contract Nursing (fund 0410, appropriation 72301), Capital Outlay and Maintenance (fund 0410, appropriation 75500), and BRIM Premium (fund 0410, appropriation 91300) at the close of fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

The Secretary of the Department of Health Facilities shall have the authority to transfer between the items of appropriation in order to maintain staffing and other issues that arise in a timely manner.

100 - Health Facilities –

Jackie Withrow Hospital

(W.V. Code Chapter 16)

Fund 0411 FY 2025 Org 0512

Personal Services and Employee Benefits (R)	00100	$	7,380,957
Repairs and Alterations (R)	06400		200,001
Equipment (R)	07000		1
Current Expenses (R)	13000		2,655,893

Buildings (R)	25800	1
Other Assets (R)	69000	1
Contract Nursing (R)	72301	2,000,311
Capital Outlay and Maintenance (R)	75500	50,000
BRIM Premium (R)	91300	50,000
Total		$ 12,337,165

Any unexpended balances remaining in Personal Services and Employee Benefits (fund 0411, appropriation 00100), Repairs and Alterations (fund 0411, appropriation 06400), Equipment (0411, appropriation 07000), Current Expenses (fund 0411, appropriation 13000), Buildings (fund 0411, appropriation 25800), Other Assets (fund 0411, appropriation 69000), Contract Nursing (fund 0411, appropriation 72301), Capital Outlay and Maintenance (fund 0411, appropriation 75500), and BRIM Premium (fund 0411, appropriation 91300) at the close of fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

The Secretary of the Department of Health Facilities shall have the authority to transfer between the items of appropriation in order to maintain staffing and other issues that arise in a timely manner.

101 - Health Facilities –

Welch Community Hospital

(W.V. Code Chapter 16)

Fund 0412 FY 2025 Org 0512

Personal Services and Employee Benefits (R)	00100	$ 15,111,349
Repairs and Alterations (R)	06400	1
Equipment (R)	07000	1
Current Expenses (R)	13000	13,199,285
Buildings (R)	25800	1
Other Assets (R)	69000	1
Contract Nursing (R)	72301	2,576,401
Capital Outlay and Maintenance (R)	75500	50,000
BRIM Premium (R)	91300	120,000
Total		$ 31,057,039

Any unexpended balances remaining in Personal Services and Employee Benefits (fund 0412, appropriation 00100), Repairs and Alterations (fund 0412, appropriation 06400), Equipment (0412, appropriation 07000), Current Expenses (fund 0412, appropriation 13000), Buildings (fund 0412, appropriation 25800), Other Assets (fund 0412, appropriation 69000), Contract Nursing (fund 0412, appropriation 72301), Capital Outlay and Maintenance (fund 0412, appropriation 75500), and BRIM Premium (fund 0412, appropriation 91300) at the close of fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

The Secretary of the Department of Health Facilities shall have the authority to transfer between the items of appropriation in order to maintain staffing and other issues that arise in a timely manner.

102 - Health Facilities –

William R. Sharpe Jr. Hospital

(W.V. Code Chapter 16)

Fund 0413 FY 2025 Org 0512

Personal Services and Employee Benefits (R)	00100	$	26,497,231
Repairs and Alterations (R).....	06400		350,001
Equipment (R).....	07000		1
Current Expenses (R)	13000		10,280,300
Buildings (R)	25800		1
Other Assets (R)	69000		1
Contract Nursing (R)	72301		41,969,835
Capital Outlay and Maintenance (R)	75500		50,000
BRIM Premium (R).....	91300		260,000
Total.....		$	79,407,370

Any unexpended balances remaining in Personal Services and Employee Benefits (fund 0413, appropriation 00100), Repairs and Alterations (fund 0413, appropriation 06400), Equipment (0413, appropriation 07000), Current Expenses (fund 0413, appropriation 13000), Buildings (fund 0413, appropriation 25800), Other Assets (fund 0413, appropriation 69000), Contract Nursing (fund 0413, appropriation 72301), Capital Outlay and Maintenance (fund 0413, appropriation 75500), and BRIM Premium (fund 0413, appropriation 91300) at the close of fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

The Secretary of the Department of Health Facilities shall have the authority to transfer between the items of appropriation in order to maintain staffing and other issues that arise in a timely manner.

The above appropriation for Personal Services and Employee Benefits (fund 0413, appropriation 00100) contains prior year salary increases due to the Hartley court order in the amount of $2,202,013.

103 - Health Facilities –

Mildred Mitchell-Bateman Hospital

(W.V. Code Chapter 16)

Fund 0414 FY 2025 Org 0512

Personal Services and Employee Benefits (R)	00100	$	25,016,184
Repairs and Alterations (R)	06400		300,001
Equipment (R)	07000		1
Current Expenses (R)	13000		2,967,683
Buildings (R)	25800		1
Other Assets (R)	69000		1
Contract Nursing (R)	72301		24,957,520
Capital Outlay and Maintenance (R)	75500		50,000
BRIM Premium (R)	91300		215,000
Total		$	53,506,391

Any unexpended balances remaining in Personal Services and Employee Benefits (fund 0414, appropriation 00100), Repairs and Alterations (fund 0414, appropriation 06400), Equipment (0414, appropriation 07000), Current Expenses (fund 0414, appropriation 13000), Buildings (fund 0414, appropriation 25800), Other Assets (fund 0414, appropriation 69000), Contract Nursing (fund 0414, appropriation 72301), Capital Outlay and Maintenance (fund 0414, appropriation 75500), and BRIM Premium (fund 0414, appropriation 91300) at the close of fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

The Secretary of the Department of Health Facilities shall have the authority to transfer between the items of appropriation in order to maintain staffing and other issues that arise in a timely manner.

The above appropriation for Personal Services and Employee Benefits (fund 0414, appropriation 00100) contains prior year salary increases due to the Hartley court order in the amount of $2,067,984.

104 - Health Facilities –

William R. Sharpe Jr. Hospital -

Transitional Living Facility

(W.V. Code Chapter 16)

Fund 0415 FY 2025 Org 0512

Personal Services and Employee Benefits (R)	00100	$	1,594,131
Repairs and Alterations (R)	06400		2,001
Equipment (R)	07000		1
Current Expenses (R)	13000		171,794
Buildings (R)	25800		1
Other Assets (R)	69000		1
Contract Nursing (R)	72301		10,000
Capital Outlay and Maintenance (R)	75500		50,000
BRIM Premium (R)	91300		20,000
Total		$	1,847,929

Any unexpended balances remaining in Personal Services and Employee Benefits (fund 0415, appropriation 00100), Repairs and Alterations (fund 0415, appropriation 06400), Equipment (0415, appropriation 07000), Current Expenses (fund 0415, appropriation 13000), Buildings (fund 0415, appropriation 25800), Other Assets (fund 0415, appropriation 69000), Contract Nursing (fund 0415, appropriation 72301), Capital Outlay and Maintenance (fund 0415, appropriation 75500), and BRIM Premium (fund 0415, appropriation 91300) at the close of fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

The Secretary of the Department of Health Facilities shall have the authority to transfer between the items of appropriation in order to maintain staffing and other issues that arise in a timely manner.

DEPARTMENT OF HOMELAND SECURITY

105 - Department of Homeland Security –

Office of the Secretary

(W.V. Code Chapter 5F)

Fund 0430 FY 2025 Org 0601

Personal Services and Employee Benefits	00100	$	695,143

Salary and Benefits of Cabinet Secretary and		
Agency Heads	00201	168,000
Repairs and Alterations	06400	500
Equipment	07000	500
Unclassified (R)	09900	30,000
Current Expenses	13000	91,636
Fusion Center (R)	46900	3,052,318
Other Assets	69000	500
Directed Transfer	70000	32,000
BRIM Premium	91300	22,563
WV Fire and EMS Survivor Benefit (R)	93900	200,000
Total		$ 4,293,160

Any unexpended balances remaining in the appropriations for Unclassified (fund 0430, appropriation 09900), Current Expenses – Surplus (fund 0430, appropriation 09900), Fusion Center (fund 0430, appropriation 46900), Justice Reinvestment Training – Surplus (fund 0430, appropriation 69900), WV Fire and EMS Survivor Benefit (fund 0430, appropriation 93900), and Homeland State Security Administrative Agency (fund 0430, appropriation 95300) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

The above appropriation for Directed Transfer (fund 0430, appropriation 70000) shall be transferred to the Law-Enforcement, Safety and Emergency Worker Funeral Expense Payment Fund (fund 6003).

106 - Division of Emergency Management

(W.V. Code Chapter 15)

Fund 0443 FY 2025 Org 0606

Personal Services and Employee Benefits	00100	$ 2,294,279
Salary and Benefits of Cabinet Secretary and		
Agency Heads	00201	61,250
Repairs and Alterations	06400	600
Unclassified	09900	21,022

Current Expenses	13000		51,065
Radiological Emergency Preparedness	55400		17,052
SIRN	55401		600,000
Federal Funds/Grant Match (R)	74900		1,538,775
Mine and Industrial Accident Rapid Response Call Center	78100		530,392
Early Warning Flood System (R)	87700		1,480,890
BRIM Premium	91300		96,529
Total		$	6,691,854

Any unexpended balances remaining in the appropriations for Federal Funds/Grant Match (fund 0443, appropriation 74900), and Early Warning Flood System (fund 0443, appropriation 87700) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

107 - Division of Corrections and Rehabilitation –

West Virginia Parole Board

(W.V. Code Chapter 62)

Fund 0440 FY 2025 Org 0608

Personal Services and Employee Benefits	00100	$	317,039
Unclassified	09900		10,000
Current Expenses	13000		334,440
Salaries of Members of West Virginia Parole Board	22700		786,374
BRIM Premium	91300		6,149
Total		$	1,454,002

The above appropriation for Salaries of Members of West Virginia Parole Board (fund 0440, appropriation 22700) includes funding for salary, annual increment (as provided for in W.V. Code §5-5-1), and related employee benefits of board members.

108 - Division of Corrections and Rehabilitation –

Central Office

(W.V. Code Chapter 15A)

Fund 0446 FY 2025 Org 0608

Personal Services and Employee Benefits	00100	$	256,747
Salary and Benefits of Cabinet Secretary and Agency Heads	00201		126,000
Current Expenses	13000		2,400
Total		$	385,147

109 - Division of Corrections and Rehabilitation – Correctional Units

(W.V. Code Chapter 15A)

Fund 0450 FY 2025 Org 0608

Employee Benefits	01000	$	1,258,136
Children's Protection Act (R)	09000		838,437
Unclassified	09900		1,578,800
Current Expenses (R)	13000		57,690,483
Facilities Planning and Administration (R)	38600		1,274,200
Charleston Correctional Center	45600		4,041,521
Beckley Correctional Center	49000		3,018,511
Anthony Correctional Center	50400		6,905,924
Huttonsville Correctional Center	51400		23,165,663
Northern Correctional Center	53400		9,593,719
Inmate Medical Expenses (R)	53500		62,226,064
Pruntytown Correctional Center	54300		10,310,325
Corrections Academy	56900		2,106,862

Information Technology Services	59901	2,759,052
Martinsburg Correctional Center	66300	5,358,718
Parole Services	68600	6,512,380
Special Services	68700	6,317,554
Directed Transfer	70000	7,432,686
Investigative Services	71600	3,743,303
Capital Outlay and Maintenance (R)	75500	2,000,000
Salem Correctional Center	77400	13,168,692
McDowell County Correctional Center	79000	2,542,590
Stevens Correctional Center	79100	7,863,195
Parkersburg Correctional Center	82800	7,511,290
St. Mary's Correctional Center	88100	17,061,358
Denmar Correctional Center	88200	6,018,233
Ohio County Correctional Center	88300	2,629,742
Mt. Olive Correctional Complex	88800	27,136,647
Lakin Correctional Center	89600	12,619,819
BRIM Premium	91300	2,527,657
Total		$ 317,211,561

Any unexpended balances remaining in the appropriations for Children's Protection Act (fund 0450, appropriation 09000), Unclassified – Surplus (fund 0450, appropriation 09700), Current Expenses (fund 0450, appropriation 13000), Facilities Planning and Administration (fund 0450, appropriation 38600), Inmate Medical Expenses (fund 0450, appropriation 53500), Capital Improvements – Surplus (fund 0450, appropriation 66100), Capital Outlay and Maintenance (fund 0450, appropriation 75500), Security System Improvements – Surplus (fund 0450, appropriation 75501), and Roof Repairs and Mechanical System Upgrades (fund 0450, appropriation 75502) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

The Commissioner of Corrections and Rehabilitation shall have the authority to transfer between appropriations.

From the above appropriation to Current Expenses (fund 0450, appropriation 13000), payment shall be made to house Division of Corrections and Rehabilitation inmates in federal, county, and/or regional jails.

The above appropriation for Directed Transfer (fund 0450, appropriation 70000) shall be transferred to the Regional Jails Operating Cash Control Account (fund 6678).

Any realized savings from Energy Savings Contract may be transferred to Facilities Planning and Administration (fund 0450, appropriation 38600).

110 - Division of Corrections and Rehabilitation –

Bureau of Juvenile Services

(W.V. Code Chapter 15A)

Fund 0570 FY 2025 Org 0608

Statewide Reporting Centers	26200	$	7,507,863
Robert L. Shell Juvenile Center	26700		3,081,514
Resident Medical Expenses (R)	53501		3,604,999
Central Office	70100		1,898,385
Capital Outlay and Maintenance (R)	75500		250,000
Gene Spadaro Juvenile Center	79300		3,274,266
BRIM Premium	91300		115,967
Kenneth Honey Rubenstein Juvenile Center (R)	98000		6,613,974
Vicki Douglas Juvenile Center	98100		3,142,823
Northern Regional Juvenile Center	98200		2,876,302
Lorrie Yeager Jr. Juvenile Center	98300		2,993,572
Sam Perdue Juvenile Center	98400		3,214,598
Tiger Morton Center	98500		3,195,339
Donald R. Kuhn Juvenile Center	98600		6,177,512
J.M. “Chick” Buckbee Juvenile Center	98700		3,260,770
Total		$	51,207,884

Any unexpended balances remaining in the appropriations for Resident Medical Expenses (fund 0570, appropriation 53501), Capital Outlay and Maintenance (fund 0570, appropriation 75500), Roof Repairs and Mechanical System Upgrades (fund 0570, appropriation 75502), and

Kenneth Honey Rubenstein Juvenile Center (fund 0570, appropriation 98000) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

The Director of Juvenile Services shall have the authority to transfer between appropriations to the individual juvenile centers above including Statewide Reporting Centers and Central Office and may transfer funds from the individual juvenile centers to Resident Medical Expenses (fund 0570, appropriation 53501).

111 - West Virginia State Police

(W.V. Code Chapter 15)

Fund 0453 FY 2025 Org 0612

Personal Services and Employee Benefits	00100	$	79,006,727
Salary and Benefits of Cabinet Secretary and Agency Heads	00201		139,300
Repairs and Alterations	06400		450,523
Children's Protection Act	09000		1,109,123
Current Expenses	13000		10,384,394
Trooper Class	52100		3,207,832
Barracks Lease Payments	55600		237,898
Communications and Other Equipment (R)	55800		1,070,968
Trooper Retirement Fund	60500		14,319,315
Handgun Administration Expense	74700		87,088
Capital Outlay and Maintenance (R)	75500		250,000
Retirement Systems – Unfunded Liability	77500		8,633,000
Automated Fingerprint Identification System	89800		2,260,695
BRIM Premium	91300		5,743,921
Total		$	126,900,784

Any unexpended balances remaining in the appropriations for Communications and Other Equipment (fund 0453, appropriation 55800) and Capital Outlay and Maintenance (fund 0453, appropriation 75500) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

From the above appropriation for Personal Services and Employee Benefits (fund 0453, appropriation 00100), an amount not less than $25,000 shall be expended to offset the costs associated with providing police services for the West Virginia State Fair.

112 - Fire Commission

(W.V. Code Chapter 15A)

Fund 0436 FY 2025 Org 0619

Current Expenses	13000	$	63,061

113 - Division of Protective Services

(W.V. Code Chapter 5F)

Fund 0585 FY 2025 Org 0622

Personal Services and Employee Benefits	00100	$	3,473,329
Repairs and Alterations	06400		8,500
Equipment (R)	07000		64,171
Unclassified (R)	09900		21,991
Current Expenses	13000		422,981
BRIM Premium	91300		32,602
Total		$	4,023,574

Any unexpended balances remaining in the appropriations for Equipment (fund 0585, appropriation 07000) and Unclassified (fund 0585, appropriation 09900) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

114 - Division of Administrative Services -

Criminal Justice Fund

(W.V. Code Chapter 15A)

Fund 0546 FY 2025 Org 0623

Personal Services and Employee Benefits	00100	$	639,264

Repairs and Alterations	06400	1,804
Current Expenses	13000	233,360
Child Advocacy Centers (R)	45800	2,214,361
Community Corrections (R)	56100	4,614,368
Statistical Analysis Program	59700	50,739
Sexual Assault Forensic Examination Commission (R)	71400	283,351
Qualitative Analysis and Training for Youth Services (R)	76200	90,373
Law Enforcement Professional Standards	83800	182,512
Justice Reinvestment Initiative (R)	89501	2,344,040
BRIM Premium	91300	2,123
Total		$ 10,656,295

Any unexpended balances remaining in the appropriations for Victims of Crime Act (fund 0546, appropriation 21601), Child Advocacy Centers (fund 0546, appropriation 45800), Community Corrections (fund 0546, appropriation 56100), Sexual Assault Forensic Examination Commission (fund 0546 appropriation 71400), Qualitative Analysis and Training for Youth Services (fund 0546, appropriation 76200), Justice Reinvestment Initiative (fund 0546, appropriation 89501) and Victims of Crime Act – Surplus (fund 0546, appropriation 21099) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

From the above appropriation for Current Expenses (fund 0546, appropriation 13000), $100,000 shall be used for Court Appointed Special Advocates.

From the above appropriation for Child Advocacy Centers (fund 0546, appropriation 45800), the Division may retain an amount not to exceed four percent of the appropriation for administrative purposes.

115 - Division of Administrative Services

(W.V. Code Chapter 15A)

Fund 0619 FY 2025 Org 0623

Personal Services and Employee Benefits	00100	$ 5,675,223
Unclassified	09900	50,000
Current Expenses	13000	555,000
Total		$ 6,280,223

DEPARTMENT OF REVENUE

116 - Office of the Secretary

(W.V. Code Chapter 11)

Fund 0465 FY 2025 Org 0701

Personal Services and Employee Benefits	00100	$	388,713
Salary and Benefits of Cabinet Secretary and Agency Heads	00201		168,000
Repairs and Alterations	06400		1,262
Equipment	07000		8,000
Unclassified	09900		437
Current Expenses	13000		81,594
Other Assets	69000		500
Total		$	648,506

Any unexpended balance remaining in the appropriation for Unclassified – Total (fund 0465, appropriation 09600) at the close of the fiscal year 2024 is hereby reappropriated for expenditure during the fiscal year 2025.

117 - Tax Division

(W.V. Code Chapter 11)

Fund 0470 FY 2025 Org 0702

Personal Services and Employee Benefits (R)	00100	$	20,505,046
Salary and Benefits of Cabinet Secretary and Agency Heads	00201		147,000
Repairs and Alterations	06400		10,150
Equipment	07000		54,850
Tax Technology Upgrade	09400		3,700,000

Unclassified (R)	09900		174,578
Current Expenses (R)	13000		6,823,635
Multi State Tax Commission	65300		77,958
Other Assets	69000		10,000
BRIM Premium	91300		15,579
Total		$	31,518,796

Any unexpended balances remaining in the appropriations for Personal Services and Employee Benefits (fund 0470, appropriation 00100), Unclassified (fund 0470, appropriation 09900), Current Expenses (fund 0470, appropriation 13000), and Integrated Tax Assessment System (fund 0470, appropriation 29200) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

118 - State Budget Office

(W.V. Code Chapter 11B)

Fund 0595 FY 2025 Org 0703

Personal Services and Employee Benefits	00100	$	1,055,236
Unclassified (R)	09900		9,200
Current Expenses (R)	13000		119,449
Total		$	1,183,885

Any unexpended balances remaining in the appropriations for Unclassified (fund 0595, appropriation 09900) and Current Expenses (fund 0595, appropriation 13000) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

119 - West Virginia Office of Tax Appeals

(W.V. Code Chapter 11)

Fund 0593 FY 2025 Org 0709

Personal Services and Employee Benefits	00100	$	976,887
Unclassified	09900		5,255
Current Expenses (R)	13000		229,374

BRIM Premium	91300		3,062
Total		$	1,214,578

Any unexpended balance remaining in the appropriation for Current Expenses (fund 0593, appropriation 13000) at the close of the fiscal year 2024 is hereby reappropriated for expenditure during the fiscal year 2025.

120 - State Athletic Commission

(W.V. Code Chapter 29)

Fund 0523 FY 2025 Org 0933

Personal Services and Employee Benefits	00100	$	7,200
Current Expenses	13000		29,611
Total		$	36,811

DEPARTMENT OF TRANSPORTATION

121 - Division of Multimodal Transportation Facilities –

State Rail Authority

(W.V. Code Chapter 17)

Fund 0506 FY 2025 Org 0810

Personal Services and Employee Benefits	00100	$	385,773
Current Expenses	13000		287,707
Other Assets (R)	69000		1,270,019
BRIM Premium	91300		201,541
Total		$	2,145,040

Any unexpended balance remaining in the appropriation for Other Assets (fund 0506, appropriation 69000) at the close of the fiscal year 2024 is hereby reappropriated for expenditure during the fiscal year 2025.

122 - Division of Multimodal Transportation Facilities –

Public Transit

(W.V. Code Chapter 17)

Fund 0510 FY 2025 Org 0810

Equipment (R)	07000	$	100,000
Current Expenses (R)	13000		2,042,989
Buildings (R)	25800		100,000
Other Assets (R)	69000		50,000
Total		$	2,292,989

Any unexpended balances remaining in the appropriations for Equipment (fund 0510, appropriation 07000), Current Expenses (fund 0510, appropriation 13000), Buildings (fund 0510, appropriation 25800), and Other Assets (fund 0510, appropriation 69000) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

From the above appropriation for Current Expenses (fund 0510, appropriation 13000) $30,000 will be used to support the Sistersville Ferry.

123 - Division of Multimodal Transportation Facilities –

(W.V. Code Chapter 17)

Fund 0580 FY 2025 Org 0810

Personal Services and Employee Benefits (R)	00100	$	713,763
Current Expenses (R)	13000		750,000
BRIM Premium	91300		7,500
Total		$	1,471,263

Any unexpended balances remaining in the appropriations for Personal Services and Employee Benefits (fund 0580, appropriation 00100), and Current Expenses (fund 0580, appropriation 13000) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

124 - Division of Multimodal Transportation Facilities –

Aeronautics Commission

(W.V. Code Chapter 17)

Fund 0582 FY 2025 Org 0810

Personal Services and Employee Benefits	00100	$	235,249
Repairs and Alterations	06400		100
Current Expenses (R)	13000		791,839
BRIM Premium	91300		4,438
Total		$	1,031,626

Any unexpended balance remaining in the appropriation for Current Expenses (fund 0582, appropriation 13000) at the close of the fiscal year 2024 is hereby reappropriated for expenditure during the fiscal year 2025.

DEPARTMENT OF VETERANS' ASSISTANCE

125 - Department of Veterans' Assistance

(W.V. Code Chapter 9A)

Fund 0456 FY 2025 Org 0613

Personal Services and Employee Benefits	00100	$	2,560,846
Salary and Benefits of Cabinet Secretary and Agency Heads	00201		110,880
Repairs and Alterations	06400		5,000
Unclassified	09900		20,000
Current Expenses	13000		161,450
Veterans' Field Offices (R)	22800		405,550
Veterans' Nursing Home (R)	28600		11,294,373
Veterans' Toll Free Assistance Line	32800		2,015
Veterans' Reeducation Assistance (R)	32900		40,000
Veterans' Grant Program (R)	34200		560,000
Veterans' Grave Markers	47300		10,000
Veterans' Cemetery (R)	80800		420,079
BRIM Premium	91300		50,000

Total		$	15,640,193

Any unexpended balances remaining in the appropriations for Veterans' Field Offices (fund 0456, appropriation 22800), Buildings – Surplus (fund 0456, appropriation 25899), Veterans' Nursing Home (fund 0456, appropriation 28600), Veterans' Reeducation Assistance (fund 0456, appropriation 32900), Veterans' Grant Program (fund 0456, appropriation 34200), Veterans' Bonus – Surplus (fund 0456, appropriation 34400), Veterans' Cemetery (fund 0456, appropriation 80800), and Educational Opportunities for Children of Deceased Veterans (fund 0456, appropriation 85400) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

126 - Department of Veterans' Assistance –

Veterans' Home

(W.V. Code Chapter 9A)

Fund 0460 FY 2025 Org 0618

Personal Services and Employee Benefits	00100	$	1,525,632
Current Expenses (R)	13000		46,759
Veterans Outreach Programs	61700		213,377
Total		$	1,785,768

Any unexpended balances remaining in the appropriations for Current Expenses (fund 0460, appropriation 13000) and Capital Outlay, Repairs and Equipment – Surplus (fund 0460, appropriation 67700) are hereby reappropriated for expenditure during the fiscal year 2025.

BUREAU OF SENIOR SERVICES

127 - Bureau of Senior Services

(W.V. Code Chapter 29)

Fund 0420 FY 2025 Org 0508

Transfer to Division of Human Services for Health Care and Title XIX Waiver for Senior Citizens	53900	$	6,580,366

The above appropriation for Transfer to Division of Human Services for Health Care and Title XIX Waiver for Senior Citizens (fund 0420, appropriation 53900) along with the federal moneys generated thereby shall be used for reimbursement for services provided under the program.

The above appropriation is in addition to funding provided in fund 5405 for this program.

WEST VIRGINIA COUNCIL FOR COMMUNITY

AND TECHNICAL COLLEGE EDUCATION

128 - West Virginia Council for

Community and Technical College Education –

Control Account

(W.V. Code Chapter 18B)

Fund 0596 FY 2025 Org 0420

West Virginia Council for Community			
and Technical Education (R)	39200	$	761,164
Transit Training Partnership	78300		34,293
Community College Workforce Development (R)	87800		2,791,367
College Transition Program	88700		278,222
West Virginia Advance Workforce Development (R)	89300		3,126,336
Technical Program Development (R)	89400		1,800,735
WV Invests Grant Program (R)	89401		7,046,959
Total		$	15,839,076

Any unexpended balances remaining in the appropriations for West Virginia Council for Community and Technical Education (fund 0596, appropriation 39200), Capital Improvements – Surplus (fund 0596, appropriation 66100), Community College Workforce Development (fund 0596, appropriation 87800), West Virginia Advance Workforce Development (fund 0596, appropriation 89300), Technical Program Development (fund 0596, appropriation 89400), and WV Invests Grant Program (fund 0596, appropriation 89401) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

129 - Mountwest Community and Technical College

(W.V. Code Chapter 18B)

Fund 0599 FY 2025 Org 0444

Mountwest Community and Technical College	48700	$	7,062,120

130 - New River Community and Technical College

(W.V. Code Chapter 18B)

Fund 0600 FY 2025 Org 0445

New River Community and Technical College.....	35800	$	6,569,820

131 - Pierpont Community and Technical College

(W.V. Code Chapter 18B)

Fund 0597 FY 2025 Org 0446

Pierpont Community and Technical College.....	93000	$	8,613,156

132 - Blue Ridge Community and Technical College

(W.V. Code Chapter 18B)

Fund 0601 FY 2025 Org 0447

Blue Ridge Community and Technical College.....	88500	$	8,972,984

133 - West Virginia University at Parkersburg

(W.V. Code Chapter 18B)

Fund 0351 FY 2025 Org 0464

West Virginia University – Parkersburg	47100	$	11,561,838

134 - Southern West Virginia Community and Technical College

(W.V. Code Chapter 18B)

Fund 0380 FY 2025 Org 0487

Southern West Virginia Community and Technical College.....	44600	$	9,217,907

135 - West Virginia Northern Community and Technical College

(W.V. Code Chapter 18B)

Fund 0383 FY 2025 Org 0489

West Virginia Northern Community and Technical College	44700	$	8,252,020

136 - Eastern West Virginia Community and Technical College

(W.V. Code Chapter 18B)

Fund 0587 FY 2025 Org 0492

Eastern West Virginia Community and Technical College	41200	$	2,412,016

137 - BridgeValley Community and Technical College

(W.V. Code Chapter 18B)

Fund 0618 FY 2025 Org 0493

BridgeValley Community and Technical College	71700	$	8,888,187

HIGHER EDUCATION POLICY COMMISSION

138 - Higher Education Policy Commission –

Administration –

Control Account

(W.V. Code Chapter 18B and 18C)

Fund 0589 FY 2025 Org 0441

Personal Services and Employee Benefits	00100	$	2,914,927
RHI Program and Site Support –			
RHEP Program Administration (R)	03700		80,000
Mental Health Provider Loan Repayment (R)	11301		330,000
Current Expenses	13000		1,096,902

Higher Education Grant Program	16400	40,619,864
Tuition Contract Program (R)	16500	1,225,676
Underwood-Smith Scholarship Program-Student Awards	16700	1,478,349
Facilities Planning and Administration	38600	1,760,254
Dual Enrollment Program	42201	5,810,625
Higher Education System Initiatives	48801	1,651,889
PROMISE Scholarship – Transfer	80000	18,500,000
HEAPS Grant Program (R)	86700	5,025,376
Health Professionals' Student Loan Program (R)	86701	547,470
BRIM Premium	91300	17,817
Total		$ 81,059,149

Any unexpended balances remaining in the appropriations for RHI Program and Site Support – RHEP Program Administration (fund 0589, 03700), Mental Health Provider Loan Repayment (fund 0589, appropriation 11301), Tuition Contract Program (fund 0589, appropriation 16500), Dual Enrollment Program (fund 0589, appropriation 42201), HEAPS Grant Program (fund 0589, appropriation 86700), and Health Professionals' Student Loan Program (fund 0589, appropriation 86701) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

The above appropriation for Facilities Planning and Administration (fund 0589, appropriation 38600) is for operational expenses of the West Virginia Regional Technology Park between construction and full occupancy.

The above appropriation for Higher Education Grant Program (fund 0589, appropriation 16400) shall be transferred to the Higher Education Grant Fund (fund 4933) established by W.V. Code §18C-5-3.

The above appropriation for Underwood-Smith Scholarship Program - Student Awards (fund 0589, appropriation 16700) shall be transferred to the Underwood-Smith Teaching Scholars Program Fund (4922) established by W.V. Code §18C-4-1.

The above appropriation for PROMISE Scholarship-Transfer (fund 0589, appropriation 80000) shall be transferred to the PROMISE Scholarship Fund (fund 4296) established by W.V. Code §18C-7-7.

The above appropriation for Dual Enrollment Program (fund 0589, appropriation 42201) shall be used for the Dual Enrollment Program established by House Bill 2005 during the 2023 Regular Session.

139 - West Virginia University –

School of Medicine

Medical School Fund

(W.V. Code Chapter 18B)

Fund 0343 FY 2025 Org 0463

WVU School of Health Science – Eastern Division	05600	$	2,426,012
WVU – School of Health Sciences	17400		16,155,605
WVU – School of Health Sciences – Charleston Division	17500		2,478,576
Rural Health Outreach Programs (R)	37700		170,278
West Virginia University School of Medicine			
BRIM Subsidy	46000		1,203,087
Total		$	22,433,558

Any unexpended balances remaining in the appropriations for Rural Health Outreach Programs (fund 0343, appropriation 37700) at the close of fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

140 - West Virginia University –

General Administrative Fund

(W.V. Code Chapter 18B)

Fund 0344 FY 2025 Org 0463

West Virginia University	45900	$	95,189,730
West Virginia University Land Grant Match	45101		8,549,644
Jackson's Mill (R)	46100		513,760
West Virginia University Institute of Technology	47900		8,915,719
State Priorities – Brownfield Professional Development (R)	53100		816,556
Energy Express (R)	86100		382,935
West Virginia University – Potomac State	99400		5,138,046

Total		$	119,506,390

From the above appropriation for Jackson's Mill (fund 0344, appropriation 46100), $250,000 shall be used for the West Virginia State Fire Training Academy.

Any unexpended balances remaining in the appropriations for Jackson's Mill (fund 0344, appropriation 46100), State Priorities – Brownfield Professional Development (fund 0344, appropriation 53100), National Cancer Institute - Surplus (fund 0344, appropriation 65399), and Energy Express (fund 0344, appropriation 86100) and at the close of fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

141 - Marshall University –

School of Medicine

(W.V. Code Chapter 18B)

Fund 0347 FY 2025 Org 0471

Marshall Medical School	17300	$	8,357,258
Rural Health Outreach Programs (R)	37700		160,732
Forensic Lab (R)	37701		227,415
Center for Rural Health (R)	37702		169,390
Marshall University Medical School BRIM Subsidy	44900		872,612
Total		$	9,787,407

Any unexpended balances remaining in the appropriations for Rural Health Outreach Programs (fund 0347, appropriation 37700), Forensic Lab (fund 0347, appropriation 37701), and Center for Rural Health (fund 0347, appropriation 37702) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

142 - Marshall University –

General Administration Fund

(W.V. Code Chapter 18B)

Fund 0348 FY 2025 Org 0471

Marshall University	44800	$	53,411,505
Marshall University Minority Health Institute	42301		100,000

Luke Lee Listening Language and Learning Lab (R)	44801		157,901
VISTA E-Learning (R)	51900		229,019
State Priorities – Brownfield Professional Development (R)	53100		809,606
Marshall University Graduate College Writing Project (R)	80700		25,412
WV Autism Training Center (R)	93200		1,992,337
Total		$	56,725,780

Any unexpended balances remaining in the appropriations for Luke Lee Listening Language and Learning Lab (fund 0348, appropriation 44801), VISTA E-Learning (fund 0348, appropriation 51900), State Priorities – Brownfield Professional Development (fund 0348, appropriation 53100), Marshall University Graduate College Writing Project (fund 0348, appropriation 80700), WV Autism Training Center (fund 0348, appropriation 93200), Marshall University Minority Health Institute (fund 0348, appropriation 42301), and Marshall University Cybersecurity Program – Surplus (fund 0348, appropriation 42302) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

143 - West Virginia School of Osteopathic Medicine

(W.V. Code Chapter 18B)

Fund 0336 FY 2025 Org 0476

West Virginia School of Osteopathic Medicine	17200	$	5,588,340
Rural Health Outreach Programs (R)	37700		174,997
West Virginia School of Osteopathic Medicine			
BRIM Subsidy	40300		153,405
Rural Health Initiative – Medical Schools Support	58100		415,363
Total		$	6,332,105

Any unexpended balance remaining in the appropriation for Rural Health Outreach Programs (fund 0336, appropriation 37700), and West Virginia School of Osteopathic Medicine – Surplus (fund 0336, appropriation 17299) at the close of fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

144 - Bluefield State University

(W.V. Code Chapter 18B)

Fund 0354 FY 2025 Org 0482

Bluefield State University ..... 40800 $ 7,081,263

145 - Concord University

(W.V. Code Chapter 18B)

Fund 0357 FY 2025 Org 0483

Concord University..... 41000 $ 11,491,763

146 - Fairmont State University

(W.V. Code Chapter 18B)

Fund 0360 FY 2025 Org 0484

Fairmont State University..... 41400 $ 20,671,494

147 - Glenville State University

(W.V. Code Chapter 18B)

Fund 0363 FY 2025 Org 0485

Glenville State University ..... 42800 $ 7,420,879

148 - Shepherd University

(W.V. Code Chapter 18B)

Fund 0366 FY 2025 Org 0486

Shepherd University..... 43200 $ 13,734,975

149 - West Liberty University

(W.V. Code Chapter 18B)

Fund 0370 FY 2025 Org 0488

West Liberty University	43900	$	10,380,743

150 - West Virginia State University

(W.V. Code Chapter 18B)

Fund 0373 FY 2025 Org 0490

West Virginia State University	44100	$	11,969,170
Healthy Grandfamilies (R)	62101		800,000
West Virginia State University Land Grant Match	95600		5,000,000
Total		$	17,769,170

Any unexpended balance remaining in the appropriation for Healthy Grandfamilies (fund 0373, appropriation 62101) at the close of fiscal year 2024 is hereby reappropriated for expenditure during the fiscal year 2025.

151 - Higher Education Policy Commission –

Administration -

West Virginia Network for Educational Telecomputing (WVNET)

(W.V. Code Chapter 18B)

Fund 0551 FY 2025 Org 0495

WVNET	16900	$	1,946,515

MISCELLANEOUS BOARDS AND COMMISSIONS

152 - Adjutant General –

State Militia

(W.V. Code Chapter 15)

Fund 0433 FY 2025 Org 0603

Salary and Benefits of Cabinet Secretary and Agency Heads	00201	$	189,000

Unclassified (R)	09900		106,798
College Education Fund	23200		4,000,000
Civil Air Patrol	23400		249,664
Armory Board Transfer	70015		2,317,555
Mountaineer ChalleNGe Academy	70900		3,570,640
Military Authority (R)	74800		6,621,038
Drug Enforcement and Support	74801		1,592,221
Total		$	18,646,916

Any unexpended balances remaining in the appropriations for Unclassified (fund 0433, appropriation 09900), Military Authority (fund 0433, appropriation 74800), Armory Board Transfers – Surplus (fund 0433, appropriation 70299), Military Authority – Surplus (fund 0433, appropriation 74899), and Federal Funds/Grant Match (fund 0433, appropriation 85700) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

From the above appropriations an amount approved by the Adjutant General may be transferred to the State Armory Board for operation and maintenance of National Guard Armories.

The Adjutant General shall have the authority to transfer between appropriations.

From the above appropriation and other state and federal funding, the Adjutant General shall provide an amount not less than $3,570,640 to the Mountaineer ChalleNGe Academy to meet anticipated program demand.

153 - Adjutant General –

Military Fund

(W.V. Code Chapter 15)

Fund 0605 FY 2025 Org 0603

Personal Services and Employee Benefits	00100	$	100,000
Current Expenses	13000		57,775
Total		$	157,775
Total TITLE II, Section 1 – General Revenue			
(Including claims against the state)			$ 4,996,598,939

Sec. 2. Appropriations from state road fund. — From the state road fund there are hereby appropriated conditionally upon the fulfillment of the provisions set forth in Article 2, Chapter 11B of the Code the following ,amounts, as itemized, for expenditure during the fiscal year 2025.

DEPARTMENT OF TRANSPORTATION

154 - Division of Motor Vehicles

(W.V. Code Chapters 17, 17A, 17B, 17C, 17D, 20, and 24A)

Fund 9007 FY 2025 Org 0802

			State Road Fund
	Appro-priation		
Personal Services and Employee Benefits	00100	$	43,505,517
Salary and Benefits of Cabinet Secretary and Agency Heads	00201		129,500
Repairs and Alterations	06400		144,000
Equipment	07000		1,080,000
Current Expenses	13000		22,556,730
Buildings	25800		10,000
Other Assets	69000		2,480,000
BRIM Premium	91300		110,000
Total		$	70,015,747

155 - Division of Highways

(W.V. Code Chapters 17 and 17C)

Fund 9017 FY 2025 Org 0803

Salary and Benefits of Cabinet Secretary and Agency Heads	00201	$	200,000

Debt Service	04000	143,000,000
Maintenance	23700	565,235,315
Inventory Revolving	27500	4,000,000
Equipment Revolving	27600	52,950,166
General Operations	27700	186,166,680
Interstate Construction	27800	275,000,000
Other Federal Aid Programs	27900	450,000,000
Appalachian Programs	28000	250,000,000
Highway Litter Control	28200	1,650,000
Total		$ 1,928,202,161

The above appropriations are to be expended in accordance with the provisions of Chapters 17 and 17C of the W.V. Code.

The Commissioner of Highways shall have the authority to operate revolving funds within the State Road Fund for the operation and purchase of various types of equipment used directly and indirectly in the construction and maintenance of roads and for the purchase of inventories and materials and supplies.

There is hereby appropriated in addition to the above appropriations, sufficient money for the payment of claims, accrued or arising during this budgetary period, to be paid in accordance with Sections 17 and 18, Article 2, Chapter 14 of the W.V. Code.

It is the intent of the Legislature to capture and match all federal funds available for expenditure on the Appalachian highway system at the earliest possible time. Therefore, should amounts in excess of those appropriated be required for the purposes of Appalachian Programs, funds in excess of the amount appropriated may be made available upon recommendation of the Commissioner and approval of the Governor. Further, for the purpose of Appalachian Programs, funds appropriated by appropriation may be transferred to other appropriations upon recommendation of the Commissioner and approval of the Governor.

Total TITLE II, Section 2 – State Road Fund

(Including claims against the state) ..... $ 1,998,604,764

Sec. 3. Appropriations from other funds. — From the funds designated there are hereby appropriated conditionally upon the fulfillment of the provisions set forth in Article 2, Chapter 11B of the Code the following amounts, as itemized, for expenditure during the fiscal year 2025.

LEGISLATIVE

156 - Crime Victims Compensation Fund

(W.V. Code Chapter 14)

Fund 1731 FY 2025 Org 2300

	Appro-priation		Other Funds
Personal Services and Employee Benefits	00100	$	498,020
Repairs and Alterations	06400		1,000
Current Expenses	13000		133,903
Economic Loss Claim Payment Fund	33400		2,000,000
Other Assets	69000		3,700
Total		$	2,636,623

JUDICIAL

157 - Supreme Court –

Court Advanced Technology Subscription Fund

(W.V. Code Chapter 51)

Fund 1704 FY 2025 Org 2400

Current Expenses	13000	$	100,000

158 -

159 - Supreme Court –

Adult Drug Court Participation Fund

(W.V. Code Chapter 62)

Fund 1705 FY 2025 Org 2400

Current Expenses	13000	$	200,000

160 -

161 - Supreme Court –

Family Court Fund

(W.V. Code Chapter 51)

Fund 1763 FY 2025 Org 2400

	Current Expenses	13000	$	900,000

162 -

163 - Supreme Court –

Court Facilities Maintenance Fund

(W.V. Code Chapter 51)

Fund 1766 FY 2025 Org 2400

1	Repairs and Alterations	06400	$	150,000
2	Current Expenses	13000		750,000
3	Total		$	900,000

EXECUTIVE

164 - Governor's Office –

Minority Affairs Fund

(W.V. Code Chapter 5)

Fund 1058 FY 2025 Org 0100

Personal Services and Employee Benefits	00100	$	239,958
Martin Luther King, Jr. Holiday Celebration	03100		8,926
Current Expenses	13000		453,200
Total		$	702,084

165 - Auditor's Office –

Grant Recovery Fund

(W.V. Code Chapter 12)

Fund 1205 FY 2025 Org 1200

Repairs and Alterations	06400	$	2,000
Equipment	07000		7,000
Current Expenses	13000		191,000
Total		$	200,000

166 - Auditor's Office –

Land Operating Fund

(W.V. Code Chapters 11A, 12, and 36)

Fund 1206 FY 2025 Org 1200

Personal Services and Employee Benefits	00100	$	901,372
Repairs and Alterations	06400		2,600
Equipment	07000		426,741
Unclassified	09900		15,139
Current Expenses	13000		715,291
Cost of Delinquent Land Sale	76800		1,841,168
Total		$	3,902,311

There is hereby appropriated from this fund, in addition to the above appropriations if needed, the necessary amount for the expenditure of funds other than Personal Services and Employee Benefits to enable the division to pay the direct expenses relating to land sales as provided in Chapter 11A of the West Virginia Code.

The total amount of these appropriations shall be paid from the special revenue fund out of fees and collections as provided by law.

167 - Auditor's Office –

Local Government Purchasing Card Expenditure Fund

(W.V. Code Chapter 6)

Fund 1224 FY 2025 Org 1200

Personal Services and Employee Benefits	00100	$	670,729
Repairs and Alterations	06400		6,000
Equipment	07000		10,805
Current Expenses	13000		282,030
Other Assets	69000		50,000
Statutory Revenue Distribution	74100		3,500,000
Total		$	4,519,564

There is hereby appropriated from this fund, in addition to the above appropriations if needed, the amount necessary to meet the transfer of revenue distribution requirements to provide a proportionate share of rebates back to the general fund of local governments based on utilization of the program in accordance with W.V. Code §6-9-2b.

168 - Auditor's Office –

Securities Regulation Fund

(W.V. Code Chapter 32)

Fund 1225 FY 2025 Org 1200

Personal Services and Employee Benefits	00100	$	3,009,931
Repairs and Alterations	06400		12,400
Equipment	07000		594,700
Unclassified	09900		31,866
Current Expenses	13000		1,463,830
Other Assets	69000		1,200,000
Total		$	6,312,727

169 - Auditor's Office –

Technology Support and Acquisition Fund

(W.V. Code Chapter 12)

Fund 1233 FY 2025 Org 1200

Current Expenses	13000	$	10,000
Other Assets	69000		5,000
Total		$	15,000

Fifty percent of the deposits made into this fund shall be transferred to the Treasurer's Office – Technology Support and Acquisition Fund (fund 1329) for expenditure for the purposes described in W.V. Code §12-3-10c.

170 - Auditor's Office –

Purchasing Card Administration Fund

(W.V. Code Chapter 12)

Fund 1234 FY 2025 Org 1200

Personal Services and Employee Benefits	00100	$	3,407,244
Repairs and Alterations	06400		5,500
Equipment	07000		850,000
Current Expenses	13000		2,303,622
Other Assets	69000		508,886
Statutory Revenue Distribution	74100		8,000,000
Total		$	15,075,252

There is hereby appropriated from this fund, in addition to the above appropriations if needed, the amount necessary to meet the transfer and revenue distribution requirements to the Purchasing Improvement Fund (fund 2264), the Entrepreneurship and Innovation Investment Fund (fund 3014), the Hatfield-McCoy Regional Recreation Authority, and the State Park Operating Fund (fund 3265) per W.V. Code §12-3-10d.

171 - Auditor's Office –

Chief Inspector's Fund

(W.V. Code Chapter 6)

Fund 1235 FY 2025 Org 1200

Personal Services and Employee Benefits	00100	$	3,910,235
Equipment	07000		50,000
Current Expenses	13000		765,915
Total		$	4,726,150

172 - Auditor's Office –

Volunteer Fire Department Workers'

Compensation Premium Subsidy Fund

(W.V. Code Chapters 12 and 33)

Fund 1239 FY 2025 Org 1200

Volunteer Fire Department			
Workers' Compensation Subsidy	83200	$	2,500,000

173 - Auditor's Office –

Private Trust Company Application Fund

(W.V. Code Chapters 31 and 46)

Fund 1241 FY 2025 Org 1200

Equipment	07000	$	30,000
Current Expenses	13000		60,000
Total		$	90,000

174 - Department of Agriculture –

Agriculture Fees Fund

(W.V. Code Chapters 19)

Fund 1401 FY 2025 Org 1400

Personal Services and Employee Benefits	00100	$	3,102,402
Repairs and Alterations	06400		158,500
Equipment	07000		436,209
Unclassified	09900		37,425
Current Expenses	13000		1,856,184
Other Assets	69000		10,000
Total		$	5,600,720

175 - Department of Agriculture –

West Virginia Rural Rehabilitation Program

(W.V. Code Chapter 19)

Fund 1408 FY 2025 Org 1400

Personal Services and Employee Benefits	00100	$	85,293
Unclassified	09900		10,476
Current Expenses	13000		2,200,000
Total		$	2,295,769

176 - Department of Agriculture –

General John McCausland Memorial Farm Fund

(W.V. Code Chapter 19)

Fund 1409 FY 2025 Org 1400

Personal Services and Employee Benefits	00100	$	85,545
Repairs and Alterations	06400		36,400
Equipment	07000		15,000
Unclassified	09900		2,100
Current Expenses	13000		89,500

Total		$ 228,545

The above appropriations shall be expended in accordance with Article 26, Chapter 19 of the Code.

