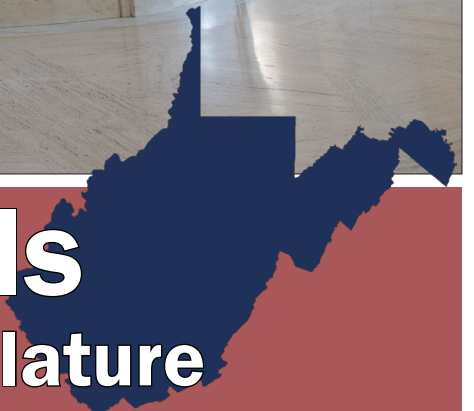


# 2022 Regular Session



**Summary of Bills**  
**2nd Session - 85th Legislature**



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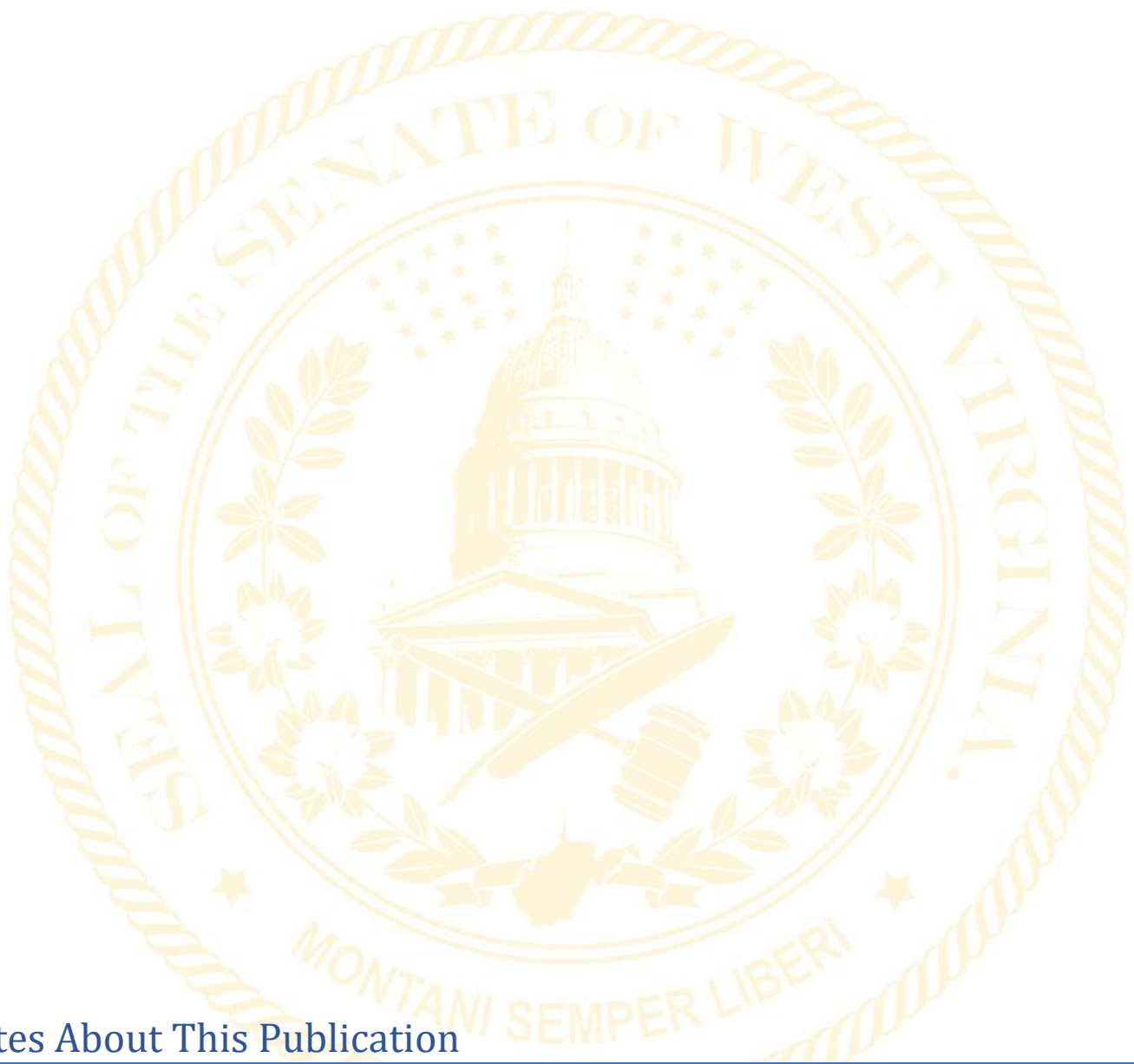
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## Notes About This Publication

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Produced by Jacque Bland, Communications Director – West Virginia Senate. Information was compiled and edited from available resources including Bill Summaries, bill abstracts, Conference Committee reports and bill titles. Details pertaining to a specific bill may have updated since the bill’s original passage. Electronic versions of this book and other publications are available for download at <https://www.wvlegislature.gov/Senate1/president.cfm>. For corrections, questions or additional information, please email [jacque.bland@wvsenate.gov](mailto:jacque.bland@wvsenate.gov) or call 304-357-7999.

# Judiciary



## Senate Bill 6

### Establishing common law “veil piercing” claims not be used to impose personal liability

Senate Bill 6 modifies the application of the “corporate veil piercing” analysis adopted by the Supreme Court of Appeals in *Joseph Kubican v. The Tavern, LLC*, 232 W.Va. 268 (2013) for the purpose of imposing personal liability on a member or manager of a limited liability company.

In subsection (a), the bill clarifies that a member or manager of an LLC is not personally liable for fines, fees, or penalties individually assessed against another member or manager for unrelated acts.

Prior to amendment, subsection (c) provided that members may be held liable in their capacity as members for debts, obligations, or liabilities of the company if a provision to that effect is contained in the articles of organization and the member has consented in writing to the adoption of the provision or to be bound by the provision. The bill adds the following as additional circumstances in which members may be held liable:

- The member against whom liability is asserted has personally guaranteed the liability obligation of the limited liability company in writing;
- There is any tax liability of the limited liability company which the law of the state or of the United States imposes liability upon the member; or
- The member commits actual or constructive fraud which causes injury to an individual or entity.

In new subsection (d), the bill authorizes courts to apply the Kubicon “corporate veil piercing” analysis only if a company is not adequately capitalized for the reasonable risks of the corporate undertaking and the company does not carry certain minimum limits of liability insurance coverage for the primary risks of the business (\$100,000 or such higher amount as may be specifically required by law).

In new subsection (e), the bill authorizes non-human members of an LLC to be held liable under the doctrine of joint enterprise liability rather than veil piercing.

In new subsection (f), the bill confirms that a member may still be held liable as a tortfeasor, and that veil piercing does not apply under these circumstances.

In new subsection (g), the bill authorizes a judgment creditor of an LLC to “clawback” funds from a member to reimburse the LLC for the lesser of the amount of a judgment or amount transferred from the LLC to the member in bad faith, and specifies the following circumstances in which this may occur via primary liability rather than veil piercing: conflicted exchange, insolvency distribution, or siphoning of funds.

Lastly, in new subsection (h), the bill defines several new terms: “conflicted exchange”, “insolvency distribution”, “insolvent”, and “siphoning of funds”.

**CODE REFERENCE:** West Virginia Code – amended

**DATE OF PASSAGE:** March 12, 2022

**EFFECTIVE DATE:** June 10, 2022

**ACTION BY GOVERNOR:** Signed March 28, 2022

## Senate Bill 25

### Updating provisions of Medical Professional Liability Act

Senate Bill 25 addresses prerequisites for filing a lawsuit against a health care provider under the Medical Professional Liability Act.

In §55-7B-2(h), the bill adds “injury” as a defined term synonymous with the existing term “medical injury”.

In §55-7B-4, the bill includes references to the term “medical injury” and clarifies time limitations for bringing a cause of action under the statute. The bill adds a statement of legislative intent to subsection (b) confirming the applicability of the one-year limitations period for a cause of action for medical injury resulting in injury or death to a person alleging medical professional liability against a nursing home, assisted living facility, related entities or employees, or a distinct part of an acute care hospital providing intermediate or skilled nursing care or its employees.

In §55-7B-4(e), the bill shortens the time period in which a claimant must furnish the health care provider with a statement of intent to provide a screening certificate of merit from 180 days to 120 days of the date the provider receives the notice of claim with respect to this same category of actions. In subsection (i)(2), the bill also shortens the tolling period for any statute of limitations applicable to a cause of action against a provider upon whom notice was service for alleged malpractice from 180 days to 120 days.

**CODE REFERENCE:** West Virginia Code §55-7B-2, §55-7B-4, and §55-7B-6 – amended

**DATE OF PASSAGE:** March 10, 2022

**EFFECTIVE DATE:** June 8, 2022

**ACTION BY GOVERNOR:** Signed March 23, 2022

## Senate Bill 232

### Relating to punishment for third offense felony

This bill clarifies the criminal offenses that qualify a person for enhanced sentencing for second and subsequent offenses. Offenses more than 20 years old do not qualify for enhanced sentencing, but the bill excludes from that 20-year time period, time spent in incarceration, parole, or supervised release.

**CODE REFERENCE:** West Virginia Code §61-11-18 – amended

**DATE OF PASSAGE:** March 11, 2022

**EFFECTIVE DATE:** June 9, 2022

**ACTION BY GOVERNOR:** Signed March 28, 2022



## **Senate Bill 244**

### **Relating to appointment of judges to Intermediate Court of Appeals**

Senate Bill 244 corrects a typographical error in a provision of the West Virginia Appellate Reorganization Act which sets forth the initial terms of office of the first three judges to serve on the Intermediate Court of Appeals.

In subsection (b)(3), the bill replaces the word “elected” with the word “selected” to bring it into conformity the other two instances of this word and clarify that all three initial judges are appointed by the Governor.

The bill creates a new subsection (g) providing for retroactive application of this amendment to December 27, 2021.

**CODE REFERENCE:** West Virginia Code §51-11-6 – amended

**DATE OF PASSAGE:** February 1, 2022

**EFFECTIVE DATE:** February 1, 2022

**ACTION BY GOVERNOR:** Signed February 9, 2022

## **Senate Bill 245**

### **Revising wage payment and collection**

This bill allows an employer to elect the form of payment to an employee. An employer may choose to pay their employee via lawful money of the United States, check or money order, payroll card, or direct deposit.

Should an employer make payment using the payroll card option, an employer is required to provide a written disclosure of any fees associated with the payroll card and ensure that the employee has the ability to make at least one withdrawal or transfer from the payroll card per pay period without cost to the employee. The employer must also make an alternate method of payment via direct deposit available to employees should the employer elect to pay an employee via a payroll card.

**CODE REFERENCE:** West Virginia Code §21-5-3 and §21-5-4 – amended

**DATE OF PASSAGE:** March 11, 2022

**EFFECTIVE DATE:** June 9, 2022

**ACTION BY GOVERNOR:** Signed March 23, 2022

# Senate Bill 253

## Relating to voting precincts and redistricting

Senate Bill 253 clarifies the process by which county commissions modify their voting precinct boundaries and these modifications are provided to the U.S. Census Bureau for purposes of certain data collection phases in the years before redistricting occurs. It also clarifies the process by which the new maps and data are provided to the U.S. Census Bureau and made available to the public after redistricting.

In subsection (c), the bill clarifies that the geographic physical features or municipal boundaries to which precinct boundaries must conform upon modification are those recognized by the U.S. Census Bureau. The bill removes a requirement that county commissions report to the Joint Committee on a decennial basis and to the Census Bureau upon request; instead, county commissions will be required to submit precinct modifications to the Secretary of State (on an ongoing basis) in accordance with the process outlined below.

In subsection (d), the bill designates the Secretary of State as the Legislature's agent to the U.S. Census Bureau, the county commissions, and the clerks of the county commissions during certain pre-redistricting and post-redistricting data collection phases of the Census Bureau's Redistricting Data Program and authorizes the Secretary to delegate technical responsibilities of that role to staff within his or her office. The bill requires each county commission to submit to the Secretary on an ongoing basis its updated precincts and other information needed to participate in preliminary data collection and verification phases of the Redistricting Data Program. The bill requires the Secretary coordinate with the counties in this process, to compile the precinct information submitted by them, and to submit and verify such information to the Census Bureau in keeping with Redistricting Data Program deadlines. The bill also requires the Secretary to provide copies of each such submission to Legislative leadership. The bill requires the Legislature to provide updated maps and accompanying technical files to the Secretary after redistricting, and it requires the Secretary to submit this information to the Census Bureau during the post-redistricting collection phase of the Redistricting Data Program. The bill requires the Secretary to post the current maps and files to its website and make them available to the public during business hours in its physical office at the Capitol, and to maintain previous maps and files in its records.

In subsection (e), the bill requires that the maps made publicly available by counties at the courthouse also depict magisterial districts. The bill requires county commissions to submit their current maps and technical files to the Secretary of State upon updating precincts and magisterial districts. The bill also requires the Secretary to post the current maps and files to its website and make them available to the public during business hours in its physical office at the Capitol, and to maintain previous maps and files in its records.

**CODE REFERENCE:** West Virginia Code §3-1-5 – amended

**DATE OF PASSAGE:** March 12, 2022

**EFFECTIVE DATE:** June 10, 2022

**ACTION BY GOVERNOR:** Signed March 28, 2022

## Senate Bill 279

### Authorizing the Department of Environmental Protection to promulgate legislative rules

This bill is the Department of Environmental Protection bundle. It contains 8 rules.

#### **Department of Environmental Protection – Ambient Air Quality Standards, 45 CSR 08**

The rule amends a current legislative rule which establishes and adopts standards of ambient air quality in West Virginia, specifically relating to sulfur oxides, particulate matter, carbon monoxide, ozone, nitrogen dioxide and lead, and incorporates by reference the national primary and secondary ambient air quality standards, as promulgated by the United States Environmental Protection Agency (EPA).

The changes to the rule adopt and incorporate by reference annual updates to the federal counterpart promulgated by EPA as of June 1, 2021.

The updates to the rule maintain consistency with the federal counterpart and allow West Virginia to continue as the primary enforcement authority of federal new source performance standards in this State.

#### **Department of Environmental Protection – Standards of Performance for New Stationary Sources, 45 CSR 16**

The rule amends a current legislative rule which establishes and adopts national standards of performance and other requirements for new stationary sources of air pollution, as promulgated by the United States Environmental Protection Agency (EPA) pursuant to the federal Clean Air Act (CAA).

The amendments adopt and incorporate by reference annual updates to the federal counterpart promulgated by EPA as of June 1, 2021. These amendments maintain consistency with the federal counterpart and allow West Virginia to continue as the primary enforcement authority of federal new source performance standards in this State.

#### **Department of Environmental Protection – Control of Air Pollution from Combustion of Solid Waste, 45 CSR 18**

This rule amends an existing DEP rule which establishes and adopts national standards of performance and other requirements for air pollution caused by the combustion of solid waste, as promulgated by the United States Environmental Protection Agency (EPA) pursuant to the federal Clean Air Act (CAA).

The modifications adopt and incorporate by reference annual updates to the federal counterpart promulgated by EPA as of June 1, 2021. These modifications maintain consistency with the federal counterpart and allow West Virginia to continue as the primary enforcement authority of federal new source performance standards in this State.

#### **Department of Environmental Protection – Emission Standards for Hazardous Air Pollutants, 45 CSR 34**

The rule amends a current legislative rule which establishes a program of national emission standards for hazardous air pollutants as promulgated by the United States Environmental Protection Agency (EPA) pursuant to the Clean Air Act (CAA).

The amendments incorporate by reference annual updates to the federal counterpart promulgated by EPA as of June 1, 2021.

These amendments are necessary for the State to fulfill its responsibilities under the CAA and will allow the DEP to continue to be the primary enforcement authority in this State for National Emission Standards for Hazardous Air Pollutants (NESHAP) promulgated by EPA.

## **Department of Environmental Protection – Requirements for the Management of Coal Combustion Residuals, 33 CSR 1B**

This rule is new and is promulgated under the Solid Waste Management Act which governs solid waste management and disposal. Specifically, this rule governs Coal Combustion Residuals, such as bottom ash and fly ash, produced when coal is burned for electric power generation.

The rule simply adopts by reference the Federal Regulation, 40 CFR Part 257, Subpart D, Standards for the Disposal of Coal Combustion Residuals in Landfills and Surface Impoundments. This is necessary to obtain and maintain closure and permitting primacy. DEP already regulates operations, and the rule will provide DEP with jurisdiction over cleanup and closure also.

The rule applies to owners and operators of new and existing landfills and surface impoundments, including any lateral expansions, who engage in solid waste management of residuals generated from the combustion of coal at electric utilities and independent power producers. These requirements also apply to disposal located off-site of the power producer.

The rule establishes minimum national criteria to determine which solid waste disposal facilities and solid waste management practices do not pose a reasonable probability of adverse effects on health or the environment under the Resource Conservation and Recovery Act.

## **Department of Environmental Protection – Requirements Governing Water Quality Standards, 47 CSR 02**

The rule is the result of the Water Pollution Control Act found in W.Va. Code §22-11-1, et seq, which provides rule-making authority to the DEP to establish rules necessary to carry out the requirements of the Act.

The rule amends the previous legislative rule which establishes requirements governing the discharge of sewage, industrial wastes, and other wastes into the waters of the state and establishes water quality standards for the waters standing or flowing over the surface of the state. The stated public policy of the State of West Virginia is to maintain reasonable standards of purity and quality of water consistent with (1) public health and public enjoyment; (2) the propagation and protection of animals, birds, fishes, and other aquatic life; and (3) the expansion of employment opportunities, maintenance and expansion of agriculture, and the provision of a permanent foundation for healthy industrial development.

New Subsection 8.2.c was added to the rule for the evaluation of factors related to human health on a case-by-case basis as part of the NPDES permitting process. CWA 303(c) is the water quality standards. The process begins with a regulated party investing in an environmental study. This study will be reviewed for proper protocols and water quality standards first by DEP and then by the EPA. Once approved by both the state and federal regulators, a permit may be issued with different criteria. This permit is not subject to legislative review.

Subsection 8.6. in the rule which required DEP to create a work group to analyze and recommend updates to human health criteria is being deleted from the rule because it is no longer necessary.

The most significant amendments are to the Requirements Governing Water Quality Standards to adhere to the federal requirement for Triennial Review of Water Quality Standards, as required by the Clean Water Act, Section 303(c)(1). This will be the third rule change in the last few years. These updates match West Virginia with the US EPA 2015 updates for nationally recommended criteria.

The rule includes changes to the human health criteria in Appendix E recommended by the Human Health Criteria Work Group. In this rule, the DEP is revising 31 substances and adding 4 substances to the

human health criteria. Once authorized, 28 criteria will become more stringent and 7 will become less stringent. If authorized, these 35 criteria will then be consistent with nationally recommended criteria. The units of measure for the substances in the table are also being revised to have the same units of measure for the various substances. The legislature has now updated or added in total 59 of the EPA's 96 recommended criteria.

Finally, the rule is amended in Appendix A, Category B-2 – Trout Waters by adding language regarding the Summersville tailwaters above Collision Creek which states that the water temperature is limited to no more than 5 degrees above the natural temperature, not to exceed 72 degrees any time during the year. This change effectively increases the allowable water discharge temperature from the dam.

### **Department of Environmental Protection – Underground Injection Rule, 47 CSR 13**

The rule amends a current legislative rule and is promulgated under the Water Pollution Control Act which governs the discharge and disposal of pollutants into the waters of the state to maintain reasonable standards of quality to ensure public health and enjoyment. Specifically, this rule governs the Underground Injection Control Program (UIC). The UIC program regulates underground injections of waste into five classes of wells. The rule updates these five classes and adds a sixth classification for carbon capture and sequestration wells.

The rule sets forth criteria and standards which apply to the UIC program. All owners and operators of these wells must be authorized by DEP to make injections. The classes are as follows:

- Class 1 wells are for disposal of hazardous wastes below the water table;
- Class 2 wells are for injection fluids associated with oil and gas production such as brine water;
- Class 3 wells are used to inject fluids to dissolve and extract minerals such as salt mining;
- Class 4 wells cover radioactive materials that do not meet the Class 1 criteria. Note: Class 4 wells are no longer allowed under the federal rule, but nationally some are grandfathered for long term closure; and
- Class 5 wells are shallow wells above the water table, which are not Class 1 through 4 or Class 6. These include wells such as commercial sewage leach fields.
- The new Class 6 wells are for carbon capture and sequestration.

West Virginia currently has primary enforcement authority for the first five classes of wells, but the rule must be updated to maintain this primacy. Currently, federal rules apply to Class 6 wells. Once the rule is updated and approved, DEP intends to seek primacy over Class 6 wells.

Subsection 4.6 describing Class 6 wells is new. Subsection 5.4 is new and describes the area of review for Class 6 wells. Paragraph 6.2.c.5. is new and relates to the mechanical integrity of Class 6 wells.

Section 8 relating to criteria and standards applicable to Class 1 wells has been amended regarding construction requirements, monitoring and closure requirements, and post-closure care.

Section 9 relating to criteria and standards applicable to Class 2 wells has amendments relating to construction, abandonment, operating, monitoring and reporting requirements and information to be considered by the Director prior to issuing a permit.

New Section 13 contains the criteria and standards for Class 6 wells. It contains minimum criteria for siting; construction requirements; abandonment; logging, sampling and testing prior to injection well operation; operating, monitoring and reporting requirements; emergency and remedial response; required permit information; and post injection site care and site closure.

Section 14 relating to the injection well permitting program has been amended to contain requirements relating to loss of mechanical integrity, release of infected wastes into an unauthorized zone, plugging and abandonment, financial responsibility, waiver of requirements by the Director, corrective actions regarding Class 6 wells, and applications for Class 6 permits.

**Department of Environmental Protection – Administrative Proceedings and Civil Penalty Assessment, 47 CSR 30B**

The rule amends a current legislative rule which was promulgated under the Water Pollution Control Act which governs the discharge and disposal of pollutants into the waters of the state to maintain reasonable standards of quality to ensure public health and enjoyment. Specifically, the rule governs the Administrative Proceedings and Civil Penalty Assessment for operators who may not be in compliance with their permits. This rule establishes the procedure for the resolution of enforcement actions and the assessment of civil penalties in lieu of the institution of civil actions as provided in the code.

The rule addresses these issues to make the West Virginia rule more comparable to the Clean Water Act by addressing the Court’s concerns. The rule requires an administrative hearing whether the operator chooses to participate or not, empowers the secretary to unilaterally assess a civil penalty even if an operator does not resolve the issue by voluntary agreement, and deletes the provision allowing an operator to terminate a proceeding at any time for any reason. Finally, the rule also deletes the provision allowing an operator to reject a modification of a proposed consent order made by the secretary which is based on public comments or other information received during a public hearing.

**CODE REFERENCE:** West Virginia Code §64-3-1 et seq. – amended

**DATE OF PASSAGE:** February 11, 2022

**EFFECTIVE DATE:** February 11, 2022

**ACTION BY GOVERNOR:** Signed February 21, 2022

# Senate Bill 312

## Authorization for Department of Revenue to promulgate legislative rules

This Committee Substitute contains the Department of Revenue rules. It is known as Bundle 7 and contains 17 rules.

### **Alcohol Beverage Control Commission – Private Club Licensing, 175 CSR 02**

The rule amends a current legislative rule to comply with House Bill 2025 which passed during the 2021 Regular Legislative Session. The rule expands on definitions for new licenses, including craft cocktail growler sales, private club delivery, third party delivery, curbside pickup, and creating other private club licenses, such as a private wedding venue, a private caterer, a private farmers market facility, a private multi-vendor fair and festival, private outdoor dining and private outdoor street dining and other new concepts.

The rule sets forth definitions for each of its new licenses to better clarify what will and will not qualify within the definition for a license. The rule also sets forth mechanisms to apply and be eligible for the various licenses that have been created. Most of the fees for new licenses were established in code but some have also been added to the rule for clarity. For areas that require municipal or county approval, like private outdoor dining or private outdoor street dining, the ABCC will assist in making a form available to standardize and streamline approval.

The bill makes several amendments to better consolidate the rules and remove unnecessary duplication with code and makes other technical corrections to add in previously agreed to modifications as passed by the Legislative Rule-Making Review Committee that were mistakenly left out of the filed version. The bill also makes amendments to better define terms like “suitable person” and “good moral character” in line with *R.W.B. of Riverview, Inc. v. Stemple* (stating, These are just the sort of “boundless terms” and manipulable “malleable concepts” our Court of Appeals found constitutionally unacceptable because they clothe a decisionmaker with unfettered discretion.) Finally, the bill amends the entertainment portion relating to outdoor dining or outdoor street dining to permit the Commissioner to authorize entertainment and in the event entertainment is denied, to require a written explanation for the denial.

### **Alcohol Beverage Control Commission, Bailment Policies and Procedures, 175 CSR 06**

Currently, this rule explains and clarifies the bailment procedures and policies to be utilized by the ABCC in the operation of the ABCC warehouse and the provision of alcoholic liquor to licensed retail stores. Currently the fees can be updated by administrative notice on the behalf of the ABCC. This amendment requires fee updates or any changes to the rule to go through Legislative Rule-Making Review Committee and be authorized prior to becoming effective.

### **Alcohol Beverage Control Commission – Nonintoxicating Beer Licensing and Operations Procedures, 176 CSR 01**

The rule amends a current legislative rule to comply with House Bill 2025 which passed during the 2021 Regular Legislative Session. The rule expands on definitions for new licenses, including growler sales for Class A and Class B licensees, private club delivery, third party delivery, curbside pickup, creates other licenses, such as private outdoor dining and private outdoor street dining, alters the permitted operating hours, authorizes certain floor plan extensions, removes bonding requirements, and permits direct shipping under certain circumstances. The rule sets forth definitions for each of its new licenses to better clarify what will and will not qualify within the definition for a license. The rule also sets forth mechanisms to apply and be eligible for the various licenses that have been created. Most of the fees for new licenses

were established in code, but some have also been added to the rule for clarity. For areas that require municipal or county approval, like private outdoor dining or private outdoor street dining, the ABCA will assist in making a form available to standardize and streamline approval.

Another key feature permits businesses to hire additional employees when they are supervised to sell and serve nonintoxicating beer to customers. This was primarily contemplated in grocery stores where the sale is completed without any open containers. However, all licensees must comply with supervision requirements which require a person at least 21 years of age to supervise any transaction.

The bill makes several amendments to better consolidate the rules and remove unnecessary duplication with code and makes other technical corrections to add in previously agreed to modifications as passed by the Legislative Rule-Making Review Committee that were mistakenly left out of the filed version. The bill also makes amendments to better define terms like “suitable person” and “good moral character” in line with *R.W.B. of Riverview, Inc. v. Stemple* (stating, These are just the sort of “boundless terms” and manipulable “malleable concepts” our Court of Appeals found constitutionally unacceptable because they clothe a decisionmaker with unfettered discretion.) Finally, the bill amends the entertainment portion relating to outdoor dining or outdoor street dining to permit the Commissioner to authorize entertainment and in the event entertainment is denied, to require a written explanation for the denial.

#### **Insurance Commission – Continuing Education for Individual Insurance Producers and Individual Insurance Adjusters, 114 CSR 42**

The rule amends a current legislative rule. The amendment provides for updates to the continuing education requirements for individual insurance producers and adjusters. The bill incorporates changes made by the passage of House Bill 2682 passed during the 2021 Regular Session of the Legislature.

House Bill 2682 was an agency bill and made minor stylistic and technical modifications. More substantively, the bill removed the requirement that individual insurance producers and adjusters receive notice of their license suspension for their failure to timely complete their continuing education requirements by certified mail, return receipt. The new requirements provide for notice via electronic mail or by regular mail if requested by the individual insurance producer or adjuster.

#### **Insurance Commission – Adoption of Evaluation Manual, 114 CSR 98**

This rule amends a current legislative rule to extend the sunset date for five years from the effective date of the rule.

#### **Insurance Commission – Pharmacy Auditing Entities and Pharmacy Benefit Managers, 114 CSR 99**

The rule amends a current legislative rule that provides a process for licensing and regulating pharmacy benefit managers (PBMs) and pharmacy auditing entities. The changes to the rule are required because of the passage of House Bill 2263 during the 2021 Regular Legislative Session.

Subsection 1.6 has been amended to clarify which PBMs are subject to this rule which includes PBMs in Employment Retirement Income Security Act (ERISA) plans and workers' compensation insurers and self-insured employers.

Subdivision 4.2.17 is new. It requires PBMs to file all methodologies used in connection with reimbursement at initial licensure. If a PBM was initially licensed prior to the time methodologies were required to be filed, it must file them at its first renewal after January 1, 2022.

Subsection 5.7 has been amended to include a definition of the term “other adjustment”.



Section 5.8 adds that it is a discriminatory act if a PBM interferes with a patient's choice to receive drugs at a 340B entity. This includes adding additional requirements, restrictions, or unnecessary burdens that result in administrative costs and fees to 340B entities that are not placed upon other pharmacies that do not participate in the 340B program.

Sections 5.9 through 5.15 are new. They stipulate how much a PBM is required to reimburse pharmacies and pharmacists, require payment parity, prohibit discrimination in reimbursement, set forth prohibitive practices, require that a health care plan be offered the option of pass-through pricing, specify the method of calculating a person's defined cost sharing for each prescription drug, and specify the method for calculating rebates.

Subsections 6.1 through 6.5 set forth additional reporting requirements.

Section 8 sets forth a formal restitution and reimbursement process.

Section 9 provides for consumer choice when selecting pharmacy benefits and services.

### **Insurance Commission – Term and Universal Life Insurance Reserve Financing, 114 CSR 102**

This rule is new. It codifies the provisions of National Association of Insurance Commissioners' (NAIC) Term and Universal Life Insurance Reserve Financing Model Regulation No. 787 pursuant to amendments made to WV Code 33-4-15a by HB4146 (2020 RS), to ensure continued NAIC accreditation of this state's Office of Insurance Commissioner and to preclude possible federal preemption of regulation of these reserve financing matters under a certain agreement between the United States, the European Union and the United Kingdom that governs reserve financing term and universal life insurance.

The rule establishes uniform, national standards governing reserve financing arrangements pertaining to term life insurance policies and universal life insurance policies with secondary guarantees. The primary focus of the bill is providing alternate means for the states to ensure the financial strength of secondary insurers when primary insurers use them to reinsure the term and universal life policies they have issued in this state, even when the secondary insurer is not domiciled in this state.

### **Insurance Commission – Bail Bondsmen in Criminal Cases, 114 CSR 103**

The rule is new pursuant to the passage of House Bill 2758 which passed during the 2021 Regular Legislative Session and transferred licensing authority for bondsmen from the West Virginia Supreme Court to the Insurance Commissioner effective July 1, 2022.

Section 2 defines key terms.

Section 3 sets out licensing requirements for bondsmen or bail bondsmen. It requires submission of an application containing certain specified information and a criminal background check.

This section sets out specific requirements if the applicant is a licensed insurance producer with a property and casualty line of authority, including required deposits to secure the bondsman's obligations. Deposits may be in cash, securities, bond, letter of credit, annuity, or real estate. There are specific requirements for using real estate as the deposit. Applicants that are corporations are also required to provide additional information.

The Commissioner may request any additional necessary data and conduct reasonable inquiries or investigations relative to the determination of the fitness of an applicant. All information is confidential. It sets forth the statutory biennial \$200 licensing fee.

Section 5 sets forth responsibilities and prohibited activities, including: limitations on the bonding fee; a prohibition against accepting money or other things of value from a person for whom he or she posted

a bond; a prohibition against giving anything of value in exchange for securing employment for the bondsman; a prohibition against involvement in settlement, dismissal, etc. of a person's case for whom they have executed a bond; a prohibition against securing legal representation for a someone for whom they have executed a bond; a prohibition against a personal relationship with someone for whom they have executed a bond, including a consensual relationship; solicitation of a person with a pending arrest warrant; a prohibition against entering a police precinct, jail, court, etc. for without first being contacted for bonding services; taking a bond that exceeds on-half of the bondsman's maximum amount of bonding authority; a prohibition against impersonation of a law enforcement officer; a limitation on law enforcement officers, attorneys, or court personnel from being surety on a bond; and a prohibition against signing a blank bail bond.

Section 6 relating to qualifications of securities on bail requires that all surety for release of a person on bail be qualified as a professional bondsman or an insurer.

Section 7 requires a bondsman to provide a written receipt for collateral or security received by a bail bondsman. It specifies the information that must be included on the receipt.

Section 8 relates to the financial responsibility of a bondsman. A deposit with the Commissioner is required of at least one-tenth of the value of all bonds undertaken and written is required unless the security is real estate. In no event is the deposit to be less than \$10,000. If real estate is the security the aggregate amount of the bonds written cannot exceed five times the assessed value of the real estate. There are provisions to apply to the Commissioner to increase the limit. The Commissioner also has the authority to decrease the limit if the bondsman has demonstrated financial irresponsibility. Additional provisions provide for joint writing of bonds, a power or attorney to allow the sale or transfer of the security, notice requirements to the Commissioner should the value of the security decrease, a provision to deny a license renewal if a bondsman has not complied with or cured a deficiency, and provisions for return of a license if the bondsman discontinues writing bonds.

Section 9 requires all cash securities be held in trust by the Commissioner in a separate account with the State Treasurer. The Commissioner may use the security to satisfy the liabilities of a professional bondsman on bail bonds.

Section 10 sets out provisions for discontinuance of writing bonds and the ability to provide for a substitute bondsman to perform the duties on outstanding bond obligations. The rule sets out the information that is required in a contract for transfer of the business should a substitute bondsman be retained.

Section 11 provides that a license issued by the Commissioner may be suspended or revoked following notice and a hearing for certain specified circumstances. If a license is suspended or revoked, the bondsman remains liable for any bond outstanding at the time of the suspension or revocation. The Commissioner also has the authority to impose a civil penalty of not more than \$100 per occurrence.

Section 12 requires a bondsman who files for bankruptcy protection to place the Commissioner on notice within five working days. Failure to do so results in an automatic suspension of a license pending an investigation and hearing.

Section 13 states that the Commissioner may visit any bondsman and examine his or her relevant records.

Section 15 requires reporting to the Commissioner on the financial responsibility of a bondsman. An insurer is required to file an annual report listing all surety bondmen. The Commissioner is required to be notified of an insurer who appoints a surety bondsman, as well of any termination of a surety bondsman.

### **Lottery Commission – West Virginia Lottery State Lottery Rules, 179 CSR 01**

This rule amends a current legislative rule through which the State Lottery Commission (“Commission”) and the Lottery Director (“Director”) administer lottery games, such as instant tickets, draw games, Powerball, etc. Many of the amendments in the rule implement the new system of “iLottery” through which the Commission will offer and administer the playing of lottery games over the internet.

Section 2 revises definitions by adding definitions for “Dormant account,” “iLottery,” “Mutli-factor authentication,” “Personally identifiable information,” “Special Licensed Retailer,” and “Vendor of record.” Several other definitions are deleted as no longer necessary.

Section 3 updates the manner in which the bank accounts of agents and retailers that sell lottery products may be swept to include ACH transfers and provides for the payment of lottery prizes by EFT or ACH transfer.

Section 4 permits Special Licensed Retailers providing iLottery sales to engage in business solely as a licensed lottery retailer, removes conviction of a crime “involving moral turpitude” as a disqualifying event for licensees, removes the prohibition against the credit card sale of lottery tickets, requires the recordation of the transfer of lottery tickets between individual stores in the same chain, allows agents and retailers to set a minimum amount for debit or credit card transactions, but does not allow a single transaction for the purchase of lottery tickets to exceed \$200, and increases license renewal fees from \$5 to \$25.

Section 5, relating to instant games, increases the maximum price of an instant lottery game from \$20 to \$50, allows selected retailers approved by the commission to redeem instant lottery tickets for a prize of \$600 to \$5,000 (other retailers may only redeem instant tickets for \$600 or less), and allows all retailer redemptions to be made by fund transfer or by credit to an established iLottery account, and revises certain validation requirements for a lottery ticket.

Section 6, related to draw games, allows all redemptions of draw game lottery tickets to be made by fund transfer or by credit to an established iLottery account. It removes the requirement that all draw game drawings be broadcast live on television if facilities for the broadcasts are available and operational, removes the requirement that following an error in drawing, the winning combination must be provided to the media for dissemination to the public. It also allows a lottery sales agent to pay prizes not only by check or money order, but also by bank issued credit or debit card or in another manner approved by the Commission.

Section 7 allows winners to claim the prize using their mobile devices.

Section 10 is new and includes provisions that require that gaming systems used by Special Licensed Retailers include a geolocation system in order to prevent unauthorized use of iLottery when a patron is not within the boundaries of the State of West Virginia. It also provides that any amounts in an iLottery account are subject to the Unclaimed Property Act if there is no patron initiated activity for a period of sixteen months.

An additional change to the rule removes the use of the terms keno, travel, instant ticket, on-line ticket, on-line game, on-line terminal – all these concepts are now subsumed into the concept of “draw games.” The rule also clarifies throughout the rule that all tickets are “lottery tickets.”

## **Lottery Commission – West Virginia Lottery Limited Video Lottery Rules, 179 CSR 05**

The rule amends a current legislative rule through which the State Commission and the Director administer the operation and playing of video lottery games in adult-restricted facilities or rooms, known as “Limited Video Lottery.” Many of them implement recent statutory changes enacted since these rules were last amended in 2017, and update the rule to match industry standards.

Section 2 revises definitions by authorizing social media as an approved platform for advertising. It eliminates the definition of the term “Filed timely personal income tax returns” which was used for purposes of determining a state resident. A state’s requirement that a licensee meet certain minimum period of state residency to qualify for licensure (“duration of state residency”) was ruled unconstitutional by the US Supreme Court in a case involving licensure in Tennessee. The requirement was removed from West Virginia’s statute by Senate Bill 610 from the 2020 Regular Legislative Session. Finally, the definition of “licensed limited video lottery location approved by the commission” in accordance with statutory changes made by House Bill 4760 in the 2020 Regular Legislative Session to make the standard distance required between video lottery retailer locations consistent with the standard distance between private club licensees and clarifies that authorized truck stops may be authorized locations.

Subsection 3.2, which requires that each operator and licensee must meet certain minimum period of state residency to qualify for licensure has been deleted.

Section 11 increases the maximum single game wager from \$2 to \$5 in accordance with statutory changes made by House Bill 2191 during the 2019 Regular Legislative Session.

Section 16 increases the maximum allowable video lottery terminals per location to ten for all video lottery retailer applicants in accordance with statutory changes made by House Bill 3308 during the 2021 Regular Legislative Session.

Section 17 eliminates requirements that includes the State Auditor in the State Lottery Commission’s permit bidding processes in accordance with statutory changes made by House Bill 4410 during the 2018 Regular Legislative Session. These bidding processes will continue to be administered by the Purchasing Division of the Department of Administration. It also increases the maximum allowable video lottery terminals per location to ten for all video lottery retailer applicants in accordance with statutory changes made by House Bill 3308 during the 2021 Regular Legislative Session.

Section 18 requires the Commission to give a priority preference to allow current permit holders, for all bids conducted after June 30, 2011, to acquire permits which are held by those permit holders at the minimum stated bid price before those permits are made available for bid to other applicants in accordance with statutory changes made by House Bill 4647 during the 2020 Regular Legislative Session.

Section 33 removes the prohibition on conducting advertising by a video lottery terminal operator and modifies limitations on advertising by video lottery retailers, in accordance with House Bill 2507 during the 2021 Regular Legislative Session.

Section 36 provides new language governing permits that are issued prior to, but expire before, July 1, 2031.

## **Racing Commission – Thoroughbred Racing, 178 CSR 01**

The rule amends a current legislative rule that regulates all aspects of thoroughbred racing in West Virginia. Subdivision 10.3.c. has been amended to allow for purse release agreements which provide for purse distribution after the official end of each race and before post-race tests have cleared with the laboratory or laboratories under certain circumstances and conditions.

### **Racing Commission – Pari-Mutuel Wagering, 178 CSR 05**

The rule adds a 5-year sunset provision.

### **State Tax Department – Valuation of Producing and Reserve Oil, Natural Gas Liquids, and Natural Gas for Ad Valorem Property Tax Purposes, 110-01J**

This rule was not authorized by the Legislative Rule-Making Review Committee. It set the method and process for how the Tax Department calculates the property taxes for producing and reserve oil, natural gas liquids, and natural gas.

### **State Tax Department – West Virginia Tax Credit for Federal Excise Tax Imposed Upon Small Arms and Ammunition Manufacturers, 110 CSR 13KK**

This a new rule that implements the provisions of House Bill 2499 which passed during the 2021 Regular Legislative Session.

The rule establishes the amount of the credit pursuant to the limits set forth in the authorizing statute. The credit is permitted to a taxpayer against a portion of state taxes attributable to investing in a new or expanded small arms and ammunition manufacturing facility in West Virginia. That investment must equal or exceed \$2,000,000. This credit must be continuously maintained in every operational year for a 10-year period. The credit amount is capped at 100% of the federal excise tax amount payable to the United State Government.

The credit is first applied to corporate net income taxes. If the corporate net income due by a taxpayer is not solely attributable to an investment in small arms and ammunition manufacturing, then the rule sets out a formula to determine the amount of the credit.

If the taxpayer is a small business corporation, a partnership, a limited liability company treated as a partnership for federal taxation purposes, or a sole proprietorship, then any unused portion of the credit may be applied toward personal income taxes. The credit is allocated among partners and members in the same manner as profits and losses for a taxable year. If the personal income due by a taxpayer is not solely attributable to an investment in small arms and ammunition manufacturing, then the rule sets out a formula to determine the amount of the credit.

If the formulas set out in the rule do not fairly represent the taxes attributable to a qualified investment, then the Tax Commissioner has the ability to request additional information.

Any unused portion of the credit may be carried forward until the expiration of the tenth year. If any credit remains after the tenth year, it is forfeited.

To determine a qualified investment, the rule tracks the statute. It is set as a percentage of the cost of each property purchased or leased of the new, or expansion or an existing, small arms and ammunition manufacturing facility. The percentage is determined by a table set out in the rule.

Useful life is determined as of the date the property is first placed into service. The cost of each property is determined by examining trade-ins, damaged, destroyed, or stolen property, rental property, self-constructed property; and transferred property.

If the property is disposed of or ceases to be used as a small arms and ammunition manufacturing facility or if there is a cessation of operation of a small arms and ammunition manufacturing facility, then any unused portion of the credit is forfeited. There is an exception if the property is damaged or destroyed by fire, flood, storm or other casualty, or is stolen. A change in the form of the business or a transfer or sale to a successor are permissible as long the property continues to operate as a small arms and ammunition manufacturing facility. A successor business or new owner may claim any unused portion of the credit.

There are record keeping requirements with specific data elements that a taxpayer must retain to establish that a property qualifies for the credit. The rule provides consequences for not keeping proper records impacting the taxpayer's ability to claim the credit and in which tax year the credit is applicable. There is also a process that places the burden of proof on the taxpayer to prove an investment qualifies for the credit. No credit is allowed until the taxpayers makes a written application for allowance of the credit to the Commissioner.

The Tax Commissioner is required, every five years beginning February 1, 2026, to file a report with the Governor and the presiding officer of both houses of the Legislature to evaluate the cost effectiveness of the credit.

A second report is required from the Department of Commerce in consultation with the Tax Commissioner, the Department of Transportation, the Department of Environmental Protection on the economic impact of the credit.

Final provisions of the rule provide for administration of the credit by the West Virginia Tax Procedure and Administration Act and crimes and penalties set out in the West Virginia Tax Crimes and Penalties Act are applicable to this credit. There is a severability clause that tracks the statute and an effective date of property placed into service after July 1, 2021.

#### **State Tax Department – Sales Tax Holiday, 110 CSR 15F**

This new rule implements the provisions of WV Code §11-15A-9s, newly created in House Bill 206 during the 2019 1st Extraordinary Session, that established a four-day sales tax holiday each August after July 1, 2021, consisting of “the first Sunday of August, the previous Friday and Saturday and the following Monday.” The act establishes that purchases during these four days of certain clothing with a purchase price of \$125 or less; certain school supplies with a purchase price of \$50 or less; certain school instruction material with a purchase price of \$20 or less; certain laptop and tablet computers that are not purchased for use in a trade or business and with a purchase price of \$500 or less; and certain sports equipment that is not purchased for use in a trade or business and with a purchase price of \$150 or less are exempt from the sales tax.

The first sales tax holiday occurred this year under the guidance of the State Tax Division's Emergency Rule authorized by the Act. The legislative rule is not substantively different from the emergency rule in effect since June 7, 2021. The rule provides: definitions; language governing items normally sold as a unit; language governing sales of “buy one, get one free or for a reduced price”; language governing exchanges and returns; coupons and discounts; gift certificates; layaway sales; mail, telephone, e-mail, and internet orders and custom orders; rain checks; rebates; repairs and alternations; refunds; shipping and handling charges; record keeping and reporting; and exceptions,

#### **State Tax Department – Exemption for Repair, Remodeling and Maintenance of an Aircraft, 110 CSR 15L**

This rule is new. The rule is promulgated to comply with the provisions of Senate Bill 305 which passed during the 2021 Regular Session of the Legislature. That bill authorized both an emergency and a legislative rule. It creates a tax exemption from the Consumer Sales and Service Tax for:

- Services including aircraft repair, remodeling, and maintenance services for an aircraft;
- Services including repair, remodeling, and maintenance services for an engine or other component of an aircraft;

- Sales of tangible personal property that, as part of a repair, remodel, or maintenance, is permanently affixed or attached as a component part of an aircraft; and
- Sales of machinery or tools used or consumed directly and exclusively for repair, remodeling, and maintenance services for an aircraft or engine or other component of an aircraft.

The rule provides that the Consumer Sales and Service tax and the Use Tax exemption applies to:

- Machinery, tools, or equipment directly used or consumed exclusively of the repair, remodel, or maintenance of an aircraft, its engine, or other aircraft component.
- Machinery, tools, or equipment physically incorporated into the finished aircraft, its engine or component parts.
- Machinery, tools, or equipment used exclusively for repairing, remodeling, or maintaining aircraft.
- Machinery, tools, equipment used exclusively for repairing, remodeling, or maintaining aircraft that also qualifies for the exemption under West Virginia Code §11-15-9(a)(33). That section contains a similar exemption for aircraft operated by a certified or licensed carrier or a government entity.

There is a process for claiming the exemption set forth in the rule. A taxpayer may pay the vendor and then apply for a refund. The taxpayer would then file a claim for refund or credit on a form provided by the Commissioner. Alternatively, the taxpayer may provide the vendor his or her direct pay permit. The third and final option is for the taxpayer to file a claim and execute a certificate of exemption on a form provided by the Commissioner and deliver this to the vendor. A taxpayer using an exemption certificate must have a valid Business Registration Certificate and complete an exemption certificate.

The rule has provisions for the Commissioner to render an exemption void due to fraud, error, deficient or incomplete records or documentation, failure to retain records, or acceptance or use of an exemption certificate in bad faith. The Commissioner also has investigative powers pursuant to the Procedures and Administration Act set forth in West Virginia Code §11-10-1 et seq.

Finally, the rule has record keeping requirements allowing the Commissioner the ability to verify a vendor or retailer's taxable and nontaxable sales in the case of an audit.

#### **State Tax Department – Vendor Absorption or Assumption of Sales and Use Tax, 110 CSR 15M**

This rule is new and implements the provisions of Senate Bill 661 during the 2021 Regular Legislative Session. The rule allows retailers to advertise or state to their customers that the sales or use tax or any part of such tax due on a purchase made by the customer will be assumed or absorbed by the retailer, or will not be added to the sales price, or if added, that it will be refunded, if the vendor: (1) separately states the selling price and the full amount of the tax imposed on the sale; and (2) remits the full amount of the tax with the return that covers the period when the sale occurred.

The rule provides requirements for absorbing or assuming the tax during and following a sales transaction; identifies the taxpayers in the transaction; outlines who may apply for refunds of a remitted tax; applies these provisions to the municipal sales and use tax; and the special district excise tax (sales tax increment financing); and does not allow absorbing or assuming the sales tax on motor vehicles or motor fuel.

#### **State Tax Department – On-line Bingo and Raffles, 110 CSR 16A**

The rule is new and implements the provisions of Senate Bill 263 during the 2021 Regular Legislative Session. The rule allows state-regulated games of charitable bingo and charitable raffles to be offered over the Internet. Charitable bingo and charitable raffles are otherwise regulated through 110 CSR 16 and 110 CSR 35, respectively, which are not proposed for amendment. This rule addresses the playing of those

games over the Internet, including: definitions, including but not limited to, definitions for “on-line bingo” and “on-line raffle”; licenses for on-line bingo and raffles; requiring any licensee conducting on-line bingo or on-line raffle to use a geolocation system in order to prevent unauthorized use of an on-line gaming system when a patron is not within the boundaries of the State of West Virginia; requiring licensees to have a positive age-verification system to ensure that no individual under the age of eighteen may participate in the playing of any bingo game; addressing sales of bingo cards and raffle tickets; limiting the frequency and duration of bingo occasions; providing restrictions on use of bingo and raffle equipment and on expenses for the conduct of on-line games; limiting the value of bingo prizes awarded, and the types of bingo or raffle prizes; and imposing statutory penalties for violations upon violations of the rule.

#### **State Tax Department – Corporation Net Income Tax, 110 CSR 24**

This is a new rule that implements the provisions of House Bill 2026 passed during the 2021 Regular Legislative Session. That bill changes existing law that determines the apportionment of business income earned in more than one state under state corporate net income tax law, all beginning January 1, 2022. Popular descriptions of the specific areas of change proposed by the bill related to this rule are (1) Sales Factor and Elimination of the Throw-Out Rule; and (2) Market-Based Sourcing, each more specifically summarized as follows:

- **Single Sales Factor:** §11-24-7. This section was amended so that when determining how much of a corporation’s total business activity in all states will be subject to West Virginia corporate net income tax, the corporation’s property and payroll will no longer be considered and the corporation’s sales will no longer be double-weighted. The bill provides that only a portion of a corporation’s sales will be taxed. That portion will be determined using a single-sales ratio of sales in this state over sales in all states, multiplied by the corporation’s federal adjusted taxable income.
- **Throw-Out Rule Elimination.** When determining the portion of the corporation’s sales that will be taxed using a single-sales ratio of sales in this state over sales in all states, multiplied by the corporation’s federal adjusted taxable income, the bill’s elimination of the “throw-out” rule will allow corporations to include in the denominator of the single-sales ratio the corporation’s sales that were not taxed in other states. Current West Virginia law “throws out” these sales that are not taxed in other states, but the bill will reduce the corporation’s taxes by eliminating what is popularly known as the “throw-out” rule.
- **Market-Based Sourcing.** Taxation of a corporation’s sales of services and intangible personal property will be attributed to income derived from where the service or property was delivered, not where the activity that generated the sale occurred, when determining the proportion of the corporation’s sales to be taxed by West Virginia.

The changes amend the existing rule administering corporate income taxation in this state to incorporate the changes made by House Bill 2026. The primary amendments are made in the following sections: Section 6 provides a new section for “Allocation And Apportionment for Tax Years beginning on and after January 1, 2022.” Section 6a provides a new section for “Transition Rules for C corporations having a fiscal tax year ending after January 1, 2022, and before December 31, 2022.”

**CODE REFERENCE:** §64-7-1 et. seq (Amends and Reenacts)

**DATE OF PASSAGE:** March 12, 2022

**EFFECTIVE DATE:** July 1, 2022

**ACTION BY GOVERNOR:** Signed March 30, 2022



# Senate Bill 330

## Authorizing DOT to promulgate legislative rules

The Committee Substitute for Senate Bill 330 contains the Department of Transportation rules. It is known as Bundle 8 and contains 4 rules.

### **Division of Motor Vehicles – Examination and Issuance of Driver’s License, 91 CSR 04**

This rule is an amendment of a current legislative rule and was last amended effective April of this year. The amendment reflects passage of Senate Bill 356 in 2021 Regular Legislative Session, which authorizes driver’s education instructors to administer the knowledge examination for a driver’s license.

The rule allows a driver’s education instructor to administer a knowledge examination and provides that applicants who successfully complete such an examination are exempt from providing a certificate of current school enrollment. The rule also permits the Division of Motor Vehicles (DMV) to allow driver’s education instructors to administer a road skills examination to be developed by DMV. As with the knowledge examination, applicants completing a road skills examination administered by a driver’s education instructor are exempt from meeting the school enrollment certificate requirement. The DMV may revoke any driver’s education instructors privilege to administer either test for failure to comply with the standards developed by the Division.

The rule also allows individuals transferring an out of state license to a West Virginia license to use the out of state license and the documents used to obtain it to establish the requirements for obtaining the West Virginia license, except when prohibited by federal law.

The DMV requested an amendment to the rule on page 12, subsection 8.2, after the words “valid driver’s license” by inserting the words “expired 36 months or less”. Currently, if you have a WV license that is expired 36 months or less, you don’t have to retest to obtain the license. If you are transferring in from another state, currently you must retest if your out of state license is expired by just one day. The amendment was adopted and now clarifies that the ability to renew a license without retesting if it has been expired for 36 months or less does not apply to commercial driver’s licenses.

Finally, the rule authorizes online renewal of a driver’s license or identification card despite a change of address from that on file with DMV. The rule formerly barred online renewal if the address had changed. The amendment reflects passage of Senate Bill 343 in the 2021 Regular Legislative Session.

### **Division of Motor Vehicles – Dealer Licensing, 91 CSR 06**

The rule amends a current legislative rule which establishes requirements for licensing motor vehicle dealers, wrecker/dismantler/rebuilders, automobile auctions, vehicle leasing and rental companies, transportation network companies, and license services providers, all of whom the Division of Motor Vehicles (DMV) licenses and regulates. The current rule has not been amended since 2006.

The rule reorganizes and consolidates substantially similar language that applies to different types of licenses into a single provision that applies to all or most of the licenses. For example, this section of the rule concerns dealership premises for all classes of dealers. It replaces portions of the former rule that separately dealt with premises for the different types of licenses. Similarly, several separate bonding provisions of the former rule are consolidated into a single phrase in subsection 3.1 of the rule referring to the statutory bonding requirements. Other provisions of the current rule are relocated in the rule for clarity.

The rule adds provisions dealing with temporary registration plates, dealer franchises, transportation network company permits and licensee behavior on DMV premises and when engaging with DMV employees.

### **Division of Motor Vehicles – Collection of Tax on the Sale of a Vehicle, 91 CSR 09**

The rule amends a current legislative rule which raises the sales tax on the purchase of a new or used vehicle from five percent to six percent, in conformity with the provisions of W. Va. Code §11-15-3c.

### **Department of Transportation – Employment Procedures, 217 CSR 01**

This new rule is promulgated pursuant to House Bill 2720, which passed during the 2021 Regular Legislative Session, and which requires the Department of Transportation (DOT) to establish a merit-based personnel administration system—separate from the Department of Personnel’s (DOP) civil service system under W. Va. Code §29-6-1 et seq.—to become effective 1/1/2022. Therefore, DOT has also filed an emergency rule which will be in effect from 1/1/2022 until this legislative rule completes the legislative process and becomes effective.

While this is a new rule, the Department of Highways (DOH) has a separate rule, Employment Procedures, 157 CSR 12 which is currently in effect and sunsets on 4/13/2023. However, the DOH rule will be effectively replaced by the new DOT rule.

This rule in substantially follows the DOP’s 143-01 Administrative Rule of the West Virginia Division of Personnel, with certain distinctions.

The provisions of the rule are summarized below:

- §1 – Scope, authority, filing date, effective date, and sunset provision.
- §2 – Defines 80 terms.
- §3 – Requirements for class specifications, classification of positions, position descriptions, reclassification, position reallocation, temporary classification upgrade, and classification plan for classified-exempt service.
- §4 – Purpose and intent of the career classification and compensation plan (CCCP or “pay plan”); requirements for preparation, adoption, and implementation of the pay plan; requirements for pay on promotion, demotion, lateral class change, and reinstatement; requirements for salary advancements; and requirements for annual increment increase.
- §5 – Requirements for examinations and notice of examinations, filing applications, disqualifications of applicants, conduct of examinations, scoring of examinations, rating training and experience, notice of exam results, special examinations, and examination records.
- §6 – Requirements for establishment of registers, their duration, removal of names from registers, and reinstatement to register.
- §7 – Requirements for requests for certification, certification methods, selective certification, and corrections of errors.
- §8 – Requirements for appointments to positions added to the CCCP classified service, original appointments, temporary employment, and posting of job openings.
- §9 – Nature, purpose, and duration of the probationary period; requirements for conditions preliminary to permanent appointment; requirements for transfers during probation; and requirements for dismissal during probation.
- §10 – Method of making promotions, demotions, and transfers.

- §11 – Resignation, dismissal, suspension, and layoffs, like penalties for like offenses in dismissals for cause and other disciplinary actions, and reinstatement.
- §12 – Official holidays, agency work schedules, annual leave, transfer of annual leave, sick leave, suspected misuse of leave, unauthorized leave, overtime work and holiday work, leave of absence without pay, military leave, court, jury, and hearing leave, and other leave.
- §13 – Performance evaluations
- §14 – Prohibition of political activities, application of the federal Hatch Act, and additional prohibition for DOH employees.
- §15 – Employment conflicts including other employment and certain volunteer activity, and nepotism.
- §16 – Payroll.
- §17 – Agency and division records.
- §18 – Confidentiality.
- §19 – Agency and division responsibilities for training and development.
- §20 – Employee representative organization bulletin boards.

**CODE REFERENCE:** West Virginia Code §64-8-1 et. seq. – amended

**DATE OF PASSAGE:** March 8, 2022

**EFFECTIVE DATE:** March 8, 2022

**ACTION BY GOVERNOR:** Signed March 23, 2022

# Senate Bill 334

## Authorizing miscellaneous agencies and boards to promulgate rules

The strike and insert amendment for the committee substitute for Senate Bill 334 contains 75 rules and is known as bundle 9, the miscellaneous bundle.

### **Commissioner of Agriculture – Feeding of Untreated Garbage to Swine, 61CSR 01A**

The rule removes the \$5 fee for a swine garbage feeding permit. The fee which was in the statute was removed in Enrolled Committee Substitute for House Bill 2633, which passed during the 2021 Regular Legislative Session.

### **Commissioner of Agriculture – Commercial Feed, 61 CSR 05**

The rule amends a current legislative rule. The following is a synopsis of the substantive amendments:

- §61-5-2. Incorporation by Reference.

This section has been amended to update references to federal regulations that are incorporated by reference into the rule.

- §61-5-5. Permits; Registration.

A new subsection 5.3 relating to a commercial feed guarantor permit requires any person whose name appears on the label of commercial feed or customer-formula feed, except for a person who has a Commercial Feed Manufacturing Permit, to complete an application for each manufacturing facility or location distributing feed in or into the state. It specifies information which must be contained in the application.

Subsection 5.4 has been amended to relate specifically to the annual registration of pet food and pet food products as opposed to commercial feed.

- §61-5-7. Labeling.

A new paragraph 7.1.b.10. sets forth labeling requirements for commercial feed which consists of raw milk. Neutral Detergent Fiber has been added to the sequence of ingredients listed in the nutritional guarantee.

- §61-5-8. Expression of Guarantees.

A new subdivision 8.3.h. allows products labeled with a quantity statement to state vitamin guarantees in milligrams per unit consistent with the quantity statements and direction for use.

Subsection 8.9 is new. It contains requirements for guarantees for dietary starch, sugars, and fructans.

- §61-5-10. Ingredients.

A new subsection 10.8 requires that each ingredient be listed in the ingredient statement on the label unless it meets the criteria for an incidental ingredient.

- §61-5-11. Directions for Use and Precautionary statements.

A new subsection 11.4. requires raw milk distributed as commercial feed to contain a statement warning that it is not for human consumption, has not been pasteurized, and may contain harmful bacteria.

- §61-5-12. Non-Protein Nitrogen.

A new subsection 12.4. provides that feeding or use directions for those feeds in which more than 50% of the protein content is derived from non-protein nitrogen sources should include recommendations

regarding adequate supplies of drinking water, sources of energy, forages being fed, minerals, adaptation periods and stress conditions when necessary.

- §61-5-14. Adulteration.

This section defines “poisonous” or “deleterious” substances. Raw leather residue from tanning or leather manufacturing is included within this definition.

- §61-5-17. Enforcement Policy.

The rule removes language allowing the Commissioner, for a first or second violation, where a commercial feed sample does not conform to the requirements of the law and the rule, to issue an embargo order for the lot of commercial feed to the custodian of the lot sampled. Language has also been deleted which required the Commissioner to take additional samples from a different lot.

- §61-5-20. Penalties for Violative Samples.

This new section requires the Commissioner to assess a penalty each time a lot of commercial feed is found to be violative in the amount of 10% of the retail value of the lot of commercial feed with the minimum amount of the penalty being \$25. If after 15 days, the penalty has not been paid, the Commissioner is required to assess a late penalty of 10% of the violative penalty fee in addition to that fee.

#### **Department of Agriculture – Enrichment of Flour and Bread Laws Regulations, 61 CSR 07**

This rule is repealed. It has not been amended since 1946 and the provisions of the rule have been superseded.

#### **Department of Agriculture – Fruits and Vegetables: Certification of Potatoes for Seedling Purposes, 61 CSR 08C**

This rule is repealed. It has not been amended since 1946 and the language of the rule is out of date and has been superseded by multiple amendments to West Virginia seed law.

#### **Department of Agriculture – Fresh Food Act, 61 CSR 10**

The rule amends a current legislative rule regarding the Fresh Food Act, which was enacted in 2019. The Act requires state-funded institutions to purchase a minimum of five percent of their food from in-state producers.

The rule modifies definitions of certain terms for consistency and adds a definition of “processing.” It also makes several technical changes.

The rule makes three substantive changes to the existing rule. First, it clarifies that the requirements of the Act may not be satisfied by reselling foods produced or grown out of state that have been minimally processed in West Virginia. Second, it provides the Commissioner of Agriculture with guidance in exercising his or her authority to decide whether specific foods qualify as West Virginia foods under the Act. Finally, the rule expressly allows both state institutions and vendors of food products to seek guidance or assistance from the Department of Agriculture concerning whether certain foods qualify as West Virginia foods, without relieving either of the duty to comply with the Act.

#### **Department of Agriculture - Auctioneers, 61 CSR 11B**

The rule amends a current legislative rule. It adds a requirement that licensed auctioneers maintain updated contact information with the department. The rule also mandates that continuing education providers obtain approval of their courses in advance. Prior approval was previously recommended, but not required. It eliminates an exemption from continuing education requirements for auctioneers who have not conducted any auctions in the preceding 12 months.

The rule raises the fee for initial licensure, licensure by reciprocity, and renewal from \$50 to \$100 annually. It also shortens the grace period before a late fee of \$50 applies from 120 days to 60 days, reduces from 180 to 90 days the period before an enhanced late fee of \$75 applies, and adds an additional late fee of \$100 if the renewal is received more than 120 days after license expiration.

### **Department of Agriculture – Hemp Products, 61 CSR 30**

The rule amends a current legislative rule. The rule adds and modifies definitions of terms and alters the registration process for hemp products and for the sale of those products. All hemp products must be registered with the department annually, by January 1. Beginning January 1, 2022, the registration fee will be reduced to \$100 (from \$200) for hemp products grown, harvested, and manufactured in West Virginia. On that same date, the cap on the product registration fee per registrant drops from \$1,000 to \$500 for West Virginia products. The rule also slightly modifies the requirements for registration to sell hemp products in the state, by exempting retailers who sell only GRAS products.

The rule modifies labeling requirements, most significantly by requiring that any product containing more than 0.3 percent tetrahydrocannabinols declare on the label that the product is not intended for sale to persons under the age of 18.

Specific containment limits for pesticides, toxic metals, and foreign materials are established in the rule. The rule also amends the scope of second and subsequent offense penalties by reducing the window for those offenses to within one year rather than within five years as stated in the current rule.

### **Department of Agriculture – Livestock Care Standards, 61 CSR 31**

The rule is new. The previous rule was repealed by Committee Substitute for House Bill 2219 during the 2017 Regular Legislative Session when it was determined the Commissioner did not have the authority to promulgate the rule. The authority rested with the Livestock Care Standards Board. Committee Substitute for House Bill 2633 which passed during the 2021 Regular Legislative Session gives the Commissioner the authority, in consultation with the Board, to establish the standards through legislative rule. The following is a section-by-section synopsis of the rule.

- §61-31-1. General.

This is the standard general section.

- §61-31-2. Definitions.

This section defines the following terms: ambulatory disabled; best management practices; biologicals; bio-security; body condition score; captive cervid farming facility; cattle; cervid; Coggins; Commissioner; Department; distress; emergency situation; Equine; euthanasia; general quarantine; handling; Henneke body score; herd or flock; licensed and accredited veterinarian; livestock; non-ambulatory disabled; pharmaceuticals; poultry; quarantine; responsible party; responsible law enforcement officer; shelter; small ruminants; soring; swine; vaccination; vaccine; valid veterinarian; and veal.

- §61-31-3. Addressing complaints regarding inhumane treatment of livestock.

The county sheriff, humane officer, county commission, or other designated county authority is responsible for investigating and taking action in response to a complaint of inhuman treatment of animals or livestock. It allows any law enforcement officer to request assistance from the Department and an opinion from the Commissioner on the application of this rule. Any documentation or communication regarding a complaint or investigation is confidential and exempt from disclosure under the West Virginia Freedom of Information Act.

- §61-31-4. Feed, water and ventilation.

This section requires a responsible party to provide its livestock with adequate feed, water, and ventilation appropriate for the age, use, and stage of production of the livestock, and weather conditions. Feed and water may be withheld under specified conditions.

- §61-31-5. Space.

A responsible party must have sufficient space for its livestock whether in an enclosure, an outdoor lot or pasture or an indoor facility.

- §61-31-6. Health care.

The responsible party is required to maintain healthy livestock through immunizations, vaccinations, pharmaceuticals, biologicals and prescriptions and extra-label medications.

- §61-31-7. Preparing animals for exhibition.

This section requires the responsible party to train, fit, and restrain livestock for exhibition in a manner that minimizes the risk of injury.

- §61-31-8. Livestock handling.

Under this section, the responsible party is required to handle livestock and load or unload livestock in a manner that minimizes the risk to injury to the livestock.

- §61-31-9. Transportation.

This section requires that livestock be able to stand in their natural position or resting position and poultry must have sufficient floor space to rest or perch. The livestock must be reasonably protected from the weather. Transporters are required to stop every 28 hours to unload and provide food, water, and rest for at least five consecutive hours, unless the transportation vehicle allows the livestock to lay down and rest and have access to feed and water.

- §61-31-10. Handling of disabled livestock.

Under this section the responsible party is required to protect ambulatory disabled, non-ambulatory disabled, and distressed livestock from other animals, predators, and weather extremes. It provides feeding, watering, and handling requirements. It requires a responsible party to euthanize livestock in severe distress with an irreversible condition.

- §61-31-11. Bio-security.

This section allows a responsible party to enforce bio-security protocols and limit public access to farms, as well as use animal, devices, or fencing for animal control.

- §61-31-12. Exemptions.

This section states that the rule does not apply during emergencies or limit or prevent a veterinarian from providing necessary care to an animal.

- §61-31-13. Standards of care for beef cattle, bison and veal.

This section contains requirements for feeding veal calves, body scoring evaluations, space for calving, sheltering systems, and authorized practices.

- §61-31-14. Standards of care for dairy cattle.

This section contains requirements for facilities, body scoring, feeding and authorized practices.

- §61-31-15. Standards of care for equine.

This section contains requirements for water, feed, weight and body condition, space, and authorized practices. Soring is prohibited.

- §61-31-16. Standards of care for small ruminants.

This section contains requirements for body scoring and authorized practices for Ovine, Caprine, and camelids.

- §61-31-17. Standards of care concerning swine.

This section contains requirements for body scoring, transportation, and authorized practices.

- §61-31-18. Standards of care concerning poultry.

This section contains requirements for stocking densities euthanasia or depopulation, and authorized practices.

- §61-31-19. Standards of care concerning captive cervids.

This section references the Department's rule on captive cervid farming and contains body scoring requirements.

- §61-31-20. Animal morbidity and mortality data.

This section states that animal morbidity and mortality data is referenced in the USDA FSA West Virginia Livestock Mortality Rates.

- §61-31-21. Penalties.

Persons violating this rule are subject to the penalties in the statute.

#### **Department of Agriculture – Rural Rehabilitation Program, 61 CSR 33**

The rule amends a current legislative rule relating to the Rural Rehabilitation Loan Program, which is a loan program administered by the Department of Agriculture to promote the investment in the State's agricultural industry, primarily assisting farmers.

The rule largely clarifies that the authority to administer the program rests with the commissioner, and not the loan committee. The rule also allows the commissioner to waive the five-year requirement before refinancing a loan in situations where a declared state of emergency has impacted or will likely impact the loan holder's ability to stay in good standing on the loan.

#### **Department of Agriculture – Farm to Food Bank Tax Credit, 61 CSR 36**

The rule amends a current legislative rule that relates to the Farm to Food Bank Tax Credit program. In brief, the program allocates tax credits to farmers who donate edible agricultural products to qualified food banks. The sole amendment to the existing rule is to increase the amount of the tax credit from 10 percent of the value of the donated products to 30 percent of that value. The rule limits the total value of the tax credits allowed to a single taxpayer to no more than \$2,500 during a taxable year. The program itself is capped at \$200,000 in tax credits in a fiscal year.

#### **Department of Agriculture – Farmers Markets, 61 CSR 38**

The rule amends a current legislative rule concerning farmers' markets. The amendments reflect passage of the Farm Bill, House Bill 2633, during 2021 Regular Legislative Session. The amendments to the existing rule mirror the provisions of the Farm Bill relating to farmers' markets. They update, simplify, and consolidate terms, including eliminating use of the term "cottage foods". The amendments also reorganize requirements for registration of farmers' markets, vendor permits, and existing provisions regarding the role of local health departments in regulating farmers' markets. One of the primary goals of



the Farm Bill was to shift regulation of farmers markets to the department rather than to local health departments. To that end, the rule exempts farmers' markets, except for consignment farmers' markets, and all farmers' market vendors from local health department food establishment permitting requirements. Farmers' markets must instead register with the department and vendors, depending on the type of food they sell, must obtain permits from the department. The rule requires vendors of potentially hazardous foods to obtain a permit from the department; vendors of non-potentially hazardous foods are exempt from the permit requirement.

Local health department inspection and testing is limited by the rule, and even where authorized, is to be made jointly or the results shared with the department. Enforcement of federal regulations concerning farm and food products sold at farmers' markets lies solely with the department.

Finally, the rule extensively revises the labeling requirements applicable to food products sold directly to consumers.

#### **Department of Agriculture – Seed Certification, 61 CSR 39**

The rule amends a current legislative rule. Section 38 related to certification fees has been amended to remove the table setting forth fees specifically related to hemp. Instead, it sets forth the following general fees: Application fee for seed certification - \$35, with a \$50 late fee; inspection and sampling fee - \$35 per hour plus mileage; and a production fee, including tagging - \$0.15 per tag with a \$15 minimum. A fee has been added for the winter test for seed potatoes of \$50 per lot.

Section 45 which currently relates to certification standards for all other crops has been amended to relate to seed potato certification standards. It defines terms and provides for seed classification. It sets forth requirements for seed stock eligibility, land field isolation, field inspection, post-harvesting testing, Potato Virus X testing, Bacterial Ring Rot testing, pre-nuclear class production, nuclear class production, storage facilities, and grade.

#### **State Auditor – Procedure for Local Levying Bodies to Apply for Permission to Extend Time to Meet as Levying Body, 155 CSR 08**

The rule extends its sunset date to August 1, 2027.

#### **State Auditor – Accountability Requirements for State Funds and Grants, 155 CSR 09**

The rule is new. It implements the provisions of Enrolled Committee Substitute for House Bill 2573, which passed April 10, 2021. The following is a synopsis of the substantive amendments in the rule.

- §155-9-2. Definitions.

For the most part, this section contains the definitions set forth in the Code. The Code definitions for the terms "Report" and "State Grant" have been expanded. Definitions, not in the Code, have been added for "Agreed upon procedures engagement", "Examination engagement", and "Receipts".

- §155-9-3. Reports of the Disbursement of State Grants.

This section contains the statutory requirement for the filing of reports by a grantee who receives \$50,000 or more in the aggregate in a fiscal year. It also provides for the contents of the reports, the procedures for filing when a grantee receives more than one grant, the filing procedure where the fiscal year of the grantee is different than State's fiscal year, reports submitted prior to the effective date of the rule, and inclusion of the reports with the grantee's annual financial statements.

- §155-9-4. Audit Reports for Funds.

This section authorizes a grantee, in lieu of a report, to file an audit performed by an independent CPA in accordance with OMB standards which includes a schedule of state grant receipts and expenditures, as well as an auditor's opinion on whether the schedule is fairly stated in relation to the financial statements taken as a whole or an audit complying with OMB standards which includes a schedule of state grant receipts and expenditures, as well as an auditor's opinion on whether the schedule is fairly stated in relation to the financial statements taken as a whole. The CPA performing an audit must maintain all audit work papers for five years following the date of issuance of the audit report.

- §155-9-5. Sworn Statements of Expenditures Made Under Grants.

Under this section, any grantee who: receives state grants in the aggregate amount of less than \$50,000; is not required to file a report because an audit, meeting certain standards, has been conducted by a certified public accountant and a copy is available for public inspection; and is not required to file a report because an audit complying with OMB standards is substituted for the report, is to file a sworn notarized statement of expenditures for all applicable grants with the grantor and the State Auditor. It sets forth the minimum requirements for the sworn statement, including the form.

A senior representative of the grantee must sign the statement and swear or affirm that the amounts of the disbursements were expended as prescribed by statute. Any sworn statement submitted before the effective date of the rule is acceptable if it complies with the Code.

- §155-9-6. Debarment.

The Code provides that any grantee who fails to file a required report or sworn statement of expenditures for state grants within the required time is barred from subsequently receiving further state grants until the grantee comes into compliance with requirements of the rule. Under this section, the grantor is primarily responsible for making this determination and the State Auditor is responsible for administering the process. This section also has provisions regarding notice to the grantee, disputes regarding a proposed debarment, updating of the debarment list, and applications by a debarred grantee for federal funding assistance or other types of funding.

- §155-9-7. Grantor Reporting Requirements.

This section contains grantor reporting requirements. It requires a grantor to provide the information required by the Code and to notify each grantee of the reporting requirements contained in this section. It requires reporting requirements to be contained in a clause within the formal grant agreement, contractual document or grant award notification letter or in certain cases an ancillary communication. A grantor is required to provide notice to the State Auditor if a grantee fails to meet reporting requirements. The grantor must provide a copy of any report or sworn statement of expenditures containing deficiencies, violations, illegal acts, etc. to the State Auditor within 30 days of receipt.

- §155-9-8. Verification Process.

Under this section, a grantor, before awarding a state grant, is required to verify the person seeking the state grant is not barred from receiving the grant. It sets forth the verification process.

- §155-9-9. Stop Payment Procedures.

The Code requires that grantor agencies or the State Auditor are to issue stop payment orders for failure of a grantee to file required reports or keep appropriate records. This section sets forth the procedure for issuing stop payment orders, the information which must be contained on the order, the method of notifying the grantee, the circumstances under which an order may be temporarily or permanently lifted, and the manner of contesting the order.

- §155-9-10. Grant Funds Recovery Procedure.

This section basically contains the provisions of the statute regarding the recovery of any grant funds which have been misspent or are being improperly withheld.

- §155-9-11. Prohibited Political Activity.

This section basically contains the provisions of the statute regarding the use of grant funds for prohibited political activity.

- §155-9-12. Chief Accountability Officer.

This section contains the provisions of the statute regarding the requirement that each state grantor agency designate a chief accountability officer.

- §155-9-13. Conflict of Interest Provisions.

The statute requires the State Auditor to develop rules regarding conflict of interest. This section requires each state grantor agency to develop conflict of interest policies which are to be filed in writing with the State Auditor.

- §155-9-14. Legislative Reporting.

This section contains the provisions of the statute regarding required reporting by the State Auditor to the Joint Committee on Government and Finance.

#### **West Virginia Board of Chiropractic Examiners – Chiropractic Telehealth Practice, 4 CSR 09**

The rule is new. It applies to chiropractors licensed to practice in other jurisdictions who seek to provide limited interstate telehealth services in West Virginia.

The rule provides definitions for the terms Board, Health care practitioner, interstate telehealth, registration, and telehealth services.

The rule requires an applicant to submit registration on a board approved form, pay the appropriate fee, hold licenses in good standing in all states and not be or subject to an administrative complaint.

The rule provides that the registration expires on June 30th. It references the standard of care for licensure and incorporates the same. It states that registration does not authorize a physical office. A health care professional must notify the board of any restrictions immediately. Failure to comply with the rule is grounds for disciplinary action.

#### **West Virginia Contractor Licensing Board – Contractor Licensing Act, 28 CSR 02**

House Bill 2006, which became effective June 15, 2021, made the Contractor Licensing Board independent of the Division of Labor and moved the Contractor Licensing Act from chapter 21 of the West Virginia Code to a new article in chapter 30 of the code, W. Va. Code §30-42-1 et seq. The rule changes citations to code throughout to reflect the Act's relocation to chapter 30.

The rule revises various definitions and adds several others. It strikes out definitions for certain specialty contractor classifications for which separate testing is no longer required, including asphalt contractors, drywall contractors, landscaping contractors, low voltage systems contractor, residential pools contractors, roofing contractors, and siding contractors. It eliminates definitions in the rule for contractor classifications that are defined in code.

Finally, several provisions in the rule, such as those relating to disciplinary powers of the Board are now in the Code and therefor deleted from the rule.

### **West Virginia Board of Examiners in Counseling – Licensing Rule, 27 CSR 01**

The rule amends a current legislative rule. It has been amended to: allow payment of application fees by credit card; remove reference to similar degrees containing the word counseling as being an acceptable degree for licensure; and add a new section 17 relating to inactive status. Section 17 sets forth the documents which a licensee must submit to the Board when applying for inactive status, prohibits a licensee with an inactive license from practicing, exempts the licensee from the need for continuing education requirements, and requires 35 hours of continuing education in the two years preceding the licensee's application to return to active status.

### **West Virginia Board of Examiners in Counseling – Licensed Professional Counselors Fees Rule, 27 CSR 02**

The rule amends a current legislative rule. It deletes the fees for a name change or duplicate license. It adds an Inactive Status application fee of \$50 and an Inactive Status renewal fee of \$25.

### **West Virginia Board of Examiners in Counseling – Marriage and Family Therapist Licensing Rule, 27 CSR 08**

The rule amends a current legislative rule. It has been amended to allow payment of application fees by credit card and to add a new Section 16 relating to inactive status. Section 16 sets forth the documents which a licensee must submit to the Board when applying for inactive status, prohibits a licensee with an inactive license from practicing, exempts the licensee from the need for continuing education requirements, and requires 35 hours of continuing education in the 2 years preceding the licensee's application to return to active status.

### **West Virginia Board of Examiners in Counseling – Marriage and Family Therapist Fee Rule, 27 CSR 09**

The rule amends a current legislative rule. It adds an Inactive Status application fee of \$50 and an Inactive Status renewal fee of \$25.

### **Dangerous Wild Animal Board – Dangerous Wild Animals, 74 CSR 01**

The rule adds a 10-year sunset provision.

### **West Virginia Board of Dentistry – Rule for the West Virginia Board of Dentistry, 5 CSR 01**

The rule amends a current legislative rule. The amendments allow the Board to issue a teaching permit to a person who is not licensed in this state who is a participant in a dental residency program located in this state.

The rule allows the Board to issue a dental intern permit, dental resident permit, or teaching permit to a foreign trained dentist who has been offered a position in an approved dental program in this state. It also allows the Board to issue a dental license to an applicant trained in a foreign dental school who possesses a certification of a two year or more advanced general dentistry program from a U.S. or Canadian dental school accredited by the Commission on Dental Accreditation. Finally, it allows the Board to issue a dental license to an applicant trained in a foreign dental school who possesses a certification of a two year or more dental specialty advanced education training program from a dental school accredited by the Commission on Dental Accreditation. The applicant must apply for a general and specialty license and may only practice in the specialty in which he or she is licensed.

Language has been added to provide that the Board may revoke any permit for cause and that any permit expires at the end of one year or the date the teaching appointment ends, whichever comes first.

### **West Virginia Board of Dentistry – Formation and Approval of Professional Limited Liability Companies, 5 CSR 02**

The rule amends a current legislative rule. It requires the Board to notify the Secretary of State when a professional limited liability company's certificate of authorization is no longer valid due to noncompliance or expiration of the certificate. It provides for reinstatement of a certificate that has been expired for more than 60 days or where the PLLC was in noncompliance. Finally, it states that the Board may file a complaint or take disciplinary action against a PLLC that does not comply with the law or the rule.

### **West Virginia Board of Dentistry – Formation and Approval of Dental Corporation and Dental Practice Ownership, 5 CSR 06**

The rule amends a current legislative rule. It has been amended to require the Board to notify the Secretary of State when a dental corporation's certificate of authorization is no longer valid due to noncompliance or expiration of the certificate. It provides for reinstatement of a certificate that has been expired for more than 60 days or where the dental corporation was in noncompliance. Finally, it states that the Board may file a complaint or take disciplinary action against a dental corporation that does not comply with the law or the rule.

### **West Virginia Board of Dentistry Continuing Education Requirements, 5 CSR 11**

The rule amends a current legislative rule. It provides that the Board may allow a licensee who does not provide proof of completion of the required continuing education to make up for the deficiency and allows the Board to assess a late fee.

A new Section 5 relates to continuing education requirements for a tele-dentistry registrant. It requires a dentist to complete the continuing education required by the state he or she is licensed in as well as three hours on drug diversion every two years. It requires a dental hygienist to complete the continuing education required by the state he or she is licensed in. The Board may randomly audit the continuing education records. A false statement on a renewal form or continuing education form is unprofessional conduct and subject the registrant to disciplinary action.

### **West Virginia Board of Dentistry – Administration of Anesthesia by Dentists, 5 CSR 12**

The rule amends a current legislative rule. It requires a dentist applying for the permit to consent to an initial inspection of his or her facility, as well as re-inspections and requires the annual renewal of permits.

A new Section 8 relating to inspection and evaluation failures requires the Board to notify a dentist if his or her facility fails the initial or a subsequent inspection. After 30 days from receipt of the notice, the dentist may request a new inspection or a reevaluation. If the Board grants the request, the new inspection or reevaluation must be scheduled within 90 days of receipt of the request and completed within 150 days of receipt of the request. A second failure results in the dentist's loss of the ability to administer any level of sedation requiring a permit for one year. The Board may recommend the dentist receive remedial training or complete continuing education prior to any future inspections or reevaluations. Finally, the Board has the authority to issue cease and desist orders.

### **West Virginia Board of Dentistry – Expanded Duties of Dental Hygienists and Dental Assistants, 5 CSR 13**

The rule amends a current legislative rule. Section 4 relating to the expanded duties of dental assistants was amended to state that all duties requiring a board-approved course and examination require a

certificate issued by the Board to perform those duties. The dental assistant must apply to the Board for the certificate and pay the required fee.

Section 5 related to expanded duties of dental hygienists has been amended to allow a hygienist to use a laser with a wavelength of no more than 1064 nanometers for certain specified procedures. Language that was added requires the hygienist to apply for a certificate to use a laser as well as for the administration of infiltration and block anesthesia and to pay the required fee. The amendments prohibit any person from using lasers under general supervision or a public health practice permit.

#### **West Virginia Board of Dentistry – Tele-dentistry, 5 CSR 16**

This is a new rule. The rule does the following: defines terms; sets forth registration requirements, provides for annual renewal and provides for reinstatement of an expired license; requires a dentist or dental hygienist to be licensed in this state; requires a bona fide practitioner-patient relationship between the dentist and the patient and sets forth the requirements for the existence of that relationship; requires a dentist to have written or electronic protocols and specifies what those protocols must include; sets forth information which the dentist or dental hygienist must obtain from the patient or provide to the patient; requires the dentist or dental hygienist to obtain the patient’s informed consent for the tele-dentistry and specifies requirements for the informed consent; requires that the dentist or dental hygienist to ensure that any electronic or digital communication is secure to maintain patient confidentiality; requires the dentist or dental hygienist to maintain a patient dental record and specifies the contents of that record; prohibits a dentist from prescribing Schedule II drugs through tele-dentistry; and sets forth prohibitions.

#### **West Virginia Board of Funeral Service Examiners – Fee Schedule, 6 CSR 07**

The rule amends a current legislative rule. It increases the following initial fees:

- Main funeral home - \$500 to \$700;
- Branch funeral home - \$350 to \$550;
- Crematory - \$350 to \$500;
- Funeral Service licensee - \$160 to \$300;
- Apprentice license - \$175 to \$300;
- Crematory operator - \$120 to \$300;
- Courtesy card - \$300 to \$500; and
- Mortuary service - \$400 to \$700

It increases the following biennial renewal fees:

- Main funeral home - \$400 to \$600;
- Branch funeral home - \$275 to \$475;
- Crematory - \$350 to \$500;
- Funeral Service licensee - \$200 to \$400;
- Apprentice license - \$175 to \$250;
- Crematory operator - \$100 to \$300;
- Courtesy card - \$300 to \$500; and
- Mortuary service - \$400 to \$550.
- The fee for late renewal - \$150 to \$250 plus renewal fee.
- A reinstatement fee of \$350 plus renewal fee has been added.
- It increases the following reinspection fees:
- Out of compliance inspection fee \$250 to \$350;

- Missed appointment inspection fee (first occurrence) - \$250 to \$350;
- Missed appointment inspection fee (subsequent occurrences) - \$300 to \$400;
- Facility after undergoing renovations - \$250 to \$350;
- Newly constructed or new owner - \$250 to \$350; and
- Failure to renew license before reinstatement - \$300 to \$400.
- It increases or adds the following other fees:
  - Reactivation of Inactive license - \$10 to \$25;
  - State law examination - \$250 to \$300;
  - Law examination study packet - \$75 to \$100;
  - Apprentice handbook replacement - \$75 to \$100;
  - Reinstatement of crematory training provider - \$200 to \$300;
  - Reissuance of pocket card - \$25 to \$40;
  - Reciprocal license background check - \$25 to \$40;
  - List of licensees - \$150; and
  - License verification - \$30.

### **West Virginia Massage Therapy Licensure Board - General Provisions, 194 CSR 01**

The rule sets a 10-year sunset date. The current rule requires a client to provide voluntary consent prior to a breast massage. The rule requires the client to provide a written medical directive to the massage therapist before the massage is performed. The massage therapist is required to place the directive in the client file and must also obtain written consent from the client prior to performing the massage. The massage is to be performed in accordance with the medical directive.

### **West Virginia Board of Medicine – Licensing and Disciplinary Procedures: Physicians, Podiatric Physicians and Surgeons, 11 CSR 01A**

The rule amends a current legislative rule relating to licensure requirements and application requirements for allopathic physicians and podiatric physicians by the WV Board of Medicine.

The rule incorporates new definitions for licensee, practice credential or credential, and website. It updates the current rule in accordance with Senate Bill 372, which passed during 2021 Regular Legislative Session for approved types of postgraduate clinical training for graduates of medical schools located in Canada, the United States and Puerto Rico and for graduates of international medical schools.

The eliminates a reference to a discontinued portion of the United States Medical Licensing Examination SMLE licensing examination and incorporates new tests attempt limits imposed by the USMLE Composite Committee, the examination body for physicians. This eliminates the discrepancy between the Board's rule and the forthcoming four attempt limit set by the administering body.

Section 9 brings the rule into alignment with Senate Bill 372 with respect to temporary licensure, which clarifies that a temporary permit includes full prescriptive authority.

Section 11 includes modifications which clarify that the confidentiality provisions of the complaint and investigation process apply to all credential holders who are authorized to practice by the Board.

Section 12 includes modifications which clarify that the grounds for discipline and the types of disciplinary actions the Board may impose apply to all practitioners authorized by the Board. It provides that it is professional misconduct for a practitioner not only to exercise influence within the provider-patient relationship for purpose of engaging a patient in sexual activity, but that it is also professional misconduct to engage in sexual activity with a patient, or to sexually harass or exploit a patient. This section

also allows the Board to require a practitioner to participate in a Board designated physician health program for drug or alcohol abuse as a condition of probation.

Section 13 adds that insurers shall report to the board whether credential holders also have professional liability insurance, not just licensees.

### **West Virginia Board of Medicine – Licensure, Practice Requirements, Disciplinary and Complaint Procedures, Continuing Education, Physicians, 11 CSR 01B**

The rule amends a current legislative rule relating to physician assistants and to their licensing, practice, complaint procedures and professional discipline, and continuing education. During the 2021 session, the Legislature enacted Senate Bill 714 which updated the Physician Assistants Practice Act.

The rule provides a regulatory framework for the licensure, regulation, and discipline of physician assistants practicing in West Virginia who are licensed by the WVBOM. It include qualifications for licensure as a physician assistant; requirements for licensure, renewal, reinstatement and reactivation of expired licenses; requirements for practice, including practice notifications and related fees; the extent to which physician assistants may practice in this state in collaboration with physicians; the responsibilities of collaborating practitioners; physician assistant prescriptive authority; continuing education requirements; professional conduct requirements for physician assistants; complaint, investigation, audit and disciplinary procedures; and denial of licensure and disciplinary penalties.

The rule updates the drug diversion training to include additional information developed by the Governor's Council on Substance Abuse Prevention and Treatment; allows the practice notification to include prescribing, dispensing, and administering of controlled substances, prescription drugs, or medical devices; allows a physician assistant to prescribe schedule II drugs for no more than a three day supply with no refills; and removes the requirement that the physician assistant have certification from the National Commission on Certification of Physician Assistants, but clarifies which title a certified PA may use.

With respect to practice requirements, new requirements are included that state the physician assistant may provide only those medical service for which they have been prepared by their education, training and experience and are competent to perform, consistent with sound medical practice and that will protect the health and safety of the patient. This may occur in any health care setting.

The rule provides that the physician assistant may not practice independent of a collaborating physician; must comply with applicable federal and state law governing the practice of physician assistants; and may practice in collaboration upon executing a practice notification.

The scope of practice is amended to reflect that the physician assistant can perform medical actions for which they have been trained and these acts include prescribing, dispensing, and administering controlled substances, prescription drugs, or medical devices.

### **West Virginia Board of Medicine – Board of Medicine Rules for Dispensing of Prescription Drugs by Practitioners, 11 CSR 05**

The rule amends a current legislative rule which establishes the Board's standards related to the office-based dispensing of prescription drugs by licensees of the Board. The amendments provide clarity, uniformity, and general clean-up. The reference to a practice agreement is removed. The rule also requires that an active practice notification be on file with the Board for the proposed controlled substance dispensing location.



### **West Virginia Board of Medicine – Continuing Education for Physicians and Podiatric Physicians, 11 CSR 06**

The rule amends a current legislative rule that establishes the minimum continuing education requirements satisfactory to the Board for physicians and podiatric physicians.

The rule adds a requirement that information related to substance use disorder treatment referral be included in all drug diversion training and best practice prescribing of controlled substance training. Additionally, it also requires training on the impacts of stigma on treatment effectiveness, including the concept of addiction as a chronic disease

Finally, the rule permits podiatric physicians to satisfy continuing education requirements, except for the drug diversion training and best practice prescribing of controlled substances training requirement, by sitting for and passing a certification or recertification examination of the American Board of Podiatric Medicine or the American Board of Foot and Ankle Surgery during the relevant period.

### **West Virginia Board of Medicine – Practitioner Requirements for Accessing the West Virginia Controlled Substances Monitoring Program Database, 11 CSR 10**

The rule amends a current legislative rule which sets requirements for the licensees and registrants of the Board regarding obtaining and maintaining access to the West Virginia Controlled Substances Monitoring Program database. It eliminates obsolete definitions, updates and modifies existing definitions and adds a definition for benzodiazepine.

A new section 3 requires practitioners who prescribe certain controlled substances to obtain and maintain online or other electronic access to the database and to certify compliance to the Board at renewal.

Section 6 is amended to incorporate current administrative penalties as set forth in W. Va. Code §60A-9-5a.

### **West Virginia Board of Medicine – Establishment and Regulation of Limited License to Practice Medicine and Surgery at Certain State Veterans Nursing Home Facilities, 11 CSR 11**

The rule amends a current legislative rule which establishes the qualifications and application process for a limited license to practice at a designated state veterans nursing home facility. It updates the rule in accordance with Senate Bill 372, which passed during the 2021 Regular Legislative Session regarding approved types of postgraduate clinical training for graduates of medical schools located in Canada, the United States and Puerto Rico and for graduates of international medical schools.

### **West Virginia Board of Medicine – Registration to Practice During Declared State of Emergency, 11 CSR 14**

The rule amends a current legislative rule which establishes a registration process to allow out of state physicians or physician assistants to practice in WV during a declared state of emergency.

An emergency registration that is issued to an out-of-state or a state retired, or inactive physician or physician assistant, expires sixty days after issuance or five days after a declared state of emergency terminates, whichever is sooner. Thereafter, the emergency registrant must hold an active status West Virginia medical license or an interstate telehealth registration to practice medicine to West Virginia patients.

## **West Virginia Board of Medicine – Telehealth and Interstate Telehealth Registration for Physicians, Podiatric Physicians and Physician Assistants, 11 CSR 15**

The rule is new. It establishes the scope of the practice for the provision of medical services via telehealth technologies and the process for physicians, podiatric physicians, and physicians' assistants to obtain an interstate telehealth registration with the Board. During the 2021 Regular Session, the Legislature enacted House Bill 2024 which created an interstate telehealth registration process for physicians and physician assistants who want to provide telehealth services in this state.

To obtain a registration an applicant must have an active license in good standing in another state and provide specified information. The physician registration fee is \$150, and the physician assistant registration fee is \$50. The registration is valid for one year.

The rule specifies the ways in which to establishes the patient provider relationship. Provider-patient relationships may not be established through text-based communications such as emails, internet questionnaires, text-based messaging, or other written forms of communication.

Once a provider-patient relationship has been established, providers may use any telemedicine technology that meets the standard of care and is appropriate for the patient presentation. The rule does not prohibit the use of text-based communications for responding to calls for existing patients and for a provider who has established a provider-patient relationship with the patient through an in-person encounter or in a medical emergency.

Telehealth providers must practice in a manner consistent with the practice of the provider's scope as well with the standards set forth in their profession. The standard of care for telehealth services is the same for in-person health care services.

For continued treatment of a patient solely via telemedicine technologies the standard of care requires a provider to verify that a patient has visited in-person within twelve months. This however does not apply to acute inpatient care, post-operative follow-up checks, behavioral medicine, addiction medicine, or palliative care. This service may be suspended on a case-by-case basis. If suspended, the provider must document the reason for suspending the in-person visit requirement in the patient medical record. Telehealth providers must verify the identity and location of the patient.

Providers must determine if the patient's specific health issue is appropriate for telehealth technologies. They must obtain the consent of the patient to conduct telehealth services. Providers must conduct all appropriate evaluations and history of the patient consistent with the standard of care as well as create and maintain health care records for the patient.

When prescribing via telemedicine a provider must remain within the prescriptive authority of the providers profession. Telehealth providers are prohibited from prescribing a Schedule II controlled substance via telemedicine technologies unless they are an established patient of the prescribing telehealth provider's practice or the provider submits an order to dispense schedule II controlled substance to a hospital patient, other than in the emergency department, for immediate administration in a hospital or if a provider is treating patients who are minors, or if 18 years of age or older, who are enrolled in a primary or secondary education program and are diagnosed with intellectual or developmental disabilities, neurological disease, Attention Deficit Disorder, Autism or a traumatic brain injury in accordance with guidelines as set forth by organizations.

Telehealth provider who prescribes schedule II through V drugs must obtain online or other electronic access to the CSMP. Telehealth providers may not, based solely upon a telemedicine encounter, prescribe any drug with the intent of causing an abortion.

**West Virginia Board of Osteopathic Medicine – Licensing Procedures for Osteopathic Physicians, 24 CSR 01**

The rule amends a current legislative rule which establishes the operation of the Board and the regulation and licensing of osteopathic physicians. This filing makes changes to the drug diversion training and best practice prescribing of controlled substances training by requiring that the training also have elements of training on the administration of an opioid antagonist, information related to substance use disorder treatment referral, and recordation of attendance.

The amendments also add the ability of applicants to provide certain licensure documents to the board through the Federation of State Medical Boards Credential Verification Service.

**West Virginia Board of Osteopathic Medicine – Osteopathic Physician Assistants, 24 CSR 02**

The rule amends a current legislative rule which relates to physician assistants and their licensing, practice, complaint procedures and professional discipline, and continuing education. During the 2021 legislative session, the Legislature enacted Senate Bill 714 which updated the Physician Assistants Practice Act.

The rule eliminates the practice agreement between a physician assistant and the physician. The practice agreement was a document that was approved by the licensing board. In lieu of the practice agreement there is a practice notification which may be kept on file at the practice.

The practice notification may include prescribing, dispensing, and administering of controlled substances, prescription drugs, or medical devices. A Physician Assistant may prescribe a 3-day supply of schedule II drugs with no refills.

The rule removes the requirement that the physician assistant have certification from the National Commission on Certification of Physician Assistants but clarifies which title a certified Physician Assistant may use.

The physician assistant may not practice independent of a collaborating physician and may practice in collaboration upon executing a practice notification.

The scope of practice is amended to reflect that the physician assistant can perform medical actions for which they have been trained and these acts include prescribing, dispensing, and administering controlled substances, prescription drugs, or medical devices.

**West Virginia Board of Osteopathic Medicine – Practitioner Requirements for Controlled Substances Licensure and Accessing the West Virginia Controlled Substances Monitoring Program Database, 24 CSR 07**

The rule amends a current legislative rule which establishes the requirements for licensees and registrants of the West Virginia Board of Osteopathic Medicine regarding controlled substances licensure and accessing the West Virginia Controlled Substances Monitoring Act, W. Va. §60A-9. The purpose of the rule is to conform the rule changes made to the statute. The changes to the rule include adding the requirement that all practitioners who prescribe or dispense Schedule II, III, IV, or V controlled substances shall register with the CMSP and obtain and maintain online or other electronic access to the program database.

## **West Virginia Board of Osteopathic Medicine – Telehealth and Interstate Telehealth Registration for Osteopathic Physicians and Physician Assistants, 24 CSR 10**

This new rule establishes the scope of the practice for the provision of medical services via telehealth technologies and the process for osteopathic physicians and osteopathic physicians' assistants to obtain an interstate telehealth registration with the Board. During the 2021 Regular Session, the Legislature enacted House Bill 2024 which created an interstate telehealth registration process for physicians and physician assistants who want to provide telehealth services in this state.

To obtain a registration an applicant must have an active license in good standing in another state and provide specified information. The osteopathic physician registration fee is \$150 and the osteopathic physician's assistant registration fee is \$50. The registration is valid for 1 year.

The rule specifies the ways in which to establishes the patient provider relationship. Provider-patient relationships may not be established through text-based communications such as emails, internet questionnaires, text-based messaging, or other written forms of communication.

Once a provider-patient relationship has been established, providers may use any telemedicine technology that meets the standard of care and is appropriate for the patient presentation. The rule does not prohibit the use of text-based communications for responding to calls for existing patients and for a provider who has established a provider-patient relationship with the patient through an in-person encounter or in a medical emergency.

Telehealth providers must practice in a manner consistent with the practice of the provider's scope as well with the standards set forth in their profession. The standard of care for telehealth services is the same for in-person health care services.

For continued treatment of a patient solely via telemedicine technologies the standard of care requires a provider to verify that a patient has visited in-person within twelve months. This however does not apply to acute inpatient care, post-operative follow-up checks, behavioral medicine, addiction medicine, or palliative care. This service may be suspended on a case-by-case basis. If suspended, the provider must document the reason for suspending the in-person visit requirement in the patient medical record. Telehealth providers must verify the identity and location of the patient.

Providers must determine if the patient's specific health issue is appropriate for telehealth technologies. They must obtain the consent of the patient to conduct telehealth services. Providers must conduct all appropriate evaluations and history of the patient consistent with the standard of care as well as create and maintain health care records for the patient.

When prescribing via telemedicine a provider must remain within the prescriptive authority of the providers profession. Telehealth providers are prohibited from prescribing a Schedule II controlled substance via telemedicine technologies unless they are an established patient of the prescribing telehealth provider's practice or the provider submits an order to dispense schedule II controlled substance to a hospital patient, other than in the emergency department, for immediate administration in a hospital or if a provider is treating patients who are minors, or if 18years of age or older, who are enrolled in a primary or secondary education program and are diagnosed with intellectual or developmental disabilities, neurological disease, Attention Deficit Disorder, Autism or a traumatic brain injury in accordance with guidelines as set forth by organizations.

Telehealth provider who prescribes schedule II through V drugs must obtain online or other electronic access to the CSMP. Telehealth providers may not, based solely upon a telemedicine encounter, prescribe any drug with the intent of causing an abortion.

**Board of Pharmacy – Licensure and Practice of Pharmacy, 15 CSR 1**

The rule amends a current legislative rule which governs the licensure and the practice of pharmacist care in West Virginia. The amendment removes the requirement a pharmacist wears a white coat and makes it optional.

**Board of Pharmacy – Controlled Substances Monitoring Program, 15 CSR 8**

The rule amends a current legislative rule which establishes requirements for the controlled substance monitoring database. The amendments implement the changes required by House Bill 2262 from the 2021 legislative rule, which requires pharmacists to check the Controlled Substance Monitoring Program when dispensing any Schedule II substance, opioid, or any benzodiazepine to a patient who is not suffering from a chronic illness. It also requires them to annually check the database if still dispensing the controlled substance.

**Board of Pharmacy – Regulations Governing Pharmacists, 15 CSR 16**

The rule amends a current legislative rule by cutting the biennial renewal fee for pharmacists 65 and older from \$100 to \$50.

**Public Service Commission – Rules Governing the Occupancy of Customer-Provided Conduit, 150 CSR 37**

The rule amends a current legislative rule by extending the sunset date for one year from August 1, 2022, to August 1, 2023.

**Real Estate Appraiser Licensing and Certification Board – Requirements for Licensure and Certification, 190 CSR 02**

The rule amends a current legislative rule. Subdivision 5.2.a. has been amended to require an applicant for licensure as a licensed residential appraiser to demonstrate the ability to develop all three approaches to value. Subsection 6.2, relating to experience, has been amended to delete certain specified experience for certified general or certified residential appraisers. Section 7 relating to the procedure for calculation of experience by the Board has been amended to delete language setting forth the maximum experience credits the Board may award. This section is also amended to redefine a complex appraisal. Finally, Section 11 which relates to apprentices is amended to authorize the Board to periodically require supervisors to submit an apprentice’s experience logs for review. The Board may randomly select a work product for review and may withdraw or revoke a certificate where a supervisor fails to meet the supervisor certification standards.

**Real Estate Appraiser Licensing and Certification Board – Renewal of Licensure or Certification, 190 CSR 03**

The rule amends a current legislative rule, primarily for clarification. The amendments allow for online renewals and authorize the Board to perform random audits of renewals.

**Real Estate Appraiser Licensing and Certification Board – Requirements for Registration and Renewal of Appraisal Management Companies, 190 CSR 05**

The rule amends a current legislative rule. It deletes subsections 8.2 and 8.3 of the current rule which required an appraisal management company to require an appraiser being added to its appraiser panel to

certify in writing his or her areas of geographic competency, the types of property he or she is competent to appraise and the methodologies he or she is competent to perform. The information was to be updated annually.

**West Virginia Board of Examiners for Registered Professional Nurses – Limited Prescriptive Authority for Nurses in Advanced Practice, 19 CSR 08**

The rule amends a current legislative rule by extending the sunset date by five years.

**West Virginia Board of Examiners for Registered Professional Nurses – Telehealth Practices, 19 CSR 16**

This new rule sets forth the standards for the practice of telehealth by a registered nurse or advanced practice registered nurse. During the 2021 Regular Session, the Legislature enacted House Bill 2024 which created an interstate telehealth registration process for registered professional nurses and advanced practice registered nurses who want to provide telehealth services in this state.

To obtain a registration an applicant must have an active license in good standing in another state and provide specified information. The registration fee is \$100. The registration is valid for one year.

The rule specifies the ways in which to establishes the patient provider relationship. Provider-patient relationships may not be established through text-based communications such as emails, internet questionnaires, text-based messaging, or other written forms of communication.

Once a provider-patient relationship has been established, providers may use any telemedicine technology that meets the standard of care and is appropriate for the patient presentation. The rule does not prohibit the use of text-based communications for responding to calls for existing patients and for a provider who has established a provider-patient relationship with the patient through an in-person encounter or in a medical emergency.

Telehealth providers must practice in a manner consistent with the practice of the provider’s scope as well with the standards set forth in their profession. The standard of care for telehealth services is the same for in-person health care services.

For continued treatment of a patient solely via telemedicine technologies the standard of care requires a provider to verify that a patient has visited in-person within twelve months. This however does not apply to acute inpatient care, post-operative follow-up checks, behavioral medicine, addiction medicine, or palliative care. This service may be suspended on a case-by-case basis. If suspended, the provider must document the reason for suspending the in-person visit requirement in the patient medical record. Telehealth providers must verify the identity and location of the patient.

Providers must determine if the patient’s specific health issue is appropriate for telehealth technologies. They must obtain the consent of the patient to conduct telehealth services. Providers must conduct all appropriate evaluations and history of the patient consistent with the standard of care as well as create and maintain health care records for the patient.

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neurological disease, Attention Deficit Disorder, Autism or a traumatic brain injury in accordance with guidelines as set forth by organizations.

Telehealth provider who prescribes schedule II through V drugs must obtain online or other electronic access to the CSMP.

### **Secretary of State – Voter Registration at the Division of Motor Vehicles, 153 CSR 03**

The rule amends a current legislative rule provides by providing for a sunset extension until August 1, 2027.

### **Secretary of State – Voter Registration List Maintenance by the Secretary of State, 153 CSR 05**

The rule amends a current legislative rule provides by providing for a sunset extension until August 1, 2027.

### **Secretary of State – Combined Voter Registration and Driver Licensing Fund, 153 CSR 25**

The rule amends a current legislative rule to make updates regarding funding of the Secretary of State's subscription to a National Change of Address (NCOA) service. The rule the following substantive changes:

- Consolidates provisions under §4.4.1 and §4.4.2 regarding NCOA service.
- Deletes language setting minimum and maximum amounts from the Combined Voter Registration and Driver Licensing Fund to pay for the NCOA service and the requirement for participating counties to reimburse the Fund for the balance.
- Deletes language providing for receipt of bids from authorized vendors of the NCOA service, determination of percentage of costs which can be made from the Fund, and notification of participating counties regarding reimbursement amount; amended language will require SOS to pay for NCOA service from the Fund from revenues of the current fiscal year.
- Adds language in new §4.6 requiring any balance exceeding \$100,000 on June 30 of each year to be transferred to the General Revenue Fund pursuant to W. Va. Code §3-2-12(c).

### **Secretary of State – Use of Digital Signatures, 153 CSR 30**

The rule amends a current legislative rule which was last amended in 2008 and provides requirements for the use of electronic signatures by state agencies. The agency represents that the amendments remove outdated standards and procedures, and simplify standards and procedures for ensuring adequate integrity, security, confidentiality, and auditability of records signed electronically. The rule includes the following substantive changes:

- Defines the following new terms in §2: “Electronic record” and “Electronic signature”.
- Updates process for agencies to apply to use electronic records and electronic signatures in §3.
- Requirements for Acceptance of Digital Signatures §5 recognizes the Office of Technology as state certificate authority for registration and issuance of certificates to subscribers for the use of digital signatures, requiring agencies to use Office of Technology technology for accepting digital signatures, and
- Deletes “Requirements for Acceptance of Digital Signatures” provisions from §6 and reserves this section.
- Deletes “Authorization of Electronic Postmark” provisions from §8 and replaces with updated “Compliance Audit” provisions (previously in §19), authorizing SOS and OT to conduct compliance audits, authorizing SOS to require reports, and authorizing SOS to suspend or revoke an agency's approval to use electronic signatures if audit issues are not timely corrected.

- Deletes the following sections: §9 (Selection of State Authority; Eligibility Requirements for Registration and Certificate Authority), §10 (Requirements for State Certificate Authority Practice), §11 (Requirements for State Repository Practice), §12 (Requirements for Issuance of Certificates), §13 (Subscribers; Duties Upon Acceptance of Certificate), §14 (Suspension of Certificate), §15 (Revocation of Certificate), §16 (Expiration of Certificate), §17 (Form of Certificates), §18 (Record Keeping and Retention), §19 (Compliance Audit), §20 (Procedure on Discontinuance of Business of State Certificate Authority or State Repository), and §21 (Fees for Issuance of Certificates).

#### **Secretary of State – Regulation of Political Party Headquarters Finances, 153 CSR 43**

This rule amends a current legislative rule to include county political party campaign headquarters financing pursuant to House Bill 2688 passed during the 2021 Regular Legislative Session. The rule includes the following substantive changes:

- Inserts a sunset date provision (currently none specified in rule).
- Updates deadlines for quarterly financial report filings in definition of “filing period”.
- Inserts definition of “Party headquarters committee” into existing definition of “Committee”.

#### **Secretary of State – Standards and Guidelines for Electronic Notarization, Remote Online Notarization and Remote Ink Notarization, 153 CSR 45**

This rule amends a current legislative rule which provides requirements for electronic notarization. Pursuant to Senate Bill 469 passed during the 2021 Regular Legislative Session, this rule is being amended to include two new methods of notarization (remote online notarization and remote ink notarization). The rule includes the following substantive changes:

- Updates rule title to include remote online notarization and remote ink notarization.
- Extends sunset date to August 1, 2027.
- Amends definitions of “electronic notarial act” and “electronic notarization” to specify that the official act is performed in the presence of an electronic notary public.
- Adds definitions for the following two new terms: “remote online notarial act” and “remote ink notarial act”.
- Adds “remote online notarial acts” and “remote ink notarial acts” to notary registration requirement in §3.1
- Adds “witnessing” to registration requirement upon recommissioning before an electronic notary may notarize or witness electronically.
- Excludes remote ink notarial acts from requirement of §12.1 for the notary to attach a registered electronic signature and registered electronic notary seal, or registered single element to an electronic notarial certificate.
- Deletes almost all provisions of §27 regarding remote notarization authorized during a state of emergency in certain circumstances, and amends §27.1 to require remote online notarial acts performed for a remotely located individual to be in conformity with Code.
- Adds new §28 requiring remote ink notarial acts performed for a remotely located individual to be in conformity with Code.

#### **Secretary of State – Real Property Electronic Recording Standards and Regulations, 153 CSR 48**

This rule is new and is being promulgated pursuant to House Bill 2086 passed during the 2020 Regular Legislative Session. The rule establishes real property electronic recording standards and practices for implementation by West Virginia county clerks. The rule consists of 8 sections summarized below:



- §1: Establishes scope, authority, filing date, effective date, and sunset provision (August 1, 2027).
- §2: Defines the following terms: Delivery Agent, Document, Electronic, Electronic Document, Electronic Document Delivery System, Electronic Recording, Electronic Signature, Land Records, Land Records Management System, Land Records Management System Vendor, Participating Clerk, Paper Document, PDF or Portable Document Format, Person, PRIA, Recording Information, Submitter, State, TIFF or Tagged Image File Format, and XML or Extensible Markup Language.
- §3: Requires electronic document recording to meet certain Property Records Industry Association (PRIA) standards, specifies where such standards are available, requires transmittal and storage of electronic documents to meet certain International Organization for Standardization (ISO) standards, and authorizes participating county clerks to adopt a standardized property record document format.
- §4: Requires documents certified using electronic means to meet applicable Code provisions.
- §5: Provides for electronic recording processing including required notice of confirmation or rejection of an electronic recording to be provided by a participating clerk to a submitter, contact prior to notice of confirmation or rejection, and determination of “first-to-file priority” of recordings, including a requirement for participating clerks to develop a local processing policy and requirements for determining chronological order of in-person, mail-in, and electronic submissions.
- §6: Establishes security requirements for electronic delivery systems, recording and maintaining electronic documents, accepting documents via electronic document delivery system, system and security failures, data back-ups, disaster recovery, audit trail mechanisms, unauthorized parties, security breaches, and electronic transmissions.
- §7: Requires real property records maintenance to comply with applicable Code provisions and rules.
- §8: Establishes requirements for agreements between delivery agents and participating clerks for electronic document recording within the county.

#### **Board of Social Work Examiners – Qualifications for the Profession of Social Work, 25 CSR 01**

The rule amends a current legislative rule in response to Enrolled Committee Substitute for House Bill 2024, which passed during the 2021 Regular Legislative Session. The rule defines terms related to telehealth and added two new sections. Section 5 relating to telehealth services sets forth licensing requirements, requires the social worker to be competent in the technology and skills necessary for providing telehealth, requires the social worker to follow agency procedures or develop and follow certain specified procedures and allows a social worker to provide telehealth when appropriate and in an ethical manner. Section 6 relates to interstate registration as a telehealth provider. It sets forth requirements for registration and biennial renewal, as well as the standard of care for the provision of telehealth services.

The rule also deletes subdivision 3.3.1, which provides that individuals seeking employment with Department of Health and Human Resources may be eligible for a provisional license with a degree in fields other than social work or social work-related fields. Enrolled Committee Substitute for Senate Bill 312, which passed in 2020, created a registration process for service workers within the Bureau for Children and Families.

#### **Board of Social Work Examiners – Continuing Education for Social Workers and Providers, 25 CSR 05**

The rule amends a current legislative rule. The rule adds definitions for the terms “asynchronous training” and “synchronous training”. It reduces the number of continuing education hours required

biennially for licensure renewal from 40 to 30. It requires that at least 10 hours be in a synchronous format and states that no more than 10 hours may be obtained online using an asynchronous format.

**West Virginia Board of Examiners for Speech Pathology and Audiology – Licensure of Speech Pathology and Audiology, 29 CSR 01**

The rule is a current legislative rule which was amended in response to Enrolled Committee Substitute for House Bill 2024 which passed during the 2021 Regular Legislative Session. Where appropriate, reference is made to interstate tele-practice, including the addition of a \$175 renewal fee for registration. A new Section 16 relates to the registration, renewal standards of care and standards of conduct of an interstate tele-practice practitioner. That section defines terms, sets forth eligibility requirements for registration as a tele-practice practitioner, sets forth renewal requirements for registration, and sets forth standards of care for the provision of services.

**State Treasurers Office – Substitute Checks – Exceptional Items Found, 112 CSR 02**

The rule amends a current legislative rule to update the rule issuing substitute checks in compliance with statutory authority. The rule was last updated in 1979 and is amended to modernize and conform with current rulemaking standards. The rule includes definitions and specific categories that may trigger the Treasurer and Auditor to reissue a substitute check. If the payee of a check alleges that a check has been forged, the payee must provide an affidavit to the Treasurer and the Treasurer is authorized to pursue claims relating to theft or forgery.

**State Treasurers Office – Procedures for Deposit of Monies with the State Treasurer’s Office by State Agencies, 112 CSR 04**

The rule amends a current legislative rule to extend the sunset provision to June 1, 2027.

**State Treasurers Office – Selection of State Depositories for Disbursement Accounts through Competitive Bidding, 112 CSR 06**

The rule amends a current legislative rule to extend the sunset provision to June 1, 2027.

**State Treasurers Office – Selection of State Depositories for Receipt Accounts, 112 CSR 07**

The rule amends a current legislative rule to extend the sunset provision to June 1, 2027.

**State Treasurers Office – Procedures for Processing Payments from the State Treasury, 112 CSR 08**

The rule amends a current legislative rule to extend the sunset provision to June 1, 2027.

**State Treasurers Office – Reporting Debt, 112 CSR 10**

The rule amends a current legislative rule relating to reporting debt by modernizing the rule to conform with drafting standards. The rule updates the definition of a lease to conform with the Government Accounting Standards Board definition of a lease.

**State Treasurers Office – Procedures for Fees in Collections by Charge, Credit or Debit Card or by Electronic Payment, 112 CSR 12**

The rule amends a current legislative rule to extend the sunset provision to June 1, 2027.

**State Treasurers Office – Procedures for Providing Services to Political Subdivisions, 112 CSR  
13**

The rule amends a current legislative rule to reflect Senate Bill 280, which passed during the Regular Legislative Session, and requires political subdivisions to offer a system for the public to pay the political subdivision online.

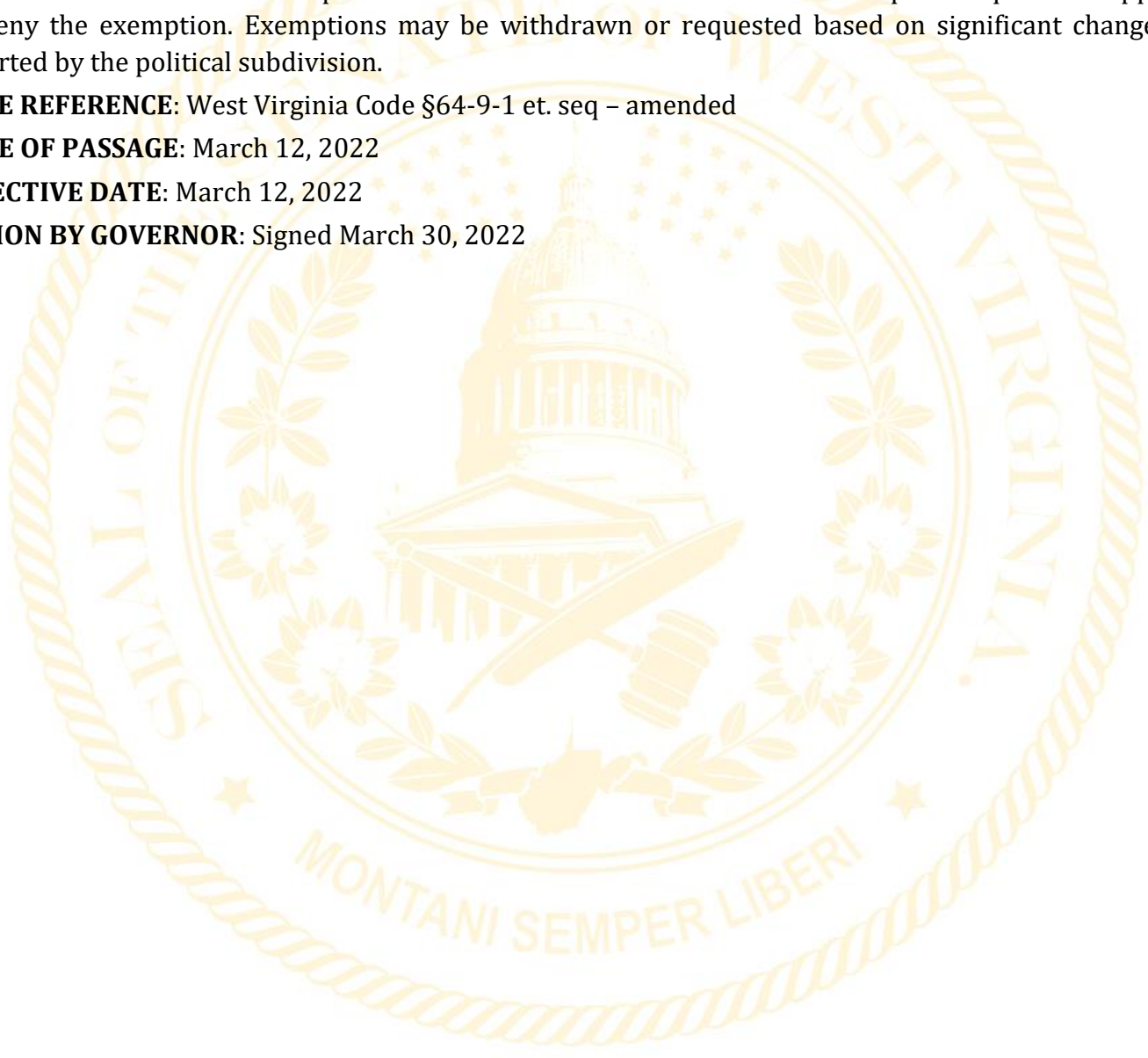
It allows a political subdivision to apply for an exemption to offering online payments. For a political subdivision to receive an exemption, it must submit a written exemption request that includes: 1) the types and annual totals of state revenue collected, 2) the types and annual totals of other revenue collected, and 3) information about business operations. The Treasurer will evaluate the exemption request and approve or deny the exemption. Exemptions may be withdrawn or requested based on significant changes as reported by the political subdivision.

**CODE REFERENCE:** West Virginia Code §64-9-1 et. seq – amended

**DATE OF PASSAGE:** March 12, 2022

**EFFECTIVE DATE:** March 12, 2022

**ACTION BY GOVERNOR:** Signed March 30, 2022



## Senate Bill 427

### Permitting WV Board of Medicine investigators to carry concealed weapon

This bill allows investigators and contractors for the Board of Medicine to carry a concealed firearm in the performance of their duties and establishes the criteria and procedures for such carry. These criteria include obtaining approval by a majority vote of the board, not being prohibited from possessing a firearm under state or federal law, obtaining and maintaining a concealed handgun license, and successfully completing a firearms training and certification program equivalent to that provided to officers attending an entry level law-enforcement certification course provided at the West Virginia State Police Academy.

**CODE REFERENCE:** West Virginia Code §30-3-19 – new

**DATE OF PASSAGE:** March 8, 2022

**EFFECTIVE DATE:** June 6, 2022

**ACTION BY GOVERNOR:** Signed March 23, 2022



## Senate Bill 434

### Updating authority to airports for current operations

This bill increases the range of fines for vehicular and pedestrian violations from existing law of \$2-10 to a range of \$10-\$30 and it expands the definition of airport to include, “any airport, heliport, helistop, vertiport, glider port, seaplane base, ultralight flight park, manned balloon launching facility, or other aircraft landing or takeoff area”. It also adds definitions for abandoned and derelict aircrafts as well as adds the term “international airport” to various portions of the code.

It creates a notification process, requirements, and timeline for ultimately securing a lien against abandoned and derelict aircrafts, and gives the airport the ability to use, trade, sell, or remove aircraft if it hasn't been removed within 30 calendars of giving the owner notice. It provides an exception for the 30-day notice rule for situations where the aircraft poses a health or safety threat.

It establishes requirements for an airport to perfect a lien on aircraft and provides that if the aircraft is sold, the airport is permitted to satisfy its lien as well as its reasonable expenses. The owner can claim the balance of proceeds of the sale, if any, and if no person claims the balance of the proceeds within 12 months of the sale, the airport authority gets to retain the funds.

Airport authorities are given the power to: (1) acquire, receive, and hold property within or without the corporate limits of any authorizing subdivision and to use, manage and develop the property; (2) construct or acquire buildings, structures and facilities (including roadway access) and to lease those properties; and (3) enter into agreements with a county, city, or town for the management by the authority of the airport.

The bill clarifies police jurisdiction and gives a regional airport authority police power: (1) in any area where a regional airport is authorized to operate an airport; (2) on any property leased, operated, managed, utilized, or controlled by a regional airport authority; and (3) in an area where the regional airport authority facilitates training activities pursuant to a written agreement.

The range on the fine for misdemeanors occurring on airport property is increased from the existing law of \$5 to \$100 to a range of \$50 to \$100.

**CODE REFERENCE:** West Virginia Code §8-28-5, §8-29-1, §8-29-3, §8-29-8, §8-29-9, §8-29-12, §8-29-17, and §8-29-20, §8-29B-2, §8-29B-3, and §8-29B-5 – amended; §8-29-8a – new

**DATE OF PASSAGE:** March 11, 2022

**EFFECTIVE DATE:** June 9, 2022

**ACTION BY GOVERNOR:** Signed March 30, 2022

## Senate Bill 435

### Awarding service weapon to retiree from Division of Protective Services

This bill allows for retirees from the Division of Protective Services to be awarded their service weapon under certain conditions. In order to qualify, a retiree must be retiring honorably with a minimum of 10 years of service or be retiring due to being totally physically disabled as a result as his or her service.

No member of the Division of Protective Services may be awarded a weapon if they are prohibited from possessing a firearm by state or federal law, if the Division of Protective Services member is believed to be mentally incapacity, or if the Division of Protective Services believes the retiring member constitutes a danger to any person of the community.

The bill also allows for service weapons taken out of service due to routine wear to be purchased at fair market value by active or retired members of the Division of Protective Services. The proceeds of such sales may be used to offset the costs of new service weapons.

**CODE REFERENCE:** West Virginia Code §15-2D-8 – new

**DATE OF PASSAGE:** February 7, 2022

**EFFECTIVE DATE:** February 7, 2022

**ACTION BY GOVERNOR:** Signed February 16, 2022

## Senate Bill 437

### Providing for early discharge of parolees

This bill provides for the early discharge of parolees who have served a minimum of one year on parole and have not violated the conditions for parole. It authorizes the Commissioner of the Division of Corrections and Rehabilitation or his or her designee to request the early discharge of a parolee. The bill also authorizes the chairperson of the Parole Board to grant early parole rather than convene a panel of three members of the Parole Board.

**CODE REFERENCE:** West Virginia Code §62-12-18 – amended

**DATE OF PASSAGE:** February 7, 2022

**EFFECTIVE DATE:** February 7, 2022

**ACTION BY GOVERNOR:** Signed February 16, 2022

# Senate Bill 440

## Establishing Uniform Commercial Real Estate Receivership Act

The Act applies to receiverships for real property as well as personal property that is related to the real property or used in its operation. It does not govern a receivership for an interest in real property improved by one to four dwelling units, unless (1) the interest is used for agricultural, commercial, industrial, or mineral extraction purposes, other than incidental uses by an owner occupying the property as the owner's residence; (2) the interest secures an obligation incurred when the property was used or planned for use for agricultural, commercial, industrial or mineral extraction purposes; (3) the owner planned or is planning to develop the property with one or more dwelling units to be sold or leased in the ordinary course of the owner's business, or (4) the owner collects rents or other income from an unrelated tenant or other occupier. The Act does not provide the exclusive method for appointment.

The state court's general equity jurisdiction has exclusive jurisdiction of the receivership process

The bill establishes standards under which a court may appoint a receiver in the exercise of its equitable jurisdiction. It also establishes standards under which a petitioning mortgage lienholder is entitled to appointment of a receiver, either as a matter of right or as a matter of the court's discretion. Where the court appoints a receiver ex parte, the court may require the party seeking appointment to post security for any damages, attorney's fees and costs incurred by a person injured by an appointment later determined to be unjustified.

Because a receiver holds receivership property for the benefit of all interested parties the bill requires that the receiver provide sworn evidence of the receiver's independence, subject to an exception to prevent disqualification based on certain pre-existing relationships that are de minimus in nature. While a party seeking the appointment of a receiver may nominate a person to serve as a receiver, the nomination is non-binding on the court.

On appointment, a receiver has the status and priority of a lien creditor with respect to receivership property. Appointment of a receiver does not affect the validity of a pre-receivership security interest in receivership property, and property required after appointment is subject to any pre-receivership security agreement to the same extent as if no receiver had been appointed. On appointment, persons having possession, custody and control of receivership property must turn the property over to the receiver, and persons owing debts that constitute receivership property must pay those debts to the receiver. Entry of the order of appointment effects a stay, applicable to all persons, of an act to obtain possession of, exercise control over, or enforce a judgment against receivership property, as well as an act to enforce a lien against receivership property. In appropriate situations, the court can expand the scope of the stay, and grant relief of the stay. However, certain actions are outside the scope of the stay. The Act also addresses the consequences of a violation of the stay.

The bill sets forth the receiver's presumptive powers, as well as those that the receiver may exercise only with court approval. It also sets forth the duties of the receiver and the duties of the owner of receivership property.

The Act authorizes the receiver to engage and pay professionals to assist in the administration of the receivership following court approval.

With Court approval, the bill permits the receiver to use, sell, lease, license, exchange, or otherwise transfer, receivership property other than in the ordinary course of business. Unless the agreement of transfer provides otherwise, the transfer is free and clear of rights of redemption and liens other than liens

than are senior to the lien of the person who obtained the receiver's appointment. Liens extinguished by the receiver's sale attach to the proceeds with the same validity, perfection, and priority as they had with respect to the property sold. The sale may be conducted as a private sale, and creditors with valid secured claims may credit bid. The bill also provides a safe harbor for purchasers, in case a party objects to the sale but fails to get a stay of the order approving the sale. Secured creditors are entitled to the proceeds of the collateral according to the priority rules established by law other than this Act, although the court may award the receiver the reasonable and necessary fees and expenses for carrying out the receiver's duties.

With court approval, a receiver may adopt or reject an executory contract of the owner relating to receivership property. The bill covers the mechanics for adoption or rejection of executory contracts. The receiver may also assign an adopted executory contract to the extent permitted by the contract and applicable law other than this Act. The bill specifies the consequences of a receiver's rejection of an executory contract. It contains protections for purchasers in possession of real property or real property time share interests that are analogous to those contained in the Bankruptcy Code. The bill also limits the receiver's ability to reject the unexpired lease of a tenant, permitting rejection of the lease only in a very limited situation.

Consistent with the receiver's status as an officer of the court, the bill provides the receiver with immunity for acts or omissions within the scope of the receiver's appointment. Further, the bill incorporates the Barton doctrine and provides that a receiver cannot be sued personally for an act or omission in administering receivership property except with the approval of the appointing court.

The bill requires the receiver to notify creditors of the appointment of the receiver unless the court order otherwise and requires creditors to file claims with the receiver as a precondition to obtaining any distribution from receivership property or the proceeds of such property. It permits the receiver to recommend disallowance of claims. The bill also authorizes the court to forgo the filing of unsecured claims where the receivership property is likely to be insufficient to satisfy secured claims against the property.

The receiver must file interim reports as directed by the court and on completion of the receivers' duties, a final report.

Where a receiver has been appointed by another state, the bill authorizes the court to appoint that person or its designee as an ancillary receiver for the purpose of obtaining possession, custody, and control of receivership property located within the state. The bill also permits the court to enter any order necessary to effectuate an order of a court in another state appointing or directing a receiver.

The bill makes clear that the appointment of a receiver required by a mortgagee or assignee of rents, and actions taken by the receiver do not make the mortgagee or assignee of rents a "mortgagee in possession" do not constitute an election of remedies or make the secured obligation unenforceable, and do not constitute an "action" within the meaning of the state's "one-action" rule. In a state with anti-deficiency rules, where a receiver conducts a sale of receivership property free and clear of a lien, the state's anti-deficiency rules will apply to any person that held a lien extinguished by the sale to the same extent those rules would have applied after a foreclosure sale not governed by the bill.

**CODE REFERENCE:** West Virginia Code §55-20-1 through §55-20-28 – new

**DATE OF PASSAGE:** March 9, 2022

**EFFECTIVE DATE:** June 7, 2022

**ACTION BY GOVERNOR:** Signed March 23, 2022



## **Senate Bill 441**

### **Providing confidentiality of video and other records of correctional juvenile facilities**

The purpose of this bill is to clarify that security records and facility video of the Division of Corrections and Rehabilitation is confidential, and to create exceptions to that confidentiality for official use of such video. The bill authorizes the Commissioner of the Division of Correction and Rehabilitation to disclose facility video, incident reports, and investigation reports to law enforcement if necessary for the investigation, prevention, or prosecution of a crime. It also requires law enforcement agencies to treat records relating to a juvenile as confidential.

In addition, the bill authorizes disclosure of facility video, incident reports, and investigation reports to be made in a civil or administrative proceeding pursuant to an appropriate order but requires records relating to grievances be made in accordance with §49-5-101. The bill also authorizes the Commissioner to disclose, but not release, records to attorneys representing persons with a claim against the division. Additionally, the bill clarifies that persons in receipt of such records must treat the same as confidential.

**CODE REFERENCE:** West Virginia Code §15A-4-8a – new

**DATE OF PASSAGE:** March 12, 2022

**EFFECTIVE DATE:** June 10, 2022

**ACTION BY GOVERNOR:** Signed March 28, 2022

## **Senate Bill 449**

### **Relating to Nonviolent Offense Parole Program**

This bill relates to the Division of Corrections and Rehabilitations Nonviolent Offense Parole Program. An individual is ineligible to participate if the sentence from which parole is being considered is aggregated, concurrently or consecutively, with an offense determined disqualifying under this subdivision. It further clarifies that to qualify for the program, an inmate has not previously been released on parole from the same sentence.

**CODE REFERENCE:** West Virginia Code §62-12-13c – amended

**DATE OF PASSAGE:** February 7, 2022

**EFFECTIVE DATE:** March 7, 2022

**ACTION BY GOVERNOR:** Signed February 16, 2022

## Senate Bill 452

### Permitting civil remedies for unauthorized disclosure of intimate images

The bill creates a new article in the code and creates a civil cause of action for the unauthorized disclosure of intimate images.

The bill provides that a depicted individual, who is identifiable and who suffers harm from a person's intentional disclosure or threatened disclosure of an intimate image that was private without the depicted individual's consent has a cause of action against the person if the person knew or acted with reckless disregard for whether the person: did not consent to the disclosure, the intimate image was private; and the individual was identifiable.

There are exceptions to liability: if the person provides the disclosure of or threat to disclose was made in good faith in law enforcement; a legal proceeding; or medical education or treatment. If it was made in good faith in the reporting or investigation of unlawful conduct or unsolicited or unwelcome conduct. If it was related to a matter of public concern or public interest or reasonably related to assist the depicted individual. A defendant who is a parent, legal guardian or individual with legal custody is not liable for a disclosure or threatened disclosure of an intimate image. If a defendant proves the exception was prohibited or made for sexual purposes, then the parent, legal guardian or person with legal custody may not qualify for the exception.

The bill permits a plaintiff to file a motion to seal with the initial pleading or other motion as necessary to protect privacy or identity.

The remedies for violations are the greater of: (1) Economic and noneconomic damages proximately caused by the defendant's disclosure or threatened disclosure, including damages for emotional distress, whether or not accompanied by other damages, or (2) statutory damages not to exceed \$10,000 against each defendant found liable for all disclosures and threatened disclosures by the defendant of which the plaintiff knew or reasonably should have known when filing or which became known.

In determining the statutory amount, consideration shall be given to the age of the parties at the time of the disclosure or threatened disclosure, the number of disclosures or threatened disclosures, the breadth of distribution, and other exacerbating or mitigating factors. An amount equal to monetary gain made by the defendant from disclosure. Punitive damages as allowed under the law. The bill permits an award of attorney's fees, costs, and injunctive relief.

The action may not be brought later than four years from the date the disclosure was discovered or should have been discovered with the exercise of reasonable diligence. A threat to disclose may not be brought later than four years from the date of the threat to disclose.

**CODE REFERENCE:** West Virginia Code §55-20-1 through §55-20-10 – new

**DATE OF PASSAGE:** February 25, 2022

**EFFECTIVE DATE:** May 26, 2022

**ACTION BY GOVERNOR:** Signed March 8, 2022

## Senate Bill 463

### Best Interests of Child Protection Act of 2022

The bill creates the “2022 Best Interest of the Child Act” to address perceived deficiencies in the current methods of legal custody and parenting time in the family court system. The bill establishes collaborative parenting or a goal of the process.

It creates a rebuttable presumption in the absence of parental agreement, that equal (“50-50”) custodial time is in a child’s best interest. The bill requires the court to undertake an analysis as to the viability of “50-50” parenting and have specific findings if “50-50” parenting is not ordered. It authorizes interlocutory appeals where a parent seeks “50-50” parenting and is not granted it at the temporary hearing. The bill sets forth factors to be considered in the making of a temporary parenting plan.

Additionally, the bill ensures permanent parenting plans include provisions for financial support of the child or children. It adds the allocation of “significant decision-making responsibility” to one or both parents in accordance with the child’s best interest and, in light of the ability or inability of the parents, based on the evidence before the court, to work collaboratively and in cooperation with each other in decision-making on behalf of the child.

The bill also allows the court to designate which parent is entitled to tax deductions and exemptions year-to-year on an equitable basis. It also makes clear that the provisions are prospective in nature and prior orders remain in full force and effect.

**CODE REFERENCE:** West Virginia Code §48-9-102, §48-9-203, §48-9-204, §48-9-205, §48-9-206, §48-9-207, §48-9-208, §48-9-209, §48-9-401, §48-9-402, §48-9-602, and §48-9-603 – amended; §48-9-102a – new

**DATE OF PASSAGE:** March 12, 2022

**EFFECTIVE DATE:** June 10, 2022

**ACTION BY GOVERNOR:** Signed March 30, 2022

## Senate Bill 466

### Relating to limitations on civil actions or appeals brought by inmates

This bill prohibits an inmate housed in a West Virginia correctional facility from bringing a civil action in forma pauperis (without prepayment of a fee) if the inmate has had three or more occasions where an action or appeal was dismissed on the grounds that they were frivolous, malicious, or failed to state a claim. This bill exempts cases from the three-strike rule where the circuit court makes a preliminary filing that the case is not frivolous, the inmate alleges with particularity that they are under imminent danger of serious physical injury, and in cases where the inmate seeks solely habeas relief related to their custody. In those instances, the inmate could proceed in forma pauperis.

**CODE REFERENCE:** West Virginia Code §25-1A-9 – new

**DATE OF PASSAGE:** March 8, 2022

**EFFECTIVE DATE:** June 6, 2022

**ACTION BY GOVERNOR:** Signed March 23, 2022

# Senate Bill 470

## Relating generally to health care decisions

Senate Bill 470 modifies eight sections within the West Virginia Health Care Decisions Act and one section within the Do Not Resuscitate Act.

In §16-30-3, the bill removes the definition of the term “persistent vegetative state”. It also removes this term from the definition of “life-prolonging intervention” and from the statutory forms for a living will and combined medical power of attorney and living will provided in §16-30-4. It also removes this term from provisions governing a physician’s duty with respect to a patient who has executed a living will or combined medical power of attorney and living will in §16-30-19.

In §16-30-3, the bill renames the defined term “physician orders for scope of treatment (POST) form” as “portable orders for scope of treatment (POST) form” and adds advanced practice registered nurses (APRNs) and physician assistants (PAs) to this definition as providers who may issue the orders contained in the POST form. It also updates references to this term and to APRNs and PAs throughout the bill.

The bill adds “combined medical power of attorney and living will” to other references to living wills and medical powers of attorney throughout. This includes adding “combined medical power of attorney and living will” to the definition of the term “principal” in §16-30-3 and extending existing authority and prohibitions applicable to executing a living will and medical power of attorney to a combined medical power of attorney and living will in §16-30-4.

The bill adds language to the statutory form for a living will and combined medical power of attorney and living will in §16-30-4 which provides an express acknowledgment by the principal that he or she is agreeing to the removal or refusal of CPR, ventilator, dialysis, and medically administered food and fluids. It also expressly permits oral food and fluids to be offered as desired and can be tolerated.

The bill modifies the special directives or limitations available on the statutory form for a living will, power of attorney, and combined medical power attorney and living will in §16-30-4. It also adds space for the address of the principal to be provided beneath his or her signature.

The bill adds language in the statutory form for combined medical power of attorney and living will in §16-30-4 which separates living will provisions applicable when the principal is in a terminal condition, and medical power of attorney provisions applicable when he or she is not in a terminal condition, and any special directives or limitations that the principal wishes to have on either of those powers.

The bill includes a new subsection (j) to §16-30-4 clarifying that living will, medical power of attorney, and combined medical power of attorney and living will documents executed prior to the effective date of these amendments remain effective and that the amendments apply to documents executed, amended, or adjusted on or after January 1, 2023. It further requires health care facilities and health care providers which utilize these documents must update their forms on or before this date.