177 - Department of Agriculture –

Farm Operating Fund

(W.V. Code Chapter 19)

Fund 1412 FY 2025 Org 1400

Personal Services and Employee Benefits	00100	$ 932,035
Repairs and Alterations	06400	388,722
Equipment	07000	399,393
Unclassified	09900	15,173
Current Expenses	13000	1,367,464
Other Assets	69000	20,000
Total		$ 3,122,787

178 - Department of Agriculture –

Capital Improvements Fund

(W.V. Code Chapter 19)

Fund 1413 FY 2025 Org 1400

Repairs and Alterations	06400	250,000
Equipment	07000	350,000
Unclassified	09900	20,000
Current Expenses	13000	510,000
Buildings	25800	670,000
Other Assets	69000	200,000
Total		$ 2,000,000

179 - Department of Agriculture –

Agriculture Development Fund

(W.V. Code Chapter 19)

Fund 1423 FY 2025 Org 1400

Current Expenses	13000	$	100,000

180 - Department of Agriculture –

Donated Food Fund

(W.V. Code Chapter 19)

Fund 1446 FY 2025 Org 1400

Personal Services and Employee Benefits	00100	$	1,163,783
Repairs and Alterations	06400		128,500
Equipment	07000		10,000
Unclassified	09900		45,807
Current Expenses	13000		3,410,542
Other Assets	69000		27,000
Land	73000		250,000
Total		$	5,035,632

181 - Department of Agriculture –

Integrated Predation Management Fund

(W.V. Code Chapter 7)

Fund 1465 FY 2025 Org 1400

Current Expenses	13000	$	112,500

182 - Department of Agriculture –

West Virginia Spay Neuter Assistance Fund

(W.V. Code Chapter 19)

Fund 1481 FY 2025 Org 1400

Personal Services and Employee Benefits	00100	$	100,000
Current Expenses	13000		1,000,000
Total		$	1,100,000

183 - Department of Agriculture –

Veterans and Warriors to Agriculture Fund

(W.V. Code Chapter 19)

Fund 1483 FY 2025 Org 1400

Current Expenses	13000	$	7,500

184 - Department of Agriculture –

State FFA-FHA Camp and Conference Center

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

Fund 1484 FY 2025 Org 1400

Personal Services and Employee Benefits	00100	$	1,289,160
Repairs and Alterations	06400		82,500
Equipment	07000		76,000
Unclassified	09900		17,000
Current Expenses	13000		1,143,306
Buildings	25800		1,000
Other Assets	69000		10,000

Land	73000	1,000
Total		$ 2,619,966

185 - Attorney General –

Antitrust Enforcement Fund

(W.V. Code Chapter 47)

Fund 1507 FY 2025 Org 1500

Personal Services and Employee Benefits	00100	$ 371,036
Repairs and Alterations	06400	1,000
Equipment	07000	1,000
Current Expenses	13000	148,803
Total		$ 521,839

186 - Attorney General –

Preneed Burial Contract Regulation Fund

(W.V. Code Chapter 47)

Fund 1513 FY 2025 Org 1500

Personal Services and Employee Benefits	00100	$ 240,959
Repairs and Alterations	06400	1,000
Equipment	07000	1,000
Current Expenses	13000	54,615
Total		$ 297,574

187 - Attorney General –

Preneed Funeral Guarantee Fund

(W.V. Code Chapter 47)

Fund 1514 FY 2025 Org 1500

Current Expenses	13000	$	901,135

188 - Secretary of State –

Service Fees and Collection Account

(W.V. Code Chapters 3, 5, and 59)

Fund 1612 FY 2025 Org 1600

Personal Services and Employee Benefits	00100	$	1,196,867
Unclassified	09900		4,524
Current Expenses	13000		8,036
Total		$	1,209,427

189 - Secretary of State –

General Administrative Fees Account

(W.V. Code Chapters 3, 5, and 59)

Fund 1617 FY 2025 Org 1600

Personal Services and Employee Benefits	00100	$	3,248,467
Unclassified	09900		25,529
Current Expenses	13000		1,276,716
Technology Improvements	59900		870,000
Total		$	5,420,712

DEPARTMENT OF ADMINISTRATION

190 - Department of Administration –

Office of the Secretary –

Tobacco Settlement Fund

(W.V. Code Chapter 4)

Fund 2041 FY 2025 Org 0201

Tobacco Settlement Securitization Trustee Passthru	65000	$	80,000,000

191 - Department of Administration –

Office of the Secretary –

Employee Pension and Health Care Benefit Fund

(W.V. Code Chapter 18)

Fund 2044 FY 2025 Org 0201

Current Expenses	13000	$	38,166,000

The above appropriation for Current Expenses (fund 2044, appropriation 13000) shall be transferred to the Consolidated Public Retirement Board – Teachers' Accumulation Fund (fund 2600).

192 - Department of Administration –

Division of Finance –

Shared Services Section Fund

(W.V. Code Chapter 5A)

Fund 2020 FY 2025 Org 0209

Personal Services and Employee Benefits.....	00100	$	1,638,791
Current Expenses	13000		500,000
Total.....		$	2,138,791

193 - Division of Information Services and Communications

(W.V. Code Chapter 5A)

Fund 2220 FY 2025 Org 0210

Personal Services and Employee Benefits.....	00100	$	23,367,490

Equipment	07000		2,050,000
Unclassified	09900		344,119
Current Expenses	13000		34,418,001
Other Assets	69000		1,045,000
Total		$	61,224,610

The total amount of these appropriations shall be paid from a special revenue fund out of collections made by the Division of Information Services and Communications as provided by law.

Each spending unit operating from the General Revenue Fund, from special revenue funds or receiving reimbursement for postage from the federal government shall be charged monthly for all postage meter service and shall reimburse the revolving fund monthly for all such amounts.

194 - Division of Purchasing –

Vendor Fee Fund

(W.V. Code Chapter 5A)

Fund 2263 FY 2025 Org 0213

Personal Services and Employee Benefits	00100	$	611,378
Current Expenses	13000		9,115
BRIM Premium	91300		810
Total		$	621,303

195 - Division of Purchasing –

Purchasing Improvement Fund

(W.V. Code Chapter 5A)

Fund 2264 FY 2025 Org 0213

Personal Services and Employee Benefits	00100	$	1,060,880
Repairs and Alterations	06400		500
Equipment	07000		500
Unclassified	09900		5,562

Current Expenses	13000		492,066
Other Assets	69000		500
BRIM Premium	91300		850
Total		$	1,560,858

196 - Travel Management –

Aviation Fund

(W.V. Code Chapter 5A)

Fund 2302 FY 2025 Org 0215

Repairs and Alterations	06400	$	1,275,237
Equipment	07000		1,000
Unclassified	09900		1,000
Current Expenses	13000		149,700
Buildings	25800		100
Other Assets	69000		100
Land	73000		100
Total		$	1,427,237

197 - Fleet Management Division Fund

(W.V. Code Chapter 5A)

Fund 2301 FY 2025 Org 0216

Personal Services and Employee Benefits	00100	$	839,903
Repairs and Alterations	06400		12,000
Equipment	07000		800,000
Unclassified	09900		4,000
Current Expenses	13000		11,630,614

Other Assets	69000		2,000
Total		$	13,288,517

198 - Division of Personnel

(W.V. Code Chapter 29)

Fund 2440 FY 2025 Org 0222

Personal Services and Employee Benefits	00100	$	5,034,147
Salary and Benefits of Cabinet Secretary and Agency Heads	00201		122,500
Repairs and Alterations	06400		5,000
Equipment	07000		20,000
Unclassified	09900		51,418
Current Expenses	13000		1,262,813
Other Assets	69000		60,000
Total		$	6,555,878

The total amount of these appropriations shall be paid from a special revenue fund out of fees collected by the Division of Personnel.

199 - West Virginia Prosecuting Attorneys Institute

(W.V. Code Chapter 7)

Fund 2521 FY 2025 Org 0228

Personal Services and Employee Benefits	00100	$	139,779
Salary and Benefits of Cabinet Secretary and Agency Heads	00201		119,000
Repairs and Alterations	06400		600
Equipment	07000		500
Unclassified	09900		4,023

Current Expenses	13000		297,528
Other Assets	69000		500
Total		$	561,930

200 - Office of Technology –

Technology Infrastructure Reinvestment Fund

(W.V. Code Chapter 31)

Fund 2209 FY 2025 Org 0231

Current Expenses	13000	$	400,000

201 - Office of Technology –

Chief Technology Officer Administration Fund

(W.V. Code Chapter 5A)

Fund 2531 FY 2025 Org 0231

Personal Services and Employee Benefits	00100	$	469,481
Repairs and Alterations	06400		1,000
Equipment	07000		50,000
Unclassified	09900		6,949
Current Expenses	13000		2,196,504
Other Assets	69000		10,000
Total		$	2,733,934

From the above fund, the provisions of W.V. Code §11B-2-18 shall not operate to permit expenditures in excess of the funds authorized for expenditure herein.

DEPARTMENT OF COMMERCE

202 - Division of Forestry

(W.V. Code Chapter 19)

Fund 3081 FY 2025 Org 0305

Personal Services and Employee Benefits	00100	$	224,509
Repairs and Alterations	06400		53,000
Equipment	07000		300,000
Current Expenses	13000		439,830
Total		$	1,017,339

203 - Division of Forestry –

Timbering Operations Enforcement Fund

(W.V. Code Chapter 19)

Fund 3082 FY 2025 Org 0305

Personal Services and Employee Benefits	00100	$	260,661
Repairs and Alterations	06400		11,250
Current Expenses	13000		54,873
Total		$	326,784

204 - Division of Forestry –

Severance Tax Operations

(W.V. Code Chapter 11)

Fund 3084 FY 2025 Org 0305

Current Expenses	13000	$	282,614

205 - Geological and Economic Survey –

Geological and Analytical Services Fund

(W.V. Code Chapter 29)

Fund 3100 FY 2025 Org 0306

Personal Services and Employee Benefits	00100	$	37,966
Repairs and Alterations	06400		50,000
Equipment	07000		20,000
Unclassified	09900		2,182
Current Expenses	13000		141,631
Other Assets	69000		10,000
Total		$	261,779

The above appropriations shall be used in accordance with W.V. Code §29-2-4.

206 - Division of Labor –

West Virginia Jobs Act Fund

(W.V. Code Chapter 21)

Fund 3176 FY 2025 Org 0308

Equipment	07000	$	25,000
Current Expenses	13000		75,000
Total		$	100,000

207 - Division of Labor –

HVAC Fund

(W.V. Code Chapter 21)

Fund 3186 FY 2025 Org 0308

Personal Services and Employee Benefits	00100	$	482,855
Repairs and Alterations	06400		4,500
Unclassified	09900		4,000
Current Expenses	13000		82,000
Buildings	25800		1,000

BRIM Premium	91300		8,500
Total		$	582,855

208 - Division of Labor –

Elevator Safety Fund

(W.V. Code Chapter 21)

Fund 3188 FY 2025 Org 0308

Personal Services and Employee Benefits	00100	$	305,995
Salary and Benefits of Cabinet Secretary and Agency Heads	00201		123,221
Repairs and Alterations	06400		2,000
Unclassified	09900		2,261
Current Expenses	13000		94,712
Buildings	25800		1,000
BRIM Premium	91300		8,500
Total		$	537,689

209 - Division of Labor –

Steam Boiler Fund

(W.V. Code Chapter 21)

Fund 3189 FY 2025 Org 0308

Personal Services and Employee Benefits	00100	$	83,471
Repairs and Alterations	06400		2,000
Unclassified	09900		1,000
Current Expenses	13000		20,000
Buildings	25800		1,000

BRIM Premium	91300		1,000
Total		$	108,471

210 - Division of Labor –

Crane Operator Certification Fund

(W.V. Code Chapter 21)

Fund 3191 FY 2025 Org 0308

Personal Services and Employee Benefits	00100	$	203,573
Repairs and Alterations	06400		1,500
Unclassified	09900		1,380
Current Expenses	13000		51,265
Buildings	25800		1,000
BRIM Premium	91300		7,000
Total		$	265,718

211 - Division of Labor –

Amusement Rides and Amusement Attraction Safety Fund

(W.V. Code Chapter 21)

Fund 3192 FY 2025 Org 0308

Personal Services and Employee Benefits	00100	$	202,269
Repairs and Alterations	06400		2,000
Unclassified	09900		1,281
Current Expenses	13000		44,520
Buildings	25800		1,000
BRIM Premium	91300		8,500
Total		$	259,570

212 - Division of Labor –

State Manufactured Housing Administration Fund

(W.V. Code Chapter 21)

Fund 3195 FY 2025 Org 0308

Personal Services and Employee Benefits	00100	$	303,686
Repairs and Alterations	06400		1,000
Unclassified	09900		1,847
Current Expenses	13000		43,700
Buildings	25800		1,000
BRIM Premium	91300		3,404
Total		$	354,637

213 - Division of Labor –

Weights and Measures Fund

(W.V. Code Chapter 47)

Fund 3196 FY 2025 Org 0308

Repairs and Alterations	06400	$	10,000
Equipment	07000		10,000
Unclassified	09900		1,200
Current Expenses	13000		93,000
BRIM Premium	91300		7,000
Total		$	121,200

214 - Division of Labor –

Bedding and Upholstery Fund

(W.V. Code Chapter 47)

Fund 3198 FY 2025 Org 0308

Personal Services and Employee Benefits	00100	$	156,381
Repairs and Alterations	06400		2,000
Unclassified	09900		2,000
Current Expenses	13000		145,400
Buildings	25800		1,000
BRIM Premium	91300		8,700
Total		$	315,481

215 - Division of Labor –

Psychophysiological Examiners Fund

(W.V. Code Chapter 21)

Fund 3199 FY 2025 Org 0308

Current Expenses	13000	$	4,000

216 - Division of Natural Resources –

License Fund – Wildlife Resources

(W.V. Code Chapter 20)

Fund 3200 FY 2025 Org 0310

Wildlife Resources	02300	$	10,689,217
Administration	15500		2,417,057
Capital Improvements and Land Purchase (R)	24800		5,140,907
Law Enforcement	80600		9,989,958
Total		$	28,237,139

The total amount of these appropriations shall be paid from a special revenue fund out of fees collected by the Division of Natural Resources.

Any unexpended balance remaining in the appropriation for Capital Improvements and Land Purchase (fund 3200, appropriation 24800) at the close of the fiscal year 2024 is hereby reappropriated for expenditure during the fiscal year 2025.

217 - Division of Natural Resources –

Natural Resources Game Fish and Aquatic Life Fund

(W.V. Code Chapter 22)

Fund 3202 FY 2025 Org 0310

Current Expenses	13000	$	125,000

218 - Division of Natural Resources –

Nongame Fund

(W.V. Code Chapter 20)

Fund 3203 FY 2025 Org 0310

Personal Services and Employee Benefits	00100	$	727,138
Equipment	07000		106,615
Current Expenses	13000		201,810
Total		$	1,035,563

219 - Division of Natural Resources –

Planning and Development Division

(W.V. Code Chapter 20)

Fund 3205 FY 2025 Org 0310

Personal Services and Employee Benefits	00100	$	482,802
Repairs and Alterations	06400		15,016
Equipment	07000		308,300
Current Expenses	13000		1,056,876

Buildings	25800		8,300
Other Assets	69000		1,900,000
Land	73000		31,700
Total		$	3,802,994

220 - Division of Natural Resources –

State Parks and Recreation Endowment Fund

(W.V. Code Chapter 20)

Fund 3211 FY 2025 Org 0310

Repairs and Alterations	06400	$	3,000
Equipment	07000		2,000
Current Expenses	13000		6,000
Buildings	25800		3,000
Other Assets	69000		3,504,000
Land	73000		2,000
Total		$	3,520,000

221 - Division of Natural Resources –

Whitewater Study and Improvement Fund

(W.V. Code Chapter 20)

Fund 3253 FY 2025 Org 0310

Personal Services and Employee Benefits	00100	$	76,836
Equipment	07000		1,297
Current Expenses	13000		64,778
Buildings	25800		6,969
Total		$	149,880

222 - Division of Natural Resources –

Whitewater Advertising and Promotion Fund

(W.V. Code Chapter 20)

Fund 3256 FY 2025 Org 0310

Unclassified	09900	$	200
Current Expenses	13000		19,800
Total		$	20,000

223 - Division of Miners' Health, Safety and Training –

Special Health, Safety and Training Fund

(W.V. Code Chapter 22A)

Fund 3355 FY 2025 Org 0314

Personal Services and Employee Benefits	00100	$	538,305
W.V. Mining Extension Service	02600		150,000
Unclassified	09900		23,700
Current Expenses	13000		1,671,842
Total		$	2,383,847

224 - Department of Commerce –

Office of the Secretary –

Marketing and Communications Operating Fund

(W.V. Code Chapter 5B)

Fund 3002 FY 2025 Org 0327

Personal Services and Employee Benefits	00100	$	2,285,770
Equipment	07000		36,000

Unclassified	09900		30,000
Current Expenses	13000		1,315,078
Total		$	3,666,848

225 - State Board of Rehabilitation –

Division of Rehabilitation Services –

West Virginia Rehabilitation Center Special Account

(W.V. Code Chapter 18)

Fund 8664 FY 2025 Org 0932

Personal Services and Employee Benefits	00100	$	119,738
Repairs and Alterations	06400		85,500
Equipment	07000		220,000
Current Expenses	13000		1,180,122
Buildings	25800		150,000
Other Assets	69000		150,000
Total		$	1,905,360

DEPARTMENT OF ECONOMIC DEVELOPMENT

226 - Department of Economic Development –

Office of Energy –

Energy Assistance

(W.V. Code Chapter 5B)

Fund 3010 FY 2025 Org 0307

Energy Assistance - Total	64700	$	7,211

227 - Department of Economic Development –

Office of the Secretary –

Broadband Enhancement Fund

(W.V. Code Chapter 31G)

Fund 3013 FY 2025 Org 0307

Personal Services and Employee Benefits	00100	$	131,682
Current Expenses	13000		1,648,318
Total		$	1,780,000

228 - Department of Economic Development –

Office of the Secretary –

Entrepreneurship and Innovation Investment Fund

(W.V. Code Chapter 5B)

Fund 3014 FY 2025 Org 0307

Entrepreneurship and Innovation Investment Fund	70301	$	1,500,000

229 - Department of Economic Development –

Office of the Secretary –

Broadband Development Fund

(W.V. Code Chapter 31G)

Fund 3034 FY 2025 Org 0307

Personal Services and Employee Benefits	00100	$	682,669
Unclassified	09900		2,000,000
Current Expenses	13000		235,302,925
Total		$	237,985,594

230 - Department of Economic Development –

Office of the Secretary –

Office of Coalfield Community Development

(W.V. Code Chapter 5B)

Fund 3162 FY 2025 Org 0307

Personal Services and Employee Benefits	00100	$	438,687
Unclassified	09900		8,300
Current Expenses	13000		399,191
Total		$	846,178

DEPARTMENT OF EDUCATION

231 - State Board of Education –

Strategic Staff Development

(W.V. Code Chapter 18)

Fund 3937 FY 2025 Org 0402

Personal Services and Employee Benefits	00100	$	35,000
Unclassified	09900		26,000
Current Expenses	13000		2,539,000
Total		$	2,600,000

232 - School Building Authority –

School Construction Fund

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

Fund 3952 FY 2025 Org 0404

SBA Construction Grants	24000	$	102,345,818
Directed Transfer	70000		1,516,472
Total		$	103,862,290

The above appropriation for Directed Transfer (fund 3952, appropriation 70000) shall be transferred to the School Building Authority Fund (fund 3959) for the administrative expenses of the School Building Authority.

233 - School Building Authority

(W.V. Code Chapter 18)

Fund 3959 FY 2025 Org 0404

Personal Services and Employee Benefits	00100	$	1,233,127
Repairs and Alterations	06400		13,150
Equipment	07000		26,000
Current Expenses	13000		244,195
Total		$	1,516,472

DEPARTMENT OF ARTS, CULTURE, AND HISTORY

234 - Division of Culture and History –

Public Records and Preservation Revenue Account

(W.V. Code Chapter 5A)

Fund 3542 FY 2025 Org 0432

Personal Services and Employee Benefits	00100	$	254,946
Equipment	07000		75,000
Current Expenses	13000		862,241
Buildings	25800		1,000
Other Assets	69000		52,328
Land	73000		1,000
Total		$	1,246,515

DEPARTMENT OF ENVIRONMENTAL PROTECTION

235 - Solid Waste Management Board

(W.V. Code Chapter 22C)

Fund 3288 FY 2025 Org 0312

Personal Services and Employee Benefits	00100	$	922,334
Repairs and Alterations	06400		1,000
Equipment	07000		5,000
Current Expenses	13000		2,059,457
Other Assets	69000		4,403
Total		$	2,992,194

236 - Division of Environmental Protection –

Hazardous Waste Management Fund

(W.V. Code Chapter 22)

Fund 3023 FY 2025 Org 0313

Personal Services and Employee Benefits	00100	$	831,098
Repairs and Alterations	06400		500
Equipment	07000		1,505
Unclassified	09900		8,072
Current Expenses	13000		155,969
Other Assets	69000		2,000
Total		$	999,144

237 - Division of Environmental Protection –

Air Pollution Education and Environment Fund

(W.V. Code Chapter 22)

Fund 3024 FY 2025 Org 0313

Personal Services and Employee Benefits	00100	$	590,995
Repairs and Alterations	06400		13,000
Equipment	07000		53,105
Unclassified	09900		12,919
Current Expenses	13000		612,291
Other Assets	69000		20,000
Total		$	1,302,310

238 - Division of Environmental Protection –

Special Reclamation Fund

(W.V. Code Chapter 22)

Fund 3321 FY 2025 Org 0313

Personal Services and Employee Benefits	00100	$	1,778,866
Repairs and Alterations	06400		79,950
Equipment	07000		130,192
Current Expenses	13000		16,185,006
Other Assets	69000		32,000
Total		$	18,206,014

239 - Division of Environmental Protection –

Oil and Gas Reclamation Fund

(W.V. Code Chapter 22)

Fund 3322 FY 2025 Org 0313

Personal Services and Employee Benefits	00100	$	562,296
Current Expenses	13000		956,094
Total		$	1,518,390

240 - Division of Environmental Protection –

Oil and Gas Operating Permit and Processing Fund

(W.V. Code Chapter 22)

Fund 3323 FY 2025 Org 0313

Personal Services and Employee Benefits	00100	$	3,080,953
Repairs and Alterations	06400		9,500
Equipment	07000		230,500
Unclassified	09900		30,700
Current Expenses	13000		937,300
Other Assets	69000		500
Total		$	4,289,453

241 - Division of Environmental Protection –

Mining and Reclamation Operations Fund

(W.V. Code Chapter 22)

Fund 3324 FY 2025 Org 0313

Personal Services and Employee Benefits	00100	$	2,774,699
Repairs and Alterations	06400		60,260
Equipment	07000		83,000
Unclassified	09900		920
Current Expenses	13000		1,479,231
Other Assets	69000		57,500
Total		$	4,455,610

242 - Division of Environmental Protection –

Underground Storage Tank

Administrative Fund

(W.V. Code Chapter 22)

Fund 3325 FY 2025 Org 0313

Personal Services and Employee Benefits	00100	$	503,574
Repairs and Alterations	06400		5,350
Equipment	07000		3,610
Unclassified	09900		7,520
Current Expenses	13000		318,420
Other Assets	69000		3,500
Total		$	841,974

243 - Division of Environmental Protection –

Hazardous Waste Emergency Response Fund

(W.V. Code Chapter 22)

Fund 3331 FY 2025 Org 0313

Personal Services and Employee Benefits	00100	$	354,585
Repairs and Alterations	06400		7,014
Equipment	07000		9,000
Unclassified	09900		10,616
Current Expenses	13000		767,905
Other Assets	69000		3,500
Total		$	1,152,620

244 - Division of Environmental Protection –

Solid Waste Reclamation and

Environmental Response Fund

(W.V. Code Chapter 22)

Fund 3332 FY 2025 Org 0313

Personal Services and Employee Benefits	00100	$	904,165
Repairs and Alterations	06400		25,000
Equipment	07000		106,500
Unclassified	09900		22,900
Current Expenses	13000		3,929,737
Buildings	25800		500
Other Assets	69000		1,000
Total		$	4,989,802

245 - Division of Environmental Protection –

Solid Waste Enforcement Fund

(W.V. Code Chapter 22)

Fund 3333 FY 2025 Org 0313

Personal Services and Employee Benefits	00100	$	3,572,719
Repairs and Alterations	06400		30,930
Equipment	07000		23,356
Unclassified	09900		28,460
Current Expenses	13000		932,229
Other Assets	69000		20,554
Total		$	4,608,248

246 - Division of Environmental Protection –

Air Pollution Control Fund

(W.V. Code Chapter 22)

Fund 3336 FY 2025 Org 0313

Personal Services and Employee Benefits	00100	$	6,452,446
Repairs and Alterations	06400		84,045
Equipment	07000		103,601
Unclassified	09900		70,572
Current Expenses	13000		1,469,467
Other Assets	69000		52,951
Total		$	8,233,082

247 - Division of Environmental Protection –

Environmental Laboratory

Certification Fund

(W.V. Code Chapter 22)

Fund 3340 FY 2025 Org 0313

Personal Services and Employee Benefits	00100	$	389,614
Repairs and Alterations	06400		1,000
Unclassified	09900		1,120
Current Expenses	13000		201,146
Other Assets	69000		163,000
Total		$	755,880

248 - Division of Environmental Protection –

Stream Restoration Fund

(W.V. Code Chapter 22)

Fund 3349 FY 2025 Org 0313

Current Expenses	13000	$	3,682,076

249 - Division of Environmental Protection –

Litter Control Fund

(W.V. Code Chapter 22)

Fund 3486 FY 2025 Org 0313

Current Expenses	13000	$	60,000

250 - Division of Environmental Protection –

Recycling Assistance Fund

(W.V. Code Chapter 22)

Fund 3487 FY 2025 Org 0313

Personal Services and Employee Benefits	00100	$	717,788
Repairs and Alterations	06400		800
Equipment	07000		500
Unclassified	09900		400
Current Expenses	13000		2,754,258
Other Assets	69000		2,500
Total		$	3,476,246

251 - Division of Environmental Protection –

Mountaintop Removal Fund

(W.V. Code Chapter 22)

Fund 3490 FY 2025 Org 0313

Personal Services and Employee Benefits	00100	$	858,694
Repairs and Alterations	06400		27,612

Equipment	07000		23,500
Unclassified	09900		1,180
Current Expenses	13000		390,907
Other Assets	69000		11,520
Total		$	1,313,413

252 - Oil and Gas Conservation Commission –

Special Oil and Gas Conservation Fund

(W.V. Code Chapter 22C)

Fund 3371 FY 2025 Org 0315

Personal Services and Employee Benefits	00100	$	171,356
Repairs and Alterations	06400		1,000
Equipment	07000		9,481
Current Expenses	13000		161,225
Other Assets	69000		1,500
Total		$	344,562

DEPARTMENT OF HEALTH

253 - Department of Health –

Emergency Medical Service Workers Salary Enhancement Fund

(W.V. Code Chapter 16A)

Fund 5049 FY 2025 Org 0506

Current Expenses	13000	$	10,000,000

254 -

255 - Department of Health –

The Vital Statistics Account

(W.V. Code Chapter 16)

Fund 5144 FY 2025 Org 0506

Personal Services and Employee Benefits	00100	$	1,198,160
Unclassified	09900		15,500
Current Expenses	13000		3,557,788
Total		$	4,771,448

The total amount of these appropriations shall be paid from the Hospital Services Revenue Account Special Fund created by W.V. Code §16-1-13, and shall be used for operating expenses and for improvements in connection with existing facilities.

Additional funds have been appropriated from General Revenue for the operation of the institutional facilities.

Necessary funds from the above appropriation for Institutional Facilities Operations may be used for medical facilities operations, either in connection with this fund or in connection with the appropriations designated for Hopemont Hospital, Lakin Hospital, John Manchin Senior Health Care Center, Jackie Withrow Hospital, Welch Community Hospital, William R. Sharpe Jr. Hospital, Mildred Mitchell-Bateman Hospital, and William R. Sharpe Jr. Hospital – Transitional Living Facility.

256 - Department of Health –

Laboratory Services Fund

(W.V. Code Chapter 16)

Fund 5163 FY 2025 Org 0506

Personal Services and Employee Benefits	00100	$	1,083,838
Unclassified	09900		18,114
Current Expenses	13000		2,209,105
Total		$	3,311,057

257 - Department of Health –

The Health Facility Licensing Account

(W.V. Code Chapter 16)

Fund 5172 FY 2025 Org 0506

Personal Services and Employee Benefits	00100	$	712,839
Unclassified	09900		7,113
Current Expenses	13000		98,247
Total		$	818,199

258 - Department of Health –

Hepatitis B Vaccine

(W.V. Code Chapter 16)

Fund 5183 FY 2025 Org 0506

Current Expenses	13000	$	9,740

259 - Department of Health –

Lead Abatement Account

*(*W.V. Code Chapter 16)

Fund 5204 FY 2025 Org 0506

Personal Services and Employee Benefits	00100	$	19,100
Unclassified	09900		373
Current Expenses	13000		17,875
Total		$	37,348

260 - Department of Health –

West Virginia Birth-to-Three Fund

(W.V. Code Chapter 16)

Fund 5214 FY 2025 Org 0506

Personal Services and Employee Benefits	00100	$	769,278
Unclassified	09900		223,999
Current Expenses	13000		35,693,134
Total		$	36,686,411

261 - Department of Health –

Tobacco Control Special Fund

(W.V. Code Chapter 16)

Fund 5218 FY 2025 Org 0506

Current Expenses	13000	$	7,579

262 - Department of Health –

Medical Cannabis Program Fund

(W.V. Code Chapter 16A)

Fund 5420 FY 2025 Org 0506

Personal Services and Employee Benefits	00100	$	509,658
Current Expenses	13000		2,046,040
Total		$	2,555,698

263 - West Virginia Health Care Authority –

Health Care Cost Review Fund

(W.V. Code Chapter 16)

Fund 5375 FY 2025 Org 0507

Personal Services and Employee Benefits	00100	$	366,513
Unclassified	09900		13,500
Current Expenses	13000		536,586

Total		$	916,599

The above appropriation is to be expended in accordance with and pursuant to the provisions of W.V. Code §16-29B and from the special revolving fund designated Health Care Cost Review Fund.

264 - West Virginia Health Care Authority –

Certificate of Need Program Fund

(W.V. Code Chapter 16)

Fund 5377 FY 2025 Org 0507

Personal Services and Employee Benefits	00100	$	555,842
Current Expenses	13000		392,267
Total		$	948,109

DEPARTMENT OF HUMAN SERVICES

265 - Department of Human Services –

Health Care Provider Tax –

Medicaid State Share Fund

(W.V. Code Chapter 11)

Fund 5090 FY 2025 Org 0511

Medical Services	18900	$	393,594,315
Medical Services Administrative Costs	78900		268,451
Total		$	393,862,766

The above appropriation for Medical Services Administrative Costs (fund 5090, appropriation 78900) shall be transferred to a special revenue account in the treasury for use by the Department of Human Services for administrative purposes. The remainder of all moneys deposited in the fund shall be transferred to the Medical Services Program Fund (fund 5084).

266 - Department of Human Services –

Child Support Enforcement Fund

(W.V. Code Chapter 48A)

Fund 5094 FY 2025 Org 0511

Personal Services and Employee Benefits	00100	$	27,809,509
Unclassified	09900		380,000
Current Expenses	13000		12,810,491
Total		$	41,000,000

267 - Department of Human Services –

Ryan Brown Addiction Prevention and Recovery Fund

(W.V. Code Chapter 19)

Fund 5111 FY 2025 Org 0511

Current Expenses	13000	$	10,667,392

268 - Department of Human Services –

Medical Services Trust Fund

(W.V. Code Chapter 9)

Fund 5185 FY 2025 Org 0511

Medical Services	18900	$	55,000,000
Medical Services Administrative Costs	78900		738,149
Total		$	55,738,149

The above appropriation to Medical Services shall be used to provide state match of Medicaid expenditures as defined and authorized in subsection (c) of W.V. Code §9-4A-2a. Expenditures from the fund are limited to the following: payment of backlogged billings, funding for services to future federally mandated population groups and payment of the required state match for Medicaid disproportionate share payments. The remainder of all moneys deposited in the fund shall be transferred to the Department of Human Services accounts.

269 - Department of Human Services –

James "Tiger" Morton Catastrophic Illness Fund

(W.V. Code Chapter 16)

Fund 5454 FY 2025 Org 0511

Personal Services and Employee Benefits	00100	$	136,984
Unclassified	09900		4,000
Current Expenses	13000		396,000
Total		$	536,984

270 - Department of Human Services –

Domestic Violence Legal Services Fund

(W.V. Code Chapter 48)

Fund 5455 FY 2025 Org 0511

Current Expenses	13000	$	900,000

271 - Department of Human Services –

West Virginia Works Separate State College Program Fund

(W.V. Code Chapter 9)

Fund 5467 FY 2025 Org 0511

Current Expenses	13000	$	500,000

272 - Department of Human Services –

West Virginia Works Separate State Two-Parent Program Fund

(W.V. Code Chapter 9)

Fund 5468 FY 2025 Org 0511

Current Expenses	13000	$	1,500,000

273 - Department of Human Services –

Marriage Education Fund

(W.V. Code Chapter 9)

Fund 5490 FY 2025 Org 0511

Personal Services and Employee Benefits	00100	$ 10,000
Current Expenses	13000	25,000
Total		$ 35,000

DEPARTMENT OF HEALTH FACILITIES

274 - Department of Health Facilities –

Hospital Services Revenue Account

Special Fund

Capital Improvement, Renovation and Operations

(W.V. Code Chapter 16)

Fund 5156 FY 2025 Org 0512

Institutional Facilities Operations	33500	$ 59,195,646
Medical Services Trust Fund – Transfer	51200	27,800,000
Total		$ 86,995,646

DEPARTMENT OF HOMELAND SECURITY

275 - Department of Homeland Security –

Office of the Secretary –

Law-Enforcement, Safety and Emergency Worker

Funeral Expense Payment Fund

(W.V. Code Chapter 15)

Fund 6003 FY 2025 Org 0601

Current Expenses	13000	$ 32,000

276 - Division of Emergency Management –

Statewide Interoperable Radio Network Account

(W.V. Code Chapter 15)

Fund 6208 FY 2025 Org 0606

Current Expenses	13000	$	80,000

277 - Division of Emergency Management –

West Virginia Interoperable Radio Project

(W.V. Code Chapter 24)

Fund 6295 FY 2025 Org 0606

Repairs and Alterations	06400	$	950,000
Equipment	07000		550,000
Unclassified	09900		20,000
Current Expenses	13000		3,980,000
Total		$	5,500,000

278 - Division of Corrections and Rehabilitation –

Parolee Supervision Fees

(W.V. Code Chapter 15A)

Fund 6362 FY 2025 Org 0608

Personal Services and Employee Benefits	00100	$	1,247,729
Equipment	07000		30,000
Unclassified	09900		9,804
Current Expenses	13000		758,480
Other Assets	69000		40,129

Total		$	2,086,142

279 - Division of Corrections and Rehabilitation –

Regional Jail and Correctional Facility Authority

(W.V. Code Chapter 15A)

Fund 6675 FY 2025 Org 0608

Personal Services and Employee Benefits	00100	$	2,027,746
Debt Service	04000		1,900,000
Repairs and Alterations	06400		5,000,000
Equipment	07000		2,000,000
Unclassified	09900		100,000
Current Expenses	13000		245,472
Total		$	11,273,218

280 - West Virginia State Police –

Motor Vehicle Inspection Fund

(W.V. Code Chapter 17C)

Fund 6501 FY 2025 Org 0612

Personal Services and Employee Benefits	00100	$	2,092,049
Repairs and Alterations	06400		204,500
Equipment	07000		3,770,751
Current Expenses	13000		1,488,211
Buildings	25800		534,000
Other Assets	69000		5,000
BRIM Premium	91300		302,432
Total		$	8,396,943

The total amount of these appropriations shall be paid from the special revenue fund out of fees collected for inspection stickers as provided by law.

281 - West Virginia State Police –

Forensic Laboratory Fund

(W.V. Code Chapter 15)

Fund 6511 FY 2025 Org 0612

Personal Services and Employee Benefits	00100	$	1,637,078
Repairs and Alterations	06400		5,000
Equipment	07000		545,000
Current Expenses	13000		90,000
Total		$	2,277,078

282 - West Virginia State Police –

Drunk Driving Prevention Fund

(W.V. Code Chapter 15)

Fund 6513 FY 2025 Org 0612

Equipment	07000	$	3,491,895
Current Expenses	13000		1,327,000
BRIM Premium	91300		154,452
Total		$	4,973,347

The total amount of these appropriations shall be paid from the special revenue fund out of receipts collected pursuant to W.V. Code §11-15-9a and 16 and paid into a revolving fund account in the State Treasury.

283 - West Virginia State Police –

Surplus Real Property Proceeds Fund

(W.V. Code Chapter 15)

Fund 6516 FY 2025 Org 0612

Buildings	25800	$	1,022,778
Land	73000		1,000
BRIM Premium	91300		77,222
Total		$	1,101,000

284 - West Virginia State Police –

Surplus Transfer Account

(W.V. Code Chapter 15)

Fund 6519 FY 2025 Org 0612

Repairs and Alterations	06400	$	20,000
Equipment	07000		250,000
Current Expenses	13000		225,000
Buildings	25800		40,000
Other Assets	69000		45,000
BRIM Premium	91300		5,000
Total		$	585,000

285 - West Virginia State Police –

Central Abuse Registry Fund

(W.V. Code Chapter 15)

Fund 6527 FY 2025 Org 0612

Personal Services and Employee Benefits	00100	$	289,971
Repairs and Alterations	06400		500
Equipment	07000		300,500
Current Expenses	13000		376,443

Other Assets	69000		300,500
BRIM Premium	91300		18,524
Total		$	1,286,438

286 - West Virginia State Police –

Bail Bond Enforcer Account

(W.V. Code Chapter 15)

Fund 6532 FY 2025 Org 0612

Current Expenses	13000	$	8,300

287 - West Virginia State Police –

State Police Academy Post Exchange

(W.V. Code Chapter 15)

Fund 6544 FY 2025 Org 0612

Repairs and Alterations	06400	$	40,000
Current Expenses	13000		160,000
Total		$	200,000

288 - Fire Commission –

Fire Marshal Fees

(W.V. Code Chapter 15A)

Fund 6152 FY 2025 Org 0619

Personal Services and Employee Benefits	00100	$	3,893,612
Repairs and Alterations	06400		58,500
Equipment	07000		140,800
Unclassified	09900		3,800

Current Expenses	13000		1,646,550
BRIM Premium	91300		65,000
Total		$	5,808,262

289 - Division of Administrative Services –

W.V. Community Corrections Fund

(W.V. Code Chapter 62)

Fund 6386 FY 2025 Org 0623

Personal Services and Employee Benefits	00100	$	176,985
Repairs and Alterations	06400		1,000
Unclassified	09900		750
Current Expenses	13000		1,846,250
Total		$	2,024,985

290 - Division of Administrative Services –

Court Security Fund

(W.V. Code Chapter 51)

Fund 6804 FY 2025 Org 0623

Personal Services and Employee Benefits	00100	$	26,462
Current Expenses	13000		1,478,135
Total		$	1,504,597

291 - Division of Administrative Services –

Second Chance Driver's License Program Account

(W.V. Code Chapter 17B)

Fund 6810 FY 2025 Org 0623

Current Expenses	13000	$	125,000

DEPARTMENT OF REVENUE

292 - Division of Financial Institutions

(W.V. Code Chapter 31A)

Fund 3041 FY 2025 Org 0303

Personal Services and Employee Benefits	00100	$	2,815,127
Salary and Benefits of Cabinet Secretary and Agency Heads	00201		119,000
Equipment	07000		8,500
Current Expenses	13000		650,475
Total		$	3,593,102

293 - Office of the Secretary –

State Debt Reduction Fund

(W.V. Code Chapter 29)

Fund 7007 FY 2025 Org 0701

Retirement Systems – Unfunded Liability	77500	$	20,000,000

The above appropriation for Retirement Systems – Unfunded Liability (fund 7007, appropriation 77500) shall be transferred to the School Aid Formula Funds Holding Account Fund (fund 2606).

294 - Home Rule Board Operations

(W.V. Code Chapter 8)

Fund 7010 FY 2025 Org 0701

Personal Services and Employee Benefits	00100	$	25,000
Repairs and Alterations	06400		120

Equipment	07000		200
Unclassified	09900		680
Current Expenses	13000		42,000
Total		$	68,000

295 - Tax Division –

Reduced Cigarette Ignition Propensity

Standard and Fire Prevention Act Fund

(W.V. Code Chapter 47)

Fund 7092 FY 2025 Org 0702

Equipment	07000	$	15,000
Current Expenses	13000		35,000
Total		$	50,000

296 - State Budget Office –

Public Employees Insurance Reserve Fund

(W.V. Code Chapter 11B)

Fund 7400 FY 2025 Org 0703

Public Employees Insurance Reserve Fund – Transfer	90300	$	6,800,000

The above appropriation for Public Employees Insurance Reserve Fund – Transfer shall be transferred to the Medical Services Trust Fund (fund 5185).

297 - Insurance Commissioner –

Examination Revolving Fund

(W.V. Code Chapter 33)

Fund 7150 FY 2025 Org 0704

Personal Services and Employee Benefits	00100	$	782,104

Repairs and Alterations	06400		3,000
Equipment	07000		81,374
Current Expenses	13000		1,357,201
Buildings	25800		8,289
Other Assets	69000		11,426
Total		$	2,243,394

298 - Insurance Commissioner – Consumer Advocate

(W.V. Code Chapter 33)

Fund 7151 FY 2025 Org 0704

Personal Services and Employee Benefits	00100	$	602,587
Repairs and Alterations	06400		5,000
Equipment	07000		34,225
Current Expenses	13000		202,152
Buildings	25800		4,865
Other Assets	69000		19,460
Total		$	868,289

299 - Insurance Commissioner – Insurance Commission Fund

(W.V. Code Chapter 33)

Fund 7152 FY 2025 Org 0704

Personal Services and Employee Benefits	00100	$	23,351,665
Salary and Benefits of Cabinet Secretary and Agency Heads	00201		136,500

Repairs and Alterations	06400		68,614
Equipment	07000		302,688
Current Expenses	13000		8,797,758
Buildings	25800		25,000
Other Assets	69000		50,000
Total		$	32,732,225

300 - Insurance Commissioner –

Insurance Fraud Prevention Fund

(W.V. Code Chapter 33)

Fund 7153 FY 2025 Org 0704

Current Expenses	13000	$	15,000

301 - Insurance Commissioner –

Workers' Compensation Old Fund

(W.V. Code Chapter 23)

Fund 7162 FY 2025 Org 0704

Employee Benefits	01000	$	50,000
Current Expenses	13000		250,500,000
Total		$	250,550,000

302 - Insurance Commissioner –

Workers' Compensation Uninsured Employers' Fund

(W.V. Code Chapter 23)

Fund 7163 FY 2025 Org 0704

Current Expenses	13000	$	15,000,000

303 - Insurance Commissioner –

Self-Insured Employer Guaranty Risk Pool

(W.V. Code Chapter 23)

Fund 7164 FY 2025 Org 0704

Current Expenses	13000	$	9,000,000

304 - Insurance Commissioner –

Self-Insured Employer Security Risk Pool

(W.V. Code Chapter 23)

Fund 7165 FY 2025 Org 0704

Current Expenses	13000	$	14,000,000

305 - Municipal Bond Commission

(W.V. Code Chapter 13)

Fund 7253 FY 2025 Org 0706

Personal Services and Employee Benefits	00100	$	383,671
Equipment	07000		100
Current Expenses	13000		154,344
Total		$	538,115

306 - Racing Commission –

Relief Fund

(W.V. Code Chapter 19)

Fund 7300 FY 2025 Org 0707

Medical Expenses – Total	24500	$	154,000

The total amount of this appropriation shall be paid from the special revenue fund out of collections of license fees and fines as provided by law.

No expenditures shall be made from this fund except for hospitalization, medical care, and/or funeral expenses for persons contributing to this fund.

307 - Racing Commission –

Administration and Promotion Account

(W.V. Code Chapter 19)

Fund 7304 FY 2025 Org 0707

Personal Services and Employee Benefits	00100	$	288,127
Current Expenses	13000		85,433
Other Assets	69000		5,000
Total		$	378,560

308 - Racing Commission –

General Administration

(W.V. Code Chapter 19)

Fund 7305 FY 2025 Org 0707

Personal Services and Employee Benefits	00100	$	2,523,239
Salary and Benefits of Cabinet Secretary and Agency Heads	00201		59,533
Repairs and Alterations	06400		5,000
Current Expenses	13000		497,284
Other Assets	69000		40,000
Total		$	3,125,056

309 - Racing Commission –

Administration, Promotion, Education, Capital Improvement

and Greyhound Adoption Programs

to include Spaying and Neutering Account

(W.V. Code Chapter 19)

Fund 7307 FY 2025 Org 0707

Personal Services and Employee Benefits	00100	$	937,171
Current Expenses	13000		160,099
Other Assets	69000		200,000
Total		$	1,297,270

310 - Racing Commission –

Advance Deposit Wagering Account

(W.V. Code Chapter 19)

Fund 7309 FY 2025 Org 0707

Current Expenses	13000	$	1,116,000

311 - Alcohol Beverage Control Administration –

Wine License Special Fund

(W.V. Code Chapter 60)

Fund 7351 FY 2025 Org 0708

Personal Services and Employee Benefits	00100	$	156,111
Repairs and Alterations	06400		7,263
Equipment	07000		10,000
Current Expenses	13000		160,436
Buildings	25800		100,000
Transfer Liquor Profits and Taxes	42500		30,750

Other Assets	69000		350,100
Total		$	814,660

To the extent permitted by law, four classified exempt positions shall be provided from Personal Services and Employee Benefits appropriation for field auditors.

312 - Alcohol Beverage Control Administration

(W.V. Code Chapter 60)

Fund 7352 FY 2025 Org 0708

Personal Services and Employee Benefits	00100	$	6,239,729
Salary and Benefits of Cabinet Secretary and Agency Heads	00201		122,500
Repairs and Alterations	06400		91,000
Equipment	07000		108,000
Current Expenses	13000		2,890,577
Buildings	25800		375,100
Purchase of Supplies for Resale	41900		104,000,000
Transfer Liquor Profits and Taxes	42500		33,400,000
Other Assets	69000		125,100
Land	73000		100
Total		$	147,352,106

The total amount of these appropriations shall be paid from a special revenue fund out of liquor revenues and any other revenues available.

The above appropriations include the salary of the commissioner and the salaries, expenses, and equipment of administrative offices, warehouses, and inspectors.

The above appropriations include funding for the Tobacco/Alcohol Education Program.

There is hereby appropriated from liquor revenues, in addition to the above appropriations as needed, the necessary amount for the purchase of liquor as provided by law and the remittance of profits and taxes to the General Revenue Fund.

313 - State Athletic Commission Fund

(W.V. Code Chapter 29)

Fund 7009 FY 2025 Org 0933

Personal Services and Employee Benefits	00100	$	17,500
Current Expenses	13000		28,000
Total		$	45,500

DEPARTMENT OF TRANSPORTATION

314 - Division of Motor Vehicles –

Dealer Recovery Fund

(W.V. Code Chapter 17)

Fund 8220 FY 2025 Org 0802

Current Expenses	13000	$	189,000

315 - Division of Motor Vehicles –

Motor Vehicle Fees Fund

(W.V. Code Chapter 17B)

Fund 8223 FY 2025 Org 0802

Personal Services and Employee Benefits	00100	$	4,478,448
Repairs and Alterations	06400		16,000
Equipment	07000		75,000
Current Expenses	13000		4,337,712
Other Assets	69000		10,000
BRIM Premium	91300		110,000
Total		$	9,027,160

316 - Division of Highways –

A. James Manchin Fund

(W.V. Code Chapter 22)

Fund 8319 FY 2025 Org 0803

Current Expenses	13000	$	2,900,000

317 - WV Division of Multimodal Transportation Facilities -

State Rail Authority -

West Virginia Commuter Rail Access Fund

(W.V. Code Chapter 29)

Fund 8402 FY 2025 Org 0810

Current Expenses	13000	$	600,000

DEPARTMENT OF VETERANS' ASSISTANCE

318 - Veterans' Facilities Support Fund

(W.V. Code Chapter 9A)

Fund 6703 FY 2025 Org 0613

Personal Services and Employee Benefits	01000	$	99,135
Current Expenses	13000		1,654,234
Other Assets	69000		10,000
Total		$	1,763,369

319 - Department of Veterans' Assistance –

W.V. Veterans' Home –

Special Revenue Operating Fund

(W.V. Code Chapter 9A)

Fund 6754 FY 2025 Org 0618

Repairs and Alterations	06400	$	10,600
Current Expenses	13000	$	289,400
Total		$	300,000

BUREAU OF SENIOR SERVICES

320 - Bureau of Senior Services –

Community Based Service Fund

(W.V. Code Chapter 29)

Fund 5409 FY 2025 Org 0508

Personal Services and Employee Benefits	00100	$	160,628
Salary and Benefits of Cabinet Secretary and Agency Heads	00201		30,000
Current Expenses	13000		14,399,338
Total		$	14,589,966

The total amount of these appropriations are funded from annual table game license fees to enable the aged and disabled citizens of West Virginia to stay in their homes through the provision of home and community-based services.