In §16-30-19(c), the bill updates an existing requirement for inpatient health care facilities to develop a system to visibly identify a person’s chart which contains a living will or medical power of attorney, so that the requirement also includes a combined medical power of attorney and living will and POST forms.

In §16-30-21, the bill adds mental health advance directives, medical orders (portable orders for scope of treatment or do-not-resuscitate cards), and similar advance directives and medical orders forms to the list of documents executed in another state which are subject to reciprocity provisions under the West Virginia Health Care Decisions Act.

The bill recognizes the authority of APRNs and PAs with respect to the provisions governing POST forms in §16-03-25.

Lastly, the bill adds a reference to combined medial power of attorney and living will and removes a reference to persistent vegetative state in §16-30C-5 (Do Not Resuscitate Act) in line with the above.

**CODE REFERENCE:** West Virginia Code §16-30-3, §16-30-4, §16-30-5, §16-30-10, §16-30-13, §16-30-19, §16-30-21, §16-30-25, and §16-30C-5 – amended

**DATE OF PASSAGE:** March 9, 2022

**EFFECTIVE DATE:** June 7, 2022

**ACTION BY GOVERNOR:** Signed March 23, 2022



## Senate Bill 520

### Increasing financial penalties for ransomware attacks

This bill creates a felony offense of disrupting or degrading, causing the disruption or degradation, or threatening the disruption or degradation of computer services of another with the intent to obtain money or any other thing of value. The penalty is up to 1 million dollars fine, incarceration of up to 20 years, or both fined and confined.

**CODE REFERENCE:** West Virginia Code §61-3C-8 – amended

**DATE OF PASSAGE:** March 4, 2022

**EFFECTIVE DATE:** June 2, 2022

**ACTION BY GOVERNOR:** Signed March 23, 2022

## Senate Bill 535

### Providing for revocation of school personnel certification or licensure in certain circumstances

Senate Bill 535 modifies provisions governing suspension and revocation of teaching certificates and other certificates issued by the state Superintendent.

In subsection (b), the bill enumerates five circumstances in which the state Superintendent may automatically suspend a certificate. In subsection (c), the bill requires the certificate to be reinstated upon dismissal of the charge or indictment, acquittal of the charge, or dismissal of the petition alleging child abuse which resulted in automatic suspension, unless otherwise prohibited by law.

In subsection (d), the bill similarly enumerates five circumstances in which the state Superintendent must automatically revoke a certificate. The bill expands the application of the automatic revocation provisions to include other individuals with certificates issued by the state Superintendent in addition to teachers. It also adds adjudication by a court of competent jurisdiction that the teacher or certificate holder has committed abuse of a child as an additional circumstance in which a certificate is automatically revoked. In subsection (e), the bill requires the certificate to be reinstated upon a court overturning the conviction or adjudication of abuse of a child which resulted in the automatic revocation unless otherwise prohibited by law.

Finally, the bill replaces references to “licenses” with “certificates” throughout for consistency.

**CODE REFERENCE:** West Virginia Code §18A-3-6 – amended

**DATE OF PASSAGE:** March 9, 2022

**EFFECTIVE DATE:** June 7, 2022

**ACTION BY GOVERNOR:** Signed March 23, 2022

## Senate Bill 536

### Relating generally to controlled substance criminal offenses

This bill provides additional penalties for possession with the intent to deliver known fentanyl alone or in combination with another substance. It creates a new offense for a person to knowingly or intentionally: (1) adulterate another controlled substance with fentanyl, (2) create a counterfeit substance or imitation controlled substance using fentanyl, or (3) cause the adulteration or counterfeiting or imitation of another controlled substance using fentanyl. The penalty for these offenses is three to 15 years in a state correctional facility, fined not more \$50,000, or both fined and confined.

The bill defines the term “adulterated” and cross-references the definitions of counterfeit substances and imitation controlled substances. In addition, the bill enhances the penalty for transporting fentanyl into the state and repeals the specific code section on the unlawful manufacture, delivery, transport into the state, or possession of fentanyl.

The bill also creates a new crime for anyone over the age of 21 to use a minor to commit a felony drug offense. This is a felony and is punishable by a fine of not more than \$10,000, confined in a state correctional facility for not more than five years, or both fined and confined.

**CODE REFERENCE:** West Virginia Code §60A-4-415 – repealed; §60A-4-401 and §60A-4-409 – amended; §60A-4-418 – new

**DATE OF PASSAGE:** March 12, 2022

**EFFECTIVE DATE:** June 10, 2022

**ACTION BY GOVERNOR:** Signed March 28, 2022

# Senate Bill 552

## Relating to tax sale process

This bill modifies and modernizes the process for a tax sale. It transfers the current procedure for selling tax delinquent properties and for redeeming property sold for delinquent taxes from the sheriff's office to the State Auditor. The State Auditor instead of the sheriff will now conduct the sale of tax delinquent properties.

Timelines throughout the entire process essentially remain the same. Under current law, there is a period of approximately two years, nine months from the time a taxpayer receives a tax ticket (July 1 of each year) to the time the Auditor issues a tax deed to a purchaser at a tax sale. During this period, a list of delinquent properties is published, posted, and the list is certified to the Auditor by the county commission. A second publication of the delinquency list occurs with the tax sale occurring approximately nine months after taxes were due. Over the next 17 months, if the delinquent taxpayer fails to redeem the property, a tax deed is issued by the Auditor with opportunity for taxpayer to redeem.

Under the new procedure, the timeline is approximately two years, seven months from the time a taxpayer receives a tax ticket to the time a tax deed is issued by the Auditor. During this period, the sheriff publishes two delinquency notices, a notice of delinquent properties is certified to the Auditor, the Auditor certifies list of delinquent properties to each county, the list is published, and the Auditor holds a sale. Thereafter, the county reports sales to the Auditor and the period of redemption begins and notice to redeem is issued to appropriate parties.

New language would create a preference list for buyers of property at the deputy commissioner annual auction. First priority is to adjacent landowners, then to a municipality if the land is located within the municipality. Next in priority is the county commission if the land is located within the county. If they both do not place the deputy commission on notice of their intent to acquire the next person in priority is the West Virginia Land Stewardship Corporation, urban renewal authorities, municipal land banks, or land reuse authorities. The purchase is contingent upon the deputy commissioner and the entity agree upon a purchase price. If none of these entities exercise their priority, the land is sold to the highest bidder.

Additionally, a provision has been added that if property is the purchaser's primary residence, a purchaser may petition the Auditor to redeem the property in three incremental assignments. There is also a procedure to redeem properties sold at a tax sale or to set aside a deed where a deed was obtained improperly or where a person entitled to receive notice of a tax deed was not notified as required by the new law.

The bill also authorizes the Department of Environmental Protection (DEP) to assist local governments, urban renewal authorities, municipal land banks, and land reuse agencies to remediate abandoned, blighted, and dilapidated structures. The DEP is further authorized to use an existing fund, the Reclamation of Abandoned and Dilapidated Properties Program Fund, to assist the local governments, authorities and agencies to remediate structures by demolishing, deconstructing, and redeveloping rehabilitation, together with pre-development expenses for distressed properties acquired by local governments, the West Virginia Land Stewardship Corporation, and certain agencies and authorities. The DEP is required to consult with the State Fire Marshall, Insurance Commissioner, State Auditor, Secretary of Revenue, and the Legislative Auditor on the needs of slum clearance by local governments, agencies and authorities. It is also required to submit a report to the Joint Committee on Government and Finance regarding steps that need to be implemented to develop and redevelop abandoned and dilapidated



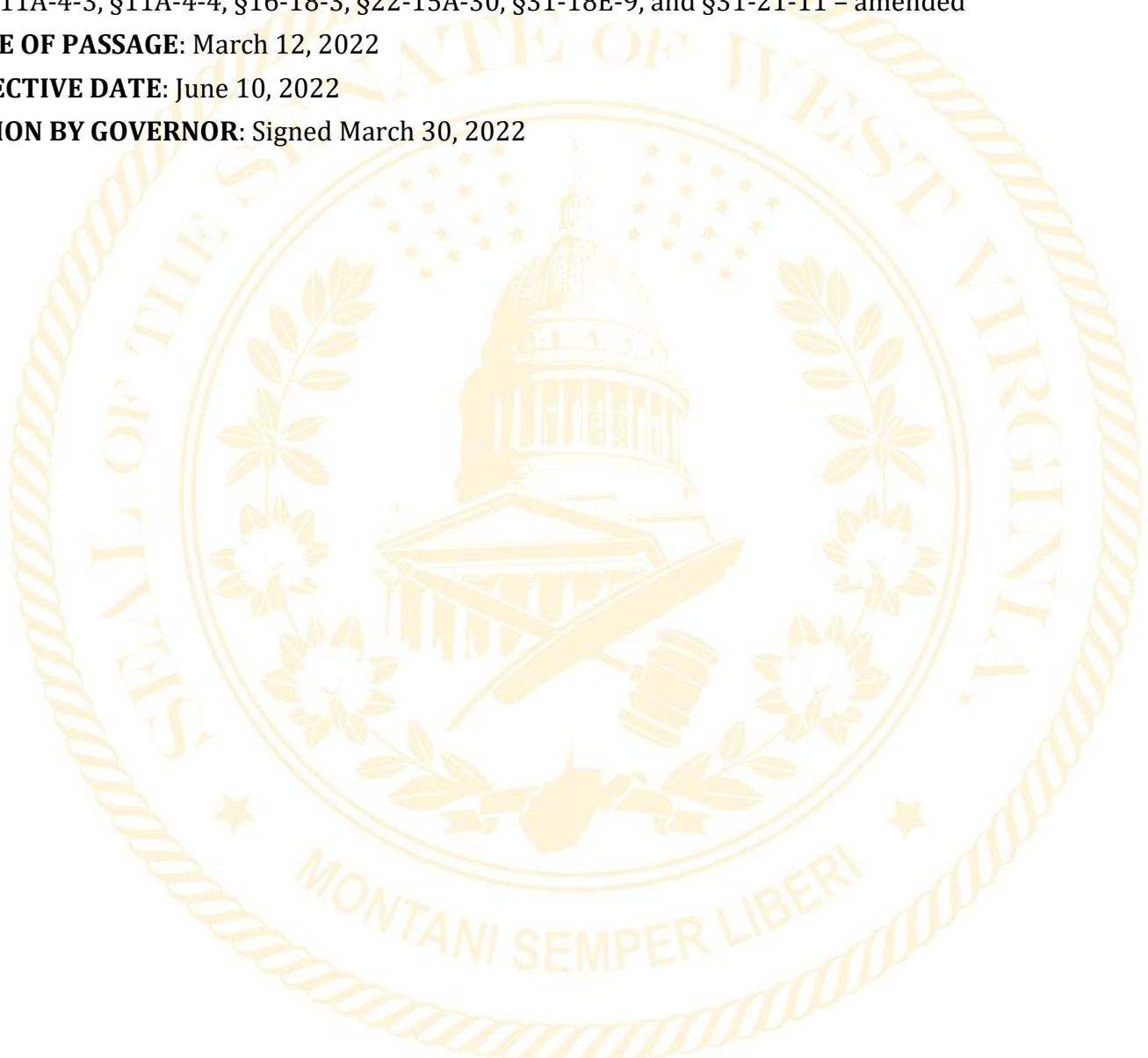
structures and properties. The DEP is also given contract authority to assist local governments and agencies and authorities with slum clearance.

**CODE REFERENCE:** West Virginia Code §11A-2-18, §11A-3-5, §11A-3-5a, §11A-3-5b, §11A-3-6, §11A-3-7, §11A-3-14, §11A-3-15, §11A-3-16, §11A-3-17, §11A-3-18, §11A-3-19, §11A-3-20, §11A-3-21, §11A-3-22, §11A-3-23, §11A-3-24, §11A-3-25, §11A-3-26, §11A-3-27, §11A-3-28, and §11A-3-29, §11A-3-30, and §11A-3-31 – repealed; §11A-1-8, §11A-2-14, §11A-3-1, §11A-3-2, §11A-3-4, §11A-3-8, §11A-3-9, §11A-3-10, §11A-3-11, §11A-3-12, §11A-3-13, §11A-3-32, §11A-3-39 §11A-3-42, §11A-3-44, §11A-3-45, §11A-3-46, §11A-3-48, §11A-3-50, §11A-3-52, §11A-3-53, §11A-3-54, §11A-3-55, §11A-3-56, §11A-3-66, §11A-3-69, §11A-4-3, §11A-4-4, §16-18-3, §22-15A-30, §31-18E-9, and §31-21-11 – amended

**DATE OF PASSAGE:** March 12, 2022

**EFFECTIVE DATE:** June 10, 2022

**ACTION BY GOVERNOR:** Signed March 30, 2022



## Senate Bill 573

### **Providing system where magistrates shall preside in certain instances outside normal court hours**

This bill requests that the West Virginia Supreme Court of Appeals establish a court system for coverage of courts during non-court hours around the state by assigning magistrates on a circuit or regional basis to be appointed to sit outside the county of their election. The bill also repeals the provision regarding pay differentials if a magistrate is assigned to a county with a higher salary schedule. The matters before the court would be limited to initial appearance, petitions for domestic violence, emergency protective orders, emergency mental health petitions, emergency juvenile delinquency petitions, and search warrant applications.

**CODE REFERENCE:** West Virginia Code §50-1-13 – amended

**DATE OF PASSAGE:** March 11, 2022

**EFFECTIVE DATE:** June 9, 2022

**ACTION BY GOVERNOR:** Vetoed March 30, 2022

## Senate Bill 575

### **Ensuring that imposition of certain sexual offenses apply to persons working in juvenile facilities**

This bill adds juveniles under supervision and juvenile facilities of the Division of Corrections and Rehabilitation where imposition of sexual acts is specifically prohibited and adds juvenile residents to the category of person against whom sexual acts may not be imposed. The bill also specifies that the person may also be acting under the authority of a municipality. In addition, the bill specifies that the prohibitions apply to persons under Home Incarceration. The bill also adds language about persons “detained” and clarifies that authorized pat downs, strip searches, and similar actions do not constitute sexual contact.

**CODE REFERENCE:** West Virginia Code §61-8B-10 – amended

**DATE OF PASSAGE:** March 8, 2022

**EFFECTIVE DATE:** June 6, 2022

**ACTION BY GOVERNOR:** Signed March 23, 2022

## **Senate Bill 591**

### **Relating to process for filling vacancies in state Legislature**

Senate Bill 591 modifies provisions within the state Election Code which govern the process for filling a vacancy in the House of Delegates or the Senate.

Prior to amendment, subsections (b) and (c) required a list of qualified persons to be submitted to the Governor by the party executive committee of the district in which the vacating member resided at the time of election or appointment, without reference to whether the district is a multi-county district or a single-county district.

The bill amends these provisions to provide that this process will continue to apply when there is a vacancy in a multi-county district, and further clarifies that, for a vacancy in a single-county district, the list must be submitted by the county executive committee in which the vacating member resided at the time of election or appointment.

**CODE REFERENCE:** West Virginia Code §3-10-5 – amended

**DATE OF PASSAGE:** March 9, 2022

**EFFECTIVE DATE:** June 7, 2022

**ACTION BY GOVERNOR:** Signed March 23, 2022

## **Senate Bill 593**

### **Allowing Marshall University's Forensic Analysis Laboratory access and participation in WV DNA database for certain purposes**

This bill amends, in §15-2B-3(3), the definition of “criminal justice agency” to include the Forensic Analysis Laboratory of the Marshall University Forensic Science Center. By including this in the definition, the Marshall University DNA lab now has access to the West Virginia DNA Database as it relates to missing persons, relatives of missing persons and unidentified human remains databases components of the Federal Missing Persons, Relatives of Missing Persons, and Unidentified Human Remains “NamUs” databases.

**CODE REFERENCE:** West Virginia Code §15-2B-3 – amended

**DATE OF PASSAGE:** March 8, 2022

**EFFECTIVE DATE:** March 8, 2022

**ACTION BY GOVERNOR:** Signed March 23, 2022

## Senate Bill 595

### Relating to Dangerousness Assessment Advisory Board

This bill provides that individual board members are not subject to subpoena to appear at a judicial hearing due to being a member of the board or fulfilling their duties. However, upon request, the bill provides that the Board shall make all documents, reports, and other materials used in making its report available to the court or a party in the judicial proceeding regarding placement in redacted form upon the court's request.

**CODE REFERENCE:** West Virginia Code §27-6A-13 – amended

**DATE OF PASSAGE:** March 9, 2022

**EFFECTIVE DATE:** March 9, 2022

**ACTION BY GOVERNOR:** Signed March 23, 2022

## Senate Bill 606

### Relating to WV Medical Practice Act

Senate Bill 606 modifies provisions of the West Virginia Medical Practice Act which govern professional discipline of physicians and podiatrists.

The bill adds a new reporting requirement to subsection (b)(5), imposing a duty on a healthcare provider licensed or authorized by the Board of Medicine to submit a written report to the Board if he or she reasonably believes a provider has engaged in certain conduct. The bill specifies five categories of provider conduct which are reportable under this provision. The bill requires the report to be submitted within 30 days of the incident itself or the provider's subsequent knowledge of same. It establishes failure to report as unprofessional conduct which is grounds for disciplinary action. The bill provides an exception to this reporting requirement for physicians who obtain otherwise reportable information exclusively while functioning as an executive director or employee of a board-approved professional health program.

The bill provides immunity from civil liability for a person who submit any report under subsection (b) in good faith and without fraud or malice. It establishes bad faith, fraudulent, or malicious reporting as unprofessional conduct and grounds for disciplinary action.

The bill expands the reasons the Board may deny a license application or discipline a provider under subsection (c) to include engaging in other sexual misconduct and failing to comply with a reporting requirement under subsection (b).

Lastly, in new subsection (u), the bill provides rulemaking authority to the Board to define sexual misconduct and identify prohibited professional misconduct, including sexual misconduct, for purposes of denying an application or disciplining a provider.

**CODE REFERENCE:** West Virginia Code §30-3-14 – amended

**DATE OF PASSAGE:** March 11, 2022

**EFFECTIVE DATE:** June 9, 2022

**ACTION BY GOVERNOR:** Signed March 28, 2022

## Senate Bill 610

### Relating to duties, powers and responsibilities of DOT Secretary

This bill sets forth the duties, powers and responsibilities of the Department of Transportation (DOT) Secretary and defines terms. More specifically, the bill provided that the DOT Secretary is the administrative head of the department, has the power and authority set forth in West Virginia Code §5F-2-2, and may employ professional staff and other employees, fixing their compensation and prescribing their powers and duties.

Additionally, the bill allows the DOT Secretary to designate any administrator or employee of the DOT as the Secretary's designee on any board, authority, or commission on which the Secretary serves, with such designee having the same powers, duties, authority, and responsibility as the Secretary. It also allows the Secretary to arrange for any of the DOT's agencies to utilize the services of the DOT or any other agency within the DOT and authorize interagency agreements which may be executed among the DOT's agencies, or between one or more agencies and the department.

The bill requires the DOT Secretary to ensure that the DOT and its agencies carry out functions in a manner that supplements, complements, and complies with policies, programs, and federal funding requirements. In addition, it provides that the DOT Secretary may, on behalf of the DOT, sign in the name of the state any contract or agreement with any division, agency, or other unit of federal, state, or local government, any legal entity, or any individual, within powers granted to the Secretary by the Legislature to the DOT or the various agencies of the DOT.

**CODE REFERENCE:** West Virginia Code §17-2-1 and §17-2-2 – new

**DATE OF PASSAGE:** March 12, 2022

**EFFECTIVE DATE:** June 10, 2022

**ACTION BY GOVERNOR:** Signed March 30, 2022

## Senate Bill 616

### Relating to confidentiality of court files and law-enforcement records of certain enumerated offenses

This bill provides that records containing identifying information of victims in an arrest, investigation, or complaint in the following crimes are confidential except when required by law, when necessary for law enforcement purposes, or pursuant to an order of the Court.

- Crimes involving obscene matter and minors;
- Crimes of sexual offenses;
- Crimes involving filming sexually explicit conduct of minors;
- Human trafficking; Female genital mutilation;
- Sexual abuse by a parent, guardian, custodian, or person in a position of trust; and
- Sending explicit material involving a child by a parent, guardian, custodian, or person in a position of trust.

This bill applies to Court, law enforcement agencies, and any political subdivision of the state. It provides for an order permitting examination or copying of file contents from a circuit court and states that it must include specific findings of why the best interests of justice necessitate the disclosure. The bill also provides for a waiver of confidentiality and a mechanism to subpoena such records. The bill codifies the current practice of the West Virginia Supreme Court of Appeals to identify certain victims of sensitive crimes by their initials in rulings of the Court and requests the Court promulgate rules to comply with this section.

**CODE REFERENCE:** West Virginia Code §61-8B-19 – new

**DATE OF PASSAGE:** March 9, 2022

**EFFECTIVE DATE:** June 7, 2022

**ACTION BY GOVERNOR:** Signed March 23, 2022

## Senate Bill 647

### Prohibiting discrimination in organ donation process

This bill creates a new article which is entitled “Nondiscrimination Relating To Access to Organ Transplantation”. It sets forth legislative intent and defines terms. It prohibits a covered entity from, based on a qualified individuals mental or physical disability:

- Determining the qualified individual ineligible to receive an anatomical gift or organ transplant;
- Denying a qualified individual medical and related services, relating to organ transplantation;
- Refusing to refer the qualified individual to a transplant center or other related specialist for the purpose of evaluation or receipt of an organ transplant;
- Refusing to place a qualified individual on an organ transplant waiting list or placing him or her at a lower-priority position on the list than he or she would have been placed if not for his or her disability; or
- Declining insurance coverage to any qualified individual for any procedure associated with the receipt of an anatomical gift, including post-transplantation care.

This bill also provides that an individual’s disability may be considered in certain circumstances, requires covered entities to make necessary reasonable modifications to their policies, practices, or procedures, and requires covered entities to take the steps necessary to ensure a qualified individual is not denied services because of the absence of auxiliary aids and services except in certain circumstances.

Lastly, the bill states that the remedy for violation of this article are the same as those under the Americans with Disabilities Act. It also states that a court should accord priority on its calendar expeditiously for an action to enforce compliance the article.

**CODE REFERENCE:** West Virginia Code §16-65-1 et. seq – new

**DATE OF PASSAGE:** March 11, 2022

**EFFECTIVE DATE:** June 9, 2022

**ACTION BY GOVERNOR:** Signed March 21, 2022

## Senate Bill 693

### Clarifying meeting voting requirements for political party executive committees

Senate Bill 693 modifies provisions of the state Election Code which govern the composition and organization of political party committees.

Subsection (h) eliminates the requirement that all official actions of a political party executive committee must be made by voice vote.

**CODE REFERENCE:** West Virginia Code §3-1-9 – amended

**DATE OF PASSAGE:** March 12, 2022

**EFFECTIVE DATE:** June 10, 2022

**ACTION BY GOVERNOR:** Signed March 23, 2022

## **Senate Bill 726**

### **Relating to pre-trial diversion agreements and deferred prosecution agreements**

This bill sets forth what offenses make an individual ineligible for pre-trial diversion and deferred adjudication. The bill also sets forth certain crimes where a person may be eligible for deferred adjudication, but the charges are not dismissed. In addition, the bill sets conditions for when a person charged with a first offense domestic assault or battery, or first offense assault or battery where the victim is a family or household member, may be eligible for deferred adjudication.

**CODE REFERENCE:** West Virginia Code §61-11-22 and §61-11-22a – amended

**DATE OF PASSAGE:** March 12, 2022

**EFFECTIVE DATE:** March 12, 2022

**ACTION BY GOVERNOR:** Signed March 30, 2022

## **House Bill 2177**

### **Permitting the issuance of a state issued identification card without a photo on the card under certain conditions**

The bill allows persons whose religion prohibits or discourages being photographed the ability to obtain a State ID without a photograph. The bill also directs the Division of Motor Vehicles to develop an application form and sets out the contents required to be in the form.

**CODE REFERENCE:** West Virginia Code §17B-2-1 – amended

**DATE OF PASSAGE:** March 9, 2022

**EFFECTIVE DATE:** March 9, 2022

**ACTION BY GOVERNOR:** Signed March 28, 2022



## House Bill 2631

### Short Provide for WVDNR officers to be able to work “off duty”

This bill amends the Division of Natural Resources (DNR) law enforcement article to allow Natural Resources Police Officers (NRPO) to contract with private employers to provide security services during off-duty hours.

The only limitation is that the private employment cannot conflict with or violate existing law or rules of the DNR regarding location or nature of the security services. Current law prohibits NRPOs from working private security jobs. The bill also allows the chief NRPO to contract with “quasi-public” entities to provide extraordinary law enforcement or security services.

This is in addition to existing law which allows the chief NRPO to contract with other public and private entities for extraordinary law enforcement or security services. Finally, the bill provides that the state, DNR, and NRPOs must be held harmless and indemnified from any liability arising out contracts for extraordinary law enforcement or security services.

**CODE REFERENCE:** West Virginia Code §20-7-1e – amended

**DATE OF PASSAGE:** March 11, 2022

**EFFECTIVE DATE:** June 9, 2022

**ACTION BY GOVERNOR:** Signed March 30, 2022

## House Bill 2910

### To modify the allowable number of magistrate judges per county

The bill instructs the West Virginia Supreme Court of Appeals to conduct a caseload study of the state magistrate courts to determine how many magistrates are needed in each county, provided that there be a maximum of 170 magistrates in the state. The bill requires an administrative order to be reported to the Legislature and the West Virginia Secretary of State detailing the Supreme Court of Appeals’ proposed allocations of magistrates, provided that the number of magistrates may not be reduced in any county. The bill also gives the Legislature discretion to reject the Supreme Court of Appeals’ recommendations and to allocate the magistrates as they see fit.

The bill also adds an additional magistrate to Berkeley County effective July 1, 2022. The bill allows the Supreme Court of Appeals to direct magistrates to serve on a temporary basis outside of their county. In addition, the bill requests the Supreme Court of Appeals develop a program for after hours coverage of magistrate courts on a circuit or regional basis. The matters before the court would be limited to initial appearance, petitions for domestic violence, emergency mental health petitions, emergency juvenile delinquency petitions and search warrant applications.

**CODE REFERENCE:** West Virginia Code §50-1-2, §50-1-2a, and §50-1-13 – amended

**DATE OF PASSAGE:** March 12, 2022

**EFFECTIVE DATE:** June 10, 2022

**ACTION BY GOVERNOR:** Signed March 30, 2022

## House Bill 3303

### Relating to clarifying the process of filling vacancies on ballots

House Bill 3303 modifies provisions of the state Election Code which govern the filling of vacancies on the ballot for primary and general elections, respectively.

In §3-5-11(d), the bill authorizes a county executive committee for a delegate or senatorial district situated entirely within a single county to fill vacancies on the primary election ballot and to certify candidates accordingly. The bill also authorizes the chairperson of a committee to fill such vacancies if the committee fails to act. The bill prohibits the Secretary of State from refusing to certify for the 2022 primary election ballot any candidate who is appointed to an intra-county district by the county executive committee for that district pursuant to the required process and deadline if the reason for refusal would be that the appointment was made by the county executive committee for an intra-county district. The bill clarifies that that a vacancy may not be filled after the primary election except as provided in §3-5-19. In new subsection (e), the bill provides that these amendments are retrospective to January 30, 2022.

In §3-5-19(a)(1), the bill authorizes a county executive committee for a delegate or senatorial district situated entirely within a single county to fill vacancies on the general election ballot and to certify candidates accordingly. The bill also authorizes the chairperson of a committee to fill such vacancies if the committee fails to act. The bill clarifies in subsection (a)(4) that a vacancy in nomination caused by failure of a candidate to file for office or withdrawal of a candidate no later than the third Tuesday following the close of candidate filing may not be filled after the primary election. Lastly, in new subsection (d), the bill provides that these amendments are retrospective to January 30, 2022.

**CODE REFERENCE:** West Virginia Code §3-5-11 and §3-5-19 – amended

**DATE OF PASSAGE:** February 25, 2022

**EFFECTIVE DATE:** February 25, 2022

**ACTION BY GOVERNOR:** Signed March 2, 2022

## House Bill 4012

### Prohibiting the showing of proof of a COVID-19 vaccination

The bill addresses exemptions from compulsory COVID-19 vaccinations. It adds a requirement that religious beliefs must be “sincerely held”. It excludes from the definition of “covered employer” any Medicare or Medicaid certified facilities which are subject to enforceable federal regulations contrary to the requirements of §16-3-4b.

The new section created in this bill, §16-3-4c, provides that no state or local governmental official, entity, or agency may require proof of vaccination as a condition of entering the premises of a state or local government entity or utilizing services provided by a state or local government entity. There is an exception that states if any federal law or regulation requires proof of vaccination as a condition of entering, the provisions of this section do not apply. This provision also does not apply to a private entity where the local governmental unit primarily serves as a property owner receiving rental payments. It also provides that no hospital or state institution of higher learning may require proof of vaccination as a condition of entering the premises. Provided, that when federal law or regulation requires proof of vaccination as a condition of entering or participation in a course of study requires vaccination, the provisions of this section are inapplicable.

**CODE REFERENCE:** West Virginia Code §16-3-4b – amended; §16-3-4c – new

**DATE OF PASSAGE:** March 12, 2022

**EFFECTIVE DATE:** March 12, 2022

**ACTION BY GOVERNOR:** Signed March 30, 2022

## House Bill 4048

### WV Keep, Bear and Drive with Arms Act

This bill removes previous provisions of the code that prohibited carrying or operating a vehicle with a loaded or uncased long gun, cross bow, or bow.

**CODE REFERENCE:** West Virginia Code §20-2-5 – amended

**DATE OF PASSAGE:** February 23, 2022

**EFFECTIVE DATE:** May 24, 2022

**ACTION BY GOVERNOR:** Signed March 9, 2022

## House Bill 4097

### To prohibit nonpublic funding sources for election administration and related expenses without prior written approval by the State Election Commission

The bill creates a new section within the state Election Code to govern the handling of non-public monies and anything of value for election administration and related expenses.

Subsection (a) of the bill prohibits public officials and bodies with responsibility over elections in West Virginia from directly receiving or accepting non-public money or anything of value for election administration and related expenses.

All such monetary gifts must be placed into a new special revenue revolving fund account, called the Nonpublic Funding for Election Administration Fund, which is to be administered by the Secretary of State with the approval of the State Election Commission. Subsection (b) through (e) specify requirements for the fund.

All such gifts of tangible property or other non-monetary gifts of value must also be accepted, distributed, and utilized by the Secretary of State with approval of the State Election Commission pursuant to subsection (f).

The bill authorizes the Secretary of State to promulgate legislative rules for administration of the fund (subsection (e)) and handling of non-monetary gifts (subsection (f)) covered by the amendment.

**CODE REFERENCE:** West Virginia Code §3-1A-9 – new

**DATE OF PASSAGE:** March 12, 2022

**EFFECTIVE DATE:** June 10, 2022

**ACTION BY GOVERNOR:** Signed March 30, 2022

# House Bill 4098

## Relating to Geothermal Energy Development

House Bill 4098 establishes a new regulatory program for the exploration, development, and production of geothermal resources to be administered by the Department of Environmental Protection (DEP). Geothermal resources are underground reservoirs of hot water at varying temperatures and depths below the Earth's surface. Wells are drilled into the reservoirs to tap steam and extremely hot water that can be brought to the surface to be used in a variety of ways, including generation of electricity, direct use, and heating and cooling.

The bill directs the secretary of the DEP to propose a legislative rule to implement the regulatory program. Residential and farm buildings using geothermal heating and cooling heat pump systems would be excluded from regulation. Geothermal systems regulated pursuant to the Bureau of Public Health legislative rule for Water Well Design Standards, 64 CSR 46, or any horizontal system with a depth of less than 30 feet, would also be excluded from regulation.

A permit would be required before commencing work to develop and produce a geothermal resources well. At a minimum, the regulatory program would establish minimum temperature levels and flow rates for determining jurisdiction, standards for well site development, reclamation, and disposal of certain geothermal fluids and other wastewater fluids, in addition to civil penalties and injunctive relief. The bill also directs the DEP to develop a procedure for permit applications, renewals and permit modifications, public review and comment, administrative and judicial review of permitting decisions, and suspension or revocation of a permit.

Finally, the geothermal resources statute acknowledges the common law doctrine that the owner of any geothermal resource is the surface owner of the property overlying the geothermal resource. The statute further provides that it does not divest any person or the state of ownership rights to any geothermal resource, and that no mineral or water estate includes geothermal resources unless clearly reserved in instruments conveying or reserving mineral or water estates.

**CODE REFERENCE:** West Virginia Code §22-33-1 through §22-33-12 – new

**DATE OF PASSAGE:** March 12, 2022

**EFFECTIVE DATE:** June 10, 2022

**ACTION BY GOVERNOR:** Signed March 28, 2022

## House Bill 4114

### Authorizing the Department of Administration to promulgate legislative rules

This bill is the Department of Administration bundle. It contains 4 rules.

#### **Ethics Commission – Use of Office for Private Gain, Including Nepotism, 158 CSR 06**

This rule amends a current legislative rule. The rule updates the sunset provision, defines the terms “supervise” or “supervision” as they apply to nepotism, states that nepotism constitutes improper use of office for private gain, prohibits a public official or public employee from participating in decisions relating to a relative or person with whom he or she resides unless an independent third party is involved in the process, prohibits using a subordinate as the independent third party, deletes a provision to exercise best objective judgment in making such decisions and replaces it with a requirement that the public official or public employee remove himself or herself from the decisions to the extent possible, and removes after work hours limitation on prohibition against public officials and public employees using subordinate employees for private gain or a subordinate to perform private work or personal services as an implied or express condition to their continued employment.

#### **Department of Personnel – Administrative Rule of the West Virginia Department of Personnel, 143 CSR 01**

The is amends a current legislative rule to make necessary updates and to bring it into compliance with Enrolled Committee Substitute for House Bill No. 2011, which passed during the 2021 Regular Legislative Session. The Committee Substitute exempted temporary employees and temporary employees of state forests, parks and recreational areas from classified service and removed the cap on hours the employees may work in a year.

The rule adds new definitions for multiple terms, authorizes the appointment of a new employees at a rate above market rate for certain jobs, allows incremental increases under certain circumstances, and allows employees to receive compensation above the maximum as a result of legislative mandates or other exceptions approved by the Board and allows incremental increases for a permanent classified employee making a lateral class change under certain circumstances.

The rule also allows for online examinations and removes the cap for temporary employment.

This rule was amended to remove the exceptions to the need for a conference in the case of a dismissal, provide for reduction in tenure during a disciplinary suspension even when the employee works additional hours during the same work period as the suspension, remove the exceptions to the need for a conference in the case of a disciplinary suspension, and remove the requirement that an employee applying for reinstatement have previously worked in the occupational grouping of the job class.

This rule provides that annual and sick leave accrued at agencies with an authorized work period of more than the standard work week may accrue for hours beyond 40 in a standard work week but may not exceed the monthly specified rates for annual leave or 1.5 days per month for sick leave.

In the case of exposure to a contagious disease, a personal leave of absence without pay is to be granted upon exhaustion of annual and sick leave.

This section has been amended to clarify that, in the case of medical leave, the leave runs concurrently with FMLA.

Finally, language has been added to provide that members of the organized militia in the active service of the state are entitled to the same reemployment rights granted to members of the Armed Forces Reserves.

### **Office of Technology – Chief Information Officer Review, 163 CSR 02**

This rule is new and was promulgated in response to Enrolled Senate Bill 486, which passed last Session. The rule relates to the review and management of technology products by the Chief Information Officer within the Office of Technology. It requires the Chief Information Officer to assign technology projects that have been submitted for approval and review to the Project Management Office which will then make a recommendation to the Chief Information Officer for approval.

The rule states that the Chief Information Officer may create steering committees for approved technology projects, delineates committee membership and sets forth the duties of the steering committees.

Under statute, agencies are required to submit technology investments to the Chief Information Officer for approval. The rule states that the Chief Information Officer’s review is to focus on the cost and its suitability with the overall environment of both the agency and the state as a whole in relation to integration and communications within existing systems. The Chief Information Officer is to set the threshold for the value of technology investments to be reviewed. The Secretary of Administration may grant exceptions to the review process.

### **Office of Technology – Cyber Reporting, 163 CSR 03**

This rule is new and is in response to Enrolled Committee Substitute for House Bill 2763 which passed during the 2021 Regular Legislative Session. The rule defines terms, sets forth the statutory requirement that required entities report a cybersecurity incident within 10 days of the incident, prohibits inclusion in the report of any personally identifiable information, protected health information, passwords or login information and requires any executive agency to report a cyber incident immediately to the cybersecurity office in certain circumstances.

**CODE REFERENCE:** West Virginia Code §64-2-1 et seq. – amended

**DATE OF PASSAGE:** February 18, 2022

**EFFECTIVE DATE:** February 18, 2022

**ACTION BY GOVERNOR:** Signed March 2, 2022

## House Bill 4126

### Authorizing certain agencies of the Department of Health and Human Resources to promulgate legislative rules

This Committee Substitute contains the Department of Health rules. It is known as Bundle 5 and contains 15 rules.

#### **Department of Health and Human Resources – Methods and Standards for Chemical Tests for Intoxication, 64 CSR 10**

The rule amends an existing legislative rule. The rule establishes methods and standards relating to implied consent for a chemical test for intoxication. The rule is applicable to all law enforcement agencies and personnel engaging in breath, blood, urine and/or drug analysis in this state, and to those persons suspected of driving under the influence of alcohol or drugs or both.

Under this rule, the definitions for “evidential test sequence” and “simulator solution” have been amended. Definitions have been added for the terms “Alveolar solution” and “secondary breath analysis”

In subsection 5.3. the word “solely” which previously restricted the use of the preliminary alcohol breath test to being used for the purpose of guiding the officer in deciding whether an arrest should be made is struck and added language is added permitting usage of this test to also include “to determine if alcohol is the cause for impairment.”

Section 9 relating to urine analysis has been deleted, as well as any reference to urine analysis in the rule.

#### **Department of Health and Human Resources – Hospital Licensure, 64 CSR 12**

The rule amends a current legislative rule. The rule establishes the standards and procedures for the licensing of hospitals and extended care facilities operated in connection with a hospital. It applies to any person, partnership, association, corporation, state, or local government unit, political subdivision, division, department, board, or agency that establishes, maintains, or operates a hospital or an extended care unit in connection with a hospital as defined in statute.

Subdivision 7.3.11 was changed to incorporate an amendment requiring that all therapeutic diets be recommended by a qualified dietician. Currently, they must be prescribed by the attending practitioner.

Subsection 8.7. references the anesthesia department. Duplicative language is removed and language is added stating that anesthesia may be administered by a licensed practitioner permitted by state law to administer “anesthesia, a certified registered nurse anesthetist as permitted by state law, or other professionals as permitted by the medical staff and state law.”

#### **Department of Health and Human Resources – Child Lead Screening, 64 CSR 42**

The rule amends a current legislative rule. The rule establishes and implements a statewide childhood lead poisoning screening and identification program. It applies to physicians, hospitals, health care facilities, and health care providers who conduct or oversee medical examinations of children under the age of six years.

Subsection 4.1 has been amended to remove qualifying language resulting in the requirement that all children before the age of six shall have a screening test.

Subdivision 4.1.b. has been amended by adding language requiring the Office of Maternal, Child and Family Health to ensure the laboratory results are incorporated in the Immunization Registry within the lead module provided by the BPH for health care provider reference.



Subdivision 4.1.d. stating that if a child is determined to be at-risk for lead poisoning the health care provider shall perform or authorize a blood test has been deleted.

Section 5 has been amended to reduce the lead levels in the confirmatory blood tests. In subdivision 5.3.a., children with a blood level of greater than or equal to five, rather than the existing ten micrograms per deciliter must be referred to an “appropriate” program “based upon on age and concern”. Subdivision 5.3.b. lowers the blood levels from greater than or equal to eight micrograms per deciliter, rather than the existing 15 micrograms per deciliter, in children with two consecutive blood lead levels and removes references that “all children with blood lead levels of greater than or equal to 20 micrograms per deciliter” be referred to environmental assessments and “nurse home visits”. As a result of these edits, children with two consecutive blood lead levels of greater than or equal to 8 micrograms per deciliter must be referred to environmental assessments within two days of confirmation.

Subdivision 5.3.c. requires that all children with an elevated blood level greater than or equal to five micrograms per deciliter, rather than the existing ten micrograms per deciliter, have a follow up blood level screening test within three months rather than every three months.

Subsection 7.1 is amended to provide that capillary blood samples may be analyzed using an approved Clinical Laboratory improvements amendments waived lead testing point of care system.

Subsection 7.3 requires laboratories processing blood lead samples to electronically submit data to the Office of Maternal, Child and Family Health.

#### **Department of Health and Human Resources – Food Manufacturing Facilities, 64 CSR 43**

The rule amends a current legislative rule, establishes the minimum requirements for the design, construction, management, and operation of food manufacturing facilities. It applies to food manufacturing facilities engaged in wholesale operations, except food manufacturing facilities under the jurisdiction of the West Virginia Department of Agriculture.

Section 3 addresses incorporation by reference of the federal code of regulations. This section amends the references to the applicable federal code and removes the applicable date of the reference.

Subdivision 4.2.2. has an added requirement for labels and requires that a label comply with the food labeling requirements of 21 CFR 101 for products sold in interstate commerce. Subsection 4.3 has an added requirement that facilities comply with the CFR regarding better process control schools, process control individual training, and appropriate food safety training. Requirements regarding refrigeration temperature have been deleted.

Section 6, this section addresses inspections. It has been amended to require the Commissioner to perform one or more preproduction inspections to verify that a food manufacturing facility is constructed and equipped in accordance with the plans and modifications as approved by the commissioner

#### **Department of Health and Human Resources – Sewage Treatment and Collection System Design Standard, 64 CSR 47**

The rule amends a current legislative rule, setting standards for the construction or operation of sewage or collection systems requiring approval by the Bureau for Public Health.

Senate Bill 240 which passed during the 2020 Regular Session of the Legislature required hotels and restaurants to secure manhole covers, provided methods for securing manhole covers, authorized the Commissioner of the Bureau for Public Health to specify methods of limiting access to the manhole.

Section 10 relates to grease traps. Subsections 10.7 through 10.9 are new. They require that grease traps with manhole covers be designed to withstand expected loads and prevent access by children. The

manhole cover must be secured by a bolt or locking mechanism and be constructed of round or cast iron or similar construction with sufficient weight to prevent unauthorized access. The Commissioner may specify either method of limiting access to the manhole. A hotel or restaurant must ensure that a grease trap manhole is closed and secured or locked, if applicable, at all times, except when accessed for pumping or maintenance.

Finally, Table 64-46B-B, Table 64-47-G, and 64-47-H have been amended by adding language regarding BOD5 and stating that it's the appropriate scientific method of accurately measuring dissolved oxygen consumption, by comparison of dissolved oxygen in a sample at the beginning and at the end of a five-day period in reference to biochemical oxygen demand.

#### **Department of Health and Human Resources – Emergency Medical Services, 64 CSR 48**

The rule amends a current legislative rule. It ensures adequate provision of medical services to the residents of West Virginia and provides clear direction to emergency medical service personnel and agencies in West Virginia. It applies to emergency medical service personnel and agencies and to all other persons engaging in the provision of emergency medical services in West Virginia.

Paragraph 4.5.9.c. was modified to reflect that a fire department certified by the West Virginia State Fire Commission is not subject to licensure under this rule if it only provides basic life support services pursuant to an agreement with an EMS agency that addresses medical direction, training, quality assurance, and liability insurance.

Subdivision 6.2.15. relating to the Governor's State of Emergency declared March 16, 2020, has been deleted.

#### **Department of Health and Human Resources – Clinical Laboratory Practitioner Licensure and Certification, 64 CSR 57**

The rule amends a current legislative rule and sets forth procedures for the licensing of clinical laboratory practitioners and to establish practices for the use of unlicensed persons to perform the work of clinical laboratory practitioners by health care facilities. This rule applies more broadly to clinical laboratory practitioners who perform non-waived clinical laboratory tests as defined in the Clinical Laboratory Improvement Amendments (CLIA) this includes clinical laboratory consultants, directors, supervisors, or testing personnel who perform non-waived testing or manipulate, and report data obtained from laboratories.

Section 1 which defines the scope of the rule has been amended to remove laboratory technicians and medical laboratory scientists from the scope of the rule.

Subdivision 1.6.c. was amended to increase the exemptions to the rule to include: an individual employed in a federal clinical laboratory; a medical doctor, doctor of osteopathy, or podiatrist licensed to practice in West Virginia; a doctor of philosophy performing laboratory testing within the scope of his or her board certification; an individual performing laboratory testing for a CLIA-exempt laboratory; an individual solely performing forensic laboratory testing; and an individual solely performing during testing for a laboratory certified by the Substance Abuse and Mental Health Administration.

Subsection 2.1. has been amended by adding numerous boards under the definition of "Certifying agency. The definition of clinical laboratory practitioner was amended to include medical laboratory technicians, histologists, pathologist assistants and trainees and the exclusions from the definition were removed. New definitions were added for the terms "grossing", "histologist" and "pathology assistant".

Section 3 was amended to update references to federal regulations.

Subsection 4.3 that prohibited a clinical laboratory practitioner from performing laboratory testing as a trainee for more than one year was deleted. A provision was added stating that a trainee license may only be issued to an applicant that is verified to be employed or offered employment in a clinical laboratory testing facility or that is enrolled in a laboratory training program.

With respect to section 5, this section addresses licensure requirements, duration and renewal. Subsection 5.1 removes language references specific types of practitioners. Subdivision 5.1.a. is removed and 5.1.b is re-numbered. The specific qualifications set forth in subdivision 5.1.b are removed and a general reference to “qualifying education” is used to replace the specific qualifications. A new subdivision 5.1.b. is creating requiring an applicant submit a job description or education for which certification is sought.

Subsection 5.2. addresses the application process for licensure as a clinical laboratory practitioner-medical laboratory scientist. It provides that unless the applicant provides verification that he or she has met one of the substitute criteria permitted by CLIA for testing, then he or she shall provide the documentation specified in this subsection. Subdivision 5.2.a. specifies that an applicant must earn his or her bachelor’s degree from a NAACLS accredited program. Additional criteria that an applicant must satisfy has been added to Subdivision 5.2.b. including: that the applicant was “previously certified as a medical laboratory technician by a certifying agency, obtained a bachelor’s degree from an accredited institution”, and has passed a national certification examination administered by a certifying agency”. Subdivision 5.2.c. incorporates by reference the skills required by CLIA and deletes the specific skills from the subdivision.

Subsection 5.3 addresses the application process for a clinical laboratory technician-cytotechnologist to become licensed. It provides that unless the applicant provides verification that he or she has met one of the substitute criteria permitted by CLIA for testing, then he or she shall provide the documentation specified in this subsection. Subdivision 5.2.a. specifies that an applicant must earn his or her associate degree from a NAACLS accredited program. It incorporates by reference the skills required by CLIA and deletes the specific skills from the subdivision.

Subsection 5.5. addresses the criteria for licensure of a clinical laboratory practitioner-pathologist assistant. This section specifies that unless the applicant provides verification that they have met one of the substitute criteria permitted by CLIA for testing, then he or she shall provide the documentation required in this section. The criteria that must be demonstrated are new criteria and include the following: graduating from a pathologist assistant program accredited by NAACLS; and certification by a certifying agency.

Subsection 5.6 addresses the criteria for licensure of a clinical laboratory practitioner-histologist. This section specifies that unless the applicant provides verification that they have met one of the substitute criteria permitted by CLIA for testing, then he or she must provide the documentation required in this section. The criteria that must be demonstrated include that the applicant meets the requirements of CLIA for high complexity testing personnel and has passed a national histotechnologist or histo-technician certification examination administered by a certifying agency or has at least one year of pertinent full-time experience or training in the gross examination of human tissue specimens performed under the supervision of a pathologist.

Subsection 5.7 addresses the licensure for a point of care technician and removes references to general language at the beginning of the rule and strikes the skills requirements. The skills requirements for the technician are incorporated by reference in subdivision 5.7.c.

Subsection 5.8 sets forth new criteria for licensure of a clinical laboratory practitioner-trainee. The trainee shall document that he or she: is employed in a clinical laboratory which holds a CLIA certificate other than a waiver certificate; has earned an associate degree from an accredited institution in medical technology/medical laboratory science but has not met requirements for national certification. The rule proposes various educational alternatives to medical technology/medical laboratory science as a means for licensure and requires written verification by the laboratory director or program director to provide the skills required by CLIA. The rule provides that a trainee may qualify for full licensure upon completion of one year of training/experience and submission of the “verification of competency” document to be completed by the laboratory director. The rule provides that trainees licensed under specific provisions are expected to obtain the required national certification within one year of obtaining the trainee license and any application for renewal without national certification shall provide documented attempts to become certified. The rule provides that the trainee may be certified no more than twice and may not be licensed as a trainee from more than three years.

Subdivision 5.11.h. adds a fee of \$35 for payments returned for non-sufficient funds.

Subsection 8.3 adds as grounds for revocation that a person has been found to have intentionally falsified laboratory results or to have engaged in negligent practices.

#### **Department of Health and Human Resources – Clandestine Drug Laboratory Remediation, 64 CSR 92**

The rule amends a current legislative rule and sets forth procedures and standards for the licensure and training of persons who engage in activities related to the remediation of clandestine drug laboratories. It also identifies the responsibilities of residential property owners and law enforcement with regard to the identification and remediation of clandestine drug laboratories. This rule applies to all owners of residential properties which have been used as clandestine drug laboratories; all persons who perform the work of clandestine drug laboratory remediation, including technicians, contractors, training providers, and law enforcement investigating clandestine drug laboratories.

Subsection 2.10 revises the definition of “discrete sample” to require that the individual “100 square centimeters” samples are taken at “individual and specific” locations.

Section 4 of the rule addresses licensed contractor duties. Subdivision 4.1.2. prohibits a contractor from beginning remediation until all required testing has been completed and a Plan Review is submitted. The rule provides that a contractor shall not begin a clandestine drug laboratory remediation project until a preliminary plan is submitted to and a notice to proceed is issued by the department. Subdivision 4.1.6 sets a new timeframe for submission of the final remediation report which is now due within 10 days of receipt of final third-party analytical test results. Under the current rule, this report was previously due based upon completion of remediation as documented on the Plan Review. Section 4.1.7. requires that licensed contractor to supervise demolition of residential property by licensed and certified contractors. Subdivision 4.1.8. is new and requires that the licensed contractor submit all positive analytical test results to the commissioner.

Section 5 addresses licensed technician duties. Subsection 5.3 requires composite sampling for final clearance. Subsection 5.4 has been amended to require that personal property that cannot be remediated be disposed of in accordance with applicable federal, state and local laws. Section 5.5 requires vehicle testing to be a composite of four discrete samplings and two of which shall be taken as close as possible to the ventilation system.

Section 6 addresses the responsibilities of law enforcement agencies. Subdivision 6.1.3 is new and requires law enforcement to secure the clandestine drug laboratory any controlled substances and immediate precursors from public access. Section 6.1.4 contains new language that requires the vehicle be secured until the initial or post remediation test results are at or below 0.1 µg/100 cm<sup>2</sup> or the vehicle is demolished.

Section 7 addresses responsibility of residential property owners. The property owner is responsible for ensuring that the property remains unoccupied until testing results indicate a level of contamination at or below 0.1 µg/100 cm<sup>2</sup> and the property complies with the department's asbestos rule. Subdivision 7.1.3. requires a multi-unit building be secured, vacated, and tested. A new exemption permits adjoining units to remain occupied in a multi-unit building if separated by a fire break wall, pending testing and remediation. Subdivision 7.1.4. has been amended to require a residential property owner whose property has an initial analytical testing of greater than 0.1 µg/100 cm<sup>2</sup> to engage within 60 days a licensed clandestine drug remediation contractor to either remediate or demolish the residential property. Subsection 7.3. includes new language requiring the residential property owner or his or her agent to disclose information regarding the identification of a clandestine drug laboratory on the residential property to any potential purchaser or occupant.

Section 9 addresses a newly added initial assessment report. Paragraph 9.1.2.e. contains a new requirement that GPS coordinates accompany a physical description of the property. Paragraph 9.1.2.j. has been amended to require that a licensed and certified asbestos inspector verify the presence or absence of asbestos containing materials prior to remediation. The subsection relating to a work plan has been deleted.

Section 10, which is new, addresses the preliminary remediation plan. It requires submission of the plan to the Commissioner and specifies the criteria to be included in the plan including but not limited to a general listing to items to be removed; methods used to wash hard surfaces; the sequence of work activities; items requiring special handling; and asbestos project design; any obvious safety hazards; the methods used to handle cleaning effluents generated during remediation; timeframes; the identification of contractors and subcontractors; and identification of waste disposal sites.

Section 11 addresses the final remediation report. It has been amended to require that copies of asbestos certificates for all asbestos contractors, workers, supervisors, and designers that performed any asbestos remediation and a copy of the final remediation checklist be submitted to the Commissioner.

Section 12 addresses training accreditation. Subsection 12.5 is amended to remove the requirement that a training provider verify that a class participant has completed a training course within the three previous years and replaces it with training within the previous year for both initial training and refresher training. Subsection 12.12 requires that initial training and refresher training be taught independent of one another.

The fee for a technician's license has been raised from \$50 to \$100.

#### **Department of Health and Human Resources – Maternal Risk Screening, 64 CSR 97**

The rule amends a current legislative rule which implements the Uniform Maternal Screening Act. Senate Bill 746 which passed during the 2020 Regular Session of the Legislature permitted the department's contracted managed care companies to be provided Medicaid and CHIP data from the screening tool regarding their own members.

Subsection 6.1 has been amended to state that Medicaid and CHIP member's data may be provided to the Bureau for Medical Services which may provide the data to the patient's contracted care managed care organizations to facilitate case management for at-risk and high-risk pregnancies in a timely manner. Language has also been added regarding the confidentiality of data.

**Department of Health and Human Resources – Expedited Partner Therapy, 64 CSR 103**

The rule amends a current legislative rule to extend the sunset date to August 1, 2027.

**Health Care Authority – Certificate of Need Rule, 65 CSR 32**

The rule amends a current legislative rule which implements the provisions of the Certificate of Need (CON) program.

Subsection 4.1 of the rule was amended to reflect that an application received after 4:30 pm, Eastern Standard Time, rather than the existing 5:00 pm Eastern Standard Time, is considered received on the next business day.

Subsection 8.7 states that if an applicant fails to respond to a request for additional information within 45 days, rather than the existing 90 days, the application is considered withdrawn.

Senate Bill 4 which passed during the 2021 Regular Session of the Legislature affecting the appellate and judicial review provisions of this rule. Accordingly, sections 11 and 12 of the rule have been amended to reflect that decisions issued before June 30, 2022, shall be appealed to the Office of Judges. Decisions issued after June 30, 2022, shall be appealed to the West Virginia Intermediate Court of Appeals and be filed with the Clerk of the Supreme Court.

The House amended the rule on page 4, by striking out all of paragraph 2.1.j.9. This amends the definition of "proposed new health service" by removing reference to the expansion of open-heart surgery rooms, cardiac catheterization laboratories, radiation therapy equipment, magnetic resonance equipment (MRI) or PET scanners whether or not the expansion is associated with a capital expenditure.

**Department of Health and Human Resources – Medication-Assisted Treatment – Opioid Treatment Programs, 69 CSR 11**

The rule extends the sunset date to August 1, 2027.

**Department of Health and Human Resources – Syringe Services Program Licensure, 69 CSR 17**

The rule is new and establishes standards and procedures for the licensure and regulation of syringe services in the state of West Virginia. This rule applies to any person, partnership, association, or corporation that operates a syringe services program as part of a harm reduction program.

The rule defines terms and sets forth the procedures for the issuance of a license. A license is valid for the location and persons named. Each fixed or mobile site requires a separate license and the license is not transferrable or assignable. The Director or his or her designee may enter the premises of any practice, office, or facility if the Director has reason to believe that it is being operated and maintained without a license.

Any existing syringe services program, as of the effective date of W.Va. Code 16-64-1 which does not offer the full array of harm reduction services must cease and desist from offering all syringe services and operating as a syringe service program. These syringe services programs may continue in operation for the sole purpose of referring current participants to other syringe services programs.

Any new syringe services program shall apply for an initial license not less than 30 days and not more than 60 days before the syringe services program begins operation as part of a harm reduction program.

The rule sets forth the contents of the application. An initial license for a syringe services program and renewal licenses are valid for one year. The initial license fee is \$250, and the renewal license fee is \$50.

The rule sets forth circumstances for which a license may be denied and requires the Director shall notify the applicant in writing of the denial and the basis for the decision. Following the denial, the syringe services program must follow closure procedures.

The rule provides for unannounced inspections of a syringe services program for cause if the Director has received a complaint about the program, requires a written report of the results of the investigation, and provides for the correction of deficiencies. The Director may assess a civil monetary penalty, suspend, limit, or revoke a license or take other actions to address any violations or deficiencies. In the event the Director determines that the continued operation of the syringe services program is a threat to health, welfare, and safety of its participant, the Director may issue an order immediately closing a syringe services program pursuant to applicable administrative procedures.

The rule contains provisions regarding emergency planning and response, service environment and operation including a sharps disposal plan, data collection, a community relations program, staff training and credentialing of staff, participant rights, the provision of services, required harm reduction services, and components of a harm reduction program including: HIV, hepatitis, and sexually transmitted diseases screening, vaccinations, birth control and long-term birth control, behavioral health services, overdose prevention supplies and education, syringe collection and sharps disposal, educational services related to disease transmission, assistance or referral of a participant to a substance use disorder treatment program, and referral to a health care practitioner for treatment of medical conditions. The program must have guidelines regarding sharps disposal, staff training, data collection, program evaluation, and community relations.

The rule also has provisions relating to the provision of syringe services, a syringe disposal plan, reports and records, statistical reports and records, incident reporting and adverse events, quality assurance and performance improvement, infection control, license denial, suspension, or revocation, and penalties and equitable relief. The rule states that any person, partnership, association, or corporation that establishes, conducts, manages, or operates a syringe services program without first obtaining a license is subject to a civil monetary penalty. Each day of continuing violation after notification is a separate violation. If the syringe services program fails to timely report, the Director may impose a civil monetary penalty not to exceed \$500 per day. If the syringe services program administrator knowingly and intentionally misrepresents actions taken to correct a violation, the Director may impose a civil monetary penalty not to exceed \$5,000. If an owner of a syringe services program concurrently operates an unlicensed syringe services program, the Director may impose a civil monetary penalty not to exceed \$2,500 per day. If the owner fails to file for a new license upon change of ownership, the Director may impose a civil monetary penalty not to exceed \$2,500. If a syringe services program operates, owns, or manages a syringe services program that is required to be registered and obtains a license through misrepresentation or fraud; procures or attempts to procure a license from any other person by making or causing to be made any false representation, the Director may assess a civil monetary penalty of not more than \$10,000. The rule sets forth the factors for the Director to consider in assessing the fee.

Finally, the rule contains provisions on administrative due process and administrative appeals and judicial review.

## **Department of Health and Human Resources – All-Payer Claims Database – Data Submission Requirements, 114A CSR 01**

The rule amends a current legislative rule and establishes an all-payer claims database for the collection, management, and release of medical claims data submitted by health care payers.

Senate Bill 390 which passed during the 2021 Regular Session of the Legislature and included modifications to the all-payer claims database, including the elimination of the memorandum of understanding process to develop the database. It also provided that the Secretary of DHHR has primary responsibility for the collection, retention, and dissemination of the data in the database. The Insurance Commissioner is charged with enforcement.

The rule requires the Secretary in conformity to develop and maintain an APCD Submission Manual with the National Association for Health Data Organizations. References to previous standards such as “ANSI, ASC, X12, and NCPDP were all removed. The submission manual would be submitted as a procedural rule.

The rule requires the Secretary to inform the insurance commissioner of any health plan that fails to submit data. The rule also requires the Submission Manual to be a legislative rule.

Section 9 is new. It addresses data collection privacy and security requirements. These provisions are included in this rule and the separate rule is being repealed. The transmission from each data submitter must be by a method that prevents unauthorized access and ensures authenticity, confidentiality, and integrity. The transmission must conform to HIPAA and be encrypted. With respect to data retention the data must be retained in a secure manner that prevents unauthorized access and ensures the confidentiality, integrity, and availability of all data and levels required by HIPAA and be encrypted.

## **Department of Health and Human Resources – All-Payer Claims Database – Privacy and Security Requirements, 114A CSR 02**

This rule is being repealed since the provisions of this rule are being incorporated into the previous rule.

**CODE REFERENCE:** West Virginia Code §64-5-1 et seq. – amended

**DATE OF PASSAGE:** March 3, 2022

**EFFECTIVE DATE:** March 3, 2022

**ACTION BY GOVERNOR:** Signed March 30, 2022



## House Bill 4141

### **Authorizing the Governor's Committee on Crime, Delinquency and Corrections to promulgate a legislative rule relating to Law Enforcement Training and Certification Standards**

This Committee Substitute contains the Department of Homeland Security rules. It is known as Bundle 6 and contains 10 rules.

#### **Governor's Committee on Crime, Delinquency and Correction – Law Enforcement Training and Certification Standards, 149 CSR 02**

This rule amends a current legislative rule. Section 13, relating to the certification of law enforcement officers, is the only section that was amended. It now requires that an officer who has successfully completed an entry-level training program demonstrate to the Subcommittee the successful passage of the entry level law enforcement examination required under the rule. It also requires the Director of an approved academy to report the names of officers and their agencies who pass or fail the examination. This section sets forth the components of the examination and requires a 75% score to pass. An officer may take the examination up to three times.

#### **Fire Commission – Fire Code, 87 CSR 01**

This rule amends a current legislative rule. Under the current rule, farm structures are exempt from the State Fire Code. The rule expands the exemption to structures used primarily for agriculture purposes, including agritourism purposes. The reference to the National Fire Protection Association's The National Fire Codes is updated to the 2021 edition.

Section 17 relates to appeals from an order or written decision by the State Fire Marshal. It was amended through-out to state that appeals are to the Office of Administrative Hearings, as opposed to the State Fire Commission. It also allows for hearings to be recorded by electronic means.

A new section 18 relates to the exemption for agricultural purposes. It provides that the Commissioner of Agriculture determines the eligibility of a property owner or other responsible party for the agriculture purposes exemption. It specifies the information which the property owner or responsible party must submit to the Commissioner. After the Commissioner decides eligibility, he or she is required to provide a copy of that determination to the property owner or responsible party and to the entity which adopted and is enforcing the Fire Code.

Appendix A, which is new, lists all adopted national standards.

#### **Fire Commission – State Building Code, 87 CSR 04**

This rule amends a current legislative rule. Under the current rule, farm structures are exempt from the State Building Code. The rule expands the exemption to structures used primarily for agriculture purposes, including agritourism purposes.

The rule updates references to the various national codes to the most recent edition. Additional language is added to the 2018 edition of the International Mechanical Code by the rule. The additional language has requirements for cooling towers, pool and spa heaters, forced air furnaces, heat pumps, factory-built equipment and appliances, and refrigeration systems. A testing exception has been added the 2015 International Energy Conservation Code. New language is added regarding using building energy benchmarking in all commercial structures for the ANSI/ASHRAE/IESNA Standard 90.1 2013 edition for commercial buildings. Language regarding central furnaces is added to the 2018 edition of the International Residential Code for One- and Two-Family Dwellings. An exception has been added to the

2020 edition of the National Electrical Code stating that GFCI protection is not required on all new mini-split HVAC equipment and other HVAC units employing power conversion equipment as a means to control compressor speed until January 1, 2023.

A new section 9 relates to the exemption for agricultural purposes. It provides that the Commissioner of Agriculture determines the eligibility of a property owner or other responsible party for the agriculture purposes exemption. It specifies the information which the property owner or responsible party must submit to the Commissioner. After the Commissioner makes a determination of eligibility, he or she is required to provide a copy of that determination to the property owner or responsible party and to the entity which adopted and is enforcing the Building Code.

### **Fire Commission – Volunteer Fire Department Equipment and Training Grant Funding Disbursement, 87 CSR 10**

This rule is new. It establishes the Fire Service Equipment and Training Grant Funding program for WV Volunteer Fire Departments and authorizes the State Fire Commission to establish and administer a grant funding program.

Section 3 spells out the procedures to be used by departments applying for grants from the program, allows the Fire Commission to limit applying departments based upon funds available, and provides limitations on use of grants.

Section 4 sets forth the criteria which may be used by the Fire Commission in determining which departments should receive the grants sought, specifies application components, sets forth deadlines, provides for emergency grant requests, explains the method of disbursement, and provides for the notification of the disbursement to the relevant department.

Section 5 sets forth the procedures to be followed by departments in accounting for any grants they receive, including the requirement to provide a sworn statement attesting to the use of the funds, audit powers, and providing criminal penalties for filing a fraudulent statement.

### **Fire Commission – Specialized Membership, 87 CSR 11**

This rule is new and is in response to Enrolled Committee Substitute for House Bill No. 2621, which passed during the 2021 Regular Legislative Session. It establishes the parameters for specialized, non-fire fighter, membership of a fire department.

The rule sets forth information a department must submit to the commission, requires a department to maintain a listing of its specialized membership, limits specialized members to service in their area of specialization, and spells out the procedures to be used by the Fire Commission in reviewing a department's application to hire a specialized member.

### **Fire Commission – Junior Firefighters, 87 CSR 12**

This rule is new. It establishes the parameters for junior-fire fighter membership of a fire department.

The rule states that it supplements but does not supersede the Division of Labor's Child Labor Rule. It defines terms, sets forth limitations on the service of a junior firefighter depending upon level of training completed by junior firefighter, allows only junior firefighters who have completed first aid and CPR training to render first aid, provides that a junior firefighter may only perform roles for which he or she has been actually trained under the direct supervision of a firefighter over the age of 18, and bars minors under the age of 16 from any activity regulated under the rule, except they may ride on apparatus when it is not in service, such as in a parade.

### **Fire Commission – Certification of Fire Chiefs, 87 CSR 13**

The rule is new and is in response to Enrolled Committee Substitute for House Bill No. 2621 which passed during the 2021 Regular Legislative Session. It establishes the parameters for certification of fire chiefs.

The rule sets forth the certification process, including the required documentation, the review of the package by the Fire Commission, appeal of an adverse determination, review of past issues with applicants and temporary certification for applicants. It also provides the process of reviewing complaints against a fire chief which may result in the denial, suspension, or revocation of a certification, provides for appeals to Office of Administrative Hearings, and references the Administrative Procedures Act for appeals from orders of the Office of Administrative Hearings.

### **Fire Commission – Use of Aqueous Film-Forming Foam (AFFF) for Fire Training Program Purposes, 87 CSR 14**

This rule is new. It establishes the standards for the use of Aqueous Film-Forming Foam (AFFF) for fire training program purposes.

The rule provides for the approval of training programs by the State Fire Marshal, requires the entity providing the training to maintain records, provides a detailed series of guidelines for hazardous material training and certification by WV fire departments and personnel, including incorporation of the statutory requirements concerning class B fire-fighting foam that contains intentionally added polyfluoroalkyl substances (PFAS), and defines relevant terms.

### **Fire Marshal – Regulation of Fireworks and Related Explosive Materials, 103 CSR 04**

This rule amends a current legislative rule by updating the relevant safety codes to the most current edition as follows: the Explosive Materials Code is updated from the 2013 to the 2018 Edition, the Code for Fireworks display from the 2014 to the 2018 Edition and the “Standard for the Use of Pyrotechnics Before a Proximate Audience” from the 2011 to the 2021 Edition.

### **State Police – Career Progression, 81 CSR 03**

The rule amends a current legislative rule to bring it into compliance with Enrolled Committee Substitute for Senate Bill No. 613 which passed during the 2021 Regular Legislative Session. The bill provides for the reclassification of certain civilian employees of the WV State Police Forensic Laboratory currently classified as criminalists to Evidence Custodians, Forensic Technicians, Forensic Scientists, and Forensic Scientist Supervisors.

The rule replaces the Criminalist Classification System with the West Virginia State Police Forensic Laboratory Classification System. It adds a sunset date of August 1, 2032,

Section 7 is new. It sets forth eligibility requirements, the various classes (which include Evidence Custodians, Forensic Technicians, Forensic Scientists and Forensic Scientist Supervisors) and their categories, specifies how movement between classifications is determined, creates the WVSPFL Reclassification Board, and sets forth the Board’s duties.

**CODE REFERENCE:** West Virginia Code §64-6-1 et. seq – amended

**DATE OF PASSAGE:** March 9, 2022

**EFFECTIVE DATE:** March 9, 2022

**ACTION BY GOVERNOR:** Signed March 28, 2022

## House Bill 4242

### Authorizing the Division of Labor to promulgate a legislative rule relating to Child Labor

This Committee Substitute contains the Department of Commerce rules. It is known as Bundle 10 and contains 10 rules.

#### **Division of Labor – Child Labor Rule, 42 CSR 09**

This rule amends a current legislative rule to bring it into compliance with Enrolled Committee Substitute for Senate Bill 435 which passed during the 2021 Regular Legislative Session. The bill expands the class of persons with authority to issue child labor work permits. The following sections are the substantive changes in the rule.

- §42-9-5. Application for and Issuance of a Work Permit for a 14- or 15-Year-old Minor.

The rule allows an administrator to perform this duty and exempts the completion of Part C in the case of a homeschooled student exempt from compulsory school attendance.

This section has also been changed to allow an authorized person or issuing administrator as well as a county superintendent to review the information provided and to issue, modify, or reject the work permit. They must retain the original work permit, provide the Division a copy within four days, and furnish copies to the minor's parent and employer.

- §42-9-8. Application for and Issuance of an Age Certificate for a 16- or 17-year-old Minor.

This section has been changed to allow an authorized person or issuing administrator, as well as a county superintendent, to issue an age certificate to an employer. They must retain the original age certificate, provide the Division a copy, and furnish copies to the minor's parent and employer.

- §42-9-11. Revocation of a Work Permit, Age Certificate, Supervision Permit, or Blanket Work Permit.

This section has been updated to require notification of a revocation be given to the county superintendent, authorized person, or issuing administrator and if applicable the employer, as opposed to the State Superintendent.

#### **Office of Miners' Health, Safety and Training – Rule Governing the Safety of Those Employed In and Around Surface Mines in West Virginia, 56 CSR 03**

The rule amends a current legislative rule. The Office of Miners' Health, Safety and Training, in consultation with the Board of Coal Mine Health and Safety has updated the electrical safety rules found in 56 CSR 3, concerning lock-out, tag-out procedures; troubleshooting procedures; and the use of electrically insulated gloves on surface mines. These changes correspond with the electrical safety rule changes the Board made to Electrical Provisions for Underground Mining 36 CSR 12, which became effective on February 11, 2021.

- §56-3-37. Electricity.

The amendments to this section:

- Specify when equipment must be locked-out and tagged-out, by whom, and who should keep the keys;
- Require the use of electrically insulated gloves and specify standards and testing requirements for gloves;
- Require hot sticks to be tested every 12 months;

- Require the overload protection for transformers and conductors to be in accordance with the National Electric Code in effect at the time of installation;
- Replace “Certified electrician” with “qualified person” under the maintenance and repair section;
- Removes the requirement that circuits to be deenergized on idle days and shifts;
- Requires ground fault interrupters on portable hand-held tools;
- Alters the minimum distances from overhead powerlines where machinery may be operated by adding a table; and
- Adds a new section governing low and medium voltage for portable equipment with grounding requirements and circuit breaker requirements.

**Office of Miners’ Health, Safety and Training – Rules Governing First-Aid Training of Shaft and Slope Employees, 56 CSR11**

This rule repeals a current legislative rule. The first-aid training requirements for shaft and slope employees has been moved to the Board of Coal Mine Health and Safety’s rule, Shaft and/or Slope Operations in the State of West Virginia 36 CSR 1, which went into effect March 27, 2021.

**Office of Miners’ Health, Safety and Training – Substance Abuse Screening Standards and Procedures, 56 CSR 19**

The rule amends a current legislative rule. The Office of Miners’ Health, Safety and Training (Office) has found that coal miners who fail a drug test for THC are now claiming that their failed drug test is because of their use of over-the-counter CBD products. The Office believes that when medical marijuana becomes available for use by West Virginia residents, coal miners will begin to use that as a defense also. The Office believes that THC in any form should be a prohibited substance in the interest of mine safety. This rule prohibits THC in any form.

The Office is also seeing an increase in the reluctance of coal operators, drug testing collectors, laboratories, and medical review officers to participate in permanent revocation hearings and contested case hearings in front of the Board of Appeals. Without having the necessary witnesses available to testify at a hearing, the Office has difficulty proving that the coal miner did, in fact, fail a drug test. If the Office of Miners’ Health, Safety and Training is unable to prove that coal miners failed the drug test, the entire coal mine drug program could be jeopardized. The rule removes defenses to any individual failing a drug test for THC because of medical marijuana, CBD products, and the procedural failure of the employer to notify the Director within seven days after a failed drug test.

This rule requires drug testing vendors to become registered drug testing contractors who have agreed ahead of time to appear and provide the needed evidence. A drug testing contractor must register with the Office as a contractor and pay the \$100.00 annual registration fee. Drug testing contractors are subject to assessments if they fail to follow the requirements of this rule.

The rule requires employers to ensure that all breath alcohol tests and drug tests are performed by drug testing contractors and that the drug testing contractors comply with Subsections 7.1. and 7.2. of the rule.

Under the current rule an individual who refuses a drug test, possesses, or submits an adulterated or substituted sample must complete 18 months of counseling and 18 monthly random drug tests. The requirement in the updated rule is six months of counseling and six monthly random drug and alcohol tests. The individual’s suspension time remains 18 months.

### **Division of Natural Resources – Revocation of Hunting and Fishing Licenses, 58 CSR 23**

The rule amends a current legislative rule.

Subsection 6.2. has been amended to clarify that artificial light or night vision technology includes any image intensification, thermal imaging, or active illumination.

Subsection 9.1. has been amended to state that if a person’s license is revoked they are not eligible for a refund.

### **Division of Natural Resources – Special Motorboating Regulations, 58 CSR 27**

This rule reflects a change requested by the City of Charleston, WV, to implement a no wake zone on the Elk River MM 0.25 to 0.40 between the Quarrier Street and Lee Street bridges.

### **Division of Natural Resources – Public Shooting Ranges, 58 CSR 38**

This is a new rule which governs public use of Division managed shooting ranges and as such, applies to public shooting ranges located on state wildlife management areas, state forests, and on other locations of private or governmental entities in which the Division holds a cooperative management agreement.

The rule defines terms, prohibits property damage, makes it illegal to discharge a weapon in established safety zones in wildlife management areas, requires posting of hours of operation, specifies the types of targets which may be used, provides for clean-up of the shooting range, prohibits flying clay targets with certain exceptions, and prohibits the use of explosive and incendiary targets.

The rule also: (i) prohibits using public ranges while using alcohol, controlled substances, or other drugs; (ii) prohibits persons age 16 years or under from using public ranges unless supervised by a person 18 year old or they hold a hunting license; (iii) prohibits the use of incendiary, explosive, or tracer ammunition on public ranges; and (iv) prohibits solicitation and loitering.

The rule also contains provisions regarding the use of weapons and provides penalties for violations.

### **Division of Natural Resources – General Hunting, 58 CSR 49**

The rule amends a current legislative rule to reflect the passage of Senate Bill 416 during the 2021 Regular Legislative session which changes the definition of firearm to match federal code.

### **Division of Natural Resources – Commercial Sale of Wildlife, 58 CSR 63**

The rule amends a current legislative rule. It removes language relating to disease testing which is no longer needed because the captive cervid rules have now been placed under the authority of the W.V. Department of Agriculture.

### **Division of Natural Resources – Lifetime Hunting, Trapping and Fishing Licenses, 58 CSR 67**

The rule amends a current legislative rule to reflect the passage of Senate Bill 502 during the 2021 Regular Legislative session. Prior to the passage of Senate Bill 502, the law provided that resident lifetime licenses could be issued to residents under the age of two at half the price of an adult license; and, that lifetime licenses could be issued to legally adopted residents under the age of 12 at half the price of an adult license as long as the license is issued within two years of the adoption. License fees were set by legislative rule by the Director of the Division of Natural Resources.

Senate Bill 502 authorized a reduced rate for lifetime licenses for residents under the age of 15 as follows:

- Residents under the age of 1 at 40% of the price of an adult license;
- Residents between the ages of 1 and 5 at 55% of the price of an adult license;

- Residents between the ages of 5 and 10 at 75% of the price of an adult license; and
- Residents between the ages of 10 and 15 at 90% of the price of an adult license.

The bill also changed the fees for adopted residents under the age of 15, allowing the fee to be based upon the date of adoption and allowing the date of adoption to be substituted for birth date to calculate the “age” of the resident for determining the fee. The bill provided for the same calculation of fees for residents who are foster children under the age of 15.

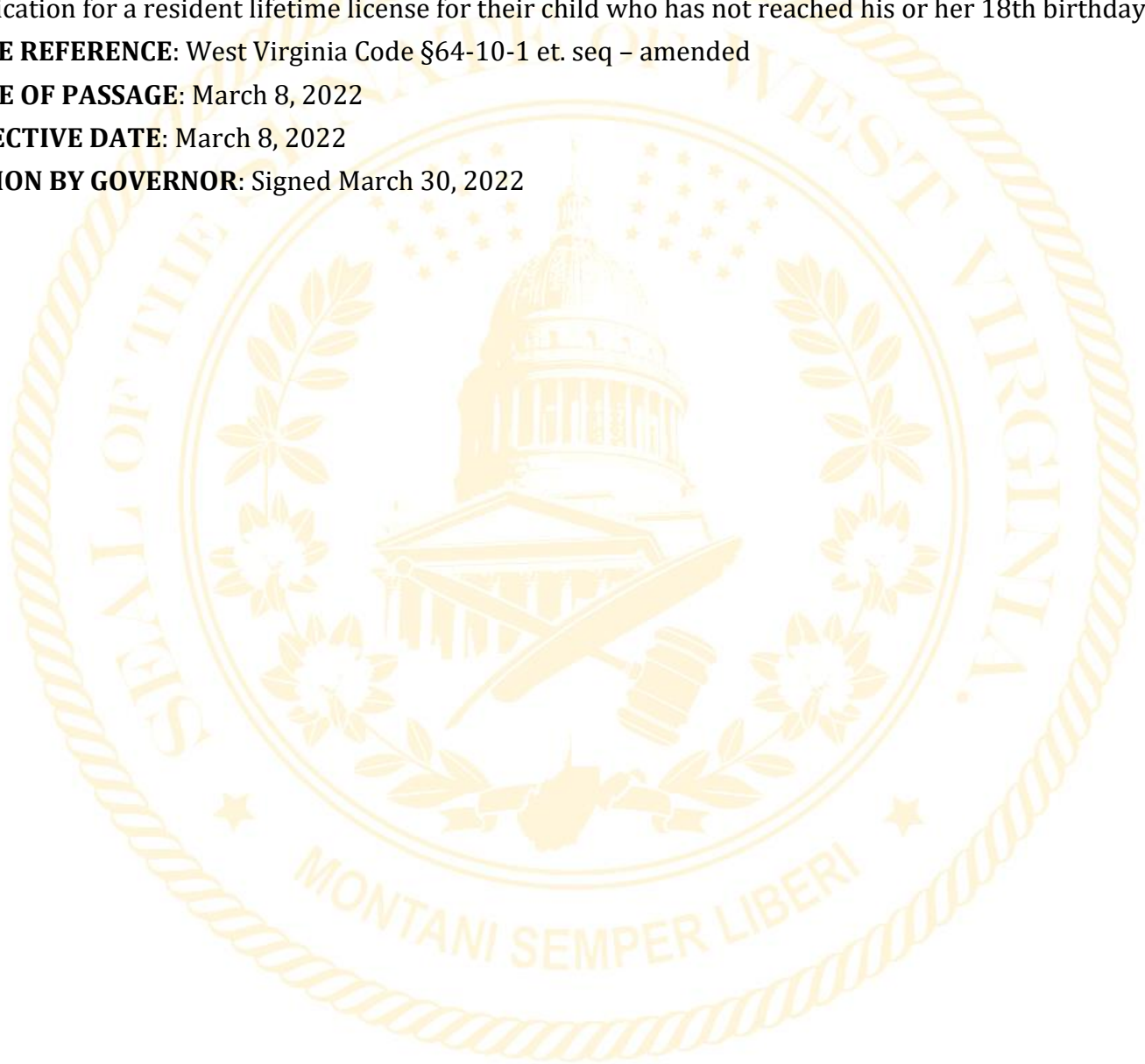
New section 3.3.2. was added which allows a child’s parent or legal guardian who is a member of the Armed Forces and meets the definition of resident pursuant to W. Va. Code §20-1-2 et seq., to make application for a resident lifetime license for their child who has not reached his or her 18th birthday.

**CODE REFERENCE:** West Virginia Code §64-10-1 et. seq – amended

**DATE OF PASSAGE:** March 8, 2022

**EFFECTIVE DATE:** March 8, 2022

**ACTION BY GOVERNOR:** Signed March 30, 2022



## House Bill 4296

### To revise outdated provisions within Chapter 23 of the West Virginia Code, which pertains to workers' compensation

Chapter 23 of the West Virginia Code is known as the West Virginia Workers' Compensation Act and it governs employer compliance, employee benefits, claim adjudication, and the responsibilities of the Insurance Commission. This bill does not make substantive changes to the Workers Compensation Act and only removes or updates outdated and obsolete provisions in the Code. Much of the bill addresses technical changes necessitated from the 2005 transition when the workers compensation system was privatized. The only added section of Code is W. Va. Code §23-1-21, which was moved from Article 3 of Chapter 23 and allowed for the repeal of Article 3 in its entirety.

**CODE REFERENCE:** West Virginia Code §23-1-1c, §23-1-1d, §23-1-1e, §23-1-1g, §23-1-3, §23-1-4a, §23-1-6, §23-1-7, §23-1-20, §23-2-1b, §23-2-4, §23-2-5c, §23-5-5d, §23-2-14, §23-2-15, §23-2-16, §23-2B-1, §23-2B-2, §23-2B-3, §23-2C-3a, §23-2C-4, §23-2C-11, §23-2C-13, §23-2C-14, §23-2C-23, §23-2C-24, §23-2D-1, §23-2D-2, §23-2D-3, §23-2D-4, §23-2D-5, §23-2D-5a, §23-2D-6, §23-2D-7, §23-2D-8, §23-2D-9, §23-2D-10, §23-3-1, §23-3-1a, §23-3-2, §23-3-3, §23-3-4, §23-3-5, §23-3-6, §23-4A-2, §23-4A-3, §23-4A-4, §23-4A-5, §23-4A-6, §23-4A-8, §23-4A-9, §23-4B-6, §23-4B-8, §23-4B-8a, §23-4B-8b, §23-4C-1, §23-4C-2, §23-4C-3, §23-4C-4, §23-4C-5, and §23-4C-6 – repealed; §23-1-1, §23-1-1b, §23-1-1f, §23-1-2, §23-1-4, §23-1-5, §23-1-8, §23-1-9, §23-1-10, §23-1-11, §23-1-12, §23-1-13, §23-1-14, §23-1-15, §23-1-18, §23-1-19, §23-2-1, §23-2-1c, §23-2-1d, §23-2-2, §23-2-3, §23-2-5, §23-2-5a, §23-2-6, §23-2-7, §23-2-8, §23-2-9, §23-2-11, §23-2-13, §23-2-17, §23-2A-1, §23-2C-1, §23-2C-2, §23-2C-3, §23-2C-6, §23-2C-7, §23-2C-8, §23-2C-12, §23-2C-15, §23-2C-16, §23-2C-16, §23-2C-18, §23-2C-19, §23-2C-20, §23-2C-21, §23-4A-1, §23-4B-2, §23-4B-4, §23-4B-5, §23-4B-7, and §23-4B-9 – amended; §23-1-21 – new

**DATE OF PASSAGE:** March 10, 2022

**EFFECTIVE DATE:** June 8, 2022

**ACTION BY GOVERNOR:** Signed March 30, 2022



## House Bill 4297

### **To facilitate the sharing of information between the Department of Health and Human Resources and the State Auditor's office in order to investigate reports of financial abuse and neglect of a vulnerable adult**

This bill facilitates the sharing of information between the Department of Health and Human Resources (DHHR) and the State Auditor's Office in order to investigate reports of financial abuse and neglect of a vulnerable adult.

The Securities Commission (a division of the State Auditor's Office) is required to investigate alleged financial exploitation of vulnerable adults. Under existing law, this division only receives a summary of a report from the Adult Protective Services (APS) division of the DHHR. The bill clarifies that APS is authorized to share all records, including substantiated and unsubstantiated referral documentation of financial exploitation of a vulnerable adult, with the Securities Commission in order to aid their investigations.

**CODE REFERENCE:** West Virginia Code §9-6-8n – amended

**DATE OF PASSAGE:** March 7, 2022

**EFFECTIVE DATE:** June 5, 2022

**ACTION BY GOVERNOR:** Signed March 30, 2022

## House Bill 4299

### **To prohibit the intentional interference with election processes and creating associated criminal penalties**

The bill clarifies that it is a misdemeanor offense to physically interfere with a voter's travel on the walkways, driveways, and parking areas adjacent to the polling place with the intent to delay, hinder, interrupt, harass, or intimidate a voter. Those convicted of this misdemeanor may be fined up to \$1,000, confined in jail for not more than one year, or both fined and confined.

**CODE REFERENCE:** West Virginia Code §3-9-21 – new

**DATE OF PASSAGE:** February 24, 2022

**EFFECTIVE DATE:** May 25, 2022

**ACTION BY GOVERNOR:** Signed March 9, 2022

## House Bill 4301

### Reforming membership requirements of Huntington Park and Recreation District Board

House Bill 4301 is a local bill which addresses the composition and election of commissioners to the Greater Huntington Park and Recreation District Board.

In subsection (a), the bill modifies the composition of the Board by reducing the total number of commissioners, reducing the number of commissioners from Cabell County, and increasing the maximum number of commissioners from any one magisterial district in Cabell County.

In subsection (b), the bill makes the Board commissioners nonpartisan. The bill modifies the election date for Board commissioners by establishing that the election will occur in the nonpartisan primary election for state officers on the second Tuesday in May. The bill also adds provisions regarding the number of commissioners to be elected in 2022, 2024, and 2026, their terms, and the counties and magisterial districts from which they are to be elected.

**CODE REFERENCE:** Section two, chapter 26, Acts of the Legislature, regular session, 1925 (municipal charters), as last amended by chapter 187, Acts of the Legislature, regular session 2011 – amended

**DATE OF PASSAGE:** February 14, 2022

**EFFECTIVE DATE:** February 14, 2022

**ACTION BY GOVERNOR:** Signed February 16, 2022

## House Bill 4308

### Authorizing disclosure of juvenile information to Crime Victims Compensation Fund for investigation and award of benefits

This bill creates a new section of code that expands the persons who may file a petition for a child who is the subject of a civil abuse and neglect petition to include foster parents and Department of Health and Human Resources employees. The new section further provides that all records and proceedings related to such claims are confidential and may not be disclosed to those not a necessary party to the claim. The provision allows publication of anonymized statistical reports as necessary to satisfy the requirements of state or federal law.

The bill eliminates a provision of law that the agency filing the abuse and neglect petition shall file the application for benefits on behalf of the minor child.

The bill amends the confidentiality provisions of the Code authorizing the West Virginia Crime Victims Compensation Fund to receive information related to a civil abuse and neglect proceeding to make a determination for the award of benefits.

**CODE REFERENCE:** West Virginia Code §14-2A-14 and §49-5-101 – amended; §14-2A-11a – new

**DATE OF PASSAGE:** February 21, 2022

**EFFECTIVE DATE:** May 22, 2022

**ACTION BY GOVERNOR:** Signed March 9, 2022

# House Bill 4311

## Creating criminal penalties for illegal voting activity

Senate Bill 4311 modifies one section of the state Election Code that establishes certain voting crimes and penalties relating to illegal voting and deceiving voters. Prior to amendment, this section established several voting crimes as a misdemeanor punishable by up to a \$1,000 fine and/or up to one year in jail.

The bill reorganizes this section into three subsections and makes all crimes established under this section a felony punishable by one to 10 years imprisonment and/or up to a \$10,000 fine. It also adds as an element of each crime that the person committed the crime knowingly and willfully.

In subsection (a), the bill establishes the following crimes relating to voting in multiple elections, which must be committed both knowingly and willfully, with the knowledge that the act is illegal:

- Voting or attempting to vote more than once in the same election in West Virginia;
- Voting or attempting to vote in more than one county in West Virginia at the same or equivalent election; and
- Voting or attempting to vote in West Virginia and another state or category at the same or equivalent election.

In subsection (b), the bill establishes the following crimes relating to illegal voting, which must be committed both knowingly and willfully:

- Voting or attempting to vote when the person knows he or she is not legally entitled to do so;
- Procuring or assisting in procuring an illegal vote to be admitted or received, with knowledge that it is illegal; and
- Causing or assisting in causing a legal vote to be rejected, with knowledge that it is legal.

In subsection (c), the bill establishes the following crimes relating to deceiving a voter, which must be committed both knowingly and willfully:

- Altering the ballot of a voter by marking out the name of a candidate the voter wishes to vote for with intent to deceive;
- Writing the name of a person on a ballot other than the candidate the voter directed with intent to deceive;
- Altering a ballot, whether it is voted or not, with intent to deceive; or
- Defrauding a voter by deceiving and causing the voter to vote for a different person than the voter intended or desired to vote for.

**CODE REFERENCE:** West Virginia Code §3-9-17 – amended

**DATE OF PASSAGE:** March 11, 2022

**EFFECTIVE DATE:** June 9, 2022

**ACTION BY GOVERNOR:** Signed March 30, 2022

## House Bill 4312

### Extending the option of electronic absentee ballot transmission to first responders in certain emergency circumstances

House Bill 4312 modifies two sections of the state Election Code pertaining to absentee voting.

In §3-3-1(b)(3), the bill authorizes qualified first responders responding to an emergency outside of their county of residence to vote by electronic absentee ballot. “Qualified first responder” is defined as a person with specialized training who arrives and provides aid at the scene of an emergency, such as an accident, natural disaster, or act of terrorism. The bill provides that first responders typically include emergency medical technicians, firefighters, law-enforcement officers, neighborhood assistance officers, and paramedics.

The bill updates §3-3-5 to address the logistics of absentee voting by qualified first responders. The bill authorizes qualified first responders to electronically complete and verify an application to vote absentee. The bill provides the timeframe for a completed application for a qualified first responder to vote absentee by mail to be accepted from the 13th day preceding the election until 5:00 p.m. the day before the election. The bill provides for transmittal of absentee ballots to qualified first responders, and processing of received absentee ballots cast electronically by qualified first responders.

**CODE REFERENCE:** West Virginia Code §3-3-1 and §3-3-5 – amended

**DATE OF PASSAGE:** February 24, 2022

**EFFECTIVE DATE:** May 25, 2022

**ACTION BY GOVERNOR:** Signed March 9, 2022

## House Bill 4329

### To clarify the definition of an “interested person” for purposes of the West Virginia Small Estate Act

This bill expands on the West Virginia Small Estate Act of the 2021 Regular Legislative Session. It expands the definition of “person” to include any individual, corporation, business trust, fiduciary, estate, trust, partnership, limited liability company, association, joint venture, government, governmental subdivision, agency, instrumentality, public corporation, or any other legal or commercial entity and expressly includes a bank, financial institution, credit union, or West Virginia Division of Motor Vehicles.

The bill further clarifies “interested person,” which is currently defined as having a meaning that “varies from time to time” and is “determined according to the particular purposes or matter involved in the proceeding.” This bill would more clearly define “interested person” to include heirs, devisees, distributees, legatees, children, spouses, or creditors of the decedent and beneficiaries and any others having a property right in or a claim against the estate of a decedent or property in a small estate. Additionally, it clarifies that interested persons include persons having priority for appointment as a personal representative and other fiduciaries representing interested persons. Furthermore, an “interested person” may also include a bank, financial institution, credit union, or person that is holding assets related to the estate.

The bill also expressly excludes from a “small estate” a probate estate of a testate decedent where the will provides for real estate devised to be sold and not merely confer the power to sell the real estate and provides that where the small assets are insufficient for the payment of debts, the authorized successor, successor, or a creditor may commence a circuit court proceeding to subject the real estate to the payment of debts within six months of the small estate authorization.

**CODE REFERENCE:** West Virginia Code §44-1-28, §44-1A-1, §44-1A-2, and §44-1A-4 – amended

**DATE OF PASSAGE:** March 10, 2022

**EFFECTIVE DATE:** June 8, 2022

**ACTION BY GOVERNOR:** Signed March 30, 2022

## House Bill 4331

### West Virginia’s Urban Mass Transportation Authority Act

House Bill 4331 creates a new section within the state Municipal Code to address federal grants to urban mass transportation authorities and employee wage deductions.

The bill allows union or labor organization dues or fees to be deducted from the wages of employees of an urban mass transportation authority which receives federal funding, directly or indirectly, from the Federal Transit Administration pursuant to the Urban Mass Transportation Act of 1964. The bill clarifies that the section applies only to urban mass transportation authorities under Chapter 8, Article 27.

**CODE REFERENCE:** West Virginia Code §8-27-21a – new

**DATE OF PASSAGE:** March 11, 2022

**EFFECTIVE DATE:** March 11, 2022

**ACTION BY GOVERNOR:** Signed March 30, 2022

## **House Bill 4340**

### **Relating to maximizing the opportunity to recover anatomical gifts for the purpose of transplantation, therapy, research, or education**

This bill maximizes the opportunity to recover anatomical gifts for the purpose of transplantation, therapy, research, or education. It permits the spouse to consent to organ donation unless spouse and decedent has lived separate and apart from the decedent in the six months prior to the decedent's death or an action for divorce is pending.

The bill provides that an anatomical gift may proceed despite the objection by a member or member of a class.

The bill adds that a person authorized or obligated to dispose of the decedent's body can make an anatomical gift. It also provides that if members of a class disagree regarding the donation, the anatomical gift may proceed despite the objection by a member of the class. Existing law provides for the appointment of a health care surrogate which is deleted.

The bill clarifies the duties of procurement organization with regard to the state medical examiner. It requires the state medical examiner to cooperate with procurement organizations to maximize the opportunity to recover anatomical gifts.

The bill provides that a part may not be removed from the body of a decedent under a medical examiner's jurisdiction for transplantation, therapy, research, or education nor delivered to a person for research or education.

Upon request of a procurement organization, the medical examiner shall release to the procurement organization the name, contact information, name of the next of kin, and available medical and social history of a decedent whose body is under the medical examiner's jurisdiction. If the decedent's body or body part is medically suitable for transplantation, therapy, research, or education, the medical examiner shall release the post-mortem examination results to the procurement organization.

The bill provides that a hospital may not withdraw or withhold any measures necessary to maintain the medical suitability of a body part that may be the subject of an anatomical gift until the organ procurement or designated requestor has had an opportunity to advise the applicable person under this article of the option to make an anatomical gift and has received or been denied authorization to proceed with respect to the body part.

The bill provides that subject to the individual's wishes, after a person's death, persons who may receive the anatomical gift may conduct any test or examination reasonably necessary to evaluate the medical suitability of the body or party for its intended purposes.

There is a section of the bill entitled facilitation of anatomical gift from decedent whose body is under jurisdiction of medical examiner. This section strikes language stating that the medical examiner may not release the body or part of the body that is the subject of an anatomical gift or the social history, medical history with the express authorization of the prosecuting attorney.

Chapter 61 states the chief medical examiner shall cooperate with procurement organizations to maximize the opportunity to recover anatomical gifts for the purpose of transplantation, therapy, research, or education. The chief medical examiner may enter into contracts and agreements with a procurement organization when necessary to facilitate the efficient and economical recovery of anatomical gifts.

This chapter also provides that the Secretary of Department of Health Human Resources will propose legislative rules for the procedures necessary to maximize the recovery of anatomical gifts for the purpose of transplantation, therapy, research, or education.

**CODE REFERENCE:** West Virginia Code §16-19-9, §16-19-14, §16-19-22, and §61-12-3 – amended

**DATE OF PASSAGE:** March 12, 2022

**EFFECTIVE DATE:** June 10, 2022

**ACTION BY GOVERNOR:** Signed March 30, 2022



# House Bill 4353

## Relating to On Cycle Elections - Voter Turnout Act

House Bill 4353 modifies 35 sections and repeals three sections of Code generally pertaining to municipal and county elections and ballot questions. The amendment synchronizes or authorizes synchronization of certain local elections with regular statewide primary or general elections.

The bill authorizes local municipal elections to be held concurrently with a regularly scheduled statewide primary or general election. It creates an alternative mechanism for municipalities without a charter to align its municipal election date with the primary or general election date by passage of an ordinance. It also provides for coordination between a municipality and county commission holding elections concurrently with a primary or general election on establishing the election date, shared costs, election officials, and registration books. The bill removes the requirement to maintain separate municipal precinct books upon request of the municipality.

The bill eliminates special elections for the following categories of local ballot questions and requires them to be placed on a primary or general election ballot:

- Reforming, altering, or modifying a county commission or council;
- Civil service coverage for county correctional officers;
- County fire service ordinances or fire fees;
- County taxes and fees;
- County service fees;
- Incorporation of a new municipality;
- Zoning ordinances;
- Additional levies;
- Issuance of bonds;
- Organization and establishment of a proposed sanitary district;
- School levy;
- School levy renewal;
- Levy rate increase authorization;
- Commercial infectious medical waste management facility siting;
- County comprehensive recycling programs for solid waste;
- Certain solid waste facilities;
- Certain hazardous waste facilities;
- Charitable bingo;
- Charitable raffles; and
- Sale of alcoholic liquors within the county.

If a majority of the votes cast upon one of the above-listed levies at any primary election are against the question, the question may again be submitted to the voters at the next succeeding general election.

The bill authorizes a one-time special election regarding school levy renewal and authorizes a school levy question which is rejected at the primary election to be placed on the general election ballot.

The bill clarifies limitations on members of the West Virginia State Police with respect to participation in elections.

Finally, the bill incorporates amendments made in Senate Bill 191, authorizing poll workers to work and be compensated for both full and half days worked during an election.



**CODE REFERENCE:** West Virginia Code §18-9-1, §18-9-2, and §18-9-2a – repealed; §3-1-30, §3-1-31, §3-2-19, §7-1-1a, §7-4-1, §7-14B-21, §7-17-12, §7-20-7, §7-20-12, §8-1-2, §8-2-5, §8-3-6, §8-4-7, §8-4-8, §8-4-10, §8-5-5, §8A-7-7, §8A-7-8a, §8A-7-13, §11-8-16, §11-8-17, §13-1-7, §13-1-11, §15-2-13, §16-12-1, §20-5K-3, §22-15A-18, §22C-4A-2, §22C-4A-3, §22C-6-3, §47-20-26, §47-21-24, §60-5-1, §60-5-3, and §60-5-4 – amended

**DATE OF PASSAGE:** March 12, 2022

**EFFECTIVE DATE:** June 10, 2022

**ACTION BY GOVERNOR:** Signed March 30, 2022



## House Bill 4373

### To exclude fentanyl test strips from the definition of drug paraphernalia

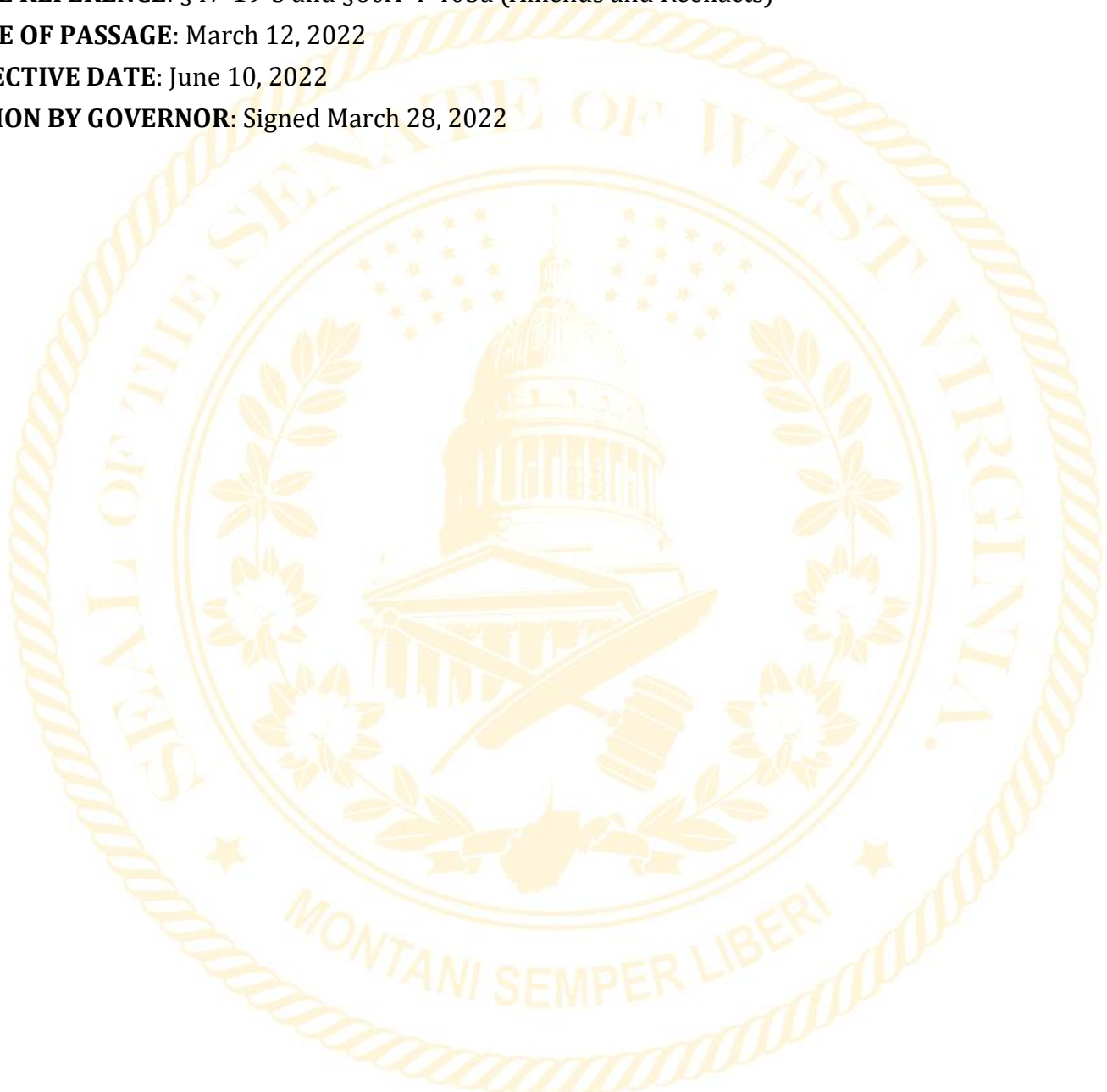
This bill excludes fentanyl test strips from the definition of drug paraphernalia and provides that the Uniform Controlled Substances Act does not prohibit the possession, sell, or purchase of fentanyl test strips.

**CODE REFERENCE:** §47-19-3 and §60A-4-403a (Amends and Reenacts)

**DATE OF PASSAGE:** March 12, 2022

**EFFECTIVE DATE:** June 10, 2022

**ACTION BY GOVERNOR:** Signed March 28, 2022



# House Bill 4377

## To update the involuntary commitment process

The bill makes changes to the involuntary commitment process. A new section of code is added (§27-5-1b) and requires the Secretary of the Department of Health and Human Resources, the Supreme Court of Appeals, the Sheriff's Association, the Prosecuting Attorney's Association, the Public Defender Services, the Behavioral Health Providers' Association, Disability Rights of West Virginia, and the Dangerousness Assessment Advisory Board undertake an evaluation of the utilization of alternative transportation providers and the development of standards that define the role, scope, regulation, and training necessary for the safe and effective utilization of alternative transportation providers. The report shall be presented to the President of the Senate and the Speaker of the House on or before July 31, 2022. The Legislature requests the WV Supreme Court cooperate with the listed parties and undertake this evaluation.

This section also requires the Secretary to establish a process to conduct retrospective quarterly audits of applications and licensed examiner forms prepared by certifiers for the involuntary commitment. This process should determine whether the licensed examiner forms prepared by certifiers are clinically justified and consisted with the requirements of this code.

With respect to the duties of the mental health center, each center shall make available as necessary qualified and competent licensed person to conduct prompt evaluations of persons for commitment. They shall be conducted in person unless it would create a substantial delay, and then the evaluation may be conducted by videoconference.

This section also provides for a pilot program in Cabell, Berkeley, and Ohio counties to implement an involuntary commitment process. It further provides that no alternative transportation provider may be utilized until standards are developed and implemented to define the role, scope, regulation and training necessary for this provider.

The probable cause examination shall be conducted in person unless it would create a substantial delay, and then the evaluation may be conducted by videoconference. The probable cause hearings may be conducted via videoconference unless the individual or his or her attorney object for good cause or unless the magistrate, mental hygiene commissioner or circuit judge order otherwise. The Supreme Court of Appeals is requested to develop regional mental hygiene collaboratives where mental hygiene commissioners can share on-call responsibilities, thereby reducing the burden on individual circuits and commissioners.

The other new section of the bill (§27-5-31) addresses the legal effect of the commitment after it is determined to not be based on mental illness or addiction. This section states that in the event that a person is hospitalized and it is later determined after the entry of the order that the behavior which led to the entry of the order was caused by a physical condition or disorder rather than mental illness or addiction, the hospitalization shall not serve to make him or her a proscribed person under state laws relating to firearms possession or to negatively affect a person's professional licensure, employment, employability or parental rights.

With respect to the certificate filed with the application, it adds a requirement that the certificate include facts that less restrictive interventions and placements were considered but are not appropriate and available. The bill also adds a requirement that the applicant include the names and last known addresses of the persons identified in §27-5-4(e)(3). An exception is added for this process not to apply to competency in criminal proceedings.

With respect to examination of an individual by court-appointed physician, psychologist, advanced nurse or physician assistant, there is an exception when a certificate of the licensed examiner and an application for final civil commitment at the mental health facility where the person is currently committed has been completed and filed.

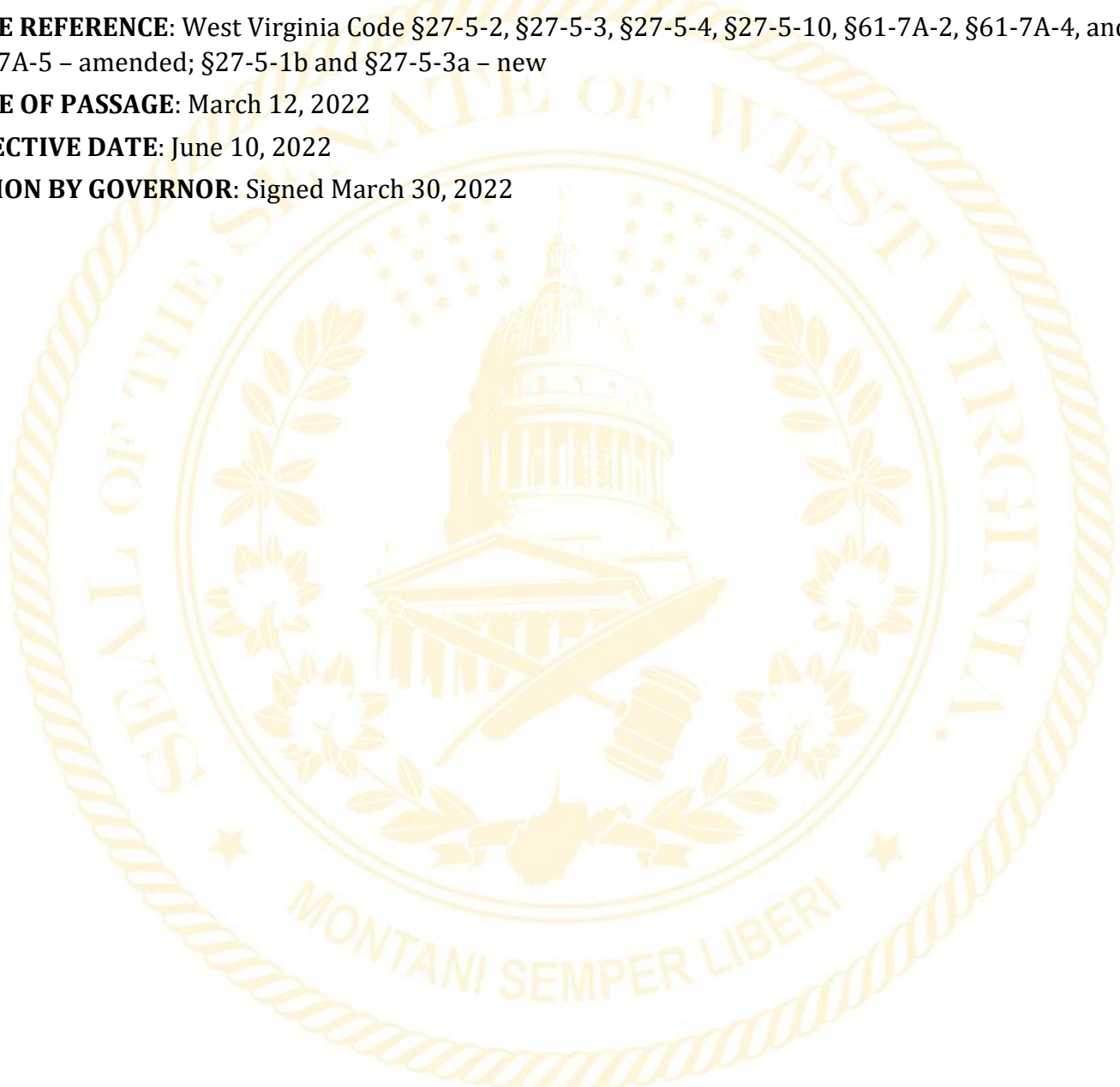
Effective July 1, 2022, the Department of Health and Human Resources shall reimburse the Sheriff, the Department of Corrections and Rehabilitation or other law enforcement agency for the actual costs related to transporting a patient who has been involuntary committed.

**CODE REFERENCE:** West Virginia Code §27-5-2, §27-5-3, §27-5-4, §27-5-10, §61-7A-2, §61-7A-4, and §61-7A-5 – amended; §27-5-1b and §27-5-3a – new

**DATE OF PASSAGE:** March 12, 2022

**EFFECTIVE DATE:** June 10, 2022

**ACTION BY GOVERNOR:** Signed March 30, 2022



## House Bill 4419

### **Allowing candidate committees and campaign committees to make contributions to affiliated state party executive committees**

House Bill 4419 modifies provisions of the state Election Code which govern contribution limits, coordinated expenditures by political party committees and political party caucuses in connection with certain statewide candidates, and use of certain contributions.

In §3-8-5c(b), the bill carves out candidate committees and caucus campaign committees from the \$10,000 annual limit on contributions to a state party executive committee or its subsidiary, branch, or local unit, or a caucus campaign committee. It raises the annual limit for candidate committees and caucus campaign committees to \$75,000 in a new subsection (d). It provides in a new subsection (e) that these amendments are effective November 9, 2022.

In §3-8-9b, the bill modifies section (a) by eliminating the \$5,000 limit on coordinated expenditures that may be made by a state committee of a political party and caucus campaign committee with the general election campaign of the candidate for the offices of Governor, Attorney General, Auditor, Commissioner of Agriculture, Secretary of State, Treasurer, State Senate, or House of Delegates. It provides, in a new subsection (c), that these amendments are effective November 9, 2022.

In §3-8-10, the bill modifies subsection (a)(2)(C) by eliminating the \$15,000 annual limit on excess candidate contributions being contributed to a state party executive committee or state party legislative caucus committee after the general election. It provides in a new subsection (c) that these amendments are effective November 9, 2022.

**CODE REFERENCE:** West Virginia Code §3-8-5c, §3-8-9b, and §3-8-10 – amended

**DATE OF PASSAGE:** March 12, 2022

**EFFECTIVE DATE:** June 10, 2022

**ACTION BY GOVERNOR:** Signed March 30, 2022

## House Bill 4433

### **Providing that retirement benefits are not subject to execution**

This bill amends current state law to prohibit municipal policemen's and firemen's pension and relief funds from being the subject of execution, attachment, garnishment, the operation of bankruptcy or insolvency laws or other process, or assignment, except qualified domestic relations orders. It makes exceptions for deductions from payments for group insurance or prepayment plans and allows a municipality to set off any claim arising from embezzlement by, or fraud of, a member, retirant or beneficiary. The bill also exempts assets of the retirement system from state, county, and municipal taxes.

**CODE REFERENCE:** West Virginia Code §8-22-25b – new

**DATE OF PASSAGE:** March 11, 2022

**EFFECTIVE DATE:** June 9, 2022

**ACTION BY GOVERNOR:** Signed March 28, 2022

## House Bill 4438

### **Applying current requirements for certain voting systems to be independent and non-networked to all voting systems that seek certification in West Virginia**

House Bill 4438 modifies minimum requirements for electronic voting systems. In a new subdivision (15), the bill requires all voting systems utilized in an election to be independent, non-networked voting systems, and prohibits any component of the system from being connected to the internet at any time.

**CODE REFERENCE:** West Virginia Code §3-4A-9 – amended

**DATE OF PASSAGE:** March 9, 2022

**EFFECTIVE DATE:** June 7, 2022

**ACTION BY GOVERNOR:** Signed March 28, 2022

## House Bill 4511

### **To make numerous amendments to modernize and increase efficiencies in the administration of the West Virginia Unclaimed Property Act**

This bill amends the law relating to unclaimed property to reflect new technology and new forms of property not previously addressed. This bill includes definitions for the terms: electronic, electronic mail, and virtual currency as well as shortens the timeframe for when certain property types are presumed abandoned to facilitate a prompter return of property.

Addressing virtual currency, the bill creates a presumption of abandonment for virtual currency and a process for unclaimed virtual currency. More specifically, it requires the holder to liquidate the unclaimed virtual currency anytime within 30 days of filing the report and remit the proceeds to the administrator.

The bill makes it easier to return abandoned property in safe deposit boxes by authorizing the administrator to directly reimburse the holder for unpaid rent or storage charges in an amount not to exceed \$150 after the property has been claimed and returned to the apparent owner using funds in the Unclaimed Property Fund.

It authorizes the administrator to invest the Unclaimed Property Fund with the West Virginia Board of Treasury Investments or the Investment Management Board. The bill replaces money transfers to the Prepaid Tuition Program, a program that is now closed, and authorizes those transfers to the Jumpstart Savings Program. This program supports individuals who have gone to a trade or vocation school by facilitating saving for tools and equipment upon graduation. The bill reduces the amount of paperwork required for common transactions and provides for a more automated approach to claims processing.

Finally, the bill makes it easier for people to find out information about their unclaimed property and further increases transparency regarding how the Treasurer's office publishes data by requiring the Treasurer's office to publish an annual report.

**CODE REFERENCE:** West Virginia Code §36-8-1, §36-8-2, §36-8-8, §36-8-10, §36-8-13, §36-8-15, §36-8-25, and §36-8-33 – amended

**DATE OF PASSAGE:** March 12, 2022

**EFFECTIVE DATE:** June 10, 2022

**ACTION BY GOVERNOR:** Signed March 28, 2022

# House Bill 4560

## Relating generally to motor vehicle dealers, distributors, wholesalers and manufacturers

The purpose of this bill is to modify and update statutes regulating the relationships between car dealers and manufacturers and wholesalers.

The bill clarifies that this article of West Virginia Code governs all agreements addressed in the article to “modernize and acknowledge” that dealers now sign numerous more agreements than just a single Sales and Service Agreement. It further clarifies what it means to engage in the operation and business of a new motor vehicle dealership. The bill also clarifies that a dealership is entitled to be reimbursed by a manufacturer for diagnostic time on warranty and recall work, considering the complexity of the modern motor vehicle, including any assistance with over the air updates.

In addition, the bill sets forth a procedure clarifying the procedure to be used by the manufacturer and motor vehicle dealer in sales and service audits. The bill provides additional protections for motor vehicle dealers from too frequent unreasonable image and facility mandates from manufacturers. It increases their rights to such mandates from 10 to 15 years. Additionally, the bill clarifies the duties and responsibilities of the manufacturer and motor vehicle dealer for vehicles sold pursuant to a reservation or subscription service and clarifies that the financing of motor vehicles occurs at the dealership.

The bill allows a motor vehicle dealer to implement a succession plan while the dealer is still living and sets forth a procedure for any disagreements that may arise between the manufacturer and motor vehicle dealer. The bill increases the protection of a consumer’s data that they provide to a motor vehicle dealer when purchasing a motor vehicle. It also clarifies different duties of a manufacturer and other third-parties such as a dealer management system provider.

The bill provides a definition for “dealer data” and sets standards for the treatment and protection of such data. These include:

- Limiting a manufacturer’s ability to share a dealer’s consumer data to a third-party to the consumer data on its same line vehicles sold by the dealer as opposed to access to all consumer data of a motor vehicle dealer;
- Requiring a dealer management system provider to meet Standards for Technology in Automotive Retail Standards (“STAR”) for the protection of consumer data;
- Preventing a data systems provider from limiting how a dealer shares its consumer data with other required vendors and third-parties or charging an unreasonable fee to a dealer or third party for a dealer sharing its own consumer data;
- Requiring a data systems provider to cooperate in transferring back the motor vehicle dealer’s consumer data and use a commercially reasonable format to allow reasonable transmission back to a dealer upon termination of the agreement without the charging of unreasonable fees;
- Requiring a data systems provider to inform a motor vehicle dealer of any third-party dealer management system provider that it is sharing a motor vehicle dealers customer’s data and requires a dealer management system to obtain permission from the dealer to share a dealer’s customer data;
- Clarifies that the data a customer provides to a motor vehicle dealer is the dealer’s data and allows the dealer to protect that information more securely;
- Allows a dealer to obtain information from a data systems provider or other third-party that it is protecting the dealer’s consumer data it provided to them;

- gives dealers more control over its customer data by limiting what a third party can access; and
- Providing a severability clause and continues to provide the motor vehicle dealer indemnity from any manufacturer or third-party who engages in willful or negligent actions or allows an impermissible use of protected consumer data.

**CODE REFERENCE:** West Virginia Code §17A-6A-2, §17A-6A-3, §17A-6A-5, §17A-6A-8a, §17A-6A-10, §17A-6A-11, §17A-6A-12, §17A-6A-13, §17A-6A-15, §17A-6A-15a, §17A-6A-15c, and §17A-6A-18 – amended

**DATE OF PASSAGE:** March 12, 2022

**EFFECTIVE DATE:** June 10, 2022

**ACTION BY GOVERNOR:** Signed March 30, 2022





## **House Bill 4578**

### **Relating to authorizing the Superintendent of the State Police to administer the Handle with Care program**

This bill specifies that the West Virginia State Police, through the West Virginia Center for Children's Justice, will oversee the administration and implementation of the state's Handle with Care program. The duties of the superintendent shall include directing and overseeing the administration and implementation of the program, employing the personnel necessary to administer the program, and establishing and coordinating the education and training of law enforcement and any other necessary parties for the implementation of the program. The superintendent is also responsible for applying for grant funding as well as accepting grants, gifts, bequests, donations, and other funds to accomplish the mission of the program. The bill also specifies that nothing will require the Legislature to appropriate funds to the West Virginia State Police for the administration of the program.

**CODE REFERENCE:** West Virginia Code §15-2-56 – new

**DATE OF PASSAGE:** March 7, 2022

**EFFECTIVE DATE:** June 5, 2022

**ACTION BY GOVERNOR:** Signed March 30, 2022

## **House Bill 4583**

### **Clarifying the definition of incapacity so that incarceration in the penal system or detention outside of the United States may not be inferred as resulting in a lack of capacity to execute a power of attorney**

This bill states that the fact that a person is either detained, including being incarcerated in a penal system, or is outside the United States and unable to return, does not create an inference that the person lacks the capacity to execute a power of attorney.

**CODE REFERENCE:** West Virginia Code §39B-1-106 – amended

**DATE OF PASSAGE:** March 9, 2022

**EFFECTIVE DATE:** June 7, 2022

**ACTION BY GOVERNOR:** Signed March 30, 2022

## House Bill 4596

### Relating generally to additional persons qualifying for the provisions of the Law-Enforcement Officers Safety Act

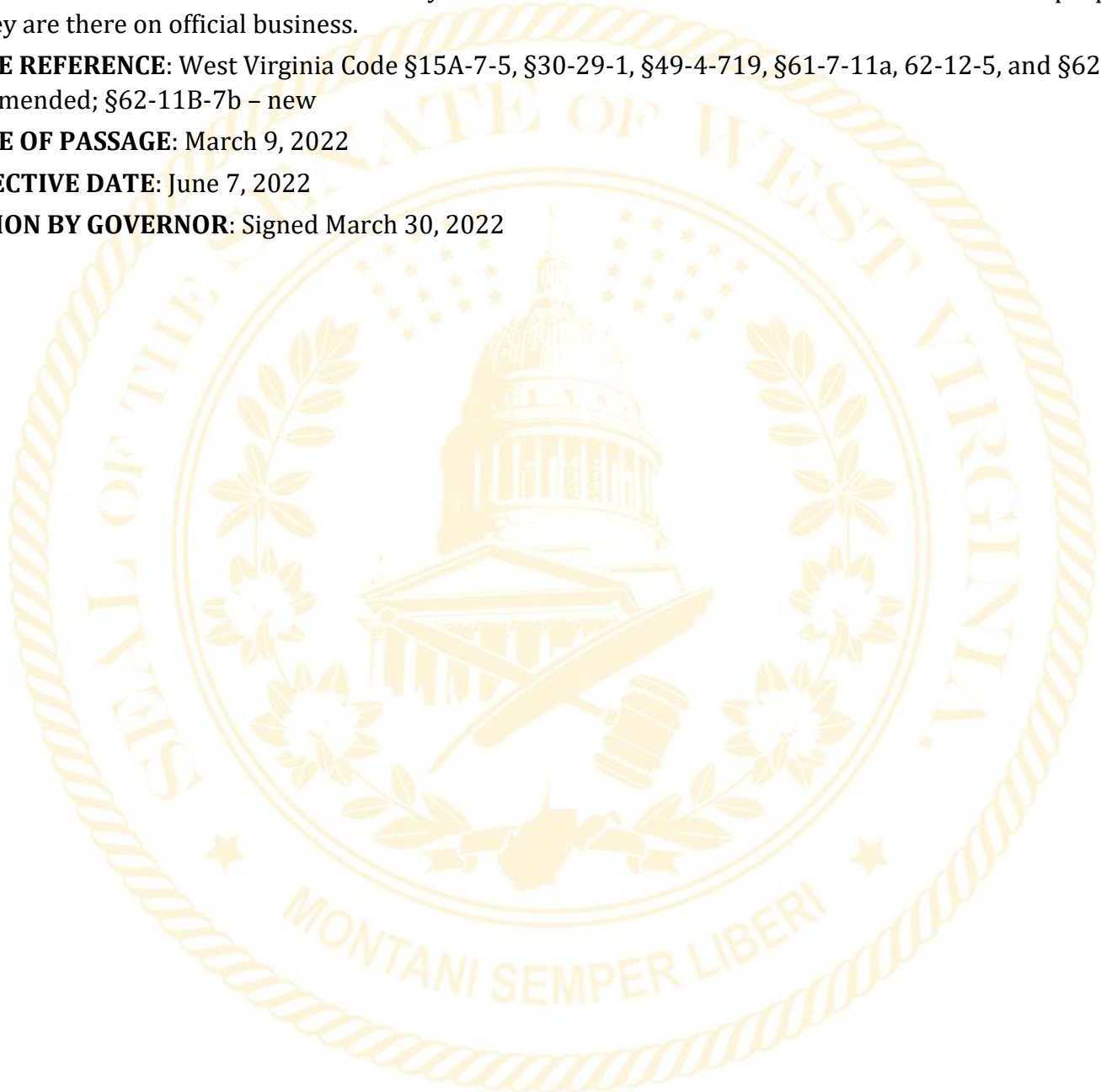
This bill clarifies that home incarceration supervisors, juvenile probation officers, and state adult and juvenile parole officers are members of law enforcement and are allowed to carry concealed firearms under the Law-Enforcement Officers Safety Act. The bill also allows them to be armed on school property if they are there on official business.

**CODE REFERENCE:** West Virginia Code §15A-7-5, §30-29-1, §49-4-719, §61-7-11a, 62-12-5, and §62-12-6 – amended; §62-11B-7b – new

**DATE OF PASSAGE:** March 9, 2022

**EFFECTIVE DATE:** June 7, 2022

**ACTION BY GOVERNOR:** Signed March 30, 2022



## House Bill 4600

### **Making it a felony for a “Person in a Position of Trust” to assault, batter, or verbally abuse a child, or neglect to report abuse they witness**

The purpose of this bill is to add protections for disabled children in institutional settings, such as schools and care facilities. It repeals §61-8D-5a which set penalties for and defined verbal abuse of noncommunicative children. It also creates a new article with seven sections.

The first section describes the findings of the Legislature and the purpose of the new article. These findings are that disabled persons, particularly disabled children are often more vulnerable and in greater need of protection than the nondisabled.

The second section defines five terms. These terms are:

- “Disabled child” means a child with any physical, intellectual, developmental, communication, or psychological disability or impairment. A disability includes , but is not limited to one that: (A) Limits the child’s ability to recognize abuse, unlawful activity, or his or her rights to safety and protection, or that makes the child rely on others to recognize that he or she is being abused; (B) Limits the child’s ability to recognize unlawful sexual abuse or misconduct; (C) Causes the child to be dependent on others to assist with any activity of daily living or personal care; (D) Limits the child’s ability to formulate or execute a response to abuse, to verbally or physically defend himself or herself, or to physically escape from an abusive environment; or (E) Limits the child’s ability to disclose abuse.
- “Noncommunicative child” means a child who, due to physical or developmental disabilities, is unable to functionally articulate verbally, in writing, or through a recognized sign language.
- “Person in a position of trust in relation to a disabled child” means any adult who is acting in the place of a parent and charged with any of a parent’s rights, duties, or responsibilities concerning a disabled child or someone with supervisory responsibility for a disabled child’s welfare, or any person who by virtue of their occupation or position is charged with any duty or responsibility for the health, education, welfare, or supervision of a disabled child,
- “Repeatedly” means on two or more occasions,
- “Supervisory responsibility” means any situation where an adult has direct supervisory decision-making, oversight, instructive, academic, evaluative, or advisory responsibilities regarding the child. Supervisory responsibility may occur in a residence, in or out of a school setting, institutional setting, and in curricular, co-curricular, or extra-curricular settings.

Section three creates a new misdemeanor criminal offense for maltreatment of a disabled child. It expands on House Bill 4362, which passed during the 2020 Regular Legislative Session, and was limited to noncommunicative children who are included in the definition of “disabled child” in §61-8F-2. The penalty is up to one year confined, fined not less than \$500 or more than \$2,500, or both fined and confined.

Section four creates felony offenses, battery, and assault of a disabled child by a person in a position of trust with supervisory responsibility over the child. Battery is punishable by a fine not more than \$1,000, imprisoned in a state correctional facility for not less than one or more than five years, or both fined and imprisoned. The felony assault is punishable with not less than one nor more than three years imprisoned, a fine of not more than \$500, or both fined and imprisoned.

The fifth section creates three new offenses. The first is a misdemeanor (up to one year) for failure to report abuse of a disabled child where one is a person in a position of trust to a disabled child and a

mandated reporter. The second is for impeding or obstructing the reporting of abuse by a person in a position of trust. This is a felony crime punishable by a fine of not more than \$5,000, imprisoned in a state correctional facility for not less than one nor more than three years, or both fined and imprisoned. The third is for discriminating or retaliating against a reporter. This is a felony crime punishable by a fine of not more than \$5,000, imprisoned in a state correctional facility for not less than one nor more than three years, or both fined and imprisoned.

Section 6 of the new article directs the West Virginia Department of Education and the Department of Health and Human Resources to collaborate in the establishment of a program designed to educate staff and supervisors in dealing with disabled children and require employees to successfully complete the program for ongoing or continued employment effective on and after July 1, 2023. It also directs this group to study and report to the legislature about the feasibility of putting in place a system which would allow parents, etc. to be able to view a disabled child's classroom or common area remotely via computer. Additionally, the bill requires the West Virginia Prosecuting Attorney's Institute and the Law Enforcement Professional Standards subcommittee on the Governor's 22 Committee on Crime Delinquency and Correction to put together a program for law enforcement and prosecutors related to specifics of dealing with crimes against disabled children. The three-hour mandatory program is to be in place on or before January 1, 2023.

The seventh section provides the internal effective date for the bill.

**CODE REFERENCE:** West Virginia Code §61-8D-5a – repealed; §61-8F-1 through §61-8F-7 – new

**DATE OF PASSAGE:** March 12, 2022

**EFFECTIVE DATE:** July 1, 2022, for criminal offenses; March 12, 2022, for the remainder

**ACTION BY GOVERNOR:** Signed March 25, 2022

## House Bill 4629

### Relating to procedures for certain actions against the state

This bill provides that if 90 days have elapsed since a notice of intent to institute an action was filed and an action is not instituted the notice is considered to have expired. The complaining party or parties must provide a new notice before an action is instituted. New notices must be accompanied by the required fee payable to the attorney general or chief officer of the state agency. The applicable statute of limitations is not tolled during second or subsequent notices.

This bill also, under the separation of powers provision of the state constitution, prohibits a court, from issuing a writ of mandamus, a writ of prohibition, or an injunction against the Legislature and prohibits the naming of the Legislature or its presiding officers in any action challenging the constitutionality of a statute. It requires dismissal of such actions or dismissal of the improperly joined parties. Finally, the bill provides for the retrospective and retroactive application of the prohibitions to all actions pending at the time of the enactment of this bill.

**CODE REFERENCE:** West Virginia Code §55-17-3 – amended; §55-17-3a – new

**DATE OF PASSAGE:** March 12, 2022

**EFFECTIVE DATE:** June 10, 2022

**ACTION BY GOVERNOR:** Signed March 28, 2022

## House Bill 4636

### Clarifying when business and occupation taxes owed to a city or municipality are considered to be remitted on time

This bill provides that payments for municipal business and occupation taxes or for rates, fees, and charges that are postmarked on or before their due date are considered to be on time. Municipalities are prohibited from assessing a late fee or penalty on these payments.

**CODE REFERENCE:** West Virginia Code §11-13-1 and 11-13-32 – amended

**DATE OF PASSAGE:** March 12, 2022

**EFFECTIVE DATE:** June 10, 2022

**ACTION BY GOVERNOR:** Signed March 30, 2022

## House Bill 4642

### Relating to pecuniary interests of county and district officers, teachers and school officials in contracts

This bill allows county commissioners, district school officers, a secretary of a Board of Education, supervisor or superintendent, principal, or teacher at public schools or any member of any other county or district board or any county or district officer to have a pecuniary interest in a contract where he or she may have any voice, influence or control in the award or letting of the contract under certain circumstances. These criteria are:

- The contract is not for services;
- The contract has been put out for competitive bid, and the contract is awarded based on the lowest cost;
- The party to the contract recuses himself or herself from voting or decision-making if they are in such position as to the contract; and
- The party to the contract has previously obtained a written advisory opinion from the West Virginia Ethics Commission.

**CODE REFERENCE:** West Virginia Code §61-10-15 – amended

**DATE OF PASSAGE:** March 12, 2022

**EFFECTIVE DATE:** June 10, 2022

**ACTION BY GOVERNOR:** Signed March 28, 2022

## House Bill 4667

### Prohibition on county, city, or municipality restrictions on advanced air mobility aircraft

House Bill 4667 creates two new sections within the Economic Development Act.

In §5B-2-18, the bill creates the West Virginia Uncrewed Aircraft Systems Advisory Council in the Department of Economic Development. It provides for membership, duties, and expense reimbursement.

In §5B-2-18a, the bill requires uncrewed aircraft system operators to comply with applicable federal law and Federal Aviation Administration regulations. It preempts political subdivisions enacting ordinances regarding ownership or operation of advanced air mobility aircraft or advanced air mobility system and preempts political subdivisions from otherwise regulating uncrewed aircraft systems, advanced air mobility aircraft, and aircraft mobility systems. It provides that an ordinance, whether enacted before or after the effective date of this new statute, is void to the extent it violates this provision. Lastly, the bill defines the terms “advanced air mobility aircraft” and “advanced air mobility system”.

**CODE REFERENCE:** West Virginia Code §5B-2-18 and §5B-2-18a – new

**DATE OF PASSAGE:** March 12, 2022

**EFFECTIVE DATE:** June 10, 2022

**ACTION BY GOVERNOR:** Signed March 30, 2022

## House Bill 4668

### Relating to air bag fraud

Current law prohibits a person knowingly installing or reinstalling any object in lieu of an air bag other than an air bag approved for the vehicle. Violation of the section is a misdemeanor punishable by a fine of not less than \$1000 nor more than \$5000 or jailed for not more than one year. This bill updates the section to include definitions, prohibit counterfeit and nonfunctional air bags, establish more severe penalties, and create limited exceptions.

A person violating the provisions of the section remain guilty of a misdemeanor and are still punished with a fine of \$1000 to \$5000, confined for not more than one year, or both. If the violation results in serious bodily injury or death, however, the person is guilty of a felony and would be fined \$2500 to \$10,000, imprisoned for one to five years, or both fined and imprisoned. Violations are knowingly trading in counterfeit or nonfunctional air bags; knowingly trading in devices that cause a vehicle's diagnostic system to inaccurately indicate a functional air bag; or knowingly trading in a vehicle if the person knows the air bag does not comply with federal standards.

The section would not apply to sellers or employees who have no knowledge of the defective air bag. It also does not apply to individuals who disable an airbag in a passenger vehicle that is used exclusively for personal or who aide in disabling an airbag in passenger vehicle used exclusively for personal use. Provided, that the individual selling such a vehicle with the airbags disabled discloses in writing that the airbag in the vehicle is disabled. Furthermore, the section does not limit civil liability for a violator, nor does it create a duty of a seller to inspect the air bag.

**CODE REFERENCE:** West Virginia Code §17C-15-50 – amended

**DATE OF PASSAGE:** March 12, 2022

**EFFECTIVE DATE:** June 10, 2022

**ACTION BY GOVERNOR:** Signed March 30, 2022

## House Bill 4712

### Require the prompt enrollment in payment plans for costs, fines, forfeitures, restitution, or penalties in circuit court and magistrate court

Regarding the prompt enrollment in payment plans for costs, fines, forfeitures, restitution, or penalties in circuit court and magistrate court, this bill requires the prompt payment or enrollment in payment plans “upon the entry of the order assessing the costs, fines, forfeitures, restitution, or penalties” if an individual is not incarcerated. It provides that if an individual is incarcerated pursuant to a magistrate court order, he or she is required to enroll in a payment plan within 30 calendar days after their release (if not paid in full immediately).

The bill also mandates that if an individual is incarcerated pursuant to a circuit court order, he or she is required to enroll in a payment plan within 90 calendar days after their release (if not paid in full immediately). In addition, the bill mandates that all payments made pursuant to a plan be made within three years for the satisfaction of magistrate court orders and within five years for circuit court orders. The bill adds these same provisions for the costs, fines, forfeitures, restitution, or penalties issued by a municipal court and requires all payments to satisfy municipal court orders be made within three years.

**CODE REFERENCE:** West Virginia Code §8-10-2b, §50-3-2, §50-3-2a, §59-1-10, and §62-4-17 – amended

**DATE OF PASSAGE:** March 12, 2022

**EFFECTIVE DATE:** June 10, 2022

**ACTION BY GOVERNOR:** Signed March 30, 2022



## House Bill 4778

### **Permit banks to transact business with any one or more fiduciaries on multiple fiduciary accounts**

This bill amends current law governing banking institutions and services to allow banks to conduct business with any one of multiple fiduciaries on multiple fiduciary accounts. It would allow a bank to make a payment from a fiduciary account with multiple fiduciaries on request from, or at the direction of, any one or more of the fiduciaries on the account or accounts.

Definitions are established for a “fiduciary account” and “multiple-fiduciary account”.

A fiduciary account is defined as follows:

- an estate account for a decedent,
- an account established by one or more agents under a power of attorney or an existing account of a principal to which one or more agents under a power of attorney are added,
- an account established by one or more conservators,
- an account established by one or more committees,
- a trust account under a testamentary trust, or
- an account established pursuant to an attorney-client relationship.

This definition does not include a trust account.

A multiple-fiduciary account means a fiduciary account where more than one fiduciary is authorized to act.

**CODE REFERENCE:** West Virginia Code §31A-4-33 – amended

**DATE OF PASSAGE:** March 10, 2022

**EFFECTIVE DATE:** June 8, 2022

**ACTION BY GOVERNOR:** Signed March 28, 2022

## House Bill 4779

### **Permit banks the discretion to choose whether to receive deposits from other banks, savings banks, or savings and loan associations when arranging for the re-deposits of county, municipal, and state funds**

This bill provides banks the option to receive a reciprocal deposit from other banks, savings bank, or savings and loan associations when coordinating re-deposits of county, municipal, state, and county board of education funds, while still protecting public funds.

**CODE REFERENCE:** West Virginia Code §7-6-2, §8-13-22a, §12-1-4, and §18-9-6 – amended

**DATE OF PASSAGE:** March 11, 2022

**EFFECTIVE DATE:** June 9, 2022

**ACTION BY GOVERNOR:** Signed March 28, 2022

# House Bill 4785

## Relating to judicial vacancies

House Bill 4785 amends provisions of the state Election Code which govern the process for filling vacancies occurring in offices of certain state officials and the judiciary. The changes to this section specifically pertain to the length of the unexpired term which triggers an election to fill the remainder of a term for a vacancy in the judiciary.

In subsection (b), the bill increases the length of the unexpired term which triggers a subsequent election to fill the remainder of a term for a judicial vacancy on the Supreme Court of Appeals, Intermediate Court of Appeals, a circuit court, or a family court from two to three years. The bill provides that this change is applicable to any such vacancy existing at passage.