HIGHER EDUCATION POLICY COMMISSION

321 - Higher Education Policy Commission –

System –

Tuition Fee Capital Improvement Fund

(Capital Improvement and Bond Retirement Fund)

Control Account

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

Fund 4903 FY 2025 Org 0442

Debt Service	04000	$	27,411,984
General Capital Expenditures	30600		5,000,000
Facilities Planning and Administration	38600		479,369
Total		$	32,891,353

The total amount of these appropriations shall be paid from the Special Capital Improvement Fund created in W.V. Code §18B-10-8. Projects are to be paid on a cash basis and made available on July 1.

The above appropriations, except for Debt Service, may be transferred to special revenue funds for capital improvement projects at the institutions.

322 - Tuition Fee Revenue Bond Construction Fund

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

Fund 4906 FY 2025 Org 0442

Any unexpended balance remaining in the appropriation for Capital Outlay (fund 4906, appropriation 51100) at the close of the fiscal year 2024 is hereby reappropriated for expenditure during the fiscal year 2025.

The appropriation shall be paid from available unexpended cash balances and interest earnings accruing to the fund. The appropriation shall be expended at the discretion of the Higher Education Policy Commission and the funds may be allocated to any institution within the system.

The total amount of this appropriation shall be paid from the unexpended proceeds of revenue bonds previously issued pursuant to W.V. Code §18-12B-8, which have since been refunded.

323 - West Virginia University –

West Virginia University Health Sciences Center

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

Fund 4179 FY 2025 Org 0463

Personal Services and Employee Benefits	00100	$	11,795,211
Repairs and Alterations	06400		425,000
Equipment	07000		512,000

Current Expenses	13000		4,524,300
Buildings	25800		150,000
Other Assets	69000		50,000
Total		$	17,456,511

324 - Marshall University –

School of Medicine

(W.V. Code Chapter 18B)

Fund 4271 FY 2025 Org 0471

Marshall Medical School	17300	$	5,500,000

325 - West Virginia School of Osteopathic Medicine

(W.V. Code Chapter 18B)

Fund 4272 FY 2025 Org 0476

West Virginia School of Osteopathic Medicine	17200	$	4,115,931

MISCELLANEOUS BOARDS AND COMMISSIONS

326 - Board of Barbers and Cosmetologists –

Barbers and Beauticians Special Fund

(W.V. Code Chapters 16 and 30)

Fund 5425 FY 2025 Org 0505

Personal Services and Employee Benefits	00100	$	607,945
Repairs and Alterations	06400		5,000
Current Expenses	13000		234,969
Total		$	847,914

The total amount of these appropriations shall be paid from a special revenue fund out of collections made by the Board of Barbers and Cosmetologists as provided by law.

327 - Hospital Finance Authority –

Hospital Finance Authority Fund

(W.V. Code Chapter 16)

Fund 5475 FY 2025 Org 0509

Personal Services and Employee Benefits	00100	$	10,000
Salary and Benefits of Cabinet Secretary and			
Agency Heads	00201		93,339
Unclassified	09900		1,501
Current Expenses	13000		55,268
Total		$	160,108

The total amount of these appropriations shall be paid from the special revenue fund out of fees and collections as provided by Article 29A, Chapter 16 of the W.V. Code.

328 -

329 - State Armory Board –

General Armory Fund

(W.V. Code Chapter 15)

Fund 6057 FY 2025 Org 0603

Personal Services and Employee Benefits	00100	$	1,690,382
Repairs and Alterations	06400		385,652
Equipment	07000		250,000
Current Expenses	13000		650,000
Buildings	25800		520,820
Other Assets	69000		350,000
Land	73000		200,000
Total		$	4,046,854

From the above appropriations, the Adjutant General may receive and expend funds to conduct operations and activities to include functions of the Military Authority. The Adjutant General may transfer funds between appropriations, except no funds may be transferred to Personal Services and Employee Benefits (fund 6057, appropriation 00100).

330 - W.V. State Board of Examiners for Licensed Practical Nurses –

Licensed Practical Nurses

(W.V. Code Chapter 30)

Fund 8517 FY 2025 Org 0906

Personal Services and Employee Benefits	00100	$	1,002,286
Current Expenses	13000		253,007
Total		$	1,255,293

331 - W.V. Board of Examiners for Registered Professional Nurses –

Registered Professional Nurses

(W.V. Code Chapter 30)

Fund 8520 FY 2025 Org 0907

Personal Services and Employee Benefits	00100	$	1,432,788
Repairs and Alterations	06400		3,000
Equipment	07000		25,000
Current Expenses	13000		312,655
Other Assets	69000		4,500
Total		$	1,777,943

332 - Public Service Commission

(W.V. Code Chapter 24)

Fund 8623 FY 2025 Org 0926

Personal Services and Employee Benefits	00100	$	14,410,245

Salary and Benefits of Cabinet Secretary and		
Agency Heads	00201	318,640
Repairs and Alterations	06400	120,000
Equipment	07000	160,000
Unclassified	09900	147,643
Current Expenses	13000	2,157,202
Buildings	25800	10
PSC Weight Enforcement	34500	5,199,295
Debt Payment/Capital Outlay	52000	350,000
Land	73000	10
BRIM Premium	91300	172,216
Total		$ 23,035,261

The total amount of these appropriations shall be paid from a special revenue fund out of collections for special license fees from public service corporations as provided by law.

The Public Service Commission is authorized to transfer up to $500,000 from this fund to meet the expected deficiencies in the Motor Carrier Division (fund 8625) due to the amendment and reenactment of W.V. Code §24A-3-1 by Enrolled House Bill Number 2715, Regular Session, 1997.

333 - Public Service Commission –

Gas Pipeline Division –

Public Service Commission Pipeline Safety Fund

(W.V. Code Chapter 24B)

Fund 8624 FY 2025 Org 0926

Personal Services and Employee Benefits	00100	$ 394,133
Salary and Benefits of Cabinet Secretary and		
Agency Heads	00201	11,949
Repairs and Alterations	06400	4,000

Unclassified	09900		3,851
Current Expenses	13000		93,115
Total		$	507,048

The total amount of these appropriations shall be paid from a special revenue fund out of receipts collected for or by the Public Service Commission pursuant to and in the exercise of regulatory authority over pipeline companies as provided by law.

334 - Public Service Commission –

Motor Carrier Division

(W.V. Code Chapter 24A)

Fund 8625 FY 2025 Org 0926

Personal Services and Employee Benefits	00100	$	2,536,213
Salary and Benefits of Cabinet Secretary and Agency Heads	00201		67,711
Repairs and Alterations	06400		23,000
Equipment	07000		50,000
Unclassified	09900		29,233
Current Expenses	13000		577,557
Total		$	3,283,714

The total amount of these appropriations shall be paid from a special revenue fund out of receipts collected for or by the Public Service Commission pursuant to and in the exercise of regulatory authority over motor carriers as provided by law.

335 - Public Service Commission –

Consumer Advocate Fund

(W.V. Code Chapter 24)

Fund 8627 FY 2025 Org 0926

Personal Services and Employee Benefits	00100	$	992,100

Equipment	07000		9,872
Current Expenses	13000		536,472
BRIM Premium	91300		4,660
Total		$	1,543,104

The total amount of these appropriations shall be supported by cash from a special revenue fund out of collections made by the Public Service Commission.

336 - Real Estate Commission –

Real Estate License Fund

(W.V. Code Chapter 30)

Fund 8635 FY 2025 Org 0927

Personal Services and Employee Benefits	00100	$	665,295
Repairs and Alterations	06400		2,500
Equipment	07000		5,000
Current Expenses	13000		293,122
Total		$	965,917

The total amount of these appropriations shall be paid out of collections of license fees as provided by law.

337 - W.V. Board of Examiners for Speech-Language

Pathology and Audiology –

Speech-Language Pathology and Audiology Operating Fund

(W.V. Code Chapter 30)

Fund 8646 FY 2025 Org 0930

Personal Services and Employee Benefits	00100	$	129,733
Current Expenses	13000		63,499
Total		$	193,232

338 - W.V. Board of Respiratory Care –

Board of Respiratory Care Fund

(W.V. Code Chapter 30)

Fund 8676 FY 2025 Org 0935

Personal Services and Employee Benefits	00100	$	125,073
Current Expenses	13000		62,709
Total		$	187,782

339 - W.V. Board of Licensed Dietitians –

Dietitians Licensure Board Fund

(W.V. Code Chapter 30)

Fund 8680 FY 2025 Org 0936

Personal Services and Employee Benefits	00100	$	20,219
Current Expenses	13000		20,250
Total		$	40,469

340 - Massage Therapy Licensure Board –

Massage Therapist Board Fund

(W.V. Code Chapter 30)

Fund 8671 FY 2025 Org 0938

Personal Services and Employee Benefits	00100	$	122,310
Current Expenses	13000		47,388
Total		$	169,698

341 - Board of Medicine –

Medical Licensing Board Fund

(W.V. Code Chapter 30)

Fund 9070 FY 2025 Org 0945

Personal Services and Employee Benefits	00100	$	1,669,378
Repairs and Alterations	06400		8,000
Current Expenses	13000		1,268,064
Total		$	2,945,442

342 - West Virginia Enterprise Resource Planning Board –

Enterprise Resource Planning System Fund

(W.V. Code Chapter 12)

Fund 9080 FY 2025 Org 0947

Personal Services and Employee Benefits	00100	$	5,690,654
Repairs and Alterations	06400		300
Equipment	07000		502,000
Unclassified	09900		132,000
Current Expenses	13000		19,214,993
Buildings	25800		2,000
Other Assets	69000		2,004,500
Total		$	27,546,447

343 - Board of Treasury Investments –

Board of Treasury Investments Fee Fund

(W.V. Code Chapter 12)

Fund 9152 FY 2025 Org 0950

Personal Services and Employee Benefits	00100	$	982,714

Unclassified	09900		14,850
Current Expenses	13000		580,889
BRIM Premium	91300		31,547
Fees of Custodians, Fund Advisors and Fund Managers	93800		5,500,000
Total		$	7,110,000

There is hereby appropriated from this fund, in addition to the above appropriation if needed, an amount of funds necessary for the Board of Treasury Investments to pay the fees and expenses of custodians, fund advisors and fund managers for the consolidated fund of the State as provided in Article 6C, Chapter 12 of the W.V. Code.

The total amount of these appropriations shall be paid from the special revenue fund out of fees and collections as provided by law.

344 - Contractor Licensing Board Fund

(W.V. Code Chapter 21)

Fund 3187 FY 2025 Org 0951

Personal Services and Employee Benefits	00100	$	2,559,000
Repairs and Alterations	06400		10,000
Unclassified	09900		21,000
Current Expenses	13000		500,000
BRIM Premium	91300		8,500
Total		$	3,098,500

Total TITLE II, Section 3 – Other Funds

(Including claims against the state) $ 2,122,797,718

Sec. 4. Appropriations from lottery net profits. — Net profits of the lottery are to be deposited by the Director of the Lottery to the following accounts in the amounts indicated. The Director of the Lottery shall prorate each deposit of net profits in the proportion the appropriation for each account bears to the total of the appropriations for all accounts.

After first satisfying the requirements for Fund 2252, Fund 3963, and Fund 4908 pursuant to W.V. Code §29-22-18, the Director of the Lottery shall make available from the remaining net profits of the lottery any amounts needed to pay debt service for which an appropriation is made for Fund 9065, Fund 4297, Fund 3390, Fund 3514, Fund 9067, and Fund 9068 and is authorized to transfer any such amounts to Fund 9065, Fund 4297, Fund 3390, Fund 3514, Fund 9067, and

Fund 9068 for that purpose. Upon receipt of reimbursement of amounts so transferred, the Director of the Lottery shall deposit the reimbursement amounts to the following accounts as required by this section.

345 - Education, Arts, Sciences and Tourism –

Debt Service Fund

(W.V. Code Chapter 5)

Fund 2252 FY 2025 Org 0211

	Appro-priation		Lottery Funds
Debt Service – Total	31000	$	10,000,000

346 - Department of Tourism –

Office of the Secretary

(W.V. Code Chapter 5B)

Fund 3067 FY 2025 Org 0304

Tourism – Telemarketing Center.....	46300	$	82,080
Tourism – Advertising (R)	61800		2,422,407
Tourism – Operations (R).....	66200		4,582,523
Total.....		$	7,087,010

Any unexpended balances remaining in the appropriations for Tourism – Advertising (fund 3067, appropriation 61800) and Tourism – Operations (fund 3067, appropriation 66200) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

347 - Division of Natural Resources

(W.V. Code Chapter 20)

Fund 3267 FY 2025 Org 0310

Personal Services and Employee Benefits	00100	$	2,791,307
Current Expenses	13000		26,900
Pricketts Fort State Park	32400		106,560
Non-Game Wildlife (R)	52700		483,485
State Parks and Recreation Advertising (R)	61900		494,578
Total		$	3,902,830

Any unexpended balances remaining in the appropriations for Capital Outlay – Parks (fund 3267, appropriation 28800), Non-Game Wildlife (fund 3267, appropriation 52700), and State Parks and Recreation Advertising (fund 3267, appropriation 61900) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

348 - State Board of Education

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

Fund 3951 FY 2025 Org 0402

FBI Checks	37200	$	125,744
Vocational Education Equipment Replacement	39300		800,000
Assessment Program (R)	39600		490,439
Literacy Project	89900		700,000
21st Century Technology Infrastructure			
Network Tools and Support (R)	93300		12,638,280
Total		$	14,754,463

Any unexpended balances remaining in the appropriations for Assessment Program (fund 3951, appropriation 39600) and 21st Century Technology Infrastructure Network Tools and Support (fund 3951, appropriation 93300) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

349 - State Department of Education –

School Building Authority –

Debt Service Fund

(W.V. Code Chapter 18)

Fund 3963 FY 2025 Org 0404

Debt Service – Total	31000	$	15,239,213
Directed Transfer	70000		2,760,787
Total		$	18,000,000

The School Building Authority shall have the authority to transfer between the above appropriations in accordance with W.V. Code §29-22-18.

The above appropriation for Directed Transfer (fund 3963, appropriation 70000) may be transferred to the Department of Education, State Board of Education, School Building Authority, School Construction Fund, (fund 3952,) to be used for school construction and maintenance projects.

350 - Division of Culture and History –

Lottery Education Fund

(W.V. Code Chapter 29)

Fund 3534 FY 2025 Org 0432

Huntington Symphony	02700	$	59,058
Preservation West Virginia (R)	09200		491,921
Fairs and Festivals (R)	12200		1,346,814
Commission for National and Community Service (R)	19300		395,744
Archeological Curation/Capital Improvements (R)	24600		43,174
Historic Preservation Grants (R)	31100		417,933
West Virginia Public Theater	31200		120,019
Greenbrier Valley Theater	42300		115,000
Theater Arts of West Virginia	46400		90,000
Marshall Artists Series	51800		36,005
Grants for Competitive Arts Program (R)	62400		811,500
West Virginia State Fair	65700		31,241

Save the Music	68000	40,000
Contemporary American Theater Festival	81100	57,281
Independence Hall	81200	27,277
Mountain State Forest Festival	86400	38,187
WV Symphony	90700	59,058
Wheeling Symphony	90800	59,058
Appalachian Childrens' Chorus	91600	54,554
Total		$ 4,293,824

Any unexpended balances remaining in the appropriations for Preservation West Virginia (fund 3534, appropriation 09200), Fairs and Festivals (fund 3534, appropriation 12200), Commission for National and Community Service (fund 3534, appropriation 19300), Archeological Curation/Capital Improvements (fund 3534, appropriation 24600), Historic Preservation Grants (fund 3534, appropriation 31100), and Grants for Competitive Arts Program (fund 3534, appropriation 62400) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

From the above appropriation for Preservation West Virginia (fund 3534, appropriation 09200) funding shall be provided to the African-American Heritage Family Tree Museum (Fayette) $2,673, Aracoma Story (Logan) $20,000, Arts Monongahela (Monongalia) $11,881, Barbour County Arts and Humanities Council (Barbour) $891, Buffalo Creek Memorial (Logan) $2,970, Carnegie Hall (Greenbrier) $46,899, Ceredo Historical Society (Wayne) $1,188, Ceredo Kenova Railroad Museum (Wayne) $1,188, Ceredo Museum (Wayne) $720, Children's Theatre of Charleston (Kanawha) $3,500, Chuck Mathena Center (Mercer) $62,532, Country Music Hall of Fame and Museum (Marion) $4,159, First Stage Children's Theater Company (Cabell) $1,188, Flannigan Murrell House (Summers) $3,781, Fort Ashby Fort (Mineral) $891, Fort New Salem (Harrison) $2,198, Fort Randolph (Mason) $2,970, General Adam Stephen Memorial Foundation (Berkeley) $11,006, Grafton Mother's Day Shrine Committee (Taylor) $9,029, Hardy County Tour and Crafts Association (Hardy) $11,881, Heartwood in the Hills (Calhoun) $5,040, Henderson Hall (Wood) $20,000, Heritage Farm Museum & Village (Cabell) $29,703, Historic Fayette Theater (Fayette) $3,267, Historic Middleway Conservancy (Jefferson) $594, Jefferson County Black History Preservation Society (Jefferson) $2,970, Jefferson County Historical Landmark Commission (Jefferson) $4,753, Maddie Carroll House (Cabell) $4,455, Marshall County Historical Society (Marshall) $5,049, McCoy Theater (Hardy) $11,881, Memorial Day Patriotic Exercise (Taylor) $20,000, Morgantown Theater Company (Monongalia) $11,881, Nicholas Old Main Foundation (Nicholas) $1,188, Norman Dillon Farm Museum (Berkeley) $5,941, Oil and Gas Museum (Wood) $20,000, Old Opera House Theater Company (Jefferson) $8,911, Parkersburg Arts Center (Wood) $11,881, Pocahontas Historic Opera House (Pocahontas) $3,564, Raleigh County All Wars Museum (Raleigh) $5,941, Roane County 4-H and FFA Youth Livestock Program (Roane) $2,970, Society for the Preservation of McGrew House (Preston) $2,079, Southern West Virginia Veterans' Museum (Raleigh) $3,393, Summers County Historic Landmark Commission (Summers) $2,970, Those Who Served War Museum (Mercer) $2,376, Three Rivers Avian Center (Summers) $5,311, Veterans Committee for Civic Improvement of Huntington (Wayne) $2,970, West Virginia Museum of Glass (Lewis) $2,970,

West Virginia Music Hall of Fame (Kanawha) $20,792, YMCA Camp Horseshoe (Tucker) $59,406, Youth Museum of Southern West Virginia (Raleigh) $7,129, Z.D. Ramsdell House (Wayne) $720

From the above appropriation for Fairs and Festivals (fund 3534, appropriation 12200) funding shall be provided to A Princeton 4th (Mercer) $1,800, African-American Cultural Heritage Festival (Jefferson) $4,456, Allegheny Echo (Pocahontas) $6,683, Alpine Festival/Leaf Peepers Festival (Tucker) $6,683, American Civil War (Grant) $3,127, American Legion Post 8 Veterans Day Parade (McDowell) $1,250, Angus Beef and Cattle Show (Lewis) $891, Annual Don Redman Heritage Concert & Awards (Jefferson) $938, Antique Market Fair (Lewis) $1,188, Apple Butter Festival (Morgan) $3,564, Armed Forces Day-South Charleston (Kanawha) $2,000, Arthurdale Heritage New Deal Festival (Preston) $2,970, Artists of the New (Fayette) $2,000, Athens Town Fair (Mercer) $1,188, Augusta Fair (Randolph) $2,970, Autumn Harvest Fest (Monroe) $2,448, Back Home Festival (Wetzel) $5,000, Barbour County Fair (Barbour) $14,851, Barboursville Octoberfest (Cabell) $2,970, Battelle District Fair (Monongalia) $3,340, Battle of Dry Creek (Greenbrier) $891, Battle of Point Pleasant Memorial Committee (Mason) $2,970, Beckley Honey Festival (Raleigh) $1,710, Beckley Main Street (Raleigh) $2,000, Belleville Homecoming (Wood) $11,881, Berkeley County Youth Fair (Berkeley) $10,990, BEX Arts Festival (Raleigh) $2,000, Black Heritage Festival (Harrison) $3,564, Black Walnut Festival (Roane) $5,940, Blacksville VFD Memorial Day Celebration (Monongalia) $1,000, Blast from the Past (Upshur) $1,440, Blue-Gray Reunion (Barbour) $2,079, Boone County Labor Day Celebration (Boone) $2,376, Boone Day (Kanawha) $1,000, Bradshaw Fall Festival (McDowell) $1,188, Bramwell Labor Day (Mercer) $5,000, Brandonville Heritage Day (Preston) $1,048, Braxton County Fair (Braxton) $6,832, Braxton County Monster Fest / West Virginia Autumn Festival (Braxton) $1,000, Brooke County Fair (Brooke) $2,079, Buckwheat Festival (Preston) $5,050, Buffalo October Fest (Putnam) $3,240, Burlington Apple Harvest Auxiliary (Mineral) $13,821, Burlington Pumpkin Harvest Festival (Raleigh) $2,970, Burlington Volunteer Fire and Rescue Carnival (Mineral) $4,000, Burnsville Freedom Festival (Braxton) $1,407, Calhoun County Wood Festival (Calhoun) $1,188, Cameron 4th of July (Marshall) $500, Cameron VFD Fireman's Festival (Marshall) $2,500, Campbell's Creek Community Fair (Kanawha) $2,000, Cape Coalwood Festival Association (McDowell) $1,485, Capon Bridge Founders Day Festival (Hampshire) $500, Capon Springs Ruritan 4th of July (Hampshire) $2,500, Cass Homecoming (Pocahontas) $1,188, Cedar Grove - Annual Fallfest (Kanawha) $2,000, Celebration of America (Monongalia) $3,564, Chapmanville Apple Butter Festival (Logan) $684, Chapmanville Fire Department 4th of July (Logan) $1,782, Charles Town Christmas Festival (Jefferson) $2,970, Charles Town Heritage Festival (Jefferson) $2,970, Cherry River Festival (Nicholas) $3,861, Chester 4th of July Festivities (Hancock) $2,970, Chester Fireworks (Hancock) $891, Chilifest West Virginia State Chili Championship (Cabell) $1,563, Chillin' on the Elk (Kanawha) $1,000, Christmas In Our Town (Marion) $3,127, Christmas In Our Town (Wetzel) $2,000, Christmas in Shepherdstown (Jefferson) $2,376, Christmas in the Park (Brooke) $2,970, Christmas in the Park (Logan) $14,851, Christmas on Main Street (Hancock) $11,881, City of Dunbar Critter Dinner (Kanawha) $6,000, Clay County Golden Delicious Apple Festival (Clay) $4,158, Clay District Fair (Monongalia) $3,341, Coal Field Jamboree (Logan) $20,792, Coalton Days Fair (Randolph) $4,158, Country Roads Festival (Wetzel) $2,000, Covered Bridge Festival (Marion) $3,000, Craigsville Fall Festival (Nicholas) $2,079, Cruise into Princeton (Mercer) $2,160, Culturefest World Music & Arts Festival (Mercer) $3,200, Day in the Valley - McCutcheon Car Show (Marion) $3,000, Delbarton Homecoming (Mingo) $2,079, Dirt Days (Mingo) $2,000, Doddridge County Fair (Doddridge) $4,158, Durbin Days (Pocahontas) $2,970, East Bank End of Summer Celebration (Kanawha) $2,000, Elbert/Filbert Reunion Festival (McDowell) $891, Fairview 4th of July Celebration (Marion) $684, Farmer's Day Festival (Monroe) $2,330, Fenwick Mountain Old Time Community Festival (Nicholas) $2,880, FestivALL Charleston

(Kanawha) $12,000, Fly in Festival (Cabell) $5,000, Follansbee Community Days (Brooke) $4,900, Fort Gay Mountain Heritage Days (Wayne) $2,970, Fort Henry Days (Ohio) $3,148, Fort Henry Living History (Ohio) $1,563, Fort New Salem Spirit of Christmas Festival (Harrison) $2,432, Frankford Autumnfest (Greenbrier) $2,970, Franklin Fishing Derby (Pendleton) $10,709, Freedom Festival (Wood) $8,000, Freshwater Folk Festival (Greenbrier) $2,970, Friends Auxiliary of W.R. Sharpe Hospital (Lewis) $2,970, Fund for the Arts-Wine & All that Jazz Festival (Kanawha) $8,000, Gassaway Days Celebration (Braxton) $2,970, Gilmer County Farm Show (Gilmer) $2,376, Grant County Arts Council (Grant) $1,188, Great Greenbrier River Race (Pocahontas) $5,940, Guyandotte Civil War Days (Cabell) $5,941, Hamlin 4th of July Celebration (Lincoln) $2,970, Hampshire Civil War Celebration Days (Hampshire) $684, Hampshire County 4th of July Celebration (Hampshire) $11,881, Hampshire County Fair (Hampshire) $5,002, Hampshire County Festival (Hampshire) $2,752, Hancock County Oldtime Fair (Hancock) $2,970, Hardy County Commission - 4th of July (Hardy) $5,940, Harvest Moon Festival (Wood) $2,000, Hatfield McCoy Matewan Reunion Festival (Mingo) $12,330, Hatfield McCoy Reunion Festival (Logan) $2,000, Hatfield McCoy Trail National ATV and Dirt Bike Weekend (Wyoming) $2,970, Head For the Hills Festival (Ritchie) $3,000, Head of the Dragon (McDowell) $1,500, Heritage Craft Festival (Monroe) $3,000, Hilltop Festival (Cabell) $1,500, Hinton Railroad Days (Summers) $4,347, Holly River Festival (Webster) $891, Hometown Mountain Heritage Festival (Fayette) $2,432, Hometown Trail Days (McDowell) $1,188, Hundred 4th of July (Wetzel) $4,307, Huntersville Traditions Day (Pocahontas) $1,188, Iaeger Town Fair (McDowell) $891, Irish Heritage Festival of West Virginia (Raleigh) $2,970, Irish Spring Festival (Lewis) $684, Italian Heritage Festival-Clarksburg (Harrison) $17,821, Jackson County Fair (Jackson) $2,970, Jefferson County Fair Association (Jefferson) $14,851, Jersey Mountain Ruritan Pioneer Days (Hampshire) $684, John Henry Days Festival (Monroe) $4,698, Johnnie Johnson Blues and Jazz Festival (Marion) $2,970, Johnstown Community Fair (Harrison) $1,485, Junior Heifer Preview Show (Lewis) $1,188, Keg and Barrel Fest (Mineral) $2,000, Kenova Autumn Festival (Wayne) $4,377, Kermit Fall Festival (Mingo) $1,782, King Coal Festival (Mingo) $2,970, Kingwood Downtown Street Fair and Heritage Days (Preston) $1,188, Knights of Columbus Irish Road Bowling (Marshall) $3,000, L.Z. Rainelle West Virginia Veterans Reunion (Greenbrier) $2,970, Larry Joe Harless Center Octoberfest Hatfield McCoy Trail (Mingo) $5,940, Larry Joe Harless Community Center Spring Middle School Event (Mingo) $3,000, Last Blast of Summer (McDowell) $2,970, Lewis County Fair (Lewis) $3,000, Lewisburg Shanghai (Greenbrier) $1,188, Lincoln County Fall Festival (Lincoln) $4,752, Lincoln County Winterfest (Lincoln) $3,000, Lindside 4th of July Parade (Monroe) $1,000, Lindside Veterans' Day Parade (Monroe) $720, Little Levels Heritage Festival (Pocahontas) $1,188, Lost Creek Community Festival (Harrison) $4,158, Main Street Arts Festival (Upshur) $3,127, Main Street Martinsburg Chocolate Fest and Book Fair (Berkeley) $2,813, Main Street Martinsburg Food Truck Fest (Berkeley) $4,700, Malden Salt Fest (Kanawha) $3,000, Mannington District Fair (Marion) $3,564, Marmet Labor Day Celebration (Kanawha) $3,500, Marshall County Antique Power Show (Marshall) $1,485, Marshall County Fair (Marshall) $3,564, Martinsburg Roundhouse Railfest (Berkeley) $2,000, Mason County Fair (Mason) $2,970, Matewan Massacre Reenactment (Mingo) $5,004, Matewan-Magnolia Fair (Mingo) $15,932, McARTS-McDowell County (McDowell) $11,881, McGrew House History Day (Preston) $1,188, Meadow Bridge Hometown Festival (Fayette) $743, Meadow River Days Festival (Greenbrier) $1,782, Mercer County Fair (Mercer) $1,188, Mercer County Heritage Festival (Mercer) $3,474, Milton Christmas in the Park (Cabell) $1,485, Milton Old Timey Days (Cabell) $1,485, Mineral County Veterans Day Parade (Mineral) $891, Molasses Festival (Calhoun) $1,188, Monongahfest (Marion) $3,752, Monongalia County Fair (Monongalia) $7,250, Moon Over Mountwood Fishing Festival (Wood) $1,782, Morgan County Fair-History Wagon (Morgan) $891, Moundsville Bass Festival (Marshall) $2,376, Moundsville July 4th Celebration (Marshall) $2,970, Mount Liberty Fall Festival (Barbour) $1,485, Mountain Festival (Mercer) $2,747, Mountain Heritage Arts and Crafts Festival (Jefferson) $2,970,

Mountain Music Festival (McDowell) $1,485, Mountain Roots Community Theater (Kanawha) $5,000, Mountain State Apple Harvest Festival (Berkeley) $4,456, Mountain State Arts & Crafts Fair Cedar Lakes (Jackson) $26,732, Mountaineer Boys' State (Lewis) (Lewis) $5,000, Mullens Dogwood Festival (Wyoming) $4,158, Multi-Cultural Festival of West Virginia (Kanawha) $12,000, Nettlefest $2,970, New Cumberland 4th of July (Hancock) $2,970, New Cumberland Christmas Parade (Hancock) $1,782, New Martinsville Regatta (Wetzel) $9,000, New Martinsville Vintage Regatta (Wetzel) $5,000, New River Bridge Day Festival (Fayette) $23,762, Nicholas County Potato Festival (Nicholas) $5,000, Oak Leaf Festival (Fayette) $6,253, Oceana Heritage Festival (Wyoming) $4,000, Oglebay City Park - Festival of Lights (Ohio) $47,524, Oglebay Festival (Ohio) $5,940, Ohio County Country Fair (Ohio) $5,346, Ohio River Fest (Jackson) $4,320, Old Brick Playhouse (Randolph) $7,000, Old Central City Fair (Cabell) $2,970, Old Tyme Christmas (Jefferson) $1,425, Osage Street Fair (Monongalia) $2,188, Paden City Labor Day Festival (Wetzel) $3,861, Parkersburg Homecoming (Wood) $8,754, Paw Paw District Fair (Marion) $2,079, Pax Reunion Committee (Fayette) $2,970, Pendleton County 4-H Weekend (Pendleton) $1,188, Petersburg 4th of July Celebration (Grant) $11,881, Piedmont-Annual Back Street Festival (Mineral) $2,376, Pinch Reunion (Kanawha) $3,500, Pine Bluff Fall Festival (Harrison) $2,376, Pine Grove 4th of July Festival (Wetzel) $4,158, Pineville Festival (Wyoming) $3,564, Pleasants County Agriculture Youth Fair (Pleasants) $2,970, Pocahontas County Pioneer Days (Pocahontas) $4,159, Pratt Fall Festival (Kanawha) $2,500, Princeton Autumnfest (Mercer) $1,563, Princeton Street Fair (Mercer) $2,970, Putnam County Fair (Putnam) $2,970, Quartets on Parade (Hardy) $2,376, Rainelle Fall Festival (Greenbrier) $3,127, Rand Community Center Festival (Kanawha) $2,500, Randolph County Community Arts Council (Randolph) $1,782, Randolph County Fair (Randolph) $4,158, Randolph County Ramps and Rails (Randolph) $2,188, Ranson Christmas Festival (Jefferson) $2,970, Ranson Festival (Jefferson) $2,970, Renick Liberty Festival (Greenbrier) $684, Rhododendron Girl's State (Ohio) (Ohio) $5,941, Ripley 4th of July (Jackson) $8,910, Ritchie County Fair and Exposition $2,970, Ritchie County Pioneer Days (Ritchie) $684, River City Festival (Preston) $684, Rivesville Christmas Festival (Marion) $2,000, Rivesville Riverfront Festival (Marion) $2,000, Roane County Agriculture Field Day (Roane) $1,782, Rock the Park (Kanawha) $1,500, Rockin New Years Eve (Grant) $2,000, Rowlesburg Labor Day Festival (Preston) $684, Ruby Summer Concert Series (Monongalia) $2,000, Ruddle Park Jamboree (Pendleton) $2,000, Rupert Country Fling (Greenbrier) $1,876, Saint Spyridon Greek Festival (Harrison) $1,485, Salem Apple Butter Festival (Harrison) $2,376, Sissonville Christmas Festival (Kanawha) $2,000, Sistersville 4th of July (Tyler) $3,267, Skirmish on the River (Mingo) $1,250, Smoke on the Water (Wetzel) $1,782, South Charleston Summerfest (Kanawha) $7,500, Southern Wayne County Fall Festival (Wayne) $684, Spirit of Grafton Celebration (Taylor) $6,240, Spring Mountain Festival (Grant) $2,500, St. Albans City of Lights - December (Kanawha) $3,000, St. Albans Train Fest (Kanawha) $6,000, Sternwheel Festival (Wood) $1,782, STOCO Festival (Raleigh) $1,485, Stonewall Jackson Heritage Arts & Crafts Jubilee (Lewis) $6,534, Stonewall Jackson's Roundhouse Raid (Berkeley) $7,200, Strawberry Festival (Upshur) $17,821, Sylvester Big Coal River Festival (Boone) $1,944, Tacy Fair (Barbour) $684, Taste of Parkersburg (Wood) $2,970, Taylor County Fair (Taylor) $3,567, Three Rivers Coal Festival (Marion) $4,604, Thunder on the Tygart - Mothers' Day Celebration (Taylor) $7,300, Town of Delbarton 4th of July Celebration (Mingo) $1,782, Town of Fayetteville Heritage Festival (Fayette) $4,456, Town of Rivesville 4th of July Festival (Marion) $3,127, Town of Winfield - Putnam County Homecoming (Putnam) $3,240, Treasure Mountain Festival (Pendleton) $18,000, Tri-County Fair (Grant) $22,548, Tucker County Arts Festival and Celebration (Tucker) $10,692, Tucker County Fair (Tucker) $2,821, Tucker County Health Fair (Tucker) $1,188, Turkey Festival (Hardy) $1,782, Tyler County Fireworks Celebration (Tyler) $2,000, Upper Kanawha Valley Oktoberfest (Kanawha) $2,000, Upper Ohio Valley Italian Festival (Ohio) $7,128, Valley District Fair (Preston) $2,079, Veterans Welcome Home Celebration (Cabell) $938, Vietnam Veterans of America # 949

Christmas Party (Cabell) $684, Volcano Days at Mountwood Park (Wood) $2,970, War Homecoming Fall Festival (McDowell) $891, Wardensville Fall Festival (Hardy) $2,970, Wayne County Fair (Wayne) $2,970, Wayne County Fall Festival (Wayne) $2,970, Webster County Fair (Webster) $3,600, Webster County Wood Chopping Festival (Webster) $8,910, Webster Wild Water Weekend (Webster) $1,188, Welcome Home Family Day (Wayne) $1,900, Wellsburg 4th of July Celebration (Brooke) $4,456, Wellsburg Apple Festival of Brooke County (Brooke) $2,970, West Virginia Chestnut Festival (Preston) $684, West Virginia Coal Festival (Boone) $5,940, West Virginia Coal Show (Mercer) $1,563, West Virginia Dairy Cattle Show (Lewis) $5,940, West Virginia Dandelion Festival (Greenbrier) $2,970, West Virginia Day at the Railroad Museum (Mercer) $1,800, West Virginia Fair and Exposition (Wood) $4,812, West Virginia Freedom Festival (Logan) $4,456, West Virginia Oil and Gas Festival (Tyler) $6,534, West Virginia Peach Festival (Hampshire) $5,166, West Virginia Pumpkin Festival (Cabell) $5,940, West Virginia Rivers and Rails Festival (Pleasants) $1,099, West Virginia State Folk Festival (Gilmer) $2,970, Wetzel County Autumnfest (Wetzel) $3,267, Wetzel County Town and Country Days (Wetzel) $10,098, Wheeling City of Lights (Ohio) $4,752, Wheeling Vintage Raceboat Regatta (Ohio) $11,881, Whipple Community Action (Fayette) $1,485, Whitehall Community Event (Marion) $2,000, Winfield Watersports Weekend (Putnam) $3,240, Wirt County Fair (Wirt) $1,485, Wirt County Pioneer Days (Wirt) $1,188, Youth Stockman Beef Expo (Lewis) $1,188

Any Fairs and Festivals awards shall be funded in addition to, and not in lieu of, individual grant allocations derived from the Arts Council and Cultural Grant Program allocations.

351 - Division of Culture and History –

Library Commission -

Lottery Education Fund

(W.V. Code Chapter 10)

Fund 3559 FY 2025 Org 0432

Books and Films	17900	$	360,784
Services to Libraries	18000		550,000
Grants to Public Libraries	18200		9,439,571
Digital Resources	30900		219,992
Infomine Network	88400		943,353
Total		$	11,513,700

352 - Educational Broadcasting Commission

(W.V. Code Chapter 10)

Fund 3587 FY 2025 Org 0439

Any unexpended balance remaining in the appropriation for Capital Outlay and Maintenance (fund 3587, appropriation 75500) at the close of fiscal year 2024 is hereby reappropriated for expenditure during the fiscal year 2025.

353 - Higher Education Policy Commission –

Lottery Education –

Higher Education Policy Commission –

Control Account

(W.V. Code Chapters 18B and 18C)

Fund 4925 FY 2025 Org 0441

RHI Program and Site Support (R)	03600	$	1,922,710
RHI Program and Site Support –			
RHEP Program Administration	03700		146,653
RHI Program and Site Support – Grad Med			
Ed and Fiscal Oversight (R)	03800		90,192
State Doctoral Fellowship (R)	16600		129,604
Health Sciences Scholarship (R)	17600		226,251
Vice Chancellor for Health Sciences –			
Rural Health Residency Program (R)	60100		62,725
WV Engineering, Science, and			
Technology Scholarship Program	86800		452,831
Total		$	3,030,966

Any unexpended balances remaining in the appropriations for RHI Program and Site Support (fund 4925, appropriation 03600), RHI Program and Site Support – Grad Med Ed and Fiscal Oversight (fund 4925, appropriation 03800), State Doctoral Fellowship (fund 4925, appropriation 16600), Health Sciences Scholarship (fund 4925, appropriation 17600), and Vice Chancellor for Health Sciences – Rural Health Residency Program (fund 4925, appropriation 60100) at the close of fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

The above appropriation for WV Engineering, Science, and Technology Scholarship Program (fund 4925, appropriation 86800) shall be transferred to the West Virginia Engineering, Science and Technology Scholarship Fund (fund 4928,) established by W.V. Code §18C-6-1.

354 - Community and Technical College –

Capital Improvement Fund

(W.V. Code Chapter 18B)

Fund 4908 FY 2025 Org 0442

Debt Service – Total	31000	$	5,000,000

Any unexpended balance remaining in the appropriation for Capital Outlay and Improvements – Total (fund 4908, appropriation 84700) and Capital Improvements - Total (fund 4908, appropriation 95800) at the close of fiscal year 2024 is hereby reappropriated for expenditure during the fiscal year 2025.

The total amount of this appropriation shall be paid from the sale of the Series 2017 Community and Technical Colleges Capital Improvement Refunding Revenue Bonds and anticipated interest earnings.

355 - Higher Education Policy Commission –

Lottery Education –

West Virginia University – School of Medicine

(W.V. Code Chapter 18B)

Fund 4185 FY 2025 Org 0463

WVU Health Sciences –			
RHI Program and Site Support (R).....	03500	$	1,246,059
MA Public Health Program and			
Health Science Technology (R).....	62300		52,445
Health Sciences Career Opportunities Program (R).....	86900		336,987
HSTA Program (R).....	87000		1,903,647
Center for Excellence in Disabilities (R)	96700		328,292
Total.....		$	3,867,430

Any unexpended balances remaining in the appropriations for WVU Health Sciences – RHI Program and Site Support (fund 4185, appropriation 03500), MA Public Health Program and Health Science Technology (fund 4185, appropriation 62300), Health Sciences Career

Opportunities Program (fund 4185, appropriation 86900), HSTA Program (fund 4185, appropriation 87000), and Center for Excellence in Disabilities (fund 4185, appropriation 96700) at the close of fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

356 - Higher Education Policy Commission –

Lottery Education –

Marshall University – School of Medicine

(W.V. Code Chapter 18B)

Fund 4896 FY 2025 Org 0471

Marshall Medical School –			
RHI Program and Site Support (R)	03300	$	453,525
Vice Chancellor for Health Sciences –			
Rural Health Residency Program (R)	60100		179,773
Total		$	633,298

Any unexpended balances remaining in the appropriations for Marshall Medical School – RHI Program and Site Support (fund 4896, appropriation 03300) and Vice Chancellor for Health Sciences – Rural Health Residency Program (fund 4896, appropriation 60100) at the close of fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

357 - Bureau of Senior Services –

Lottery Senior Citizens Fund

(W.V. Code Chapter 29)

Fund 5405 FY 2025 Org 0508

Personal Services and Employee Benefits	00100	$	160,387
Salary and Benefits of Cabinet Secretary and			
Agency Heads	00201		86,000
Repairs and Alterations	06400		1,000
Current Expenses	13000		332,284

Local Programs Service Delivery Costs	20000	2,435,250
Silver Haired Legislature	20200	18,500
Transfer to Division of Human Services for Health Care and Title XIX Waiver for Senior Citizens	53900	27,986,092
Roger Tompkins Alzheimers Respite Care	64300	2,308,914
WV Alzheimers Hotline	72400	45,000
Regional Aged and Disabled Resource Center	76700	425,000
Senior Services Medicaid Transfer	87100	16,400,070
Legislative Initiatives for the Elderly	90400	9,671,239
Long Term Care Ombudsmen	90500	297,226
BRIM Premium	91300	7,718
In-Home Services and Nutrition for Senior Citizens (R)	91700	6,845,941
Total		$ 67,020,621

Any unexpended balances remaining in the appropriation for Senior Citizen Centers and Programs (fund 5405, appropriation 46200) and In-Home Services and Nutrition for Senior Citizens (fund 5405, appropriation 91700) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

Included in the above appropriation for Current Expenses (fund 5405, appropriation 13000), is funding to support an in-home direct care workforce registry.

The above appropriation for Transfer to the Department of Human Services for Health Care and Title XIX Waiver for Senior Citizens (fund 5405, appropriation 53900) along with the federal moneys generated thereby shall be used for reimbursement for services provided under the program.

Total TITLE II, Section 4 – Lottery Revenue ..... $ 149,104,142

Sec. 5. Appropriations from state excess lottery revenue fund. — In accordance with W.V. Code §29-22-18a, §29-22A-10d, §29-22A-10e, §29-22C-27a and §29-25-22b, the following appropriations shall be deposited and disbursed by the Director of the Lottery to the following accounts in this section in the amounts indicated.

After first funding the appropriations required by W.V. Code §29-22-18a, §29-22A-10d, §29-22A-10e, §29-22C-27a and §29-25-22b, the Director of the Lottery shall provide funding from the State Excess Lottery Revenue Fund for the remaining appropriations in this section to the extent that funds are available. In the event that revenues to the State Excess Lottery Revenue Fund are sufficient to meet all the appropriations required made pursuant to this section, then the Director of the Lottery shall then provide the funds available for fund 5365, appropriation 18900.

358 - Governor's Office

(W.V. Code Chapter 5)

Fund 1046 FY 2025 Org 0100

Any unexpended balance remaining in the appropriation for Publication of Papers and Transition Expenses – Lottery Surplus (fund 1046, appropriation 06600) at the close of the fiscal year 2024 is hereby reappropriated for expenditure during the fiscal year 2025.

359 - Office of Technology

(W.V. Code Chapter 5A)

Fund 2532 FY 2025 Org 0231

Any unexpended balances remaining in the appropriations for Cyber Security (fund 2532, appropriation 99001), Enterprise Data Center (fund 2532, appropriation 99002), and Enterprise Telephony Modernization (fund 2532, appropriation 99003) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

360 - Department of Economic Development –

Office of the Secretary –

West Virginia Development Office

(W.V. Code Chapter 5B)

Fund 3170 FY 2025 Org 0307

Any unexpended balance remaining in the appropriation for Recreational Grants or Economic Development Loans (fund 3170, appropriation 25300) at the close of the fiscal year 2024 is hereby reappropriated for expenditure during the fiscal year 2025.

361 - Division of Natural Resources –

State Park Improvement Fund

Fund 3277 FY 2025 Org 0310

	Appro-priation	**Excess Lottery Funds**

Repairs and Alterations (R)	06400	$	161,200
Equipment (R)	07000		200,000
Current Expenses (R)	13000		23,300
Buildings (R)	25800		100,000
Other Assets (R)	69000		1,020,500
Total		$	1,505,000

Any unexpended balances remaining in the appropriations for Repairs and Alterations (fund 3277, appropriation 06400), Equipment (fund 3277, appropriation 07000), Unclassified – Total (fund 3277, appropriation 09600), Current Expenses (fund 3277, appropriation 13000), Buildings (fund 3277, appropriation 25800), and Other Assets (fund 3277, appropriation 69000) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

362 -

363 - West Virginia Infrastructure Council –

West Virginia Infrastructure Transfer Fund

Fund 3390 FY 2025 Org 0316

Directed Transfer	70000	$	46,000,000

The above appropriation shall be allocated pursuant to W.V. Code §29-22-18d and §31-15-9.

364 - Department of Education –

School Building Authority

Fund 3514 FY 2025 Org 0404

Debt Service - Total	31000	$	18,948,000
Directed Transfer	70000		52,000
Total		$	19,000,000

The School Building Authority shall have the authority to transfer between the above appropriations in accordance with W.V. Code §29-22-18a.

The above appropriation for Directed Transfer (fund 3514, appropriation 70000) may be transferred to the Department of Education, State Board of Education, School Building Authority,

School Construction Fund (fund 3952,) to be used for school construction and maintenance projects.

365 - Higher Education Policy Commission –

Education Improvement Fund

Fund 4295 FY 2025 Org 0441

PROMISE Scholarship – Transfer.....	80000	$	29,000,000

The above appropriation shall be transferred to the PROMISE Scholarship Fund (fund 4296,) established by W.V. Code §18C-7-7.

The Legislature has explicitly set a finite amount of available appropriations and directed the administrators of the Program to provide for the award of scholarships within the limits of available appropriations.

366 - Higher Education Policy Commission –

Higher Education Improvement Fund

Fund 4297 FY 2025 Org 0441

Directed Transfer	70000	$	15,000,000

The above appropriation for Directed Transfer shall be transferred to Higher Education Policy Commission – System – Tuition Fee Capital Improvement Fund (fund 4903) as authorized by Senate Concurrent Resolution No. 41.