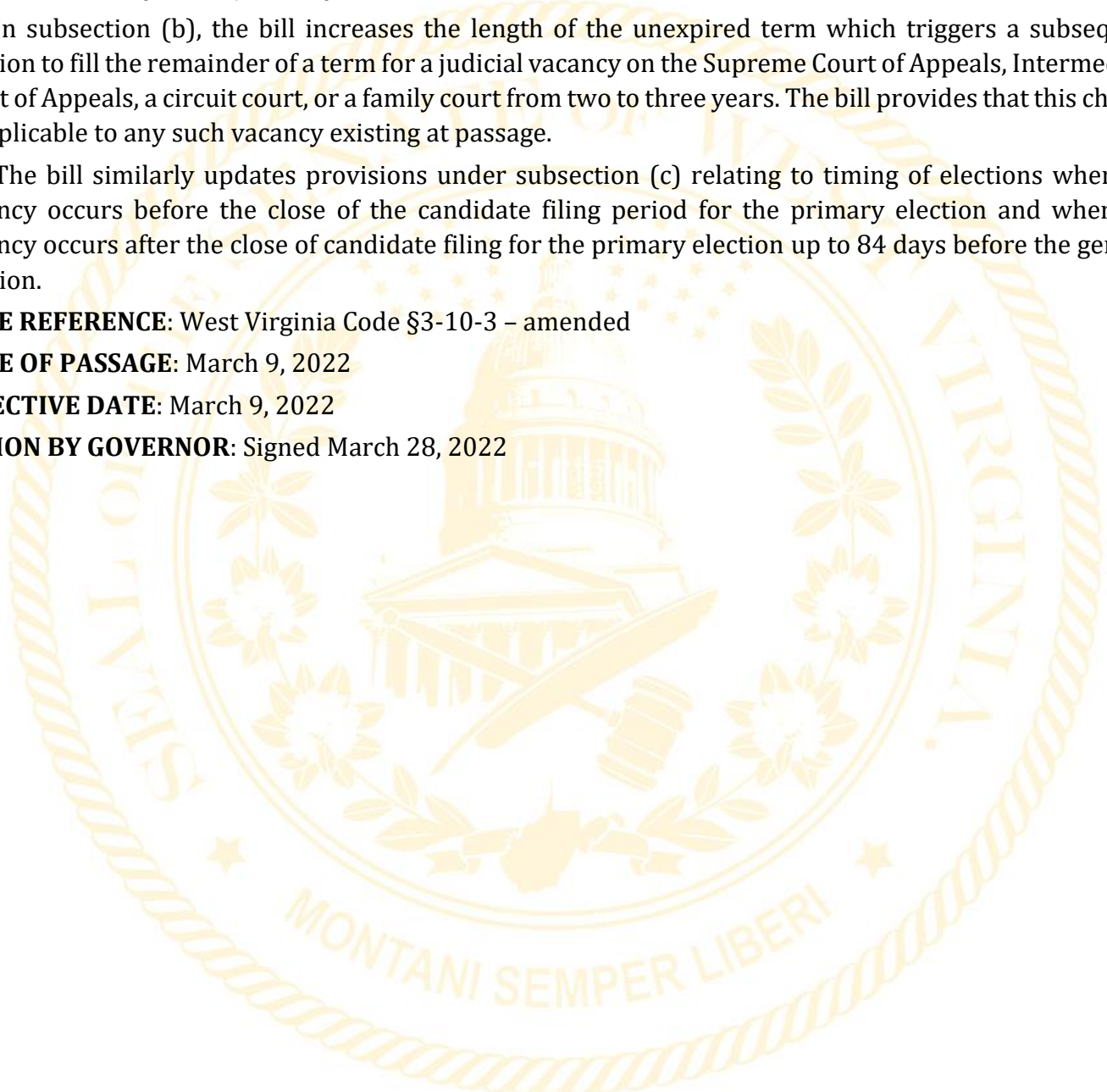
The bill similarly updates provisions under subsection (c) relating to timing of elections when the vacancy occurs before the close of the candidate filing period for the primary election and when the vacancy occurs after the close of candidate filing for the primary election up to 84 days before the general election.

**CODE REFERENCE:** West Virginia Code §3-10-3 – amended

**DATE OF PASSAGE:** March 9, 2022

**EFFECTIVE DATE:** March 9, 2022

**ACTION BY GOVERNOR:** Signed March 28, 2022



# House Bill 4787

## Creating the Highly Automated Motor Vehicle Act

This bill creates the Fully Autonomous Vehicle Act and permits vehicles with automated systems to operate on West Virginia roadways and highways.

The Society of Automotive Engineers recognizes five levels of driving automation.

- Level 0 – No Driving Automation (but includes emergency braking and blind spot warnings);
- Level 1 (Driver Assistance – would include adaptive cruise control where the vehicle keeps a safe distance behind a car);
- Level 2 (Partial Driving Automation – sometimes referred to as Advanced Driver Assistance Systems (ADAS) and would include things such as Tesla’s current Autopilot system and Cadillac’s Super Cruise;
- Level 3 (Conditional Automation – is not currently operational in the U.S. market, but will have “environmental detection” whereby various driver assistance systems and artificial intelligence make decisions based on changing driving situations around the vehicle);
- Level 4 (Level 4 vehicles can intervene if things go wrong or there is a system failure, but humans can still manually override the vehicle); and
- Level 5 (Full Driving Automation where no human attention is required).

A “fully autonomous vehicle” is defined as a motor vehicle equipped with an automated driving system designed to function without a human driver as a level 4 or 5 system under the Society of Automotive Engineers (SAE) driving automation level system.

### Fully Autonomous Vehicles Without Human Drivers

A fully autonomous vehicle on the public roads of this state may be operated without a human driver provided that the automated driving system (ADS) is engaged and the vehicle meets a number of conditions including operating in compliance with motor vehicle safety laws and federal safety standards. Prior to operating a fully autonomous vehicle without a human driver, a person shall submit a law enforcement interaction plan that describes, among other things, the communication with a fleet support specialist and how the vehicle could be safely removed from the road and towed.

### Operation of a Fully Autonomous Motor Vehicle With an ADS by a Human Driver

A person may operate a motor vehicle equipped with an ADS capable of performing the entire dynamic driving task (DDT) if:

- Such ADS will issue a request to intervene (i.e., notify the human driver that they should promptly begin or resume performance of part or all of the dynamic driving task) whenever the ADS is not capable of performing the entire DDT with the expectation that the person will respond appropriately to such a request; and
- The ADS is capable of being operated in compliance with the applicable provisions of and regulations promulgated under this article, unless an exemption has been granted by the Department of Transportation or the National Highway Traffic Safety Administration

Nothing in the Act prohibits or restricts a human driver from operating a fully autonomous vehicle equipped with controls that allow for the human driver to control all or part of the DDT.

## **Operation of Fully Autonomous Commercial and Motor Carrier Vehicles**

A fully autonomous vehicle that is a commercial vehicle or a motor carrier vehicle requiring a CDL may operate pursuant to state and federal laws governing the operation of commercial motor vehicles, except that any provision that by its nature reasonably applies only to a human driver does not apply to such a vehicle operating with the ADS engaged. This section does not apply to a school bus.

### **On-Demand Autonomous Motor Vehicle Networks**

An on-demand autonomous motor vehicle network shall be permitted to operate pursuant to State laws governing the operation of transportation network companies, taxis, or any other ground transportation for-hire of passengers, with the exception that any provision of such laws that reasonably applies only to a human driver would not apply to the operation of fully autonomous vehicles with the ADS engaged on an on-demand autonomous vehicle network.

### **Platooning**

“Platooning” refers to a situation when no more than three fully autonomous vehicles are traveling in concert pursuant to a pre-determined written travel plan that identifies the vehicles and proposed route. Platoons have the following restrictions:

- A maximum of three vehicles shall be in a platoon;
- Vehicles in a platoon shall travel only on limited access highways or interstate highways, unless otherwise permitted by the Department or the West Virginia Division of Highways;
- The department or the West Virginia Division of Highways may restrict movement under this section for operational or safety reason, including, but not limited to, emergency conditions; and
- Consistent with applicable Federal and State laws, the lead vehicle in a platoon may operate with a driver and non-lead vehicles may operate with an ADS engaged, with or without a driver.

Plan for general platoon operations. A person may operate a platoon on a highway of this State if the person files and reviews a plan for general platoon operations with the department. The department shall review the plan in consultation with the West Virginia State Police and the West Virginia Division of Highways, as applicable. Non-lead vehicles in a platoon shall not be subject to violations of this code relating to following too closely. Each vehicle in a platoon must be marked with a visual identifier and the State shall establish the criteria and placement of the visual identifier. The WV Department of Transportation shall be the lead state agency on fully autonomous vehicle

### **Duties Following Crashes Involving Fully Autonomous Vehicles**

In the event of a crash:

- The fully autonomous vehicle shall remain at the scene of the crash when required by State law consistent with its capability under §17H-1-5; and
- The owner of the fully autonomous vehicle, or a person on behalf of the vehicle owner, shall promptly report any crashes or collisions consistent with §17C-4-1, et seq.

### **Fully Autonomous Vehicles Are Not Exempt From State Laws Pertaining to Ownership**

Whether traveling individually or in a platoon, fully autonomous vehicles, are not exempt from any other laws or regulations applicable to the ownership and operation of any non-fully autonomous vehicle in this state.

## **Fully Autonomous Vehicle Equipment Standards**

A fully autonomous vehicle that is designed to be operated exclusively by an ADS for all trips is not subject to motor vehicle equipment laws or regulations of this State that relate to or support motor vehicle operation by a human driver seated in the vehicle and which are not relevant for an ADS.

## **Licensing, Titling, and Registration of a Fully Autonomous Vehicle**

When an automated driving system (ADS) installed on a motor vehicle is engaged:

- The ADS is considered the driver or operator, for the purpose of assessing compliance with applicable traffic or motor vehicle laws and shall be deemed to satisfy electronically all physical acts required by a driver or operator of the vehicle; and
- The ADS is considered to be licensed to operate the vehicle.

A fully autonomous vehicle shall be properly registered in accordance with the laws of this state.

If a fully autonomous vehicle is registered in this state, the vehicle shall be identified on the registration as a fully autonomous vehicle. The requirements under this article relating to exhibiting a driver's license and registration card are satisfied if the license and vehicle registration card are in the fully autonomous vehicle physically or electronically, and available for inspection by a police officer.

## **Insurance**

Before operating a fully autonomous motor vehicle on public roads in this state without a human driver, a person shall submit proof of financial responsibility satisfactory to the Department of Motor Vehicles that the fully autonomous vehicle is covered by insurance or proof of self-insurance that satisfy the applicable laws of this state.

**CODE REFERENCE:** West Virginia Code §17H-1-1 through §17H-1-15 – new

**DATE OF PASSAGE:** March 12, 2022

**EFFECTIVE DATE:** June 10, 2022

**ACTION BY GOVERNOR:** Signed March 30, 2022

## House Bill 4826

### Relating to e-sports

This bill amends the West Virginia Lottery Sports Wagering Act to allow licensed gaming facilities in this state to accept wagers on e-sports events. An e-sports event is defined as “leagues, competitive circuits, tournaments or similar competitions where individuals or teams play video games, typically for spectators, either in-person or online, for the purpose of prizes money, or entertainment”.

**CODE REFERENCE:** West Virginia Code §29-22D-3 – amended

**DATE OF PASSAGE:** March 12, 2022

**EFFECTIVE DATE:** June 10, 2022

**ACTION BY GOVERNOR:** Became Law Without Governor's Signature

## House Bill 4827

### Relating to the promotion and development of public-use vertiports

House Bill 4827 creates a new article under the Economic Development Act called the “Promoting Public-Use Vertiports Act”.

Section 1 establishes the state’s policy of promoting development of a network of vertiports and avoiding vertiport monopolization or discrimination.

Section 2 defines the term “vertiport”.

Section 3 provides that the new article applies to any vertiport that is available for public use by any advanced air mobility operator authorized by the U.S. Department of Transportation or Federal Aviation Administration to engage in passenger and/or cargo services in scheduled or non-scheduled service in or affecting interstate commerce.

Section 4 requires covered vertiports to comply with FAA rules and advisory circulars regarding vertiport design and performance characteristics and requires vertiports to submit a vertiport layout plan to the FAA for approval.

Section 5 preempts political subdivisions from exercising zoning and land use authority to grant or permit exclusive rights to one or more vertiport owners or operators and requires political subdivisions to use their authority to promote reasonable access to advanced air mobility operators at public-use vertiports within their jurisdiction.

Section 6 clarifies that the new article is intended to supplement federal law regarding design, construction, operations, or maintenance of a vertiport designed or constructed under certain federal grants and provides that provisions of the article which conflict with or are preempted by federal law are void.

**CODE REFERENCE:** West Virginia Code §5B-2K-1 through §5B-2K-6 – new

**DATE OF PASSAGE:** March 12, 2022

**EFFECTIVE DATE:** March 12, 2022

**ACTION BY GOVERNOR:** Signed March 28, 2022

## House Bill 4847

### Relating to missing persons generally

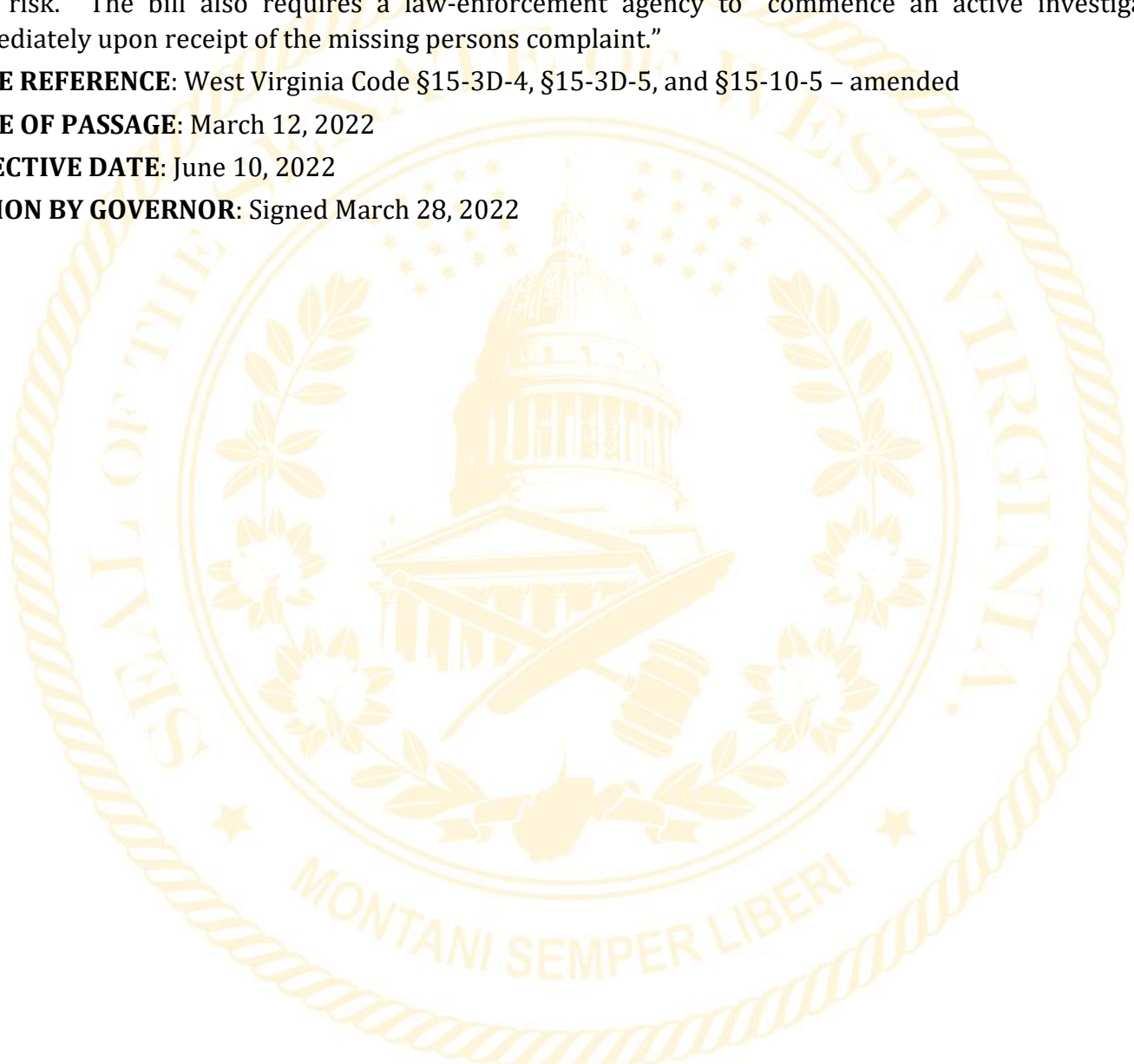
This bill requires that, as soon as practicable, the information obtained regarding a missing person is to be turned over to the WV State Police who has discretion to monitor and assist in the investigation. It also allows the State Police to supervise the investigation at the request of the lead law-enforcement agency or if the available evidence supports a conclusion that the missing person may have left the county from which he or she went missing. The bill makes clear that a missing individual over 75 years old involves high risk. The bill also requires a law-enforcement agency to “commence an active investigation immediately upon receipt of the missing persons complaint.”

**CODE REFERENCE:** West Virginia Code §15-3D-4, §15-3D-5, and §15-10-5 – amended

**DATE OF PASSAGE:** March 12, 2022

**EFFECTIVE DATE:** June 10, 2022

**ACTION BY GOVERNOR:** Signed March 28, 2022



# House Bill 4848

## Relating to nonintoxicating beer, wine and liquor licenses

The purpose of this bill is to modify laws relating to beer, wine, and alcohol by adding new licensees and making other technical corrections.

The bill increases the \$5 cap on the convenience fee to \$20 and removes requirements relating to a scanned stored image of a driver's license or other legal identification when making delivery. However, the law still requires the delivery driver to verify that the person is at least 21 years of age before giving alcohol to the person.

The bill reduces from 300 feet to 200 feet the distance a private club licensee must be from a church or school. The 200-foot restriction may be waived by a church, college or university but not a K-12 school. Additionally, the bill clarifies that licensees are not required to bag alcoholic liquors but are instead permitted to use anything else or simply carry the purchase out of the store. The bill requires Class A licensees to provide notice to the commissioner when planning to hold a sampling event. In addition, the bill increases the minimum markup from 110 percent to 115 percent. The bill also creates new licenses for a private bakery, a private cigar shop, a private college sports stadium, a private food truck, and to permit mini bars in hotels or resort hotels.

The bill continues a reduction to licensing fees to one-third of what those fees are listed as due to the ongoing issues relating to the Covid pandemic. Fees will be two-thirds of their total amount in 2023 and will return to the full amount in 2024. Additionally, the bill permits a licensed entity that is in good standing with the commissioner be authorized to obtain a license for events such as fairs and festivals and provides for those conditions. The bill also permits authorizing wine growler sales to produce a frozen alcoholic beverage like wine slushies.

The bill also authorizes the Commissioner to divest the state of its interest in liquors produced by the Russian Federation and authorizes the Commissioner to auction any liquors to the highest bidder. The proceeds of the sale will be paid to a recognized charity providing assistance to the Ukrainian people. The provisions of this new section will expire three years from the effective date of this section or whenever the Governor lifts this requirement, whichever is earlier.

**CODE REFERENCE:** West Virginia Code §60-7-17 – repealed; §11-16-6d, §11-16-6f, §11-16-8, §60-3A-3a, §60-3A-3b, §60-3A-17, §60-4-22, §60-4-23, §60-6-24, §60-7-2, §60-7-6, §60-7-8a, §60-7-8f, §60-8-6c, §60-8-6e, §60-8-6f, and §61-8-27 – amended; §11-16-5a, §60-1-3a, §60-3-26, and §60-7-2a – new

**DATE OF PASSAGE:** March 12, 2022

**EFFECTIVE DATE:** June 10, 2022

**ACTION BY GOVERNOR:** Signed March 30, 2022



# Finance



# Senate Bill 1

## Creating Mining Mutual Insurance Company

This bill created the Mining Mutual Insurance Company. This provides a safety net to coal operators who have experienced difficult financial hardships to comply with the Surface Coal Mining Reclamation Act by giving them an option to obtain performance bonds to assure proper reclamation.

The bill has a short title and an extensive list of legislative findings. It also defines necessary terms. It creates a domestic, private, nonstock corporation owned by the policyholders. It is not a governmental entity and is responsible for its own debts and obligations and its funds are not part of the state's general revenue funds. Since it is not a governmental entity it is not subject to the open proceedings act or the Freedom of Information Act. It would be subject to premium taxes set out in Chapter 33 of the Code.

The bill provides for a board of directors to govern the operation of the company. There shall initially be a provisional board and the bill provides for their qualifications to serve and the manner in which they are appointed. Upon filing of the articles of incorporation the officers and directors shall be selected pursuant to the provisions of those articles. Terms of office are set forth in the bill.

The board of directors is given contracting authority to enter into contracts with licensed insurers, health service plans, insurance service organizations, third-party administrators, brokerage firms or other entities with suitable qualifications to administer the affairs of the company. Any such contract is subject to competitive bidding and must be filed with the Insurance Commissioner.

The company would be subject to regulation by the Insurance Commissioner. They must file their charter and bylaws and apply for a license. The Commissioner is required to act on these documents within 15 days. The Commissioner has the power and authority to:

- Determine the initial capital and surplus requirements;
- Monitor economic viability; and
- Waive other requirements imposed on mutual insurance companies.

The company has 40 months to comply with the capital and surplus requirements.

A special revenue account is created to receive moneys transferred from the Department of Environmental Protection. Within 30 days of the effective date of this act, the Treasurer with the cooperation of the Department of Environmental Protection shall transfer \$50,000,000 into the fund. Thirty days following this transfer these funds shall be transferred to the Mining Mutual as initial capital and surplus. This shall be seen as a noninterest loan and paid back as reclamation activities are completed.

Additional funds may be transferred into the special revenue account from time to time with approval of the Insurance Commissioner when capital is needed by the Mutual Mining Company. These funds will be transferred to the company within 30 days and shall be considered a noninterest loan and paid back.

Once approved to conduct business, the company may issue nonassessable policies of performance bonds. Participation is optional and the provisions of West Virginia Code related to corporations' law and insurance law are applicable if they are not in conflict with the provisions of this act.

**CODE REFERENCE:** West Virginia Code §33-61-1 through §33-61-10 – new

**DATE OF PASSAGE:** March 12, 2022

**EFFECTIVE DATE:** March 12, 2022

**ACTION BY GOVERNOR:** Signed March 28, 2022

# Senate Bill 250

## Budget Bill

This bill appropriates all public monies out of the state treasury for the Fiscal Year starting July 1, 2023 (Fiscal Year 2023).

This bill appropriates:

- \$4,635,701,389 out of General Revenue funds, this total includes claims against the state;
- \$1,495,255,013 out of the State Road funds, this total includes claims against the state;
- \$2,001,383,914 in Special Revenue spending authority, this total includes claims against the state;
- \$134,145,880 out of Lottery funds;
- \$300,652,000 out of Excess Lottery funds;
- \$8,941,564,394 in Federal spending authority;
- \$998,789,094 in Federal Block Grant spending authority;
- \$793,370,787 in General Revenue surplus;
- \$19,850,000 in Lottery surplus; and
- \$ 17,000,000 in excess lottery surplus

For a total appropriation of \$ 19,334,712,471.

**CODE REFERENCE:** N/A

**DATE OF PASSAGE:** March 12, 2022

**EFFECTIVE DATE:** March 12, 2022

**ACTION BY GOVERNOR:** Signed March 18, 2022. The Governor disapproved of one item, #409 in the amount of \$265,000,000.

## Senate Bill 262

### Relating generally to financial institutions engaged in boycotts of energy companies.

This legislation created a new code section which allows the State Treasurer to publish and maintain a list, known as the “Restricted Financial Institution List,” of all financial institutions that are engaged in boycotts of energy companies.

Subsection (a) of the bill is definitional and includes a definition for the term “boycott of energy companies.” The definition of “boycott” explicitly excludes actions taken for reasonable business purposes from its purview. A financial institution’s inclusion on the list may make it ineligible to enter banking contracts with the State of West Virginia. The Treasurer would be authorized to decide whether a financial institution’s actions meet the definition of a “boycott of energy companies.” There is also a definition of “reasonable business purpose.”

The Treasurer would be authorized to rely on publicly available information regarding financial institutions, including public statements by a company, information published or provided by nonprofit organizations, research firms, international organizations, and other state or federal government entities. The Treasurer may not solely rely on statements or complaints of an energy company or media reports as a basis for inclusion on the list.

If a financial institution as defined in subsection (a) of this new section is engaging in a boycott of energy companies, as that term is defined in subsection (a) of this new section, then the Treasurer may add it to the list of restricted financial institutions. The Treasurer is required to post the list on his office’s website and submit copies of the list to the Governor, the President of the Senate, and the Speaker of the House of Delegates. In addition, the Treasurer is required to update the list annually, or more often as the Treasurer deems necessary. The Treasurer must also send written notice 45 days in advance to any financial institution added to the list informing the entity of their restricted banking status and provide a mechanism for a financial institution to be removed from the list if the institution demonstrates that it is not engaged in a boycott of energy companies. The financial institution has 30 days following receipt to demonstrate they are not engaged in a boycott.

Additionally, the Treasurer is authorized to disqualify restricted financial institutions from the competitive bidding process or from any other official selection process for state banking contracts. The Treasurer may also require, as a term of any banking contract, an agreement by the financial institution not to engage in a boycott of energy companies for the duration of the contract.

Financial institutions are not required to disclose anything confidential, privileged, or protected from disclosure from state or federal law.

Finally, the bill provides a limitation against liability for any agency, public official, public employee, or financial institution that acts in accordance with the new section.

**CODE REFERENCE:** West Virginia Code §12-1-15 – new

**DATE OF PASSAGE:** March 12, 2022

**EFFECTIVE DATE:** June 10, 2022

**ACTION BY GOVERNOR:** Became Law Without Governor’s Signature

## **Senate Bill 443**

### **Including police and firefighters as electors of trustees for certain pension funds**

This bill allows retired police officers and firefighters may now be included as electors of trustees for certain pensions funds, particularly for funds closed after January 1, 2010, and April 1, 2011, in accordance with §8-22-20(e) and §8-22-20(f).

**CODE REFERENCE:** West Virginia Code §8-22-18 – amended

**DATE OF PASSAGE:** March 11, 2022

**EFFECTIVE DATE:** June 9, 2022

**ACTION BY GOVERNOR:** Signed March 23, 2022

## **Senate Bill 448**

### **Developing policies and procedures for Statewide Interoperability Executive Committee**

This bill expanded the authority and duties of the Statewide Interoperability Executive Committee for the Statewide Interoperable Radio Network (SIRN) by allowing the committee to revoke, suspend, or modify an entity's use of the SIRN and its equipment. It also requires the committee to provide guidance and services supporting the proper cleansing of any decommissioned radios previously connected to the SIRN. Finally it mandates that the committee develop a recycling program for two-way telecommunications equipment in order to allow redistribution, reuse, or sale of that equipment, once properly cleansed. That program would not apply to any such equipment processed by the Office of Technology.

Any moneys received from the sale of recycled and cleansed equipment would be deposited into the already-existing SIRN special revenue account.

**CODE REFERENCE:** West Virginia Code §15-14-6 – amended; and §15-14-9 – amended

**DATE OF PASSAGE:** March 7, 2022

**EFFECTIVE DATE:** June 5, 2022

**ACTION BY GOVERNOR:** Signed March 23, 2022

## **Senate Bill 450**

### **Updating definitions of WV Personal Income Tax Act**

This bill was the annual tax update, and it updated the West Virginia personal income tax to make it conform to federal tax code.

**CODE REFERENCE:** West Virginia Code §11-21-9 – amended

**DATE OF PASSAGE:** February 14, 2022

**EFFECTIVE DATE:** February 14, 2022

**ACTION BY GOVERNOR:** Signed February 21, 2022

## **Senate Bill 451**

### **Updating definitions of WV Corporation Net Income Tax Act**

This purpose of this bill would be to update the state's corporate net income tax law to bring terms in conformity to federal law.

**CODE REFERENCE:** West Virginia Code §11-21-9 – amended

**DATE OF PASSAGE:** February 11, 2022

**EFFECTIVE DATE:** February 11, 2022

**ACTION BY GOVERNOR:** Signed February 16, 2022

## **Senate Bill 476**

### **Relating to imposition of minimum severance tax on coal**

This bill corrects a cross reference regarding the severance tax rate on “thin seam” coal. The correction is made by removing any reference to a specific subsection within the cross-referenced section. The bill defines “thin seam” coal identically as it is defined in §13A-3(g)(1). That definition provides: “mined by underground methods from seams with an average thickness of 45 inches or less.”

**CODE REFERENCE:** West Virginia Code §11-12B-3 – amended

**DATE OF PASSAGE:** March 10, 2022

**EFFECTIVE DATE:** March 10, 2022

**ACTION BY GOVERNOR:** Became Law Without Governor's Signature

## **Senate Bill 478**

### **Relating to Neighborhood Investment Program**

This bill eliminated the annual reporting requirement of persons who claim the Neighborhood Investment Program. Current law requires that this be reported annually in the State Register. This credit is infrequently claimed, and the reporting is a cumbersome process to ensure that confidential tax information is not inadvertently disclosed. The elimination of the reporting requirement would promote efficiency and ensure privacy of taxpayer confidential information. The elimination of the reporting requirement would be effective January 1, 2022.

**CODE REFERENCE:** West Virginia Code §11-13J-10 – amended

**DATE OF PASSAGE:** March 10, 2022

**EFFECTIVE DATE:** March 10, 2022

**ACTION BY GOVERNOR:** Signed March 23, 2022

## **Senate Bill 487**

### **Relating to Revenue Shortfall Reserve Fund and Revenue Shortfall Reserve Fund – Part B**

This bill changes the formula which the Department of Revenue uses to determine the amount of surplus revenue to be transferred into the Revenue Shortfall Reserve Fund (Rainy Day A) at the end of a fiscal year. The bill raises the threshold percentage of General Revenue appropriations required in the Revenue Shortfall Reserve Fund to trigger a transfer of surplus at the end of a given fiscal year from 13% to 20%. The bill also includes the balances of both Revenue Shortfall Reserve Funds when calculating the total to trigger a General Revenue surplus transfer.

**CODE REFERENCE:** West Virginia Code §11B-2-20 – amended

**DATE OF PASSAGE:** March 12, 2022

**EFFECTIVE DATE:** June 10, 2022

**ACTION BY GOVERNOR:** Signed March 30, 2022

## **Senate Bill 515**

### **Supplementing and amending appropriations of public moneys to Department of Administration, Public Defender Services**

This supplemental appropriation appropriates \$20,000,000 from the unappropriated surplus balance in General Revenue and appropriates it to the Department of Administration, Public Defender Services fund in the following manner:

- \$200,000 for Unclassified – surplus;
- \$1,810,000 for Public Defender Corporations – surplus; and
- \$17,990,000 for Appointed Counsel Fees – surplus.

**CODE REFERENCE:** N/A

**DATE OF PASSAGE:** March 7, 2022

**EFFECTIVE DATE:** March 7, 2022

**ACTION BY GOVERNOR:** Signed March 15, 2022

## **Senate Bill 517**

### **Expiring funds from unappropriated balance in State Excess Lottery Revenue Fund**

This supplemental appropriation expires \$22,500,000 from the unappropriated surplus in the State's Excess Lottery Fund to the unappropriated surplus balance of the State's General Revenue Fund.

**CODE REFERENCE:** N/A

**DATE OF PASSAGE:** March 7, 2022

**EFFECTIVE DATE:** March 7, 2022

**ACTION BY GOVERNOR:** Signed March 15, 2022

## Senate Bill 522

### Combining offices of WV State Americans with Disabilities Act and WV Equal Employment Opportunity

The bill combines the West Virginia State Americans with Disabilities Act Office and the West Virginia Equal Employment Opportunity Office into the “State of West Virginia Office of Equal Opportunity.” This office will be housed within the Department of Administration and directed by the newly created “State Equal Opportunity Coordinator.” The subject matter scope of the office includes the Americans with Disabilities Act, Title VII of the Civil Rights Act, the Equal Pay Act of 1963, the Age Discrimination in Employment Act, the Civil Rights Act of 1991, the Rehabilitation Act, and the Genetic Information Nondiscrimination Act.

The coordinator will:

- Advise the Director of Personnel on compliance issues,
- Create rules and standards relating to the investigation and resolution of discrimination complaints,
- Develop statewide compliance programs,
- Provide EEO and ADA training,
- Represent the state on committees and panels related to EEO and ADA,
- Advise the Governor and agency heads on EEO and ADA matters,
- Consult with state equal employment opportunity officers on the hiring of persons with disabilities,
- Inspect state owned and leased properties for ADA compliance, and
- Report annually on the office.

**CODE REFERENCE:** West Virginia Code §5A-1-11 – amended

**DATE OF PASSAGE:** March 8, 2022

**EFFECTIVE DATE:** June 6, 2022

**ACTION BY GOVERNOR:** Signed March 23, 2022

## Senate Bill 525

### Expiring funds from unappropriated balance in Lottery Net Profits

This supplemental appropriation expires \$125,000 from the unappropriated surplus in the State’s Lottery Fund to the unappropriated surplus balance of the State’s General Revenue Fund.

**CODE REFERENCE:** N/A

**DATE OF PASSAGE:** March 7, 2022

**EFFECTIVE DATE:** March 7, 2022

**ACTION BY GOVERNOR:** Signed March 15, 2022



## **Senate Bill 526**

### **Supplementing and amending appropriations to Department of Commerce, Office of Secretary**

This supplemental appropriation first, creates a Directed Transfer – Surplus appropriation within Department of Commerce -Office of the Secretary item, second, appropriates \$500,000 from the unappropriated General Revenue surplus balance to the newly created appropriation and finally directs these funds to the Marketing and Communications Operating Special Revenue Fund within the Department of Commerce.

**CODE REFERENCE:** N/A

**DATE OF PASSAGE:** March 7, 2022

**EFFECTIVE DATE:** March 7, 2022

**ACTION BY GOVERNOR:** Signed March 15, 2022

## **Senate Bill 527**

### **Supplementing and amending appropriations to Department of Administration, Office of Technology**

This supplemental appropriation first, creates a new item within the Department of Administration, General Revenue Section of the FY 2022 budget, entitled Office of Technology. Second, creates a new Directed Transfer -Surplus appropriation within this new entity. Third, appropriates \$2,000,000 from the unappropriated General Revenue surplus balance to the newly created appropriation. Finally, directs these funds to the Office of Technology – Chief Technology Officer Administration Fund within the Department of Administration.

**CODE REFERENCE:** N/A

**DATE OF PASSAGE:** March 7, 2022

**EFFECTIVE DATE:** March 7, 2022

**ACTION BY GOVERNOR:** Signed March 15, 2022

## **Senate Bill 528**

### **Supplementing and amending appropriations to DHHR, Consolidated Medical Services Fund**

This supplementary appropriation bill would create a new item of appropriation in Department of Health and Human Resources – Consolidated Medical Services Fund for Line 7 – Institutional Facilities Operations – Surplus. The bill would also appropriate \$15,625,000 to that line from the unappropriated surplus balance of the State Fund, General Revenue.

**CODE REFERENCE:** N/A

**DATE OF PASSAGE:** March 11, 2022

**EFFECTIVE DATE:** March 11, 2022

**ACTION BY GOVERNOR:** Signed March 18, 2022

# Senate Bill 530

## Encouraging public-private partnerships in transportation

This bill addresses public-private partnerships (P3's) for public transportation facilities, such as roads, bridges, and tunnels. The primary intent of the bill is to improve the P3 proposal and implementation process to further encourage such partnerships.

It eliminated the restriction on use of the state road fund for P3 proposals. The bill added language authorizing the Department of Highways (DOH) to rank P3 proposals it has solicited for a project, allowing the commissioner to modify those rankings, and permitting the commissioner to authorize DOH to enter into an agreement with the highest-ranked developer. At least 60 days before execution of the agreement, a copy must be provided to the Joint Legislative Oversight Commission on Department of Transportation Accountability. Failure to enter into an acceptable agreement with the highest-ranked developer allows the commissioner to authorize entry into an agreement with the next-highest-ranked developer. Before entry into a comprehensive agreement resulting from an unsolicited proposal, the commissioner must find, in writing, that the agreement serves the public purpose and is in the best interest of the state.

The bill broadened the DOH's power of condemnation and further modifies the DOH's remedies upon developer default. SB530 also exempts P3 projects from the bidding requirements of the Fairness in Competitive Bidding Act, W. Va. Code §5-22-1 et seq.

The bill allows a P3 developer to be paid the state portion of the severance tax on coal extracted during project construction. The tax would be paid by the developer and held in escrow by the DOH commissioner. It would be paid to the developer only upon satisfactory completion of the project and fulfillment of all obligations to the project and the state.

**CODE REFERENCE:** West Virginia Code §17-27-3; §17-27-4; §17-27-5; §17-27-7; §17-27-8; §17-27-9; §17-27-11; §17-27-13; §17-27-14; §17-27-15; §17-27-16 – amended; §11-13A-6b – new

**DATE OF PASSAGE:** March 12, 2022

**EFFECTIVE DATE:** June 10, 2022

**ACTION BY GOVERNOR:** Signed March 30, 2022

## Senate Bill 531

### Increasing annual salaries of certain state employees

The bill increases the annual salaries of members of the West Virginia State Police, public school teachers and public-school service personnel beginning July 1, 2022, in the salary schedules set forth in statutes, as follows:

- For public professional educators and professional student support personnel (collectively, “teachers”), \$2,240 increase in annual pay (based on 200 days per year contract)
- For public school service personnel – \$122 (increase in monthly pay)
- For members of the State Police and certain Civilian Forensic Lab Personnel – \$10,000 increase in annual pay

The above reflects that public school teachers and public-school service personnel will effectively be given an across-the-board pay raise equal to approximately 5% of the average of their respective group’s aggregate salaries.

**CODE REFERENCE:** West Virginia Code §15-2-5, §18A-4-2, and §18A-4-8a – amended

**DATE OF PASSAGE:** March 10, 2022

**EFFECTIVE DATE:** July 1, 2022

**ACTION BY GOVERNOR:** Signed March 28, 2022

## Senate Bill 533

### Relating to funding for health sciences and medical schools in state

This bill relates to funding sources for health sciences and medical schools at the state’s three medical schools. It eliminates the provision that the proceeds of the sales tax on soda be dedicated exclusively for the construction, maintenance, and operation of a medical, dental, and nursing school at West Virginia University. Those funds would not be deposited into the state’s general revenue fund. Effective July 1, 2024, the soft drink tax would be repealed.

To alleviate the gap this would create in the health sciences budget at West Virginia University funds from the Insurance Premium Tax would be dedicated at the same level the University was receiving from the soda tax. That amount would be \$14,000,000. In addition, the Medical School at Marshall University would receive dedicated funds in the amount of \$5,500,000 the amount of their annual appropriation and the West Virginia School of Osteopathic Medicine would receive dedicated funds in the amount of \$3,900,000. These amounts represent the current level of appropriation in the state budget for the two institutions.

There is a provision in the bill that specifies that the Legislature may dedicate additional funding if they so choose. These dedicated funds are not meant to limit any additional appropriation.

**CODE REFERENCE:** West Virginia Code §11-19-2 and §33-3-14b – amended; §11-19-13 – new

**DATE OF PASSAGE:** March 12, 2022

**EFFECTIVE DATE:** July 1, 2022

**ACTION BY GOVERNOR:** Signed March 30, 2022

## Senate Bill 546

### Expanding uses of fees paid by students at higher education institutions

This bill updates the projects for which fees and other charges to students at the state's institutions of higher education may be used. The bill would allow these fees and charges to also be used to support information technology projects in addition to the list of current acceptable uses set forth in code.

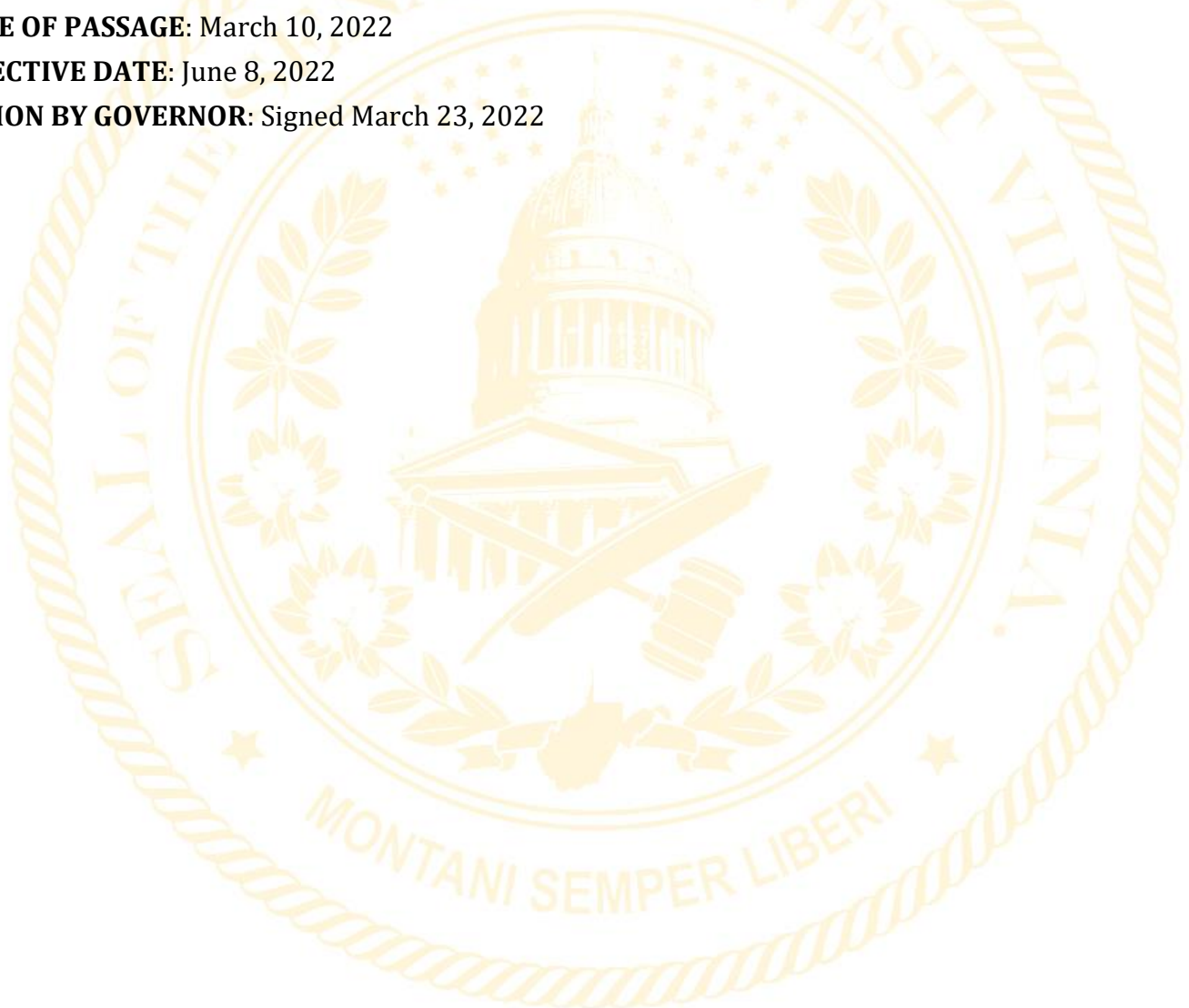
The bill further allows up to 50% of an institutions tuition revenue to fund projects related to interest in land, construction of new building, modifications to existing buildings, the purchase of furnishing and equipment for buildings and the cost of information technology projects. The use of these funds for information technology is new, the others are existing law.

**CODE REFERENCE:** West Virginia Code §18B-10-1c – amended and §18B-10-8 – amended

**DATE OF PASSAGE:** March 10, 2022

**EFFECTIVE DATE:** June 8, 2022

**ACTION BY GOVERNOR:** Signed March 23, 2022



## Senate Bill 571

### Declaring certain claims to be moral obligations of state

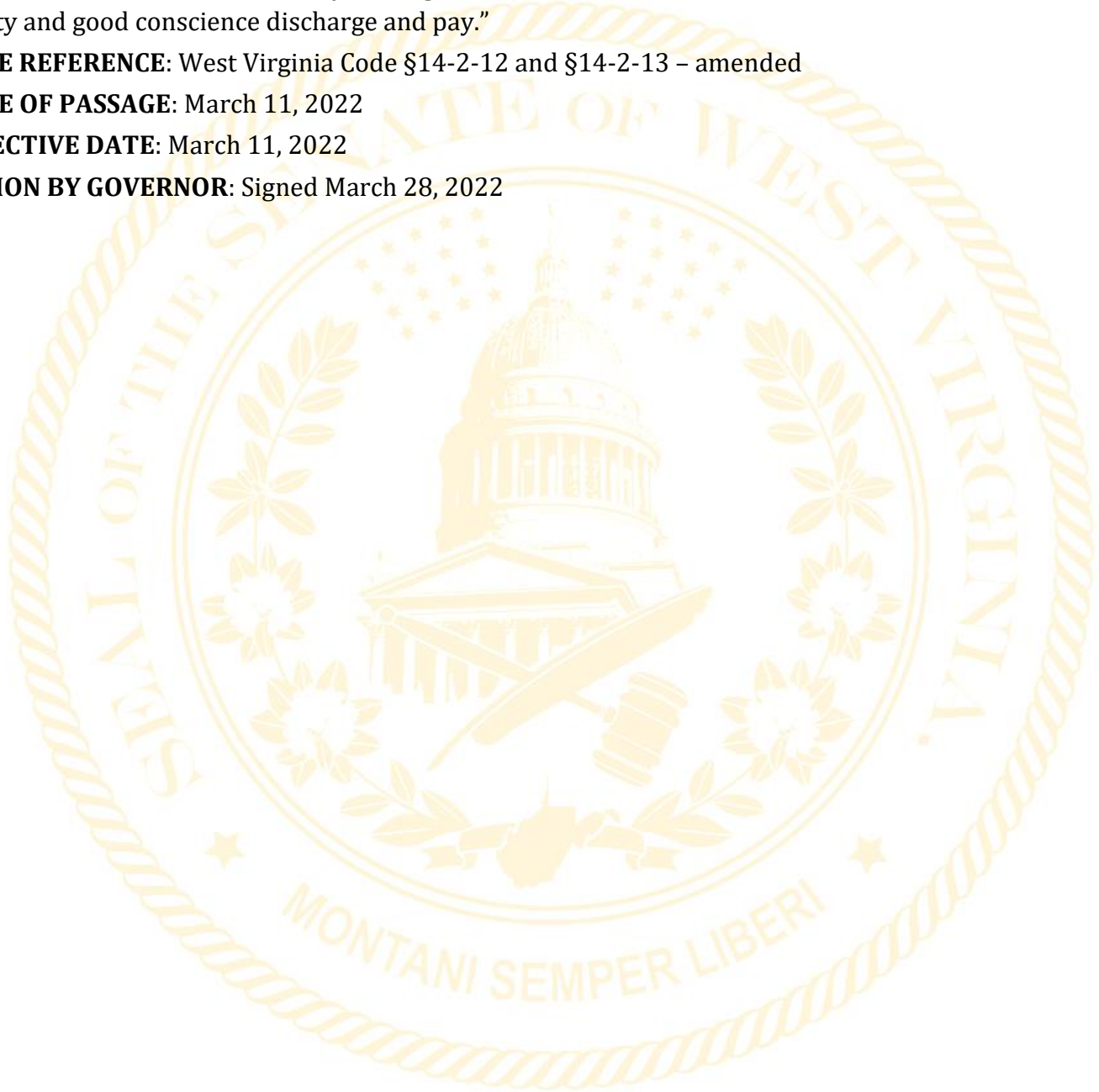
This bill directs payment of moral obligations of state agencies, approved by the West Virginia Legislative Claims Commission. These are for claims against the State which, but for the constitutional immunity of the State from suit, or other legal restriction, could be maintained in the regular courts of this State and have been determined by the Legislative Claims Commission to be those that the State “should in equity and good conscience discharge and pay.”

**CODE REFERENCE:** West Virginia Code §14-2-12 and §14-2-13 – amended

**DATE OF PASSAGE:** March 11, 2022

**EFFECTIVE DATE:** March 11, 2022

**ACTION BY GOVERNOR:** Signed March 28, 2022



# Senate Bill 582

## Creating WV Workforce Resiliency Act

This bill created a new article in Chapter 29 (Misc. Boards and Officers) named the West Virginia Workforce Resiliency Act.

The first new section under this article names and describes the purpose of the act; which is to establish an office within the Office of the Governor to coordinate workforce development, job training, education, and related programs and initiatives across agencies and entities of the state.

The second new section established the West Virginia Workforce Resiliency Office with the following criteria:

- The office will be organized within the Governor's office; The WV Workforce Resiliency Officer is appointed by the Governor with advice and consent from the Senate; The WV Workforce Resiliency Officer has the authority and duties prescribed under this new article; The WV Workforce Resiliency Officer shall have managerial or strategic planning experience in matters relating to workforce development, job training, and related fields.

The third new section described both the Office's and the Officer's authority and duties. These include coordination with various state entities and agencies such as:

- Workforce West Virginia; Department of Economic Development; Department of Commerce; DHHR; Department of Tourism; Higher Education Policy Commission; WVU; Marshall; WV Economic Development Authority; and, Other miscellaneous public and private parties as the Officer deems necessary.

The Office and Officer is otherwise empowered to work to develop, implement, and manage programs and initiatives to accomplish the purpose of this article, and to advise the Governor regarding all matters related to workforce development. Finally, the Office and Officer is to propose opportunities for legislative changes to accomplish said goals.

The fourth and final section of the Act pertains to employees of the Office, who are to be hired, administered, and managed by the WV Workforce Resiliency Officer.

These employees:

- Are exempt from both the classified services category and the classified-exempt services category under §29-6-4; Contingent upon receipt of necessary federal and/or state funds; Employed at-will; Not entitled to make use of the state grievance procedure (because they are at-will); Allowed to participate in PEIA, PERS, workers' comp and unemployment comp programs; Required to execute surety bonds (includes WV Workforce Resiliency Officer); and, salaries of these employees will be determined by WV Workforce Resiliency Officer.

**CODE REFERENCE:** West Virginia Code §29-33-1 through §29-33-4 – new

**DATE OF PASSAGE:** March 12, 2022

**EFFECTIVE DATE:** June 10, 2022

**ACTION BY GOVERNOR:** Signed March 30, 2022

## Senate Bill 584

### Relating to WV Infrastructure and Jobs Development Council

This bill relates to funding from the Infrastructure Fund. These funds are used to make loans, loan guarantees, or grants to finance all or part of the costs of water or wastewater facility projects.

This bill makes the following substantive changes:

- Current code requires funding assistance from the Infrastructure Fund be on a pro rata basis divided equally among the congressional districts. The bill would eliminate that pro rata funding requirement.
- Current code limits the amount of moneys disbursed from the fund in the form of a grant to no more than 25% of the total amount available for funding projects, but authorizes the Infrastructure and Job Development Council (IJDC) to convert up to 30% of funds available for loans be used for grants, if the amount available for grants is below \$150,000. This bill would authorize this conversion if the amounts available for grants is below \$1,000,000 at the beginning of any month.
- Current code limits the amount of funding assistance that may be provided to all project sponsors to defray the expenses of the preapplication process to \$500,000 annually. The bill would increase that to \$1,300,000 annually.
- Current law authorizes the IJDC to have up to \$4 million per congressional district transferred into the Critical Needs and Failing Systems Sub Account of the Infrastructure Fund on June 30 of each year. The bill would authorize the IJDC to have up to \$12 million transferred without regard to congressional district.
- Current code authorizes the IJDC to make a loan or grant from the Critical Needs and Failing Systems Sub Account when the IJDC determines that a project will address a critical immediate need by providing extensions to a water or wastewater facility that will add customers with a total cost of less than \$1 million. The bill would increase the total cost limitation to less than \$2 million provided that a person or government agency shall pay any overage not to exceed 10% of the total project cost.

**CODE REFERENCE:** West Virginia Code §31-15A-10 and §31-15A-17c – amended

**DATE OF PASSAGE:** March 11, 2022

**EFFECTIVE DATE:** June 9, 2022

**ACTION BY GOVERNOR:** Signed March 23, 2022

## **Senate Bill 624**

### **Making supplementary appropriation to DHHR, Division of Health, Laboratory Services**

This supplemental appropriation increases special revenue spending authority within the Department of Health and Human Resources – Division of Health – Laboratory Services Fund, current expenses appropriation by \$1,093,531.

**CODE REFERENCE:** N/A

**DATE OF PASSAGE:** March 10, 2022

**EFFECTIVE DATE:** March 10, 2022

**ACTION BY GOVERNOR:** Signed March 18, 2022

## **Senate Bill 625**

### **Making supplementary appropriation to DHHR, Division of Health, Vital Statistics Account**

This supplemental appropriation increases special revenue spending authority within the Department of Health and Human Resources – Division of Health – Vital Statistics Account, in the following manner:

- Personal Services and Employee Benefits appropriation by \$108,000; and
- Current Expenses appropriation by \$800,000

For a total of \$908,000.

**CODE REFERENCE:** N/A

**DATE OF PASSAGE:** March 10, 2022

**EFFECTIVE DATE:** March 10, 2022

**ACTION BY GOVERNOR:** Signed by Governor March 18, 2022, this bill included one line-item veto, an incorrect appropriation code was used for Current Expenses.

## **Senate Bill 626**

### **Supplementing, amending, and increasing existing items of appropriation from State Road Fund to DOT, DMV**

This supplemental appropriation increases road fund spending authority within the Division of Motor Vehicles in the following manner:

- Personal Services and Employee Benefits – \$8,450,000; and
- Current Expenses – \$69,000

Total spending authority granted in this supplemental \$8,519,000

**CODE REFERENCE:** N/A

**DATE OF PASSAGE:** March 7, 2022

**EFFECTIVE DATE:** March 7, 2022

**ACTION BY GOVERNOR:** Signed March 15, 2022



## **Senate Bill 627**

### **Supplementing, amending, and increasing existing item of appropriation from State Road Fund to DOT, DOH**

This supplemental appropriation increases road fund spending authority within the Division of Highways, general operations appropriation by \$21,200,000 for fiscal year 2022.

**CODE REFERENCE:** N/A

**DATE OF PASSAGE:** March 7, 2022

**EFFECTIVE DATE:** March 7, 2022

**ACTION BY GOVERNOR:** Signed March 15, 2022

## **Senate Bill 628**

### **Supplementing and amending appropriations to Department of Commerce, DNR**

This supplemental appropriates \$1,184,162 from the unappropriated balance of general revenue for the fiscal year 2022 to the Department of Commerce, Division of Natural Resources in the following manner:

- Personal Services and Employee Benefits – \$184,162; and
- Capital Outlay – Parks – \$1,000,000

**CODE REFERENCE:** N/A

**DATE OF PASSAGE:** March 7, 2022

**EFFECTIVE DATE:** March 7, 2022

**ACTION BY GOVERNOR:** Signed March 15, 2022

## **Senate Bill 629**

### **Supplementing and amending appropriations to Department of Education, WV BOE, Vocational Division.**

This supplemental appropriates \$214,800 from the unappropriated balance of general revenue for the fiscal year 2022 to the Department of Education, State Board of Education, Vocational Division, Jobs and Hope appropriation.

**CODE REFERENCE:** N/A

**DATE OF PASSAGE:** March 7, 2022

**EFFECTIVE DATE:** March 7, 2022

**ACTION BY GOVERNOR:** Signed March 15, 2022

## **Senate Bill 630**

### **Supplementing and amending appropriations to Higher Education Policy Commission, Administration – Control Account**

This supplemental appropriates \$400,683 from the unappropriated balance of General Revenue for the fiscal year 2022 to the Higher Education Policy Commission, Administration, Control Account, Facilitates Planning and Administration appropriation.

**CODE REFERENCE:** N/A

**DATE OF PASSAGE:** March 7, 2022

**EFFECTIVE DATE:** March 7, 2022

**ACTION BY GOVERNOR:** Signed March 15, 2022

## **Senate Bill 633**

### **Supplementing and amending appropriations to DHHR, Consolidated Medical Services Fund.**

This supplemental appropriates \$10,000,000 from the unappropriated balance of General Revenue for the fiscal year 2022 to the Department of Health and Human Resources, Consolidated Medical Services Fund, Institutional Facilitates Operations appropriation.

**CODE REFERENCE:** N/A

**DATE OF PASSAGE:** March 7, 2022

**EFFECTIVE DATE:** March 7, 2022

**ACTION BY GOVERNOR:** Signed March 18, 2022

## **Senate Bill 634**

### **Making supplementary appropriation to DHHR, Division of Health – Hospital Services Revenue Account Special Fund Capital Improvement, Renovation and Operations**

This supplemental appropriation increases special revenue spending authority within the Department of Health and Human Resources – Division of Health – Hospital Services Revenue Account, Special Fund, Capital Improvement, Renovation and Operations, Institutional Facilities Operations appropriation by \$16,000,000.

**CODE REFERENCE:** N/A

**DATE OF PASSAGE:** March 7, 2022

**EFFECTIVE DATE:** March 7, 2022

**ACTION BY GOVERNOR:** Signed March 18, 2022

## **Senate Bill 636**

### **Supplementing and amending appropriations to Department of Revenue, Office of Tax Appeals**

This supplemental appropriates \$74,816 from the unappropriated balance of General revenue for the fiscal year 2022 to the Department of Revenue, West Virginia Office of Tax Appeals, Current Expenses appropriation.

**CODE REFERENCE:** N/A

**DATE OF PASSAGE:** March 7, 2022

**EFFECTIVE DATE:** March 7, 2022

**ACTION BY GOVERNOR:** Signed March 15, 2022

## **Senate Bill 637**

### **Supplementing and amending appropriations to Executive, Governor's Office – Civil Contingent Fund**

This supplemental appropriates \$15,000,000 from the unappropriated balance of general revenue for the fiscal year 2022 to the Governor's Contingent Fund, Local Economic Development Assistance appropriation.

**CODE REFERENCE:** N/A

**DATE OF PASSAGE:** March 7, 2022

**EFFECTIVE DATE:** March 7, 2022

**ACTION BY GOVERNOR:** Signed March 15, 2022

## Senate Bill 656

### Providing tax credit for certain corporations with child-care facilities for employees

This bill would allow qualified employers to claim a tax credit for providing childcare services. The bill has an extensive list of definitions. Many are standard definitions in tax code. Specific to this credit are a number of terms including “employer provided”, “qualified childcare property”, and “recapture event”. A recapture event is an occurrence that would result in all, or any portion of the tax credit being recaptured, disallowed or invalidated. For purposes of this bill, it is the disposition of childcare property by the taxpayer. The bill contains a schedule of percentages that will be recaptured based upon the number of years the qualified property is placed in service.

The credit is allowed in the first year the childcare property is placed in service. The allowable credit is 50% of the cost of all qualified childcare property for five years claimed at the rate of 20% per year. There are carry forward provisions allowing the credit to be carried forward for three years from the close of a tax year. There is also a provision that would limit the credit when combined with other credits to 50% of the taxpayer’s liability.

A schedule is required to be attached to the taxpayer’s return that describes the facility, lists the amount of property acquired and its costs, the tax credit claimed, the amount of qualified property acquired in prior years, any carryover amount, the amount of the credit utilized in the current year, any amount to be carried forward to subsequent years, and a description of any recapture events.

Based upon the recapture schedule set forth in the definitions section, the bill provides for the means for recapture that allows for a reduction of any carryover amount and a reduction in the actual credit. In addition to the credit for operating a childcare, any employer who sponsors childcare for their employees, may also claim a credit equal to 100% of the costs to the employer minus any amounts by employees. Employers are required to certify names of employees, names of childcare providers, and any other information necessary to assure the credit is properly applied.

The bill would also amend an existing provision of code (§11-21-71) to allow employers that provide child care for their employees that are 1) non-profits who don’t pay income tax; and 2) to allow business entities that don’t pay corporate net income tax, but for whose activities personal income are paid, to receive a tax credit against the income tax paid by their employees each paycheck that the employer sends on to the State Tax Department, referred to as their withholdings.

Finally, the Tax Commissioner is granted rulemaking authority, including emergency rulemaking authority to effectuate the provisions of the new section.

**CODE REFERENCE:** West Virginia Code §11-21-97 and §11-24-44 – new

**DATE OF PASSAGE:** March 12, 2022

**EFFECTIVE DATE:** June 10, 2022

**ACTION BY GOVERNOR:** Signed March 30, 2022

## Senate Bill 686

### Clarifying use of notes and bonds of WV Housing Development Fund

The bill related to the WV Housing Development Fund (WVHDF). It made the following substantive changes to current code:

- Current law authorizes the WVHDF to borrow money and issue bonds or notes as evidence of such borrowing. Notes are limited to a maturity of no more than 10 years. This bill would extend that maturity to no more than 20 years. It likewise would extend the maturity of renewal notes from no more than 10 to no more than 20 years.
- There is clarification on the limitations on a loan made or purchased with the proceeds of notes or bonds of the Housing Development Fund.
- The related note or bond has received an investment grade rating from a nationally recognized bond-rating agency;
- All payments of principal of an interest on a loan, note or bond are the subject of credit enhancement that is a senior obligation of a bank, national bank, trust company, savings bank, savings and loan association, insurance company, US governmental agency, Federal National Mortgage Association, or Federal Home Loan Mortgage Corporation;
- Permanent financing is in full force and effect to be drawn upon to pay all unpaid amounts prior to the issuance of a note or bond;
- The note or bond is fully cash-collateralized; or
- The note or bond is a mortgage finance bond.
- Authorized the WVHDF to allocate a portion of its state ceiling allocation to a political subdivision or city or county housing authority upon such terms and conditions as its Board deems reasonable and desirable. If any allocated portion is not used, the WVHDF will use its authorized carryforward as to those portions.

**CODE REFERENCE:** West Virginia Code §31-18-6 and §31-18-9 – amended

**DATE OF PASSAGE:** March 12, 2022

**EFFECTIVE DATE:** March 12, 2022

**ACTION BY GOVERNOR:** Signed March 30, 2022

# Senate Bill 694

## Relating to oil and gas conservation

This bill allows for unitization of mineral interests for the purpose of horizontal well drilling for oil and gas.

The bill defines necessary terms and makes necessary stylistic changes to recognize horizontal drilling in West Virginia. It also modifies the composition of the Oil and Gas Conservation Commission. Currently, there are five members, this bill would add a seventh member. In addition to two ex officio members who are the Director of the EPA and the Chief of the Office of Oil and Gas, there is an independent producer, a public who is not a member of the PSC or FERC and an engineer or geologist with oil and gas experience. The two new members would be someone with agricultural or farming experience and a resident mineral owner.

There is a declaration of public policy and legislative intent which encourages horizontal drilling. It also prohibits waste of oil and gas resource and unnecessary use of the surface. It encourages the maximum recovery of oil and gas and to protect the property rights of surface owners and agricultural users.

The bill establishes an application process for proceeding with shallow or deep horizontal well drilling. The application is filed with the Commission. Prior to filing any application an applicant must have:

- Obtained consent of at least 75% of the royalty owners in the unit to pool or unitize.
- Obtained consent of at least 75% of the operators for shallow well unit (this would include Marcellus) and 55% of the operators for deep well units (this would include Utica).
- Made good faith offers and negotiated in good faith with all known and locatable royalty owners and operators.

Once these conditions are met, the operator is deemed to have control of the unit and may file an application. There are factors for the Commission to consider in determining if the operator has the requisite control. If the Commission finds the applicant has not met the necessary requirements the application is dismissed without prejudice. If the application is complete, the Commission will authorize the unitization of the tracts for horizontal drilling. This includes unknown and unlocatable interest owners.

The bill sets out an application process and requires certain documents to be included with the application. These include:

- A description of the project including the target formations.
- Contemplated operations.
- A plat depicting the boundaries and acreage of the proposed horizontal well unit.
- A list of all oil and gas tracts within the horizontal well unit.
- Names and last known addresses of royalty owners, including if they are unknown or unlocatable.
- Names of operators or proposed horizontal well unit target formation acreage including if any are unknown or unlocatable.
- A description of the actions taken to identify and locate unknown and unlocatable owners.
- The percentage of the net acreage in the proposed well unit owned by executory interest royalty owners.
- The percentage of the acreage in the proposed well unit held by bonded operators.
- A percentage allocation of the separately owned tracts or portions thereof in the unit.
- A certificate that the applicant is deemed to have control of the unit.
- Statement that the necessary permits have been applied for the DEP.

- A joint operating agreement governing the contractual relationship between the applicant and any unleased royalty owners following an election by the executory interest to participate in the unit.

Following receipt of an application the Commission is required to schedule a hearing and provide notice to all interested parties. The bill contains a number of factors for the Commission to consider. These include:

- Ownership control of the tracts or portions thereof.
- Whether the tracts are owned in whole or in part by unknown or unlocatable owners.
- The information provided to locate the unknown or unlocatable owners.
- The percentage of executory interest royalty.
- The percentage of acreage held and bonded by operators.
- Whether the applicant controls the proposed well unit.
- The area to be drained by the horizontal well unit.
- Correlative rights.
- The extent the applicant will prevent waste.
- Whether the action has met all of the requirements to be deemed in control of the unit.
- Whether notice has been provided to all necessary parties.
- Whether the applicant demonstrated the intent and ability to drill all wells proposed in the unit.

Upon review, the Commission shall enter a Horizontal Well Unit Order. The order must include:

- The size and boundaries of the horizontal well unit but in no instance shall it exceed 640 acres unless to do so would make draining the well unit more efficient and economical. A horizontal well unit containing one or more shall wells may not contain more than 128 net acres controlled by nonconsenting royalty owners.
- A description of the wells to be drilled and whether they are shallow or deep.
- If vertical wells exist in the area, the area where the where horizontal wells may not be completed.
- Target formation(s) where the well unit applies.
- Any unit consideration due.
- If there are unknown or unlocatable interest owners a finding that identifies them as such.
- The allocation of the percentage of production in the horizontal well unit are in proportion to each tract's net acreage within the unit.
- Authorization and perfection of the unitization of all interests in the target formation.
- Authorize the creation of a unit and drilling and operation of one or more horizontal wells.
- Provide for consideration to nonconsenting royalty owners in an amount equal to 25% of the weighted average monetary bonus amount on a net mineral acre basis and a royalty percentage equal to 80 percent of the weighted average production percentage rounded.
- Provide that the applicant, royalty owners, and owners of leasehold, working interest, overriding royalty interest and other interest are bound by the order and consideration shall be paid to the extent of their interest in the well.

For interests where there is no lease in existence there are three options:

- Option 1: To surrender the interest or a portion thereof to the participating operators, including the applicant, to the extent of their interest and for a just compensation, which, if not agreed upon, shall be an amount equal to the weighted average amount paid to executive interest owners in 3rd party transaction for the acquisition of oil and gas mineral rights in the same target formation.
- Option 2: They can have their interest considered leased for the following consideration:

- Bonus payments per net mineral acre equal to the weighted average monetary bonus paid. If the executive interest can show they made a good faith offer that was rejected and that the offer is less than or equal to the highest bonus paid on a net mineral basis for leases in the same target formation the bonus payment shall be the amount of the offer.
- A royalty percentage that is equal to the average royalty percentage within the unit with the option for the owner to show that a good faith offer was made and if the offer was lower than the highest paid royalty amount in the unit, they will receive the higher amount. Royalty owners can elect to be paid at an index price in effect at the beginning of each calendar month or the weighted average sale price.
- Option 3: To participate in the in the horizontal well unit.

If a nonconsenting owner does not make a timely election, he or she will be deemed to have opted for option two.

A non-consenting operator is permitted to participate after an application has been filed and who does not want to elect to participate in the risk and cost of drilling on a carried basis. A carried basis is This interest is paid, or carried, for the drilling and or completion costs as specified in the contract between the parties, by another working interest owner typically until casing point is reached, or through the tanks, meaning through completion of the well, as agreed upon contractually.

There are provisions to modify the order if the wells are not drilled and completed as provided in the initial order, to correct a clerical error. A modification requires a recalculation of the allocation production from the tracts. Moneys payable to unknown or unlocatable interest owners are required to be held in an escrow account. Horizontal well drilling orders shall expire if the well has not been drilled within three years of the entry of the order unless extended by the Commission. If the well has been drilled, they remain in full force and effect until the last well ceases production.

The bill provides for notice of hearings and directs the Commission to establish a website for publication of hearing notices, filed applications, and proposed unit plats. Upon request of an interested party, the Commission shall conduct a hearing on the application. Hearing requests must be received within fifteen days after notice of the application is posed on the Commission's website. If no timely request for a hearing is received, the Commission may issue a proposed unit order and provide a copy of the proposed unit order to all interested parties. Any interested party aggrieved by the order may appeal the proposed order to the Commission and request a hearing, which request must be made within fifteen days of the proposed order. If no timely request is received, the proposed order shall become final. If a hearing is timely requested, the hearing shall commence within 45 days of the issuance of the initial notice. The Commission must render their decision within 20 days of the hearing. The bill contains the required documents for the applicant to file in the event of a hearing. Parties are permitted to appear at hearings in person.

Ten days prior to any hearing the applicant must file with an independent, third-party attorney or accountant selected by the Commission the following:

- The prevailing economic terms of the leases with the unit including the best bonus payment per net mineral acres and production royalty rate.
- The prevailing amount amounts paid to executive interest royalty owners per net mineral acre.

The third party will review this information for accuracy and report back to the Commission:

- Weighted average monetary bonus paid per net mineral acre
- Weighted average production royalty percentage per net mineral acre



The fees for the third-party review are to be paid by the applicant. Additionally, there are provisions to mark portions of the report as confidential. All orders of the Commission are subject to judicial review. A unit order does not grant surface rights, and the commission's approval is required for additional drilling through the target formation. The bill has a provision that deep well horizontal unit applications filed prior to the effective date are grandfathered. Ones filed after the effective date are subject to the provisions of this section.

There is an opportunity for surface owners to acquire interest of unknown and unlocatable interest owners. The applicant is required to notify the person paying the taxes on the surface interest of the availability to acquire mineral interest. The applicant is required to provide information to the surface owner who may then petition the circuit court to perfect a conveyance of the mineral rights. All unknown and unlocatable interest owners are required to be joined as defendants. If a person claims to be a legitimate owner of the mineral rights and establishes such to the satisfaction of the court, the petition is required to be dismissed. If there are amounts awarded to unknown or unlocatable interest owners these amounts are paid into the Oil and Gas Reclamation Fund three years after the petition is filed unless unknown or unlocatable owner makes an appearance in the proceedings. The court may appoint a special commissioner to deliver a deed to the petition five years following the filing of the petition. Personal service or process is preferred via the Rules of Civil Procedure, but if this is not possible service may be by publication in a Class III legal advertisement pursuant to West Virginia Code. The petitioner is also required to file a lis pendens notice with the County Clerk. This is a legal notice that a legal action has been filed. That notice is required to contain:

- The names of the petition and defendants and their last known address.
- Details regarding the instrument creating the mineral rights and a description of the land.
- Source of the title of the last known owner of the mineral rights.
- A description of the consequences for not appearing i.e. transfers of the mineral rights within the next five years.