367 - Higher Education Policy Commission –

Administration –

Control Account

Fund 4932 FY 2025 Org 0441

Any unexpended balance remaining in the appropriation for Advanced Technology Centers (fund 4932, appropriation 02800) at the close of the fiscal year 2024 is hereby reappropriated for expenditure during the fiscal year 2025.

368 - Department of Human Services

(W.V. Code Chapters 9, 48, and 49)

Fund 5365 FY 2025 Org 0511

Medical Services..... 18900 $ 63,232,578

369 - Division of Corrections and Rehabilitation –

Correctional Units

(W.V. Code Chapter 15A)

Fund 6283 FY 2025 Org 0608

Any unexpended balance remaining in the appropriation for Capital Outlay and Maintenance (fund 6283, appropriation 75500) at the close of the fiscal year 2024 is hereby reappropriated for expenditure during the fiscal year 2025.

370 - Lottery Commission –

General Purpose Account

Fund 7206 FY 2025 Org 0705

General Revenue Fund – Transfer..... 70011 $ 65,000,000

The above appropriation shall be transferred to the General Revenue Fund as determined by the Director of the Lottery in accordance with W.V. Code §29-22-18a.

371 - Lottery Commission –

Refundable Credit

Fund 7207 FY 2025 Org 0705

Directed Transfer ..... 70000 $ 10,000,000

The above appropriation shall be transferred to the General Revenue Fund to provide reimbursement for the refundable credit allowable under W.V. Code §11-21-21. The amount of the required transfer shall be determined solely by the State Tax Commissioner and shall be completed by the Director of the Lottery upon the Commissioner's request.

372 - Lottery Commission –

Distributions to Statutory Funds and Purposes

Fund 7213 FY 2025 Org 0705

Parking Garage Fund – Transfer	70001	$	500,000
2004 Capitol Complex Parking Garage Fund – Transfer	70002		216,478
Capitol Dome and Improvements Fund – Transfer	70003		1,796,256
Capitol Renovation and Improvement Fund – Transfer	70004		2,381,252
Economic Development Promotion and Closing Fund - Transfer	70005		1,298,864
Research Challenge Fund – Transfer	70006		1,731,820
Tourism Promotion Fund – Transfer	70007		4,808,142
Cultural Facilities and Capital Resources Matching Grant Program Fund – Transfer	70008		1,500,000
State Debt Reduction Fund – Transfer	70010		20,000,000
General Revenue Fund – Transfer	70011		1,167,799
West Virginia Racing Commission Racetrack Video Lottery Account	70012		3,463,637
Historic Resort Hotel Fund	70013		24,010
Licensed Racetrack Regular Purse Fund	70014		22,383,247
Total		$	61,271,505

373 - Racing Commission

Fund 7308 FY 2025 Org 0707

Special Breeders Compensation (W.V. Code §29-22-18a, subsection (l))	21800	$	2,000,000

374 - Economic Development Authority –

Economic Development Project Fund

Fund 9065 FY 2025 Org 0944

Debt Service – Total	31000	$	19,000,000

Pursuant to W.V. Code §29-22-18a, subsection (f), excess lottery revenues are authorized to be transferred to the lottery fund as reimbursement of amounts transferred to the Economic Development Project fund pursuant to section four of this title and W.V. Code §29-22-18, subsection (f).

375 - Economic Development Authority –

Cacapon and Beech Fork State Parks –

Lottery Revenue Debt Service

Fund 9067 FY 2025 Org 0944

Debt Service	04000	$	2,032,000

376 - Economic Development Authority –

State Parks Lottery Revenue Debt Service Fund

Fund 9068 FY 2025 Org 0944

Debt Service	04000	$	4,395,000
Total TITLE II, Section 5 – Excess Lottery Funds.....		$	337,436,083

Sec. 6. Appropriations of federal funds. — In accordance with Article 11, Chapter 4 of the Code from federal funds there are hereby appropriated conditionally upon the fulfillment of the provisions set forth in Article 2, Chapter 11B of the Code the following amounts, as itemized, for expenditure during the fiscal year 2025.

LEGISLATIVE

377 - Crime Victims Compensation Fund

(W.V. Code Chapter 14)

Fund 8738 FY 2025 Org 2300

	Appro-priation	**Federal Funds**

Economic Loss Claim Payment Fund	33400	$	442,000

JUDICIAL

378 - Supreme Court

Fund 8867 FY 2025 Org 2400

Personal Services and Employee Benefits	00100	$	1,813,000
Repairs and Alterations	06400		100,000
Equipment	07000		250,000
Current Expenses	13000		1,557,000
Other Assets	69000		280,000
Total		$	4,000,000

EXECUTIVE

379 - Governor's Office –

Coronavirus State Fiscal Recovery Fund

(W.V. Code Chapter 4)

Fund 8823 FY 2025 Org 0100

Repairs and Alterations	06400	$	1,000
Equipment	07000		1,000
Unclassified	09900		500,000
Current Expenses	13000		25,497,000
Other Assets	69000		1,000
Total		$	26,000,000

380 - Department of Agriculture

(W.V. Code Chapter 19)

Fund 8736 FY 2025 Org 1400

Personal Services and Employee Benefits	00100	$	2,722,216
Repairs and Alterations	06400		650,000
Equipment	07000		910,500
Unclassified	09900		50,534
Current Expenses	13000		6,841,987
Buildings	25800		1,000,000
Other Assets	69000		550,000
Land	73000		500,000
Federal Coronavirus Pandemic	89101		4,721,430
Total		$	17,946,667

381 - Department of Agriculture –

Meat Inspection Fund

(W.V. Code Chapter 19)

Fund 8737 FY 2025 Org 1400

Personal Services and Employee Benefits	00100	$	739,966
Repairs and Alterations	06400		5,500
Equipment	07000		114,478
Unclassified	09900		8,755
Current Expenses	13000		136,012
Total		$	1,004,711

382 - Department of Agriculture –

State Conservation Committee

(W.V. Code Chapter 19)

Fund 8783 FY 2025 Org 1400

Personal Services and Employee Benefits	00100	$	99,978
Current Expenses	13000		15,599,974
Total		$	15,699,952

383 - Department of Agriculture –

Land Protection Authority

(W.V. Code Chapter 19)

Fund 8896 FY 2025 Org 1400

Personal Services and Employee Benefits	00100	$	46,526
Unclassified	09900		5,004
Current Expenses	13000		448,920
Total		$	500,450

384 - Attorney General –

Medicaid Fraud Unit

(W.V. Code Chapter 5)

Fund 8882 FY 2025 Org 1500

Personal Services and Employee Benefits	00100	$	1,850,458
Repairs and Alterations	06400		4,313
Equipment	07000		7,500
Unclassified	09900		15,336
Current Expenses	13000		611,287
Other Assets	69000		11,336
Total		$	2,500,230

385 - Secretary of State –

State Election Fund

(W.V. Code Chapter 3)

Fund 8854 FY 2025 Org 1600

Personal Services and Employee Benefits	00100	$	210,240
Repairs and Alterations	06400		15,000
Unclassified	09900		7,484
Current Expenses	13000		415,727
Other Assets	69000		100,000
Total		$	748,451

DEPARTMENT OF COMMERCE

386 - Division of Forestry

(W.V. Code Chapter 19)

Fund 8703 FY 2025 Org 0305

Personal Services and Employee Benefits	00100	$	637,000
Repairs and Alterations	06400		155,795
Equipment	07000		1,000,000
Unclassified	09900		51,050
Current Expenses	13000		3,062,013
Other Assets	69000		3,078,847
Total		$	7,984,705

387 - Geological and Economic Survey

(W.V. Code Chapter 29)

Fund 8704 FY 2025 Org 0306

Personal Services and Employee Benefits	00100	$	204,432
Repairs and Alterations	06400		305,000
Equipment	07000		187,500
Unclassified	09900		2,803
Current Expenses	13000		195,639
Buildings	25800		1,500,000
Other Assets	69000		15,000
Total		$	2,410,374

388 - Division of Labor

(W.V. Code Chapters 21 and 47)

Fund 8706 FY 2025 Org 0308

Personal Services and Employee Benefits	00100	$	460,197
Repairs and Alterations	06400		500
Unclassified	09900		5,572
Current Expenses	13000		167,098
Total		$	633,367

389 - Division of Natural Resources

(W.V. Code Chapter 20)

Fund 8707 FY 2025 Org 0310

Personal Services and Employee Benefits	00100	$	11,474,295
Repairs and Alterations	06400		566,250
Equipment	07000		2,126,141
Unclassified	09900		107,693

Current Expenses	13000		7,887,660
Administration	15500		50,325
Buildings	25800		951,000
Other Assets	69000		4,768,670
Land	73000		2,893,920
Total		$	30,825,954

390 - Division of Miners' Health, Safety and Training

(W.V. Code Chapter 22)

Fund 8709 FY 2025 Org 0314

Personal Services and Employee Benefits	00100	$	705,030
Current Expenses	13000		150,000
Total		$	855,030

391 - WorkForce West Virginia

(W.V. Code Chapter 23)

Fund 8835 FY 2025 Org 0323

Unclassified	09900	$	5,127
Current Expenses	13000		667,530
Reed Act 2002 – Unemployment Compensation	62200		4,446,737
Reed Act 2002 – Employment Services	63000		3,246,737
Total		$	8,366,131

Pursuant to the requirements of 42 U.S.C. 1103, Section 903 of the Social Security Act, as amended, and the provisions of W.V. Code §21A-9-9, the above appropriation to Unclassified and Current Expenses shall be used by WorkForce West Virginia for the specific purpose of administration of the state's unemployment insurance program or job service activities, subject to each and every restriction, limitation or obligation imposed on the use of the funds by those federal and state statutes.

392 - State Board of Rehabilitation –

Division of Rehabilitation Services

(W.V. Code Chapter 18)

Fund 8734 FY 2025 Org 0932

Personal Services and Employee Benefits	00100	$	12,642,892
Salary and Benefits of Cabinet Secretary and Agency Heads	00201		153,000
Repairs and Alterations	06400		350,400
Equipment	07000		1,275,870
Current Expenses	13000		68,440,940
Total		$	82,863,102

393 - State Board of Rehabilitation –

Division of Rehabilitation Services –

Disability Determination Services

(W.V. Code Chapter 18)

Fund 8890 FY 2025 Org 0932

Personal Services and Employee Benefits	00100	$	14,889,790
Repairs and Alterations	06400		1,100
Equipment	07000		83,350
Current Expenses	13000		13,383,206
Total		$	28,357,446

DEPARTMENT OF TOURISM

394 - Department of Tourism –

Tourism Workforce Development Fund

(W.V. Code Chapter 5B)

Fund 8903 FY 2025 Org 0304

Federal Coronavirus Pandemic	89101	$	2,765,115

DEPARTMENT OF ECONOMIC DEVELOPMENT

395 - Department of Economic Development –

Office of the Secretary

(W.V. Code Chapter 5B)

Fund 8705 FY 2025 Org 0307

Personal Services and Employee Benefits	00100	$	5,346,497
Unclassified	09900		50,000
Current Expenses	13000		809,776,339
Total		$	815,172,836

396 - Department of Economic Development –

Office of Energy

(W.V. Code Chapter 5B)

Fund 8892 FY 2025 Org 0307

Personal Services and Employee Benefits	00100	$	1,007,411
Unclassified	09900		7,350
Current Expenses	13000		8,266,076
Total		$	9,280,837

397 - Department of Economic Development –

Office of the Secretary –

Office of Economic Opportunity

(W.V. Code Chapter 5)

Fund 8901 FY 2025 Org 0307

Personal Services and Employee Benefits	00100	$ 854,189
Repairs and Alterations	06400	250
Equipment	07000	6,000
Unclassified	09900	106,795
Current Expenses	13000	20,303,081
Total		$ 21,270,315

DEPARTMENT OF EDUCATION

398 - State Board of Education –

State Department of Education

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

Fund 8712 FY 2025 Org 0402

Personal Services and Employee Benefits	00100	$ 6,146,942
Repairs and Alterations	06400	10,000
Equipment	07000	10,000
Unclassified	09900	2,000,000
Current Expenses	13000	1,434,146,008
Other Assets	69000	10,000
Federal Coronavirus Pandemic	89101	4,990,123
Total		$ 1,447,313,073

399 - State Board of Education –

School Lunch Program

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

Fund 8713 FY 2025 Org 0402

Personal Services and Employee Benefits	00100	$	2,010,501
Repairs and Alterations	06400		20,000
Equipment	07000		100,000
Unclassified	09900		1,150,500
Current Expenses	13000		258,781,265
Other Assets	69000		25,000
Federal Coronavirus Pandemic	89101		743,436
Total		$	262,830,702

400 - State Board of Education –

Vocational Division

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

Fund 8714 FY 2025 Org 0402

Personal Services and Employee Benefits	00100	$	2,032,898
Repairs and Alterations	06400		10,000
Equipment	07000		10,000
Unclassified	09900		155,000
Current Expenses	13000		20,820,081
Other Assets	69000		10,000
Total		$	23,037,979

401 - State Board of Education –

Aid for Exceptional Children

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

Fund 8715 FY 2025 Org 0402

Personal Services and Employee Benefits	00100	$	3,671,135
Repairs and Alterations	06400		10,000
Equipment	07000		10,000
Unclassified	09900		1,000,000
Current Expenses	13000		139,346,390
Other Assets	69000		10,000
Federal Coronavirus Pandemic	89101		17,336,635
Total		$	161,384,160

402 - WV Professional Charter School Board

(W.V. Code Chapter 18)

Fund 8828 FY 2025 Org 0405

Personal Services and Employee Benefits	00100	$	98,605
Repairs and Alterations	06400		500
Equipment	07000		500
Current Expenses	13000		3,012,108
Other Assets	69000		500
Total		$	3,112,213

DEPARTMENT OF ARTS, CULTURE, AND HISTORY

403 - Division of Culture and History

(W.V. Code Chapter 29)

Fund 8718 FY 2025 Org 0432

Personal Services and Employee Benefits	00100	$	927,795
Repairs and Alterations	06400		1,000

Equipment	07000		1,000
Current Expenses	13000		1,947,372
Buildings	25800		1,000
Other Assets	69000		1,000
Land	73000		360
Federal Coronavirus Pandemic	89101		765,400
Total		$	3,644,927

404 - Library Commission

(W.V. Code Chapter 10)

Fund 8720 FY 2025 Org 0432

Personal Services and Employee Benefits	00100	$	387,033
Equipment	07000		543,406
Current Expenses	13000		1,076,162
Federal Coronavirus Pandemic	89101		2,388,880
Total		$	4,395,481

405 - Commission for National and Community Service

(W.V. Code Chapter 5F)

Fund 8841 FY 2025 Org 0432

Personal Services and Employee Benefits	00100	$	471,153
Repairs and Alterations	06400		1,000
Current Expenses	13000		5,587,325
Federal Coronavirus Pandemic	89101		1,960,558
Total		$	8,020,036

406 - National Coal Heritage Area Authority

(W.V. Code Chapter 29)

Fund 8869 FY 2025 Org 0432

Personal Services and Employee Benefits	00100	$	201,942
Repairs and Alterations	06400		5,000
Equipment	07000		3,000
Current Expenses	13000		328,008
Other Assets	69000		2,000
Total		$	539,950

DEPARTMENT OF ENVIRONMENTAL PROTECTION

407 - Division of Environmental Protection

(W.V. Code Chapter 22)

Fund 8708 FY 2025 Org 0313

Personal Services and Employee Benefits	00100	$	37,148,357
Repairs and Alterations	06400		739,783
Equipment	07000		1,712,238
Unclassified	09900		1,923,580
Current Expenses	13000		347,447,019
West Virginia Drinking Water Treatment			
Revolving Fund – Transfer	68900		80,753,300
Other Assets	69000		2,177,261
Land	73000		80,000
Total		$	471,981,538

DEPARTMENT OF HEALTH

408 - Department of Health –

Central Office

(W.V. Code Chapter 16)

Fund 8802 FY 2025 Org 0506

Personal Services and Employee Benefits	00100	$	21,101,605
Equipment	07000		456,972
Unclassified	09900		856,614
Current Expenses	13000		139,553,476
Buildings	25800		155,000
Other Assets	69000		380,000
Federal Coronavirus Pandemic	89101		40,061,935
Total		$	202,565,602

409 - Human Rights Commission

(W.V. Code Chapter 5)

Fund 8725 FY 2025 Org 0510

Personal Services and Employee Benefits	00100	$	737,485
Unclassified	09900		5,050
Current Expenses	13000		164,950
Total		$	907,485

410 - Office of the Inspector General

(W.V. Code Chapter 16B)

Fund xxxx FY 2025 Org xxxx

Personal Services and Employee Benefits	00100	$	1,486,738
Unclassified	09900		8,335

Current Expenses	13000	825,230
Total		$ 2,320,303

DEPARTMENT OF HUMAN SERVICES

411 - Department of Human Services

(W.V. Code Chapters 9, 48, and 49)

Fund 8722 FY 2025 Org 0511

Personal Services and Employee Benefits	00100	$ 88,722,032
Salary and Benefits of Cabinet Secretary and Agency Heads	00201	73,500
Unclassified	09900	22,855,833
Current Expenses	13000	180,311,984
Medical Services	18900	4,151,432,776
Medical Services Administrative Costs	78900	170,074,119
CHIP Administrative Costs	85601	6,753,105
CHIP Services	85602	59,012,014
Federal Coronavirus Pandemic	89101	4,000,000
Total		$ 4,683,235,363

412 - Department of Human Services –

Consolidated Medical Service Fund

(W.V. Code Chapter 16)

Fund 8723 FY 2025 Org 0511

Personal Services and Employee Benefits	00100	$ 1,485,132
Unclassified	09900	73,307
Current Expenses	13000	98,197,690

Federal Coronavirus Pandemic	89101	564,772
Total		$ 100,320,901

DEPARTMENT OF HOMELAND SECURITY

413 - Division of Emergency Management

(W.V. Code Chapter 15)

Fund 8727 FY 2025 Org 0606

Personal Services and Employee Benefits	00100	$ 2,035,385
Salary and Benefits of Cabinet Secretary and Agency Heads	00201	61,250
Repairs and Alterations	06400	5,000
Equipment	07000	100,000
Current Expenses	13000	20,429,281
Total		$ 22,630,916

414 - Division of Corrections and Rehabilitation

(W.V. Code Chapters 15A)

Fund 8836 FY 2025 Org 0608

Unclassified	09900	$ 1,100
Current Expenses	13000	108,900
Total		$ 110,000

415 - West Virginia State Police

(W.V. Code Chapter 15)

Fund 8741 FY 2025 Org 0612

Personal Services and Employee Benefits	00100	$ 3,266,412

Repairs and Alterations	06400		42,000
Equipment	07000		13,356,035
Current Expenses	13000		2,250,971
Buildings	25800		1,740,500
Other Assets	69000		1,065,750
Land	73000		500
Total		$	21,722,168

416 - Fire Commission

(W.V. Code Chapter 15A)

Fund 8819 FY 2025 Org 0619

Current Expenses	13000	$	80,000

417 - Division of Administrative Services

(W.V. Code Chapter 15)

Fund 8803 FY 2025 Org 0623

Personal Services and Employee Benefits	00100	$	1,363,346
Repairs and Alterations	06400		1,750
Unclassified	09900		25,185
Current Expenses	13000		75,381,973
Total		$	76,772,254

DEPARTMENT OF REVENUE

418 - Insurance Commissioner

(W.V. Code Chapter 33)

Fund 8883 FY 2025 Org 0704

Personal Services and Employee Benefits	00100	$	145,000
Equipment	07000		30,000
Current Expenses	13000		2,825,000
Total		$	3,000,000

DEPARTMENT OF TRANSPORTATION

419 - Division of Motor Vehicles

(W.V. Code Chapter 17B)

Fund 8787 FY 2025 Org 0802

Personal Services and Employee Benefits	00100	$	900,000
Repairs and Alterations	06400		500
Current Expenses	13000		5,448,106
Total		$	6,348,606

420 - Division of Multimodal Transportation Facilities -

Public Transit

(W.V. Code Chapter 17)

Fund 8745 FY 2025 Org 0810

Personal Services and Employee Benefits	00100	$	1,089,934
Repairs and Alterations	06400		2,500
Equipment	07000		3,501,714
Current Expenses	13000		20,863,149
Buildings	25800		2,450,000
Other Assets	69000		250,000
Total		$	28,157,297

421 - Division of Multimodal Transportation Facilities -

Aeronautics Commission

(W.V. Code Chapter 29)

Fund 8831 FY 2025 Org 0810

Current Expenses	13000	$ 400,000
Other Assets	69000	100
Total		$ 400,100

DEPARTMENT OF VETERANS' ASSISTANCE

422 - Department of Veterans' Assistance

(W.V. Code Chapter 9A)

Fund 8858 FY 2025 Org 0613

Personal Services and Employee Benefits	00100	$ 3,257,327
Salary and Benefits of Cabinet Secretary and Agency Heads	00201	57,120
Repairs and Alterations	06400	20,000
Equipment	07000	25,000
Current Expenses	13000	3,840,300
Buildings	25800	22,750,000
Land	73000	500
Veterans' Cemetery	80800	175,000
Federal Coronavirus Pandemic	89101	1,900,000
Total		$ 32,025,247

423 - Department of Veterans' Assistance –

Veterans' Home

(W.V. Code Chapter 9A)

Fund 8728 FY 2025 Org 0618

Personal Services and Employee Benefits	00100	$	1,050,031
Repairs and Alterations	06400		60,500
Equipment	07000		10,500
Current Expenses	13000		595,700
Buildings	25800		500
Other Assets	69000		6,500
Land	73000		100
Federal Coronavirus Pandemic	89101		1,600,000
Total		$	3,323,831

BUREAU OF SENIOR SERVICES

424 - Bureau of Senior Services

(W.V. Code Chapter 29)

Fund 8724 FY 2025 Org 0508

Personal Services and Employee Benefits	00100	$	842,593
Salary and Benefits of Cabinet Secretary and Agency Heads	00201		12,000
Repairs and Alterations	06400		3,000
Current Expenses	13000		13,811,853
Total		$	14,669,446

MISCELLANEOUS BOARDS AND COMMISSIONS

425 - Adjutant General –

State Militia

(W.V. Code Chapter 15)

Fund 8726 FY 2025 Org 0603

Unclassified	09900	$	982,705
Mountaineer ChalleNGe Academy	70900		12,312,486
Martinsburg Starbase	74200		590,990
Charleston Starbase	74300		557,297
Military Authority	74800		90,033,787
Total		$	104,477,265

The Adjutant General shall have the authority to transfer between appropriations.

426 - Adjutant General –

West Virginia National Guard Counterdrug Forfeiture Fund

(W.V. Code Chapter 15)

Fund 8785 FY 2025 Org 0603

Personal Services and Employee Benefits	00100	$	1,350,000
Repairs and Alterations	06400		50,000
Equipment	07000		200,000
Current Expenses	13000		150,000
Buildings	25800		100,000
Other Assets	69000		100,000
Land	73000		50,000
Total		$	2,000,000

427 -

428 - Public Service Commission –

Motor Carrier Division

(W.V. Code Chapter 24A)

Fund 8743 FY 2025 Org 0926

Personal Services and Employee Benefits	00100	$	1,600,289
Repairs and Alterations	06400		39,000
Equipment	07000		1,000
Current Expenses	13000		368,953
Total		$	2,009,242

429 - Public Service Commission –

Gas Pipeline Division

(W.V. Code Chapter 24B)

Fund 8744 FY 2025 Org 0926

Personal Services and Employee Benefits	00100	$	725,664
Equipment	07000		3,000
Unclassified	09900		4,072
Current Expenses	13000		124,628
Total		$	857,364

430 - Economic Development Authority

(W.V. Code Chapter 31)

Fund 8893 FY 2025 Org 0944

Current Expenses	13000		5,000,000
Total TITLE II, Section 6 - Federal Funds			$ 8,778,821,122

Sec. 7. Appropriations from federal block grants. — The following items are hereby appropriated from federal block grants to be available for expenditure during the fiscal year 2025.

431 - Department of Economic Development –

Office of the Secretary –

Community Development

Fund 8746 FY 2025 Org 0307

Personal Services and Employee Benefits	00100	$ 10,662,609
Unclassified	09900	2,375,000
Current Expenses	13000	224,476,883
Total		$ 237,514,492

432 - Department of Economic Development –

Office of the Secretary –

Office of Economic Opportunity –

Community Services

Fund 8902 FY 2025 Org 0307

Personal Services and Employee Benefits	00100	$ 771,289
Repairs and Alterations	06400	1,500
Equipment	07000	9,000
Unclassified	09900	125,000
Current Expenses	13000	17,781,811
Total		$ 18,688,600

433 - WorkForce West Virginia –

Workforce Investment Act

Fund 8749 FY 2025 Org 0323

Personal Services and Employee Benefits	00100	$ 3,036,190
Salary and Benefits of Cabinet Secretary and Agency Heads	00201	124,018

Repairs and Alterations	06400		1,600
Equipment	07000		500
Unclassified	09900		23,023
Current Expenses	13000		63,381,511
Buildings	25800		1,100
Total		$	66,567,942

434 - Department of Health –

Maternal and Child Health

Fund 8750 FY 2025 Org 0506

Personal Services and Employee Benefits	00100	$	2,509,103
Unclassified	09900		81,439
Current Expenses	13000		7,294,267
Total		$	9,884,809

435 - Department of Health –

Preventive Health

Fund 8753 FY 2025 Org 0506

Personal Services and Employee Benefits	00100	$	283,642
Equipment	07000		165,642
Unclassified	09900		22,457
Current Expenses	13000		1,895,366
Total		$	2,367,107

436 - Department of Human Services –

Energy Assistance

Fund 8755 FY 2025 Org 0511

Personal Services and Employee Benefits	00100	$	2,733,782
Salary and Benefits of Cabinet Secretary And Agency Heads	00201		2,450
Unclassified	09900		350,000
Current Expenses	13000		57,082,035
Total		$	60,168,267

437 - Department of Human Services –

Social Services

Fund 8757 FY 2025 Org 0511

Personal Services and Employee Benefits	00100	$	9,709,574
Unclassified	09900		171,982
Current Expenses	13000		8,870,508
Total		$	18,752,064

438 - Department of Health –

Substance Abuse Prevention and Treatment

Fund 8793 FY 2025 Org 0511

Personal Services and Employee Benefits	00100	$	736,598
Unclassified	09900		115,924
Current Expenses	13000		10,853,740
Federal Coronavirus Pandemic	89101		4,225,212
Total		$	15,931,474

439 - Department of Health –

Community Mental Health Services

Fund 8794 FY 2025 Org 0511

Personal Services and Employee Benefits	00100	$ 607,341
Unclassified	09900	33,533
Current Expenses	13000	5,376,330
Federal Coronavirus Pandemic	89101	6,570,960
Total		$ 12,588,164

440 - Department of Human Services –

Temporary Assistance for Needy Families

Fund 8816 FY 2025 Org 0511

Personal Services and Employee Benefits	00100	$ 22,903,080
Salary and Benefits of Cabinet Secretary		
And Agency Head	00201	7,350
Unclassified	09900	1,250,000
Current Expenses	13000	110,504,134
Total		$ 134,664,564

441 - Department of Human Services –

Child Care and Development

Fund 8817 FY 2025 Org 0511

Personal Services and Employee Benefits	00100	$ 3,753,484
Salary and Benefits of Cabinet Secretary		
And Agency Head	00201	2,450
Unclassified	09900	350,000
Current Expenses	13000	107,150,000

Total		$ 111,255,934
Total TITLE II, Section 7 – Federal Block Grants		$ 686,383,417

Sec. 8. Awards for claims against the state. — There are hereby appropriated for fiscal year 2025, from the fund as designated, in the amounts as specified, general revenue funds in the amount of $1,647,648 special revenue funds in the amount of $32,521, and state road funds in the amount of $386,856 for payment of claims against the state.

Sec. 9. Appropriations from general revenue fund surplus accrued. — The following items are hereby appropriated from the state fund, general revenue, and are to be available for expenditure during the fiscal year 2025 out of surplus funds only, accrued from the fiscal year ending June 30, 2024, subject to the terms and conditions set forth in this section.

It is the intent and mandate of the Legislature that the following appropriations be payable only from surplus as of July 31, 2024 from the fiscal year ending June 30, 2024, only after first meeting requirements of W.Va. Code §11B-2-20(b).

In the event that surplus revenues available on July 31, 2024, are not sufficient to meet the appropriations made pursuant to this section, then the appropriations shall be made to the extent that surplus funds are available as of the date mandated to meet the appropriations in this section and shall be allocated first to provide the necessary funds to meet the first appropriation of this section and each subsequent appropriation in the order listed in this section.

442 - Department of Tourism –

Office of the Secretary

(W.V. Code Chapter 5B)

Fund 0246 FY 2025 Org 0304

Tourism – Brand Promotion - Surplus	61893	$	10,000,000
Tourism – Industry Development - Surplus	61896		6,000,000
Total		$	16,000,000

443 - Bureau for Medical Services –

Policy and Programming

(W.V. Code Chapter 16)

Fund xxxx FY 2025 Org 0511

Medical Services - Surplus	63300	$	18,000,000

444 - Department of Health –

Central Office

(W.V. Code Chapter 16)

Fund 0407 FY 2025 Org 0506

Pregnancy Centers - Surplus	49999	$	3,000,000

445 - State Board of Education –

State Department of Education

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

Fund 0313 FY 2025 Org 0402

Hope Scholarship Program – Surplus	xxxxx	$	27,321,613

446 - West Virginia University –

General Administrative Fund

(W.V. Code Chapter 18B)

Fund 0344 FY 2025 Org 0463

West Virginia University - Surplus	xxxxx	$	5,147,926

447 - Marshall University –

General Administration Fund

(W.V. Code Chapter 18B)

Fund 0348 FY 2025 Org 0471

Marshall University - Surplus.....	xxxxx	$	2,386,218

448 - Concord University

(W.V. Code Chapter 18B)

Fund 0357 FY 2025 Org 0483

Concord University - Surplus.....	xxxxx	$	455,024

449 - Shepherd University

(W.V. Code Chapter 18B)

Fund 0366 FY 2025 Org 0486

Shepherd University - Surplus.....	43299	$	404,150

450 - New River Community and Technical College

(W.V. Code Chapter 18B)

Fund 0600 FY 2025 Org 0445

New River Community and Technical College - Surplus	xxxxx	$	349,715

451 - Department of Economic Development –

Office of the Secretary

(W.V. Code Chapter 5B)

Fund 0256 FY 2025 Org 0307

Directed Transfer – Surplus	70099	$	50,000,000

The above appropriation for Directed Transfer (fund 0256, appropriation 70099) shall be transferred to the Economic Enhancement Fund (fund 3382).

Total TITLE II, Section 9 – General Revenue Surplus Accrued	$	120,064,646

Sec. 10. Appropriations from lottery net profits surplus accrued. — The following items are hereby appropriated from the lottery net profits, and are to be available for expenditure during the fiscal year 2025 out of surplus funds only, as determined by the director of lottery, accrued from the fiscal year ending June 30, 2024, subject to the terms and conditions set forth in this section.

It is the intent and mandate of the Legislature that the following appropriations be payable only from surplus accrued from the fiscal year ending June 30, 2024.

In the event that surplus revenues available from the fiscal year ending June 30, 2024, are not sufficient to meet the appropriations made pursuant to this section, then the appropriations shall be made to the extent that surplus funds are available.

452 - Bureau of Senior Services –

Lottery Senior Citizens Fund

(W.V. Code Chapter 29)

Fund 5405 FY 2025 Org 0508

Senior Services Medicaid Transfer – Lottery Surplus.....	68199	$	14,750,000
In-Home Services and Nutrition for Senior Citizens – Surplus.	76699		2,000,000

Total	16,750,000
Total TITLE II, Section 10 – Surplus Accrued	$ 16,750,000

Sec. 11. Appropriations from state excess lottery revenue surplus accrued. — The following items are hereby appropriated from the state excess lottery revenue fund, and are to be available for expenditure during the fiscal year 2025 out of surplus funds only, as determined by the Director of Lottery, accrued from the fiscal year ending June 30, 2024, subject to the terms and conditions set forth in this section.

It is the intent and mandate of the Legislature that the following appropriations be payable only from surplus accrued from the fiscal year ending June 30, 2024.

In the event that surplus revenues available from the fiscal year ending June 30, 2024, are not sufficient to meet the appropriations made pursuant to this section, then the appropriations shall be made to the extent that surplus funds are available.

453 - Racing Commission –

General Administration

(W.V. Code Chapter 19)

Fund 7308 FY 2025 Org 0707

Directed Transfer	70000	$	800,000

The above appropriation for Directed Transfer (fund 7308, appropriation 70000), $800,000 shall be transferred to the Racing Commission – General Administration (fund 7305).

454 - Department of Human Services

(W.V. Code Chapters 9, 48, and 49)

Fund 5365 FY 2025 Org 0511

Medical Services – Lottery Surplus	68100	$	17,000,000
Total TITLE II, Section 11 – Surplus Accrued		$	17,800,000

Sec. 12. Special revenue appropriations. — There are hereby appropriated for expenditure during the fiscal year 2025 special revenues collected pursuant to general law enactment of the Legislature which are not paid into the state fund as general revenue under the provisions of W.V. Code §12-2-2 and are not expressly appropriated under this act: Provided, That none of the money so appropriated by this section shall be available for expenditure except in compliance with the provisions of W.V. Code §12-2-1 *et seq.*, W.V. Code §12-3-1 *et seq.*, and W.V. Code §11B-2-1 *et seq.*, unless the spending unit has filed with the Director of the Budget and the Legislative Auditor prior to the beginning of each fiscal year:

(a) An estimate of the amount and sources of all revenues accruing to such fund; and

(b) A detailed expenditure schedule showing for what purposes the fund is to be expended: *Provided, however*, That federal funds received by the state may be expended only in accordance with Sections (6) or (7) of this Title and with W.V. Code §4-11-1, *et seq.* *Provided further*, That federal funds that become available to a spending unit for expenditure while the Legislature is not in session and the availability of such funds could not reasonably have been anticipated and included in this act may be only be expended in the limited circumstances provided by W.V. Code §4-11-5(d): *And provided further*, That no provision of this act may be construed to authorize the expenditure of federal funds except as provided in this section.

Sec. 13. State improvement fund appropriations. — Bequests or donations of nonpublic funds, received by the Governor on behalf of the state during the fiscal year 2025, for the purpose of making studies and recommendations relative to improvements of the administration and management of spending units in the executive branch of state government, shall be deposited in the state treasury in a separate account therein designated state improvement fund.

There are hereby appropriated all moneys so deposited during the fiscal year 2025 to be expended as authorized by the Governor, for such studies and recommendations which may encompass any problems of organization, procedures, systems, functions, powers or duties of a state spending unit in the executive branch, or the betterment of the economic, social, educational, health and general welfare of the state or its citizens.

Sec. 14. Specific funds and collection accounts. — A fund or collection account which by law is dedicated to a specific use is hereby appropriated in sufficient amount to meet all lawful demands upon the fund or collection account and shall be expended according to the provisions of Article 3, Chapter 12 of the Code.

Sec. 15. Appropriations for refunding erroneous payment. — Money that has been erroneously paid into the state treasury is hereby appropriated out of the fund into which it was paid, for refund to the proper person.

When the officer authorized by law to collect money for the state finds that a sum has been erroneously paid, he or she shall issue his or her requisition upon the Auditor for the refunding of the proper amount. The Auditor shall issue his or her warrant to the Treasurer and the Treasurer shall pay the warrant out of the fund into which the amount was originally paid.

Sec. 16. Sinking fund deficiencies. — There is hereby appropriated to the Governor a sufficient amount to meet any deficiencies that may arise in the Mortgage Finance Bond Insurance fund of the West Virginia Housing Development Fund which is under the supervision and control of the Municipal Bond Commission as provided by W.V. Code §31-18-20b, or in the funds of the Municipal Bond Commission because of the failure of any state agency for either general obligation or revenue bonds or any local taxing district for general obligation bonds to remit funds necessary for the payment of interest and sinking fund requirements. The Governor is authorized to transfer from time to time such amounts to the Municipal Bond Commission as may be necessary for these purposes.

The Municipal Bond Commission shall reimburse the State of West Virginia through the Governor from the first remittance collected from the West Virginia Housing Development Fund or from any state agency or local taxing district for which the Governor advanced funds, with interest at the rate carried by the bonds for security or payment of which the advance was made.

Sec. 17. Appropriations for local governments. — There are hereby appropriated for payment to counties, districts, and municipal corporations such amounts as will be necessary to pay taxes due counties, districts, and municipal corporations and which have been paid into the treasury:

(a) For redemption of lands;

(b) By public service corporations;

(c) For tax forfeitures.

Sec. 18. Total appropriations. — Where only a total sum is appropriated to a spending unit, the total sum shall include personal services and employee benefits, annual increment, current expenses, repairs and alterations, buildings, equipment, other assets, land, and capital outlay, where not otherwise specifically provided and except as otherwise provided in TITLE I – GENERAL PROVISIONS, Sec. 3.

Sec. 19. General school fund. — The balance of the proceeds of the general school fund remaining after the payment of the appropriations made by this act is appropriated for expenditure in accordance with W.V. Code §18-9A-16.

TITLE III – ADMINISTRATION

Sec. 1. Appropriations conditional. — The expenditure of the appropriations made by this act, except those appropriations made to the legislative and judicial branches of the state government, are conditioned upon the compliance by the spending unit with the requirements of Article 2, Chapter 11B of the Code.

Where spending units or parts of spending units have been absorbed by or combined with other spending units, it is the intent of this act that appropriations and reappropriations shall be to the succeeding or later spending unit created, unless otherwise indicated.

Sec. 2. Constitutionality. — If any part of this act is declared unconstitutional by a court of competent jurisdiction, its decision shall not affect any portion of this act which remains, but the remaining portion shall be in full force and effect as if the portion declared unconstitutional had never been a part of the act.

On the motion to concur, Delegate E. Pritt demanded the previous question, which demand was sustained.

On 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. 763)**, and there were--yeas 57, nays 38, absent and not voting 5, with the nays and the absent and not voting being as follows:

Nays: Akers, Anderson, Campbell, W. Clark, Criss, Crouse, Dean, Fluharty, Foggin, Foster, Garcia, Griffith, Hamilton, Hansen, Heckert, Hite, Holstein, Hornbuckle, Householder, Jennings, Kirby, Lewis, Maynor, Pinson, Pushkin, Rohrbach, Rowe, Shamblin, Statler, Summers, Tully, Williams, Willis, Winzenreid, Worrell, Young, Zatezalo and Hanshaw (Mr. Speaker).

Absent and Not Voting: Bridges, Forsht, Longanacre, Ridenour and Stephens.

So, a majority of the members present having voted in the affirmative, the motion for the previous question prevailed.

On the motion to concur in the Senate amendment, the yeas and nays were demanded, which demand was sustained.

Having been ordered, the yeas and nays were taken **(Roll No. 764)**, and there were--yeas 83, nays 13, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Dillon, Fluharty, Garcia, Griffith, Hamilton, Hansen, Hornbuckle, Kirby, Lewis, C. Pritt, Pushkin, Williams and Young.

Absent and Not Voting: Bridges, Forsht, Longanacre and Ridenour.

So, a majority of the members present having voted in the affirmative, the motion to concur was adopted.

On the question of passage of the bill, Delegate Westfall moved the previous question, which demand was sustained.

The motion for the previous question was then adopted.

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

The question being on the passage of the bill, the yeas and nays were taken **(Roll No. 765)**, and there were--yeas 73, nays 25, absent and not voting 2, with the nays and the absent and not voting being as follows:

Nays: Brooks, Coop-Gonzalez, Dean, Dillon, Fluharty, Foster, Garcia, Green, Griffith, Hamilton, Hansen, Hite, Hornbuckle, Kirby, Kump, Lewis, Longanacre, C. Pritt, Pushkin, Ridenour, Vance, Ward, Williams, Worrell and Young.

Absent and Not Voting: Bridges and Hornby.

So, a majority of the members elected having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 200) passed.

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

On this question, the yeas and nays were taken **(Roll No. 766)**, 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: Brooks, Dillon, Hamilton, Hansen, Kirby, Lewis, Longanacre, C. Pritt, Pushkin, Vance and Young.

Absent and Not Voting: Bridges.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 200) takes effect from its passage.

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

Delegate Householder asked unanimous consent to proceed to consideration of S. B. 461.

Special Calendar

Third Reading

-continued-

S. B. 461, Relating to county economic opportunity development districts; on third reading, coming up in regular order, with the right to amend, was reported by the Clerk.

An amendment recommended by the Committee on Economic Development and Tourism was reported by the Clerk.

Whereupon,

Delegate Criss obtained unanimous consent to have the title amendment withdrawn.

The bill was read a third time.

The question being on the passage of the bill, the yeas and nays were taken **(Roll No. 767)**, and there were--yeas 81, nays 17, absent and not voting 2, with the nays and the absent and not voting being as follows:

Nays: Brooks, Butler, Coop-Gonzalez, Dillon, Fast, Foster, Kimble, Kirby, Linville, Longanacre, Martin, Pinson, Ridenour, Ross, Street, Vance and Ward.

Absent and Not Voting: Bridges and Kump.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 461) passed.

A title amendment, offered by Delegate Howell, was reported by the Clerk.

Whereupon,

Delegate Howell obtained unanimous consent to have the title amendment withdrawn.

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

Messages from the Senate

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

Com. Sub. for H. B. 4951, To facilitate the interstate practice of School Psychology in educational or school settings.

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

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

"**ARTICLE 10R. INTERSTATE COMPACT FOR SCHOOL PSYCHOLOGISTS.**

§18-10R-1. Interstate Compact for School psychologists; purpose.

(a) The purpose of this compact is to facilitate the interstate practice of school psychology in educational or school settings, and in so doing to improve the availability of school psychological services to the public. This compact is intended to establish a pathway to allow school psychologists to obtain equivalent licenses to provide school psychological services in any member state. In this way, this compact shall enable the member states to ensure that safe and effective school psychological services are available and delivered by appropriately qualified professionals in their educational settings.

(b) To facilitate the objectives described in subsection (a) of this section, this compact:

(1) Enables school psychologists who qualify for receipt of an equivalent license to practice in other member states without first satisfying burdensome and duplicative requirements;

(2) Promotes the mobility of school psychologists between and among the member states in order to address workforce shortages and to ensure that safe and reliable school psychological services are available in each member state;

(3) Enhances the public accessibility of school psychological services by increasing the availability of qualified, licensed school psychologists through the establishment of an efficient and streamlined pathway for licensees to practice in other member states;

(4) Preserves and respects the authority of each member state to protect the health and safety of its residents by ensuring that only qualified, licensed professionals are authorized to provide school psychological services within that state;

(5) Requires school psychologists practicing within a member state to comply with the scope of practice laws present in the state where the school psychological services are being provided;

(6) Promotes cooperation between the member states in regulating the practice of school psychology within those states; and

(7) Facilitates the relocation of military members and their spouses who are licensed to provide school psychological services.

§18-10R-2. Definitions.

'Active Military Member' means any person with full-time duty status in the armed forces of the United States, including members of the National Guard and Reserve.

'Adverse Action' means disciplinary action or encumbrance imposed on a license by a state licensing authority.

'Alternative Program' means a non-disciplinary, prosecutorial diversion, monitoring, or practice remediation process entered into in lieu of an adverse action which is applicable to a school psychologist and approved by the state licensing authority of a member state in which the participating school psychologist is licensed. This includes, but is not limited to, programs to which licensees with substance abuse or addiction issues may be referred in lieu of an adverse action.

'Commissioner' means the individual appointed by a member state to serve as the representative to the commission for that member state.

'Compact' means this School Psychologist Interstate Licensure Compact.

'Continuing Professional Education' means a requirement, imposed by a member state as a condition of license renewal to provide evidence of successful participation in professional educational activities relevant to the provision of school psychological services.

'Criminal Background Check' means the submission of fingerprints or other biometric-information for a license applicant for the purpose of obtaining that applicant's criminal history record information, as defined in 28 C.F.R. § 20.3(d), and the state's criminal history record repository as 81 defined in 28 C.F.R. § 20.3(f).

'Doctoral Level Degree' means a graduate degree program that consists of at least 90 graduate semester hours in the field of school psychology including a supervised internship.

'Encumbered License' means a license that a state licensing authority has limited in any way other than through an alternative program, including temporary or provisional licenses.

'Executive committee' means the commission's chair, vice chair, secretary and treasurer and any other commissioners as may be determined by commission rule or bylaw.

'Equivalent License' means a license to practice school psychology which a member state has identified as a license which may be provided to school psychologists from other member states pursuant to this compact.

'Home state' means the member state that issued the home state license to the licensee and is the licensee's primary state of practice.

'Home state License' means the license that is not an encumbered license issued by the home state to provide school psychological services.

'School Psychological Services' means academic, mental and behavioral health services including assessment, prevention, consultation and collaboration, intervention, and evaluation provided by a school psychologist in a school, as outlined in applicable professional standards as determined by commission rule.

'License' means a current license, certification, or other authorization granted by a member state's licensing authority that permits an individual to provide school psychological services.

'Licensee' means an individual who holds a license from a member state to provide school psychological services.

'Licensing Authority' means a member state's regulatory body responsible for issuing licenses or otherwise overseeing the practice of school psychology.

'Member State' means a state that has enacted the compact and been admitted to the commission in accordance with the provisions of this article and commission rules.

'Model Compact' means the model language for the School Psychologist Interstate Licensure Compact on file with the Council of State Governments or other entity as designated by the commission.

'Practice of School Psychology' means the delivery school psychological services.

'School Psychologist Interstate Licensure Compact Commission' or 'Commission' means the joint government agency established by this compact whose membership consists of representatives from each member state that has enacted the compact, and as further described in section seven of this article.

'Specialist-Level Degree' means a degree program that requires at least 60 graduate semester hours or their equivalent in the field of school psychology including a supervised internship.

'Qualifying National Exam' means a national licensing examination endorsed by the National Association of School Psychologists and any other exam as approved by the rules of the commission.

'Qualifying School Psychologist Education Program' means an education program which awards a Specialist-Level or Doctoral-Level degree or equivalent upon completion and is approved by the rules of the commission as meeting the necessary minimum educational standards to ensure that its graduates are ready, qualified, and able to engage in the practice of school psychology.

'Remote State' means a member state other than the home state where a licensee holds a license through the compact.

'Rule' means a regulation promulgated by an entity, including but not limited to the commission and the state licensing authority of each member state, that has the force of law.

'School Psychologist' means an individual who has met the requirements to obtain a home state license that legally conveys the professional title of school psychologist, or its equivalent as determined by the rules of the commission.

'Scope of Practice' means the procedures, actions, and processes a school psychologist licensed in a state is permitted to undertake in that state and the circumstances under which that licensee is permitted to undertake those procedures, actions, and processes. The procedures, actions, and processes, and the circumstances under which they may be undertaken, may be established through means including, but not limited to, statute, rules, case law, and other processes available to the state licensing authority or other government agency.

'State' means any state, commonwealth, district, or territory of the United States of America.

'State Licensing Authority' means an agency, whether the Department of Education or otherwise, or other entity operating as an arm of a state that is responsible for the licensing and regulation of school psychologists.

'State Specific Requirement' means a requirement for licensure covered in coursework or examination that includes content of unique interest to the state.

'Unencumbered License' means a license that authorizes a licensee to engage in the full and unrestricted practice of school psychology.

§18-10R-3. State participation in the compact.

(a) To be eligible to join this compact, and to maintain eligibility as a member state, a state shall:

(1) Enact a compact statute that is not materially different from the model compact as defined in the commission's rules;

(2) Participate in the sharing of information with other member states as reasonably necessary to accomplish the objectives of this compact, and as further defined in section eight of this article;

(3) Identify and maintain with the commission a list of equivalent licenses available to licensees who hold a home state license under this compact;

(4) Have a mechanism in place for receiving and investigating complaints about licensees;

(5) Notify the commission, in compliance with the terms of the compact and the commission's rules, of any adverse action taken against a licensee, or of the availability of investigative information which relates to a licensee or applicant for licensure;

(6) Require that applicants for a home state license have;

(A) Taken and passed a qualifying national exam as defined by the rules of the commission;

(B) Completed a minimum of 1200 hours of supervised internship, of which at least 600 have been completed in a school, prior to being approved for licensure;

(C) Graduated from a qualifying school psychologist education program; and

(7) Comply with the terms of this compact and the rules of the commission.

(b) Each member state shall grant an equivalent license to practice school psychology in that state upon application by a licensee who satisfies the criteria of §18-10R-4(a) of this code. Each member state shall grant renewal of the equivalent license to a licensee who satisfies the criteria of §18-10R-4(b) of this code.

(c) Member states may set and collect a fee for granting an equivalent license.

§18-10R-4. School psychologist participant in the compact.

(a) To obtain and maintain an equivalent license from a receiving state under this compact, a licensee must:

(1) Hold and maintain an active home state license;

(2). Satisfy any applicable state ppecific requirements established by the member state after an equivalent license is granted;

(3) Complete any administrative or application requirements which the commission may establish by rule, and pay any associated fees;

(4) Complete any requirements for renewal in the home state, including applicable continuing professional education requirements. and

(5) Upon their application to receive a license under this compact, undergo a criminal background check in the member state in which the equivalent license is sought in accordance with the laws and regulations of such member state.

(b) To renew an equivalent license in a member state other than the home state, a licensee must only apply for renewal, complete a background check, and pay renewal fees as determined by the licensing authority.

§18-10R-5. Active military members or their spouses.

A licensee who is an active military member or is the spouse of an active military member shall be considered to hold a home state license in any of the following locations:

(a) The licensee's permanent residence;

(b). A member state that is the licensee's primary state of practice; or

(c). A member state where the licensee has relocated pursuant to a permanent change of station (PCS).

§18-10R- 6. Discipline; adverse actions.

(a) Nothing in this compact shall be considered or construed to limit the authority of a member state to investigate or impose disciplinary measures on licensees according to the state's practice laws.

(b) Member states may receive, and shall provide, files and information regarding the investigation and discipline, if any, of licensees in other member states upon request. Any member state receiving such information or files shall protect and maintain the security and confidentiality thereof, in at least the same manner that it maintains its own investigatory or disciplinary files and information. Prior to disclosing any disciplinary or investigatory information received from another member state, the disclosing state shall communicate its intention and purpose for such disclosure to the member state which originally provided that information.

§18R-10-7. Establishment of the School Psychologist Interstate Licensure Compact Commission.

(a) The member states hereby create and establish a joint government agency whose membership consists of all member states that have enacted the compact, and this agency shall be known as the School Psychologist Interstate Licensure Compact Commission. The

commission is an instrumentality of the member states acting jointly and not an instrumentality of any one state. The commission shall come into existence on or after the effective date of the compact as set forth in §18-10R-11 of this code.

(b) Membership, Voting, and Meetings.

(1) Each member state shall have and be limited to one delegate selected by that member state's licensing authority.

(2) The delegate shall be the primary administrative officer of the member state licensing authority or his o rher designee who is an employee of the member state licensing authority.

(3) The commission shall by rule or bylaw establish a term of office for delegates and may by rule or bylaw establish term limits.

(4) The commission may recommend removal or suspension of any delegate from office.

(5) A member state's licensing authority shall fill any vacancy of its delegate occurring on the commission within 60 days of the vacancy.

(6) Each delegate has one vote on all matters before the commission requiring a vote by commission delegates.

(7) A delegate shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for delegates to meet by telecommunication, videoconference, or other means of communication.

(8) The commission shall meet at least once during each calendar year. Additional meetings may be held as set forth in the bylaws. The commission may meet by telecommunication, video conference or other similar electronic means.

(c) The powers, duties, and responsibilities of the commission include:

(1) Establishing the fiscal year of the commission;

(2) Establishing code of conduct and conflict of interest policies;

(3) Establishing and amending rules and bylaws;

(4) Establishing the procedure through which a licensee may change his or her home state;

(5) Maintaining its financial records in accordance with the bylaws;

(6) Meeting and taking such actions as are consistent with the provisions of this compact, the commission's rules, and the bylaws;

(7) Initiating and concluding legal proceedings or actions in the name of the commission, provided that the standing of any member state licensing authority to sue or be sued under applicable law shall not be affected;

(8) Maintaining and certifying records and information provided to a member state as the authenticated business records of the commission, and designating an agent to do so on the commission's behalf;

(9) Purchasing and maintaining insurance and bonds;

(10) Borrowing, accepting, or contracting for services of personnel, including, but not limited to, employees of a member state;

(11) Conducting an annual financial review;

(12) Hiring employees, electing or appointing officers, fixing compensation, defining duties, granting such individuals appropriate authority to carry out the purposes of the compact, and establishing the commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;

(13) Assessing and collecting fees;

(14) Accepting any and all appropriate gifts, donations, grants of money, other sources of revenue, equipment, supplies, materials, and services, and receiving, using, and disposing of the same; provided that at all times the commission shall avoid any appearance of impropriety and/or conflict of interest;

(15) Leasing, purchasing, retaining, owning, holding, improving, or using any property, real, personal, or mixed, or any undivided interest therein;

(16) Selling, conveying, mortgaging, pledging, leasing, exchanging, abandoning, or otherwise disposing of any property real, personal, or mixed;

(17) Establishing a budget and making expenditures;

(18) Borrowing money;

(19) Appointing committees, including standing committees, composed of members, state regulators, state legislators or their representatives, and consumer representatives, and such other interested persons as may be designated in this compact and the bylaws;

(20) Providing and receiving information from, and cooperating with, law enforcement agencies;

(21) Establishing and electing an executive committee, including a chair and a vice chair;

(22) Determining whether a state's adopted language is materially different from the model compact language such that the state would not qualify for participation in the compact; and

(23) Performing any other functions necessary or appropriate to achieve the purposes of this compact.

(d) The Executive committee may act on behalf of the commission according to the terms of this compact. The powers, duties, and responsibilities of the executive committee include:

(1) Overseeing of the day-to-day activities of the administration of the compact including enforcement and compliance with the provisions of the compact, its rules and bylaws, and other such duties as considered necessary;

(2) Recommending to the commission changes to the rules or bylaws, changes to this compact legislation, fees charged to member states, fees charged to licensees, and other fees;

(3) Ensuring compact administration services are appropriately provided, including by contract;

(4) Preparing and recommending the budget;

(5) Maintaining financial records on behalf of the commission;

(6) Monitoring compact compliance of member states and provide compliance reports to the commission;

(7) Establishing additional committees as necessary;

(8) Exercising the powers and duties of the commission during the interim between commission meetings, except for adopting or amending Rules, adopting or amending bylaws, and exercising any other powers and duties expressly reserved to the commission by rule or bylaw; and

(9) Performing other duties as provided in the rules or bylaws of the commission.

(e) The executive committee shall be composed of up to seven members:

(1) The chair and vice chair of the commission shall be voting members of the executive committee; and

(2) The commission shall elect five voting members from the current membership of the commission.

(f) The commission may remove any member of the executive committee as provided in the commission's bylaws.

(g) The executive committee shall meet at least annually.

(1) Executive committee meetings shall be open to the public, except that the executive committee may meet in a closed, non-public meeting as provided in subdivision four, subsection (h) of this section.

(2) The executive committee shall give 30 days' notice of its meetings, posted on its website and as determined to provide notice to persons with an interest in the business of the commission.

(3 The executive committee may hold a special meeting in accordance with subsection subdivision three, subsection (h) of this section.

(4) The commission shall adopt and provide to the member states an annual report.

(h) Meetings of the commission.

(1) All meetings shall be open to the public, except that the commission may meet in a closed, non-public meeting as provided subdivision four, subsection (h) of this section.

(2) Public notice for all meetings of the full commission of meetings shall be given in the same manner as required under the rulemaking provisions in §18-10R-9 of this code, except that the commission may hold a special meeting as provided subsection subdivision three, subsection (h) of this section.

(3) The commission may hold a special meeting when it must meet to conduct emergency business by giving 48 hours' notice to all commissioners, on the commission's website, and other means as provided in the commission's rules. The commission's legal counsel shall certify that the commission's need to meet qualifies as an emergency.

(4) The commission or the executive committee or other committees of the commission may convene in a closed, non-public meeting for the commission or executive committee or other committees of the commission to receive legal advice or to discuss:

(i) Non-compliance of a member state with its obligations under the compact;

(1) The employment, compensation, discipline or other matters, practices or procedures related to specific employees;

(2) Current or threatened discipline of a Licensee by the commission or by a member state's licensing authority;

(3) Current, threatened, or reasonably anticipated litigation;

(4) Negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate;

(5) Accusing any person of a crime or formally censuring any person;

(6) Trade secrets or commercial or financial information that is privileged or confidential;

(7) Information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

(8) Investigative records compiled for law enforcement purposes;

(9) Information related to any investigative reports prepared by or on behalf of or for use of the commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the compact;

(10) Matters specifically exempted from disclosure by federal or Member state law; or

(11) Other matters as promulgated by the commission by rule.

(j) If a meeting, or portion of a meeting, is closed, the presiding officer shall state that the meeting will be closed and reference each relevant exempting provision, and such reference shall be recorded in the minutes.

(k) The commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons

therefore, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release only by a majority vote of the commission or order of a court of competent jurisdiction.

(l) Financing of the commission.

(1) The commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.

(2) The commission may accept any and all appropriate revenue sources as provided in subsection subdivision 14, subsection (c) of this section.

(3) The commission may levy on and collect an annual assessment from each member state and impose fees on licensees practicing in the member states under an equivalent license to cover the cost of the operations and activities of the commission and its staff, which must be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount for member states shall be allocated based upon a formula that the commission shall promulgate by rule.

(4) The commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the commission pledge the credit of any of the member states, except by and with the authority of the member state.

(5) The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the financial review and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the commission shall be subject to an annual financial review by a certified or licensed public accountant, and the report of the financial review shall be included in and become part of the annual report of the commission.

(j) Qualified Immunity, Defense, and Indemnification.

(1) The members, officers, executive director, employees and representatives of the commission shall be immune from suit and liability, both personally and in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error, or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties or responsibilities; provided that nothing in this subdivision shall be construed to protect any such person from suit or liability for any damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person. The procurement of insurance of any type by the commission shall not in any way compromise or limit the immunity granted hereunder.

(2) The Commission shall defend any member, officer, executive director, employee, and representative of the Commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of commission employment, duties, or responsibilities, or as determined by the commission that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities; provided that nothing in this subdivision shall be construed to prohibit that person from retaining their own counsel at their own expense;

and provided further, that the actual or alleged act, error, or omission did not result from that person's intentional or willful or wanton misconduct.

(3) The commission shall indemnify and hold harmless any member, officer, executive director, employee, and representative of the commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error, or omission that occurred within the scope of commission employment, duties, or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from the intentional or willful or wanton misconduct of that person.

(4) Nothing in this section shall be construed as a limitation on the liability of any licensee for professional malpractice or misconduct, which shall be governed solely by any other applicable state laws.

(5) Nothing in this compact shall be interpreted to waive or otherwise abrogate a member state's state action immunity or state action affirmative defense with respect to antitrust claims under the Sherman Act, Clayton Act, or any other state or federal antitrust or anticompetitive law or regulation.

(6) Nothing in this compact shall be construed to be a waiver of sovereign immunity by the Member states or by the commission.

§18-10R-8. Facilitating information exchange.

(a) The commission shall provide for facilitating the exchange of information to administer and implement the provisions of this compact in accordance with the rules of the commission, consistent with generally accepted data protection principles.

(b). Notwithstanding any other provision of state law to the contrary, a member state shall agree to provide for the facilitation of the following Licensee information as required by the Rules of the commission, including:

(1) Identifying information;

(2) Licensure data;

(3). Adverse actions against a license and information related thereto;

(c) Non-confidential information related to alternative program participation, the beginning and ending dates of such participation, and other information related to such participation not made confidential under member state law;

(1) Any denial of application for licensure, and the reasons for such denial;

(2) The presence of investigative information; and

(3) Other information that may facilitate the administration of this compact or the protection of the public, as determined by the rules of the commission.

(d) Nothing in this compact shall be considered or construed to alter, limit, or inhibit the power of a member state to control and maintain ownership of its licensee information or alter, limit, or inhibit the laws or regulations governing Licensee information in the member state.

§18-10R-9. Rulemaking.

(a) The commission shall exercise its rulemaking powers pursuant to the criteria set forth in this interstate compact and the rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each rule or amendment.

(b) The commission shall promulgate reasonable rules to achieve the intent and purpose of this interstate compact. In the event the commission exercises its rulemaking authority in a manner that is beyond purpose and intent of this interstate compact, or the powers granted hereunder, then such an action by the commission shall be invalid and have no force and effect of law in the member states.

(c) If a majority of the legislatures of the member states rejects a rule, by enactment of a statute or resolution in the same manner used to adopt the compact within four (4) years of the date of adoption of the rule, then such rule shall have no further force and effect in any member state.

(d) Rules or amendments to the Rules shall be adopted or ratified at a regular or special meeting of the commission in accordance with commission rules and Bylaws.

(e) Prior to promulgation and adoption of a final rule or rules by the commission, and at least thirty (30) days in advance of the meeting at which the rule will be considered and voted upon, the commission shall file a notice of proposed rulemaking:

(1) On the website of the commission or other publicly accessible platform; and

(2) On the website of each member state licensing authority or other publicly accessible platform or the publication in which each state would otherwise publish proposed rules.

(f) Upon determination that an emergency exists, the commission may consider and adopt an emergency rule with 48 hours' notice, with opportunity to comment, provided that the usual rulemaking procedures shall be retroactively applied to the rule as soon as reasonably possible, in no event later than ninety (90) days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that must be adopted immediately in order to:

(1) Meet an imminent threat to public health, safety, or welfare.

(2) Prevent a loss of commission or member state funds.

(3) Meet a deadline for the promulgation of an administrative Rule that is established by federal law or rule; or

(4) Protect public health and safety.

§18-10R-10. Oversight, dispute resolution, and enforcement.

(a) Oversight;

(1) The executive and judicial branches of the State government in each member state shall enforce this compact and take all actions necessary and appropriate to implement the compact.

(2) Venue is proper and judicial proceedings by or against the commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the commission is located. The commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings. Nothing in thissubdivision shall affect or limit the selection or propriety of venue in any action against a licensee for professional malpractice, misconduct or any such similar matter.

(3) The commission shall be entitled to receive service of process in any proceeding regarding the enforcement or interpretation of the compact and shall have standing to intervene in such a proceeding for all purposes. Failure to provide the commission service of process shall render a judgment or order void as to the commission, this compact, or promulgated rules.

(b) Default, Technical Assistance, and Termination;

(1) If the commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this compact or the promulgated rules, the commission shall provide written notice to the defaulting state. The notice of default shall describe the default, the proposed means of curing the default, and any other action that the commission may take, and shall offer training and specific technical assistance regarding the default.

(2) The commission shall provide a copy of the notice of default to the other member states.

(c) If a state in default fails to cure the default, the defaulting state may be terminated from the compact upon an affirmative vote of a supermajority of the delegates of the member states, and all rights, privileges and benefits conferred on that state by this compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.

(d) Termination of membership in the compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the commission to the governor, the majority and minority leaders of the defaulting State's legislature, the defaulting state's licensing authority and each of the member states' licensing authorities.

(e) A state that has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.

(f) Upon the termination of a state's membership from this compact, that state shall immediately provide notice to all Licensees within that state of such termination. The terminated state shall continue to recognize all licenses granted pursuant to this compact for a minimum of six (6) months after the date of said notice of termination.

(g) The commission shall not bear any costs related to a state that is found to be in default or that has been terminated from the compact, unless agreed upon in writing between the commission and the defaulting state.

(h) The defaulting state may appeal the action of the commission by petitioning the U.S. District Court for the District of Columbia or the federal district where the commission has its principal offices. The prevailing party shall be awarded all costs of such litigation, including reasonable attorney's fees.

(i) Dispute Resolution;

(1) Upon request by a member state, the commission shall attempt to resolve disputes related to the compact that arise among member states and between member and non- member states.

(2) The commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate.

(j) Enforcement;

(1) By majority vote as provided by rule, the commission may initiate legal action against a member state in default in the United States District Court for the District of Columbia or the federal district where the commission has its principal offices to enforce compliance with the provisions of the compact and its promulgated rules. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorney's fees. The remedies in this subdivision shall not be the exclusive remedies of the commission. The commission may pursue any other remedies available under federal or the defaulting member state's law.

(2) A member state may initiate legal action against the commission in the U.S. District Court for the District of Columbia or the federal district where the commission has its principal offices to enforce compliance with the provisions of the compact and its promulgated rules. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorney's fees.

(3) No person other than a member state shall enforce this compact against the Commission.

§18-10R- 11. Effective date, withdrawal, and amendment.

(a) The compact shall come into effect on the date on which the compact statute is enacted into law in the seventh member state.

(1) On or after the effective date of the compact specified in subsection (a) of this section, the commission shall convene and review the enactment of each of the charter member states to determine if the statute enacted by each such charter member state is materially different than the model compact statute.

(A) A charter member state whose enactment is found to be materially different from the model compact statute shall be entitled to the default process set forth in §18-10R-10 of this code.

(B) If any member state is later found to be in default, or is terminated or withdraws from the compact, the commission shall remain in existence and the compact shall remain in effect even if the number of member states should be less than seven.

(2) Member states enacting the compact subsequent to the charter member states shall be subject to the process set forth in §18-10R-7(C)(21) to determine if their enactments are materially different from the model compact statute and whether they qualify for participation in the compact.

(3) All actions taken for the benefit of the commission or in furtherance of the purposes of the administration of the compact prior to the effective date of the compact or the commission coming into existence shall be considered to be actions of the commission unless specifically repudiated by the commission.

(A) Any state that joins the compact subsequent to the commission's initial adoption of the Rules and bylaws shall be subject to the rules and bylaws as they exist on the date on which the compact becomes law in that state. Any rule that has been previously adopted by the commission shall have the full force and effect of law on the day the compact becomes law in that state.

(B) Any member state may withdraw from this compact by enacting a statute repealing the same.

(C) A member state's withdrawal shall not take effect until 180 days after enactment of the repealing statute.

(D) Withdrawal shall not affect the continuing requirement of the withdrawing state's licensing authority to comply with the investigative and adverse action reporting requirements of this compact prior to the effective date of withdrawal.

(E) Upon the enactment of a statute withdrawing from this compact, a state shall immediately provide notice of such withdrawal to all licensees within that state. Notwithstanding any subsequent statutory enactment to the contrary, such withdrawing state shall continue to recognize all licenses granted pursuant to this compact for a minimum of six (6) months after the date of such notice of withdrawal.

(i) Nothing contained in this compact shall be construed to invalidate or prevent any licensure agreement or other cooperative arrangement between a member state and a non-member state that does not conflict with the provisions of this compact.

(ii) This compact may be amended by the member states. No amendment to this compact shall become effective and binding upon any member state until it is enacted into the laws of all member states.

§18-10R-12. Construction and severability.

(a) This compact and the commission's rulemaking authority shall be liberally construed so as to effectuate the purposes, and the implementation and administration of the compact. Provisions of the compact expressly authorizing or requiring the promulgation of rules shall not be construed to limit the commission's rulemaking authority solely for those purposes.

(b) The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is held by a court of competent jurisdiction to be contrary to the constitution of any Member state, a State seeking participation in the compact, or of the United States, or the applicability thereof to any government, agency, person or circumstance is held to be unconstitutional by a court of competent jurisdiction, the validity of the remainder of this

compact and the applicability thereof to any other government, agency, person or circumstance shall not be affected thereby.

(c) Notwithstanding subsection B of this section, the commission may deny a state's participation in the compact or, in accordance with the requirements of §18-10R-10.B of this code, terminate a member state's participation in the compact, if it determines that a constitutional requirement of a Member state is a material departure from the compact. Otherwise, if this compact shall be held to be contrary to the constitution of any member state, the compact shall remain in full force and effect as to the remaining member states and in full force and effect as to the Member state affected as to all severable matters.

§18-10R-13. Consistent effect and conflict with other state laws.

(a) Nothing in this article shall prevent or inhibit the enforcement of any other law of a member state that is not inconsistent with the compact.

(b) Any laws, statutes, regulations, or other legal requirements in a member state in conflict with the compact are superseded to the extent of the conflict.

(c) All permissible agreements between the commission and the member states are binding in accordance with their terms."

And,

By amending the title of the bill to read as follows:

Com. Sub. for H. B. 4951 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article designated §18-10R-1, §18-10R-2, §18-10R-3, §18-10R-4, §18-10R-5, §18-10R-6, §18-10R-7, §18-10R-8, §18-10R-9, §18-10R-10, §18-10R-11, §18-10R-12, and §18-10R-13, relating to the Interstate Compact for School Psychologists; stating purpose; defining terms; providing for state and school psychologists' participation in compact; determining home state for active military members and their spouses; providing for discipline by the state; establishment of school psychologist interstate licensure compact commission and providing its powers and duties; facilitating information exchange; providing for oversight, dispute resolution and enforcement; providing an effective date, and process for withdrawal of a state and amendments; providing for construction and severability; and providing for consistent state laws with the compact superseding any laws in conflict with the compact."

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. 768)**, and there were--yeas 95, nays 3, absent and not voting 2, with the nays and the absent and not voting being as follows:

Nays: Coop-Gonzalez, Dillon and Vance.

Absent and Not Voting: Bridges and Kump.

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. 4951) 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. 5252, Requiring certain minimum experience for the director or coordinator of services class title involving school transportation..

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

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

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

And,

By amending the title of the bill to read as follows:

H. B. 5252 – "A Bill to amend and reenact §18A-4-8 of the Code of West Virginia, 1931, as amended, relating to generally to service personnel class titles and definitions; requiring persons employed in a director or coordinator of services classification title as a director, assistant director, or coordinator of transportation to possess a commercial driver's license within one year of employment; providing exceptions; and removing outdated class title and terms."

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. 769)**, and there were--yeas 72, nays 26, absent and not voting 2, with the nays and the absent and not voting being as follows:

Nays: Brooks, Burkhammer, Butler, T. Clark, Coop-Gonzalez, Crouse, Dean, Dillon, Dittman, Foster, Hite, Lewis, Linville, Martin, Moore, Ridenour, Ross, Street, Summers, Thorne, Tully, Vance, Ward, Willis, Winzenreid and Young.

Absent and Not Voting: Bridges and Kump.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 5252) 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 concurrence in the amendment of the House of Delegates, with further amendment, and the passage, as amended, of

Com. Sub. for H. B. 5223, To create the Southern Coalfield Resiliency and Revitalization Program.

Delegate Jeffries moved that the House concur in the following amendment by the Senate, with further amendment:

On page three, section five, after line twenty-two, by inserting a new subdivision, designated subdivision (16), to read as follows:

(16) A representative from the Regional Planning and Development Councils encompassing the five participating counties;

And,

On page five, section seven, by striking out all of subdivision (14).

With the further amendment, sponsored by Delegate Vance, being as follows:

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

"**ARTICLE 2Q. SOUTHERN COALFIELD RESILIENCY PROGRAM.**

§5B-2Q-1. Short Title.

This article shall be known as cited as the “Southern Coalfield Resiliency Program Act”.

§5B-2Q-2. Legislative purpose; findings; intent.

(a) The impact of excessive and economically biased federal regulations on the domestic coal-fired electricity market has led to a profound and significant injury to the coal industry in Boone, Logan, McDowell, Mingo and Wyoming Counties, and has resulted in a dramatic negative economic impact on the Southern Coalfield area of West Virginia.

(b) The purpose of this section is to establish the Southern Coalfield Resiliency and Revitalization Program. To further this purpose, this program creates a collaboration among state government, higher education, and private and nonprofit sectors to streamline and increase technical, agricultural, and economic assistance capacity, continue and increase existing services and other resources to facilitate community revitalization in the southern coalfield area.

(c) It is the intent of the Legislature to identify resources that can be prioritized to support the counties of the southern coalfield area, generate thoughtful and responsible ideas to mitigate the negative effects of the currently injured coal industry, and help chart a new course and prosperous future for the Southern Coalfield.

§5B-2Q-3. Definitions.

Terms defined in this section have the meanings ascribed to them by this section, unless a different meaning is clearly required by either the context in which the term is used, or by specific definition in this section.

(1) 'Contributing partners' means those entities or their representatives described in subsection (f) of this section.

(2) 'Department' means the West Virginia Department of Economic Development.

(3) 'Program' means the Southern Coalfield Resiliency and Revitalization Program established in this section.

(4) 'Revitalization council' means those entities or their representatives described in subsection (d) of this section.

(5) 'Technical assistance' means resources provided by the state, revitalization council, contributing partners or any other individuals or entities providing programming, funding, or other support to benefit the counties in the Southern Coal field area of West Virginia under the program.

(6) 'Southern Coalfield' means an area defined by the department that encompasses Boone, Logan, McDowell, Mingo, and Wyoming counties.

(7) 'Southern Coalfield Resiliency and Revitalization Program' means the entire process undertaken to further the goals of this section, including collaboration development and implementation between the members, contributors, and technical assistance resource providers.

§5B-2Q-4. Southern Coalfield Resiliency and Revitalization Program established; duration.

(a) The department shall establish the Southern Coalfield Resiliency and Revitalization Program in accordance with the provisions of this section, subject to the availability of funding necessary to support the program: *Provided*, That the department may not create any new positions or hire any additional employees to implement the provisions of this article.

(b) The program shall inventory existing assets and resources, prioritize planning and technical assistance, and determine such other assistance as might be available to revitalize communities in the counties in the southern coalfield area.

(c) The program shall be established for an initial period of five years from the effective date of this legislation.

§5B-2Q-5. Revitalization Council created.

(a) There is hereby created a revitalization council to fulfill the purposes of this section. The revitalization council shall be coordinated by the department and be subject to oversight by the secretary of the department.

(b) The following entities shall serve as members of the revitalization council:

(1) The secretary of the department or their designee, who shall serve as chairperson of the council;

(2) The Secretary of the Department of Health or his or her designee;

(3) The Secretary of the Department of Human Services or his or her designee;

(4) The Commissioner of the Department of Agriculture or his or her designee;

(5) The Executive Director of the West Virginia Housing Development Fund or his or her designee;

(6) A representative from the Boone County Commission;

(7) A representative from the Logan County Commission;

(8) A representative from the McDowell County Commission;

(9) A representative from the Mingo County Commission;

(10) A representative from the Wyoming County Commission;

(11) A representative from Southern West Virginia Community and Technical College;

(12) A representative from West Virginia University;

(13) A representative from Marshall University;

(14) The County Directors of Economic Development from Boone County, Logan County, McDowell County, Mingo County, and Wyoming County; and

(15) The President of West Virginia University Technical College.

(c) Council members may not be compensated for their services or reimbursed for their expenses.

(d) The Department of Health, the Department of Human Services, the Department of Agriculture, and the West Virginia Housing Development fund may not create any new positions or hire any additional employees to implement the provisions of this article.

§5B-2Q-6. Duties of the revitalization council.

(a) The council shall identify resources that can be prioritized to support economic development efforts in the Southern Coalfield counties.

(b) The council shall direct existing resources in a unified effort and in conjunction with contributing partners, as applicable, to support the Southern Coalfield counties.

(c) The council shall develop a rapid response strategy to attract or develop new enterprises and job creating opportunities in the Southern Coalfield counties.

(d) The council shall conduct or commission a comprehensive assessment of assets available at the reclaimed mine sites and abandoned industrial complexes and closed businesses and determine how those assets will be preserved and repurposed, or marketed to interested industrial parties.

(e) The council shall assist communities in the Southern Coalfield counties by developing economic policy recommendations to diversify and advance the communities.

(f) Members of the council shall support both the planning and implementation for the program and shall give priority wherever possible to programmatic activity and discretionary, noncompetitive funding during the period the program remains in effect.

(g) Members of the council shall work together to leverage funding or other agency resources to benefit efforts to revitalize the Southern Coalfield counties.

§5B-2Q-7. Contributing partners.

To the extent possible, the revitalization council shall incorporate the resources and expertise of additional providers of technical assistance to support the program, which shall include but not be limited to:

(1) The West Virginia Small Business Development Center;

(2) The Center for Rural Health Development;

(3) The West Virginia University Encova Center for Innovation and Entrepreneurship;

(4) The West Virginia University Land Use and Sustainability Law Clinic;

(5) The West Virginia University Davis College Research, Education and Outreach Centers;

(6) The West Virginia University County Extension services;

(7) The Rahall Transportation Institute;

(8) The Marshall University Center for Business and Economic Research;

(9) West Virginia Small Business Association;

(10) The West Virginia Community Development Hub;

(11) The West Virginia Brownfields Assistance Center at Marshall University;

(12) West Virginia State University Extension Services; and

(13) West Virginia University Extension Services Agriculture, Community, Health, Economic, and Workforce Development Programs; and

(14) A representative from the Regional Planning and Development Councils encompassing the five participating counties.

§5B-2Q-8. Reporting and agency accountability.

The revitalization council, in coordination with its contributing partners, as applicable, shall report annually to the Governor and the Joint Committee on Government and Finance detailing the progress of the technical assistance support provided by the program, the strategic plan for the Southern Coalfield counties and the results of these efforts.

§5B-2Q-9. Economic incentives for businesses investing in the Southern Coalfield counties.

The department and the revitalization council, as applicable, will work to educate businesses investing or interested in investing in the Southern Coalfield about the availability of, and access to, economic development assistance, including but not limited to, the economic opportunity tax credit provided in §11-13Q-19 of this code; the manufacturing investment tax credit provided under §11-13S-1 *et seq.* of this code; and any other applicable tax credit or development assistance.

§5B-2Q-10. Use of state property and equipment; prioritization.

The program shall prioritize and seek to leverage West Virginia's natural, native resources and industries, including the manufacture of value-added or finished products from raw materials or agriculture commodities sourced in West Virginia. The program shall prioritize and seek to assist existing industries to expand where possible and identify opportunities for synergistic relationships between native West Virginia businesses. The program shall prioritize and seek to leverage West Virginia's natural, self-sufficient, and reliable forms of energy such as coal, oil, and natural gas, to decrease the overall cost of manufacturing in the Southern Coalfield and enhance industrial efforts."

The Speaker subsequently stated the House would return to further consideration of the message on Com. Sub. for H. B. 5223.

A message from the Senate, by

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

Com. Sub. for S. B. 631, Prohibiting municipalities from disconnecting water service for nonpayment of stormwater fees.

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

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

"**CHAPTER 16. PUBLIC HEALTH.**

ARTICLE 13. SEWAGE WORKS AND STORMWATER WORKS.

§16-13-16. Rates for service; deposit required for new customers; forfeiture of deposit; reconnecting deposit; tenant's deposit; change or readjustment; hearing; ~~lien and recovery; discontinuance of services~~ appeals board.

(a) A governing body has the power and duty, by ordinance, to establish and maintain just and equitable rates, fees, or charges for the use of and the service rendered by:

~~(a)~~(1) Sewerage works, to be paid by the owner of each lot, parcel of real estate or building that is connected with and uses the works by or through any part of the sewerage system of the municipality or that in any way uses or is served by the works; and

~~(b)~~(2) Stormwater works, to be paid by the owner of each lot, parcel of real estate or building that in any way uses or is served by the stormwater works or whose property is improved or protected by the stormwater works or any user of such stormwater works.

~~(c)~~ (b) The governing body may change and readjust the rates, fees, or charges from time to time. However, no rates, fees, or charges for stormwater services may be assessed against highways, road and drainage easements or stormwater facilities constructed, owned, or operated by the West Virginia Division of Highways.

~~(d)~~ (c) All new applicants for service shall indicate to the governing body whether they are an owner or tenant with respect to the service location. An entity providing stormwater service shall provide a ~~tenant~~ new applicant for service a report of the stormwater fee charged for the entire property and, if ~~appropriate~~ the new applicant is a tenant, that portion of the fee to be assessed to the tenant. Any municipality that provides stormwater utilities shall form a municipal stormwater appeals board. The board shall consist of a member of the stormwater utility board, a municipal council member, and a rate payer. New applicants for service may appeal the estimated residential usage or equivalent dwelling usage to the board. Any such appeal must be brought within 60 days of receiving the report of the stormwater fee.

~~(e)~~(d) The governing body may collect from all new applicants for service a deposit of $50 or two twelfths of the average annual usage of the applicant's specific customer class, whichever is greater, to secure the payment of service rates, fees, and charges in the event ~~they~~ he or she ~~become~~ becomes delinquent as provided in this section. In any case where a deposit is forfeited to pay service rates, fees, and charges which were delinquent at the time of disconnection or termination of service, service may not be reconnected or reinstated by the governing body until another deposit equal to $50 or a sum equal to two twelfths of the average usage for the applicant's specific customer class, whichever is greater, is remitted to the governing body. After 12 months of prompt payment history, the governing body shall return the deposit to the customer or credit the customer's account with interest at a rate as the Public Service Commission may prescribe: *Provided,* That where the customer is a tenant, the governing body is not required to return the deposit until the time the tenant discontinues service with the governing body. ~~Whenever any rates, fees, rentals, or charges for services or facilities furnished remain unpaid for a period of 20 days after they become due, the user of the services and facilities provided is delinquent. The user is liable until all rates, fees, and charges are fully paid. The governing body may, under reasonable rules promulgated by the Public Service Commission, shut off and discontinue water services to a delinquent user of sewer facilities 10 days after the sewer services become delinquent regardless of whether the governing body utilizes the security deposit to satisfy any delinquent payments: *Provided, however,* That nothing contained within the rules of the Public Service Commission may require agents or employees of the governing body to accept payment at the customer's premises in lieu of discontinuing service for a delinquent bill.~~

~~(f)~~ (e) The rates, fees, or charges shall be sufficient in each year for the payment of the proper and reasonable expense of operation, repair, replacements and maintenance of the works and for the payment of the sums herein required to be paid into the sinking fund. Revenues collected pursuant to this section shall be considered the revenues of the works.

~~(g)~~ (f) No such rates, fees, or charges may be established until after a public hearing, at which all the users of the works and owners of property served or to be served thereby and others interested shall have an opportunity to be heard concerning the proposed rates, fees or charges.

~~(h)~~ (g) After introduction of the ordinance fixing the rates, fees or charges, and before the same is finally enacted, notice of the hearing, setting forth the proposed schedule of rates, fees or charges, shall be given by publication as a Class I legal advertisement in compliance with §59-3-1 *et seq.* of this code and the publication area for the publication shall be the municipality. The first publication shall be made at least five days before the date fixed in the notice for the hearing.

~~(i)~~ (h) After the hearing, which may be adjourned, from time to time, the ordinance establishing rates, fees or charges, either as originally introduced or as modified and amended, shall be passed and put into effect. A copy of the schedule of the rates, fees, and charges shall be kept on file in the office of the board having charge of the operation of the works, and also in the office of the clerk of the municipality, and shall be open to inspection by all parties interested. The rates, fees, or charges established for any class of users or property served shall be extended to cover any additional premises thereafter served which fall within the same class, without the necessity of any hearing or notice.

~~(j)~~ (i) Any change or readjustment of the rates, fees, or charges may be made in the same manner as the rates, fees, or charges were originally established as hereinbefore provided: *Provided,* That if a change or readjustment be made substantially pro rata, as to all classes of service, no hearing or notice shall be required. ~~The aggregate of the rates, fees, or charges shall always be sufficient for the expense of operation, repair and maintenance and for the sinking fund payments.~~

~~(k) All rates, fees, or charges, if not paid when due, shall constitute a lien upon the premises served by the works. If any service rate, fee, or charge is not paid within 20 days after it is due, the amount thereof, together with a penalty of 10 percent and a reasonable attorney's fee, may be recovered by the board in a civil action in the name of the municipality. The lien may be foreclosed against the lot, parcel of land or building in accordance with the laws relating thereto. Where both water and sewer services are furnished by any municipality to any premises, the schedule of charges may be billed as a single amount or individually itemized and billed for the aggregate thereof.~~

~~(l) Whenever any rates, rentals, fees or charges for services or facilities furnished shall remain unpaid for a period of 20 days after they become due, the property and the owner thereof, as well as the user of the services and facilities shall be delinquent until such time as all rates, fees, and charges are fully paid. When any payment for rates, rentals, fees or charges becomes delinquent, the governing body may use the security deposit to satisfy the delinquent payment.~~

~~(m) The board collecting the rates, fees, or charges shall be obligated under reasonable rules to shut off and discontinue both water and sewer services to all delinquent users of water sewer or stormwater facilities and shall not restore either water facilities or sewer facilities to any delinquent user of any such facilities until all delinquent rates, fees, or charges for water sewer, and stormwater facilities, including reasonable interest and penalty charges, have been paid in full, as long as the actions are not contrary to any rules or orders of the Public Service Commission: *Provided,* That nothing contained within the rules of the Public Service Commission may be considered to require any agents or employees of the municipality or governing body to accept payment at the customer's premises in lieu of discontinuing service for a delinquent bill~~.

§16-13-16a. Discontinuance of services; lien and recovery.

(a) Whenever any rates, fees, rentals, or charges for services or facilities furnished remain unpaid for a period of 20 days after they become due, the user of the services and facilities

provided is delinquent. The user is liable until all rates, fees, and charges are fully paid. When any payment for rates, rentals, fees or charges becomes delinquent, the governing body may use the security deposit collected in accordance with §16-13-16 to satisfy the delinquent payment.

(b) The governing body may, under reasonable rules promulgated by the Public Service Commission, shut off and discontinue water services to a delinquent user of sewer facilities 10 days after the sewer services become delinquent regardless of whether the governing body utilizes the security deposit to satisfy any delinquent payments: *Provided, however*, That nothing contained within the rules of the Public Service Commission may require agents or employees of the governing body to accept payment at the customer's premises in lieu of discontinuing service for a delinquent bill.

(c) The board collecting the rates, fees, or charges shall be obligated under reasonable rules to shut off and discontinue both water and sewer services to all delinquent users of water or sewer facilities and shall not restore either water facilities or sewer facilities to any delinquent user of any such facilities until all delinquent rates, fees, or charges for water and sewer facilities, including reasonable interest and penalty charges, have been paid in full, as long as the actions are not contrary to any rules or orders of the Public Service Commission: *Provided*, That nothing contained within the rules of the Public Service Commission may be considered to require any agents or employees of the municipality or governing body to accept payment at the customer's premises in lieu of discontinuing service for a delinquent bill.

(d) The governing body or the board collecting the rates, fees, or charges may shut off and discontinue water services to users with delinquent stormwater fees, provided that:

(1) The water service and stormwater fee are in the name of the same user;

(2) The rates, fees, or charges incurred by the user are at least 90 days past due;

(3) The provider has given the user written notice of termination of water service for nonpayment. Such notice must be given to the user at least 10 days before the termination of service and must notify the user of their right to enter into a deferred payment plan;

(4) The provider has attempted to make personal contact with the user at least two times in the 24 hours immediately before the termination of the service. If the provider makes personal contact with the user, the provider must inform the user of their right to enter into a deferred payment plan.

(5) The water service for a user who has entered into a deferred payment plan under this subsection may not be shut off or discontinued as long as the user is in conformance with the agreed to payment plan. In the event the user falls out of compliance with the deferred payment plan, no sooner than five days after the missed payment, the provider may terminate service: *Provided,* That the provider must make one attempt to make personal contact with the user in the 24 hours immediately before the termination of the service.

(e) All rates, fees, or charges, if not paid when due, shall constitute a lien upon the premises served by the works. If any service rate, fee, or charge is not paid within 20 days after it is due, the amount thereof, together with a penalty of 10 percent and a reasonable attorney's fee, may be recovered by the board in a civil action in the name of the municipality. The lien may be foreclosed against the lot, parcel of land or building in accordance with the laws relating thereto. Where both water and sewer services are furnished by any municipality to any premises, the

schedule of charges may be billed as a single amount or individually itemized and billed for the aggregate thereof.

ARTICLE 13A. PUBLIC SERVICE DISTRICTS.

§16-13A-9. Rules; service rates and charges; discontinuance of service; required water and sewer connections; lien for delinquent fees.

(a)(1) The board may make, enact, and enforce all needful rules in connection with the acquisition, construction, improvement, extension, management, maintenance, operation, care, protection, and the use of any public service properties owned or controlled by the district. The board shall establish, in accordance with this article, rates, fees, and charges for the services and facilities it furnishes, which shall be sufficient at all times, notwithstanding the provisions of any other law or laws, to pay the cost of maintenance, operation, and depreciation of the public service properties and principal of and interest on all bonds issued, other obligations incurred under the provisions of this article, and all reserve or other payments provided for in the proceedings which authorized the issuance of any bonds under this article. The schedule of the rates, fees, and charges may be based upon:

(A) The consumption of water or gas on premises connected with the facilities, taking into consideration domestic, commercial, industrial, and public use of water and gas;

(B) The number and kind of fixtures connected with the facilities located on the various premises;

(C) The number of persons served by the facilities;

(D) Any combination of paragraphs (A), (B), and (C) of this subdivision; or

(E) Any other basis or classification which the board may determine to be fair and reasonable, taking into consideration the location of the premises served and the nature and extent of the services and facilities furnished. However, no rates, fees, or charges for stormwater services may be assessed against highways, road, and drainage easements or stormwater facilities constructed, owned, or operated by the West Virginia Division of Highways.

(2) The board of a public service district with at least 4,500 customers and annual combined gross revenue of $3 million providing water or sewer service separately or in combination may make, enact, and enforce all needful rules in connection with the enactment or amendment of rates, fees, and charges of the district. At a minimum, these rules shall provide for:

(A) Adequate prior public notice of the contemplated rates, fees, and charges by causing a notice of intent to effect such a change to be provided to the customers of the district for the month immediately preceding the month in which the contemplated change is to be considered at a hearing by the board. The notice shall include a statement that a change in rates, fees, and charges is being considered, the time, date, and location of the hearing of the board at which the change will be considered, and that the proposed rates, fees, and charges are on file at the office of the district for review during regular business hours. The notice shall be printed on, or mailed with, the monthly billing statement, or provided in a separate mailing.

(B) Adequate prior public notice of the contemplated rates, fees, and charges by causing to be published, after the first reading and approval of a resolution of the board considering the

revised rates, fees, and charges but not less than one week prior to the public hearing of the board on the resolution, as a Class I legal advertisement, of the proposed action, in compliance with the provisions of §59-3-1 *et seq.* of this code. The publication area for publication shall be all territory served by the district. If the district provides service in more than one county, publication shall be made in a newspaper of general circulation in each county that the district provides service.

(C) The public notice of the proposed action shall summarize the current rates, fees, and charges and the proposed changes to said rates, fees, and charges; the date, time, and place of the public hearing on the resolution approving the revised rates, fees, and charges, and the place or places within the district where the proposed resolution approving the revised rates, fees, and charges may be inspected by the public. A reasonable number of copies of the proposed resolution shall be kept at the place or places and be made available for public inspection. The notice shall also advise that interested parties may appear at the public hearing before the board and be heard with respect to the proposed revised rates, fees, and charges.

(D) The resolution proposing the revised rates, fees, and charges shall be read at two meetings of the board with at least two weeks intervening between each meeting. The public hearing may be conducted by the board prior to, or at, the meeting at which the resolution is considered for adoption on the second reading.

(E) Rates, fees, and charges approved by resolution of the board shall be forwarded in writing to the county commission with the authority to appoint the members of the board. The county commission shall publish notice of the proposed revised rates, fees, and charges by a Class I legal advertisement in compliance with the provisions of §59-3-1 *et seq.* of this code. Within 45 days of receipt of the proposed rates, fees, and charges, the county commission shall take action to approve, modify, or reject the proposed rates, fees, and charges, in its sole discretion. If, after 45 days, the county commission has not taken final action to approve, modify, or reject the proposed rates, fees, and charges, as presented to the county commission, <u>the proposed rates, fees, and charges</u> shall be effective with no further action by the board or county commission. In any event, this 45-day period shall be mandatory unless extended by the official action of both the board proposing the rates, fees, and charges, and the appointing county commission.

(F) Enactment of the proposed or modified rates, fees, and charges shall follow an affirmative vote by the county commission and shall be effective no sooner than 45 days following action. The 45-day waiting period may be waived by public vote of the county commission only if the commission finds and declares the district to be in financial distress such that the 45-day waiting period would be detrimental to the ability of the district to deliver continued and compliant public services.

(G) The public service district, or a customer aggrieved by the changed rates or charges who presents to the circuit court a petition signed by at least 750 customers or 25 percent of the customers served by the public service district, whichever is fewer, when dissatisfied by the approval, modification, or rejection by the county commission of the proposed rates, fees, and charges under the provisions of this subdivision may file a complaint regarding the rates, fees, and charges resulting from the action of, or failure to act by, the county commission in the circuit court of the county in which the county commission sits: *Provided*, That any complaint or petition filed hereunder shall be filed within 30 days of the county commission's final action approving, modifying, or rejecting the rates, fees, and charges, or the expiration of the 45-day period from the receipt by the county commission, in writing, of the rates, fees, and charges approved by resolution of the board, without final action by the county commission to approve, modify, or reject

the rates, fees, and charges, and the circuit court shall resolve the complaint: *Provided, however*, That the rates, fees, and charges so fixed by the county commission, or those adopted by the district upon which the county commission failed to act, shall remain in full force and effect, until set aside, altered, or amended by the circuit court in an order to be followed in the future.

(3) Where water, sewer, stormwater, or gas services, or any combination thereof, are all furnished to any premises, the schedule of charges may be billed as a single amount for the aggregate of the charges. The board shall require all users of services and facilities furnished by the district to designate on every application for service whether the applicant is a tenant or an owner of the premises to be served. If the applicant is a tenant, he or she shall state the name and address of the owner or owners of the premises to be served by the district. Notwithstanding the provisions of §24-3-8 of this code to the contrary, all new applicants for service shall deposit the greater of a sum equal to two twelfths of the average annual usage of the applicant's specific customer class or $50 with the district to secure the payment of service rates, fees, and charges in the event they become delinquent as provided in this section. If a district provides both water and sewer service, all new applicants for service shall deposit the greater of a sum equal to two twelfths of the average annual usage for water service or $50 and the greater of a sum equal to two twelfths of the average annual usage for wastewater service of the applicant's specific customer class or $50. In any case where a deposit is forfeited to pay service rates, fees, and charges which were delinquent at the time of disconnection or termination of service, no reconnection or reinstatement of service may be made by the district until another deposit equal to the greater of a sum equal to two twelfths of the average usage for the applicant's specific customer class or $50 has been remitted to the district. After 12 months of prompt payment history, the district shall return the deposit to the customer or credit the customer's account at a rate as the Public Service Commission may prescribe: *Provided*, That where the customer is a tenant, the district is not required to return the deposit until the time the tenant discontinues service with the district. Whenever any rates, fees, rentals, or charges for services or facilities furnished remain unpaid for a period of 20 days after the same become due and payable, the user of the services and facilities provided is delinquent and the user is liable at law until all rates, fees, and charges are fully paid. The board may, under reasonable rules promulgated by the Public Service Commission, shut off and discontinue water or gas services to all delinquent users of either water or gas facilities, or both, 10 days after the water or gas services become delinquent: *Provided, however*, That nothing contained within the rules of the Public Service Commission may be considered to require any agents or employees of the board to accept payment at the customer's premises in lieu of discontinuing service for a delinquent bill: *Provided further,* That the water service for a user may not be shut off or discontinued for the nonpayment of a stormwater fee except as provided in subsections (i) and (j) of this section.

(b) If any publicly or privately owned utility, city, incorporated town, other municipal corporation or other public service district included within the district owns and operates separate water facilities, sewer facilities, or stormwater facilities, and the district owns and operates another kind of facility, either water or sewer, or both, as the case may be, then the district and the publicly or privately owned utility, city, incorporated town or other municipal corporation, or other public service district shall covenant and contract with each other to shut off and discontinue the supplying of water service for the nonpayment of sewer ~~or stormwater~~ service fees and charges: *Provided*, That any contracts entered into by a public service district pursuant to this section shall be submitted to the Public Service Commission for approval. Any public service district which provides water and sewer service, water and stormwater service or water, sewer, and stormwater service has the right to terminate water service for delinquency in payment of water or sewer ~~or stormwater~~ bills. Where one public service district is providing sewer service and another public service district or a municipality included within the boundaries of the sewer or stormwater district

is providing water service and the district providing sewer or stormwater service experiences a delinquency in payment, the district or the municipality included within the boundaries of the sewer or stormwater district that is providing water service, upon the request of the district providing sewer or stormwater service to the delinquent account, shall terminate its water service to the customer having the delinquent sewer ~~or stormwater~~ account: *Provided, however*, That any termination of water service must comply with all rules and orders of the Public Service Commission: *Provided further*, That nothing contained within the rules of the Public Service Commission shall be deemed to require any agents or employees of the public service districts to accept payment at the customer's premises in lieu of discontinuing service for a delinquent bill: *And provided further,* That the water service for a user may not be shut off or discontinued for the nonpayment of a stormwater fee except as provided in subsections (i) and (j) of this section.