Notice is required to be sent certified mail to the last known address of the mineral rights owner(s).

If the court makes a finding conveying the mineral rights to the surface owner, the special commissioner is required to prepare a deed. The form of the deed is set out in the bill. Following entry of the deed the surface owner is entitled to receive all proceeds due and payable under the unit order. It is not necessary to join the applicant for a well unit order to the suit. There is a limitation of liability for funds due any unknown or unlocatable mineral interest owner by the operator when the operator pays the unknown or unlocatable mineral interest owner's portion into the Oil and Gas Reclamation Fund. Any petition must be filed within three years of notice given to the surface owners. Once the special commissioner's deed is filed unknown and unlocatable mineral interest owners may not bring an action to recover past or future proceeds due under the well unit order. If they establish to the court's satisfaction they are entitled to proceeds, they will only receive any amount payable from the date of their appearance forward. The operators and surface owners have no liability for any other amount paid.

The final section in the bill provides a severability clause.

**CODE REFERENCE:** West Virginia Code §22C-9-1 through §22C-9-5 – amended; §22C-9-7a – new

**DATE OF PASSAGE:** March 9, 2022

**EFFECTIVE DATE:** June 7, 2022

**ACTION BY GOVERNOR:** Signed March 30, 2022

## **Senate Bill 715**

### **Decreasing and increasing existing items of appropriations from State Fund, General Revenue**

This supplemental realigned funding between the Department of Economic Development and the Department of Commerce within the fiscal year 2022 budget. First, this supplemental decreased the Personal Services and Employee Benefits by \$686,550 and Current Expenses appropriation by \$121,300 within the Department of Economic Development, Office of the Secretary. Second it increased the same appropriations by the same amount within the Department of Commerce, Office of the Secretary. This supplemental has a net 0 impact on the FY 2022 budget.

**CODE REFERENCE:** N/A

**DATE OF PASSAGE:** March 10, 2022

**EFFECTIVE DATE:** March 10, 2022

**ACTION BY GOVERNOR:** Signed March 18, 2022

## **Senate Bill 716**

### **Supplemental appropriation to DOE, WV BOE, Strategic Staff Development**

This supplemental increased special revenue spending authority within the Department of Education, State Board of Education, Strategic Staff Development fund in the following manner:

- Unclassified – \$17,000
- Current Expenses – \$1,683,000

For a total spending authority increase of \$1,700,000

**CODE REFERENCE:** N/A

**DATE OF PASSAGE:** March 10, 2022

**EFFECTIVE DATE:** March 10, 2022

**ACTION BY GOVERNOR:** Signed March 18, 2022

## **Senate Bill 717**

### **Supplemental appropriation to Miscellaneous Boards and Commissions, Board of Medicine, Medical Licensing Board**

This supplemental appropriation increases special revenue spending authority within Miscellaneous Boards and Commissions, Board of Medicine, Medical Licensing Board Fund, Personal Services and Employee Benefits appropriation by \$75,000.

**CODE REFERENCE:** N/A

**DATE OF PASSAGE:** March 10, 2022

**EFFECTIVE DATE:** March 10, 2022

**ACTION BY GOVERNOR:** Signed March 18, 2022

## **Senate Bill 718**

### **Supplemental appropriation to Department of Administration, Travel Management, Aviation Fund**

This supplemental increases special revenue spending authority within the Department of Administration, Travel Management, Aviation Fund, Repairs and Alterations appropriation by \$400,000.

**CODE REFERENCE:** N/A

**DATE OF PASSAGE:** March 10, 2022

**EFFECTIVE DATE:** March 10, 2022

**ACTION BY GOVERNOR:** Signed March 18, 2022

## **Senate Bill 719**

### **Supplemental appropriation to DHS, Fire Commission, Fire Marshal Fees.**

This supplemental increases Special Revenue spending authority within the Department of Homeland Security, Fire Commission, Fire Marshall Fees, Current Expenses appropriation by \$400,000.

**CODE REFERENCE:** N/A

**DATE OF PASSAGE:** March 10, 2022

**EFFECTIVE DATE:** March 10, 2022

**ACTION BY GOVERNOR:** Signed March 18, 2022

## **Senate Bill 720**

### **Supplementing and amending appropriations to Executive, Governor's Office, Civil Contingent Fund**

The supplemental appropriates \$27,915,000 from the unappropriated balance of General Revenue for fiscal year 2022 to the Executive, Governor's Office, Civil Contingent Fund, Civil Contingent Fund – Total appropriation.

**CODE REFERENCE:** N/A

**DATE OF PASSAGE:** March 10, 2022

**EFFECTIVE DATE:** March 10, 2022

**ACTION BY GOVERNOR:** Signed March 18, 2022

## **Senate Bill 722**

### **Expiring funds to DEP, Division of Environmental Protection, Reclamation of Abandoned and Dilapidated Property Program Fund**

This supplemental expires \$10,000,000 from the Coronavirus State Fiscal Recovery Fund and transfers these funds to the Department of Environmental Protection, Division of Environmental Protection – Reclamation of Abandoned and Dilapidated Property Program Fund.

**CODE REFERENCE:** N/A

**DATE OF PASSAGE:** March 10, 2022

**EFFECTIVE DATE:** March 10, 2022

**ACTION BY GOVERNOR:** Signed March 18, 2022

## **Senate Bill 723**

### **Making supplementary appropriation to Department of Agriculture, WV Spay Neuter Assistance Fund**

These supplemental increases special revenue spending authority within the Department of Agriculture, West Virginia Spay Neuter Assistance Fund, current expenses appropriation by \$100,000.

**CODE REFERENCE:** N/A

**DATE OF PASSAGE:** March 10, 2022

**EFFECTIVE DATE:** March 10, 2022

**ACTION BY GOVERNOR:** Signed March 18, 2022

## **Senate Bill 724**

### **Making supplementary appropriation to DHS, Division of Corrections and Rehabilitation, Regional Jail and Correctional Facility Authority**

This supplemental appropriation increases special revenue spending authority within the Department of Homeland Security, Division of Corrections and Rehabilitation, Regional Jail and Correctional Facility Authority, Person services and Employee Benefits appropriation by \$1,370,735.

**CODE REFERENCE:** N/A

**DATE OF PASSAGE:** March 10, 2022

**EFFECTIVE DATE:** March 10, 2022

**ACTION BY GOVERNOR:** Signed March 18, 2022

## Senate Bill 725

### Supplementing and amending appropriations to DHS, WV State Police

This supplemental does not increase or decrease appropriations but adds budget language within the Department of Homeland Security, West Virginia State Police.

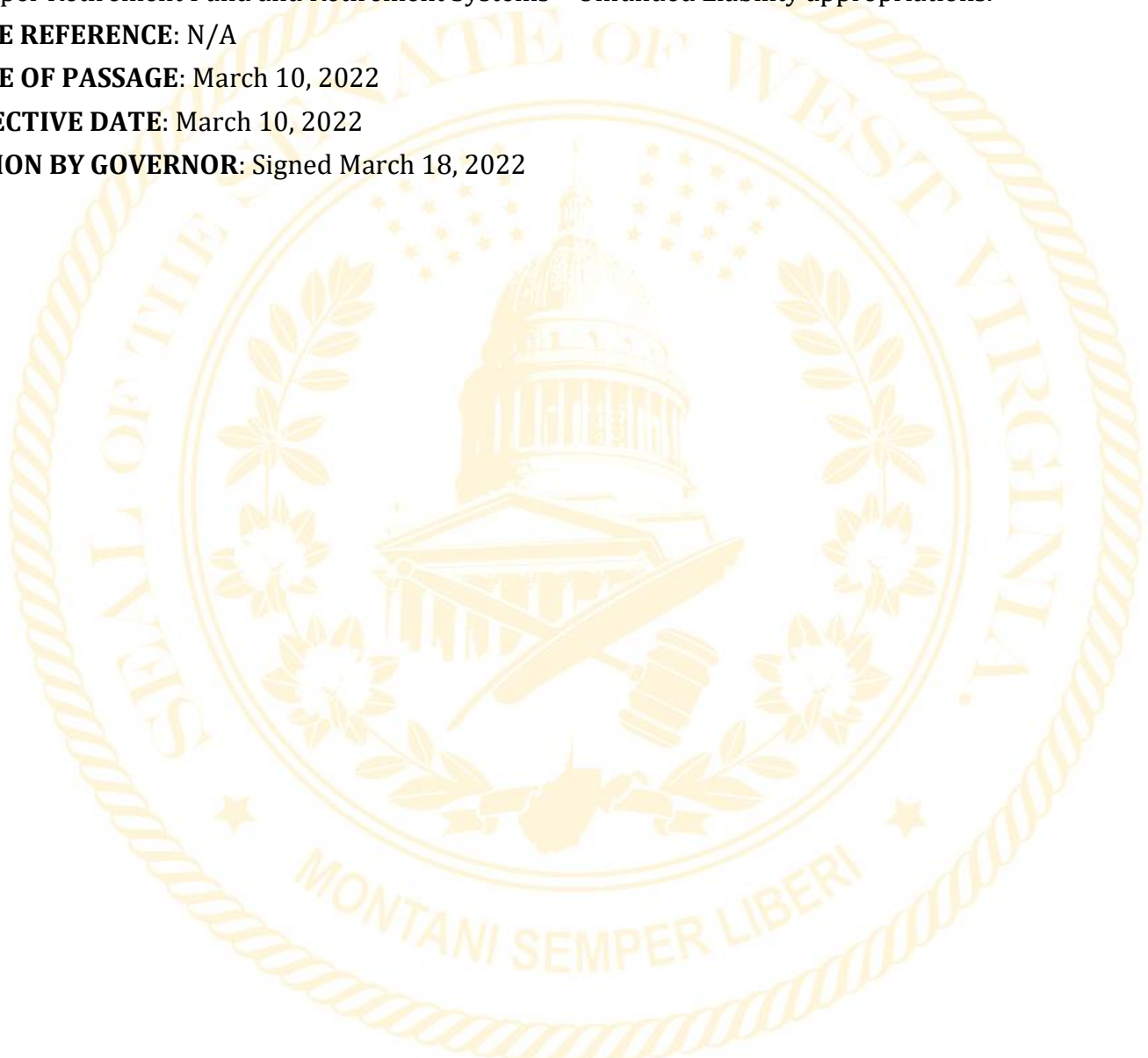
The budget language added reappropriates the Capital Outlay and Maintenance appropriation, as well language allowing the State Police the ability to transfer up to \$2,600,000 from any appropriation within their budgetary item to the Capital Outlay and Maintenance appropriation with the exceptions of the Trooper Retirement Fund and Retirement Systems – Unfunded Liability appropriations.

**CODE REFERENCE:** N/A

**DATE OF PASSAGE:** March 10, 2022

**EFFECTIVE DATE:** March 10, 2022

**ACTION BY GOVERNOR:** Signed March 18, 2022



# Senate Bill 729

## Relating to funding for infrastructure and economic development projects in WV

This bill eliminated the revolving loan from the Consolidated Fund to the Economic Development Authority and replaces it with a special revenue account at the Economic Development Authority. The purpose of the loan is to assist business industrial development. The new fund will assume that purpose with a \$600,000,000 from which the Economic Development Authority shall repay \$200,000,000 to the revolving loan within 30 days of receipt of the funds.

The bill also enables the Board of Treasury to loan up to \$200,000,000 from the Consolidated Fund to the Department of Transportation. These funds will be deposited into a special revenue account upon receipt of:

- A written request from the Secretary.
- A statement from the Secretary that the funds will be used for the requirements set out in the bill.
- Necessary documentation on the planned expenditures.

The funds are limited to use for projects funded pursuant to the Infrastructure Investment and Jobs Act (the Act). Upon reimbursement from the federal government pursuant to that Act, funds shall be transferred to the Consolidated Fund if the balance exceeds the amount required for expenditures authorized pursuant to the agreement with the federal government executed pursuant to the Act. Quarterly reporting to the Joint Committee on Government Finance is required. At the request of the Board of Treasury Investments, the Secretary is required to provide the opportunity to inspect the Department of Transportation records.

A second fund is created at the Economic Development Authority. This fund would finance high impact development projects which are projects approved for greater than \$50,000,000 by the Economic Development Authority, the enterprise privately invests \$50,000,000, and the project is anticipated to create greater than 200 jobs. The fund would consist of the remaining \$400,000,000 following the loan repayment to the Consolidated Fund and any interest or earnings accrued to the fund. These funds may be invested and reinvested.

Itemized records are required to be kept by the Authority and there is a requirement for an annual report to the Joint Committee on Government and Finance addressing the status of each project.

**CODE REFERENCE:** West Virginia Code §31-15-20 – repealed; §12-6C11 and §31-15-23a – amended; §12-6C-11b – new

**DATE OF PASSAGE:** March 12, 2022

**EFFECTIVE DATE:** March 12, 2022

**ACTION BY GOVERNOR:** Vetoed March 29, 2022

## **Senate Bill 731**

### **Making supplementary appropriation to Department of Tourism, Tourism Workforce Development Fund**

This supplemental appropriation creates a new budgetary item, Department of Tourism, Tourism Workforce Development fund, and increases federal spending authority in the Federal Coronavirus Pandemic appropriation within this new item, in the amount of \$5,148,017.

**CODE REFERENCE:** N/A

**DATE OF PASSAGE:** March 12, 2022

**EFFECTIVE DATE:** March 12, 2022

**ACTION BY GOVERNOR:** Signed March 18, 2022

## **Senate Bill 732**

### **Making supplementary appropriation to Hospital Finance Authority, Hospital Finance Authority Fund**

This supplemental creates a Personal Services and Employee Benefits appropriation within the Hospital Finance Authority Fund and increases the special revenue spending authority within this appropriation by \$10,000.

**CODE REFERENCE:** N/A

**DATE OF PASSAGE:** March 12, 2022

**EFFECTIVE DATE:** March 12, 2022

**ACTION BY GOVERNOR:** Signed March 18, 2022

## **Senate Bill 733**

### **Supplementing and amending appropriation to Executive, Governor's Office**

This supplemental realigns funds within the Governor's Office General Revenue item. First, the Current Expenses appropriation is decreased by \$10,000. Second, \$10,000 is appropriated to a new Equipment appropriation.

**CODE REFERENCE:** N/A

**DATE OF PASSAGE:** March 12, 2022

**EFFECTIVE DATE:** March 12, 2022

**ACTION BY GOVERNOR:** Signed March 18, 2022

## House Bill 2096

### Reinstating the film investment tax credit

This bill reinstates the film tax credit that was originally enacted in 2007 and discontinued in 2018. It would provide a credit for qualified projects which are defined in the bill as feature films, direct to video motion pictures, made for television movies, music videos, commercial still photography, a television pilot, series or mini-series that incurs a cumulative amount of \$50,000 in direct production expenses in a calendar year.

The credit would equal to 27% of direct production cost expended in West Virginia. State entities are excluded from the credit and the bill requires an eligible company who is performing a qualified project for a state entity to indicate on their proposal that they intend to claim the credit.

The Office of Economic Development Office is required to create a database of locations, music, and other resources which are available for use in film projects.

The credit is effective July 1, 2022, and will sunset on December 31, 2027.

**CODE REFERENCE:** West Virginia Code §11-13X-3 through §11-13X-5, §11-3X-7, §11-3X-8, and §11-3X-11 through 13 – amended

**DATE OF PASSAGE:** March 11, 2022

**EFFECTIVE DATE:** June 9, 2022

**ACTION BY GOVERNOR:** Signed March 28, 2022

## House Bill 2300

### Including Family Court Judges in the Judges' Retirement System

This bill allows Family Court Judges to become members of the Judges' Retirement System.

**CODE REFERENCE:** West Virginia Code §51-9-1a – amended

**DATE OF PASSAGE:** March 12, 2022

**EFFECTIVE DATE:** March 12, 2022

**ACTION BY GOVERNOR:** Vetoed March 30, 2022



## House Bill 2838

### **Authorize the ordering of restitution to the state for reimbursement of costs incurred for misuse of public funds, and to create the State Auditor's Public Integrity and Fraud Fund for use of said funds**

This bill pertains to restitution to the State Auditor for misfeasance, malfeasance, or nonfeasance by a public officer or employee. It allows a court to order reimbursement for the actual costs of auditing, investigation, or prosecution.

The bill creates a special revenue account known as the State Auditor's Public Integrity and Fraud Fund administered by the Auditor. It has the purpose of providing funding for investigation and auditing of suspected fraud. The fund shall consist of funds from the restitution ordered to be paid, and appropriation by the Legislature.

There is also a modification to a second special revenue account administered by the Auditor. This fund is the Public Utilities Tax Loss Restoration Fund. This fund is distributed quarterly on a proportionate basis to counties, districts, and municipalities that have lost assessed value from the prior year's assessment. Under current law, any balance on July 31 in excess of "one percent of gross revenues plus \$50,000" are transferred to the General Revenue Fund. The bill would require any balance at the end of each fiscal year in excess of "20 percent of the gross revenues from the special operating fund operations" be transferred to the General Revenue Fund. The bill would also add new language to allow the Auditor, through the State Treasurer, to invest the balance of this fund, and may use "the additional earning from investments" to "support any WV Code Section administered by the Auditor related to local government oversight or the general operations of the office."

A similar change is made to a special operating fund established within the Auditor's Office dealing with tax sales. Under current law, any balance at the end of each fiscal year in excess of \$100,000 would be transferred to the General School Fund. The bill would change that. As written, any balance at the end of each fiscal year in excess of "20 percent of the gross revenues from the special operating fund operations" would be transferred to the General School Fund. [Note: The General School Fund is a constitutionally established fund dedicated to support public education.]

**CODE REFERENCE:** West Virginia Code §6-9-8, §11-6-26, §11-6-27, and §11A-3-36 – amended

**DATE OF PASSAGE:** March 11, 2022

**EFFECTIVE DATE:** June 9, 2022

**ACTION BY GOVERNOR:** Signed March 28, 2022

## House Bill 3082

### Stabilizing funding sources for the DEP Division of Air Quality

This bill will stabilize funding sources for the Division of Air Quality within the Department of Environmental Protection. The Division of Air Quality operates from two accounts established in the State Treasury:

- The Air Pollution Education and Environment Fund, and
- The Air Pollution Control Fund.

The bill removed language governing these two funds which allows the transfer of excess funds to other accounts for other purposes. The bill also authorizes the DEP to invest or reinvest these funds in lawful investments. The investments will then generate additional revenue to support the division's operations. The bill adds language requiring that unspent funds and interest shall not be transferred to other funds or to the General Revenue Fund.

The bill includes technical clean up to the code section citations.

**CODE REFERENCE:** West Virginia Code §22-5-2 and §22-5-4 -amended

**DATE OF PASSAGE:** March 11, 2022

**EFFECTIVE DATE:** March 9, 2022

**ACTION BY GOVERNOR:** Signed March 28, 2022

## House Bill 3231

### Public Utilities not required to pay interest on security deposits

This bill provides public utilities are not required to pay interest on security deposits held for up to 18-months. More specifically, the bill amends the code to alter the phrase "effective date of this Act" to the actual effective date of the Act. It also explicitly permits public utilities to collect and hold a security deposit in accordance with this statute and the rules established by the commission. It further provides that there is no interest payable on any security deposits when a deposit is, after eighteen months and is either applied to the customer's account or returned to the customer.

**CODE REFERENCE:** West Virginia Code §24-3-8 – amended

**DATE OF PASSAGE:** March 11, 2022

**EFFECTIVE DATE:** June 9, 2022

**ACTION BY GOVERNOR:** Signed March 30, 2022

# House Bill 4001

## Generally relating to broadband

This bill related to broadband activities. It affects West Virginia Code in the following ways:

- §31G-1A-7 would be amended to subject telecommunications facilities purchased, installed, or funded by any grant program offered by this state to certain law.
- §31G-3-5 is a new section that would direct government agencies to provide the Department of Economic Development information about the mapping of disturbances in rights of way and requires the department to map those disturbances.
- §31G-4-2a is a new section that would direct the gathering of certain information needed about the locations, class, number of attachments, weight, and such other information as the Department of ECD deems necessary to accurately map and present the data and requires the department to publish a map containing that information.
- §31G-7-1 through §31G-7-5 are five new sections that would create certain duties and responsibilities for broadband operators and telecommunications providers regarding consumers. The bill also describes Competitive Access Infrastructure.
- §31G-8-1 through §31G-8-4 are four new sections that would prescribe the determination of the eligibility of Telecommunications Carriers per the West Virginia Office of Broadband, the AG, and the West Virginia Public Service Commission.

**CODE REFERENCE:** West Virginia Code §31G-1A-7 – amended; §31G-3-5, §31G-4-2a, §31G-7-1 through §31G-7-5, and §31G-8-1 through §31G-8-4 – new

**DATE OF PASSAGE:** March 12, 2022

**EFFECTIVE DATE:** June 10, 2022

**ACTION BY GOVERNOR:** Vetoed March 30, 2022

## House Bill 4002

### Creating the Certified Sites and Development Readiness Program

This bill created the “Certified Sites and Development Readiness Program” under the Department of Economic Development. The program will establish evaluation criteria and site certification levels based upon developmental readiness of an applicant’s site. Applicants may include state, county, municipal, or regional governmental entities. The department will select, evaluate, and certify sites in the program. The sites will be evaluated based upon its readiness to be developed. After evaluation, the department will provide a report to the applicant identifying deficiencies, strengths, and suggesting site improvements. The department may recertify a site as improvements are made.

The program includes two grant programs:

- Matching Grants – The department may provide funding up to a 50 percent match which may be spent only for directly improving selected sites. The department will establish an application process for awarding these grants. The department is also required to keep track of how the money is spent. The matching funds are required to be paid back to the department when a site is sold or leased for development. The bill requires the department to take steps to receive a security interest in program sites.
- Micro Grants – The department may provide funding to applicants through micro grants. No single site may receive more than \$25,000 in microgrant funds. The department will create an application process and document how the money is spent.

Both types of grants must be spent or returned to the department within 12 months of receipt. All funds returned will remain within the program. Lastly, the bill created a “Certified Sites and Development Readiness Fund” to be administered by the Department of Economic Development.

**CODE REFERENCE:** West Virginia Code §5B-2-18 – new

**DATE OF PASSAGE:** March 12, 2022

**EFFECTIVE DATE:** June 10, 2022

**ACTION BY GOVERNOR:** Signed March 30, 2022

# House Bill 4008

## Relating to Higher Education Policy Commission funding formula

This bill establishes a funding formula for institutions of higher education in West Virginia. The formula would be performance based.

The Higher Education Policy Commission and the Council for Community and Technical College Education are granted emergency rulemaking authority to develop the formula. The funding formula will be in effect for the 2024 budget year. The bill sets out a number of essential components that the rule is required to emphasize. These are:

- A focus on outcomes on student success and post-secondary education needs in West Virginia;
- Weighted variables that correspond to each institution's mission;
- Incentives for productivity improvements consistent with the goal of strengthening the state's economy and workforce

Elements that are required to be included in the rule include:

- Objective performance metrics supporting the state's higher education goals and objectives;
- A methodology for allocation of funds based upon these metrics;
- The ability to ensure that each institutions base appropriation is based on outcomes over a defined period of time;
- Incentivize postsecondary results geared toward the state's higher education goals and workforce development priorities; and
- Safeguards to allow for revisions to the metrics over time and account for inflation.

That bill also provides that institutions of higher education may receive an exemption from developing new programs on their own campuses if the program is incentivized by the funding formula and if the institutions state appropriation is 40% less than their operating expenses for three consecutive years.

The bill also makes technical updates.

**CODE REFERENCE:** West Virginia Code §18-1-1f and §18-1B-4 – amended

**DATE OF PASSAGE:** March 12, 2022

**EFFECTIVE DATE:** June 10, 2022

**ACTION BY GOVERNOR:** Signed March 30, 2022

## House Bill 4020

### Relating to reorganizing the Department of Health and Human Resources

This bill reorganizes the Department of Health and Human Resources into two separate entities, one known as the Department of Health, and one known as the Department of Human Resources. They would be structured as follows:

- Department of Health – Bureau for Public Health, which consists of the Office of Emergency Medical Services, Emergency Medical Service Advisory Council, and Office of the Chief Medical Examiner; Bureau for Health Facilities; Bureau of the Inspector General; Office of Health Facility Licensure and Certification Health Care Authority;
- Department of Human Resources – Bureau of Social Services; Bureau of Medical Services; Bureau for Child Support Enforcement ; Bureau of Family Assistance; Bureau of Behavioral Health, which consists of the Office of Drug Control Policy and Office of Maternal Child & Family Health

If a bureau, office, board, commission, or other state entity is not specifically organized by the provisions of the bill, the two secretaries shall decide where the entity shall be placed within the organizational chart and provide a copy to the Legislative Commission on Health and Human Resources Accountability by August 1, 2022.

**CODE REFERENCE:** West Virginia Code §5F-1-2 and §5F-2-1 – both amended.

**DATE OF PASSAGE:** March 12, 2022

**EFFECTIVE DATE:** June 10, 2022

**ACTION BY GOVERNOR:** Vetoed March 30, 2022

## House Bill 4307

### Increase some benefits payable from Crime Victims Compensation Fund

This bill amended the definitions section of the article of Code governing the Crime Victims' Compensation Fund. The bill modifies the definition of the term "claimant" by increasing the amount that may be awarded to a person who is a secondary victim in need of mental health counseling due to exposure to the crime committed from \$1000 to \$5000. The bill modified the definition of the term "allowable expense" by increasing the maximum amounts allowable for victim relocation costs from \$2500 to \$4500 and for reasonable travel expenses for a claimant to attend court proceedings for prosecution of the offender from \$1000 to \$5000. Finally, the bill modified the definition of the term "work loss" by adding language to include loss of income from work by the claimant, victim, or parent or legal guardian of a minor victim who misses work to attend court proceedings for prosecution of the offender.

**CODE REFERENCE:** West Virginia Code §14-2A-3 – amended

**DATE OF PASSAGE:** March 12, 2022

**EFFECTIVE DATE:** June 10, 2022

**ACTION BY GOVERNOR:** Signed March 30, 2022

# House Bill 4336

## Providing for the valuation of natural resources property

This bill provides a revised and more specific methodology to the Tax Commissioner for valuing property producing oil, natural gas, and natural gas liquids for property tax assessments.

The bill rewrites the methodology with more specific definitions and procedures. For instance, the Tax Commissioner shall value property producing oil, natural gas, and natural gas liquids at its fair market value determined by applying a yield capitalization model to the net proceeds. Net proceeds are from the actual gross receipts on a sales volume basis and the actual price received as reported on the taxpayer's returns, less royalties, and less actual annual operating costs, also reported on the taxpayer's returns. The definitions of natural gas liquids and actual annual operating costs remain with some changes. There are many new definitions most concerning expenses.

On July 1, 2022, the Tax Commissioner shall annualize gross receipts and actual annual operating expenses before calculating the working interest model and the royalty interest model for wells that produced less than 12 months during the first calendar year of production or after being shut in. Companies may also provide additional actual gross receipts and actual operating expense information that will be supplemented or used in lieu of the Tax Commissioner annualization calculations.

On July 1, 2024, but not before, the Tax Commissioner may not include a minimum valuation for any calculation related to determining the value of any well. Currently, they are applying a minimum net-proceeds based on volumes extracted. For all assessments made prior to July 1, 2024, no minimum valuation shall exceed the values of \$0.30 per MCF of natural gas, \$10.00 per barrel of oil, or \$0.30 per unit of natural gas liquids. These values were established in a Notice to taxpayers from the State Tax Department dated late last year.

A safe harbor provision is added for marginal wells. These owners have the option of filing a detailed return with expenses or selecting a simplified option for expenses annually created by the Tax Department. This is for efficiency.

The bill contains annual reporting requirements to the legislature so we may reevaluate the methodology and consider additional changes.

The Tax Commissioner is authorized to propose rules required to administer this subdivision, including emergency rules.

Finally, the subdivision has a sunset clause. It will have no further force or effect for any assessments made on or after July 1, 2025, unless it is reenacted by the legislature.

**CODE REFERENCE:** West Virginia Code §11-1C-10 – amended

**DATE OF PASSAGE:** March 11, 2022

**EFFECTIVE DATE:** June 9, 2022

**ACTION BY GOVERNOR:** Signed March 30, 2022

## House Bill 4396

### Reducing federal adjusted gross income relating to tolls for travel on West Virginia toll roads paid electronically

This bill eliminates the modification for your federal adjusted gross income from tolls paid with the EZ Pass. Current law limits the modification to passenger vehicles and only on any amount exceeding \$25.

**CODE REFERENCE:** West Virginia Code §11-21-12h – repealed

**DATE OF PASSAGE:** March 9, 2022

**EFFECTIVE DATE:** June 7, 2022

**ACTION BY GOVERNOR:** Signed March 30, 2022

## House Bill 4408

### Relating to contracts for construction of recreational facilities in state parks and forests

This bill modifies the contracting authority of the Division of Natural Resources with third parties in state parks, state forests, and state trails. The provisions of the bill only apply to new construction projects. Watoga State Park is exempted.

It changed the duration of a contract from 25 to 40 years and also allows for a renewal for 10 years. Electronic notice of any extension is required to be forwarded to the Joint Committee on Government and Finance. Notice by publication and a public hearing are required.

Any construction must be in keeping with the provisions of West Virginia Code §20-5-3 which requires the promotion and preservation and protection of natural areas or unique or exception scenic, scientific, cultural, archaeological, or historic significance.

There is also a provision that precludes the Director of the Division of Natural Resources from accepting a position with any vendor awarded a contract for a period not to exceed one year.

**CODE REFERENCE:** West Virginia Code §20-5-16 – amended

**DATE OF PASSAGE:** March 12, 2022

**EFFECTIVE DATE:** March 12, 2022

**ACTION BY GOVERNOR:** Signed by Governor March 28, 2022



## House Bill 4410

### Specifying allocation, apportionment and treatment of income of flow-through entities

During the 2021 session the Legislature amended language in the corporate income tax section of our code dealing with market-based sourcing. The change provided that when determining the proportion of a corporation's sales to be taxed by West Virginia, taxation of a corporation's sales of service and intangible personal property would be based upon where the service or property was delivered, not where the activity that generated the sale occurred. This bill would extend market-based sourcing to flow-through entities. A flow-through entity is a legal business entity that passes any income it makes straight to its owners, shareholders, or investors. This change would effective January 1, 2022.

Per the interpretation of the Tax Department, the bill would amend provisions of the allocation and apportionment of income of nonresidents from multistate business activity section of the West Virginia Personal Income Tax to mirror the recent legislative changes made to the allocation and apportionment section of the West Virginia Corporation Net Income Tax. The apportionment formula is used when a business has income from both inside and outside of West Virginia.

The bill states that the changes do not apply to W. Va. Code §11-21-12K, §11-21-37b, and §11-21-37c. The changes would be effective for taxable years beginning on and after January 1, 2022. Under current law, apportionment of income is typically done using a four-factor formula consisting of a property factor, a payroll factor, and a double weighted sales factor.

This bill would convert the apportionment formula to a single sales factor formula with the numerator being sales in West Virginia and the denominator being sales everywhere. Businesses already incur tax liabilities on property and payroll in West Virginia. Moving to a single sales factor apportionment will prevent businesses from being penalized for locating within the state.

Additional changes to the apportionment formula would include elimination of the current throw-out rule which requires taxpayers to exclude from their West Virginia business income tax calculations sales from states in which they were not subject to tax and the adoption of "market-based sourcing" for services and tangible property.

**CODE REFERENCE:** West Virginia Code §11-21-37a – amended

**DATE OF PASSAGE:** March 9, 2022

**EFFECTIVE DATE:** June 7, 2022

**ACTION BY GOVERNOR:** Signed by Governor March 30, 2022

## House Bill 4450

### **Removing the \$0.50 fee charged and deposited in the Combined Voter Registration and Driver's Licensing Fund for each driver's license issued by the Department of Motor Vehicles**

Current law provides for fifty cents (\$0.50) of the fee of every driver's license issued or each renewal is deposited into a special revenue account to be used by the Secretary of State for voter registration purposes. The remainder of that fee is deposited into the state road fund. This bill eliminates the special revenue account and the additional fee.

**CODE REFERENCE:** West Virginia Code §3-2-12 – repealed; §17-3-1 and §17B-2-8 – amended

**DATE OF PASSAGE:** March 12, 2022

**EFFECTIVE DATE:** July 1, 2022

**ACTION BY GOVERNOR:** Signed March 30, 2022

## House Bill 4451

### **Eliminating the requirement that otherwise qualified investment assets be located or installed at or within 2 miles of a preexisting manufacturing facility**

This bill makes void the requirement that a qualified capital addition to a manufacturing facility be located or installed at or within two miles of a preexisting manufacturing facility owned or operated by the person making the capital addition if the addition is placed in service or use on and after the first day of January 2023.

**CODE REFERENCE:** West Virginia Code §11-6F-6 – amended

**DATE OF PASSAGE:** March 10, 2022

**EFFECTIVE DATE:** January 1, 2023

**ACTION BY GOVERNOR:** Signed March 30, 2022

## House Bill 4461

### **Relating to the consolidation of all administrative fees collected by the agency into the existing "Tax Administration Services Fund"**

This bill increases efficiency at the Tax Department. It consolidates administrative funds operated by the Tax Department and broadens the use of the funds for general administration purposes. No new fees or increases to any fees are created in the bill. It requires a number of enumerated special revenue accounts to all be deposited into a single fund – Tax Administration Services Fund. This will significantly ease the administrative burden of managing these various funds. Due to the consolidation of the funds, it is also necessary to remove the \$3,000,000 cap on the fund and allows the fund to carryover from year to year. One fee is impacted by the bill. The fee charged to municipalities for the sales and use tax has been lowered.

**CODE REFERENCE:** West Virginia Code §11-10-27 – amended

**DATE OF PASSAGE:** March 8, 2022

**EFFECTIVE DATE:** June 6, 2022

**ACTION BY GOVERNOR:** Signed March 28, 2022

## House Bill 4463

### **To increase the compensation members of the State Athletic Commission may receive for their attendance and participation in the commission's public meetings**

The bill would increase the per-member cap on the \$100 per meeting compensation members of the State Athletic Commission may receive for their attendance and participation in the commission's public meetings from \$1,500 per year to \$2,000 per year. It would also allow the Commission to pay a member \$150 for each day that he or she performs the work of the commission at a sanctioned exhibition or match, but no more than two members of the commission may be paid this \$150 for each day of an exhibition or match. Collectively, the Commission may not pay more than \$3,000 for this compensation in any fiscal year.

**CODE REFERENCE:** West Virginia Code §29-5A-1 and §29-5A-16 – amended

**DATE OF PASSAGE:** March 12, 2022

**EFFECTIVE DATE:** July 1, 2022

**ACTION BY GOVERNOR:** Signed March 28, 2022

## House Bill 4484

### **Declaring certain claims against agencies of the state to be moral obligations of the state**

This bill directs payment of certain claims made by those who have provided commodities and services to state agencies who have not been paid because if the claims were paid, the agencies would have unlawfully spent more than their authorized appropriations or for services not lawfully contracted. The Claims Commission has reviewed and approved the payment of these claims, subject to the approval and appropriation of the Legislature.

The claims are against the Department of Health and Human Resources for indigent burials provided (\$2,450.00) and against the State Tax Department (\$1,105.00) for unpaid tax refunds.

**CODE REFERENCE:** West Virginia Code §14-2-1 – amended

**DATE OF PASSAGE:** March 7, 2022

**EFFECTIVE DATE:** March 7, 2022

**ACTION BY GOVERNOR:** Signed March 28, 2022

## House Bill 4488

### Relating to coal mining and changing fees for permitting actions

This bill ensures adequate funding for the operation of the Department of Environmental Protection's Division of Mining and Reclamation. The division's revenue has gradually decreased each year, but its expenses are remaining relatively constant. Estimates indicate that the division will be operating in a deficit by FY2026 without an increase in revenue.

The provisions of the bill increase or add new fees for various permits concerning surface coal mining operations. Adjusting these fees will generate additional annual revenue for the division. The amended fee structure would include these additions or changes:

- Permit Renewals – \$3,000 (Currently \$1,000 and not differentiated from new permits)
- Major Permit Modification – \$2,000 (Currently \$500)
- Minor Permit Modification – \$1,000 (Currently \$500)
- Permit Reissuance – \$3,000 (New)
- Permit Transfer – \$2,000 (New)
- Annual Permit Fee (All permits) – \$2,000 (Currently \$1000)
- Applications for the water quality certification for activities covered by federal law – \$500 (New)

**CODE REFERENCE:** West Virginia Code §22-11-10 – amended

**DATE OF PASSAGE:** March 11, 2022

**EFFECTIVE DATE:** June 9, 2022

**ACTION BY GOVERNOR:** Became Law Without Governor's Signature

## House Bill 4496

### Allowing interest and earnings on federal COVID-19 relief moneys to be retained in the funds or accounts where those moneys are invested

The bill would add new provisions to an existing statute to provide that any all interest or other earnings on the State's federal Covid-19 CARES Act and American Rescue Plan Act (ARPA) funds will be retained in the fund in which the funds are held, rather than expiring to the General Revenue fund.

**CODE REFERENCE:** West Virginia Code §12-1-12 – amended

**DATE OF PASSAGE:** March 11, 2022

**EFFECTIVE DATE:** June 9, 2022

**ACTION BY GOVERNOR:** Signed March 28, 2022

## House Bill 4497

### Extending the regional jail per diem through July 1, 2023

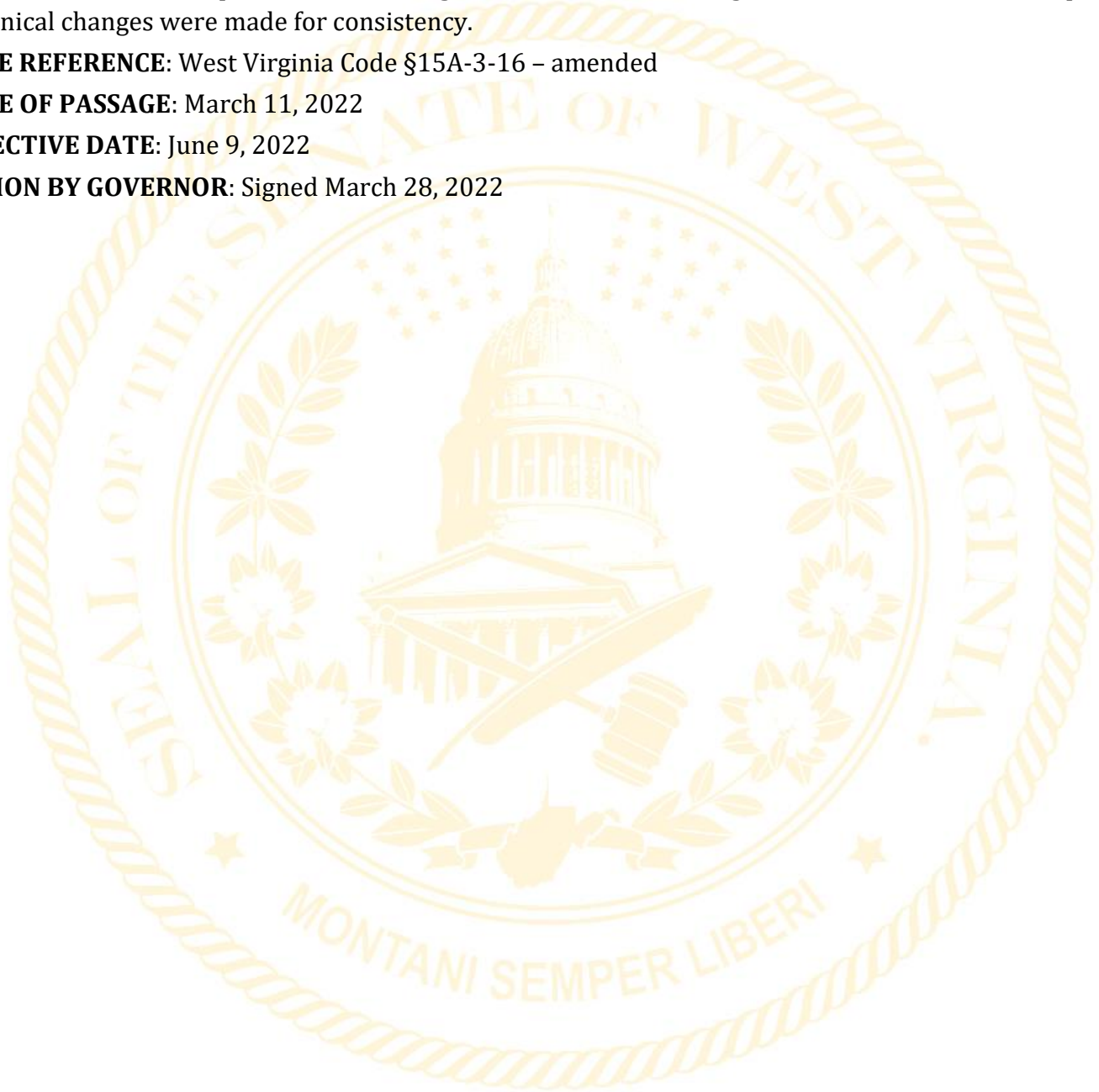
This bill extends the per diem rate paid for inmates through July 1, 2023. The current rate is \$48.25 per day. Current law also requires a report to the Joint Committee on Government and Finance and the Co-Chairs of the Joint Standing Committee on Finance the actual per diem rate and any amounts not assessed to counties if the actual per diem cost is larger than the amount charged to the counties or municipalities. Technical changes were made for consistency.

**CODE REFERENCE:** West Virginia Code §15A-3-16 – amended

**DATE OF PASSAGE:** March 11, 2022

**EFFECTIVE DATE:** June 9, 2022

**ACTION BY GOVERNOR:** Signed March 28, 2022



# House Bill 4502

## Establishing the BUILD WV Act

This bill was introduced at the request of the Executive. It creates the BUILD WV Act. The purpose of the act is to provide reasonably priced housing for graduate, pos-graduate and professional job holders, technical workers and entrepreneurs for targeted businesses in key geographic areas.

The bill contains an extensive list of defined terms. It also provides for rulemaking for the Tax Commissioner to effectuate the purpose of the article. BUILD WV would be administered by the Development Office. Powers and duties with respect to project administration are set out in the bill. That office would certify a geographic district where BUILD WV housing projects may be approved. If approved the project would be exempt payers from state and municipal sales, service and use tax. The exemption would be limited to purchases of building materials and tangible personal property directly incorporated into certified project residential buildings and structures, common areas, and infrastructure during construction, repair, maintenance, and refurbishment.

A property value adjustment tax credit is also provided in the bill. That adjustment would be calculated by a formula set forth in the bill. It provides that the amount of the credit would be:

- Approved cost x by .60 which is then multiplied by the statewide average Class III property tax rate of this state during the construction tax year which is then multiplied by 10.

The sum of this calculation would be applied annually for ten consecutive years. There are no carry back provisions and no carry forward provisions. The tax is also non-transferrable any may be recaptured if improperly taken.

A district is certified through an agreement between the Secretaries of Economic Development, Commerce, and Tourism. Certification is contingent upon factors set forth in the bill and there may be no more than 3 districts at any one time. These are:

- The housing and employment needs within the certified district;
- Whether the certified district will have a significant and positive economic impact on the state;
- Whether there is substantial and credible evidence that designating the certified district will result in one or more certified projects likely to be started and completed in a timely fashion;
- Whether the certified district will, directly or indirectly, improve the opportunities in the area where the project will be located for the successful establishment or expansion of other commercial businesses;
- Whether the certified district will, directly or indirectly, assist in the creation of additional employment opportunities in the area or assist in the filling of currently available jobs;
- Whether the certified district helps to diversify the local economy;
- Whether the certified district is consistent with the goals of this article; and
- Any other relevant and reasonable criteria determined by the designating officials.

There is an application process and factors that must be included on a written application. These include:

- A description and location of the proposed project;
- Capital and other anticipated expenditures for the project and the sources of funding therefore;
- The anticipated employment, revenues and expenses generated by the project; and
- Anything else determined necessary by the Department of Economic Development.

The aggregate sum for all costs is limited to \$40,000,000 in any fiscal year. Any approved project must also have an aggregate sum of approved costs of at least \$3,000,000 or include six residential units or houses.

Approval of an application is contingent upon the Secretary of Economic Development certifying that:

- The project will have approved costs of at least \$3 million or includes at least six residential units or houses;
- The project will have a significant and positive economic impact on the state;
- The quality of the proposed project and how it addresses economic problems in the area in which the project will be located;
- Whether there is substantial and credible evidence that the project is likely to be started and completed in a timely fashion;
- Whether the project will, directly or indirectly, improve the opportunities in the area where the project will be located for the successful establishment or expansion of other commercial businesses;
- Whether the project will, directly or indirectly, assist in the creation of additional employment opportunities in the area where the project will be located;
- Whether the project helps to diversify the local economy;
- Whether the project is consistent with the goals of this article;
- Whether the project is economically and fiscally sound using recognized business standards of finance and accounting;
- Whether the proposed project demonstrates that the project will meet the immediate future needs of the area; and
- The ability of the eligible company or group of multiple party project participants to carry out the project.

The bill also has exclusions. No property may be part of a residential or commercial time share, it may not be used for industrial or manufacturing operations, it may not be a warehouse or distribution center, telephone call center, telemarketing operation, an airport, and it may not be used primarily for business activity.

There is a required annual report to the Joint Committee on Government and Finance.

The final portion of the bill provides for an agreement between the Department of Economic Development and an approved company or group.

The act is effective for a five-year period beginning January 1, 2023.

**CODE REFERENCE:** West Virginia Code §5B-2L-1 through §5B-2L-17 – new

**DATE OF PASSAGE:** March 12, 2022

**EFFECTIVE DATE:** June 10, 2022

**ACTION BY GOVERNOR:** Signed March 30, 2022

# House Bill 4566

## Creating the Economic Enhancement Grant Fund

The bill created a new fund known as the West Virginia Economic Enhancement Grant Fund. The fund would be administered by the Water Development Authority (WDA), consisting of appropriations, grants, gifts, contributions or other moneys from any source, public or private, and all income earned on moneys held in Fund. The WDA will establish two subaccounts in the Fund:

- **Matching Grant Subaccount** – If the West Virginia Infrastructure and Jobs Development Council or the West Virginia Department of Economic Development recommend that a local government, the state or a not-for profit should be awarded matching funds for federal or other matching grant funding, then the WDA must review their application for the matching funds and provide a binding commitment to meet the match. If the government agency or not-for-profit is awarded the grant, the WDA will provide a grant for the match. These matching funds may only be awarded for “infrastructure projects” and “projects,” which are defined in §31-15A-2 as follows: "Infrastructure project" means a project in the state which the council determines is likely to foster and enhance economic growth and development in the area of the state in which the project is developed, for commercial, industrial, community improvement or preservation or other proper purposes, including, without limitation, tourism and recreational housing, land, air or water transportation facilities and bridges, industrial or commercial projects and facilities, mail order, warehouses, wholesale and retail sales facilities and other real and personal properties, including facilities owned or leased by this state or any other project sponsor, and includes, without limitation: 1) The process of acquiring, holding, operating, planning, financing, demolition, construction, improving, expanding, renovation, leasing or otherwise disposing of the project or any part thereof or interest therein; and 2) preparing land for construction and making, installing or constructing improvements on the land, including water or wastewater facilities or any part thereof, steam, gas, telephone and telecommunications and electric lines and installations, roads, bridges, railroad spurs, buildings, docking and shipping facilities, curbs, gutters, sidewalks, and drainage and flood control facilities, whether on or off the site." "Project" means any wastewater facility, water facility project or any combination thereof, constructed or operated or to be constructed or operated by a project sponsor."
- **Enhancement Grant Subaccount** – Rather than providing matching funds, this subaccount would provide funds to a local government, the state or a not-for profit for all or a portion of infrastructure projects and projects in seven (7) specified circumstances set forth in Subsection (c) of the statute, including, but not limited to, the use of these funds to “cover all or a portion of the infrastructure projects to enhance economic development and/or tourism when recommended by the Secretary of Commerce, the Secretary of Economic Development and/or the Secretary of Tourism.”

The WDA will provide an annual audit made by an independent certified public accountant of its books, accounts and records with respect to the system and distributions and all matters relating to the financial application of the Economic Enhancement Grant Fund including all subaccounts therein to the Legislature.

**CODE REFERENCE:** West Virginia Code §22C-1-6a – new

**DATE OF PASSAGE:** March 11, 2022

**EFFECTIVE DATE:** March 9, 2022

**ACTION BY GOVERNOR:** Signed March 28, 2022



## **House Bill 4567**

### **Relating to business and occupation or privilege tax**

This bill modifies the business and occupation tax as it relates to the sale of new automobiles. It provides for elimination of the tax on any to be phased in over a three-year period. Effective July 1, 2023, there would be a fifty percent reduction, on July 1, 2024, there would be a fifty percent reduction of the remaining amount and on July 1, 2025, the tax would be eliminated. This elimination applies only to any new, never registered automobile is exempt from the municipal business and occupation tax. Used vehicles would still be subject to the business and occupation tax.

**CODE REFERENCE:** West Virginia Code §8-13-5 – amended

**DATE OF PASSAGE:** March 11, 2022

**EFFECTIVE DATE:** June 9, 2022

**ACTION BY GOVERNOR:** Signed March 30, 2022

## **House Bill 4568**

### **To allow phased rehabilitations of certified historic structures**

This bill modified the tax credit for historic structures. Current law sets limits on the per project amount of \$10,000,000 and an annual amount per fiscal year of \$30,000,000 in total credits. This bill eliminates both of these limits. The bill also eliminates the \$5,000,000 set-aside for projects asking for credits of \$500,000. New provisions would allow for phased renovation. This would allow the credit to be claimed when phases of a project are completed pursuant to a phased rehabilitation plan submitted to the state historic preservation officer. The tax credit is subject to recapture by the Tax Commissioner if a project is not completed and if the necessary certification forms are not submitted within 60 months.

**CODE REFERENCE:** West Virginia Code §11-24-23a – amended

**DATE OF PASSAGE:** March 11, 2022

**EFFECTIVE DATE:** June 9, 2022

**ACTION BY GOVERNOR:** Signed March 30, 2022

## **House Bill 4688**

### **Relating to Emergency Medical Services Retirement System Act**

This bill relates to the Emergency Medical Services Retirement System. The bill authorizes county firefighters to become members of the Emergency Medical Services Retirement System. The bill also permits 911 personnel to become members of the Emergency Medical Services Retirement System. There are also updates to definitions to comport with other legislation which pertains to the Consolidated Public Retirement Board compliance with federal law.

**CODE REFERENCE:** West Virginia Code §16-5V-2 and §16-5V-9 – amended; §16-5V-6a – new

**DATE OF PASSAGE:** March 12, 2022

**EFFECTIVE DATE:** June 10, 2022

**ACTION BY GOVERNOR:** Signed March 30, 2022

## House Bill 4756

### Relating to authorizing municipalities to create pension funding programs to reduce the unfunded liability of certain pension and relief funds

This bill relates to the authority of municipalities to create pension funding programs. It defines a “pension funding program” as a program established by a municipality that reduces the unfunded actuarial accrued liability of a policemen’s or firemen’s pension and relief refund.

The bill authorizes a building commission of a Class I, II or III municipality to issue pension funding revenue bonds to fund a pension funding program. Before the building commission may fund any pension funding program through the issuance of bonds, the commission is to enact an ordinance setting forth the following:

- a brief and general description of the pension funding program;
- the cost of the pension funding program;
- the priority of the funding of the pension funding program;
- the requirement of the issuance of pension funding revenue bonds;
- any provisions necessary for a debt service reserve fund; and
- provisions for a debt service contingency reserve in an amount at least equal to 10% of the original principal amount of the bonds.

The ordinance is to be noticed by Class II legal advertisement and there must be a public hearing on held prior to its enactment. Pension funding revenue bonds must be issued in an amount at least equal to the policemen’s or firemen’s pension and relief fund’s then unfunded liability based upon the most recent actuarial valuation report for the pension and relief fund.

The bonds may not have an interest rate of more than 12% per year with a maturity of no more than the estimated amortization period for the municipality as shown in its most recent actuarial valuation reports. The annual principal and interest payments shall, to the extent possible, provide for level debt service and be proportionate to the funding requirements of the most recent valuation report of the pension and relief fund. The bonds may be redeemed prior to maturity, at not more than par value and at a premium of not more than 5%.

The Municipal Pensions Oversight Board is to approve of the issuance of any pension funding revenue bonds by a building commission of a Class III city or for a Class I or II city if the policemen’s or firemen’s pension and relief funds are not both funded at a funding ratio of 40% or greater.

**CODE REFERENCE:** West Virginia Code §8-22-19, §8-22-20, §8-33-4, and §33-3-14d – amended; §8-12-24, §8-33-4a, §8-33-4b – new

**DATE OF PASSAGE:** March 12, 2022

**EFFECTIVE DATE:** June 10, 2022

**ACTION BY GOVERNOR:** Signed March 30, 2022

# Education



## Senate Bill 246

### Requiring newly constructed public schools and public schools with major improvements to have water bottle filling stations

This bill requires the state board to promulgate a rule to require newly constructed public-school buildings to include the following:

- A minimum of one water bottle filling station on each floor and wing of each public-school building.
- At least one water bottle filling station in all school food service areas.
- At least one water bottle filling station near gymnasiums and outdoor learning and activity areas, including playgrounds and athletic facilities.
- A minimum of at least one water bottle filling station per 200 building occupants projected upon completion of the projected construction.

It also requires the state board to promulgate a rule to require existing public-school buildings undergoing a major improvement to include a minimum of half of the facility's existing water coolers being retrofitted or replaced to provide water bottle filling capability and be made ADA compliant. Pending the availability of a water supply line and sanitary plumbing, the preferred placement of these stations is to be in the following areas:

- School food service areas.
- Near gymnasiums and outdoor learning and activity areas, including playgrounds and athletic facilities.
- Grouped toilet areas.

The bill also requires any water bottle filling station installed in a public-school building to:

- Dispense filtered, clean drinking water.
- Be touchless for sanitary reasons.
- Be regularly cleaned to maintain sanitary conditions.
- Be regularly maintained to ensure proper functioning.

The bill also requires county boards to adopt a policy to permit students in schools with one or more water bottle filling stations to carry water bottles.

**CODE REFERENCE:** West Virginia Code §18-9G-2 and §18-9G-3 – new

**DATE OF PASSAGE:** March 12, 2022

**EFFECTIVE DATE:** June 10, 2022

**ACTION BY GOVERNOR:** Signed March 28, 2022

# Senate Bill 261

## Requiring video cameras in certain special education classrooms

This bill amends the section of code requiring video cameras in certain special education classrooms. Specifically, the bill does the following:

- Allows the principal of the school to designate another school administrator as the custodian of the video camera, all recordings of the camera, and access to those recordings.
- Provides for an extension of the 3-month time period in which the recording must be retained if the time period overlaps summer break.
- For any school-based camera system that is installed or replaced after April 1, 2022, requires the video to be retained for at least 365 days and strikes through the requirement for the video to be deleted after the applicable time period has elapsed.
- Increases the amount of time a person requesting to view a recording has to view a recording from 30-60 days and declares that the section does not require the principal or other designated school administrator to view the video recording absent an authorized request or suspicion of an incident except as otherwise provided in section. It also deletes language prohibiting a school from allowing regular, continuous, or continual monitoring of the video.
- Allows the video recording to be viewed by the school principal, other school administration designee, or county designee if the principal or other school administration designee is unable to view the video. It also requires the school principal, other school administration designee, or county designee to view no less than 15 minutes of the video of each self-contained classroom no less than every 90 days; and provides for the authorized state board rule to include requirements for documentation of compliance with the video viewing requirements.
- Requires a school to allow viewing of a video recording and comply with all subsequent requests for viewing or release of the video recording when requested by:
  - A law enforcement officer or DHHR employee as part of an investigation into an alleged incident that is documented by the video recording and has been reported to the agency.
  - A judge, counsel, or other legal entity that is charged with deciding or representing either the school board, students, or employees in any matters related to legal issues arising from an incident but only if released pursuant to an appropriate protective order or under seal.
- Replaces language requiring FERPA compliance with language providing that if a release of a video recording is requested by law enforcement or DHHR, the agency will maintain strict confidentiality of the video and not further release the video without authorization from the public school district through its superintendent.
- Requires that if an incident is discovered while initially viewing camera footage that requires a report to be made under the section of code mandating that certain persons report child abuse and neglect (§49-2-801), that report be made by the viewer within 24-hours of viewing the incident.
- Provides that the video cameras in special education classrooms section of code only applies to cameras installed pursuant to that section.

**CODE REFERENCE:** West Virginia Code §18-20-11 – amended

**DATE OF PASSAGE:** March 12, 2022

**EFFECTIVE DATE:** March 12, 2022

**ACTION BY GOVERNOR:** Signed March 25, 2022

## Senate Bill 268

### Creating exemption from compulsory school attendance for child who participates in learning pod or micro school

This bill creates a new compulsory school attendance exemption for children who participate in a learning pod or microschool.

The bill defines “learning pod” as a voluntary association of parents choosing to group their children together to participate in their elementary or secondary academic studies as an alternative to enrolling in a public school, private school, homeschool, or microschool, including participation in an activity or service provided to the children in exchange for payment.

The bill also defines “microschool” as a school initiated by one or more teachers or an entity created to operate a school that charges tuition for the students who enroll and is an alternative to enrolling in a public school, private school, homeschool, or learning pod.

The bill also includes provisions applicable to learning pods and microschools similar to the homeschool provisions relating to:

- Requiring the filing of a notice of intent with the county superintendent.
- Establishing the education related qualifications for the person providing instruction.
- Requiring an annual academic assessment of the child in one of four specified ways.
- Requiring copies of each student’s academic assessment be maintained for three years.
- Establishing requirements applicable when the annual assessment fails to show acceptable progress.
- Requiring county board, upon request, to notify the parents or legal guardian of services available to assist in the assessment of the child’s eligibility for special education services.
- Requiring submission of the results of the academic assessment which can include submission of the school composite results.
- Requiring county superintendent or a designee to offer assistance, including textbooks, other teaching materials and available resources, all subject to availability.
- Allowing the learning pod or microschool student to attend any class offered by a county board upon approval of the county board.

The bill further provides that no learning pod or microschool is subject to any other provision of law relating to education except for §18-20-11, relating to requiring video cameras in certain special education classrooms; and clarifies that making learning pods and microschools subject to the home instruction provisions and requirements does not make learning pods and microschools the same as homeschooling.

**CODE REFERENCE:** West Virginia Code §18-8-1 – amended

**DATE OF PASSAGE:** March 12, 2022

**EFFECTIVE DATE:** June 10, 2022

**ACTION BY GOVERNOR:** Signed March 30, 2022

## Senate Bill 499

### Authorizing legislative rules for School Building Authority

This bill authorizes a rule of the School Building Authority (SBA) relating to Funding School Building Authority Projects. The main purpose of the amendments to the rule is to make the rule consistent with HB 2906, which passed during the 2021 regular session and increased the percent of funds from 3 to 10 percent that the SBA could spend for projects that service the educational community statewide, for school facilities under the direct supervision of the state board or an administrative council of an area vocational center, and for other purposes.

Additionally, the amendments changed the SBA reimbursement procedures by:

- Requiring invoices to be submitted by the county board to the SBA on a monthly basis or as requested instead of by the 5th day of each month.
- Requiring a requisition summary showing the items included for reimbursement and associated subtotal costs to be included with the invoices.
- Removing the requirement that the certification that the previous invoices were paid to vendors be applicable only to the previous month's invoices.
- Requiring that the invoices be reviewed by the SBA staff in a timely manner rather than between the 5th and 10th of each month.
- Providing that where additional justification is required, the SBA staff immediately notify the county board to provide the required justification prior to approving the requisition for payment.
- Removing requirement that approved expenditures be reimbursed on the 15th of the invoice month.
- Removing language providing that no educational facility can be occupied without prior approval from the appropriate state and county regulatory agencies.

**CODE REFERENCE:** West Virginia Code §18-9D-21 – amended

**DATE OF PASSAGE:** March 3, 2022

**EFFECTIVE DATE:** March 3, 2022

**ACTION BY GOVERNOR:** Signed March 30, 2022

## Senate Bill 529

### Encouraging additional computer science education in WV schools

This bill amends requirements for a plan required to be submitted to LOCEA related to computer science instruction and learning standards and requires the updated plan to be submitted prior to the 2023 regular legislative session. The purpose of the bill is to encourage the teaching of additional computer science subject matter in schools across the state, including computational thinking, block-based programming, text-based programming, network communication, computer architecture, coding, application development, digital literacy, and cyber security.

**CODE REFERENCE:** West Virginia Code §18-2-12 – amended

**DATE OF PASSAGE:** March 12, 2022

**EFFECTIVE DATE:** June 10, 2022

**ACTION BY GOVERNOR:** Signed March 30, 2022

## Senate Bill 704

### Allowing parents, grandparents, and guardians to inspect instructional materials in classroom

This bill requires each classroom teacher to comply with the request of any parent, custodian, or guardian to inspect instructional materials and books in the classroom that are available for students to read, subject to the following:

- Only the parent, custodian, or guardian of a child enrolled in the class can make the request.
- The classroom teacher can require that the parent, custodian, or guardian schedule an appointment in order to inspect the instructional materials. If the classroom teacher requires an appointment, the teacher is required to schedule the appointment within 10 business days.
- As part of the inspection and upon request of the parent, custodian, or guardian, the classroom teacher must demonstrate how the instructional material relates to the content standards adopted by the state board.

For any class in which reading a book or books is required, the classroom teacher is required to include the book or books on a class syllabus; and required to make the syllabus available to any parent, custodian, or guardian of a child enrolled in the class upon request.

The bill also allows any parent, custodian, or guardian to file a complaint with the county superintendent, on a form developed and provided by the county superintendent, if the classroom teacher fails to comply with any provision of this section. If the complaint is not resolved by the county superintendent within seven business days, the parent, custodian, or guardian can file a complaint with the state superintendent or designee. The state superintendent is required to make a form available for parents to file a complaint pursuant to this subsection.

By September 1 of each year, each county superintendent is required to report to the state superintendent the number of complaints filed with him or her the previous school year; and the state superintendent, annually by October 1, must report to LOCEA the number of complaints filed during the previous school year. The report is required to include the number of complaints filed statewide and by county.

The bill also includes definitions of “parent”, “custodian”, and “guardian” for the purposes of the new section.

**CODE REFERENCE:** West Virginia Code §18-5-27 – new

**DATE OF PASSAGE:** March 12, 2022

**EFFECTIVE DATE:** June 10, 2022

**ACTION BY GOVERNOR:** Signed March 30, 2022



# House Bill 3073

## Relating to the West Virginia Emergency School Food Act

This bill creates the West Virginia Emergency School Food Act which

- Allows every county public school system to conduct an annual countywide survey of public-school students to determine their noninstructional or nontraditional remote learning and virtual school day eating patterns and the availability of nutritious food to them when schools are closed.
- Allows each county board to also collect and compile information regarding the availability of food resources in the county during noninstructional or nontraditional remote learning days as well as include a plan that includes virtual school students and distribute this information to all students.
- Allows each county school board to investigate and implement any program that may facilitate this initiative including, but not limited to, entrepreneurship programs to foster innovation in providing assistance, using participation in programs as a positive discipline option, and creating mentorship programs or other opportunities to participate in the feeding program.
- Allows each county school board to provide, at a minimum, an annual countywide or a coordinated regional training opportunity, with assistance from the West Virginia Office of Child Nutrition, that ensures that any entity that potentially qualifies as a summer feeding site or according to the county survey, is afforded the opportunity to receive training on operation of a feeding site.
- Allows each county board to provide its survey, a summary of its activities, and any findings or recommendations the county school board has related thereto, to the West Virginia Office of Child Nutrition at a date determined each year by that office.
- Allows each West Virginia public school to, as mandated per §18-9F-9 of this code to create a crisis management and prevention plan that includes an assessment and plan to feed students during noninstructional or nontraditional remote learning days and public virtual school students that includes emergency situations that may require innovative ways to deliver food to student homes.
- Allows the West Virginia Office of Child Nutrition to monitor these activities and share between counties information about innovative and successful program initiatives around the state to promote and facilitate the West Virginia Emergency School Food Act.

**CODE REFERENCE:** West Virginia Code §18-5D-6 – new

**DATE OF PASSAGE:** March 12, 2022

**EFFECTIVE DATE:** June 10, 2022

**ACTION BY GOVERNOR:** Signed March 30, 2022

## House Bill 4019

### Relating to deadlines for public charter schools

For public charter schools intending to open in the school year beginning July 1, 2022, only, this bill delays the deadline for executing a charter contract between a schools governing board and its authorizer by two months, from March 15, in State Board Policy 3300, to May 15, 2022, in the bill.

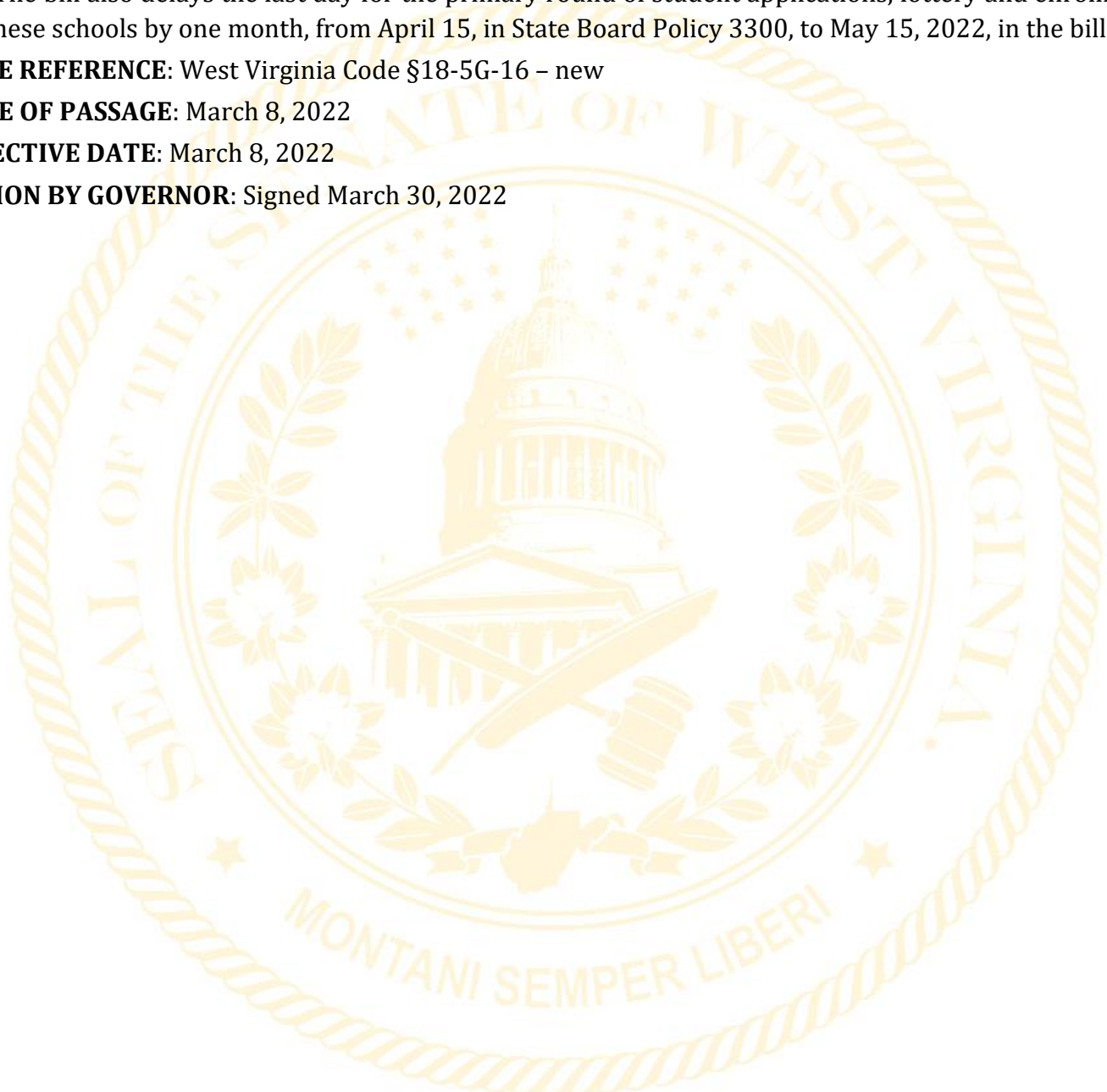
The bill also delays the last day for the primary round of student applications, lottery and enrollment for these schools by one month, from April 15, in State Board Policy 3300, to May 15, 2022, in the bill.

**CODE REFERENCE:** West Virginia Code §18-5G-16 – new

**DATE OF PASSAGE:** March 8, 2022

**EFFECTIVE DATE:** March 8, 2022

**ACTION BY GOVERNOR:** Signed March 30, 2022



# House Bill 4021

## Relating to the Medical Student Loan Program

This bill rewrites the section of code relating to the Medical Student Loan Program. It establishes the medical student loan program at the Marshall University School of Medicine, the West Virginia University School of Medicine, and the West Virginia School of Osteopathic Medicine.

The bill authorizes the medical schools, subject to the availability of funds, to make medical student loans to students enrolled in or admitted to their respective medical schools in a course of instruction leading to the degree of doctor of medicine or doctor of osteopathy who enter into a written medical student loan agreement with the medical school. The bill provides that the number of awards is to be determined by the availability of funds in the program at each school.

The bill also continues the special revolving fund accounts at the Marshall University School of Medicine, the West Virginia University School of Medicine, and the West Virginia School of Osteopathic Medicine, which are to be used to carry out the purposes of the Medical Student Loan Program.