(c) Any district furnishing sewer facilities within the district may require or may, by petition to the circuit court of the county in which the property is located, compel or may require the Bureau for Public Health to compel all owners, tenants, or occupants of any houses, dwellings, and buildings located near any sewer facilities where sewage will flow by gravity or be transported by other methods approved by the Bureau for Public Health, including, but not limited to, vacuum and pressure systems, approved under the provisions of §16-1-9 of this code, from the houses, dwellings, or buildings into the sewer facilities, to connect with and use the sewer facilities and to cease the use of all other means for the collection, treatment, and disposal of sewage and waste matters from the houses, dwellings, and buildings where there is gravity flow or transportation by any other methods approved by the Bureau for Public Health, including, but not limited to, vacuum and pressure systems, approved under the provisions of §16-1-9 of this code and the houses, dwellings, and buildings can be adequately served by the sewer facilities of the district and it is declared that the mandatory use of the sewer facilities provided for in this subsection is necessary and essential for the health and welfare of the inhabitants and residents of the districts and of the state. If the public service district requires the property owner to connect with the sewer facilities even when sewage from dwellings may not flow to the main line by gravity and the property owner incurs costs for any changes in the existing dwellings' exterior plumbing in order to connect to the main sewer line, the public service district board shall authorize the district to pay all reasonable costs for the changes in the exterior plumbing, including, but not limited to, installation, operation, maintenance, and purchase of a pump or any other method approved by the Bureau for Public Health. Maintenance and operation costs for the extra installation should be reflected in the users charge for approval of the Public Service Commission. The circuit court shall adjudicate the merits of the petition by summary hearing to be held not later than 30 days after service of petition to the appropriate owners, tenants, or occupants.

(d) Whenever any district has made available sewer facilities to any owner, tenant, or occupant of any house, dwelling, or building located near the sewer facility and the engineer for the district has certified that the sewer facilities are available to and are adequate to serve the owner, tenant, or occupant and sewage will flow by gravity or be transported by other methods approved by the Bureau for Public Health from the house, dwelling, or building into the sewer facilities, the district may charge, and the owner, tenant, or occupant shall pay, the rates and charges for services established under this article only after 30 days' notice of the availability of the facilities has been received by the owner, tenant, or occupant. Rates and charges for sewage services shall be based upon actual water consumption or the average monthly water consumption based upon the owner's, tenant's, or occupant's specific customer class.

(e) The owner, tenant, or occupant of any real property may be determined and declared to be served by a stormwater system only after each of the following conditions is met: (1) The district has been designated by the Environmental Protection Agency as an entity to serve a West

Virginia Separate Storm Sewer System community, as defined in 40 C. F. R. § 122.26; (2) the district's authority has been properly expanded to operate and maintain a stormwater system; (3) the district has made available a stormwater system where stormwater from the real property affects or drains into the stormwater system; and (4) the real property is located in the Municipal Separate Storm Sewer System's designated service area. It is further hereby found, determined, and declared that the mandatory use of the stormwater system is necessary and essential for the health and welfare of the inhabitants and residents of the district and of the state. The district may charge and the owner, tenant, or occupant shall pay the rates, fees, and charges for stormwater services established under this article only after 30 days' notice of the availability of the stormwater system has been received by the owner. An entity providing stormwater service shall provide a tenant a report of the stormwater fee charged for the entire property and, if appropriate, that portion of the fee to be assessed to the tenant.

(f) All delinquent fees, rates, and charges of the district for either water facilities, sewer facilities, gas facilities, or stormwater systems or stormwater management programs are liens on the premises served of equal dignity, rank, and priority with the lien on the premises of state, county, school, and municipal taxes. Nothing contained within the rules of the Public Service Commission may require agents or employees of the public service districts to accept payment at the customer's premises in lieu of discontinuing service for a delinquent bill. In addition to the other remedies provided in this section, public service districts are granted a deferral of filing fees or other fees and costs incidental to the bringing and maintenance of an action in magistrate court for the collection of delinquent water, sewer, stormwater, or gas bills. If the district collects the delinquent account, plus reasonable costs, from its customer or other responsible party, the district shall pay to the magistrate the normal filing fee and reasonable costs which were previously deferred. In addition, each public service district may exchange with other public service districts a list of delinquent accounts: *Provided,* That an owner of real property may not be held liable for the delinquent rates or charges for services or facilities of a tenant, nor may any lien attach to real property for the reason of delinquent rates or charges for services or facilities of a tenant of the real property unless the owner has contracted directly with the public service district to purchase the services or facilities.

(g) Anything in this section to the contrary notwithstanding, any establishment, as defined in §22-11-3 of this code, now or hereafter operating its own sewage disposal system pursuant to a permit issued by the Department of Environmental Protection, as prescribed by §22-11-11 of this code, is exempt from the provisions of this section.

(h) Notwithstanding any code provision to the contrary, a public service district may accept payment for all fees and charges due, in the form of a payment by a credit or check card transaction or a direct withdrawal from a bank account. The public service district may set a fee to be added to each transaction equal to the charge paid by the public service district for use of the credit or check card or direct withdrawal by the payor. The amount of the fee shall be disclosed to the payor prior to the transaction and no other fees for the use of a credit or check card or direct withdrawal may be imposed upon the payor and the whole of the charge or convenience fee shall be borne by the payor: *Provided*, That to the extent a public service district desires to accept payments in the forms described in this subsection and does not have access to the equipment or receive the services necessary to do so, the public service district shall first obtain three bids for services and equipment necessary to affect the forms of transactions described in this subsection and use the lowest qualified bid received. Acceptance of a credit or check card or direct withdrawal as a form of payment shall comport with the rules and requirements set forth by the credit or check card provider or banking institution.

(i) The board collecting the rates, fees, or charges may shut off and discontinue water services to users with delinquent stormwater fees, provided that:

(1) The water service and stormwater fee are in the name of the same user;

(2) The rates, fees, or charges incurred by the user are at least 90 days past due;

(3) The provider has given the user written notice of termination of water service for nonpayment. Such notice must be given to the user at least 10 days before the termination of service and must notify the user of the user's right to enter into a deferred payment plan;

(4) The provider has attempted to make personal contact with the user at least twice in the 24 hours immediately before the termination of the service. If the provider makes personal contact with the user, the provider must inform the user of the user's right to enter into a deferred payment plan.

(5) The water service for a user who has entered into a deferred payment plan under this subsection may not be shut off or discontinued as long as the user is in conformance with the agreed to payment plan. In the event the user falls out of compliance with the deferred payment plan, no sooner than five days after the missed payment, the provider may terminate service: *Provided,* That the provider must make one attempt to make personal contact with the user in the 24 hours immediately before the termination of the service.

(j) All rates, fees, or charges, if not paid when due, shall constitute a lien upon the premises served by the works. If any service rate, fee, or charge is not paid within 20 days after it is due, the amount thereof, together with a penalty of 10 percent and a reasonable attorney's fee, may be recovered by the board in a civil action in the name of the public service district. The lien may be foreclosed against the lot, parcel of land, or building in accordance with the laws relating thereto. Where water, stormwater, and sewer services are furnished by any public service district to any premises, the schedule of charges may be billed as a single amount or individually itemized and billed for the aggregate thereof.

CHAPTER 24. PUBLIC SERVICE COMMISSION.

ARTICLE 3. DUTIES AND PRIVILEGES OF PUBLIC UTILITIES SUBJECT TO REGULATIONS OF COMMISSION.

§24-3-10. Termination of water service for delinquent sewer or stormwater bills.

(a) In the event that any publicly or privately owned utility, city, incorporated town, municipal corporation, or public service district owns and operates either water facilities or sewer facilities, and a privately owned public utility or a public utility that is owned and operated by a homeowners' association owns and operates the other kind of facilities, either water or sewer, then the privately owned public utility or the homeowners' association may contract with the publicly or privately owned utility, city, incorporated town, or public service district which provides the other services to shutoff and discontinue the supplying of water service for the nonpayment of sewer service fees and charges.

(b) Any contracts entered into by a privately owned public utility or by a public utility that is owned and operated by a homeowners' association pursuant to this section must be submitted to the Public Service Commission for approval.

(c) Any privately owned public utility or any public utility that is owned and operated by a homeowners' association which provides water and sewer service to its customers may terminate water service for delinquency in payment of either water or sewer bills.

(d) Where a privately owned public utility or a public utility that is owned and operated by a homeowners' association is providing sewer service and another utility is providing water service, and the privately owned public utility or the homeowners' association providing sewer service experiences a delinquency in payment, the utility providing water service, upon the request of the homeowners' association or the privately owned public utility providing sewer service to the delinquent account, shall terminate its water service to the customer having the delinquent sewer account.

(e) Any termination of water service must comply with all rules and orders of the Public Service Commission. Nothing contained within the rules of the Public Service Commission shall be deemed to require any agents or employees of the water or sewer utility to accept payment at the customer's premises in lieu of discontinuing water service for a delinquent water or sewer bill.

(f) A publicly or privately owned utility, city, incorporated town, municipal corporation, or public service district that owns or operates water facilities, or a public utility that is owned and operated by a homeowners' association that owns or operates water facilities may not discontinue or shut off water service to its customers for delinquency in payment of stormwater fees or charges, nor may it contract with any other utility, public or private, to which it provides water service to terminate water service to customers of the other utility for delinquency in the payment of stormwater services fees and charges except as provided in subsections (g) and (h) of this section.

(g) The governing body, board, or association collecting the rates, fees, or charges may shut off and discontinue water services to users with delinquent stormwater fees, provided that:

(1) The water service and stormwater fee are in the name of the same user;

(2) The rates, fees, or charges incurred by the user are 90 days past due;

(3) The provider has given the user written notice of termination of water service for nonpayment. Such notice must be given to the user at least 10 days before the termination of service and must notify the user of the user's right to enter into a deferred payment plan;

(4) The provider has attempted to make personal contact with the user at least two times in the 24 hours immediately before the termination of the service. If the provider makes personal contact with the user, the provider must inform the user of the user's right to enter into a deferred payment plan.

(5) The water service for a user who has entered into a deferred payment plan under this subsection may not be shut off or discontinued as long as the user is in conformance with the agreed to payment plan. In the event the user falls out of compliance with the deferred payment plan, no sooner than five days after the missed payment, the provider may terminate service: *Provided,* That the provider must make one attempt to make personal contact with the user in the 24 hours immediately before the termination of the service.

(h) All rates, fees, or charges, if not paid when due, shall constitute a lien upon the premises served by the works. If any service rate, fee, or charge is not paid within 20 days after it is due,

the amount thereof, together with a penalty of 10 percent and a reasonable attorney's fee, may be recovered by the provider in a civil action in the name of the provider. The lien may be foreclosed against the lot, parcel of land, or building in accordance with the laws relating thereto. Where water, stormwater, and sewer services are furnished by any provider to any premises, the schedule of charges may be billed as a single amount or individually itemized and billed for the aggregate thereof."

And,

By amending the title of the bill to read as follows:

Com. Sub. for S. B. 631 – "A Bill to amend and reenact §16-13-16 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §16-13-16a; to amend and reenact §16-13A-9 of said code; and to amend and reenact §24-3-10 of said code, all relating to prohibiting utilities from shutting off a user's water service for nonpayment of stormwater fees without notice and compliance with certain conditions; creating board to hear appeals for assessment of estimated usage units; authorizing municipal utilities to discontinue water service to user delinquent in stormwater services fees and charges only after complying with certain requirements but imposing lien on premises served; allowing public service districts to discontinue water service to user delinquent in stormwater service fees and charges only after complying with certain requirements but imposing lien on premises served; and authorizing privately or publicly owned utilities from discontinuing water service, or contracting with other utilities to discontinue water service, for delinquency in stormwater services fees and charges only after complying with certain requirements but imposing lien on premises served."

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

The question being on the passage of the bill, the yeas and nays were taken **(Roll No. 770)**, and there were--yeas 93, nays 3, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Hansen, Rowe and Williams.

Absent and Not Voting: Bridges, Kump, Longanacre and E. Pritt.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 631) 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, to take effect January 1, 2025, a bill of the House of Delegates, as follows:

Com. Sub. for H. B. 5338, Relating to Safe Harbor for Cybersecurity Programs.

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

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

"**ARTICLE 8H. SAFE HARBOR FOR CYBERSECURITY PROGRAMS.**

§31A-8H-1. Definitions.

As used in this article:

(1) ''Business' means any limited liability company, limited liability partnership, corporation, sole proprietorship, association, or other group, however organized and whether operating for profit or not for profit, including a financial institution or bank holding company organized, chartered, or holding a license authorizing operation under the laws of this state, any other state, the United States, or any other country, or the parent or subsidiary of any of the foregoing.

'Business' does not include any body, authority, board, bureau, commission, district, or agency of the state or of any political subdivision of the state.

(2) 'Contract' means the total legal obligation resulting from the parties' agreement as affected by this article and other applicable law.

(3) 'Covered entity' means a business that accesses, maintains, communicates, or processes personal information or restricted information in or through one or more systems, networks, or services located in or outside this state.

(4) 'Data breach' means unauthorized access to and acquisition of computerized data that compromises the security or confidentiality of personal information or restricted information owned by or licensed to a covered entity and that causes, reasonably is believed to have caused, or reasonably is believed will cause a material risk of identity theft or other fraud to person or property. 'Data breach' does not include either of the following:

(A) Good faith acquisition of personal information or restricted information by the covered entity's employee or agent for the purposes of the covered entity provided that the personal information is not used for an unlawful purpose or subject to further unauthorized disclosure;

(B) Acquisition of personal information pursuant to a search warrant, subpoena, or other court order, or pursuant to a subpoena, order, or duty of a regulatory state agency.

(5) 'Distributed ledger technology' means an electronic ledger or other record of transactions or other data to which all of the following apply:

(A) The electronic ledger is uniformly ordered.

(B) The electronic ledger is redundantly maintained or processed by more than one computer or machine to guarantee the consistency or nonrepudiation of the recorded transactions or other data.

(6) 'Electronic record' means a record created, generated, sent, communicated, received, or stored by electronic means.

(7) 'Encryption' means the use of an algorithmic process to transform data into a form in which there is a low probability of assigning meaning without use of a confidential process or key.

(8) 'Individual' means a natural person.

(9)(A) 'Personal information' means any information relating to an individual who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, social security number, driver's license number or state identification card number, passport number, account number, or credit or debit card number, precise location data, biometric data, an online identifier, or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural, or social identity of that individual.

(B) 'Personal information' does not include publicly available information that is lawfully made available to the general public from federal, state, or local government records or any of the following media that are widely distributed:

(i) Any news, editorial, or advertising statement published in any bona fide newspaper, journal, or magazine, or broadcast over radio, television, or the internet.

(ii) Any gathering or furnishing of information or news by any bona fide reporter, correspondent, or news bureau to news media identified in this paragraph.

(iii) Any publication designed for and distributed to members of any bona fide association or charitable or fraternal nonprofit business.

(iv) Any type of media similar in nature to any item, entity, or activity identified in this paragraph.

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

(11) 'Redacted' means altered or truncated so that no more than the last four digits of a social security number, driver's license number, state identification card number, passport number, account number, or credit or debit card number is accessible as part of the data.

(12) 'Smart contract' means an electronic record that is an event-driven program or computerized transaction protocol that runs on a distributed, decentralized, shared, and replicated ledger that executes the term of a contract, including but not limited to, taking custody over and instructing the transfer of assets.

(13) 'Transaction' means a sale, trade, exchange, transfer, payment, or conversion of virtual currency or other digital asset or any other property or any other action or set of actions occurring between two or more persons relating to the conduct of business, commercial, or governmental affairs.

§31A-8H-2. Affirmative defenses.

(a) A covered entity seeking an affirmative defense under this chapter shall do at least one of the following:

(1) create, maintain, and comply with a written cybersecurity program that contains administrative, technical, operational, and physical safeguards for the protection of personal information and that reasonable conforms to an industry recognized cybersecurity framework, as described in §31A-8H-3; or

(2) Create, maintain, and comply with a written cybersecurity program that contains administrative, technical, and physical safeguards for the protection of both personal information and restricted information and that reasonably conforms to an industry recognized cybersecurity framework, as described in §31A-8H-3.

(b) A covered entity's cybersecurity program shall be designed to do all of the following with respect to the personal information described in division (a)(1) or (2) of this section, as applicable:

(1) Protect the security and confidentiality of the personal information;

(2) Protect against any anticipated threats or hazards to the security or integrity of the personal information;

(3) Protect against unauthorized access to and acquisition of the personal information that is likely to result in a material risk of identity theft or other fraud to the individual to whom the personal information relates.

(c) The scale and scope of a covered entity's cybersecurity program under division (A) (1) or (2) of this section, as applicable, is appropriate if it is based on all of the following factors:

(1) The size and complexity of the covered entity;

(2) The nature and scope of the activities of the covered entity;

(3) The sensitivity of the information to be protected;

(4) The cost and availability of tools to improve information security and reduce vulnerabilities;

(5) The resources available to the covered entity.

(d) (1) A covered entity that satisfies subsections (a)(1),(b), and (c) of this section is entitled to an affirmative defense to any cause of action sounding in tort that is brought under the laws of this state or in the courts of this state and that alleges that the failure to implement reasonable information security controls resulted in a data breach concerning personal information.

(2) A covered entity that satisfies subsections (a)(2), (b), and (c) of this section is entitled to an affirmative defense to any cause of action sounding in tort that is brought under the laws of this state or in the courts of this state and that alleges that the failure to implement reasonable information security controls resulted in a data breach concerning personal information or restricted information.

A covered entity satisfies all requirements of this section if its cybersecurity program reasonably conforms to an industry-recognized cybersecurity framework, as described in §31A-8H-3 of this code.

§31A-8H-3. Cybersecurity program framework.

(a) A covered entity's cybersecurity program, as described in section §31A-8H-2 of this code, reasonably conforms to an industry-recognized cybersecurity framework for purposes of this article if the cybersecurity program meets any of the following three requirements as applicable:

(1)(A) The cybersecurity program reasonably conforms to the current version of any of the following or any combination of the following, subject to paragraph (B) of this subdivision and subsection (b) of this section:

(i) The framework for improving critical infrastructure cybersecurity developed by the national institute of standards and technology.

(ii) National institute of standards and technology special publication 800-171.

(iii) National institute of standards and technology special publications 800-53 and 800-53a.

(iv) National institute of standards and technology special publication 800-76-1.

(v) The federal risk and authorization management program security assessment framework.

(vi) The center for internet security critical security controls for effective cyber defense.

(vii) The international organization for standardization/international electrotechnical commission 27000 family — information security management systems.

(viii) The Cybersecurity Maturity Model Certification at a minimum of Level 2 with external certification.

(B) When a final revision to a framework listed in paragraph (A) is published, a covered entity whose cybersecurity program reasonably conforms to that framework shall reasonably conform the elements of its cybersecurity program to the revised framework within the time frame provided in the relevant framework upon which the covered entity intends to rely to support its affirmative defense, but in no event later than one year after the publication date stated in the revision.

(2)(A) The covered entity is regulated by the state, by the federal government, or both, or is otherwise subject to the requirements of any of the laws or regulations listed below, and the cybersecurity program reasonably conforms to the entirety of the current version of any of the following, subject to paragraph (B) of this subdivision:

(i) The security requirements of the federal Health Insurance Portability and Accountability Act of 1996, as set forth in 45 C.F.R. pt. 164, subpt. C.

(ii) Title V of the federal Gramm-Leach-Bliley Act of 1999, Pub. L. No. 106-102, as amended.

(iii) The federal Information Security Modernization Act of 2014, Pub. L. No. 113-283.

(iv) The federal Health Information Technology for Economic and Clinical Health Act as set forth in 45 C.F.R. pt. 162.

(v) Any applicable rules, regulations, or guidelines for critical infrastructure protection adopted by the federal environmental protection agency, the federal cybersecurity and infrastructure security agency, or the north American reliability corporation.

(B) When a framework listed in paragraph (A) of this subdivision is amended, a covered entity whose cybersecurity program reasonably conforms to that framework shall reasonably conform the elements of its cybersecurity program to the amended framework within the time frame provided in the relevant framework upon which the covered entity intends to rely to support its

affirmative defense, but in no event later than one year after the effective date of the amended framework.

(3)(A) The cybersecurity program reasonably complies with both the current version of the payment card industry data security standard and conforms to the current version of another applicable industry-recognized cybersecurity framework listed in subdivision (a)(1) of this section, subject to paragraph (B) of this subdivision and subsection (b) of this section.

(B) When a final revision to the payment card industry data security standard is published, a covered entity whose cybersecurity program reasonably complies with that standard shall reasonably comply the elements of its cybersecurity program with the revised standard within the time frame provided in the relevant framework upon which the covered entity intends to rely to support its affirmative defense, but not later than the effective date for compliance.

(b) If a covered entity's cybersecurity program reasonably conforms to a combination of industry-recognized cybersecurity frameworks and two or more of those frameworks are revised, the covered entity whose cybersecurity program reasonably conforms to or complies with, as applicable, those frameworks shall reasonably conform the elements of its cybersecurity program to or comply with, as applicable, all of the revised frameworks within the time frames provided in the relevant frameworks but in no event later than one year after the latest publication date stated in the revisions.

§31A-8H-4. Limitation on private right of action.

This article shall not be construed to provide a private right of action, including a class action, with respect to any act or practice regulated therein.

§31A-8H-5. Security assessments; limitation on liability.

(a) Any institution of higher education in this state may offer a cybersecurity assessment program as part of an undergraduate or graduate program relating to cybersecurity to any business in the state.

(b) An institution of higher education in this state, or any employee or student thereof, offering a cybersecurity assessment program shall be immune from civil liability that arises from the failure of a covered entity to conform to the provisions of this article."

And,

By amending the title of the bill to read as follows:

Com. Sub. for H. B. 5338 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §31A-8H-1, §31A-8H-2, §31A-8H-3, §31A-8H-4, and §31A-8H-5, all relating to providing an affirmative legal defense to certain types of businesses against certain types of lawsuits claiming that the business failed to implement reasonable cybersecurity protections and that as a result, a data breach of personal information or restricted information occurred if the business creates, maintains, and complies with a written cybersecurity program that contains administrative, technical, operational, and physical safeguards for the protection of personal information as set forth in this act; defining terms; describing the requirements of the cybersecurity program; construction of article; clarifying no private cause of action provided by article; and providing immunity in certain circumstances to certain institutions

of higher education in this state that offer a cybersecurity assessment program as part of an undergraduate or graduate program relating to cybersecurity to any business 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. 771)**, 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: Akers, Coop-Gonzalez, Dillon, Fast, Fluharty, Foster, Heckert, Hornbuckle, Lewis, Longanacre, C. Pritt, Pushkin, Rowe, Steele and Young.

Absent and Not Voting: Bridges, Kump and E. Pritt.

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. 5338) passed.

Delegate Jeffries moved that the bill take effect January 1, 2025.

On this question, the yeas and nays were taken **(Roll No. 772)**, and there were--yeas 91, nays 6, absent and not voting 3, with the nays and the absent and not voting being as follows:

Nays: Coop-Gonzalez, Dillon, Fast, Fluharty, C. Pritt and Pushkin.

Absent and Not Voting: Bridges, Heckert* and Kump.

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. 5338) takes effect January 1, 2025.

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

*Note: Delegate Heckert announced that his vote did not register and that his vote preference was "Yea".

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. 5262, Relating generally to teacher's bill of rights.

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

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

"**CHAPTER 18. EDUCATION.**

ARTICLE 5. COUNTY BOARD OF EDUCATION.

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

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

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

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

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

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

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

(1) Administering cognitive, aptitude, and achievement testing programs: *Provided*, That school counselors may administer make up tests and any tests that are required for virtual students, should no other person be available to administer the test;

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

(3) Performing disciplinary actions or assigning discipline consequences;

(4) Routinely covering classes when teachers are absent or to create teacher planning time;

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

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

(7) Routinely supervising classrooms or common areas;

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

(9) Coordinating Individual Education Plans: *Provided,* That this does not preclude school counselors from otherwise participating in Individual Education Plans when appropriate;

(10) Coordinating 504 Plans: *Provided,* That this does not preclude school counselors from otherwise participating in 504 Plans when appropriate; and

(11) Coordinating Student Study Teams; *Provided,* That this does not preclude school counselors from otherwise participating in Student Study Teams when appropriate.

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

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

(A) Career Counseling and Life Planning;

(B) Career awareness;

(C) Career and life planning;

(D) Career and life success;

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

(F) Post secondary options;

(G) Academic Counseling and Personalized Planning;

(H) Academic motivation;

(I) Goal setting;

(J) Academic scheduling;

(K) Personalized Education Plans;

(L) Dual credit;

(M) Learning skills;

(N) Personal and Social Counseling;

(O) Decision making;

(P) Personal responsibility;

(Q) Conflict resolution; and

(R) Prevention.

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

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

ARTICLE 20. EDUCATION OF EXCEPTIONAL CHILDREN.

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

(a) Self-contained and resource classrooms, as well as any special education environment, shall not have a student/instructor ratio over the current limit provided for in the Individuals with Disabilities Education Act 2004 and State Board Policy 2419. A two-week waiver may be signed with the understanding that the local county board is responsible to remediate the situation while compensating the teacher with overage pay provided by the county per county or federal funds. This waiver shall be good for two weeks to allow the district time to find an additional classroom teacher. Should the district be unable to find an additional classroom teacher, the district, upon the agreement of the teacher, may submit a waiver to the state board of education. This waiver shall have the teachers signature acknowledging that although they are over the limit, they recognize that this is a dire situation.

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

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

CHAPTER 18A. SCHOOL PERSONNEL.

ARTICLE 2A. TEACHERS BILL OF RIGHTS.

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

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

(b) Not later than the 15th day before the first day of the employment term of each school year, the county board shall adopt and provide to each classroom teacher, full-time counselor, and full-time librarian employed by the district a calendar that specifies the days each employee is expected to work for that school year: *Provided*, That any supplemental duty exceeding the eight hour contracted day shall be by agreement with the employee and preapproved by the county superintendent or by his or her designee, unless the supplemental duty is the result of an unanticipated emergency, and shall be paid in accordance with the agreement between the employee and the county."

And,

By amending the title of the bill to read as follows:

Com. Sub. for H. B. 5262 – "A Bill to amend and reenact §18-5-18b of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §18-20-12; and to amend said code by adding thereto a new article, designated §18A-2A-1; all relating generally to the rights of certain school professional personnel; providing that school counselors may not perform certain duties without written agreement; requiring school counselors to participate in certain training; limiting the student/instructor ratio in self-contained and resource classrooms, as well as any special education environment; allowing for a two-week waiver with the understanding that the local county board is responsible to remediate the situation while compensating the teacher with overage pay provided by the county per county or federal funds; allowing the district upon agreement of the teacher to submit a waiver to the state board of education if the district is unable to find an additional classroom teacher; prohibiting county from submitting a waiver to exceed a certain limit of students without the written consent of the special education instructor; providing that county may not allow more than three students over the limit, even with the additional pay for the teacher; defining supplemental duty; requiring each classroom teacher, full-time counselor, and full-time librarian to be provided with a calendar that specifies the days each employee is expected to work for that school year; requiring that any supplemental duty exceeding the eight hour contracted day be by agreement with the employee unless the duty is the result of an anticipated emergency; and requiring overtime pay to be by agreement and approved by the county superintendent or designee."

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. 773)**, 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: Bridges and Kump.

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. 5262) 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. 5668, Creating the Responsible Gaming and Research Act.

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

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

"**ARTICLE. 22. STATE LOTTERY ACT.**

§29-22-30. Responsible Gaming and Research and Industry Development Act; gaming data research and analysis for scholarly purposes; higher education curriculum development; preparation of report.

(a) *Short Title* – The provisions of this section may be cited as "The Responsible Gaming and Research and Industry Development Act."

(b)(1) For the purposes of research only, West Virginia University shall be permitted to analyze transactional data and metrics of the type collected and maintained by the West Virginia Lottery as of March 1, 2024, related to gaming operations conducted in the state. For purposes of this section, "transactional data and metrics" refers to items such as demographic data, usage data, utilization of responsible gaming features, account suspension, complaints and financial information, including deposits, withdrawals, bonus usage, balance statements and bet-level data, as determined in the sole discretion of the West Virginia Lottery.

(2) Data provided by the West Virginia Lottery to West Virginia University for research purposes pursuant to this section is:

(A) To be transmitted in an anonymized manner by the West Virginia Lottery to West Virginia University, through hashing or other means, and excluding all personally identifiable information;

(B) Not a public record; and

(C) Is exempt from public inspection and copying under the West Virginia Freedom of Information Act, §29B-1-1 *et seq.* of this code.

(3) The university, upon receiving data, shall not disclose the data provided to this section to any person, except:

(A) For the purpose of conducting the research described in this section;

(B) As part of a peer-reviewed research report; or

(C) To gaming operators pursuant to a written request delivered to the West Virginia Lottery

(c) West Virginia University shall develop a new program or alter or expand existing programs to include courses, training, certificates, initiatives or other methods designated to foster innovation in gaming technology development, and prepare students for careers in racing, gaming, gaming operations, hospitality management, guest relations, entertainment, and other amenities typically offered in conjunction with gaming operations.

(d) Commencing on January 1, 2026, and continuing annually thereafter, the State Lottery Commission, or a successor agency or agencies, shall annually cause a comprehensive report to be prepared and distributed to the Joint Committee on Government and Finance on the impact of casino, video lottery, iGaming, racing, iLottery, and sports wagering on players and on the state's economy, innovation in gaming technologies and gaming operations resulting from West Virginia University's research authorized under this section, curriculum developed to educate future leaders in the state's gaming and racing industries, and policy proposals developed by the West Virginia Lottery from the research authorized under this section. The report shall be prepared and distributed with the cooperation of West Virginia University."

And,

By amending the title of the bill to read as follows:

Com. Sub. for H. B. 5668 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §29-22-30, relating to the creation of the Responsible Gaming and Research and Industry Development Act; creating a short title; providing for gaming data collection by West Virginia University; permitting sharing of such data for research purposes, exempting the data from the Freedom of Information Act; requiring and providing for preparation of the report; requiring West Virginia University of develop new programs or expand upon existing programs relating to responsible gaming, entertainment, and hospitality."

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. 774)**, and there were--yeas 68, nays 30, absent and not voting 2, with the nays and the absent and not voting being as follows:

Nays: Akers, Brooks, Burkhammer, Butler, T. Clark, Coop-Gonzalez, Dillon, Fast, Ferrell, Foggin, Foster, Gearheart, Hillenbrand, Holstein, Horst, Jeffries, Jennings, Kirby, Lewis, Linville, Longanacre, Mallow, McGeehan, Pinson, Ridenour, Ross, Steele, Street, Toney and Vance.

Absent and Not Voting: Bridges and Kump.

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. 5668) 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 concurrence in the amendment of the House of Delegates, with further amendment, and the passage, as amended, of

Com. Sub. for S. B. 679, Regulating certain plant-based derivatives, hemp-derived cannabinoid products, and Kratom.

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

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

"**CHAPTER 11. TAXATION.**

ARTICLE 16. NONINTOXICATING BEER.

§11-16-23. Revocation or suspension of license; monetary penalty; hearing assessment of costs; establishment of enforcement fund.

(a) Upon a determination by the commissioner that a licensee has: (i) Violated the provisions of §11-16-18 of this code, or of §60-1-1 *et seq.* of this code; (ii) acted in such a way as would

have precluded initial or renewal licensure; or (iii) violated any rule or order promulgated by the commissioner, he or she may:

(1) Revoke the licensee's license;

(2) Suspend the licensee's license;

(3) Place the licensee on probationary status for a period not to exceed ~~twelve~~ 12 months; and

(4) Impose a monetary penalty not to exceed ~~one thousand dollars~~ $1,000 for each violation where revocation is not imposed.

(b) Any monetary penalty assessed and collected by the commissioner shall be transmitted to the State Treasurer for deposit into the State Treasury to the credit of a special revenue fund designated the ~~"Nonintoxicating Beer Enforcement Fund"~~ Alcohol Beverage Control Enforcement Fund established by the provisions of §60-7-13 of this code. ~~which is hereby created~~. ~~All moneys collected, received and deposited in the "Nonintoxicating Beer Enforcement Fund" shall be kept and maintained for expenditures by the commissioner for the purpose of enforcement of the statutes and rules pertaining to nonintoxicating beer and shall not be treated by the State Treasurer or State Auditor as any part of the general revenue of the state. At the end of each fiscal year all funds in the nonintoxicating beer enforcement fund in excess of twenty thousand dollars shall be transferred to the General Revenue Fund~~

(c) In addition to the grounds for revocation, suspension, or other sanction of a license set forth in subsection (a) of this section, conviction of the licensee of any offense constituting a violation of the laws of this ~~State~~ state or of the United States relating to nonintoxicating beer or alcoholic liquor ~~shall be~~ are mandatory grounds for ~~such~~ sanctioning of a license. Conviction of the licensee of any violation of the laws of this State or of the United States relating to prostitution or the sale, possession, or distribution of narcotics or controlled substances ~~shall be~~ is mandatory grounds for revocation of the licensee's license for a period of at least one year.

CHAPTER 19. AGRICULTURE.

ARTICLE 12E. INDUSTRIAL HEMP DEVELOPMENT ACT.

§19-12E-12. Regulation of select plant-based derivatives; findings; industrial hemp.

(a) This section shall be known as the Select Plant-Based Derivatives Regulation Act: Industrial Hemp.

(b) The Legislature finds that ~~certain~~ select plant-based derivatives can be regulated so as not to interfere with the strict regulation of controlled substances in this state, and that the manufacturing, processing, distribution, and retail sale, or other sale of hemp-derived cannabinoid products is an activity deserving of particular, careful, and strict attention to the administration and enforcement of West Virginia standards designed to protect and safeguard the welfare and well-being of West Virginia citizens and residents. The purpose of the act is to allow limited, regulated access to ~~certain~~ select plant-based derivatives which are naturally occurring and as authorized by the provisions of this article for adults 21 years of age and older: *Provided*, That the provisions of this section shall not apply to naturally occurring select plant-based derivative products not containing tetrahydrocannabinol content. Businesses located within this state engaged in

manufacturing, processing, distributing, or sale of hemp-derived cannabinoid products and businesses located outside of this state that are engaged in the remote distribution or remote retail sale of hemp-derived cannabinoid products across state lines for delivery into this state, are subject to the permitting, labeling, and other control and administration provisions of this article. In the interest of protecting the safety, welfare, and well-being of West Virginia citizens and residents, West Virginia nexus and jurisdiction attaches for purposes of business registration, permitting, regulation, and taxation with relation to the activity of distribution or sale of hemp-derived cannabinoid products across state lines into this state. Persons located outside of this state that are engaged in distribution or sale of hemp-derived cannabinoid products across state lines into this state shall obtain a West Virginia business registration certificate as specified in §11-12-1 *et seq.* of this code and are subject to other administrative and regulatory requirements as set forth in this code.

(c) As used in this section:

(1) 'Alcohol Beverage Control Administration Commissioner' means the West Virginia Alcohol Beverage Control Administration Commissioner or his or her designees.

(2) 'Commissioner' means the Commissioner of Agriculture or his or her designees.

(3) 'Contaminated' means made impure ~~and~~ or unsafe by biological, chemical, or physical additives.

(4) 'Department' or 'Department of Agriculture' means the West Virginia Department of Agriculture.

(5) 'Final product' means a product approved by the Department in accordance with the provisions of this article, and any other applicable rules and requirements set forth by the Department, as specified for the product.

(6) 'Grower' means a person or entity which grows industrial hemp.

~~(6)~~ (7) 'Hemp-derived cannabinoid' means a naturally occurring non-synthetic substance as follows:

(A) Delta-9 tetrahydrocannabinol ~~with a concentration level consistent with 7 U.S.C. §5940~~ with a total concentration of not more than 0.3 percent on a dry weight basis; or

(B) Delta-8 tetrahydrocannabinol;

(C) Delta-10 tetrahydrocannabinol;

(D) Hexahydrocannabinol (HHC-);

(E) Tetrahydrocannabiphorol (THCp); and

(F) Tetrahydrocannabivarin (THCv).

(8) 'Non-naturally occurring derivative' means a product that is contaminated as defined by this article, or a product that, upon result of Department laboratory testing, is found to be in

violation of this article or rules promulgated therewith, or otherwise violates applicable federal regulations.

(9) 'Processor' or 'manufacturer' means a person or entity that processes compounds or converts hemp-derived cannabinoids into a hemp-derived cannabinoid product and distributes, sells, or offers for sale, hemp-derived cannabinoid products in this state on a wholesale basis to a retailer.

~~(11)~~ (10) 'Retail sales' means the sale of hemp-derived products in a commercial setting as determined and set forth in rules promulgated by the commissioner. ~~of Agriculture.~~

~~(10)~~ (11) 'Seller' or 'distributor' means a person or entity that distributes, offers for sale, or sells hemp-derived products to persons for personal consumption.

(d) Permitting and registration.

(1) The commissioner may issue manufacturer, processor, distributor, and retailer permits. Any person manufacturing, processing, distributing, offering for sale, or selling any hemp-derived cannabinoid products in this state shall have a permit issued by the commissioner and be otherwise authorized to do business in this State. ~~The commissioner may issue manufacturer, processor, distributor, and retailer permits.~~

(2) The business activity subject to permitting under this section shall be treated as separate and distinct from manufacturing, processing, distribution, or sale of kratom and kratom products addressed and administered under §19-12F-1 *et seq.* of this code, or of hemp addressed and administered under other sections of this article, or of medical cannabis addressed and administered under §16A-9-1 *et seq.* of this code.

(3) Persons engaged in manufacturing, processing, distribution, or sale of hemp-derived cannabinoid products in this state shall obtain a West Virginia business registration certificate as specified in §11-12-1 *et seq.* of this code and are subject to other administrative and regulatory requirements set forth in this code.

(4) The Tax Commissioner may place a notation on the business registration certificate showing the status of the certificate holder as a person or entity holding a permit from the commissioner pursuant to this section.

(5) The commissioner shall keep a list of all persons and entities that have been issued permits pursuant to this section. Such list shall be public information and shall be published initially on or before June 30, 2024, by the commissioner on its website from time to time so as to reflect a current listing.

(6) The commissioner shall keep a list of any persons or entities that have been subject to a permit revocation, withdrawal, suspension, non-renewal, or other process whereby the person or entity has ceased to be a permit holder in good standing with the commissioner.

(7) The commissioner shall keep a list of all hemp-derived cannabinoid products that have been approved for sale or distribution in this state. Such list shall be public information and shall be published initially on or before June 30, 2024, by the commissioner on its website from time to time so as to reflect a current listing.

(e) Rules. The commissioner ~~of Agriculture~~ shall propose legislative rules for promulgation in accordance with §29A-3-1 *et seq.* of this code that include, but are not limited to:

(1) Issuance of permits to persons who wish to manufacture, handle, process, distribute, offer for sale, or sell hemp-derived cannabinoid products;

(2) Regular sampling and testing of hemp-derived cannabinoid products to determine purity levels;

(3) Supervision of the hemp-derived cannabinoid products during their cultivation, processing, and sale;

(4) Assessment of fees as commensurate with the need of the commissioner's activities in issuing permits, laboratory testing, and in overseeing the regulation of hemp-derived products. Such fees shall be in addition to those fees specified in subsection (d) of this section;

(5) Approving the manufacture, production, sale, processing, distributing, and transport of hemp-derived cannabinoid products;

(6) Developing guidelines for the labeling of hemp-derived cannabinoid products, including, but not limited to, a statement which says 'KEEP OUT OF REACH OF CHILDREN. CONSULT YOUR PHYSICIAN BEFORE USE IF YOU ARE PREGNANT OR TAKING ANY MEDICATION' and 'USE OF THIS PRODUCT MAY IMPACT DRUG TESTING RESULTS";

(7) Developing guidelines or standards related to the display or staging of hemp-derived cannabinoid products to increase the safety of underage patrons in retail environments;

(8) Developing guidelines or standards to restrict the advertising or marketing of unapproved or unlawful products;

(9) Developing prohibitions on child-targeted packaging and shapes and forms of products;

(10) Developing administrative rules, procedures, and sanctions for violations of this section; and

(11) Any other rules and procedures necessary to carry out the purposes of this article.

(f) Emergency rules; mandatory labeling.

(1) Emergency Rules. The commissioner and the Alcohol Beverage Control Administration Commissioner may, pursuant to §29A-3-15 of this code, promulgate such separate or joint emergency rules ~~as are~~ necessary to effectuate the purposes of this article.

(2) Labeling.

(A) The commissioner shall review labels to be used on hemp-derived cannabinoid products to be sold in this state.

(B) In addition to the labeling required by the provisions of subdivision (6) of subsection (e) of this section the commissioner may require and prescribe such labeling as he or she may determine to be necessary and appropriate for hemp-derived cannabinoid products to be sold to the final consumer in this state.

(C) Hemp-derived cannabinoid products may not be sold to the final consumer in this State without an approved label.

(g) Any website owned, managed, or operated by a person who manufactures, processes, distributes, offers for sale, or sells hemp-derived cannabinoid products to persons in this state shall employ a neutral age-screening mechanism to verify legal age. The mechanism may include an age-gate, age-screen, or any other age-verification mechanism approved by the commissioner.

(h) Any person or entity distributing, offering to distribute, or selling hemp-derived cannabinoid products to persons in this state by ~~other~~ means other than a direct in-person transaction ~~may~~ shall employ an age verification mechanism approved by the commissioner. ~~of Agriculture.~~

(i) ~~In addition to all other applicable taxes, there is hereby levied an additional tax equal to 11 percent of the retail sales price on each retail sale of hemp-derived cannabinoids for the privilege of engaging in the business of selling hemp-derived cannabinoid products~~ For the privilege of engaging or continuing within this state in the business of the retail sale of hemp-derived cannabinoid products, as defined in ~~subdivision (6), subsection (a) of~~ this section, there is hereby levied upon and collected from every person exercising the privilege a privilege tax equal to 11 percent of the retail sales price on each retail sale of hemp-derived cannabinoids. Such tax is imposed in addition to all other applicable taxes.

~~(2)~~ (1) ~~The rate of tax imposed by this subsection is 11 percent of the retail sales price of hemp-derived cannabinoid products sold during the reporting period, depending upon the person's method of accounting for federal income tax purposes~~ The tax imposed by this subsection shall not be added by the retailer as a separate charge or line item on any sales slip, invoice, receipt, other statement, or memorandum of the price paid by a customer. ~~(3)~~ The tax shall be due and payable on a quarterly basis as follows: on the 20th day of January, April, July, and October for the preceding calendar quarter. When the payment of tax is due, the person or entity permitted by the commissioner shall file a tax return in a form prescribed by the Tax Commissioner. The Tax Commissioner may require such forms, schedules, and returns and impose such filing and remittance requirements that are necessary or convenient for the efficient administration of taxes imposed by this subsection.

(2) The taxes imposed by this subsection shall be paid by the person or entity permitted by the commissioner to the Tax Commissioner by electronic funds transfer unless electronic payment is prohibited by state or federal law. Tax returns required by this subsection shall be filed electronically with the Tax Commissioner.

~~(4)~~ (3) The West Virginia use tax shall be collected from sellers and marketplace facilitators as defined in §11-15A-1 of this code, and referrers engaged in making sales, facilitating sales, marketing, or referring sellers or purchasers for the purpose of making or furthering retail sales of hemp-derived cannabinoid products into this state. Such sellers, marketplace facilitators, and referrers are subject to the taxation and other requirements of §11-15A-1 *et seq.* of this code, including §11-15A-6a and §11-15A-6b of this code. Application of §11-15A-6a and §11-15A-6b of this code shall not be limited to the thresholds specified in subsection §11-15A-6b(e) of this code

but in the interest of protecting the safety, welfare, and well-being of West Virginia citizens and residents, West Virginia nexus and jurisdiction shall attach with relation to any such activity for the purpose of making or furthering retail sales of hemp-derived cannabinoid products, into this state.

~~(5)~~ (4) If any retailer does not renew its permit, relinquishes its permit, has ~~said~~ its permit to operate suspended or revoked, or otherwise ceases selling hemp-derived cannabinoid products, then any tax, additions to tax, penalties, and interest imposed by this section and by §11-10-1 *et seq.* of this code shall become due and the retailer shall make a final return or returns and pay any tax which is due within 90 days of not renewing its permit, relinquishing its permit, having its permit to operate suspended or revoked, or otherwise ceasing business. The unpaid amount of any tax is to be considered a lien.

~~(6)~~ (5) All money received from the privilege tax imposed under this ~~subsection~~ section, including any interest and additions to tax paid under §11-10-1 *et seq.* of this code, less the amount of any refunds, and less the fee retained by the Tax Commissioner pursuant to §11-10-27 of this code, shall be deposited into the Agricultural Fees Fund created by §19-1-4c of this code.

~~(7)~~ (6) Persons or entities subject to the tax imposed by this ~~subsection~~ section shall provide to the Tax Commissioner any information required by the Tax Commissioner to administer, collect, and enforce the tax imposed by this ~~subsection~~ section.

~~(8)~~ (7) Notwithstanding any provision of §11-10-1 *et seq.* of this code or of this ~~section~~ article to the contrary, the Tax Commissioner, the Alcohol Beverage Control Administration Commissioner, and the commissioner ~~shall~~ may enter into written agreements pursuant to which the Tax Commissioner ~~shall~~ may disclose to designated employees of the ~~department~~ Alcohol Beverage Control Administration Commissioner or the commissioner, or both, whether a particular retailer or permittee, or applicant for a permit, is in good standing with the Tax Commissioner, and the commissioner ~~of Agriculture shall~~ may disclose to designated employees of the Tax Commissioner or the Alcohol Beverage Control Administration Commissioner, or both, information a retailer or permittee, or applicant for a permit, provides to the commissioner pursuant to this code and the Alcohol Beverage Control Administration Commissioner may disclose to designated employees of the Tax Commissioner, or the commissioner, or both, information a retailer or permittee, or applicant for a permit, provides to the Alcohol Beverage Control Administration Commissioner pursuant to this code. Tax information disclosed pursuant to a written agreement shall remain confidential in the hands of the receiver and shall not be disclosable under §29B-1-1 *et seq.* of this code. To the extent feasible, this information should be shared or exchanged electronically to ensure safe destruction, or as necessary, proper file retention practices.

~~(9)~~ (8) The Tax Commissioner may promulgate, in accordance with the provisions of §29A-3-1 *et seq.* of this code, any necessary legislative rules, including emergency rules, as the Tax Commissioner considers necessary for the efficient administration of taxes imposed by this subsection.

(A) Funds from the tax imposed by the provisions of subdivision (1) of this subsection, less the fee retained by the Tax Commissioner pursuant to §11-10-27 of this code, and deposited in the Agricultural Fees Fund, shall be divided and deposited as follows:

(i) Sixty-five percent shall remain in the Agriculture Fees Fund for the use of the commissioner for administering and enforcing the provisions of this article;

(ii) Five percent shall be transferred to the Fight Substance Abuse Fund created by §60A-9-8 of this code; and

(iii) Thirty percent shall be deposited in the Alcohol Beverage Control Enforcement Fund established by the provisions of §60-7-13 of this code.

(B) Notwithstanding any provision in §11-9-1 *et seq.* of this code to the contrary, and as relevant to the tax imposed by ~~§16A-9-1 of this code~~ this section, the West Virginia Tax Crimes and Penalties Act set forth in §11-9-1 *et seq.* of this code shall apply with like effect as if the said West Virginia Tax Crimes and Penalties Act were applicable only to the tax imposed by ~~§16A-9-1 *et seq.* of this code~~ this section and were set forth in extenso in ~~§16A-9-1 *et seq.* of this code~~ this section.

(C) Notwithstanding any provision of §11-10-1 *et seq.* of this code, or any other provision of this code to the contrary, each and every provision of the West Virginia Tax Procedure and Administration Act as set forth in §11-10-1 *et seq.* of this code applies to the tax imposed by ~~§16A-9-1 *et seq.*~~ this section with like effect as if the said West Virginia Tax Procedure and Administration Act were applicable only to the tax imposed by ~~§16A-9-1 *et seq.* of this code~~ this section and were set forth in extenso in ~~§16A-9-1 *et seq.* of this code~~ this section.

(j) ~~All fees collected pursuant to the provisions of this subsection shall be deposited with the State Treasurer to the credit of the Agricultural Fees Fund established by the provisions of §19-1-4c of this code for the use of the Commissioner of Agriculture for administering and enforcing the provisions of this article~~

~~(k)~~(1) The provisions of this section related to retail sales shall be enforced by the commissioner ~~of Agriculture~~ with the assistance of the Alcohol Beverage Control Administration Commissioner.

~~(2)~~ (1) The commissioner ~~of Agriculture~~, the Tax Commissioner, and the Alcohol Beverage Control Administration Commissioner ~~shall~~ may enter into a memorandum or memoranda of understanding to facilitate the enforcement of this section. In addition to any other memoranda, the aforementioned commissioners may enter into, they shall agree by memorandum to the following:

(A) To assist each other in enforcement of this section;

(B) To assist each other in training and cooperating with State and local law enforcement to develop a state-wide plan for implementing the provisions of this section;

(C) To confer among themselves and law enforcement about enforcement of this section on a monthly basis; and

(D) To jointly compile a report to be submitted to the Joint Committee on Government and Finance on or before January 1, 2025, as to actions undertaken to enforce this section and the results thereof.

(2) Procedure for contested cases. Any person or entity seeking to contest an administrative action of the commissioner under this article shall assert such contestation in writing within 14 days under the provisions of the Administrative Procedures Act set forth in §29A-5-1 *et seq.* of this code in administrative proceedings held by or before the commissioner or his or her designee.

(l)(1) Any hemp-derived product found in this state in violation of this article is hereby declared contraband and any property interest in the hemp-derived product is vested in the State of West Virginia and is subject to seizure, forfeiture, and destruction.

(2) Any certified law-enforcement officer in this state ~~is authorized to~~ may enforce the criminal provisions of this section, and enforcement agents of the Alcohol Beverage Control Administration Commissioner ~~are authorized to~~ may enforce the administrative retailer provisions of this section as relating to retail sales.

(3) The commissioner shall provide the requisite training necessary to enforce the criminal and administrative provisions of this section.

(4) The ~~provisions of~~ amendments to this subsection enacted during the 2024 Regular Legislative Session are effective from passage.

(m) Any person who manufactures, processes, distributes, sells, or offers for sale any hemp-derived cannabinoid product in this state without a permit to do so is guilty of a crime.

(1) A first violation of this subsection is a misdemeanor~~,~~ and, upon conviction thereof, a person shall be fined not more than $1,000, confined in jail for not more than one year, or both fined and confined.

(2) A second or subsequent violation of this subsection is a felony and, upon conviction thereof, a person shall be fined not more than $5,000, or imprisoned in a state correctional facility for not less than one nor more than five years, or both fined and imprisoned.

(n) Any person who processes, distributes, manufactures, sells, or offers to sell any hemp-derived product knowing or having reason to know that the product has been contaminated with a toxic or illegal substance is guilty of a felony and, upon conviction thereof, shall be fined not more than $10,000, or imprisoned in a state correctional facility for not less than two nor more than 10 years, or both fined and imprisoned.

(o)(1) Any person who knowingly manufactures, processes, distributes, sells, or offers for sale any hemp-derived cannabinoid product which has not been approved by the commissioner is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than $1,000 nor more than $5,000, or confined in jail for not more than one year, or both fined and confined.

(2) Notwithstanding the provisions of subdivision (1) of this subsection, a second or subsequent violation of subdivision (1) of this subsection constitutes a felony and any person convicted thereof shall be fined not more than $5,000, or imprisoned in a state correctional facility for not less than one nor more than five years, or both fined and imprisoned.

(p) Any person who knowingly distributes, offers for sale, or sells a contaminated hemp-derived cannabinoid product is guilty of a felony and, upon conviction thereof, shall be fined not less than $10,000 nor more than $25,000, or imprisoned in a state correctional facility for not less than one nor more than five years, or both fined and imprisoned.

(q) Any person who knowingly distributes or sells hemp-derived cannabinoid product to a person under the age of 21 is guilty of a felony and, upon conviction thereof, shall be fined not more than $5,000, or imprisoned in a state correctional facility for not less than one nor more than five years, or both fined and imprisoned.

(r)(1) Any person under the age of 21 who possesses hemp-derived cannabinoid product is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than $1,000, or confined in jail for not more than one year, or both fined and confined.

(2) Notwithstanding the provisions of subdivision (1) of this subsection, second and subsequent violations of subdivision (1) of this subsection~~,~~ constitute a felony, and any person convicted thereof~~,~~ shall be fined not more than $5,000, and imprisoned in a state correctional facility for not less than one nor more than three years, or both fined and imprisoned.

(s) Administrative sanctions.

(1) In the case of any person or entity holding a permit issued by the commissioner under this article charged with any criminal violation enumerated in this section, the commissioner, in addition to such criminal penalties imposed, may impose administrative sanctions including, but not limited to, permanent revocation of any one or more permits held by the violator, revocation of one or more permits held by the violator for a period of time to be determined by the commissioner, suspension of any one or more permits held by the violator for a period of time to be determined by the commissioner, a fine or fines to any one or more permits held by the violator not to exceed $1,000 per each violation as determined by the commissioner, or non-issuance of a permit upon application of a violator. For purposes of this subsection, administrative sanctions may be imposed by the commissioner upon or against any alter ego, agent, representative, or person or entity acting on behalf of, or in the interest of, a violator.

(2) The commissioner may impose the administrative sanctions in subdivision (1) of this subsection upon any person or entity under indictment for any of the criminal violations during, and during the pendency, of a criminal trial therefor.

(t) Nothing in this article shall prohibit an authorized enforcement agent of the Alcohol Beverage Control Administration Commissioner or a person who is at least 18 years of age from purchasing or possessing hemp-derived cannabinoid products when he or she is acting upon the request of, or under the direction and control of, any member of a state, federal, or local law-enforcement agency or the Alcohol Beverage Control Administration Commissioner while the agency is conducting an investigation or other activity relating to the criminal or administrative enforcement of this section.

ARTICLE 12F. SELECT PLANT-BASED ~~PRODUCT~~ DERIVATIVES REGULATION ACT: KRATOM.

§19-12F-1. Short title. Findings.

(a)This article shall be known as the Select Plant-Based ~~Product~~ Derivatives Regulation Act: Kratom.

(b) The Legislature finds that the manufacturing, processing, distributing, and sale of kratom or kratom products is an activity deserving of particular, careful, and strict attention to the administration and enforcement of West Virginia standards designed to protect and safeguard the

welfare and well-being of West Virginia citizens and residents. Therefore, the permitting, labeling, and other control and administration provisions of this article apply to businesses located within this state engaged in manufacturing, processing, distribution, or sale of kratom or kratom products and to businesses located outside of this state that are engaged in the remote distribution or remote retail sale of kratom or kratom products across state lines for delivery into this state.

§19-12F-3. Definitions.

(1) 'Alcohol Beverage Control Administration Commissioner' means the West Virginia Alcohol Beverage Control Administration Commissioner or his or her designee.

(2) ~~'The~~ 'Commissioner' means the Commissioner of Agriculture or his or her designee.

(3) 'Contaminated' means made impure and unsafe by biological, chemical, or physical additives.

(4) 'Department' or 'Department of Agriculture' means the West Virginia Department of Agriculture.

(5) 'Kratom' means a psychoactive preparation that is composed of the crushed or powdered dried leaves of the mitragyna speciosa, a ~~yellow-f~~lowered tropical tree which contains the alkaloids mitragynine and 7-hydroxymitragynine.

(6) 'Kratom product' means a food product, food ingredient, dietary ~~agreement~~ ingredient, dietary supplement, or beverage intended or marketed for human consumption containing any part of the leaf of the plant mitragyna speciosa.

(7) '~~Manufacture~~' 'Grower' means a person or entity which grows kratom for commercial purposes.

(8) 'Processor' or 'manufacturer' means a person or entity that processes, ~~distributes, sells, or offers for sale, kratom or kratom products in this State on a wholesale basis to a retailer~~ compounds, or converts plant material from mitragyna speciosa into a kratom product. This also includes further processing, compounding, converting, or repackaging of existing kratom products.

(9) 'Retailer' or 'seller' means a person or entity that distributes, offers for sale, or sells kratom or kratom products to persons for personal consumption.

§19-12F-4. Processor and retailer permits; regulations; permitting; and registration.

(a) Any person manufacturing, processing, distributing, offering for sale, or selling any kratom or kratom products in this state shall have a permit issued by the commissioner and be otherwise authorized to do business in this state. The commissioner may issue ~~permits for manufacturers, processors, and retailers.~~ manufacturer, processor, distributor, and retailer permits. The business activity subject to permitting under this article shall be treated as separate and distinct from manufacturing, processing, distribution, or sale of hemp-derived cannabinoid products addressed and administered under §19-12E-12 of this code, or of hemp addressed and administered under §19-12E-1 *et seq.* of this code, or of medical cannabis addressed and administered under §16A-9-1 *et seq.* of this code.

(b) Persons engaged in manufacturing, processing, distribution, or sale of kratom or kratom products in this State must obtain a West Virginia business registration certificate as specified in §11-12-1 *et seq.* of this code and shall be subject to other administrative and regulatory requirements as set forth in this code.

(c) In the interest of protecting the safety, welfare, and well-being of West Virginia citizens and residents, West Virginia nexus and jurisdiction attaches for purposes of business registration, permitting, regulation and taxation with relation to the activity of distribution or sale of kratom or kratom products across State lines into this State. Persons located outside of this State that are engaged in distribution or sale of kratom or kratom products across state lines into this State must obtain a West Virginia business registration certificate as specified in §11-12-1 *et seq.* of this code and shall be subject to other administrative and regulatory requirements as set forth in this code.

(d) The Tax Commissioner may place a notation on the business registration certificate showing the status of the certificate holder as a person or entity holding a permit from the commissioner pursuant to this article.

(e) The commissioner shall keep a list of all persons and entities that have been issued permits pursuant to this article. Such list shall be public information and shall be published initially on or before June 30, 2024, by the commissioner on its website from time to time so as to reflect a current listing.

(f) The commissioner shall keep a list of any persons or entities that have been subject to a permit, revocation, withdrawal, suspension, non-renewal, or other process whereby the person or entity has ceased to be a permit holder in good standing with the commissioner.

(g) The commissioner shall keep a list of all kratom and kratom products that have been approved for sale or distribution in this State. Such list shall be public information and shall be published initially on or before June 30, 2024, by the commissioner on its website from time to time so as to reflect a current listing.

§19-12F-7. Taxation; disposition of funds.

(a) For the privilege of engaging or continuing within this state in the business of the retail sale of kratom or kratom products, there is hereby levied upon and collected from every person exercising the privilege a privilege tax equal to ~~(b) The rate of tax imposed by this subsection is 11 percent~~ 11 percent of the retail sales price of kratom or kratom products sold during the reporting period. Such tax is imposed in addition to all other applicable taxes.

(b) The tax imposed by this article shall not be added by the retailer as a separate charge or line item on any sales slip, invoice, receipt, other statement, or memorandum of the price paid by a customer.

(c) The tax ~~shall be~~ is due and payable on a quarterly basis as follows: on the 20th day of January, April, July, and October for the preceding calendar quarter. When the payment of tax is due, the person shall file a tax return in a form prescribed by the Tax Commissioner. The Tax Commissioner may require such forms, schedules, and returns and impose such filing and remittance requirements ~~that are~~ necessary or convenient for the efficient administration of taxes imposed by this subsection.

(d)(1) The taxes imposed by this subsection shall be paid to the Tax Commissioner by electronic funds transfer unless electronic payment is prohibited by state or federal law. Tax returns required by this subsection shall be filed electronically with the Tax Commissioner.

(2) The West Virginia use tax shall be collected from sellers, marketplace facilitators, and referrers engaged in making sales, facilitating sales, marketing, or referring sellers or purchasers for the purpose of making or furthering retail sales of kratom and kratom products into this state. The sellers, marketplace facilitators, and referrers are subject to the taxation and other requirements of §11-15A-1 *et seq.* of this code, including §11-15A-6a and §11-15A-6b of this code. Application of §11-15A-6a and §11-15A-6b of this code shall not be limited to the thresholds specified in subsection §11-15A-6ba(e) of this code, but in the interest of protecting the safety, welfare, and well-being of West Virginia citizens and residents, West Virginia nexus and jurisdiction shall attach with relation to any such activity for the purpose of making or furthering retail sales of kratom and kratom products into this state.

(e) If any retailer does not renew its permit, relinquishes its permit, has ~~said~~ its permit suspended or revoked, or otherwise ceases selling kratom and kratom products, then any tax, additions to tax, penalties, and interest imposed by this section and by §11-10-1 *et seq.* of this code shall become due and the retailer shall make a final return or returns and pay any tax which is due within 90 days of not renewing its permit, relinquishing its permit, having its permit suspended or revoked, or otherwise ceasing business. The unpaid amount of any tax is to be considered a lien.

(f) All money received from the privilege tax imposed under this ~~subsection~~ section, including any interest and additions to tax paid under §11-10-1 *et seq.* of this code, less the amount of any refunds, and less the fee retained by the Tax Commissioner pursuant to §11-10-27 of this code, shall be deposited into the Agricultural Fees Fund created by §19-1-4c of this code.

(g) Persons or entities subject to the tax imposed by this subsection shall provide to the Tax Commissioner any information required by the Tax Commissioner to administer, collect, and enforce the tax imposed by this subsection.

(h) Notwithstanding any provision of §11-10-1 *et seq.* of this code or of this ~~section~~ article to the contrary, the Tax Commissioner, the Alcohol Beverage Control Administration Commissioner, and the commissioner ~~of Agriculture~~ ~~shall~~ may enter into written agreements pursuant to which the Tax Commissioner ~~shall~~ may disclose to designated employees of the ~~department~~ Alcohol Beverage Control Administration Commissioner or commissioner, or both, whether a particular retailer or permittee, or applicant for a permit, is in good standing with the Tax Commissioner, and the commissioner ~~of Agriculture~~ ~~shall~~ may disclose to designated employees of the Tax Commissioner or the Alcohol Beverage Control Administration Commissioner, or both, information a retailer or permittee, or applicant for a permit, provides to the commissioner ~~of Agriculture~~ pursuant to this code and the Alcohol Beverage Control Administration Commissioner may disclose to designated employees of the Tax Commissioner, or the commissioner, or both, information a retailer or permittee, or applicant for a permit, provides to the Alcohol Beverage Control Administration Commissioner pursuant to this code. Tax information disclosed pursuant to a written agreement shall remain confidential in the hands of the receiver and shall not be disclosable under §29B-1-1 *et seq.* of this code. To the extent feasible, this information should be shared or exchanged electronically to ensure safe destruction, or as necessary, proper file retention practices.

(i) The Tax Commissioner may promulgate, in accordance with the provisions of §29A-3-1 *et seq.* of this code, any necessary legislative rules ~~as~~ the Tax Commissioner determines necessary to the efficient administration of taxes imposed by this subsection.

(1) Funds from the tax imposed by the provisions of this ~~subsection~~ article, less the fee retained by the Tax Commissioner pursuant to §11-10-27 of this code, and deposited into the Agricultural Fees Fund shall be divided and deposited as follows:

(2) Sixty-five percent shall remain in the Agriculture Fees Fund for the use of the commissioner in administering and enforcing the provisions of this article;

(3) Five percent shall be transferred to the Fight Substance Abuse Fund created by §60A-9-8 of this code; and

(4) Thirty percent shall be deposited in the Alcohol Beverage Control Enforcement Fund established by the provisions of §60-7-13 of this code.

(j) Notwithstanding any provision in §11-9-1 *et seq.* of this code to the contrary, and as relevant to the tax imposed by ~~§16A-9-1~~ this article, the West Virginia Tax Crimes and Penalties Act set forth in §11-9-1 *et seq.* of this code shall apply with like effect as if the said ~~the~~ West Virginia Tax Crimes and Penalties Act were applicable only to the tax imposed by ~~§16A-9-1 *et seq.* of this code~~ this article and were set forth in extenso in ~~§16A-9-1 *et seq.* of this code~~ this article.

(k) Notwithstanding any provision of §11-10-1 *et seq.* of this code, or any other provision of this code to the contrary, the West Virginia Tax Procedure and Administration Act, as set forth in §11-10-1 *et seq.* of this code, applies to the tax imposed by ~~§16A-9-1 *et seq.*~~ this article with like effect as if the said West Virginia Tax Procedure and Administration Act were applicable only to the tax imposed by ~~§16A-9-1 *et seq.* of this code~~ this article and were set forth in extenso in ~~§16A-9-1 *et seq.* of this code~~ this article.

~~(l) All fees collected pursuant to the provisions of subsection shall be deposited with the State Treasurer to the credit of the Agricultural Fees Fund established by the provisions of §19-1-4c of this code for the use of the Commissioner in administering and enforcing the provisions of this article.~~

§19-12F-8 Application and registration fees.

(a) Applicants for kratom and kratom manufacturer, processor, distributor, or retailer permits shall pay a non-refundable application fee of $1,500 which shall be deposited with the State Treasurer to the credit of the Agricultural Fees Fund established by the provisions of §19-1-4c of this code for the use of the commissioner for administering and enforcing the provisions of this article.

(b) Processors, manufacturers, distributors, and retailer permit holders shall pay an annual fee of $300 which shall be deposited with the State Treasurer to the credit of the Agricultural Fees Fund established by the provisions of §19-1-4c of this code for the use of the commissioner in administering and enforcing the provisions of this article.

(c) The business activity subject to application, registration, and permitting under this article shall be treated as separate and distinct from manufacturing, processing, distribution, or sale of hemp-derived cannabinoid products, or of hemp addressed and administered under §19-12E-1

et seq. of this code, or of medical cannabis addressed and administered under §16A-9-1 *et seq.* of this code.

(d) Persons engaged in the manufacturing, processing, distribution, or sale of kratom and kratom products in this state must obtain a West Virginia business registration certificate as specified in §11-12-1 *et seq.* of this code and shall be subject to other administrative and regulatory requirements as set forth in this code.

(e) In the interest of protecting the safety, welfare, and well-being of West Virginia citizens and residents, West Virginia nexus and jurisdiction attaches for purposes of business registration, permitting, regulation, and taxation with relation to the activity of distribution or sale of kratom and kratom products across state lines into this state. Persons located outside of this state that are engaged in distribution or sale of kratom and kratom products across state lines into this state must obtain a West Virginia business registration certificate as specified in §11-12-1 *et seq.* of this code and shall be subject to other administrative and regulatory requirements as set forth in this code.

(f) The Tax Commissioner may place a notation on the business registration certificate showing the status of the certificate holder as a person or entity holding a permit from the commissioner pursuant to this article.

(g) The commissioner shall keep a list of all persons and entities that have been issued permits pursuant to this article. Such list shall be public information and shall be published initially on or before June 30, 2024, by the commissioner on its website from time to time so as to reflect a current listing.

(h) The commissioner shall keep a list of any persons or entities that have been subject to a permit revocation, withdrawal, suspension, non-renewal, or other process whereby the person or entity has ceased to be a permit holder in good standing with the commissioner.

(i) The commissioner shall keep a list of all kratom and kratom products that have been approved for sale or distribution in this state. Such list shall be public information and shall be published initially on or before June 30, 2024, by the commissioner on its website from time to time so as to reflect a current listing.

§19-12F-9. Cooperative enforcement agreements.

(a) The provisions of article related to retail sales shall be enforced by the commissioner with the assistance of the Alcohol Beverage Control Administration Commissioner.

(b) Pursuant to the labeling requirements under section 9a of this article, the commissioner and the Alcohol Beverage Control Administration Commissioner shall enter into a memorandum or memoranda of understanding to facilitate enforcement of this article.

(c) Procedure for contested cases. Any person or entity seeking to contest an administrative action of the commissioner under this article shall bring such contestation in writing within 14 days under the provisions of the Administrative Procedures Act set forth in §29A-5-1 *et seq.* of this code in administrative proceedings held by or before the commissioner, or his or her designee.

(d) In addition to any other memoranda, the commissioner, Commissioner of the Alcohol Beverage Control Administration, and the Tax Commissioner may enter into, they shall agree by memorandum to the following:

(1) To assist each other in enforcement of this article;

(2) To assist each other in training and cooperating with State and local law enforcement to develop a state-wide plan for implementing the provisions of this article;

(3) To confer among themselves and law enforcement about enforcement of this article on a monthly basis; and

(4) To jointly compile a report to be submitted to the Joint Committee on Government and Finance on or before January 1, 2025, as to actions undertaken to enforce this article and the results thereof.

§19-12F-9a. Mandatory labeling.

(a) The commissioner shall review labels to be used on kratom and kratom products to be sold in this state.

(b) The commissioner may require and prescribe such labeling as the commissioner may determine to be necessary and appropriate for kratom and kratom products to be sold to the final consumer in this state.

(c) Kratom and kratom products may not be sold to the final consumer in this state without an approved label.

§19-12F-11. Criminal violations; penalties.

(a) Any person who manufactures, processes, distributes, sells, or offers for sale any kratom or kratom product in this state without a permit is guilty of a crime.

(1) A first violation of this subsection is a misdemeanor and, upon conviction thereof, a person shall be fined not more than $1,000, confined in jail for not more than one year, or both fined and confined.

(2) A second or subsequent violation of this subsection is a felony and, upon conviction thereof, a person shall be fined not more than $5,000, or imprisoned in a state correctional facility for not less than one nor more than five years, or both fined and imprisoned.

(b) Any person who manufactures, processes, distributes, sells, or offers to sell any kratom or kratom product knowing or having reason to know that the product has been contaminated with a toxic or illegal substance is guilty of a felony and, upon conviction thereof, shall be fined not more than $10,000, or imprisoned in a state correctional facility for not less than two nor more than 10 years, or both fined and imprisoned.

(c)(1) Any person who knowingly manufactures, processes, distributes, sells, or offers for sale any kratom or kratom product which has not been approved by the commissioner is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than $1,000 nor more than $5,000, or confined in jail for not more than one year, or both fined and confined.

(2) Notwithstanding the provisions of subdivision (1) of this subsection, a second or subsequent violation of subdivision (1) of this subsection constitutes a felony and any person convicted thereof shall be fined not more than $5,000 or imprisoned for not less than one nor more than five years, or both fined and imprisoned.

(d) Any person who knowingly manufactures, distributes, offers for sale, or sells contaminated kratom or kratom product is guilty of a felony and, upon conviction thereof, shall be fined not less than $10,000 nor more than $25,000, or imprisoned for not less than one nor more than five years, or both fined and imprisoned.

(e) Any person who knowingly distributes or sells ~~a~~ kratom or a kratom product to a person under the age of 21 is guilty of a felony and, upon conviction thereof, shall be fined not more than $5,000, or imprisoned in a state correctional facility for not less than one nor more than five years, or both fined and imprisoned.

(f) (1) Any person under the age of 21 who possesses kratom or a kratom product is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than $1,000, or confined in jail for not more than one year, or both fined and confined.

(2) Notwithstanding the provisions of subdivision (1) of this subsection, second and subsequent violations of subdivision (1) of this subsection constitute a felony and any person convicted thereof~~,~~ shall be fined not more than $5,000, ~~and~~ imprisoned in a state correctional facility for not less than one nor more than three years, or both fined and imprisoned.

(g) Administrative sanctions.

(1) In the case of any person or entity holding a permit issued by the commissioner under this article charged with any criminal violation enumerated in this section, in addition to such criminal penalties imposed, the commissioner may impose administrative sanctions including, but not limited to, permanent revocation of any one or more permits held by the violator, revocation of one or more permits held by the violator for a period of time to be determined by the commissioner, suspension of any one or more permits held by the violator for a period of time to be determined by the commissioner, fine or fines to any one or more permits held by the violator not to exceed $1,000 per each violation as determined by the commissioner, or non-issuance of a permit upon application of a violator. For purposes of this subsection, administrative sanctions may be imposed by the commissioner upon or against any alter ego, agent, representative, or person or entity acting on behalf of, or in the interest of, a violator.

(2) The commissioner may impose the administrative sanctions in subdivision (1) of this subsection upon any person or entity under indictment for any of the criminal violations during, and during the pendency of, a criminal trial therefor.

(h) Nothing in this article prohibits an authorized enforcement agent of the Alcohol Beverage Control Administration Commissioner or a person who is at least 18 years of age from purchasing or possessing kratom products when he or she is acting upon the request of, or under the direction and control of any member of a state, federal, or local law-enforcement agency or the Alcohol Beverage Control Administration Commissioner while the agency is conducting an investigation or other activity relating to the criminal or administrative enforcement of this article.

CHAPTER 60. STATE CONTROL OF ALCOHOLIC LIQUORS

ARTICLE 7. LICENSES TO PRIVATE CLUBS.

§60-7-13. Revocation or suspension of license; monetary penalty; hearing; assessment of costs; establishment of enforcement fund.

(a) Upon a determination by the commissioner that a licensee has: (i) Violated the provisions of §11-16-1 *et seq.* of this code or of this chapter; (ii) acted in such a way as would have precluded initial or renewal licensure; or (iii) violated any rule or order promulgated by the commissioner, the commissioner may impose any one or a combination of the following sanctions:

(1) Revoke the licensee's license;

(2) Suspend the licensee's license;

(3) Place the licensee on probationary status for a period not to exceed 12 months; and

(4) Impose a monetary penalty not to exceed $1,000 for each violation where revocation is not imposed.

(b) Any monetary penalty assessed and collected by the commissioner shall be transmitted to the State Treasurer for deposit into the State Treasury to the credit of a special revenue fund designated the Alcohol Beverage Control Enforcement Fund, which is hereby continued. All moneys collected, received, and deposited in the Alcohol Beverage Control Enforcement Fund shall be kept and maintained for expenditures by the commissioner for the purpose of enforcement of the statutes and rules pertaining to alcoholic liquor, nonintoxicating beer as set forth in §11-16-1 *et seq.* of this code, hemp-derived cannabinoids as set forth in §19-12E-12 of this code, and kratom as set forth in §19-12F-1 *et seq.* of this code. ~~and~~ The Alcohol Beverage Control Enforcement Fund shall not be treated by the State Treasurer or State Auditor as any part of the general revenue of the ~~state~~ state. At the end of each fiscal year all funds in the Alcohol Beverage Control Enforcement Fund in excess of ~~$20,000~~ $200,000 shall be transferred to the General Revenue Fund.

(c) In addition to the grounds for revocation, suspension, or other sanction of a license set forth in §60-7-13(a) of this code, conviction of the licensee of any offense constituting a violation of the laws of this state or of the United States relating to alcoholic liquor, nonintoxicating beer, or gambling shall be mandatory grounds for such sanctioning of a license. Conviction of the licensee of any violation of the laws of this state or of the United States relating to prostitution, or the sale, possession, or distribution of narcotics or controlled substances, ~~shall be~~ is mandatory grounds for revocation of the licensee's license for a period of at least one year.

(d) A licensee shall notify, in a timely manner, emergency medical services or law enforcement if a licensee knows, or has reason to know, of a life-threatening medical emergency occurring on the licensed premises. In addition to the grounds for revocation, suspension, or other sanction of a license set forth in this section, the commissioner may ~~in his or her discretion,~~ revoke, suspend, or otherwise sanction a licensee for failing to comply with the provisions of this ~~subsection~~ section.

(e) If a life-threatening medical emergency occurs on a licensee's private premises requiring notification of emergency medical services or law enforcement under §60-7-13(d) of this code, the licensee shall notify the Alcohol Beverage Control Administration within 48 hours of the emergency's occurrence. The commissioner may ~~in his or her discretion,~~ revoke, suspend, or otherwise sanction a licensee for failing to comply with the 48-hour notification requirement.

(f) As used in this section, a life-threatening medical emergency includes, but is not limited to, respiratory distress or cessation of breathing, severe chest pains, shock, uncontrolled bleeding, poisoning, prolonged unconsciousness, overdose, any complaint or observation which indicates significant head or spinal injury, and life-threatening physical injury caused by a crime of violence against the person occupying or emanating from the licensed premises."

And,

By amending the title of the bill to read as follows:

Com. Sub. for S. B. 679 - "A Bill to amend and reenact §11-16-23 of the Code of West Virginia, 1931, as amended; to amend and reenact §19-12E-12 of said code; to amend and reenact §19-12F-1, §19-12F-3, §19-12F-4, §19-12F-7, §19-12F-8, §19-12F-9, and §19-12F-11 of said code; to amend said code by adding thereto a new section, designated §19-12F-9a; and to amend and reenact §60-7-13 of said code, all relating to regulation of select plant-based derivatives, including hemp-derived cannabinoid products and regulation of kratom; clarifying findings; defining terms; redirecting moneys from monetary penalties assessed by Commissioner of Agriculture to another fund; requiring permits to manufacture, process, distribute, offer to sell, and sell regulated products; prohibiting retailer from adding imposed tax as separate new charge; specifying regulatory authority of the Commissioner of Agriculture and the Alcohol Beverage Control Administration Commissioner; specifying funding requirements for nonintoxicating beer tax revenues; specifying application of the Administrative Procedures Act for certain contested cases; specifying application fees for certain permits; specifying requirements for business registration certificate, nexus, jurisdiction, and taxation relating to remote interstate sales and distribution; imposition of use tax; specifying maintenance of lists by the Commissioner of Agriculture of permittees, approved products and entities, and persons who cease to be permitted; specifying labeling requirements; authorizing use of funds by the Commissioner of Agriculture and Alcohol Beverage Control Administration Commissioner; specifying application of Tax Commissioner's fee; authorizing and requiring a certain memoranda of understanding and information sharing between Tax Commissioner, Commissioner of Agriculture, and Alcohol Beverage Control Administration Commissioner; requiring a memorandum of cooperation; specifying administrative sanctions; authorizing the Alcohol Beverage Control Administration Commissioner to enforce regulation of the product at the retail level; authorizing enforcement actions involving agents of the Alcohol Beverage Control Administration Commissioner and persons acting upon the request, direction, or control of law-enforcement agencies; clarifying Alcohol Beverage Control Administration Commissioner's authority over alcohol licensees selling kratom and hemp-derived cannabinoid products; and specifying transfer of excess Alcohol Beverage Control Enforcement Fund money."

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

The question being on the passage of the bill, the yeas and nays were taken **(Roll No. 775)**, and there were--yeas 57, nays 39, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Anderson, Brooks, Burkhammer, T. Clark, Cooper, Coop-Gonzalez, Dean, Dillon, Ellington, Fast, Ferrell, Fluharty, Foggin, Green, Hamilton, Hansen, Hardy, Heckert, Hornbuckle, Jennings, Kimble, Kirby, Lewis, Linville, Longanacre, Mallow, Pinson, C. Pritt, Pushkin, Ridenour, Ross, Steele, Summers, Toney, Tully, Ward, Williams, Winzenreid and Young.

Absent and Not Voting: Bridges, Jeffries, Kump and Worrell.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 679) passed.

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

On this question, the yeas and nays were taken **(Roll No. 776)**, and there were--yeas 71, nays 26, absent and not voting 3, with the nays and the absent and not voting being as follows:

Nays: Brooks, Burkhammer, Cooper, Coop-Gonzalez, Dean, Ellington, Fast, Ferrell, Fluharty, Green, Hamilton, Hansen, Hardy, Hornbuckle, Jennings, Kirby, Lewis, Mallow, C. Pritt, Pushkin, Ridenour, Ross, Steele, Toney, Ward and Young.

Absent and Not Voting: Bridges, Kump and Worrell.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 679) 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, a bill of the House of Delegates, as follows:

Com. Sub. for H. B. 5162, Establish a program to promote creation and expansion of registered apprenticeship programs.

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

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

"**CHAPTER 18. EDUCATION.**

ARTICLE 2. STATE BOARD OF EDUCATION.

§18-2-7G. Youth Apprenticeship Program.

(a) In addition to any other registered apprenticeship programs, there is herein created the 'Youth Apprenticeship Program,' which shall allow for any public, private, or home school student in the eleventh or twelfth grade, or are 16 years or older, the opportunity to enroll in apprenticeship programs.

(b) For the purposes of this section, 'apprenticeship program' shall have the same meaning as defined in §21-1E-2 of this code.

(c) Any student participating in the program may receive secondary credit or other credentialing for the apprenticeship when the apprenticeship is approved by the local county board of education and in keeping with the rules of the Division of Labor (hereinafter 'the division.')

(d) The West Virginia Department of Education (hereinafter 'the department') is responsible for establishing the Youth Apprenticeship Program, including setting standards, providing guidelines for county boards of education to approve local enterprise and granting release time from public schools to participate in the program.

(1) The Youth Apprenticeship Program shall include a broad range of skills, including those specifically focused on manufacturing, engineering technology, administration and office technology, and health care.

(2) The county boards of education shall develop materials in conjunction with industry to promote awareness of apprenticeship for students and to encourage recruitment.

(3) The program shall create a structural linkage between secondary and postsecondary components of the program leading to the school awarding a high school diploma and postsecondary certification of occupational skills to the student.

(e) The department shall develop pilot projects for the 2024-2025 school year and shall implement and direct a comprehensive apprenticeship program for all school systems by the beginning of the 2025-2026 school year.

(f) Each apprenticeship shall meet the department's criteria which shall include, but is not limited to:

(1) A detailed training plan between the employer and the apprentice that identifies specific work tasks that will develop workplace competency;

(2) A minimum of 135 classroom hours of related academic instruction and training;

(3) A minimum of 400 hours of on-the-job training;

(4) A progressive wage schedule established by the participating employer;

(5) On-site evaluation of the student's performance; and

(6) Training remediation as necessary at the school site.

CHAPTER 21. LABOR

ARTICLE 1E. CAREER TRAINING EDUCATION AND APPRENTICESHIPS

§21-1E-2. Definitions.

As used in this article and the legislative rules promulgated pursuant to this article:

'Apprentice' means someone who is enrolled in an apprenticeship program.

'Apprenticeship program' means a program offered by an employer to provide supervised on-the-job training to employees approved by the United States Department of Labor.

'Employer sponsored training program' means a program approved in accordance with a rule promulgated pursuant to authority established in §21-1E-4 of this code.

'License' means a valid and current certification or license issued by the Commissioner of Labor in accordance with the provisions of this article.

'Career technical education' means programs of study, clusters, and pathways approved by the West Virginia Board of Education pursuant to state board policy.

'Youth Apprenticeship Program' means the program created in §18-2-7g of this code and is subject to the definition of "apprentice" set forth in this section.

§21-1E-3. Recognition of training and apprenticeships; maintenance of current list of apprenticeships.

(a) Beginning July 1, 2019, applicants for certification or licensure shall be permitted to apply training hours earned via career technical education provided by West Virginia public schools or an apprenticeship program or employer-sponsored training program towards the requirements for certification and/or licensure in the same occupation in accordance with the standards and procedures authorized in accordance with this article. The training hours accumulated by a student's participation in the 'Youth Apprenticeship Program' created in §18-2-7g of this code shall count towards the student's certifications or licensures, if appropriate.

(b) The State Board of Education, Higher Education Policy Commission, and Department of Commerce shall jointly maintain a list of current apprenticeships throughout the state along with free career exploration resources and planning materials for postsecondary opportunities in addition to credentials, certifications, and/or exams that reflect industry requirements or lead to postsecondary credit.

ARTICLE 6. CHILD LABOR.

§21-6-2. Employment of children under eighteen in certain occupations; determination as to other occupations; ~~appeal to supreme court~~ exemptions for certain students performing roofing operations.

(a) A child under 18 years of age may not be employed, permitted, or suffered to work in, about, or in connection with any of the following occupations:

(1) Motor vehicle driver and outside helper whose work includes riding on a motor vehicle outside the cab for the purpose of assisting in transporting or delivery of goods;

(2) The manufacture, storage, handling or transportation of explosives or highly flammable substances;

(3) Ore reduction works, smelters, hot rolling mills, furnaces, foundries, forging shops, or in any other place in which the heating, melting, or heat treatment of metals is carried on;

(4) Logging and saw milling occupations;

(5) Power-driven woodworking machine occupations;

(6) Occupations involving exposure to radioactive substances and ionizing radiations;

(7) Power-driven hoisting apparatus occupations;

(8) Power-driven metal-forming, punching, and shearing machine occupations;

(9) Mining, including coal mining;

(10) Occupations involving slaughtering, meat-packing, or processing or rendering;

(11) Power-driven bakery machines;

(12) Power-driven paper-products machine occupations;

(13) Occupations involved in the manufacturing of brick, tile, and kindred products;

(14) Occupations involved in the operation of power-driven circular saws, band saws, and guillotine shears;

(15) Occupations involved in wrecking, demolition, and ship-breaking operations;

(16) Roofing operations above ground level, subject to subsection (d) of this section; and

(17) Excavation operations.

(b) A child under 18 years of age may not be employed or permitted to work in a bar, or be permitted, employed, or suffered to sell, dispense, or serve alcoholic beverages in any place or establishment where the consumption of alcoholic beverages is permitted by law.

(c) A child under 18 years of age may not be employed or permitted to work in any occupation prohibited by law or determined by the commissioner to be dangerous or injurious: *Provided*, That a child between the ages of 16 and 18 years who is enrolled in, participating in, or has completed the minimum training requirements of the West Virginia State Fire Commission, West Virginia Department of Education Public Service Training, or West Virginia University fire service extension, or equivalent approved program, and who has the written consent of his or her parents or guardian, may be employed by or elected as a member of a volunteer fire department to perform firefighting functions: *Provided, however*, That no child may be permitted to operate any fire fighting vehicles, enter a burning building in the course of his or her employment or work or enter into any area determined by the fire chief or fireman in charge at the scene of a fire or other emergency to be an area of danger exposing the child to physical harm by reason of impending collapse of a building or explosion, unless the child is under the immediate supervision of a fire line officer.

(d) Students enrolled in a Youth Apprenticeship Program pursuant to §18-2-7g of this code are authorized to work on machinery associated with occupations listed in §21-6-2(a) of this code only on an occasional and incidental basis while under mandatory direct supervision. For the purposes of this section, the term “occasional and incidental use” means use done for training purposes and for no more than five percent of the student’s training hours a day.

(e) In compliance with U.S. Child Labor Provisions for nonagricultural occupations under the Fair Labor Standards Act, Child Labor Bulletin 101, exemptions shall be made for students 16 years of age or older performing roofing operations above ground level for the express purpose of learning how to install, wire, or repair a rooftop or other equipment provided the student is employed under the following conditions:

(1) The student is enrolled in a course of study and training in a cooperative vocational training program under a recognized state or local educational authority or in a course of study in a substantially similar program conducted by a private school;

(2) Written consent of the parent or legal guardian for the student to perform roofing operations pursuant to this subsection is submitted to both the cooperative vocational training program or private school, as applicable, and the employer; and

(3) The student is employed under a written agreement which stipulates that:

(A) The work will be intermittent and under the direct and close supervision of a qualified and experienced person;

(B) Safety instruction will be provided by the school and coordinated with the employer through on-the-job training; and

(C) A schedule of organized and progressive work processes be performed.

(f) Other limited exemptions for nonagricultural work in compliance with U.S. Child Labor Provisions for nonagricultural occupations under the Fair Standards Act, Child Labor Bulletin 101 may be permitted by the department."

And,

By amending the title of the bill to read as follows:

Com. Sub. for H. B. 5162 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-7g; to amend and reenact §21-1E-2 of said Code; to amend and reenact §21-1E-3 of said Code; and to amend and reenact §21-6-2 of said Code, all relating to creating the Youth Apprenticeship Program which allows certain students to enroll in apprenticeship programs; allowing any student participating in the program to receive secondary credit or other credentialing for the apprenticeship under certain conditions; making the West Virginia Department of Education responsible for establishing the program; requiring the program to include a broad range of skills including those specifically focused in certain areas; requiring the county boards of education to develop materials in conjunction with industry to promote awareness of apprenticeship for students and to encourage recruitment; requiring program to create a structural linkage between secondary and postsecondary components of the program leading to the school awarding a high school diploma and postsecondary certification of occupational skills to the student; requiring the department to develop pilot projects for the 2024-2025 school year and to implement and direct a comprehensive apprenticeship program for all school systems by the beginning of the 2025-2026 school year; requiring each apprenticeship to meet the department's criteria; specifying minimum criteria; adding definition of 'Youth Apprenticeship Program'; providing that training hours accumulated by a student's participation in the program count towards the student's certifications or licensures, if appropriate; requiring maintenance of a list of current apprenticeships throughout the state along with certain other resources, planning materials, credentials, certifications, and exams; authorizing students enrolled in a Youth Apprenticeship Program to work on machinery associated with certain listed occupations otherwise prohibited for a child under 18 years of age on an occasional and incidental basis while under mandatory direct supervision; providing exemptions for certain students performing roofing operations under certain conditions; and allowing the department to grant other

limited exemptions for nonagricultural work in compliance with the U.S. Child Labor Provisions for nonagricultural occupations under the Fair Standards Act, Child Labor Bulletin 101."

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. 777)**, and there were--yeas 95, nays 1, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Young.

Absent and Not Voting: Bridges, Kump, Linville and Martin.

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. 5162) 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 the adoption by the Senate, with amendment, of a joint resolution of the House of Delegates as follows:

H. J. R. 21, Amending the Constitution to prohibit persons not United States citizens from voting in any election held within this state.

Delegate Jeffries moved that the House concur in the following amendment of the resolution by the Senate:

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

That the question of ratification or rejection of an amendment to the Constitution of the State of West Virginia be submitted to the voters of the state at the next general election to be held in the year 2024, which proposed amendment is that Section 1, Article IV thereof, be amended, to read as follows:

ARTICLE IV. ELECTION AND OFFICERS.

4-1. Election and officers.

The citizens of the state shall be entitled to vote at all elections held within the counties in which they respectively reside; but no person who is a minor, or who has been declared mentally incompetent by a court of competent jurisdiction, or who is under conviction of treason, felony, or bribery in an election, or who has not been a resident of the state and of the county in which he or she offers to vote for 30 days next preceding such offer shall be permitted to vote while such disability continues; but no person in the military, naval, or marine service of the United States shall be deemed a resident of this state by reason of being stationed therein, nor shall any person who is not a citizen of the United States be entitled to vote at any election held within this state.

Resolved further, That in accordance with the provisions of §3-11-1 *et seq.* of the Code of West Virginia, 1931, as amended, such amendment is hereby numbered "Amendment 1" and

designated as the "Citizens Voting Amendment" and the purpose of the proposed amendment is summarized as follows: "The purpose of this amendment is to prohibit persons who are not citizens of the United States from voting in West Virginia elections."

Delegate C. Pritt moved the previous question, which demand was sustained.

On this question, the yeas and nays were taken **(Roll No. 778)**, and there were--yeas 88, nays 10, absent and not voting 2, with the nays, and absent and not voting being as follows:

Nays: Fluharty, Garcia, Hamilton, Hansen, Hornbuckle, Lewis, Pushkin, Rowe, Statler and Young.

Absent and Not Voting: Bridges and Kump.

So, a majority of the members present having voted in the affirmative, the motion for the previous question prevailed.

Delegate Householder moved that the House adjourn *sine die*.

Note: House Rule 68 provides that, Messages and reports received by the Clerk after *sine die* adjournment which do not require actions by the House, shall be considered received by the House and filed with the Clerk and shall be recorded in the Journal.

Messages from the Senate

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

S. B. 159, Prohibiting persons convicted of certain crimes against minors from holding positions on boards of education.

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

Com. Sub. for S. B. 222, Exempting WV veterans from certain fees and charges at state parks.

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

S. B. 439, Authorizing certain 911 personnel to be members of Emergency Medical Services Retirement System under certain circumstances.

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

S. B. 487, Requiring periodic review of professional development for teachers and education staff.

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

S. B. 806, Removing certain required reports to Legislative Oversight Commission on Education Accountability.

A message from the Senate, by
The Clerk of the Senate, announced that the Senate had passed, without amendment, a bill of the House of Delegates as follows:

H. B. 4822, Creating the Certified Sites and Development Readiness Program.

A message from the Senate, by
The Clerk of the Senate, announced that the Senate had passed, without amendment, a bill of the House of Delegates as follows:

Com. Sub. for H. B. 4919, Relating to the Promise Scholarship.

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

Com. Sub. for H. B. 5405, Providing additional professional development and support to West Virginia educators through teacher and leader induction and professional growth.

A message from the Senate, by
The Clerk of the Senate, announced that the Senate had passed, without amendment, a bill of the House of Delegates as follows:

H. B. 5528, Relating to the renewable energy facilities program.

A message from the Senate, by
The Clerk of the Senate, announced that the Senate had passed, without amendment, a bill of the House of Delegates as follows:

H. B. 5594, Exempting the West Virginia School of Osteopathic Medicine, West Virginia University and Marshall University from contracts, agreements, or memorandums of understanding with spending units in state government with exceptions.

A message from the Senate, by
The Clerk of the Senate, announced that the Senate had receded from its amendments, and passed, a bill of the House of Delegates as follows:

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

A message from the Senate, by
The Clerk of the Senate, announced that the Senate concurred in the changed the effective date, to take effect January 1, 2025, a bill of the House of Delegates as follows:

Com. Sub. for H. B. 4552, To ensure party affiliation is consistent with candidate's voter registration.

A message from the Senate, by

The Clerk of the Senate, announced concurrence by the Senate in the amendment of the House of Delegates to the amendment of the Senate, and the passage, as amended, to take effect from passage, of

Com. Sub. for H. B. 4110, Authorizing certain miscellaneous agencies and boards to promulgate legislative rules.

A message from the Senate, by

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

Com. Sub. for H. B. 4786, Delivery Network Company (DNC) Insurance Model Act.

A message from the Senate, by

The Clerk of the Senate, announced the adoption of the report of the Committee of Conference on, and the passage, as amended by said report, of

Com. Sub. for H. B. 5084, Require retailers to verify identification and age upon purchase of vape products.

A message from the Senate, by

The Clerk of the Senate, announced the adoption of the report of the Committee of Conference on, and the passage, as amended by said report, of

Com. Sub. for H. B. 4399, Creating the equitable right to expungement.

A message from the Senate, by

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

Com. Sub. for S. B. 280, Allowing teachers in public schools to discuss scientific theories.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, a bill of the House of Delegates as follows:

Com. Sub. for H. B. 4999, Creating exception to spousal privilege.

A message from the Senate, by

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

S. B. 687, Clarifying Legislative Auditor's scope of authority.

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the amendment of the House of Delegates and the passage, as amended, to take effect of January 1, 2025, of

Com. Sub. for S. B. 542, Amending procedure for filling vacancies in certain county offices having more than three commissioners.

A message from the Senate, by
The Clerk of the Senate, announced concurrence in the amendment of the House of Delegates and the passage, as amended, to take effect July 1, 2024, of

Com. Sub. for S. B. 583, Relating to employer liability and damages in civil actions involving commercial motor vehicles.

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

S. B. 683, Amending definition of "alternative fuel" under motor fuel excise tax.

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

Com. Sub. for S. B. 557, Relating to compensation for firefighters required to work holidays.

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

Com. Sub. for S. B. 755, Providing safeguards for online sales of tobacco products.

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

Com. Sub. for H. B. 5349, West Virginia Truth in Food Labeling Act.

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

Com. Sub. for S. B. 2, Authorizing DEP to promulgate rules.

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

Com. Sub. for S. B. 36, Authorizing Department of Homeland Security to promulgate legislative rules.

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

Com. Sub. for S. B. 50, Authorizing Department of Revenue to promulgate legislative rules.

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

Com. Sub. for S. B. 60, Authorizing DOT to promulgate legislative rules.