The following are the eligibility requirements for a medical student loan:

- Full-time enrollment in a medical school in a program leading to the degree of doctor of medicine or doctor of osteopathy. The person cannot have previously obtained such a degree.
- Demonstrated financial need as determined by the medical schools' individual financial aid offices.
- Demonstrated credit-worthiness by not being in default of any previous student loan or medical student loan issued by any lender.
- United States citizenship as either born or naturalized.

The bill requires that the medical student loans be awarded on a priority basis first to qualified applicants who are West Virginia residents at the time of entry into the medical school, and second to qualified applicants who are not West Virginia residents at the time of entry into the medical school.

The bill provides that in order to be eligible for renewal of a medical student loan, the person must meet the initial minimum eligibility requirements, as well as maintain good academic standing and make satisfactory progress toward degree completion.

The bill also provides that each medical student loan issued by a medical school is to provide to the recipient of the medical student loan a maximum annual amount of \$10,000; and that the medical student loan can be renewed annually for a period not to exceed four years.

The bill also requires that each medical student loan be memorialized in a written medical student loan agreement, which must require, at a minimum, that the person receiving the loan:

- Complete the required course of instruction and receive the degree of doctor of medicine (M.D.) or doctor of osteopathy (D.O.).
- Apply for and obtain a license to practice medicine in West Virginia.
- Engage in the full-time practice of medicine for a period of 12 months within an approved service commitment area.
- Commence the full-time practice of medicine within nine months after completion of an approved post-graduate residency training program and licensure in an approved service commitment area and continue full-time practice in the approved service commitment area for a consecutive period of months equal to the total number of months for which the medical student loan was provided.

- Agree that the service commitment for each agreement entered into is in addition to any other service commitment contained in any other agreement the person has entered or may enter into for the purpose of obtaining any other financial aid.
- Maintain records and make reports to the issuing medical school to document the person's satisfaction of the obligations under the agreement to engage in the full-time practice of medicine in an approved service commitment area and to continue the full-time practice of medicine in the approved service commitment area for a consecutive period of months equal to the total number of months the student received the medical student loan. Persons practicing in a federally designated population-based health professions shortage area shall provide documentation that more than 50 percent of their service is provided to the designated population.
- Upon failure to satisfy the requirements of the agreement that the person engage in the full-time practice of medicine within an approved service commitment area for the required period of time under the medical student loan agreement, the person receiving a medical student loan is required to repay amounts to his or her issuing medical school.

The bill also provides that upon the selection of an approved service commitment area for the purpose of satisfying a service obligation under a medical student loan agreement, the person shall inform the issuing medical school of the service area selected. The person can serve all or part of the commitment in the approved service commitment area initially selected or in a different approved service commitment area. If the person chooses a different approved service commitment area, the person must notify his or her issuing medical school of his or her change of approved service commitment areas.

The bill also provides that upon the person's presentation of a report to the issuing medical school evidencing his or her satisfaction of the terms of the medical student loan agreement, the issuing medical school shall cancel \$10,000 of the outstanding loan for every twelve full consecutive months of service as required in the agreement.

The bill also provides that upon the failure of any person to satisfy the obligation to engage in the full-time practice of medicine within an approved service commitment area of this state for the required period of time under any medical student loan agreement, the person is required to repay to his or her issuing medical school an amount equal to the total of the amount of money received by the person pursuant to the medical student loan agreement plus annual interest at a rate of 9.5 percent from the date the person first received the medical student loan. For any such repayment, the following provisions shall apply:

- The person must repay an amount totaling the entire amount to be repaid under all medical student loan agreements for which the obligations are not satisfied, including all amounts of interest at the rate prescribed. The repayment shall be made either in a lump sum or in not more than 12 equal monthly installment payments.
- All installment payments are required to commence six months after the date of the action or circumstance that causes the person's failure to satisfy the obligations of the medical student loan agreement, as determined by the issuing medical school based upon the circumstances of each individual case. In all cases, if an installment payment becomes 91 days overdue, the entire amount outstanding shall become immediately due and payable, including all amounts of interest at the rate prescribed.
- If a person becomes in default of his or her medical student loan repayment obligations, the medical school shall make all reasonable efforts to collect the debt.

The bill also provides that if, during the time a person is satisfying the service requirement of a medical student loan agreement, the person desires to engage in less than the full-time practice of medicine within an approved service commitment area and remain in satisfaction of the service requirement, the person can apply to the medical school that issued the medical student loan for permission to engage in less than the full-time practice of medicine. Upon a finding of exceptional circumstances made by the medical school that issued the medical student loan, the medical school can authorize the person to engage in less than the full-time practice of medicine within an approved service commitment area for the remaining required period of time under the medical student loan agreement and for an additional period of time that shall be equal to the length of time originally required multiplied by two. The bill also provides that in no event shall the person be allowed to practice medicine less than half-time.

The bill also requires each medical school, by July 31 of each year, to prepare and submit a report on the operations of their respective medical student loan programs to the commission for inclusion in the commission's data publication and reporting. The bill also sets forth the minimum information that is to be included in the report.

**CODE REFERENCE:** West Virginia Code §18C-3-1 – amended

**DATE OF PASSAGE:** March 11, 2022

**EFFECTIVE DATE:** June 9, 2022

**ACTION BY GOVERNOR:** Signed March 28, 2022

# House Bill 4065

## Allowing the Division of Natural Resources to teach hunter's safety courses in school

This bill requires the state board to establish and implement a hunter safety orientation program with appropriate classes and hands-on training. The program can be scheduled for the regular hours of the school day, so as to work in conjunction with the regular course schedule, or can be scheduled outside of the regular hours of instruction for the school day; and requires that, to the extent possible, the program be conducted at school facilities and scheduled so that students attending the program class can also make use of regularly provided student transportation.

The bill replaces language allowing the hunter safety orientation program to be offered to students in any of grades 6-12 over a two-week period during the school year as part of physical education classes, or as part of the general curriculum offered to students in any of these grade levels, or at the end of the school day with the following:

- Requiring the hunter safety program to be offered a least once every spring semester in every middle school of the state.
- Allowing, at the option of each county board, the programs to also be offered at least once during the fall semester in any middle school or offered in any high school in the state if demand is sufficient and certified instructors are available.
- Providing that if there's an insufficient number of students at a middle school requesting or registering for the class in a given semester, the school is not required to conduct the class that semester; and that the minimum number of students requesting the safety orientation program class in a semester necessary to provide the class is at the discretion of the county board.

**CODE REFERENCE:** West Virginia Code §18-2-8a – amended

**DATE OF PASSAGE:** March 9, 2022

**EFFECTIVE DATE:** June 7, 2022

**ACTION BY GOVERNOR:** March 28, 2022

## House Bill 4074

### Require schools provide eating disorder and self-harm training for teacher and students

This bill, entitled “Meghan’s Law”, requires the state board to promulgate a rule to establish training requirements for certain employees focused on developing skills, knowledge, and capabilities related to preventing, recognizing, and responding to students’ self-harm behaviors and eating disorders. The employees subject to the training requirements include all county board employees who might come into contact with a student, including full-time, part-time, and contract employees, as well as any volunteers of a school or school district that might come into contact with a student as such employees and volunteers may be further defined in the rule. The rule:

- Must include instruction and information to better equip schools and their employees to recognize warning signs of self-harm behaviors and eating disorders that can lead to serious health issues and death; support the healthy development of students by learning how to appropriately respond to or refer a student who exhibits warning signs of self-harm or eating disorders; and provide consistent and standard protocols for responding to disclosures or discovery of self-harm or an eating disorder.
- Must contain provisions to ensure that public school employees complete the required training every three years.
- May provide for this training to be administered virtually or through self-review of materials and resources provided by the state board.

The bill also requires that children in grades 5-12 annually receive information regarding self-harm and eating disorder signs, prevention, and treatment. The information can be obtained from the Bureau for Behavioral Health and Health Facilities, a licensed healthcare provider, or from commercially developed awareness and prevention training programs for the awareness, treatment resources and prevention of self-harm behavior and eating disorders approved by the state board in consultation with the bureau to assure accuracy and appropriateness. The bill also allows the state board to promulgate a rule to facilitate the process and develop resources.

**CODE REFERENCE:** West Virginia Code §18-2-40a – new

**DATE OF PASSAGE:** February 11, 2022

**EFFECTIVE DATE:** May 12, 2022

**ACTION BY GOVERNOR:** Signed February 21, 2022

## House Bill 4110

### Relating to staffing levels at multi-county vocational centers

County boards of education are required to meet a statutory ratio of instructional personnel per state aid funded professional educators. Failure of county boards to meet the ratio results in a penalty in the form of a pro rata reduction in the county's state aid for professional educators.

This bill exempts a county board of education that is serving as the fiscal agent for a multi-county vocational center (MCVC) from the penalty if the failure to meet the ratio is due to staffing levels at the MCVC.

**CODE REFERENCE:** West Virginia Code §18-9A-4 – amended

**DATE OF PASSAGE:** March 11, 2022

**EFFECTIVE DATE:** June 9, 2022

**ACTION BY GOVERNOR:** Signed March 30, 2022

## House Bill 4291

### Relating to authorizing legislative rules regarding higher education

This bill authorizes Higher Education Policy Commission (HEPC) and Community and Technical College Council (CTCC) legislative rules that have been reviewed and recommended for authorization by LOCEA. The following rules are authorized:

- Series 48 – HEPC – Research Trust Fund: This rule, establishing standards for the distribution of funds in the West Virginia Research Trust Fund has had its Sunset provision extended for a period of five years from the effective date.
- Series 52 – HEPC – Annual Reauthorization of Degree-Granting Institutions: This rule, establishing policy regarding the annual reauthorization of degree-granting institutions above the associate level has had its Sunset provision extended for a period of five years from the effective date.
- Series 8 – CTCC – West Virginia Invests Grant Program: In order to comply with SB335, passed last session, this rule is revised to include academic program fees in the costs that are covered by the West Virginia Invests Grant Program; and further revised to change the drug testing requirement from every semester to every year. The rule also requires the drug test to be verified by the Senior Director of Financial Aid; and modifies consequences for failure to complete the required community service.
- Series 35 – CTCC – Business, Occupational, and Trade Schools: This rule, regarding the issuance, renewal, and revocation of permits to business, occupational and trade schools in West Virginia has had its sunset provision extended for a period of five years from the effective date.
- Series 52 – CTCC – Annual Reauthorization of Degree-Granting Institutions: This rule, establishing policy regarding the annual reauthorization of degree-granting institutions below the associate level has had its Sunset provision extended from the effective date.

**CODE REFERENCE:** West Virginia Code §18B-17-2 and §18B-17-3 – amended

**DATE OF PASSAGE:** March 7, 2022

**EFFECTIVE DATE:** June 5, 2022

**ACTION BY GOVERNOR:** Signed March 30, 2022



## House Bill 4355

### Relating to the disclosure by state institutions of higher education of certain information regarding textbooks and digital courseware and certain charges assessed for those items

This bill defines several terms one of which is “course material” which replaces the term “textbook” throughout the section. It requires that the listing of course materials required for any course at higher education institutions include whether the course material is an open educational resource material, and whether all educational materials required for the course or course section are generally available at no cost and without limitation to all students enrolled in the course or course section. It also requires that the list include any associated fee or charge, such as a technology cost, library use cost, or printing or publication fee. Also, if the student will be charged for the course material or for access to digital courseware for a course by the institution or another entity on the student’s enrollment in a course, course section, or program or in the institution for the applicable semester or term, the list is required to include the certain disclosures as set forth below.

The bill requires that an institution disclose to a student enrolled at the institution any charges for course materials or access to digital courseware assessed by the institution or another entity to the student on the student’s enrollment in a course, course section, or program or in the institution for the applicable semester or term, regardless of how the charge is assessed on an opt-in, opt-out, or compulsory basis. This disclosure requirement does not apply to a charge assessed for a purchase initiated by the student separately from the enrollment process at the institution, such as the purchase of course materials at a bookstore that may be charged to the student’s account at the institution.

The bill also provides that if the required course materials or digital courseware has not been selected prior to a student’s enrollment in a course or course section such that the disclosure requirements are not met or if a change to the course materials or digital courseware required would cause an increased charge to the student, the institution is required to:

- Provide individual notice to each student affected of the new or increased charges.
- Provide each student affected with the opportunity to withdraw from the course or course section, or change to a different course or course section, without penalty.
- Only assess the new or increased charge to a student if that student affirmatively opts in to accepting the charge for that specific course or course section.

For a charge for course materials or access to digital courseware assessed by the institution or another entity to the student on the student’s enrollment in a course, course section, or program or in the institution for the applicable semester or term that is assessed based on the cost of required or recommended textbooks or access to digital courseware for a certain course or course section in which the student is enrolled, the bill also requires the institution to:

- In the listing of textbooks required for any course, state or provide an internet website link to:
  - The full amount of the charge.
  - If the charge is for a course material in a primarily electronic format or for access to digital courseware, the terms under which the publisher of the course material or digital courseware collects and uses student data obtained through a student’s use of the course material or digital courseware.
  - Any provision that allows the student to opt in or opt out of the charge or the collection or use of the student’s data.

- Itemize the charge separately from any other charges assessed for the course or course section in the institution's billing to the student.

For a charge for course materials or access to digital courseware assessed by the institution or another entity to the student on the student's enrollment in a course, course section, or program or in the institution for the applicable semester or term that is assessed on the basis of the number of semester credit hours or the equivalent or the number of courses in which the student is enrolled, the institution is required to:

- Include the amount of the charge in the institution's tuition or fees.
- In a prominent location in any written or electronic agreement authorizing the charge, disclose:
  - If the charge is for course materials in a primarily electronic format or for access to digital courseware, the terms under which the publisher of the course material or digital courseware collects and uses student data obtained through a student's use of the course material or digital courseware.
  - Any provision that allows the student to opt in or opt out of the charge or the collection or use of the student's data.
- Not assess the charge to a student for a course or course section for which all required educational materials are generally available at no cost in at least one form to the student, such as:
  - An open educational resource material.
  - Digital materials available at no cost through a multi-user license held by the institution's library.
  - Other lawfully made materials available to the public at no cost and without limitation to all students enrolled in the course or course section.

The bill also allows an institution to enter into an agreement between the institution and an entity under which the institution assesses on the entity's behalf or allows the entity to assess a charge for course materials or access to digital courseware assessed by the institution or another entity to the student on the student's enrollment in a course, course section, or program or in the institution for the applicable semester or term to students enrolled at the institution only if:

- The institution's educational materials affordability committee determines the agreement to be consistent with certain enumerated goals.
- The governing board of the institution adopts a policy that provides that:
  - The institution's refund policy would apply with respect to the charges assessed to a student if the student withdraws from the course or course section.
  - A student may opt out of the charge at any time during a period beginning no later than when the student enrolls in the course or course section or takes any other action triggering the assessment of the charge and ending no earlier than the last day to withdraw from the course without penalty.
- The agreement does not provide that the educational materials are made available to the student not later than:
  - The first day of the semester or term, if the student enrolls in the course or course section at least seven days before the first day of the semester or term, or
  - The seventh day after enrollment in the course or course section.
- The agreement does not provide for a penalty or charge added to price of materials provided under the agreement based on failing to meet a target or quota for a number or percentage of:
  - Students to whom the charge is assessed.

- Courses or course sections for which the charge is assessed.
- The agreement prohibits the entity from engaging in, or authorizing third parties to engage in, the sale, disclosure, licensing, use, retention, or other exploitation of any data collected under the agreement, including but not limited to personally identifiable information, location data, anonymized data, and any materials derived therefrom, except as expressly authorized, in each case, in the agreement.

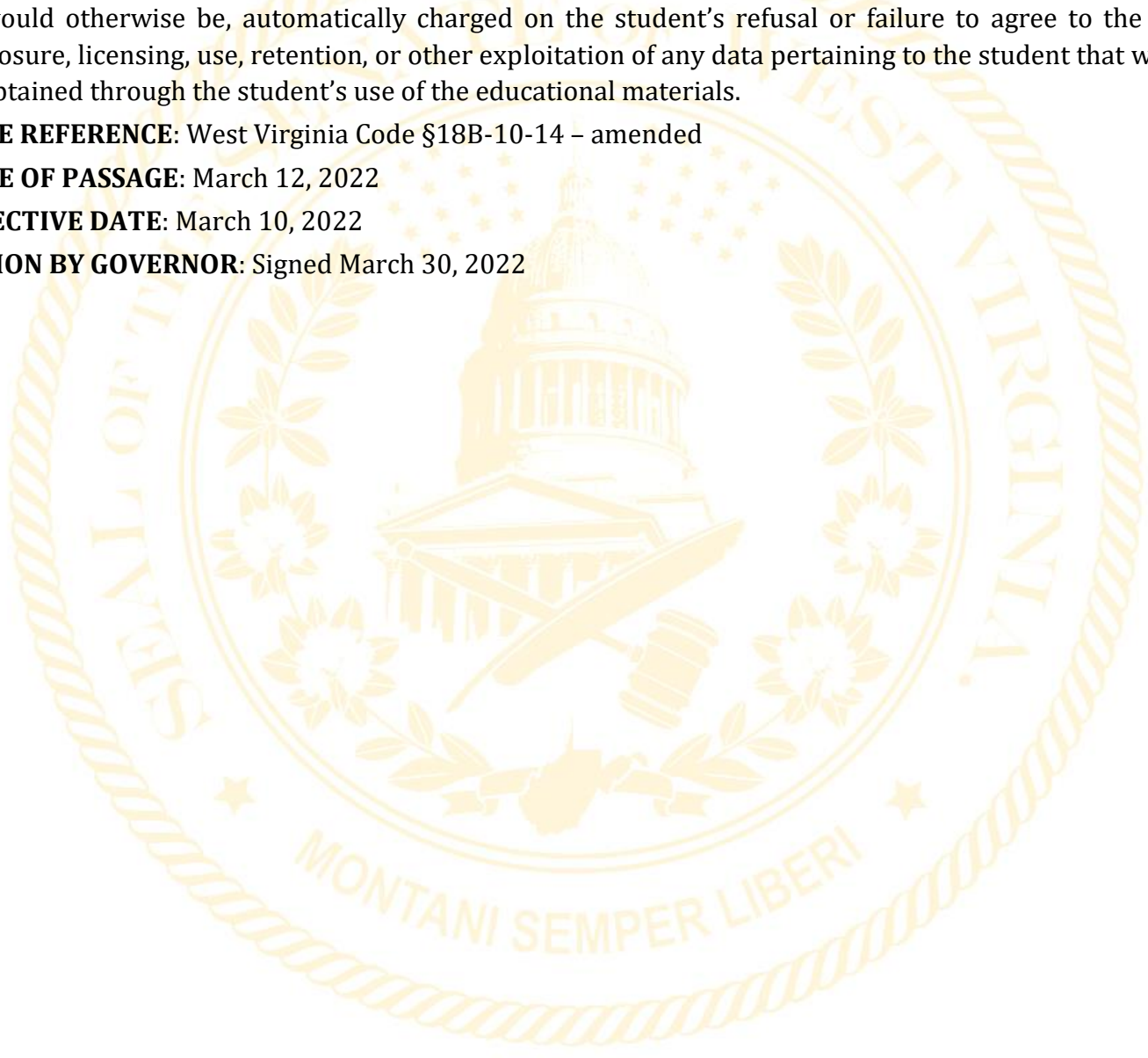
The bill also provides that an agreement authorized above is a public record under the Freedom of Information Act; and that an institution cannot deny, or enter into an agreement with another entity that would permit the entity to deny a student access to educational materials for which the student has been, or would otherwise be, automatically charged on the student's refusal or failure to agree to the sale, disclosure, licensing, use, retention, or other exploitation of any data pertaining to the student that would be obtained through the student's use of the educational materials.

**CODE REFERENCE:** West Virginia Code §18B-10-14 – amended

**DATE OF PASSAGE:** March 12, 2022

**EFFECTIVE DATE:** March 10, 2022

**ACTION BY GOVERNOR:** Signed March 30, 2022



## House Bill 4380

### Relating to transportation of athletic teams

This bill:

- Increases the limit from one to two on the number of county board-owned vehicles with a seating capacity of fewer than 10 passengers that can be used to transport students for any school sponsored activity.
- Requires buses to be used to transport nineteen or more passengers for extracurricular activities.
- Allows service employees to be certified to drive county board-owned vehicles having a seating capacity of fewer than 10 passengers that professional employees currently can be certified to drive to transport students for school-sponsored activities.
- Requires the vehicles to be insured.
- Clarifies that the 10 passenger limit of the vehicles includes the driver.
- Allows students to be transported to a school-sponsored activity in a county-owned or leased vehicle that does not meet school bus or public transit ratings if the seating capacity of the vehicle is less than 10 passengers including the driver.
- Allows a guardian or other adult approved in writing by the parent or guardian to transport students in a privately owned vehicle.
- Removes the limit of 10 or fewer on the number of students that can be transported in a privately owned vehicle by a parent, guardian, or other adult approved in writing by the parent or guardian.

**CODE REFERENCE:** West Virginia Code §18-5-13 – amended

**DATE OF PASSAGE:** March 9, 2022

**EFFECTIVE DATE:** June 7, 2022

**ACTION BY GOVERNOR:** Signed March 28, 2022

## House Bill 4420

### To modify definitions of school bus operators

Current law provides that a school bus operator who is currently employed and who is diagnosed with diabetes mellitus requiring insulin is not ineligible for employment as a school bus operator because of the diagnosis under certain conditions. This bill provides that a school bus operator candidate diagnosed with diabetes mellitus requiring insulin is also not ineligible for employment as a bus operator because of the diagnosis under those same conditions.

**CODE REFERENCE:** West Virginia Code §18A-2-4 – amended

**DATE OF PASSAGE:** March 8, 2022

**EFFECTIVE DATE:** June 6, 2022

**ACTION BY GOVERNOR:** Signed March 28, 2022

## **House Bill 4466**

### **Relating to School Building Authority's review of school bond applications**

This bill allows a county board to apply to the School Building Authority for funding as a part of the county's bond finance plan for a proposed capital improvement bond levy to be submitted to the voters of that county. The county board is required to first submit a request for the funding to the Executive Director of the Authority months prior to the county board's proposed bond levy election. After initial consultation with the Executive Director, the bill requires that the county board prepare a written outline of the bond finance plan, the capital improvements to be made with levy funds, and the amount and timing of funding requested from the Authority. The county board is then required to present its request at a meeting of the members of the Authority.

Grants of financial assistance that have received initial approval are contingent on passage of the bond levy and the final approval of the School Building Authority of the county's bond finance plan. Any materials produced by the county or its county board that refer to the Authority must include a statement of this contingency and terms. Financial assistance to be provided by the Authority can only be used to pay costs of capital improvements and cannot be pledged as security for or repayment of any bonds issued by the county board.

Upon passage of bond levy, the county board has four years to finalize the project. However, the Authority is authorized to grant an extension in extenuating circumstances.

The bill also provides that these new requirements do not apply to any proposed capital improvement bond levy that is scheduled to be submitted to the voters on or before December 31, 2022.

**CODE REFERENCE:** West Virginia Code §18-9D-15 – amended

**DATE OF PASSAGE:** March 11, 2022

**EFFECTIVE DATE:** June 9, 2022

**ACTION BY GOVERNOR:** Signed March 28, 2022

## **House Bill 4489**

### **Require counties to post open positions on statewide job bank**

This bill adds service and extracurricular personnel positions to the professional personnel positions that are required to be included in the State Board of Education's statewide job bank; and requires each county board to provide information to the state board for inclusion in the statewide job bank.

**CODE REFERENCE:** West Virginia Code §18A-2-7a – amended

**DATE OF PASSAGE:** March 8, 2022

**EFFECTIVE DATE:** June 6, 2022

**ACTION BY GOVERNOR:** Signed March 30, 2022

## House Bill 4535

### Repeal section relating to school attendance and satisfactory academic progress as conditions of licensing for privilege of operation of motor vehicle

This bill:

- Replaces the requirement for an instruction permit or motor vehicle license to be denied or suspended whenever a student in a certain age range withdraws from school or fails to maintain satisfactory academic progress with the requirement that the student's instruction permit or license be restricted to driving for work or medical purposes or educational or religious pursuits.
- Removes requirement for driver's eligibility certificate for instruction permit and license applicants under 18.
- Reduces the age for which the school attendance and satisfactory academic progress provisions apply to from those under the age of 18 to those under the age of 17.
- Modifies requirements for a level three graduated driver's license by removing requirements applicable to a licensee 18 or older, leaving the requirements for those who are 17 or older also applicable to those who are 18 or older.
- Provides that any person whose driver's license is suspended, restricted, or revoked after hearing with the Commissioner of the Division of Motor Vehicles can seek judicial review of the final order or decision.

**CODE REFERENCE:** West Virginia Code §17B-2-3a, §17B-3-6, and §18-8-11 – amended

**DATE OF PASSAGE:** March 11, 2022

**EFFECTIVE DATE:** June 9, 2022

**ACTION BY GOVERNOR:** Signed March 30, 2022

## House Bill 4562

### Relating generally to the suspension and dismissal of school personnel by board and the appeals process

This bill:

- Requires that upon commencement of any fact-finding investigation involving conduct alleged to jeopardize the health, safety, or welfare of students or the learning environment of other students, the affected employee be suspended, placed on administrative leave, or reassigned to duties which do not involve direct interaction with pupils.
- Requires an employee charged with a felony, a misdemeanor with a rational nexus between the conduct and performance of the employee's job, or child abuse to be suspended, placed on administrative leave, or reassigned to duties which do not involve direct interaction with pupils pending final disposition of the charges. Existing language allows, but does not require, the employee to be reassigned to duties which do not involve direct interaction with pupils.
- Makes it the duty of any school principal to report any employee conduct alleged to jeopardize the health, safety, or welfare of students or the learning environment of other students, to the county superintendent within 24 hours of the allegation.

**CODE REFERENCE:** West Virginia Code §18A-2-8 – amended

**DATE OF PASSAGE:** March 9, 2022

**EFFECTIVE DATE:** June 7, 2022

**ACTION BY GOVERNOR:** Signed June 30, 2022

## House Bill 4565

### To exempt temporary employees and employees of the Higher Education Policy Commission from automatic enrollment into the state's 457 (b) plan

This bill addresses existing law which requires that every state employee commencing work on and after July 1, 2007 have a minimum of \$10 per pay period of his or her salary deferred to the state deferred compensation plan unless the employee provides written notice declining to participate. This bill clarifies that temporary employees, employees of the Higher Education Policy Commission, Community and Technical College Council, and the state's public institutions of higher education are exempt from this requirement.

The bill also strikes language limiting the amount of a school employee's salary that can be deferred to the amount excludable from income under a 403(b) plan since those employees can also participate in a 457 plan which has separate limits.

**CODE REFERENCE:** West Virginia Code §5-10B-2, §5-10B-3a, §18-25-1, and §18A-4-12 – amended

**DATE OF PASSAGE:** March 11, 2022

**EFFECTIVE DATE:** June 9, 2022

**ACTION BY GOVERNOR:** Signed March 28, 2022

## **House Bill 4571**

### **Modifying foundation allowance to account for transportation by electric powered buses**

This bill amends Step 4 of the Public School Support Program, the allowance for student transportation operating costs. A part of this allowance is a percentage of the transportation costs incurred by the county for maintenance, operation, and related costs, exclusive of salaries. The percentage is between 87.5 and 95 percent depending on the density category of the county. This bill would increase the percentage by 10 percent for any portion of a county's school bus system that is fully powered by electricity that is stored in an onboard rechargeable battery or other storage device; and also increase the percentage by five percent for the portion of its school bus system that is manufactured within the state.

**CODE REFERENCE:** West Virginia Code §18-9A-7 – amended

**DATE OF PASSAGE:** March 12, 2022

**EFFECTIVE DATE:** July 1, 2022

**ACTION BY GOVERNOR:** Signed March 28, 2022

## **House Bill 4604**

### **Relating to abolishing the Workforce Development Initiative Program Advisory Council**

This bill abolishes the Workforce Development Initiative Program advisory committee which is a committee appointed by the Chancellor to review all applications for workforce development initiative grants and make recommendations to the council for distributing grant funds.

**CODE REFERENCE:** West Virginia Code §18B-3D-2 – amended

**DATE OF PASSAGE:** March 10, 2022

**EFFECTIVE DATE:** June 8, 2022

**ACTION BY GOVERNOR:** Signed March 30, 2022

## **House Bill 4829**

### **Modifying definitions of certain school cafeteria personnel**

This bill amends the current definition of a cafeteria manager to add language for the Cook III classification, and to include duties for monitoring freezers and temperatures on equipment, communicating with the food service supervisor, and maintaining an appropriate time for ordering/emailing and other paperwork to be performed.

Additionally, the bill strikes out “interpret menus” from the Cook II definition and adds this language along with “assist the cafeteria manager” to the Cook III definition. The bill further provides to the definition of a Cook III that a person in this employee classification may act as the cafeteria manager if the cafeteria manager is absent.

**CODE REFERENCE:** West Virginia Code §18A-4-8 – amended

**DATE OF PASSAGE:** March 11, 2022

**EFFECTIVE DATE:** June 9, 2022

**ACTION BY GOVERNOR:** Signed March 28, 2022



# Health and Human Resources



## **Senate Bill 138**

### **Relating to Board of Medicine composition**

The purpose of this bill is to remove one member from the board of medicine. This removal results in the removal of one podiatrist.

**CODE REFERENCE:** West Virginia Code §30-3-5 – amended

**DATE OF PASSAGE:** March 12, 2022

**EFFECTIVE DATE:** June 10, 2022

**ACTION BY GOVERNOR:** Signed March 28, 2022

## **Senate Bill 181**

### **Creating Core Behavioral Health Crisis Services System**

This bill requires the Secretary of DHHR to designate a crisis hotline or centers to provide crisis intervention services and crisis care coordination to individuals accessing the 988-suicide prevention and behavioral health crisis hotline from any jurisdiction in the state 24 hours a day, 7 days a week. The centers shall have an active agreement with the National Suicide Prevention Lifeline (NSPL) and meet their requirements and best standards. The center shall utilize chat and text that is interoperable and across crisis and emergency response systems used throughout the state.

The center shall coordinate access to crisis receiving and stabilization for individuals accessing the 988-suicide prevention and behavioral health crisis hotline through appropriate sharing and provide follow up services. Designated hotline centers shall meet the requirements set forth by the NSPL for serving high risk and specialized populations as identified by the Substance Abuse and Mental Health Services Administration, including training requirements and policies for transferring such callers to appropriate specialized center or subnetworks within or external to the NSPL network.

Crisis receiving and stabilization services as related to the call shall be reimbursed by the department if the individual for whom services were provided meets the definition of an uninsured person or if the crisis stabilization service is not a covered service by the individual's health insurance. The Bureau of Medical Services shall work with the entity responsible for appropriate coding and paying for crisis management services.

The bill gives the Secretary of DHHR discretion to hire employees, fix compensation, define duties and grant authority to carry out the purposes of the article. There is legislative rulemaking and emergency rulemaking authority for the Secretary of DHHR. There is an annual report requirement.

**CODE REFERENCE:** West Virginia Code §16-42-1 through §16-42-9 – new

**DATE OF PASSAGE:** March 8, 2022

**EFFECTIVE DATE:** March 8, 2022

**ACTION BY GOVERNOR:** Signed March 23, 2022

## Senate Bill 213

### Establishing licensed professional counseling compact

The bill creates an interstate compact for licensed professional counselors. The language of the bill is boilerplate language developed by the Counseling Compact. Once 10 states have authorized the compact, it authorizes both telehealth and in-person practice across state lines in counseling compact states. Counseling compact states communicate and exchange information including verification of licensure and disciplinary sanctions. Counseling compact states retain the ability to regulate practice in their states.

**CODE REFERENCE:** West Virginia Code §30-31A-1 through §30-31A-15 – new

**DATE OF PASSAGE:** March 8, 2022

**EFFECTIVE DATE:** June 6, 2022

**ACTION BY GOVERNOR:** Signed March 23, 2022

## Senate Bill 221

### Establishing occupational therapy compact

The bill creates an interstate compact for occupational therapists. The language of the bill is boilerplate language developed by the Occupational Therapy Licensure Compact. Under the compact, occupational therapists and occupational therapy assistants who are licensed in good standing in a compact member state may practice in other compact member states via a compact privilege which is equivalent to licensure.

The compact establishes a licensure data system for instant verification of licensure information. It establishes a compact commission, comprised of member state officials to carry out the compact purposes. The compact will take effect once enacted by 10 states. The OT Compact Commission will then convene to establish rules and implement the data system in order to begin issuing the compact privileges. This compact is a joint initiative between the American Occupational Therapy Association and the National Board for Certification in Occupational Therapy.

**CODE REFERENCE:** West Virginia Code §30-28A-1 through §30-28A-14 – new

**DATE OF PASSAGE:** February 25, 2022

**EFFECTIVE DATE:** May 26, 2022

**ACTION BY GOVERNOR:** Signed March 8, 2022

# Senate Bill 247

## Relating to certified community behavioral health clinics

The bill requires the Bureau for Medical Services (BMS) to develop, seek approval of, and implement a Medicaid state plan amendment to effectuate a system of certified community behavioral health clinics (CCBHCs).

The bill provides that BMS, in conjunction with the DHHR's Bureau for Behavioral Health shall establish a state certification system for CCBHC's in accordance with the following requirements:

- The CCBHC system shall be consistent with Section 223 of the Protecting Access to Medicare Act of 2014 PAMA, as amended
- Standards and methodologies for a prospective payment system shall be established to reimburse each CCBHC under the state Medicaid program on a predetermined, fixed amount per day for covered services rendered to each covered Medicaid beneficiary.
- A quality incentive payment system shall be established for those CCBHC's which achieve specific thresholds on performance metrics identified by BMS. Such quality income payments shall be in addition to the bundled prospective daily rate.
- The prospective payment rate for each CCBHC shall be adjusted tri-annually by the Medicare economic Index. Additionally, the rate shall allow for modifications based upon a change in scope for individual CCBHC. Rate adjustments can be upon request of the provider.
- Criteria shall be established to certify a facility as a CCBHC which at a minimum shall require each directly, or indirectly through referral relationships the following services:
  - Crisis mental health services, including 24, hour mobile crisis teams, emergency crisis intervention services and crisis stabilization;
  - Screening, assessment, and diagnosis, including risk assessment;
  - Patient-centered treatment planning or similar processes, including risk assessment and crisis planning;
  - Outpatient clinic primary care screening and monitoring of key health indicators and health risk
  - Targeted case management;
  - Peer support and counselor services
  - Family support services; and
  - Community-based mental health services, including mental health services for members of the armed forces and veterans

All non-profit comprehensive community mental health centers and comprehensive intellectual disability facilities shall be eligible to apply for certification.

The certification is strictly voluntary.

**CODE REFERENCE:** West Virginia Code §9-5-29 – new

**DATE OF PASSAGE:** March 12, 2022

**EFFECTIVE DATE:** June 10, 2022

**ACTION BY GOVERNOR:** Signed March 28, 2022

## **Senate Bill 274**

### **Requiring secretary of DHHR to allocate CPS workers by Bureau of Social Services' district annually**

The bill requires DHHR secretary to annually report allotted CPS workers by Bureau for Social Services' district and annually report the allocation process to Legislative Oversight Commission on Health and Human Resources Accountability by July 1, each year.

**CODE REFERENCE:** West Virginia Code §9-2-6 – amended

**DATE OF PASSAGE:** March 10, 2022

**EFFECTIVE DATE:** March 10, 2022

**ACTION BY GOVERNOR:** Signed March 28, 2022

## **Senate Bill 419**

### **Establishing pilot project to evaluate impact of certain post-substance use disorder residential treatments**

The bill creates a pilot program whereby the DHHR shall enter into contracts as a pilot with MCOs where a minimum of 15% of substance use disorder residential treatment contracts for facilities providing substance use disorder are paid based upon performance-based metrics.

The bill states that MCOs shall contract with a substance use disorder residential treatment facility and allow substance use disorder residential treatment facilities the option to be paid based upon performance-based metrics.

The metrics are listed in the existing bill, and include but are not limited to community supports, housing, job placement, and transportation. The bill permits an internal advisory group at DHHR to formulate performance metrics and rates to include the variables in the code as well as additional variables.

The bill provides data shall be reported monthly to the ODCP and a full-time person.

The bill provides the advisory committee shall evaluate the outcome of the pilot annually and adjust quality metrics to improve quality outcomes and assess the pilot for continuation.

The pilot will termination in 3 years unless it is recommended for further evaluation.

The reporting requirements contains a requirement for an actuarial analysis, and additional information on the overall performance of the contract, and any metrics that have been added in the previous fiscal year.

**CODE REFERENCE:** West Virginia Code §9-5-29 – new

**DATE OF PASSAGE:** March 7, 2022

**EFFECTIVE DATE:** June 5, 2022

**ACTION BY GOVERNOR:** Signed March 30, 2022

## Senate Bill 468

### Creating Unborn Child with Down Syndrome Protection and Education Act

The bill provides that except in a medical emergency or a nonmedically viable fetus, a licensed medical professional may not perform or attempt to perform or induce an abortion, unless the patient acknowledges that the abortion is not being sought because of a disability.

The bill provides that if a licensed medical professional performs or induces an abortion on a fetus, licensed medical professional shall, within 15 days of the procedure, cause to be filed with the commissioner, on a form supplied by the commissioner, a report detailing the following:

- Date the abortion the abortion was performed;
- Specific method of the abortion;
- A statement from the patient confirming that the reason for the abortion was not because of the disability;
- Probable health consequences of the abortion to the patient;
- Whether a medical emergency existed; and

The licensed medical professional shall sign the form as his or her attestation under oath.

The bill provides for penalties.

**CODE REFERENCE:** West Virginia Code §16-2Q-1 – new

**DATE OF PASSAGE:** March 12, 2022

**EFFECTIVE DATE:** June 10, 2022

**ACTION BY GOVERNOR:** Signed March 21, 2022

## **Senate Bill 518**

### **Allowing nurses licensed in another state to practice in WV**

The bill makes changes to the board composition, restructures the duties of the board, and requires the board to appoint nine members to the Nursing Shortage Study Commission to study the nursing shortage and make recommendations to the Joint Committee on Health by December 1, 2022. This shall terminate on January 1, 2023.

**CODE REFERENCE:** West Virginia Code §30-7-1a, §30-7-15e, and §30-7-20 – repealed; §30-7-3, §30-7-4, §30-7-6, §30-7-7, §30-7-8, §30-7-8a, and §30-7-20 – amended

**DATE OF PASSAGE:** March 12, 2022

**EFFECTIVE DATE:** March 12, 2022

**ACTION BY GOVERNOR:** Signed March 28, 2022

## **Senate Bill 585**

### **Creating administrative medicine license for physicians not practicing clinical medicine**

The bill creates an administrative medicine license. This is a medical license that allows a physician to practice administrative medicine in such areas as managing the clinical operations and other business activities related to the delivery of health care services.

The West Virginia Board of Medicine may issue a license to a physician who completes an application pays the fee and meets all qualifications for licensure and demonstrates competency to practice administrative medicine. An administrative licensee may not practice clinical medicine.

The bill gives the board the ability to propose emergency rules.

**CODE REFERENCE:** West Virginia Code §30-3-11c – new

**DATE OF PASSAGE:** March 10, 2022

**EFFECTIVE DATE:** June 8, 2022

**ACTION BY GOVERNOR:** Signed March 23, 2022

## **Senate Bill 603**

### **Prohibiting licensure and re-licensure in WV if applicant is prohibited from practicing in another jurisdiction**

The bill provides that board shall not issue an initial license, reinstate, or reactivate a license, to any individual whose license has been revoked, suspended, surrendered, or deactivated in another state based upon conduct which is substantially equivalent to an act of unprofessional conduct prohibited by the code or the board's legislative rules, until reinstatement of his or her license in the state.

**CODE REFERENCE:** West Virginia Code §30-3-10 – amended

**EFFECTIVE DATE:** June 6, 2022

**DATE OF PASSAGE:** March 8, 2022

**ACTION BY GOVERNOR:** Signed March 23, 2022

# House Bill 2817

## Donated Drug Repository Program

The bill creates a new chapter of code entitled the Donated Drug Repository Program. The bill defines terms. The Board is the WV Board of Pharmacy. The terms donor includes a member of the public, or any entity legally authorized to possess drugs with a license or permit in good standing. Drugs means both prescription and nonprescription drugs. Eligible patient means an indigent person. However, if the recipients supply of donated drugs exceeds the need for donated drugs by indigent persons, then any other person in need of a particular drug can be an eligible patient.

The bill provides for waivers for donors and eligible recipients from any rule related to this program. The bill provides that any person or entity may dispose of an eligible drug by donating it to an eligible recipient. The bill provides an eligible recipient may receive drugs from a donor. The bill provides that an eligible recipient may accept drugs that are in tamper-resistant packaging and drugs that have a tamper evident seal. The drugs that may be dispensed are prescription drugs that do not expire before the completion of medication by the eligible patient based on the prescribing health care professionals' directions for use and for over-the-counter drugs, based upon the manufacturer's label and the drugs were donated in a unopened tamper-evident packaging. The bill provides that controlled substances and drugs subject to the FDA managed risk and evaluation mitigate on strategy may not be donated. Eligible drugs are drugs believed to be unadulterated. The bill lists the eligible recipients and requires the board to publish a list on its website. Participating entities shall make all records available within five business days.

The bill defines the information that needs to be collected from a new donor, including whether the donor meets the definition of donor; the donors name, address, phone number and license number. The bill provides the donor shall only make donations in accordance with the program. The donor shall ensure the integrity of any drug requiring temperature control. The bill sets forth requirements for storage and inventory. The bill provides donated drugs shall be kept separate from other inventory and that drugs may be repackaged as necessary for storage, replenishment, dispensing and administration.

With respect to dispensing the drugs, it must be consistent with law. The drugs must be dispensed pursuant to a valid prescription. The patient shall be provided appropriate counseling. The bill provides that an eligible recipient may further donate unused prescription drugs do or receive unused prescription drugs from another eligible recipient. The bill provides an inventory shall be kept unless both eligible recipients are under common ownership and control.

The bill provides that an eligible recipient shall dispose of drugs that do not meet the requirements of the program by returning them to the donor, destroying the drugs in an incinerator, or transfer of the drug to a reverse distributor. The bill provides that donated drugs may not be resold and shall be considered nonsalable. A handling fee may be charged. The fee may not exceed the reasonable costs of participating in the program. Dispensed drugs shall be repackaged in a new contained and previous patient information and pharmacy information shall be redacted. An expiration date is required for all drugs.

The bill provides for rulemaking, and incorporates language regarding liability protection.

**CODE REFERENCE:** West Virginia Code §60B-1-1 through §60B-1-8 – new

**DATE OF PASSAGE:** March 11, 2022

**EFFECTIVE DATE:** June 9, 2022

**ACTION BY GOVERNOR:** Signed March 28, 2022



## House Bill 4059

### Clarifying that new Department of Health and Human Resources' Deputy Commissioners are exempt from civil service

The bill creates an exemption from civil services for policy making decision which would now include newly hired Deputy Commissioners within the Department of Health and Human Resources. The bill also adds attorneys as exempt positions to resolve a code conflict.

**CODE REFERENCE:** West Virginia Code §29-6-4 – amended

**DATE OF PASSAGE:** March 12, 2022

**EFFECTIVE DATE:** March 12, 2022

**ACTION BY GOVERNOR:** Signed March 30, 2022

## House Bill 4060

### Repealing outdated sections of code relating to health

The purpose of this bill is repeal outdated sections of code relating to the State Coalition for Diabetes Management, the State Coalition for Responsible Pain Management, and the State Advisory Coalition for Palliative Care.

**CODE REFERENCE:** West Virginia Code §16-5Z-1 through §16-5Z-5; §16-52-1 through §16-52-5; and §16-55-1 through §16-55-5 – repealed

**DATE OF PASSAGE:** February 21, 2022

**EFFECTIVE DATE:** May 22, 2022

**ACTION BY GOVERNOR:** Signed March 2, 2022

# House Bill 4112

## Provide consumers a choice for pharmacy services

The bill relates to pharmacy benefits managers (PBMs). The definition of covered entity is deleted in the definitions and throughout the bill and replaced with health benefit plan. A new definition of “health care payor” or “payor” is added. It means a health insurance company, a health maintenance organization, a hospital, medical, or dental corporation, a health care corporation, an entity that provides, administers, or manages a self-funded health benefit plan, including a governmental plan, or any other payor that provides prescription drug coverages, including a workers’ compensation insurer. Health care payor does not include an insurer that provides coverage under a policy of casualty or property insurance. The definition of specialty drug is amended to reflect that a specialty drug is a drug means a drug used to treat a chronic and complex, or rare medical conditions and requiring special handling or administration, provider care coordination, or patient education that cannot be provided by a non-specialty pharmacy or pharmacist.

With respect to pharmacy audits, the on-site requirement is deleted. With respect to the definition of a rebate, the terms does not include any discount that may be provided to or made to any 340B entity through such program.

The definition of third party is deleted.

Technical changes are made throughout the bill.

Language stating that a pharmacy benefit manage may only directly or indirectly hold a pharmacy, a pharmacist, or a pharmacy technician responsible for a fee related to the adjustment of a claim if the fee is identified, reported and specifically explained, or the total amount of the fee is apparent at the point of sale and not adjusted between the point of sale and the issuance of the remittance advice is deleted.

With respect to the 340B language, a proviso is added stating that nothing in this section shall be construed to prohibit the Medicaid program or a Medicaid managed care organization from preventing duplicate billing discounts. The provisions of this sections apply to PEIA. This same language applies to the discriminatory practice provision language.

Language is stating that filed methodologies shall comply with the provisions of the code and pharmacy benefits managers shall not enter into a contract with a pharmacy for reimbursement not permissible. This section refers to NACAC and WAC pricing.

With respect to the freedom of choice provisions, language has been deleted applying the provisions to the health benefit plan. Language is deleted restricting access to the PBM’s affiliate. The definition of health benefit plan is deleted. The last section of the bill is re-numbered.

**CODE REFERENCE:** West Virginia Code §33-51-3, §33-51-8, §33-51-9, §33-51-11 – amended; §33-51-13 – new

**DATE OF PASSAGE:** March 12, 2022

**EFFECTIVE DATE:** June 10, 2022

**ACTION BY GOVERNOR:** Signed March 30, 2022

# House Bill 4113

## Public Health definitions and powers of secretary and commissioner

The purpose of this bill is to modernize the law related to local health departments. The bill edits and defines terms, including basic public health services that deletes the three areas of basic public health services. The bill deletes references to licensing boards, program plan, state advisory council on public health, and state board of health.

With respect to the powers and duties of the Secretary, the Commissioner will retain authority to account for money in an account for fees deposited related to licensure and the secretary will no longer share this duty. The Secretary has been given permissive authority to appoint advisory councils.

With respect to rulemaking states that rules shall be legislative rules. The rulemaking section deletes outdated language related to health departments funding amount but inserts language stating that the provisions are in effect until the performance standard funding formula is created and established by legislative rule. Emergency rulemaking language is deleted and so is language relate to general rulemaking for other health related matters which the department is authorized and other general rulemaking ability. Language related to the appointment of advisory councils is deleted.

With respect to the State Health Officer, the qualifications have been revised. The word “physician” has been removed from the qualifications and removes language stating that the commissioner shall have not less than four years’ experience in health services administration or a related field.

With respect to the powers of the commissioner, stylistic changes were made in this section. Additionally, the commissioner’s ability to monitor the administrative of local health boards was removed. The Commissioner was given authority to transfer patients between hospitals and facilities without this act being at the direction of the secretary. The commissioner is to make periodic reports to the legislature and the governor relative to specific areas of public health without this act being at the direction of the secretary. The Commissioner can buy and sell land without the consent of the Governor or Secretary and is not required to place the proceeds of the sale into the hospital services account. Language that requires treatment and rehabilitation of alcoholics and drug abusers is deleted. Language requiring quarterly reporting of sudden infant death syndrome. Language is deleted requiring the Commissioner to establish and fund a uniform health professionals data system and maintain data on all health professionals in the state.

Language is added to the Commissioners duties to require the Commissioner to establish within the Bureau of Public Health a Center for Local Health that shall enhance the quality if essential services provided by local board of health; provide technical assistance and consultation to local board of health; allocate and distribute funding based upon performance based standards; provide technical assistance to the local public health workforce; facilitate bi-directional communication; establish a uniform statewide computer system for the reporting of public health data; inventory the services provided by local board of health; support sharing of services between local board of health; create performance based evaluation system based on standards established by legislative rule and provide quarterly training to ensure consistency in the application of state laws, legislative rules, and local health department rules; and enforce compliance with performance based standards.

A section is repealed relating to the powers and duties of the commissioner to cooperate with state health planning and development agencies, along with any federal government agencies in hospital or health facility programs.

With respect to the disposition of permit and license fees, the Commissioner is no longer required to make an annual report to the Legislature on the health facility licensing account, including the previous fiscal year's expenditures and projected expenditures for the next fiscal year.

With respect to the receipt and disbursement of federal aid and other moneys, the commissioner is not subject to the direction of the secretary in accepting and receiving funding. Additionally, all money shall be deposited by the commissioner in the State Treasury rather than the Secretary.

A section related to hospital services revenue account and health facilities long range plans is repealed. This section required money to be deposited into this account any fees received by a facility owned and operated by the department. It also required a five-year long-range plan be developed by the Secretary and updated every two years.

With respect to Training of employees, language is deleted referencing upon review of the employees' personnel records, limiting the training to nine months in any four year period, in the field or vocation in which the employee is engaged, subject to the approval of the secretary and a provision that the employee receive training at a place the commissioner deems suitable.

**CODE REFERENCE:** West Virginia Code §16-1-8, §16-1-13, and §16-1-21 – repealed; §16-1-2, §16-1-3, §16-1-4, §16-1-5, §16-1-6, §16-1-7, §16-1-10, §16-1-11, §16-1-12, §16-1-14, §16-2-2, §16-2-10, §16-2-11, §16-2-12, §16-2-13, and §16-2-14-2 – amended

**DATE OF PASSAGE:** March 10, 2022

**EFFECTIVE DATE:** March 10, 2022

**ACTION BY GOVERNOR:** Signed March 30, 2022

## House Bill 4257

### Require visitation immediately following a procedure in a health care facility

The bill clarifies that the visitation is permitted once the patient is stable following a surgical procedure. The bill has language that health care facilities shall provide patients have adequate and lawful access to clergy so that patients can practice their religion by receiving clergy visitation at any reasonable time, as long as the visit does not disrupt clinical care; provided that if the health care facility limits the number of people able to visit the patient, the member of the clergy is not to be considered within that number. The bill defines clergy.

CODE REFERENCE: West Virginia Code §16-39-8 and §16-39-3 – amended

DATE OF PASSAGE: March 10, 2022

EFFECTIVE DATE: March 10, 2022

ACTION BY GOVERNOR: Signed March 28, 2022



# House Bill 4276

## WVU to create a Parkinson's disease registry

The bill permits WVU to collect data on the incident of Parkinson/s disease in WV and other epidemiological data. This registry and system of collection and dissemination of information shall be under WVU. WVU may enter into contracts, grants or other agreements to conduct the program.

All patients diagnosed with Parkinson's disease or related Parkinsonisms shall be provided a notice regarding the collection of information and patient data. Patients who do not wish to participate in the collection of data for purposes of research in this registry shall affirmatively opt-out in writing after an opportunity to review the documents and ask questions.

WVU shall establish a Parkinson's Disease Registry Advisory Committee to assist in the development and implementation of the registry which may include a system for the collection and dissemination of information determining the incidence and prevalence of Parkinson's disease and related Parkinsonisms. The advisory committee shall determine data to be collected and advise WVU. Membership is comprised of various specialty care physicians, neurologists, movement disorder specialists, etc., as set forth in the bill.

A hospital, facility, physician, surgeon, physician assistant, and nurse practitioner, or other health care provider deemed necessary by WVU diagnosing or providing treatment to Parkinson's disease or Parkinsonism patients shall report each case of Parkinson's disease and Parkinsonisms to WVU in a format prescribed by the university.

The bill described permits WVU to enter into data sharing contracts with data reporting entities and their associated electronic medical systems vendors to securely and confidentially receive information related to Parkinson's disease testing, diagnosis, and treatment.

WVU may enter into agreements to furnish data collected in the registry to other state's Parkinson's disease registries, federal Parkinson's disease control agencies, local health officers, or health researcher for the study of Parkinson's disease. Before confidential information is disclosed to those agencies, the requesting entity shall agree in writing to maintain the confidentiality of the information. Additionally, a disclosure authorized by this section shall include only the information necessary for the stated purpose of the requested disclosure, used for the approved purpose, and not further disclosed.

WVU shall maintain an accurate record of all person who are given access to confidential information. The confidential information shall not be available for subpoena, shall not be disclosed, discoverable or compelled to be produced in any civil, criminal, administrative or other civil, criminal, administrative, or other tribunal or court for any reason. This does not prohibit the publication of WVU of reports and statistical compilations that do not in any way identify individual cases or individual sources of information. The bill does not preempt the authority of facilities or individuals providing diagnostic or treatment to services to patients with Parkinson's disease to maintain their own facility-based Parkinson's disease registry.

**CODE REFERENCE:** West Virginia Code §16-5DD-1 – new

**DATE OF PASSAGE:** February 15, 2022

**EFFECTIVE DATE:** February 15, 2022

**ACTION BY GOVERNOR:** Signed February 23, 2022

## House Bill 4324

### To update collaborative pharmacy practice agreements

The bill sets forth standards for collaborative pharmacy practice, which is that practice of pharmacist care where one or more pharmacists have jointly agreed, on a voluntary basis, to work in conjunction with one or more physicians under written protocol where the pharmacist may perform certain patient care functions authorized by the physicians under certain specified conditions and limitations.

The bill amends the definition of collaborative pharmacy practice agreement to include a medical provider in training where the agreement is signed by the supervising physician or chairperson of the medical department where the medical provider in training is practicing. The definition strikes approval by the board. A definition is inserted for health care system to mean an organization of people, institutions, and resources that deliver health care services to meet the health care needs of a target population. With respect to pharmacists' scope, board approval is removed. A definition of practice notification is added to mean written notice to the appropriate licensing board that an individual physician or physician group or medical provider in training where the agreement is signed by the supervising physician or chairperson of the medical department where the medical provider in training is located, and an individual pharmacist or pharmacist will practice in collaboration.

With respect to the section regarding practice agreement, it is expanded to include a practice notification. The section provides that a pharmacist or group of pharmacists may practice in collaboration with physicians in any practice setting, including but not limited to a health care setting, pursuant to a practice notification which has been filed with the appropriate board. There is language to grandfather existing agreements. The practice notification shall become effective immediately upon filing. The boards retain jurisdiction to investigate their respective licensees.

The language regarding appeals has been removed.

**CODE REFERENCE:** §30-5-4 Existing and §30-5-19 Existing

**DATE OF PASSAGE:** March 8, 2022

**EFFECTIVE DATE:** March 8, 2022

**ACTION BY GOVERNOR:** Signed March 28, 2022

# House Bill 4369

## Update the telepsychology compact

The bill updates the telepsychology compact by adding educational criteria for foreign graduates. In order for a foreign graduate to practice telepsychology the foreign graduate must meet the criteria set forth in existing code and hold a graduate degree in psychology that meets the following criteria: the program, wherever it is administratively housed, shall be clearly identified and labeled as a psychology program.

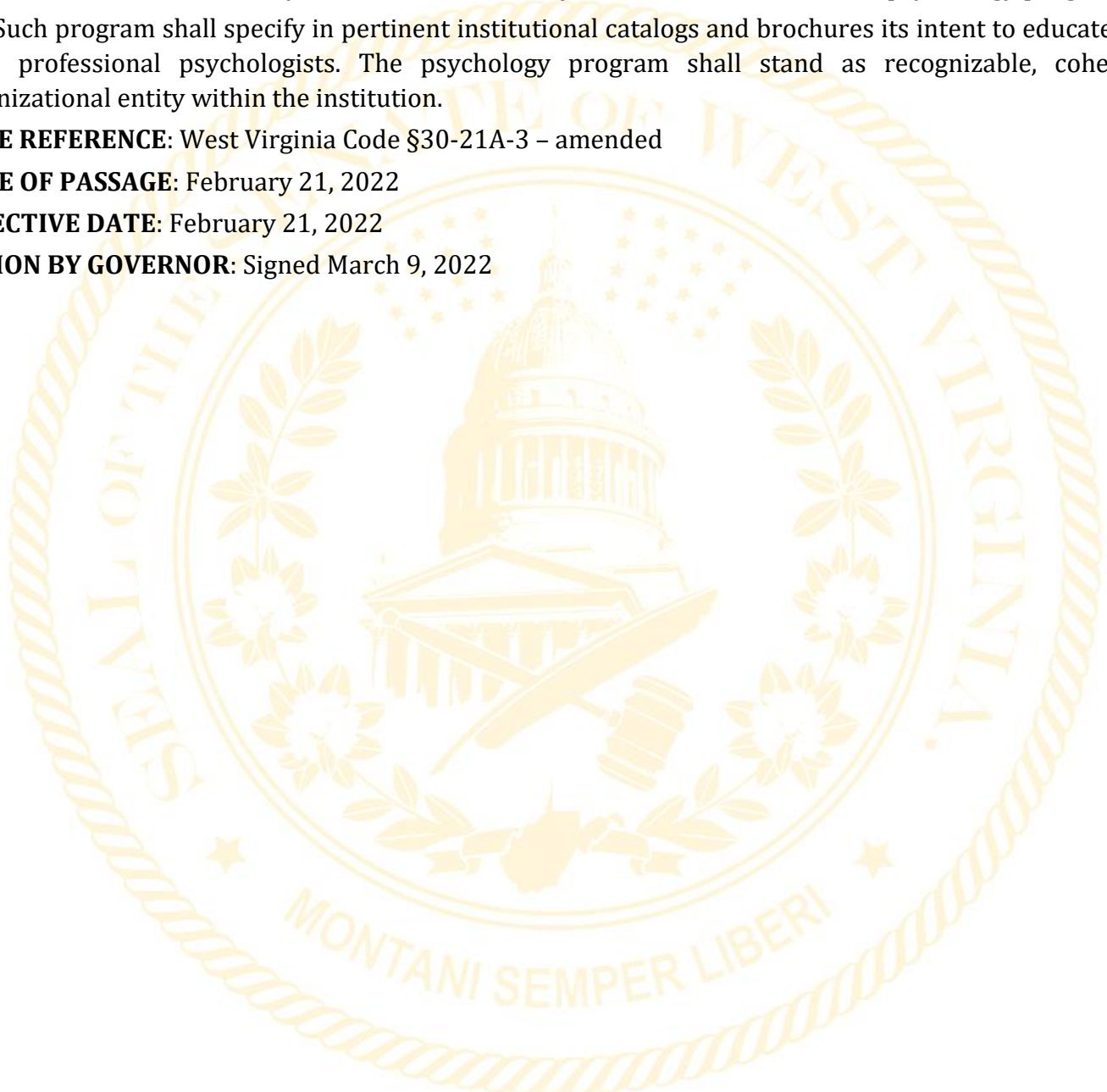
Such program shall specify in pertinent institutional catalogs and brochures its intent to educate and train professional psychologists. The psychology program shall stand as recognizable, coherent, organizational entity within the institution.

**CODE REFERENCE:** West Virginia Code §30-21A-3 – amended

**DATE OF PASSAGE:** February 21, 2022

**EFFECTIVE DATE:** February 21, 2022

**ACTION BY GOVERNOR:** Signed March 9, 2022





## House Bill 4393

### **To increase the managed care tax if the managed care organization receives a rate increase**

The bill would amend the section of code that imposes a provider tax on Health Maintenance Organizations (HMOs). In subdivision (d)(i) of the statute, the bill adds the following language: "If the MCO is granted a rate increase the tax shall adjust by the rate of the increase."

The bill has a section that addresses the rate and measure of the tax. It states that prior to July 1, 2022, the tax imposed by this section shall be applied to each taxable health plan's total Medicaid member months within tiers 1, 2, and 3, and to non-Medicaid member months within tiers 4 and 5.

The bill provides that after July 1, 2022, the tax imposed by this section shall be based upon the same tiers 1-5 and for the same member months but for an increased amount of money for tier. Tier 1 is increased from \$35 to \$36.25, Tier 2 is increased from \$20 to \$20.72, Tier 3 is increased from \$1 to 1.036, Tier 4 is increased from 25 cents to 25.9 cents and Tier 5 is increased from 10 cents to 10.36 cents.

The bill provides that on July 1, 2023, and every year thereafter that the tax rates for each tier will be increased by the greater of either 0.0% of the average of the WV Medicaid managed care capitation rate change from the two preceding fiscal years ending on June 30, provided that any increased shall meet the requirements of the federal law related to permissible health care related taxes.

The bill states how the WV Medicaid managed care capitation rate will be calculated. The monthly membership weights by rate cell and month will be determined based on the projected member months from the most recent SFY rate certification. For each of the two preceding fiscal years, to determine the total projection premium payments for each year, the WV Bureau for Medical Services will multiply the initial SFY certified capitation rates net of directed payments by the monthly membership weights by rate cell and month as determined by language set forth earlier in the bill.

For each of the two preceding fiscal years, the WV Bureau for Medical Services will divide the total projected premium payments as set forth above by the total enrollment to determine the average premium payment for each fiscal year.

To determine that average WV Medicaid managed care capitation rate change from the preceding two fiscal years, the WV Bureau for Medical Services will divide the most recent fiscal years average premium payment by the earlier fiscal year's average premium payment and subtract 1.

The bill states that before July 1, 2023 and every July 1 thereafter the WV Bureau for Medical Services will certify to the Tax Commissioner the capitation rate change from the preceding two fiscal years, the calculation used in making the determination and whether the increase meets the requirements of federal and state law for permissible health care related taxes.

The bill requires the WV Bureau for Medical Services and the Tax Commissioner to publish, by Administrative Notice, before July 1 of each year the rate for the next year to each taxable health plan's total Medicaid member month's within Tiers 1, 2, and 3, and to non-Medicaid member months within Tiers 4 and 5.

There are new definitions of tax year which means the fiscal year beginning July 1 and ending on June 30. Rate cell is defined to mean a set of mutually exclusive categories of enrollees that is defined by one or more characteristics for the purpose of determining the capitation rate and making a capitation payment. This would include age, gender, region, etc. Initial SFY rate certification means the MHT and MHP actuarial certifications as submitted to the Centers for Medicare and Medicaid prior to the start of the state fiscal year and prior to any mid-year or other rate amendment.

The bill also extends strikes the termination date for the imposition of this tax.

**CODE REFERENCE:** West Virginia Code §11-27-10a – amended

**DATE OF PASSAGE:** March 12, 2022

**EFFECTIVE DATE:** June 10, 2022

**ACTION BY GOVERNOR:** Signed March 30, 2022



## House Bill 4426

### Repeal article 33-25G-1 et seq. creating provider sponsored networks

The bill would repeal articles concerning provider sponsored networks in public health code, §16-2L-1 et seq., and insurance code, §33-25G-1 et seq. Both articles that are being repealed were enacted in 2012.

Provider sponsored networks provide a form of managed health care, currently licensed by the Offices of the Insurance Commissioner (OIC). Insurance code defines “provider sponsored network” as an entity that satisfies the definition of a “Medicaid managed care organization” (MCO) set forth in 42 U.S.C. §1396b(m)(1)(A).

**CODE REFERENCE:** West Virginia Code §16-2L-1 through §16-2L-7 and §33-25G-1 through §33-25G-5 – repealed

**DATE OF PASSAGE:** March 7, 2022

**EFFECTIVE DATE:** June 5, 2022

**ACTION BY GOVERNOR:** Signed March 28, 2022

## House Bill 4631

### Establishing a bone marrow and peripheral blood stem donation awareness program

The purpose of the bill is to establish a bone marrow and peripheral blood stem donation awareness program. Directs the Department of Health and Human Services to create a website resource to inform and promote donation awareness. Provides contents for an electronic brochure and website. Provides for consultation with health care providers to promote awareness of the federal and any state resources available for donations.

**CODE REFERENCE:** West Virginia Code §16-21-2 – new

**DATE OF PASSAGE:** March 7, 2022

**EFFECTIVE DATE:** June 5, 2022

**ACTION BY GOVERNOR:** Signed March 28, 2022

## House Bill 4649

### Transferring the operations of the West Virginia Children's Health Insurance Program to the Bureau for Medical Services

The purpose of the bill is to transfer the operations of the West Virginia Children's Health Insurance Program to the Bureau for Medical Services and delegate policymaking authority from the current board of directors to the program director.

The bill deletes references to the Department of Administration and the transfer of the program from the Department of Administration to the Department Health and Human Resources. This transfer occurred several years ago.

The bill transfers the program within DHHR to the Bureau of Medical Services (BMS) within the Department of Health and Human Resources and makes it a division within BMS.

The functions of the board are transferred to the director. The director is a new position and is a deputy commissioner within the Bureau for Medical Services who has responsibility for the operation and oversight of the Children's Health Insurance Plan (CHIP).

The CHIP board is changed to an advisory board. The advice and consent of the Senate is removed from board member appointment since the board is now an advisory board. Members of the House of Delegates are ex officio members. The citizen members are removed. Provisions related to removal by the Governor are removed. The new purpose of the board is to present recommendations and alternatives for the design of the annual plans and to advise the director with respect to other actions necessary to be undertaken in furtherance of this article. The previous function of the board was to develop plans for health services or health insurance that are specific to the needs of children and to bring fiscal stability to this program through development of an annual financial plan. Other provisions are deleted regarding board meetings. Now, the board will meet at the call of the chair. The bill provides that each member of the advisory board shall receive reimbursement for reasonable and necessary travel expenses for each day actually serviced in attendance at meetings of the board.

With respect to assignment of rights the DHHR adds language clarifying how subrogation will work on behalf of the department if medical assistance is paid to a provider of medical care on behalf of CHIP recipient and another person is legally liable for the expense pursuant to negligence or otherwise.

**CODE REFERENCE:** West Virginia Code §5-16B-6b, §5-16B-6c, and §5-16B-6e – repealed; §5-16-1, §5-16B-2, §5-16B-3, §5-16B-4, §5-16B-5, §5-16B-6, §5-16B-6a, §5-16B-6d, §5-16B-8, §5-16B-9, §5-16B-10 – amended

**DATE OF PASSAGE:** March 8, 2022

**EFFECTIVE DATE:** June 6, 2022

**ACTION BY GOVERNOR:** Signed March 28, 2022

## **House Bill 4662**

### **Relating to licensure of Head Start facilities in this state**

The bill provides that a head start program in good standing with the US Department of Health and Human Services may request to be deemed licensee to operate a child care program to purposes of the WV Clearance for Access Registry and Employment Screening. The bill provides that at the discretion of the Secretary, a deemed license may not permit the licensee to access the other services provided by the Bureau for Family Services as it related to the specific deemed child care license.

The bill provides for legislative rulemaking.

**CODE REFERENCE:** West Virginia Code §49-2-115a – new

**DATE OF PASSAGE:** March 12, 2022

**EFFECTIVE DATE:** March 12, 2022

**ACTION BY GOVERNOR:** Signed March 30, 2022

## **House Bill 4743**

### **Relating to security and surveillance requirements of medical cannabis organization facilities**

The bill adds language to existing law regarding medical cannabis organizations requirements to implement and maintain security, tracking, recordkeeping and surveillance systems related to the medical cannabis. The bill would add a proviso to the existing language that states the bureau may require that a medical cannabis organization maintain motion activated surveillance at a dispensary, grower, or processor facility and that a medical cannabis organization retain the recordings therefrom onsite or offsite for a period not to exceed 180 days, unless required for investigative or litigation purposes.

**CODE REFERENCE:** West Virginia Code §16A-6-3 – amended

**DATE OF PASSAGE:** March 11, 2022

**EFFECTIVE DATE:** June 9, 2022

**ACTION BY GOVERNOR:** Signed March 28, 2022

# Government Organization



## Senate Bill 205

### Expanding PEIA Finance Board membership

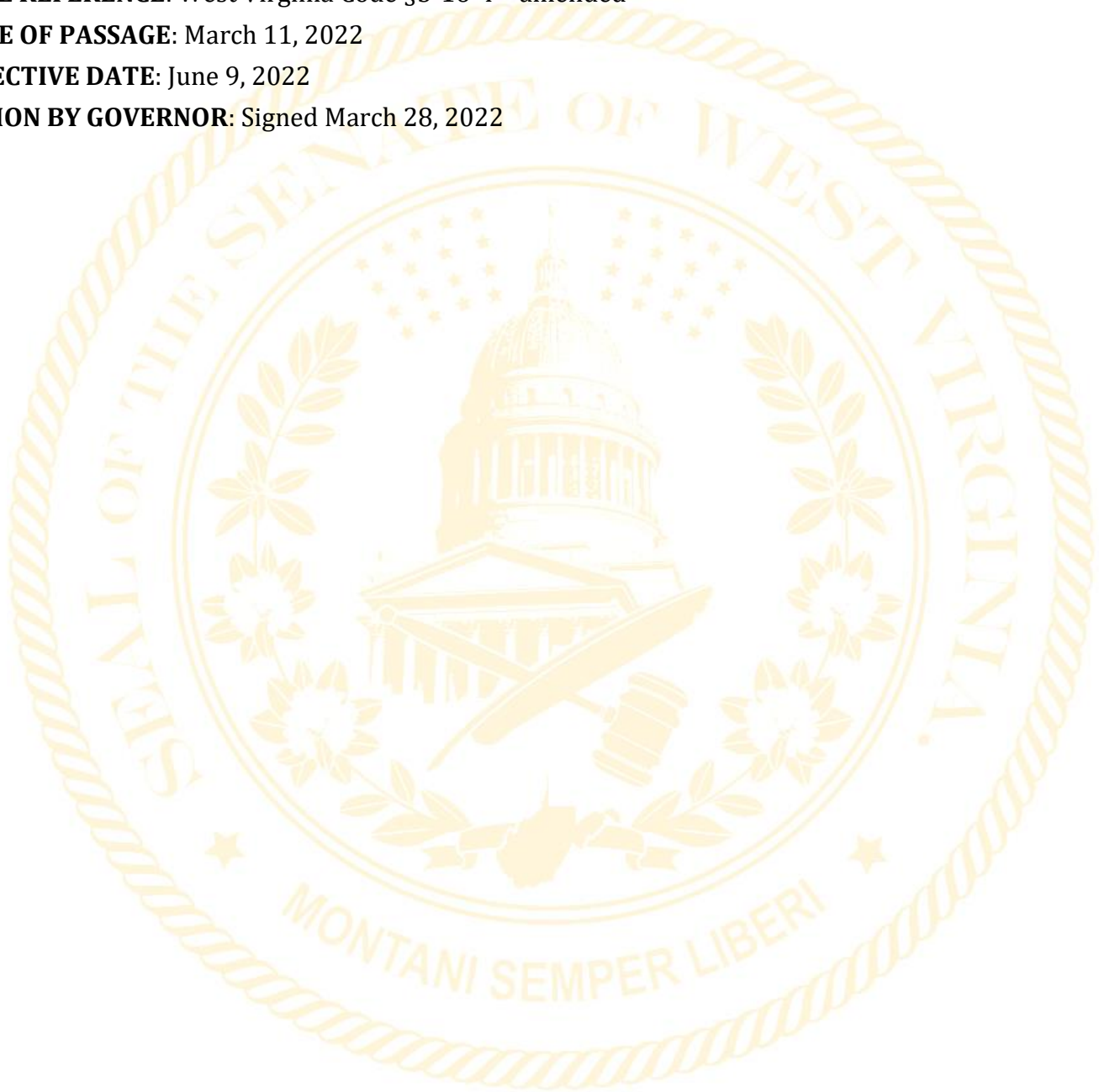
Senate Bill 205 increases the membership on the PEIA Finance Board, adding two appointed members. One of them is to represent the interests of hospitals; the other is to represent the interests of non-hospital health care providers.