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

S. B. 147, Adding definition of “ammunition” for purposes of obtaining state license to carry concealed deadly weapon.

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

S. B. 149, Relating to municipalities required to be represented on county authority boards.

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

S. B. 170, Relating to compensable diseases of certain firefighters covered by workers' compensation.

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

Com. Sub. for S. B. 217, Authorizing state and subdivisions to negotiate price for construction when all bids received exceed maximum budget.

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

Com. Sub. for S. B. 261, WV Veterans' Home Loan Mortgage Program of 2024.

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

S. B. 430, WV Rent-to-Own Act.

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

Com. Sub. for S. B. 445, Reducing certification periods and renewal fees for EMS personnel.

A message from the Senate, by

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

Com. Sub. for S. B. 533, Allowing EMS agencies to triage, treat or transport patients to alternate destinations.

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

S. B. 732, Requiring cooperation between law-enforcement agencies and military authorities.

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

Com. Sub. for S. B. 751, Creating online charitable raffles.

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

S. B. 874, Relating to WV Division of Multimodal Transportation.

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

Com. Sub. for S. B. 475, Relating to recovery residences.

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

S. B. 866, Designating State Treasurer as chairperson of WV Investment Management Board.

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

H. B. 5014, Supplementing and amending appropriations to West Virginia University General Administration Fund.

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

Com. Sub. for H. B. 4110, Authorizing certain miscellaneous agencies and boards to promulgate legislative rules.

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

Com. Sub. for H. B. 5151, Relating to defining term fictive kin.

A message from the Senate, by
The Clerk of the Senate, announced concurrence in the title amendment of the House of Delegates and the passage, as amended, to take effect January 1, 2025, of

Com. Sub. for S. B. 624, Cancelling voter registration records for individuals no longer WV residents.

A message from the Senate, by
The Clerk of the Senate, announced that the Senate had receded from its amendments, and passed, to take effect from passage, a bill of the House of Delegates as follows:

Com. Sub. for H. B. 5317, Making it permissive for commercial motor vehicles registered in this state to pass an annual inspection of all safety equipment to be consistent with the federal motor carrier safety regulations,

A message from the Senate, by
The Clerk of the Senate, announced concurrence in the amendment of the House of Delegates and the passage, as amended, to take effect July 1, 2024, of

S. B. 858, Clarifying filing requirements and deadlines in property tax cases.

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

Com. Sub. for H. B. 5405, Providing additional professional development and support to West Virginia educators through teacher and leader induction and professional growth..

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

H. B. 4305, Relating to granting in-state resident status to economic development participants.

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

S. B. 164, Relating generally to trespassing.

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

Com. Sub. for H. B. 5349, West Virginia Truth in Food Labeling Act.

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

Com. Sub. for S. B. 578, Clarifying offense of burglary.

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

Com. Sub. for S. B. 841, Setting amount of unemployment taxes and benefits.

Messages from the Executive and

Other Communications

Communications from the Clerks' offices of each house to His Excellency, the Governor, advised that the following enrolled bills were presented to him on the dates listed below:

March 11, 2024

S. B. 148, Establishing auto-renewal program for wildlife licenses,

S. B. 438, Modifying roster requirements of authorizing entities,

Com. Sub. for S. B. 451, Directing Prosecuting Attorneys Institute to make training available to certain new prosecuting attorneys,

Com. Sub. for S. B. 477, Prohibiting public disclosure of personal information on internet,

S. B. 487, Requiring periodic review of professional development for teachers and education staff,

Com. Sub. for S. B. 540, Updating WV coordinate systems,

S. B. 574, Supplemental appropriation to DOT, Division of Highways,

S. B. 653, Supplementing and amending appropriations to School Building Authority, School Construction Fund,

S. B. 657, Expiring funds from Excess Lottery Revenue Fund to General Revenue,

S. B. 696, Supplementing and amending appropriations to Department of Homeland Security, Division of Emergency Management,

S. B. 700, Supplementing and amending appropriations to Miscellaneous Boards and Commissions, Hospital Finance Authority,

S. B. 703, Supplementing and amending appropriations to Department of Homeland Security, WV State Police,

S. B. 707, Supplementing and amending appropriations to Department of Commerce, Division of Natural Resources,

S. B. 708, Supplementing and amending appropriations to Department of Agriculture, WV Spay Neuter Assistance Fund,

S. B. 709, Supplementing and amending appropriations to Department of Arts, Culture and History, National Coal Heritage Area Authority,

S. B. 710, Supplementing and amending appropriations to State Board of Education, Aid for Exceptional Children,

S. B. 782, Defining deadlines for local permits and extensions for property development or improvement,

S. B. 802, Updating consumer credit and protection laws on certain agricultural vehicles and equipment,

Com. Sub. for S. B. 844, Redesignating Educational Broadcasting Authority as Educational Broadcasting Commission,

And,

Com. Sub. for S. B. 865, Changing reference to Curator of Department of Arts, Culture, and History to secretary.

March 12, 2024

S. B. 142, Clarifying deadline to file annual report for companies authorized to do business in WV,

S. B. 147, Adding definition of “ammunition” for purposes of obtaining state license to carry concealed deadly weapon,

S. B. 166, Updating contested elections procedures,

S. B. 170, Relating to compensable diseases of certain firefighters covered by workers' compensation,

S. B. 173, Modifying certain guidelines for motor vehicle dealers, distributors, wholesalers, and manufacturers,

Com. Sub. for S. B. 190, Modifying definition of sexual contact,

Com. Sub. for S. B. 200, Budget Bill,

S. B. 262, Clarifying procedure for administrative dissolution of corporations by Secretary of State,

Com. Sub. for S. B. 325, Relating to distribution of drugs to safety net providers and contract pharmacies,

S. B. 378, Prohibiting smoking in vehicle when minor 16 or under is present,

S. B. 610, Clarifying authority of Water Development Authority in certain circumstances,

S. B. 613, WV Residential Mortgage Lender, Broker and Servicer Act,

Com. Sub. for S. B. 628, Declaring certain claims as moral obligations of the state,

S. B. 643, Supplementing and amending appropriations to Department of Education, School Building Authority,

Com. Sub. for S. B. 644, Supplementing and amending appropriations to Department of Commerce, Division of Forestry, and Geological and Economic Survey,

Com. Sub. for S. B. 649, Clarifying per diem compensation for certain judges recalled to service,

S. B. 650, Supplementing and amending appropriations to Higher Education Policy Commission, Fairmont State University,

Com. Sub. for S. B. 652, Supplementing and amending appropriations to DHHR, Health Facilities,

Com. Sub. for S. B. 656, Supplementing and amending appropriations to DHHR, Division of Human Services,

S. B. 661, Expiring funds from Lottery Net Profits to General Revenue Surplus,

S. B. 663, Supplementing and amending appropriations to Division of Administrative Services, Criminal Justice Fund,

Com. Sub. for S. B. 665, Supplementing and amending appropriations to DHHR, Division of Health,

Com. Sub. for S. B. 667, Creating Physician Assistant Compact,

S. B. 687, Clarifying Legislative Auditor's scope of authority,

Com. Sub. for S. B. 690, Establishing WV Agritourism Commission,

Com. Sub. for S. B. 695, Supplementing and amending appropriations to Energy Assistance, TANF, and Child Care and Development,

S. B. 697, Supplementing and amending appropriations to DHHR, Consolidated Medical Service Fund,

S. B. 698, Supplementing and amending appropriations to DHHR, Division of Human Services,

S. B. 699, Supplementing and amending appropriations to DHHR, Child Support Enforcement Fund,

S. B. 701, Supplementing and amending appropriations to Department of Education, School Construction Fund,

S. B. 702, Supplementing and amending appropriations to DHHR, Laboratory Services Fund,

S. B. 704, Supplementing and amending appropriations to PSC, Motor Carrier Division,

S. B. 705, Supplementing and amending appropriations to PSC,

Com. Sub. for S. B. 714, Transferring duties and licensing from Board of Osteopathic Medicine to Board of Medicine,

Com. Sub. for S. B. 722, Revising examination of records relating to limited video lottery,

Com. Sub. for S. B. 730, Clarifying compensation for county tax collector,

S. B. 768, Providing exception for sharing of confidential child welfare records,

Com. Sub. for S. B. 778, Amending certain qualifying offenses to enhance sentences of repeat offenders,

Com. Sub. for S. B. 786, Relating to massage therapy establishments,

Com. Sub. for S. B. 824, Increasing membership of WV Motorsport Committee,

Com. Sub. for S. B. 826, Creating exemption from bond or security requirement of banking institutions holding certain funds for county commissions,

S. B. 827, Providing for regional distribution and dismantling centers,

S. B. 834, Increasing number of members for Motor Vehicle Dealers Advisory Board,

S. B. 837, Reorganizing offices of Public Defender Corporations to conform to circuit reconfiguration,

Com. Sub. for S. B. 850, Updating Consumer Credit and Protection Act,

S. B. 864, Clarifying reporting requirements of Grant Transparency and Accountability Act,

S. B. 868, Supplementary appropriation to Department of Commerce, Geological and Economic Survey,

S. B. 871, Supplementary appropriation to Department of Veterans' Assistance, Veterans' Facilities,

S. B. 872, Relating to county fire service fees,

S. B. 873, Schedule for tax installment payments,

S. B. 875, Relating to certain insurance coverage provided by BRIM,

S. B. 876, Supplementing and amending appropriations to Department of Health and Human Resources, Health Facilities,

And,

S. B. 877, Supplementing and amending appropriations to Higher Education Policy Commission.

March 13, 2024

Com. Sub. for H. B. 4376, Relating to surgical smoke evacuation,

Com. Sub. for H. B. 4431, Permitting the cremation of unidentified remains,

Com. Sub. for H. B. 4667, Prohibiting syringe services programs from distributing listed smoking devices,

Com. Sub. for H. B. 4709, Relating to vocational and technical education programs,

H. B. 4768, Relating to increasing the number of out-of-state medical students receiving in-state tuition rates who agree to practice for a specific time within West Virginia,

H. B. 4832, Relating to state superintendent's reports regarding the finances of school districts,

Com. Sub. for H. B. 4845, To prohibit swatting,

Com. Sub. for H. B. 4933, Relating to Medicaid dental coverage,

Com. Sub. for H. B. 4940, A squatter cannot be considered a tenant in WV,

H. B. 4984, Relating to repealing tax credit for employing former employees of Colin Anderson Center,

Com. Sub. for H. B. 4986, Relating to computer science and cybersecurity instruction for adult learners,

H. B. 5014, Supplementing and amending appropriations to West Virginia University General Administration Fund,

H. B. 5056, Relating to substitute service personnel positions,

H. B. 5128, Directing transfer of moneys into fire protection funds at the end of each year,

H. B. 5170, Increasing the size of matching grants for local economic development from $30,000 to $50,000,

Com. Sub. for H. B. 5432, To move the essential functions of the Information Services and Communications Division into the Office of Technology,

H. B. 5549, Relating to allowing license plates to be obtained from alternative sources when the Division of Corrections and Rehabilitation is unable to produce them,

H. B. 5569, Requiring an appraiser to pay for a background check required by the AMC as a condition of being added to the AMCs panel of appraisers,

Com. Sub. for H. B. 5617, Authorizing the Public Service Commission to promulgate rules for maintenance, flushing, flow testing, and marking of fire hydrants owned by water utilities,

H. B. 5632, Relating generally to West Virginia Real Estate License Act,

H. B. 5690, Creating a West Virginia Task Force on Artificial Intelligence,

Com. Sub. for S. B. 429, WV Farm Use Vehicle Tag Placement Act,

Com. Sub. for S. B. 445, Reducing certification periods and renewal fees for EMS personnel,

S. B. 452, Designating certain water and wastewater facilities as emergency project,

Com. Sub. for S. B. 466, Requiring State Board of Education develop Safety While Accessing Technology education program,

Com. Sub. for S. B. 482, Relating to rule-making authority of Ethics Commission,

Com. Sub. for S. B. 503, Protecting belief-based student organizations from certain types of discrimination,

Com. Sub. for S. B. 504, Relating to felony offense of sexual intercourse, intrusion, or contact with student,

S. B. 530, Removing requirement for counties to draft and adopt zoning ordinances,

Com. Sub. for S. B. 548, Clarifying appellate jurisdiction of Intermediate Court of Appeals,

S. B. 551, Modifying requirements related to levy of service fees,

And,

Com. Sub. for S. B. 587, Enabling State Fire Commission to propose legislative rules.

March 14, 2024

Com. Sub. for S. B. 2, Authorizing DEP to promulgate rules,

Com. Sub. for S. B. 17, Authorizing Department of Health to promulgate legislative rules,

Com. Sub. for S. B. 36, Authorizing Department of Homeland Security to promulgate legislative rules,

Com. Sub. for S. B. 50, Authorizing Department of Revenue to promulgate legislative rules,

Com. Sub. for S. B. 60, Authorizing DOT to promulgate legislative rules,

S. B. 149, Relating to municipalities required to be represented on county authority boards,

Com. Sub. for S. B. 217, Authorizing state and subdivisions to negotiate price for construction when all bids received exceed maximum budget,

Com. Sub. for S. B. 280, Allowing teachers in public schools to discuss scientific theories,

S. B. 439, Authorizing certain 911 personnel to be members of Emergency Medical Services Retirement System under certain circumstances,

Com. Sub. for S. B. 453, Requiring pricing and payment transparency from pharmacy benefits managers contracting with PEIA,

S. B. 461, Relating to county economic opportunity development districts,

Com. Sub. for S. B. 632, Relating to Dangerousness Assessment Advisory Board multi-disciplinary study group,

Com. Sub. for S. B. 679, Regulating certain plant-based derivatives, hemp-derived cannabinoid products, and Kratom,

S. B. 803, Updating definitions for assessment of real property,

Com. Sub. for S. B. 820, Requiring automatic enrollment of substance abuse disorder population into managed care,

And,

S. B. 874, Relating to WV Division of Multimodal Transportation.

March 19, 2024

S. B. 146, Creating adult education taskforce,

S. B. 159, Prohibiting persons convicted of certain crimes against minors from holding positions on boards of education,

S. B. 164, Relating generally to trespassing,

Com. Sub. for S. B. 222, Exempting WV veterans from certain fees and charges at state parks,

Com. Sub. for S. B. 261, WV Veterans' Home Loan Mortgage Program of 2024,

S. B. 430, WV Rent-to-Own Act,

Com. Sub. for S. B. 475, Relating to recovery residences,

Com. Sub. for S. B. 533, Allowing EMS agencies to triage, treat or transport patients to alternate destinations,

Com. Sub. for S. B. 542, Amending procedure for filling vacancies in certain county offices having more than three commissioners,

Com. Sub. for S. B. 557, Relating to compensation for firefighters required to work holidays,

Com. Sub. for S. B. 568, Creating multi-tiered system for school absenteeism,

Com. Sub. for S. B. 578, Clarifying offense of burglary,

Com. Sub. for S. B. 583, Relating to employer liability and damages in civil actions involving commercial motor vehicles,

Com. Sub. for S. B. 623, Requiring DMV to provide images of certain individuals to Secretary of State for voter identification purposes,

Com. Sub. for S. B. 624, Cancelling voter registration records for individuals no longer WV residents,

Com. Sub. for S. B. 631, Prohibiting municipalities from disconnecting water service for nonpayment of stormwater fees,

S. B. 681, Revising service obligation for certain doctoral medical degree programs,

S. B. 683, Amending definition of "alternative fuel" under motor fuel excise tax,

S. B. 732, Requiring cooperation between law-enforcement agencies and military authorities,

Com. Sub. for S. B. 751, Creating online charitable raffles,

Com. Sub. for S. B. 755, Providing safeguards for online sales of tobacco products,

Com. Sub. for S. B. 841, Setting amount of unemployment taxes and benefits,

S. B. 858, Clarifying filing requirements and deadlines in property tax cases,

And,

S. B. 866, Designating State Treasurer as chairperson of WV Investment Management Board.

March 21, 2024

Com. Sub. for H. B. 4086, Authorizing certain agencies of the Department of Commerce to promulgate legislative rules,

Com. Sub. for H. B. 4110, Authorizing certain miscellaneous agencies and boards to promulgate legislative rules,

Com. Sub. for H. B. 4190, Relating to the establishment of an alert system for missing cognitively impaired persons,

Com. Sub. for H. B. 4233, Non-binary not permitted on birth certificates,

H. B. 4297, Law Enforcement Officers Safety Act,

H. B. 4305, Relating to granting in-state resident status to economic development participants,

Com. Sub. for H. B. 4350, Relating to appointment of candidates after filing period,

Com. Sub. for H. B. 4399, Creating the equitable right to expungement,

Com. Sub. for H. B. 4552, To ensure party affiliation is consistent with candidate's voter registration,

H. B. 4700, Banning certain persons from sport wagering activities,

H. B. 4721, Require Surveyors to offer to record surveys of property,

Com. Sub. for H. B. 4756, Creating a state Alzheimer's plan task force,

Com. Sub. for H. B. 4782, Preventing municipalities from targeting protected businesses with planning and zoning ordinances more restrictive than those placed upon other businesses,

Com. Sub. for H. B. 4786, Delivery Network Company (DNC) Insurance Model Act,

H. B. 4793, Relating to distilled liquor,

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

H. B. 4814, Relating to extending the reporting and sunset dates of the State Advisory Council on Postsecondary Attainment Goals,

H. B. 4822, Creating the Certified Sites and Development Readiness Program ,

Com. Sub. for H. B. 4829, Relating to employment of service personnel and removing the requirement for a high school diploma or general education development certificate,

Com. Sub. for H. B. 4830, To address the professional development of teachers,

Com. Sub. for H. B. 4837, Clarifying the duty of banks to retain and procure records,

H. B. 4838, Require county boards of education to provide long-term substitute teachers, upon hiring, with certain information,

H. B. 4860, Providing that a general education teacher may not be responsible for accommodation logs,

H. B. 4863, Patriotic Access to Students in Schools Act,

Com. Sub. for H. B. 4874, Relating to fatality and mortality review team,

Com. Sub. for H. B. 4880, Relating to personal income tax social security exemption,

Com. Sub. for H. B. 4882, Extending in-state tuition rates to all members and veterans of the National Guard, reserves, and armed forces as well as their spouses and dependents,

Com. Sub. for H. B. 4883, Relating to increasing annual salaries of certain employees of the state,

Com. Sub. for H. B. 4911, Relating to the sale of raw milk,

Com. Sub. for H. B. 4919, Relating to the Promise Scholarship,

H. B. 4945, Relating generally to the Hope Scholarship Program,

Com. Sub. for H. B. 4951, To facilitate the interstate practice of School Psychology in educational or school settings,

Com. Sub. for H. B. 4967, Relating to the administration of the Voluntary Remediation and Redevelopment Act to provide new liability protections for persons and companies who wish to purchase and redevelop former industrial properties,

Com. Sub. for H. B. 4971, Relating to Critical Materials Manufacturing Tax,

Com. Sub. for H. B. 4975, Relating to establishing a foster parent information system,

H. B. 4998, Modifying penalties for third offense shoplifting,

Com. Sub. for H. B. 4999, Creating exception to spousal privilege,

Com. Sub. for H. B. 5013, Relating to Timber Management,

Com. Sub. for H. B. 5017, Relating to mobile food establishment reciprocity,

Com. Sub. for H. B. 5024, Relating to exempting non-grantor trusts administered in this state from the personal income tax,

Com. Sub. for H. B. 5084, Require retailers to verify identification and age upon purchase of vape products,

Com. Sub. for H. B. 5091, West Virginia Critical Infrastructure Protection Act,

Com. Sub. for H. B. 5105, To eliminate the vaccine requirements for public virtual schools,

H. B. 5117, Relating generally to waiver of initial licensing fees for certain individuals,

Com. Sub. for H. B. 5122, Relating to civil service for deputy sheriffs,

Com. Sub. for H. B. 5151, Relating to defining term fictive kin,

Com. Sub. for H. B. 5158, Relating to making technical corrections to the special education code,

Com. Sub. for H. B. 5162, Establish a program to promote creation and expansion of registered apprenticeship programs,

Com. Sub. for H. B. 5175, Eliminate funding for the Center for Nursing and transfer its duties and authorities to the Higher Education Policy Commission,

Com. Sub. for H. B. 5178, Requiring car dealerships in this state to utilize a search engine to determine if buyers of vehicles have valid motor vehicle insurance,

Com. Sub. for H. B. 5188, Relating to awards and benefits for duty related disability in the municipal police officers and firefighters retirement system,

H. B. 5213, To allow Gold Star spouses to receive one free Gold Star vehicle registration for personal use,

Com. Sub. for H. B. 5232, The Business Liability Protection Act,

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

H. B. 5252, Requiring certain minimum experience for the director or coordinator of services class title involving school transportation,

Com. Sub. for H. B. 5262, Relating generally to teacher's bill of rights,

Com. Sub. for H. B. 5294, Revising state law regulating farm wineries,

Com. Sub. for H. B. 5295, Authorizing a private outdoor designated area to simultaneously host multiple qualified permit holders,

H. B. 5298, Relating to prohibiting a candidate who failed to secure the nomination of a political party in a primary election from seeking the same elected office as an affiliate with a different political party in the subsequent general election,

Com. Sub. for H. B. 5317, Making it permissive for commercial motor vehicles registered in this state to pass an annual inspection of all safety equipment to be consistent with the federal motor carrier safety regulations,

Com. Sub. for H. B. 5326, Relating to prohibition of unfair real estate service agreements,

Com. Sub. for H. B. 5338, Relating to Safe Harbor for Cybersecurity Programs,

Com. Sub. for H. B. 5347, Relating to establishing a program for emergency medical services personnel to become certified paramedics,

H. B. 5348, Changing the name of the "Raleigh County Recreation Authority" to the "Raleigh County Parks and Recreation Authority",

Com. Sub. for H. B. 5349, West Virginia Truth in Food Labeling Act,

Com. Sub. for H. B. 5395, Relating to judicial review of Board decisions,

Com. Sub. for H. B. 5405, Providing additional professional development and support to West Virginia educators through teacher and leader induction and professional growth,

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

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

Com. Sub. for H. B. 5510, Clarify law regarding the crime of witness tampering,

Com. Sub. for H. B. 5514, Enhancing training requirements for county boards of education members,

H. B. 5520, Relating to juvenile competency,

H. B. 5528, Relating to the renewable energy facilities program,

Com. Sub. for H. B. 5540, Relating to fentanyl prevention and awareness Education (Laken's Law),

Com. Sub. for H. B. 5561, Relating to permitting the electronic execution of trusts,

H. B. 5582, Modifying exceptions for real estate appraisal licensure,

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

H. B. 5594, Exempting the West Virginia School of Osteopathic Medicine, West Virginia University and Marshall University from contracts, agreements, or memorandums of understanding with spending units in state government with exceptions,

Com. Sub. for H. B. 5604, Relating to procurement by state spending units,

Com. Sub. for H. B. 5650, Allow suspended school personnel to enter school property functions open to the public,

Com. Sub. for H. B. 5662, Relating to adding "person in a position of trust" to certain crimes,

Com. Sub. for H. B. 5668, Creating the Responsible Gaming and Research Act,

And,

H. B. 5696, Relating to the upper Ohio Valley Trail Network.

Messages from the Executive

Actions of His Excellency, the Governor, on bills following adjournment of the session were as follows:

Jim Justice
Governor of West Virginia

March 14, 2024

VIA HAND DELIVERY
The Honorable Mac Warner
Secretary of State
State Capitol Complex
Building 1, Suite 157-K
Charleston, West Virginia 25305

Re: Enrolled Committee Substitute for Senate Bill 200

Secretary Warner:

Pursuant to the provisions of Section Fifty-One, Article VI of the Constitution of West Virginia, I hereby return Enrolled Committee Substitute for Senate Bill 200, passed March 9, 2024, approved with the following objections:

My first objection is to an incorrect fund number ("fund 2440") to which an appropriation is directed to be transferred in item 31, page 27, lines 2 and 3, which lines state as follows:

> "The above appropriation for Directed Transfer (fund 0204, appropriation 70000) shall be transferred to the Information Services and Communication Fund (fund 2440)."

The correct fund number for the Information Services and Communication Fund is "fund 2220" and I have therefore deleted the incorrect reference to "(fund 2440)" in the bill.

My second objection is to a directed transfer of $300,000 in item 80, page 58, lines 41 and 42, which lines state as follows:

> "From the above appropriation of Current Expenses (fund 0403, appropriation 13000), $300,000 shall be used for Green Acres Regional Center, Inc."

The line item for fund 0403, appropriation 13000, was reduced by $1,214,190, which is anticipated to potentially result in a loss of federal matching dollars north of $650,000. The Department of Human Services believes this $300,000 can be more impactful for West Virginians if it is otherwise utilized by the Department and not directed to this entity, which can and does bill the State for its services, setting it on a level field with other, similar businesses. I am therefore deleting the language in its entirety, page 58, lines 41 and 42.

OFFICE OF THE GOVERNOR

My third objection is to items 439 through 443, in their entirety, on pages 216 and 217. These appropriations are to only certain of our institutions of higher education to the exclusion of others. In 2022, the Legislature passed and I signed House Bill 4008, mandating a performance-based funding formula be developed for our colleges and universities. Section 1 of the budget bill does include formula-based appropriations for all of our higher education institutions, except for an inflationary component of that formula. These items 439 through 443 appear to be appropriations for the inflationary component excluded from the Section 1 appropriations but only to certain institutions. The inclusion and exclusion of certain institutions is not the result of objectively applying the formula, and the decision to include and exclude certain institutions wasn't made at the recommendation of or in consultation with the West Virginia Higher Education Policy Commission, the state agency with expertise in this subject matter. If we are to follow a truly performance-based formula for funding our great colleges and universities, then this should be done on a fair and objective basis transparent to all.

There are also certain clerical errors that should be addressed when the Legislature is convened for other important budgetary matters, prior to the end of the fiscal year.

For the reasons stated herein, I have approved, subject to the above objections, Enrolled Committee Substitute for Senate Bill No. 200.

Sincerely,

Jim Justice
Governor

cc: The Honorable Craig Blair
President of the Senate

The Honorable Roger Hanshaw
Speaker of the House of Delegates

Jim Justice
Governor of West Virginia

March 14, 2024

VIA HAND DELIVERY
The Honorable Mac Warner
Secretary of State
State Capitol Complex
Building 1, Suite 157-K
Charleston, West Virginia 25305

Re: Enrolled House Bill 5014

Secretary Warner:

Pursuant to Section Fifty-One, Article VI of the Constitution of the State of West Virginia, I hereby disapprove and return Enrolled House Bill 5014. This bill appropriates two million dollars to "West Virginia University Health System for the Federal Food and Drug Administration Pilot Program" and four million dollars to "Hospital Grants and Research Programs."

While I wholeheartedly support our hospitals and medical centers and the advancement of vital medical care for the citizens of West Virginia, these two appropriations direct the grant of large sums of money with little context or direction for the use of such funding. The language of the bill is ambiguous as to the Legislature's intent and just what types of research may be funded from this appropriation, and no context or background has been provided to date to my Office regarding this appropriation. I believe it is imperative that we take a prudent approach and address important outstanding questions regarding the State's budget for the next fiscal year before making discretionary supplementary appropriations such as this. The Legislature will need to convene prior to the end of the fiscal year to address budgetary matters, and this supplementary appropriation may be considered along with other priorities for funding at that time. Accordingly, I hereby disapprove and return Enrolled House Bill 5014.

Sincerely,

Jim Justice
Governor

cc: The Honorable Craig Blair
President of the Senate

The Honorable Roger Hanshaw
Speaker of the House of Delegates

Jim Justice
Governor of West Virginia

March 26, 2024

VIA HAND DELIVERY
The Honorable Mac Warner
Secretary of State
State Capitol Complex
Building 1, Suite 157-K
Charleston, West Virginia 25305

Re: Enrolled House Bill 5528

Secretary Warner:

Pursuant to Section Fourteen, Article VII of the Constitution of the State of West Virginia, I hereby disapprove and return Enrolled House Bill 5528. This bill would increase the incremental generating capacity of renewable electric-generating facilities.

While I have always said that West Virginia is an "all-of-the-above energy state" and we continue to pursue new energy development opportunities throughout the Mountain State, it is very important that we are careful not to cripple our great coal-fired energy industry in the process. West Virginia is an energy powerhouse and always has been, providing the coal that powered and built this Nation. Bringing in new energy development technologies certainly provides a good opportunity for our State and our citizens. In recent years, however, it seems that the power companies servicing our State are being incentivized at the corporate and federal levels to drastically reduce and eliminate, specifically, coal-generated power. Not only will this arbitrary reduction in coal-powered energy end up costing consumers more, but this drastic change can only further endanger our nation's energy security and put West Virginians at the mercy of the national power grid to ensure we keep the lights on at home.

I fear this well-intentioned bill will further encourage these companies to drop coal-generated power and continue to turn toward more expensive options outside of West Virginia. The ripple effect of such drastic and rapid change could lead to West Virginians paying more on their power bills, as these entities try to pass their cost increases down the chain to the consumer; it could also lead to job loss by putting coal mines and coal generating facilities out of business quickly. All of this ultimately leads to harm for our citizens. Accordingly, I hereby disapprove and return Enrolled House Bill 5528.

Sincerely,

Jim Justice
Governor

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

OFFICE OF THE GOVERNOR

cc: The Honorable Craig Blair
President of the Senate

The Honorable Roger Hanshaw
Speaker of the House of Delegates

Jim Justice
Governor of West Virginia

March 27, 2024

VIA HAND DELIVERY
The Honorable Mac Warner
Secretary of State
State Capitol Complex
Building 1, Suite 157-K
Charleston, West Virginia 25305

Re: Enrolled Senate Bill 683

Secretary Warner:

Pursuant to Section Fourteen, Article VII of the Constitution of the State of West Virginia, I hereby disapprove and return Enrolled Senate Bill 683. This bill purports to exempt hydrogen from the motor fuel tax. This bill, while well-intentioned, fell technically short of accomplishing its intended purpose. Specifically, the bill failed to exempt hydrogen from the motor fuel tax when used as a motor fuel since hydrogen would remain taxable under the definition of a special fuel.

I encourage the Legislature to revisit this issue and to meet with representatives from the Tax Department to ensure a bill to exempt Hydrogen from the motor fuel tax amends all necessary sections of West Virginia Code to accomplish the purpose.

Accordingly, I hereby disapprove and return Enrolled Senate Bill 683.

Sincerely,

Jim Justice
Governor

cc: The Honorable Craig Blair
President of the Senate

The Honorable Roger Hanshaw
Speaker of the House of Delegates

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

Jim Justice
Governor of West Virginia

March 27, 2024

VIA HAND DELIVERY
The Honorable Mac Warner
Secretary of State
State Capitol Complex
Building 1, Suite 157-K
Charleston, West Virginia 25305

Re: Enrolled Committee Substitute for Senate Bill 714

Secretary Warner:

Pursuant to Section Fourteen, Article VII of the Constitution of the State of West Virginia, I hereby disapprove and return Enrolled Committee Substitute for Senate Bill 714, which seeks to transfer the duties and functions of the Board of Osteopathic Medicine to the Board of Medicine and to expand the board's authority to regulate genetic counselors.

The West Virginia Board of Osteopathic Medicine ("WVBOM") has been in existence since 1923. In other words, the WVBOM has been operating in this state for over 100 years. During those 100 years, the WVBOM has provided the practice of osteopathic medicine with effective oversight at no additional cost to our citizens because of the WVBOM's self-sustaining financial model.

These are two separate and distinct categories of the medical profession and should be treated as such, in order to best uphold the values and principles of each. The Osteopathic community has been vocal in advising that the elimination of the West Virginia Board of Osteopathic Medicine would serve to disregard the unique benefits that osteopathic physicians provide to the citizens of our Great State, and could greatly impede underserved citizens from receiving prompt, high-quality osteopathic care. Having separate boards to regulate separate categories of the medical profession will continue to encourage diversity in practice, increase innovative approaches to care, and preserve the integrity of each distinct practice.

Accordingly, I hereby disapprove and return Enrolled Committee Substitute for Senate Bill 714.

Sincerely,

Jim Justice
Governor

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

OFFICE OF THE GOVERNOR

cc: The Honorable Craig Blair
President of the Senate

The Honorable Roger Hanshaw
Speaker of the House of Delegates

Jim Justice
Governor of West Virginia

March 27, 2024

VIA HAND DELIVERY
The Honorable Mac Warner
Secretary of State
State Capitol Complex
Building 1, Suite 157-K
Charleston, West Virginia 25305

Re: Enrolled Senate Bill 722

Secretary Warner:

Pursuant to Section Fourteen, Article VII of the Constitution of the State of West Virginia, I hereby disapprove and return Enrolled Senate Bill 722. This bill proposes to limit the West Virginia Lottery's ability, in its determination of the financial fitness of a limited video lottery applicant or licensee, to examine all of an applicant or licensee's financial records.

This bill compromises the integrity of the West Virginia Lottery by permitting improperly financially-vetted licensees to operate limited video lottery establishments. This bill would weaken the West Virginia Lottery's oversight and provide no benefit to the citizens of the State.

Accordingly, I hereby disapprove and return Enrolled Senate Bill 722.

Sincerely,

Jim Justice
Governor

cc: The Honorable Craig Blair
President of the Senate

The Honorable Roger Hanshaw
Speaker of the House of Delegates

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

Jim Justice
Governor of West Virginia

March 27, 2024

VIA HAND DELIVERY
The Honorable Mac Warner
Secretary of State
State Capitol Complex
Building 1, Suite 157-K
Charleston, West Virginia 25305

Re: Enrolled Committee Substitute for House Bill 5105

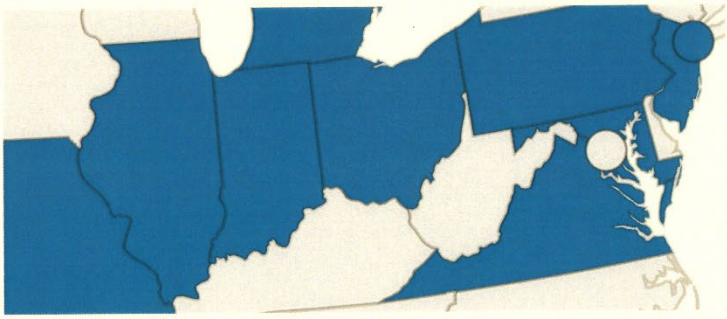
Secretary Warner:

Pursuant to Section Fourteen, Article VII of the Constitution of the State of West Virginia, I hereby disapprove and return Enrolled Committee Substitute for House Bill 5105, which seeks to expand exemptions for vaccination requirements for West Virginia school students.

Since this legislation was passed, I have heard constant, strong opposition to this legislation from our State's medical community. The overwhelming majority that have voiced their opinion believe that this legislation will do irreparable harm by crippling childhood immunity to diseases such as mumps and measles. West Virginia historically has seen very few instances of these diseases, specifically because the vaccination requirements in this State are so strong. Importantly, the vaccines at issue have been required in this State for decades and have kept our communities safe. Our surrounding states, however, have seen spikes in such illnesses recently. These spikes, we are advised, are the result of the lesser vaccine requirements in those states. The image below shows surrounding states with reported measles cases as of March 21, 2024, highlighted in blue.

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

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Additionally, we have heard from many private and parochial institutions all around the State, likewise requesting this bill be vetoed. We have heard from this community that they see this bill as purely divisive and, if signed into law, requiring consideration of adopting policies that will result in parents pulling their children from their schools.

I have always and will always defend our freedoms as West Virginians and as Americans. I hear how strongly people believe in one side or the other on this subject, and I respect all opinions. But I must follow the guidance of our medical experts on this subject. Our medical community in West Virginia serves our people every single day, helping protect our people from disease and poor health. Their wisdom should not be ignored–especially when it comes to the health and safety of our children.

West Virginia is way ahead of the pack in protecting our children from preventable diseases like the measles, and in this matter, I will defer to our licensed medical professionals who have come forward overwhelmingly to say this bill could and likely would result in reduced immunity and harm to West Virginia's kids. Our kids are our future. They are our most important resource, and I will protect them with everything I have. Accordingly, I hereby disapprove and return Enrolled Committee Substitute for House Bill 5105.

Sincerely,

Jim Justice
Governor

cc: The Honorable Craig Blair
President of the Senate

The Honorable Roger Hanshaw
Speaker of the House of Delegates

Jim Justice
Governor of West Virginia

March 27, 2024

VIA HAND DELIVERY
The Honorable Mac Warner
Secretary of State
State Capitol Complex
Building 1, Suite 157-K
Charleston, West Virginia 25305

Re: Enrolled Committee Substitute for House Bill 5338

Secretary Warner:

Pursuant to Section Fourteen, Article VII of the Constitution of the State of West Virginia, I hereby disapprove and return Enrolled Committee Substitute for House Bill 5338, relating to Safe Harbor for Cybersecurity Programs.

The bill—meant to create a safe harbor for companies trying to maintain best practices in their cybersecurity frameworks—is certainly well-intentioned; however, the final language in the bill created unintended consequences which require a veto of this legislation. Specifically, one unintended effect of the bill would be to immunize international entities such as TikTok from lawsuit, when West Virginians' personal information and data are shared against our citizens' wishes. The potential for bad actors to abuse this law and to harm our citizens is unfortunately real.

This was not the Legislature's intent. My Office worked with Legislative staff during this bill review period to confirm this would be the unfortunate effect of the final enrolled bill. We stand ready to work with the bill's sponsors and the stakeholders involved to help craft a bill that will help our State's businesses and protect our citizens.

For the reasons stated above, I hereby disapprove and return Enrolled Committee Substitute for House Bill 5338.

Sincerely,

Jim Justice
Governor

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

OFFICE OF THE GOVERNOR

cc: The Honorable Craig Blair
President of the Senate

The Honorable Roger Hanshaw
Speaker of the House of Delegates

Jim Justice
Governor of West Virginia

March 27, 2024

VIA HAND DELIVERY
The Honorable Mac Warner
Secretary of State
State Capitol Complex
Building 1, Suite 157-K
Charleston, West Virginia 25305

Re: Enrolled Committee Substitute for House Bill 5604

Secretary Warner:

Pursuant to Section Fourteen, Article VII of the Constitution of the State of West Virginia, I hereby disapprove and return Enrolled Committee Substitute for House Bill 5604 for the reasons set forth herein. The bill would raise the dollar amount threshold for agency-delegated purchases of technical infrastructure from $50,000 to $250,000 and would direct the approval of at least two IT marketplace portals for use by state spending units, among other changes.

Under the bill, the threshold for "agency-delegated" purchases is raised from $50,000 to $250,000 for all spending units of the State, which includes all departments, bureaus, divisions, offices, boards, commissions, authorities, agencies, and institutions of the State. The bill would allow each individual unit of government to seek out technical infrastructure (defined to mean "all information systems, information technology, information technology equipment, telecommunications, and technology services") through a marketplace portal, and make purchases of hardware, software, licenses, and so forth, without coordination of such contracts across spending units. Currently, purchases over $50,000 must be reviewed by the Purchasing Division to ensure spending units aren't duplicating costs or entering into contracts where a better value for the State exists through a different contract solution. This is an important check that creates efficiencies across spending units and, thus, saves the taxpayers money.

The individual spending units of the State also don't generally have subject-matter expertise in information technology, but would be, under the bill, the primary drivers of purchases of information technology. In this complex area, in particular, we need to involve our experts early in the process to help our agencies know what they actually need in terms of technology to better their systems and services to the citizens of West Virginia. The bill does, in a limited way, involve the State's subject-matter expert agency, the Office of Technology, but only in that the Chief Information Officer "shall determine if the procurement of technical infrastructure through an IT marketplace portal is advantageous for the State of West Virginia." Rather than the piecemeal approach to technology purchases contemplated in the bill, we

OFFICE OF THE GOVERNOR

should continue to use our experts at the Office of Technology and our Chief Information Officer to strategically guide decision-making for information technology purchases for the State. This, too, results in efficiencies across spending units and saves West Virginia taxpayers money.

I encourage the bill's sponsors and staff to meet with my Office and our Office of Technology to work through the issues raised in this letter to ensure we continue to mind the store as best we can, while enabling State agencies to procure the information technology they truly need.

For these reasons, I hereby disapprove and return Enrolled Committee Substitute for House Bill 5604.

Sincerely,

Jim Justice
Governor

cc: The Honorable Craig Blair
President of the Senate

The Honorable Roger Hanshaw
Speaker of the House of Delegates

Subsequent to the adjournment of the session, communications from His Excellency, the Governor, to the Secretary of State advised that on March 13, 2024, he approved **S. B. 173, S. B. 529, Com. Sub. for S. B. 652, S. B. 837 and S. B. 876**; and on March 14, 2024, he approved **S. B. 574, S. B. 643, Com. Sub. for S. B. 644, S. B. 650, S. B. 653, Com. Sub. for S. B. 656, S. B. 657, S. B. 661, S. B. 663, Com. Sub. for S. B. 665, Com. Sub. for S. B. 695, S. B. 696, S. B. 697, S. B. 698, S. B. 699, S. B. 700, S. B. 701, S. B. 702, S. B. 703, S. B. 704, S. B. 705, S. B. 707, S. B. 708, S. B. 709, S. B. 710, S. B. 868, S. B. 871 and S. B. 877**; and on March 20, 2024, he approved **Com. Sub. for S. B. 466, Com. Sub. for S. B. 730 and Com. Sub. for H. B. 5617**; and on March 22, 2024, he approved **S. B. 142, Com. Sub. for S. B. 190, S. B. 262, Com. Sub. for S. B. 280, Com. Sub. for S. B. 370, S. B. 378, Com. Sub. for S. B. 429, S. B. 452, Com. Sub. for S. B. 482, Com. Sub. for S. B. 503, Com. Sub. for S. B. 504, S. B. 530, Com. Sub. for S. B. 539, S. B. 602, S. B. 752, Com. Sub. for H. B. 4376, Com. Sub. for H. B. 4431, Com. Sub. for H. B. 4667, Com. Sub. for H. B. 4709, H. B. 4768, Com. Sub. for H. B. 4845, H. B. 4863, Com. Sub. for H. B. 4940, H. B. 4984, Com. Sub. for H. B. 4986, Com. Sub. for H. B. 5178 and Com. Sub. for H. B. 5188**; and on March 26, 2024, he approved **Com. Sub. for S. B. 2, Com. Sub. for S. B. 17, Com. Sub. for S. B. 36, Com. Sub. for S. B. 50, Com. Sub. for S. B. 60, S. B. 147, S. B. 164, S. B. 166, S. B. 170, S. B. 430, S. B. 439, Com. Sub. for S. B. 445, Com. Sub. for S. B. 451, S. B. 487, Com. Sub. for S. B. 533, Com. Sub. for S. B. 540, Com. Sub. for S. B. 548, Com. Sub. for S. B. 587, S. B. 613, Com. Sub. for S. B. 623, Com. Sub. for S. B. 632, S. B. 732, S. B. 768, Com. Sub. for S. B. 786, S. B. 803, Com. Sub. for S. B. 826, S. B. 858, S. B. 864, Com. Sub. for H. B. 4190, H. B. 4721, Com. Sub. for H. B. 4812, H. B. 4822, Com. Sub. for H. B. 4830, H. B. 4838, Com. Sub. for H. B. 4874, Com. Sub. for H. B. 4919, Com. Sub. for H. B. 4933, Com. Sub. for H. B. 4951, Com. Sub. for H. B. 4967, Com. Sub. for H. B. 4975, H. B. 4998, H. B. 5056, Com. Sub. for H. B. 5084, Com. Sub. for H. B. 5091, H. B. 5117, Com. Sub. for H. B. 5158, Com. Sub. for H. B. 5162, Com. Sub. for H. B. 5232, H. B. 5268, Com. Sub. for H. B. 5317, Com. Sub. for H. B. 5326, Com. Sub. for H. B. 5395, Com. Sub. for H. B. 5510, H. B. 5549, Com. Sub. for H. B. 5561 and Com. Sub. for H. B. 5662**; and on March 27, 2024, he approved **S. B. 146, S. B. 148, S. B. 149, S. B. 159, Com. Sub. for S. B. 217, Com. Sub. for S. B. 222, S. B. 240, Com. Sub. for S. B. 261, Com. Sub. for S. B. 325, Com. Sub. for S. B. 331, S. B. 438, Com. Sub. for S. B. 453, S. B. 461, Com. Sub. for S. B. 475, Com. Sub. for S. B. 477, Com. Sub. for S. B. 542, S. B. 551, Com. Sub. for S. B. 557, Com. Sub. for S. B. 568, Com. Sub. for S. B. 578, Com. Sub. for S. B. 583, S. B. 610, Com. Sub. for S. B. 624, Com. Sub. for S. B. 628, Com. Sub. for S. B. 631, Com. Sub. for S. B. 649, Com. Sub. for S. B. 667, Com. Sub. for S. B. 679, S. B. 681, S. B. 687, Com. Sub. for S. B. 690, S. B. 712, Com. Sub. for S. B. 751, Com. Sub. for S. B. 755, Com. Sub. for S. B. 778, S. B. 782, S. B. 802, S. B. 806, Com. Sub. for S. B. 820, Com. Sub. for S. B. 824, S. B. 827, S. B. 834, Com. Sub. for S. B. 844, Com. Sub. for S. B. 850, Com. Sub. for S. B. 865, S. B. 866, S. B. 872, S. B. 873, S. B. 874, S. B. 875, Com. Sub. for H. B. 4086, Com. Sub. for H. B. 4110, Com. Sub. for H. B. 4233, H. B. 4297, H. B. 4305, Com. Sub. for H. B. 4350, Com. Sub. for H. B. 4399, Com. Sub. for H. B. 4552, H. B. 4700, Com. Sub. for H. B. 4756, Com. Sub. for H. B. 4782, Com. Sub. for H. B. 4786, H. B. 4793, Com. Sub. for H. B. 4809, H. B. 4814, Com. Sub. for H. B. 4829, H. B. 4832, Com. Sub. for H. B. 4837, Com. Sub. for H. B. 4850, H. B. 4860, Com. Sub. for H. B. 4880, Com. Sub. for H. B. 4882, Com. Sub. for H. B. 4883, H. B. 4945, Com. Sub. for H. B. 4971, Com. Sub. for H. B. 4999, Com. Sub. for H. B. 5013, Com. Sub. for H. B. 5017, Com. Sub. for H. B. 5024, Com. Sub. for H. B. 5057, Com. Sub. for H. B. 5122, H. B. 5128, Com. Sub. for H. B. 5151, H. B. 5170, Com. Sub. for H. B. 5175, H. B. 5213, Com. Sub. for H. B. 5238, H. B. 5252, Com. Sub. for H. B. 5262, Com. Sub. for H. B. 5294, Com. Sub. for H. B. 5295, H. B. 5298, Com. Sub. for H. B. 5347, H. B. 5348, Com. Sub. for H. B. 5349, Com. Sub. for H. B. 5405, H. B. 5430, Com. Sub. for H. B. 5432, Com. Sub. for H. B. 5435, Com. Sub. for H. B. 5514, H. B. 5520, Com. Sub. for H. B.**

5540, H. B. 5569, H. B. 5582, Com. Sub. for H. B. 5583, H. B. 5594, H. B. 5632, Com. Sub. for H. B. 5650, Com. Sub. for H. B. 5668, H. B. 5690 and H. B. 5696.

The following bills became law without the signature of the Governor:

Com. Sub. for H. B. 4911, Relating to the sale of raw milk,

And,

Com. Sub. for S. B. 841, Setting amount of unemployment taxes and benefits.

Miscellaneous Business

Delegate Smith noted to the Clerk that had he been present when the vote was taken on Com. Sub. for S. B. 841, he would have voted "Yea" thereon.

Delegates Rowe and Statler noted to the Clerk that had they been present when the vote was taken on Com. Sub. for S. B. 841, they would have voted "Yea" thereon.

At 12:01 a.m., on Sunday, March 10, 2024, the House of Delegates adjourned *sine die.*

We hereby certify that the forgoing record of the proceedings of the House of Delegates, Second Regular Session, 2024, is the Official Journal of the House of Delegates for said session.

Roger Hanshaw
Speaker of the House of Delegates

Stephen J. Harrison
Clerk of the House of Delegates

HOUSE OF DELEGATES
STEPHEN J. HARRISON, Clerk
Building 1, Room M-212
1900 Kanawha Blvd., East
Charleston, WV 25305-0470

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