**CODE REFERENCE:** West Virginia Code §5-16-4 – amended

**DATE OF PASSAGE:** March 11, 2022

**EFFECTIVE DATE:** June 9, 2022

**ACTION BY GOVERNOR:** Signed March 28, 2022



# Senate Bill 264

## Relating to conservation districts law of WV

Senate Bill 264 amends several sections of code pertaining to conservation districts in West Virginia.

### **§19-21A-1. Title of article; legislative determinations and declaration of policy.**

The amendment proposed by the bill to this section retains the essence of the legislative determinations and declaration of policy in current law but eliminates excess language and awkward phrasing to provide a clear and concise statement of the determinations and policy. The bill also amends this section to provide a short title for the article to be known as the “Conservation Districts Law of West Virginia” and to rename the section heading.

### **§19-21A-2. Legislative determinations and declaration of policy.**

The bill repeals this section because it is a duplication of the legislative determinations and declaration of policy in §19-21A-1.

### **§19-21A-3. Definitions.**

The bill amends this section to add a definition for “Urban Agriculture” to mean the cultivation, processing and distribution of agricultural products grown in urban and suburban settings and would include vertical production, warehouse farms, community gardens, rooftop farms, hydroponic, aeroponic and aquaponic facilities, and other innovations. The bill also adds a definition for “agriculture” that is identical to the definition of that term in §19-19-2(a) of the code.

### **§19-21A-4. State Conservation Committee; continuation**

The bill amends this section to give the State Conservation Committee (SCC) four additional powers and duties. First, it authorizes the SCC to review and provide advice on agreements, or forms of agreements, proposed by conservation districts (districts) with other districts or any state, federal, interstate, or other public agency or any private agency, organization, or individual.

Second, it authorizes the SCC to administer funds appropriated by the Legislature for expenditures for activities conducted by districts. The SCC will also have the authority to distribute funds, property, and services to districts in accordance with any applicable state or federal law or local ordinance and to promulgate rules establishing guidelines for the same. The SCC will also have the authority to review and advise districts regarding their budgets, administrative procedures, and operations for compliance with applicable laws and rules.

Third, the bill authorizes the SCC to develop forms for annual reports and would require districts to submit the reports to the SCC.

Fourth, the bill authorizes the SCC to promulgate rules for uniform accounting and auditing procedures to be followed by districts.

### **§19-21A-6. Election of Supervisors for each district; filling vacancies.**

The bill retains and restructures most of the current law for the election of district supervisors but amends provisions relating to the qualifications for a candidate for district supervisor, when a term of office begins, how an office is filled if no candidate files for election, and how an office vacancy is filled.

Current law provides that a candidate for district supervisor must be a landowner and an active farmer with at least five years of experience, or a retired farmer with at least five years of experience, and the education, training, and experience as established by rule of the SCC to perform the duties of a supervisor. The bill amends this provision to provide that a candidate just needs experience in agriculture,



conservation, or natural resources to qualify for district supervisor. The bill clarifies that “agriculture”, as used in this section means the same as in §19-21A-3 of the bill.

Regarding when a term of office begins, the bill clarifies that it begins on July 1, immediately following the primary election in which a supervisor is elected.

Current law does not address how to fill an office if no candidate files. Therefore, the bill adds a provision that directs a district to advertise the vacancy and select a candidate and then submit the name to the SCC for appointment.

Finally, current law provides that when a vacancy occurs, a district must submit a list of qualified candidates for supervisor within 15 days after the vacancy occurs for appointment by the SCC. The bill directs the district to advertise the vacancy, select a candidate, and then submit the name to the SCC for appointment within 90 days after the vacancy occurs.

**§19-21A-8. Powers of districts; additional powers of supervisors.**

The bill amends this section to give districts and supervisors the following additional powers and duties:

- The authority to hold public meetings.
- The authority to accept donations, gifts, contributions, grants, and appropriations from the United States or its agencies, from the State of West Virginia, or from other sources to accomplish the policies and functions of conservation districts; and
- The requirement to keep the public, agencies, and those who occupy land within a district informed about activities and work planned and administered by the district and the results achieved annually through public meetings, publications, or other means.

**CODE REFERENCE:** West Virginia Code §19-21A-2 – repealed; §19-21A-1, §19-21A-3, §19-21A-4, §19-21A-6, and §19-21A-8 – amended

**DATE OF PASSAGE:** March 11, 2022

**EFFECTIVE DATE:** June 9, 2022

**ACTION BY GOVERNOR:** Signed March 28, 2022

## Senate Bill 436

### Correcting code citation for authority of State Fire Marshal

Senate Bill 436 corrects an incorrect code citation to the enforcement authority of the State Fire Marshal relating to fires on state forest lands, public or private roads, and railroad rights-of-way. The correct citation is to §15A-10-1 et seq. The incorrect code citation was to §29-3-12, which concerned the powers of the State Fire Marshal, but which was repealed in 2020.

**CODE REFERENCE:** West Virginia Code §20-3-6 – amended

**DATE OF PASSAGE:** February 9, 2022

**EFFECTIVE DATE:** May 10, 2022

**ACTION BY GOVERNOR:** Signed February 18, 2022

## Senate Bill 492

### Relating to electronic collection of tolls

Senate Bill 492 amends a single section of code in the Electronic Toll Collection Act. It authorizes the use of nonrenewal of vehicle registration as a sanction for electronic toll payment violations and allows those sanctions to be applied to enforce a reciprocal agreement between West Virginia and another state. The sanction may also be applied to private toll transportation facilities. Nonrenewal of a vehicle's registration would occur only after administrative proceedings similar to those that apply to a speeding ticket. The nonrenewal sanction is in addition to any other penalty for toll violations.

Under current law, the vehicle registration nonrenewal sanction will only become operative when reciprocal agreements are entered into with all states sharing a common border with West Virginia.

**CODE REFERENCE:** West Virginia Code §17-16D-11 – amended

**DATE OF PASSAGE:** March 11, 2022

**EFFECTIVE DATE:** March 11, 2022

**ACTION BY GOVERNOR:** Signed March 30, 2022

## Senate Bill 524

### Placing duties and functions of certain boards and commissions under Department of Arts, Culture, and History

Senate Bill 524 consolidates the State Library Commission and the National Coal Heritage Area Authority under the Department of Arts, Culture, and History.

The bill repeals the sections of code pertaining to the State Library Commission in §10-1-1 et seq. (§10-1-12 through §10-1-24) and creates the State Library Section under the Department of Arts, Culture and History in a new section of code, §29-1-8c. The State Library Commission is continued as an advisory council to support the state library section. The powers and duties formerly ascribed to the State Library Commission are transferred to the State Library Section in the new code section. Rules previously promulgated by the Library Commission will remain in effect until amended, superseded, or repealed by the Library Commission or the State Library Section.

The bill also repeals the provisions of §29-27-1 et seq. regarding the National Coal Heritage Authority and creates the National Coal Heritage Area Commission in a new section, §29-1-8d. As with the State Library Section, the powers and duties formerly belonging to the National Coal Heritage Area Authority are transferred to the National Coal Heritage Area Commission.

**CODE REFERENCE:** West Virginia Code §10-1-12, §10-1-13, §10-1-14, §10-1-14a, §10-1-15, §10-1-16, §10-1-17, §10-1-18, §10-1-18a, §10-1-19, §10-1-20, §10-1-21, §10-1-22, §10-1-23, §10-1-24 §29-27-1, §29-27-2, §29-27-3, §29-27-4, §29-27-5, and §29-27-6 – repealed; §5F-2-1, §29-1-1 – amended; §29-1-8c and §29-1-8d – new

**DATE OF PASSAGE:** March 7, 2022

**EFFECTIVE DATE:** June 5, 2022

**ACTION BY GOVERNOR:** Signed March 23, 2022

## Senate Bill 537

### Providing additional firefighters and security guards for National Guard

Senate Bill 537 amends a single section of code relating to the National Guard. Under current law, firefighters and security guards employed by the Adjutant General (TAG) must, with certain exceptions, be members of the West Virginia National Guard. Senate Bill 537 allows firefighters and security guards employed by the TAG who reach age 60 and lose their military membership to continue as civilian firefighters and civilian security guards until they reach age 62. The bill allows several persons to gain retirement benefits who would otherwise be disqualified.

The bill also authorizes TAG to temporarily employ or otherwise obtain the services of civilian firefighters and security guards when needed to continue operations if deployments, mobilizations, or other circumstances result in a shortage of personnel in those forces.

**CODE REFERENCE:** West Virginia Code §15-1B-26 – amended

**DATE OF PASSAGE:** March 4, 2022

**EFFECTIVE DATE:** June 2, 2022

**ACTION BY GOVERNOR:** Signed March 23, 2022

## Senate Bill 542

### Transferring Broadband Enhancement Council from Department of Commerce to Department of Economic Development

Senate Bill 542 transfers the Broadband Enhancement Council from the Department of Commerce to within the Department of Economic Development. The bill removes the Secretary of Commerce from the Council and adds the Secretary of the Department of Economic Development as a voting member.

The bill also corrects the title of the Chief Information Officer from “Chief Technology Officer” as that title was changed during the 2021 Regular Session.

**CODE REFERENCE:** West Virginia Code §31G-1-3 – amended

**DATE OF PASSAGE:** March 7, 2022

**EFFECTIVE DATE:** March 7, 2022

**ACTION BY GOVERNOR:** Signed March 23, 2022

## **Senate Bill 553**

### **Relating to powers of WV Health Care Authority**

Senate Bill 553 requires the Health Care Authority to promulgate legislative rules and removes its authority to adopt, amend, and repeal policy guidelines. The bill expressly requires the Authority to propose legislative rules relating to the Uniform Bill database.

Senate Bill 553 also requires the secretary of DHHR, to the extent he or she assumes or has already assumed the Health Care Authority's powers and duties over the health care data repository program, to propose legislative rules relating to that program.

In short, Senate Bill 553 requires the Health Care Authority, or the DHHR secretary when he or she assumes its responsibilities, to propose legislative rules instead of exercising the Authority's powers and duties through policy guidelines that are not reviewed or reviewable by the Legislature.

**CODE REFERENCE:** West Virginia Code §16-29B-8, §16-29B-24, §16-29B-25 – amended

**DATE OF PASSAGE:** March 8, 2022

**EFFECTIVE DATE:** March 8, 2022

**ACTION BY GOVERNOR:** Signed March 30, 2022

## **Senate Bill 570**

### **Establishing training for law-enforcement in handling individuals with Alzheimer's and dementias**

Senate Bill 570 mandates the development and presentation of a training program to assist law-enforcement and corrections officers identify and respond to individuals who have Alzheimer's and other forms of dementia.

The course will provide at least two hours of instruction in identifying symptoms of Alzheimer's and related dementias; how to communicate with individuals who have dementia; the reporting of incidents of abuse, neglect, or exploitation; and techniques for de-escalating situations involving individuals with autism or dementia. The course will also provide protocols for contacting caregivers of such individuals and identify local caregiving resources for persons living with dementia.

The course will be developed and given by a qualified, approved entity.

**CODE REFERENCE:** West Virginia Code §30-29-5a – amended

**DATE OF PASSAGE:** March 11, 2022

**EFFECTIVE DATE:** June 9, 2022

**ACTION BY GOVERNOR:** Signed March 23, 2022

## Senate Bill 638

### Changing hearing and notice provisions for failing or distressed public utilities

Senate Bill 638 amends a single section of code relating to proceedings concerning distressed or failing utilities. A public hearing or hearings must be held to determine whether the utility is in fact failing or distressed, and, if so, what the appropriate remedies are.

The bill eliminates the notice requirement for publication of a Class I legal notice. The bill instead requires that all notices of hearing be “reasonable,” and retains all the other specific types of notice required by current law.

The bill also amends the hearing location requirements to provide that the hearing is to be held in or within 25 miles of the utility’s service area rather than exclusively within the utility’s service area.

**CODE REFERENCE:** West Virginia Code §24-2H-6 – amended

**DATE OF PASSAGE:** March 7, 2022

**EFFECTIVE DATE:** June 5, 2022

**ACTION BY GOVERNOR:** Signed March 23, 2022

## Senate Bill 639

### Providing 45-day waiting period on rate increases when water and sewer services are purchased from municipality

Senate Bill 639 amends a single section of code to provide that any proposed municipal ordinance that increases water or sewer, or water and sewer, service rates must contain provisions that the rate increase will not go into effect until 45 days following adoption of the ordinance, and only applies to service provided after the effective date.

The waiting period is intended to allow utilities that purchase water or sewer services from the municipality time to seek rate increases to cover the increased costs of purchasing water or sewer services from the municipality.

**CODE REFERENCE:** West Virginia Code §8-11-4 – amended

**DATE OF PASSAGE:** February 28, 2022

**EFFECTIVE DATE:** May 29, 2022

**ACTION BY GOVERNOR:** Signed March 9, 2022

## House Bill 2325

### Removing the requirement of continuing education for barbers and cosmetologists

Under current rule (3 CSR 11), barbers and cosmetologists must complete 4 credits (3.3 hours) of continuing education in “beauty knowledge and skills related to beauty culture practice, education, or theory development” to renew their license. After 10 years of licensure, a barber or cosmetologist is no longer required to complete continuing education other than a three-hour sanitation class every other year for a period of 10 years.

House Bill 2325 removes the requirement that barbers and cosmetologists complete continuing education to renew their licenses.

**CODE REFERENCE:** West Virginia Code §30-27-10 – amended

**DATE OF PASSAGE:** February 8, 2022

**EFFECTIVE DATE:** May 9, 2022

**ACTION BY GOVERNOR:** Signed February 21, 2022

## House Bill 3220

### Restrictions on Taxpayer funded lobbying

House Bill 3220 requires state agencies, municipalities, counties, and school districts that contract for lobbying services on and after July 1, 2022, disclose certain information regarding that contract to the state Ethics Commission.

The state entity must disclose contract details, such as the identity of the parties to the contract, the contract’s effective date, contract term, costs incurred under the contract, and payment terms. The identities of any individuals who may have to register as a lobbyist as a result of their activities under the contract must also be provided to the Ethics Commission, along with a copy of the contract.

The bill mandates annual update reporting to the Ethics Commission of lobbying activities under the contract, or other contracts for lobbying services, on July 1 of each year, beginning July 1, 2023.

**CODE REFERENCE:** West Virginia Code §6B-3-10 – amended

**DATE OF PASSAGE:** February 21, 2022

**EFFECTIVE DATE:** July 1, 2022

**ACTION BY GOVERNOR:** Signed March 2, 2022

## House Bill 3223

### **Prohibit state, county, and municipal governments from dedicating or naming any public structure for a public official who is holding office at the time**

House Bill 3223 prohibits the dedication or naming of any state, county, or municipal building or structure for a public official who is holding office at the time of the proposed dedication or naming.

The term “public official” is used throughout code but is not often defined. It is defined in §6B-2B-1 of code to mean: “Any person who is elected or appointed to any state, county, or municipal office or position, including boards, agencies, departments, and commissions, or in any other regional or local governmental agency.”

**CODE REFERENCE:** West Virginia Code §5-6-4 – amended; §7-3-19 and §8-12-22 – new

**DATE OF PASSAGE:** March 8, 2022

**EFFECTIVE DATE:** June 6, 2022

**ACTION BY GOVERNOR:** Signed March 30, 2022

## House Bill 3312

### **Establishing a memorial to child labor and child workers who died in the course of employment in this state**

House Bill 3312 establishes a West Virginia Memorial to Child Labor in Fairmont, West Virginia. The City of Fairmont was chosen due its proximity to the Monongah mine disaster of 1907. Many children worked in coal mines, and other hazardous professions in this state, whether formally or informally employed and were horrifically injured, maimed, or killed during their regular line of work. The bill would promote a green, park-like, space in Fairmont with the memorial to child labor reminding the state that the main employment of children should be to learn and to play.

The bill creates a commission to oversee the siting, design, construction, and dedication of the memorial. The commission would terminate December 31, 2023, or at the conclusion of the project. Ownership of the monument would transfer to the City of Fairmont for the city to maintain unless it was unwilling or unable, in which case ownership would transfer to the Department of Arts, Culture, and History.

**CODE REFERENCE:** West Virginia Code §10-3A-1 through §10-3A-7 – new

**DATE OF PASSAGE:** February 17, 2022

**EFFECTIVE DATE:** May 18, 2022

**ACTION BY GOVERNOR:** Signed February 28, 2022



## House Bill 4024

### **Creating a cosmetology apprentice program that allows companies to train employees for practical real-world experience**

House Bill 4024 allows cosmetologists to receive on-the-job training in an apprentice program that mirrors the apprenticeship program currently in code for barbers.

The bill also allows cosmetologists to participate in beauty school instruction or training that is not provided through the apprenticeship to the extent necessary to obtain certification.

**CODE REFERENCE:** West Virginia Code §30-27-8a and §30-27-8b – amended

**DATE OF PASSAGE:** February 14, 2022

**EFFECTIVE DATE:** May 15, 2022

**ACTION BY GOVERNOR:** Signed February 23, 2022

## House Bill 4067

### **To make certain agency reports electronic or eliminating certain agency reports altogether**

House Bill 4067 provides that certain agency and other reports to legislative and executive branch entities are to be made electronically rather than in hard copy form. Print copies of those reports are, however, to be furnished upon request. The bill eliminates the reporting requirement for certain reports altogether that are no longer being made.

**CODE REFERENCE:** West Virginia Code §8-13C-13, §16-1-21, §16-41-6, §18-10L-7, §22A-6-11, §22A-6-12, §22A-6-13, §29-6-7a, and §33-25A-35 – repealed; §5-11B-7, §5A-6C-4; §9-4A-2b, §9-4C-7, §12-7-12, §14-2A-21, §16-3B-4, §16-33-6, §31-15A-17b, §31-18-24, §49-2-604 – amended

**DATE OF PASSAGE:** February 10, 2022

**EFFECTIVE DATE:** February 10, 2022

**ACTION BY GOVERNOR:** Signed February 23, 2022

# House Bill 4282

## Relating to establishing next generation 911 services in this state

House Bill 4282 provides a mechanism to study and develop implementation of Next Generation 911 in West Virginia. It establishes a commission to study Next Generation 911 (NG911) services and delineates the commission's membership and duties. It mandates a preliminary report by December 31, 2022, and a final report to the Joint Committee on Government and Finance and the Governor by June 1, 2023, on how NG911 is to be accomplished. The bill establishes an effective date and termination date of June 30, 2023, for the commission, unless continued by the Legislature.

The 911 emergency system has been a staple for dispatching law enforcement, fire, and emergency medical services for decades. The legacy 911 system is becoming increasingly less effective, however, as telecommunications services evolve, and as more people rely on cell phones and Internet Protocol (IP) devices to communicate. Traditionally, callers who dial 911 from a landline phone are connected to a 911 call center—a public safety answering point (PSAP)—where the caller's phone number and address are displayed on an operator's screen. This provides critical information for firefighters, paramedics, and law enforcement officers. Wireless calls, however, are not as easily identified and create obstacles for dispatchers who are trying to determine a caller's location. According to the National Center for Health Statistics, an estimated 62.5% of adults and 73.6% of children in the United States used only wireless telephones in 2020, and that number is growing. As of 2018, over half (52.6%) of West Virginians aged 18 and older lived in wireless-only households.

Stakeholders at the local, state, and national levels have been working to implement NG911, which would allow public emergency communication services to accept digital data, including text messages, videos, and images, and enable transferring 911 communications from one PSAP to another. For text-to-911 to be most effective, text messages must include the address or location where emergency responders are needed. In August 2014, the FCC ordered all wireless companies to develop the capability to deliver emergency text messages to public safety answering points that request them by June 30, 2015. In addition, the National Emergency Number Association initiated a voluntary agreement with the four largest wireless companies—AT&T, Sprint, T-Mobile, and Verizon—to make 911 texting accessible in locations where the local PSAP is equipped to accept texts.

**CODE REFERENCE:** West Virginia Code §24-6-2 – amended; §24-6-15 – new

**DATE OF PASSAGE:** March 7, 2022

**EFFECTIVE DATE:** June 5, 2022

**ACTION BY GOVERNOR:** Signed March 30, 2022

## House Bill 4285

### Relating to real estate appraiser licensing board requirements

House Bill 4285 updates code regarding the Real Estate Appraiser Licensing Board. The bill adds a section disqualifying board members from participating in disciplinary proceedings for activities in which they have participated, testified, or been engaged to testify. The bill also requires the board to provide a written statement to an applicant when denying a license that clearly describes what qualifications are missing or deficient.

The bill also mandates the board provide guidance on the Uniform Standards of Professional Appraisal Practice (USPAP) to ensure that persons submitting appraisals as a qualification for licensure are provided ample time to learn the process correctly. An applicant has 60 days to correct any issues identified by the board.

The bill eliminates the legislative rule-making process for updating the USPAP standards. The rules are often updated by the national body every two years and the board cannot keep up with the rapidly changing rules via the current rulemaking process. The standards will remain in place and communication about changes can be disseminated much faster.

**CODE REFERENCE:** West Virginia Code §30-38-10, §30-38-11, and §30-38-17 – amended

**DATE OF PASSAGE:** March 12, 2022

**EFFECTIVE DATE:** June 10, 2022

**ACTION BY GOVERNOR:** Signed March 30, 2022

## House Bill 4286

### Relating to exempting persons employed as attorneys from the civil service system

House Bill 4286 exempts any state attorneys hired on and after July 1, 2022, from classified service.

**CODE REFERENCE:** West Virginia Code §29-6-4 – amended

**DATE OF PASSAGE:** March 7, 2022

**EFFECTIVE DATE:** June 5, 2022

**ACTION BY GOVERNOR:** Signed March 30, 2022

## House Bill 4288

### **Relating to expanding the practice of auricular acudetox to professions approved by the acupuncturist board**

Auricular acudetox is an acupuncture protocol specifically designed for those struggling with substance abuse issues. Acupuncture needles are placed in the ear at specific points to help the patient.

House Bill 4288 permits the West Virginia Acupuncture Board to approve professions other than acupuncturists to engage in the practice of auricular acudetox.

The bill also strikes language in current code relating to an applicant being of good moral character and replaces it with a requirement that the applicant be free of a felony conviction bearing a rational nexus to the profession.

**CODE REFERENCE:** West Virginia Code §30-36-10 – amended

**DATE OF PASSAGE:** March 11, 2022

**EFFECTIVE DATE:** June 9, 2022

**ACTION BY GOVERNOR:** Signed March 30, 2022

## House Bill 4295

### **To transfer the State Office of the National Flood Insurance Program from the Offices of the Insurance Commissioner to the Division of Emergency Management**

House Bill 4295 is a joint agency bill from the Offices of the Insurance Commissioner (OIC) and the Division of Emergency Management of the Department of Homeland Security (EMD) to transfer the State Office of the National Flood Insurance Program from the Offices of the Insurance Commissioner to the Division of Emergency Management in the Department of Homeland Security.

The bill provides that state-owned property in any nonparticipating community be governed by rules promulgated by the Division of Emergency Management; requires the State Office of the National Flood Insurance Program and floodplain managers to develop a strategic plan to meet goals and objectives; and that the strategic plan be reviewed and approved by the State Resiliency Officer and State Resiliency Board.

The bill further requires the State Office of the National Flood Insurance Program to establish floodplain management guidelines in special hazard areas that are in conformity with federal regulations and that the State Office of the National Flood Insurance Program cooperate with the State Resiliency Office (SRO) to the fullest extent practicable to assist the SRO in fulfilling its duties. The assets of the State Office of the National Flood Insurance Program are transferred from the Offices of the Insurance Commissioner to the Division of Emergency Management within DHS, and the State Treasurer is required to distribute funds from the flood insurance tax fund to finance the operations and responsibilities of the State Office of the National Flood Insurance Program.

**CODE REFERENCE:** West Virginia Code §33-2-23, §33-3-14, and §33-3-14a – amended; §15-5-20b – new

**DATE OF PASSAGE:** March 8, 2022

**EFFECTIVE DATE:** June 6, 2022

**ACTION BY GOVERNOR:** Signed March 28, 2022

## House Bill 4333

### Relating to the sunset of the Board of Hearing-Aid Dealers and Fitters

House Bill 4333 sunsets the Board of Hearing-Aid Dealers and Fitters. The board will wind up its business over the next year and terminate effective June 30, 2023. Upon the board's termination, hearing aid dealers and fitters will be regulated and licensed by the Board of Examiners for Speech-Language Pathology and Audiology (SLPA Board). The composition of the SLPA Board will be altered to add a hearing aid fitter as a member and to increase the number of speech-language pathologists on the board from two to three. Rules of the hearing aid board in effect at the board's termination will remain in effect until amended or repealed by the SLPA Board. The bill also provides for application for licensure as a hearing aid dealer or fitter to the SLPA Board upon termination of the hearing aid board.

**CODE REFERENCE:** West Virginia Code §30-32-5 and §30-32-7 – amended; §30-26-21 and §30-32-10a – new

**DATE OF PASSAGE:** March 12, 2022

**EFFECTIVE DATE:** June 10, 2022

**ACTION BY GOVERNOR:** Signed March 30, 2022

## House Bill 4492

### Creating the Division of Multimodal Transportation

House Bill 4492 streamlines and makes for more efficient operations of multimodal agencies by combining the current Aeronautics Commission, State Rail Authority, Port Authority, and the Division of Public Transit into one agency. The multimodal agency will be part of the Department of Transportation. The DOT Secretary will be the Chief Operating Officer of the Division of Multimodal Transportation Facilities and will coordinate with the Department of Economic Development to facilitate economic development activities utilizing transportation facilities.

The bill does not create any new funds or expand any powers of any section making up the new Division of Multimodal Transportation. The division may solicit advice regarding projects relating to air, water, or rail by convening special advisory boards and utilizing their expertise.

**CODE REFERENCE:** §17-16B-1, §17-16B-2, §17-16B-3, §17-16B-5, §17-16B-6, §17-16B-7, §17-16B-7a, §17-16B-7b, §17-16B-8, §17-16B-9, §17-16B-10, §17-16B-11, §17-16B-12, §17-16B-13, §17-16B-14, §17-16B-15, §17-16B-16, §17-16B-17, §17-16B-18, §17-16B-19, §17-16B-20, §17-16B-21, §17-16B-22, §17-16C-1, §17-16C-2, §17-16C-3, §17-16C-5, §29-2A-1, §29-2A-2, §29-2A-3, §29-2A-4, §29-2A-5, §29-2A-6, §29-2A-7, §29-2A-8, §29-2A-10, §29-2A-11, §29-2A-11a, §29-2A-11b, §29-2A-11c, §29-2A-11d, §29-2A-11e, §29-2A-11f, §29-2A-12, §29-2A-13, §29-2A-14, §29-2A-20, §29-18-1, §29-18-2, §29-18-3, §29-18-4, §29-18-4a, §29-18-5, §29-18-6, §29-18-7, §29-18-8, §29-18-9, §29-18-10, §29-18-11, §29-18-12, §29-18-13, §29-18-14, §29-18-15, §29-18-16, §29-18-17, §29-18-18, §29-18-19, §29-18-20, §29-18-21, §29-18-22, §29-18-23, §29-18-24, §29-18-25 – repealed; §17-16F-1 through §17-16F-34 – new

**DATE OF PASSAGE:** March 12, 2022

**EFFECTIVE DATE:** March 12, 2022

**ACTION BY GOVERNOR:** March 30, 2022

## **House Bill 4499**

### **Relating to making the procurement process more efficient by modifying and updating outdated processes and requirements**

House Bill 4499 modernizes and updates the operations of the Purchasing Division. It encourages earlier communication with purchasing agencies and aid to spending units by Purchasing Division experts regarding the manner and process of procurement.

The bill also increases the thresholds under which agencies can purchase commodities. The bill permits the director to delegate procurement limits for commodities \$25,000 or less to the agency to purchase on their own. Purchasing currently operates an inspection and compliance system that tracks how well agencies comply with the purchasing laws of the state and as an agency becomes more comfortable operating in the purchasing environment, the director may increase the agency's delegated procurement authority to any amount up to \$100,000. Delegation of procurement authority has been successfully effected in other states and will provide agencies with needed flexibility in making required purchases.

The bill also eliminated duplicative paperwork such as filing an affidavit when a contractor places a bid for a state contract. The wvOASIS system performs this function to ensure a contractor with an outstanding debt due to the state is disqualified from winning a state contract. By eliminating this duplicative function, bids can be completed, and contracts awarded, in a timelier manner.

**CODE REFERENCE:** West Virginia Code §5A-3-1, §5A-3-3, §5A-3-4, §5A-3-10, §5A-3-10a, §5A-3-11, §5A-3-12, §5A-3-17, §5A-3-18, §5A-3-29, §5A-3-35, §5A-3-45; §6D-1-2 – amended

**DATE OF PASSAGE:** March 9, 2022

**EFFECTIVE DATE:** March 9, 2022

**ACTION BY GOVERNOR:** Signed March 28, 2022

## **House Bill 4517**

### **Relating to the repealing requirements to display video ratings**

House Bill 4517 repeals an obsolete article of code that requires video cassettes display the MPAA rating of the movie on the cassette case or jacket. Current code makes a knowing failure to list the rating on the jacket a misdemeanor, with the penalty for a first offense a fine of \$25, and subsequent offenses subjecting the offender to a fine not to exceed \$100.

**CODE REFERENCE:** West Virginia Code §61-8E-1, §61-8E-2, §61-8E-3 – repealed

**DATE OF PASSAGE:** March 7, 2022

**EFFECTIVE DATE:** June 5, 2022

**ACTION BY GOVERNOR:** Signed March 30, 2022

## House Bill 4559

### **Providing for legislative rulemaking relating to the disposition of unidentified and unclaimed remains in the possession of the Chief Medical Examiner**

House Bill 4559 addresses the problem raised by the Performance Evaluation and Research Division of the Legislative Auditor's office (PERD) report of November 2021 regarding the storage of human remains at the Office of the Chief Medical Examiner. The report found that the CME's office lacked appropriate authority for disposition of remains in its possession and that as a result some remains had been stored there since the 1970's. The focus of the bill is §61-12-15. It provides that the Chief Medical Examiner (CME) shall cremate unclaimed human remains and bury unidentified human remains. The CME, with the assistance of the City of Charleston, is to locate an appropriate cemetery. Unidentified remains are to be buried after six months and after efforts to identify the remains have been exhausted. Remains that have been identified but which have not been claimed shall be cremated after 30 days and after efforts to contact the decedent's next of kin have been exhausted. The remains shall also be placed in a cemetery in a manner in which the decedent's remains may be retrieved easily if the next of kin wish to claim the remains.

The bill insulates the CME from liability for actions consistent with the bill.

The bill also requires the CME to propose legislative rules and emergency rules relating to disposition of unidentified and unclaimed remains.

**CODE REFERENCE:** West Virginia Code §61-12-3, §61-12-5, §61-12-6, §61-12-7, §61-12-10, §61-12-10a, §61-12-11, §61-12-12, §61-12-13, §61-12-14, §61-12-15 – amended; §61-12-16 – new

**DATE OF PASSAGE:** March 11, 2022

**EFFECTIVE DATE:** June 9, 2022

**ACTION BY GOVERNOR:** March 30, 2022

## House Bill 4608

### **To require the State Fire Commission to propose minimum standards for persons to be certified as probationary status volunteer firefighters**

House Bill 4608 requires the State Fire Commission to propose for promulgation an emergency rule setting minimum educational, training, physical, and mental standards for persons 18 years old or older to be certified as a probationary status volunteer firefighter for a period not to exceed five years, at the discretion of the VFD's fire chief.

**CODE REFERENCE:** West Virginia Code §15A-11-8 – amended

**DATE OF PASSAGE:** March 11, 2022

**EFFECTIVE DATE:** June 9, 2022

**ACTION BY GOVERNOR:** Signed March 30, 2022

# House Bill 4634

## Relating to occupational licensing or other authorization to practice

House Bill 4634 permits recognition of an individual's occupational license in another state for licensure in this state. The bill requires a person with a license in another state apply for licensure in this state to the board or similar entity that regulates the profession in this state.

The bill sets forth criteria that a person applying for licensure in this state must meet:

- the person holds a valid license from another state;
- the person has held the license for at least one year;
- the person meets all education and examination requirements in the state where he or she is currently licensed;
- the person is a WV resident;
- boards in every state where the person is licensed hold the person in good standing;
- the person doesn't have a disqualifying criminal record;
- the person has never had their license revoked;
- the person has never surrendered a license;
- the person has no pending complaints, allegations, or investigations pending; and
- the person pays all applicable fees in this state.

The bill also sets forth criteria allowing a board to issue an occupational license in this state to a person based on his or her work experience:

- The person worked in a state that does not license the profession;
- The person has worked for at least two years in the occupation;
- The person has taken and passed any national examinations to practice; and
- The person satisfies requirements 6 - 10 stated above.

The bill permits a state board to require a person to take a jurisprudential examination for a license if the board requires the same of all other applicants. The bill allows a board 60 days to make a decision on a completed application. The bill provides an appeal process for a person to appeal to court the board's decisions regarding licensure, scope of practice, or other authorization. The bill stipulates that licensure in this state does not entitle a person to practice in another state unless otherwise provided for by interstate compact or other agreement. The bill permits the board to charge a limited fee for such application. Finally, the bill preempts any other law or ordinance by township, municipality, county, or other governments from requiring an additional license to practice.

**CODE REFERENCE:** West Virginia Code §21-17-1 through §21-17-12 and §29-33-1 through §29-33-12 – new

**DATE OF PASSAGE:** March 11, 2022

**EFFECTIVE DATE:** June 9, 2022

**ACTION BY GOVERNOR:** Signed March 30, 2022



## House Bill 4647

### Relating to the Board of Funeral Service Examiners

House Bill 4647 updates code concerning Funeral Service Examiner board licensure requirements. The bill updates the reference to the specific examination the board administers to one through the International Conference of Funeral Service Examining Boards and clarifies that the state jurisprudential examination will be administered through the International Conference of Funeral Service Examining Boards. The bill also clarifies that the apprentice program may be completed before, during, or after formal education and specifies additional requirements necessary to obtain a license, such as directing at least 35 funerals or memorials.

The bill removes the requirement that the board provide continuing education but does not alter or remove continuing education requirements for licensees. Continuing education may be obtained from other sources than the board. The bill establishes a biennial inspection process for funeral establishments and creates a new section to permit the use of alkaline hydrolysis as a means of final disposition of human remains when certified by the board.

**CODE REFERENCE:** West Virginia Code §30-6-3, §30-6-8, §30-6-9, §30-6-15, §30-6-16, §30-6-17, §30-6-19, §30-6-20 – amended; §30-6-22b – new

**DATE OF PASSAGE:** March 9, 2022

**EFFECTIVE DATE:** June 7, 2022

**ACTION BY GOVERNOR:** Signed March 28, 2022

## House Bill 4769

### Eliminate the requirement to send recommended decisions by certified mail

House Bill 4769 eliminates the requirement for the Public Service Commission (PSC) to send recommended orders after a hearing by certified mail, return receipt requested. The elimination of this requirement will result in a cost savings to the Commission.

House Bill 4769 was requested by the PSC. In contrast to a situation where a document is being sent to an individual without prior notice, this bill relates to proceedings where the parties have already appeared, a hearing has been held, and the parties have submitted briefs and proposed findings of fact and conclusions of law. The parties will have had an opportunity to provide the PSC with a valid mailing address and are interested in receiving the recommended order. Moreover, most parties will likely opt to be served via email, eliminating the need to mail the order at all.

**CODE REFERENCE:** West Virginia Code §24-1-9 – amended

**DATE OF PASSAGE:** March 8, 2022

**EFFECTIVE DATE:** June 6, 2022

**ACTION BY GOVERNOR:** Signed March 28, 2022

# Miscellaneous



## Senate Bill 4

### Repealing ban on construction of nuclear power plants

The proposed legislation repeals the entirety of Article 27A, Chapter 16, which bans construction on nuclear power plants in West Virginia.

**CODE REFERENCE:** West Virginia Code §16-27A-1, §16-27A-2 – repeal

**DATE OF PASSAGE:** March 11, 2022

**EFFECTIVE DATE:** June 9, 2022

**ACTION BY GOVERNOR:** Signed February 8, 2022

## Senate Bill 8

### Relating generally to state's savings and investment programs

The bill streamlines board governance and corrects the structure of educational savings and investment programs in West Virginia. The bill creates the Jumpstart Savings Program, which will open on July 1, 2022. The Jumpstart Savings Program is structured almost identically to the SMART529 College Savings Plan, but unlike the 529 Plan, allows participants to save and invest money to help cover costs for a trade or occupation in the state.

Historically, the SMART529 College Savings Board also served as the board of trustees for the Prepaid Tuition Program – a now defunct educational plan that was closed to new contracts in 2001 and was terminated in September of 2021.

The bill redesignates the now closed Prepaid Tuition and College Savings administrative account as the College Savings and Jumpstart Savings administrative account. The bill also makes the existing board's administrative account non appropriated, to ensure that administrative fees deducted from the program trust funds are used to support the programs into the future (a practice viewed favorably by Morningstar for SMART529 ratings).

The bill consolidates the SMART529 College Savings and Jumpstart Savings boards into one board – the College and Jumpstart Savings Board. In doing so, the bill eliminates the standalone Jumpstart Savings Board and simply substitutes the Jumpstart Savings Program for the recently closed Prepaid Tuition Program under the existing board's oversight.

The bill makes several corrections and clarifications to current Code, such as deleting obsolete references to the now-closed Prepaid Tuition Plan and moves language creating a special fund for new savings and investment programs in the Treasurer's office from §18-30-1 et seq. into a new article in Chapter 12 of the Code.

**CODE REFERENCE:** West Virginia Code §18-30-6a – repealed; §18-30-1, §18-30-2, §18-30-3, §18-30-4, §18-30-5, §18-30-6, §18-30-8, §18-30-10, §18-30-11, and §18-30-13; §18-30A-2, §18-30A-3, §18-30A-5, §18-30A-6, §18-30A-8, and §18-30A-9 – amended; §12-9-1, §12-9-2, §12-9-3, and §18-30-3a – new;

**DATE OF PASSAGE:** January 24, 2022

**EFFECTIVE DATE:** January 24, 2022

**ACTION BY GOVERNOR:** Signed February 2, 2022

## **Senate Bill 135**

### **Relating to acquisition and disposition of property by urban development authority**

This bill authorizes an urban renewal authority, by any proper means, to acquire, in its name, real property, including from government entities, and expressly including tax-delinquent properties.

**CODE REFERENCE:** West Virginia Code §6-18-30 – new

**DATE OF PASSAGE:** March 9, 2022

**EFFECTIVE DATE:** June 7, 2022

**ACTION BY GOVERNOR:** Signed March 23, 2022

## **Senate Bill 172**

### **Increasing compensation of elected county officials**

The bill would increase salaries for county commissioners, sheriffs, county clerks, circuit clerks, assessors and prosecuting attorneys by 10% effective July 1, 2021. These elected officials may receive these increases (1) if the State Auditor certifies that the fiscal condition of their respective county is such that “there exists an amount sufficient for the payment of the increase in the salaries,” and (2) if the elected official “who desires to receive the increased salary shall have prior to that date filed in the office of the clerk of the county commission his or her written request for the salary increase.”

**CODE REFERENCE:** West Virginia Code §7-7-4 – amended

**DATE OF PASSAGE:** March 11, 2022

**EFFECTIVE DATE:** June 9, 2022

**ACTION BY GOVERNOR:** March 21, 2022

## **Senate Bill 191**

### **Allowing poll workers to work full and half days**

The bill authorizes election poll clerks to work and be compensated for both full and half days worked during an election.

**CODE REFERENCE:** West Virginia Code §3-1-30 and §3-1-44 – amended

**DATE OF PASSAGE:** January 25, 2022

**EFFECTIVE DATE:** January 25, 2022

**ACTION BY GOVERNOR:** Signed February 2, 2022

## Senate Bill 228

### Providing tuition and fee waivers at state higher education institutions for volunteers who have completed service in AmeriCorps programs in WV

This Act requires the governing board of each state institution of higher education to make provisions for their respective institution to award tuition and fee waivers for undergraduate and graduate courses to any student who has completed service in an AmeriCorps State, National, VISTA, or Senior Corps program in West Virginia, in accordance with the following:

The student must:

- Complete a FAFSA and accept all offers of financial assistance except student loans and work study;
- Accept the Segal AmeriCorps Education Award;
- Complete a term of service in West Virginia and provide an AmeriCorps Certification of Service Letter to the institution; and
- Meet the academic progress standards established by the institution;
- The Act further provides that:
- The student earns a tuition and fee waiver for 1 semester for at least 600 hours of service and 2 semesters for at least 1,200 hours of service;
- A student may successfully complete additional terms of service while enrolled or between semesters;
- The total number of tuition and fee waivers that may be granted to a student is limited to 8 semesters at the undergraduate or graduate levels combined; and
- The nominal value of a tuition and fee waiver is the remaining cost of tuition and fees after state and federal financial assistance has been applied and it may be further reduced if application of the student's Segal AmeriCorps Education Award causes the total to exceed the student's cost of attendance.

In addition:

- The award of tuition and fee waivers granted pursuant to this Act is in addition to the tuition and fee waivers otherwise permitted in this article of code.
- The institutional governing boards may establish any limitations on the provisions of the section as they consider proper.
- If necessary, the Higher Education Policy Commission and the Council for Community and Technical College Education may propose rules for legislative approval.

**CODE REFERENCE:** West Virginia Code §18B-10-7d – new

**DATE OF PASSAGE:** March 11, 2022

**EFFECTIVE DATE:** June 9, 2022

**ACTION BY GOVERNOR:** Signed March 28, 2022

## **Senate Bill 231**

### **Relating generally to broadband connectivity**

This bill amends two sections of Chapter 31G, Article 4 dealing with broadband and, specifically, pole access for carriers and providers. §31G-4-1 is amended to include definitions some of which are relevant to the added language in the new section, §31G-4-7 (“telecommunications carrier” and “poles”), and some of which clarify and define language which exists within this Article but is not being amended.

This legislation creates §31G-4-7 to add new language which would require a pole owner or manager to inform the Department of Economic Development within 30 days when one of its poles has been made ready for telecommunication fibers to be added, and what the additional available capacity is for that pole. The department would then notify other telecommunication carriers within 15 days, who then have 30 days to notify the pole owner or manager that they, too, will make use of the available capacity on the pole(s). Any telecommunication carrier intending to use the pole(s) are to share in the cost of the engineering work required. The bill exempts from the initial requirement to inform the department any pole owner which has an electronic permitting and notification software system for processing pole attachment applications.

**CODE REFERENCE:** West Virginia Code §31G-4-1 – amended; §31G-4-7 – new

**DATE OF PASSAGE:** March 12, 2022

**EFFECTIVE DATE:** June 10, 2022

**ACTION BY GOVERNOR:** Signed March 28, 2022

## **Senate Bill 242**

### **Restricting authority to prevent or limit owner's use of natural resources or real property in certain agricultural operations**

The purpose of this bill is to limit the authority of counties and municipalities to prevent or limit an owner’s complete use of natural resources or real property for farm or agricultural operations. Current law provides that an ordinance, rule or regulation may not prevent a landowner’s complete use of natural resources outside of urban areas. The bill expands this to include an ordinance, rule or regulation preventing or “limiting” an owner’s complete use of natural resources outside of “municipalities” or urban areas, or an owner’s complete use “of a tract or contiguous tracts of land of any size for a farm or agricultural operation” outside of municipalities or urban areas.

**CODE REFERENCE:** West Virginia Code §8A-7-10 – amended

**DATE OF PASSAGE:** March 11, 2022

**EFFECTIVE DATE:** June 9, 2022

**ACTION BY GOVERNOR:** Signed March 28, 2022

# Senate Bill 424

## Relating generally to 2022 Farm Bill

The purpose of this bill is to enact the WV Farm bill of 2022; provide additional powers to the commissioner, including increased powers to collect debts and interest owed the department; modify reporting requirements; establish the West Virginia Animal Remedy law, and clarify definition of agritourism. Specifically, the bill affects the following sections of West Virginia Code:

### **Repeals §19-1-10. Requirement for social security number on applications.**

The bill repeals this section which requires applicants to include their social security number on applications for a license, permit, certificate of registration, or registration.

### **Repeals §19-15-11. Publications.**

The bill repeals this section which requires the commissioner of agriculture to publish at least annually information regarding the distribution of regulated products and the results of the analysis of samples of regulated products distributed within the state compared to the analysis guaranteed by sections two (registration of products for distribution) and three (labels on products distributed in the state) of article 15

### **Adds §19-1-13. Annual reporting to the Legislature.**

This is a new section added to Department of Agriculture article to require the Commissioner of Agriculture to file an annual report with the Speaker of the House, President of the Senate, and the Joint Committee by January 31 of each year describing the activities of the department during the preceding fiscal year.

The report must include all donations, gifts, contributions, grants, and appropriations of money, services, materials, real estate, or other things of value accepted and received by the department. The commissioner is also required to send a copy of the report to the Division of Archives and History as a permanent record of the state.

### **Amends §11-13DD-3. Amount of credit; limitation of credit.**

Current law provides that farmers may receive a tax credit against their personal income and corporate net income equal to 30 percent of the value of donated edible agricultural products to nonprofit food programs in the state, but not to exceed \$2,500 during a taxable year or the total amount of personal income or corporate net income tax, whichever is less, in the year of donations.

The amendment increases the specified dollar amount of the tax credit from \$2,500 to \$5,000 and makes the tax credit retroactive for eligible donations made on and after January 1, 2022. Current law provides that the total amount of tax credit is capped at \$200,000 in any fiscal year.

### **Amends §19-1-4a. Commissioner authorized to accept gifts, etc., and enter into cooperative agreements.**

Current law essentially authorizes the commissioner to accept donations, gifts, contributions, grants, and appropriations of money, services, materials, real estate or other things of value from the United States Department of Agriculture and individuals, partnerships, associations, or corporations and to use them as provided.

This provision is amended to expand the authorization to include the United States Food and Drug Administration, the United States Environmental Protection Agency, or any other agency of the United States government.

Amendments to this section also update language and style.

**Amends §19-1-11. Rural Rehabilitation Loan Program.**

The amendment to this section eliminates the provision in current law that requires the commissioner to file an annual report to the Joint Committee on Government and Finance regarding the rural rehabilitation loan program, including information about the loans awarded, loans repaid, loans outstanding, interest rates, delinquency and collections, and other pertinent data.

**Amends §19-9-7a. National Animal Identification System Animal disease traceability; rulemaking; exemption.**

The amendment to this section changes the name of the program dealing with diseases among domestic animals from the current name of “National Animal Identification System” to “Animal Disease Traceability” program. The section heading is also changed to reflect the new name.

**Amends §19-12E-4. Industrial hemp authorized as agricultural crop; license required.**

This section is amended to provide that a person must hold a license issued by the “state” instead of the “department” to cultivate, handle, or process industrial hemp in the state.

**Amends §19-12E-5. Industrial hemp – licensing.**

The amendment to this section gives the commissioner the option to recognize industrial hemp grower licenses issued by the United States Department of Agriculture or issued by the state to cultivate, handle, or process industrial hemp in the state.

**Amends §19-15A-4. Inspection fee; report of tonnage; annual report.**

The bill amends this section by removing language which requires the Commissioner of Agriculture to publish an annual report on the amount of liming material sold in the state during the preceding period.

**Amends §19-16-6. Duties and authority of Commissioner of Agriculture.**

The bill amends this section by deleting language which requires the Commissioner of Agriculture to publish and distribute an annual report containing information on the sale of seeds in the state to include agricultural, vegetable, tree and shrub, or flower seed, and seed potatoes; the results of analysis of official samples compared to guarantees on the label; firms responsible for the product; and other information the commissioner considers necessary in the report.

**Amends §19-16A-21. Violations.**

This section is amended by adding language which allows the Commissioner of Agriculture to suspend, deny, modify, or revoke a pesticide license issued based upon a violation, conviction, or a final order assessing a penalty pursuant to the federal Insecticide, Fungicide and Rodenticide Act. This is in addition to a list of several other grounds for denying, modifying, suspending, or revoking a pesticide license.

**Amends §19-20C-3. Rulemaking; annual report.**

The bill amends this section by removing language which requires the Commissioner of Agriculture to file an annual report with the Joint Committee regarding the number of dogs and cats sterilized in the state.

**Amends §19-36-5. Maintenance of property status for certain purposes; exceptions.**

The bill adds language to this section to provide that agritourism on land classified as agricultural does not change the nature or use of property that otherwise qualifies as agricultural for zoning purposes, and it adds language that exempts agritourism businesses from complying with fire codes when using certain



facilities for occasional events if the facilities are considered structurally sound and otherwise safe for the intended use.

**CODE REFERENCE:** West Virginia Code §19-1-10, §19-15-11 – repealed; §11-13DD-3, §19-1-4a, §19-1-11, §19-9-7a, §19-12E-4, §19-12E-5, §19-15A-4, §19-16-6, §19-16A-21, §19-20C-3, and §19-36-5 – amended; §19-1-13 – new

**DATE OF PASSAGE:** March 12, 2022

**EFFECTIVE DATE:** June 10, 2022

**ACTION BY GOVERNOR:** Signed March 28, 2022



## Senate Bill 438

### Relating generally to WV Security for Public Deposits Act

The bill would amend the provisions of the WV Code related to requirements for public depositories.

The bill would direct the Treasurer to implement and administer a new program entitled the West Virginia Security for Public Deposits Program to be operable on or before March 1, 2024. The Treasurer is to propose legislative rules necessary to effectuate the program.

The Program will provide the terms and conditions by which public deposits are to be secured and collateralized. The Program authorizes a pooled method of securing deposits. "Pooled method" is defined by the bill as "securing public deposits by accepting contingent liability for losses of public deposits of other designated state depositories that choose this method."

Legislative rules are to provide, among other things, (1) the terms and conditions under which public deposits must be secured; (2) the method for determining collateral required under the pooled method of security; (3) the securities or instruments eligible to be collateral; (4) the process for determining when a default or insolvency has occurred or is likely to occur and the actions necessary for the protection, collection, and settlement of any claim arising out of such default or insolvency; (5) requirements for the payment of losses by pooled or dedicated methods; (6) the process for a depository to withdraw from the pooled method of securing public deposits and instead be governed by another method of securing deposits; and (7) reporting requirements of depositories. The bill authorizes the Treasurer to collect administrative fees, fines, penalties and service charges in connection with the program or any agreement, contract or transaction pursuant to the new article.

The State Treasurer would be subrogated to all of a depositor's rights, title and interest against a depository that is in default or insolvent. When deposits are made in accordance with the program, no official of a public depositor would be personally liable for any loss resulting from the default or insolvency of any designated state depository in the absence of negligence, malfeasance, misfeasance or nonfeasance. The bill would require monthly reports to the State Treasurer.

**CODE REFERENCE:** West Virginia Code §12-1-5 – amended; §12-1B-1 through §12-1B-14 – new

**DATE OF PASSAGE:** March 12, 2022

**EFFECTIVE DATE:** June 10, 2022

**ACTION BY GOVERNOR:** Signed March 30, 2022

## Senate Bill 445

### Modifying police and firemen's pension plans for trustees

The bill would amend provisions of the WV Code relating to disability pensions paid by municipal policemen's pension and relief funds or firemen's pension and relief funds. Current law requires that members receiving total disability payments from the funds for disability not incurred in the line of duty file a certified copy of their tax returns on or before April 15 of each year with the funds to demonstrate either unemployment or income earned from self-employment or employment by another. This bill would provide that if such returns are not filed, the member's monthly disability payments would be held in abeyance until the retirant files the return. The bill also provides that if the member provides a copy of the completed application for automatic extension of time to file a tax return, the certified copy needs to be filed by October 15 or the member's monthly disability payments will be held in abeyance until the retirant files the return.

**CODE REFERENCE:** West Virginia Code §8-22-24 – amended

**DATE OF PASSAGE:** February 18, 2022

**EFFECTIVE DATE:** May 19, 2022

**ACTION BY GOVERNOR:** Signed March 1, 2022

## Senate Bill 505

### Updating laws on licensure and regulation of money transmitters

The bill relates to updating the licensure and regulation of money transmitters; updates the definition of terms related thereto; clarifies the financial institution exemption to the provisions of the article; permits the Commissioner of Financial Institutions to participate in the multistate supervisory process established between states regarding money transmitters; updates net worth requirements to use in a sliding scale; provides information requirements for a change in control and updating the change in control process; specifies requirements for individuals in control of a licensee or applicant; requires permissible investments to match outstanding obligations; and updates the procedures to eliminate the two-step process for revocations or suspensions.

**CODE REFERENCE:** West Virginia Code §32A-2-1 through §32A-2-4; §32A-2-8; §32A-2-10 through §32A-2-13; §32A-2-24 and §32A-2-25 – amended; §32A-2-8a and §32A-2-8b – new

**DATE OF PASSAGE:** March 9, 2022

**EFFECTIVE DATE:** June 7, 2022

**ACTION BY GOVERNOR:** Signed March 30, 2022

## **Senate Bill 508**

### **Requiring certain attire for deer hunters with muzzleloaders**

The bill clarifies that person hunting deer with a muzzleloader must wear daylight fluorescent orange clothing of the required size.

**CODE REFERENCE:** West Virginia Code §20-2-60 – amended

**DATE OF PASSAGE:** March 9, 2022

**EFFECTIVE DATE:** June 7, 2022

**ACTION BY GOVERNOR:** Signed March 23, 2022

## **Senate Bill 523**

### **Transferring oversight of Jobs Investment Trust Fund to WV Economic Development Authority**

The bill terminates the Jobs Investment Trust Board and moves its duties, authority, and funds (including the Jobs Investment Trust) to the West Virginia Economic Development Authority (WVEDA). The executive director of the Trust is still appointed by the Governor with advice and counsel of the Senate. The Economic Development Authority is to provide office space and support staff regarding the Trust.

The WVEDA maintains the powers and duties of the defunct Jobs Investment Trust Board, and the requirement that it report to the Governor and the joint committee on gov't and finance at least 20 days before it intends to extend any repayment term is likewise maintained. The section on funding the trust is repealed, and the EDA is given governance and administration powers over the Jobs Development Fund.

**CODE REFERENCE:** West Virginia Code §12-7-8 – repealed; §12-7-2, §12-7-3, §12-7-4, §12-7-5, §12-7-6, §12-7-7, §12-7-9, §12-7-12; §31-15-6; §31-18-20c – amended

**DATE OF PASSAGE:** March 7, 2022

**EFFECTIVE DATE:** March 7, 2022

**ACTION BY GOVERNOR:** Signed March 23, 2022

## **Senate Bill 548**

### **Authorizing Workforce WV employers to obtain employment classifications and work locations**

The bill requires participating employers provide Workforce West Virginia with information relating to employment classifications and work locations in which employees are working.

**CODE REFERENCE:** West Virginia Code §21A-10-11 – amended

**DATE OF PASSAGE:** March 12, 2022

**EFFECTIVE DATE:** June 10, 2022

**ACTION BY GOVERNOR:** Signed March 28, 2022

## **Senate Bill 568**

### **Relating to health insurance loss ratio information**

The bill requires loss ratio information to be made available upon request of an insured relating to Group Accident and Sickness Insurance; Hospital Service Corporations, Medical Service Corporations, and Health Service Corporations; Health Care Corporations; and Health Maintenance Organizations. The bill exempts Dental Service Corporations from the provisions of the sections.

**CODE REFERENCE:** West Virginia Code §33-16-3c, §33-24-6a, §33-25-10a, and §33-25A-7b – new

**DATE OF PASSAGE:** March 12, 2022

**EFFECTIVE DATE:** June 10, 2022

**ACTION BY GOVERNOR:** Signed March 28, 2022

## **Senate Bill 597**

### **Relating to PSC underground facilities damage prevention and one-call system**

The bill defines “excavate” or “excavation” and deletes that exempted work performed by “employees of the state, county, or municipal entities” from the existing exemption.

**CODE REFERENCE:** West Virginia Code §24C-1-2 – amended

**DATE OF PASSAGE:** March 4, 2022

**EFFECTIVE DATE:** June 2, 2022

**ACTION BY GOVERNOR:** Signed March 23, 2022

## **Senate Bill 598**

### **Establishing partnerships and aid for at-risk veterans to combat suicide**

The bill authorizes the Department of Veterans Affairs to establish partnerships with service organizations in local veteran communities to connect veterans and their families with existing resources to combat suicide, and its contributing factors.

**CODE REFERENCE:** West Virginia Code §9A-5-1, §9A-5-2, and §9A-5-3 – new

**DATE OF PASSAGE:** March 4, 2022

**EFFECTIVE DATE:** June 2, 2022

**ACTION BY GOVERNOR:** Signed March 23, 2022

## **Senate Bill 609**

### **Allowing DOH Commissioner to accept ownership of rented and leased equipment**

The bill allows the Commissioner of the Division of Highways to accept ownership of equipment if the equipment has been rented or leased by the division, maintained by the division, and the equipment vendor voluntarily relinquishes ownership of the equipment to the division. Any equipment thus acquired must be included in the division's inventory and the division's equipment and vehicle reports.

**CODE REFERENCE:** West Virginia Code §17-2A-15 – amended

**DATE OF PASSAGE:** March 11, 2022

**EFFECTIVE DATE:** June 9, 2022

**ACTION BY GOVERNOR:** Signed March 28, 2022

## **Senate Bill 611**

### **Removing cap on bidder's contract bond**

The bill provides flexibility when setting a bidder surety or collateral bond on competitive bids on contracts for work and materials. The bill allows surety or collateral bond to exceed the contract price and to be priced below the contract price. The bill also updates language, such as allowing the Commissioner of Highways to provide duplicate copies of contracts and bonds to a county clerk in electronic or paper form.

**CODE REFERENCE:** West Virginia Code §17-4-20 – amended

**DATE OF PASSAGE:** March 12, 2022

**EFFECTIVE DATE:** June 10, 2022

**ACTION BY GOVERNOR:** Signed March 30, 2022

## **Senate Bill 641**

### **Requiring Consolidated Public Retirement Board to set contributions to Deputy Sheriff's Retirement System**

The bill would amend provisions of the WV Code relating to the Deputy Sheriff Retirement System. The bill removes the current cap on employer contributions set at 13% of total payroll and requires the employer contribution be set actuarially by the Consolidated Public Retirement Board. The current cap has been in place since July 1, 2011.

**CODE REFERENCE:** West Virginia Code §7-14D-4 – amended

**DATE OF PASSAGE:** March 11, 2022

**EFFECTIVE DATE:** June 9, 2022

**ACTION BY GOVERNOR:** Signed March 30, 2022

## **Senate Bill 643**

### **Removing residency requirement of members appointed to county airport authority**

The bill requires that a majority of members be a resident of the county in which the airport is situated. The bill no longer requires all members of a county airport authority be a resident of the county in which the airport is situated.

**CODE REFERENCE:** West Virginia Code §8-29A-2 – amended

**DATE OF PASSAGE:** March 10, 2022

**EFFECTIVE DATE:** June 8, 2022

**ACTION BY GOVERNOR:** Signed March 23, 2022

## **Senate Bill 650**

### **Eliminating number of royalty owners required for utilization by operator for lawful use and development by co-tenants**

This bill altered the applicability of the co-tenancy reform bill passed during the 2018 general session.

The law provided that, in cases where there are 7 or more owners, consent for the lawful use and development of oil or natural gas by persons owning an undivided three fourths in an oil or natural gas property was permissible, was not waste, and was not trespass. This bill removed the conditional language requiring 7 or more owners for the statute to be applicable.

The bill also corrects internal citations.

**CODE REFERENCE:** West Virginia Code §37B-1-4 – amended

**DATE OF PASSAGE:** March 5, 2022

**EFFECTIVE DATE:** June 3, 2022

**ACTION BY GOVERNOR:** Signed March 30, 2022

## **Senate Bill 662**

### **Relating to creation, expansion, and authority of resort area district**

The bill revises Chapter 7, Article 25 (the Resort Area District Act) of the code. The bill, most importantly, permits the resort area district to impose an assessment for essential services. The bill also clarifies the process for expansion of a resort area district. The bill allows for reasonable compensation for board service on the resort Area District Board and provides an appointment process for vacancies of less than one year.

**CODE REFERENCE:** West Virginia Code §7-25-3, §7-25-5, §7-25-6, §7-25-10, §7-25-15 – amended

**DATE OF PASSAGE:** March 11, 2022

**EFFECTIVE DATE:** June 9, 2022

**ACTION BY GOVERNOR:** Signed March 28, 2022

## Senate Bill 698

### Relating to number and selection of members for Governor's Veterans Council

The bill increases the number of members of the Veteran's Council from 9 to 11 members. The bill also prioritizes diversity of council members through service branches and, when feasible, would prioritize members be active in the veteran community. No more than 7 of the 11 total members may reside in the same congressional district.

**CODE REFERENCE:** West Virginia Code §9A-1-2 – amended

**DATE OF PASSAGE:** March 10, 2022

**EFFECTIVE DATE:** March 10, 2022

**ACTION BY GOVERNOR:** Signed March 23, 2022

## Senate Bill 713

### Removing statutory limit for Environmental Laboratory Certification Fund

This bill allows, but does not require, WVDEP to consider remote monitoring and testing equipment for its certification program. It also removes the \$300,000 annual program cap for fees paid to WV DEP under its lab certification program.

**CODE REFERENCE:** West Virginia Code §22-1-15 – amended

**DATE OF PASSAGE:** March 3, 2022

**EFFECTIVE DATE:** March 3, 2022

**ACTION BY GOVERNOR:** Signed March 30, 2022

## Senate Bill 714

### Relating to tie votes by Coal Mine Safety and Technical Review Committee

The bill adds the Director of the Office of Miners' Health, Safety and Training as a voting member of the Coal Mine Safety and Technical Review Committee when an additional vote is needed to break a tie.

**CODE REFERENCE:** West Virginia Code §22A-6-7 – amended

**DATE OF PASSAGE:** March 11, 2022

**EFFECTIVE DATE:** March 11, 2022

**ACTION BY GOVERNOR:** Became Law Without Governor's Signature



## House Bill 2733

### Relating to the establishment of a Combat Action Badge and Combat Action Ribbon special registration plates

The bill combines many authorized license plates for special groups, including:

- Special Registration Plates for Combat Badges for the various armed services branches
- Special Registration Plates for “Choose Life”
- Special Registration Plates for Fairmont State University
- Special Registration Plates for coal miners and the coal industry
- Special Registration Plates for Civil Air Patrol
- Special Registration Plates for WV State Police Retirees.

All plates have a \$10 initial fee to obtain the plate and must meet requirements set by the DMV, such as submitting 150 applications with the initial plate requests.

**CODE REFERENCE:** West Virginia Code §17A-3-14 – amended

**DATE OF PASSAGE:** March 12, 2022

**EFFECTIVE DATE:** June 10, 2022

**ACTION BY GOVERNOR:** Signed March 30, 2022

## House Bill 4003

### Relating generally to commercial benefit of substances removed from waters of the state by the treatment of mine drainage

The bill restates long-standing public policy of the state that it is compelled to maintain reasonable standards of purity and quality of the waters of the state which are consistent with public health and the protection of all forms of life.

In this bill, the Legislature finds that treatment of mine drainage reduces environmental harm by reducing pollution in the waters of the state. The expensive treatment of mine drainage may produce materials that contain valuable concentrations of rare earth elements and critical minerals with commercial value. The Legislature finds that these materials are part of the water and can only be separated with expensive investments of resources which may last for decades. The bill is to help fulfill the state’s obligations to maintain the purity and quality of the water by encouraging investments into the treatment of mine drainage.

The bill determines that all chemical compounds and other potentially toxic materials which are found within the waters of the state and which are derived from the treatment of mine drainage, may be used, sold, or transferred for commercial gain and benefit. Funds received by the DEP are deposited into the Special Reclamation Water Trust Fund or the Acid Mine Drainage Set-Aside Fund and used by the department to fulfill its legal obligations. Private parties may retain the proceeds for themselves.

**CODE REFERENCE:** West Virginia Code §22-2-10 – new

**DATE OF PASSAGE:** March 10, 2022

**EFFECTIVE DATE:** June 8, 2022

**ACTION BY GOVERNOR:** Became Law Without Governor’s Signature

## House Bill 4050

### Defining terms related to livestock trespassing

The bill adds a new section §19-18-1 (e) defining “livestock” as an animal of the bovine, equine, porcine, ovine or caprine specie, domestic poultry, peafowl, guineafowl, leporidae, camelid, emu, and captive cervid as defined in §19-2H-2 of this code.

**CODE REFERENCE:** West Virginia Code §19-18-1(e) – new

**DATE OF PASSAGE:** March 11, 2022

**EFFECTIVE DATE:** June 9, 2022

**ACTION BY GOVERNOR:** Signed March 28, 2022

## House Bill 4062

### Removing the residency requirement for the Commissioner of the Division of Highways

The bill removes a requirement that the Commissioner of the Division of Highways reside at the state capital and requires that the Commissioner be a resident of West Virginia. This bill was an agency bill to update residency requirements for the Commissioner of Highways as it relates to attracting a larger talent pool to the position. The COVID-19 pandemic highlighted how the Commissioner may still effectively perform work from other locations through the use of video conferencing tools. However, the headquarters of the Division of Highways remains located in Charleston.

**CODE REFERENCE:** West Virginia Code §17-2A-2 – amended

**DATE OF PASSAGE:** February 10, 2022

**EFFECTIVE DATE:** May 11, 2022

**ACTION BY GOVERNOR:** Signed February 21, 2022

## House Bill 4084

### Relating to advanced recycling

This bill allows advanced recycling facilities to be developed in the state to help convert plastics and other materials into new products with advanced recycling processes. The bill amended the definition section of the Solid Waste Management Act. The Act establishes a program to control solid waste by the DEP.

Advanced recycling is the use of manufacturing processes to convert post-use polymers and recovered feedstocks into products to be used, processed, and sold. Under the bill, post-use polymers and recovered feedstocks will no longer be considered solid waste.

This bill adds 8 new definitions and modifies 2 existing definitions. Among these are advanced recycling, advanced recycling facility, solid waste, solid waste facility, post-use polymer, and recovered feedstock.

The changes except out post-use polymers and recovered feedstocks from regulation, provided they will be converted at an advanced recycling facility. If the materials are not converted or waiting to be converted by the list of processes, the Solid Waste Management Act will still govern the materials.

The overall effect, once implemented and economical, should be an increase in recycling and a decrease in waste.

**CODE REFERENCE:** West Virginia Code §22-15-2 – amended

**DATE OF PASSAGE:** March 3, 2022

**EFFECTIVE DATE:** June 1, 2022

**ACTION BY GOVERNOR:** Signed March 30, 2022

## House Bill 4264

### Change designation of Glenville State College to “Glenville State University”

The Act provides that Glenville state college, having met the eligibility requirements established by the Higher Education Policy Commission to attain university status, is hereby designated as a university on the effective date of the amendment of this section.

**CODE REFERENCE:** West Virginia Code §18B-2A-6 – amended

**EFFECTIVE DATE:** February 22, 2022

**DATE OF PASSAGE:** February 22, 2022

**ACTION BY GOVERNOR:** Signed February 23, 2022

## House Bill 4345

### Relating to motor vehicle registration cards by establishing electronic or mobile registration cards

The bill permits a person driving or in control of a motor vehicle to satisfy the requirement to always carry the registration card by having an electronic or mobile registration card issued by the Division of Motor Vehicles. The registration card also does not need to be signed by the vehicle owner.

**CODE REFERENCE:** West Virginia Code §17A-3-13 – amended

**DATE OF PASSAGE:** March 8, 2022

**EFFECTIVE DATE:** June 6, 2022

**ACTION BY GOVERNOR:** Signed March 28, 2022

## House Bill 4406

### To establish the West Virginia Military Hall of Fame

The bill creates a new West Virginia Military Hall of Fame to honor veterans who have distinguished themselves in battle, who were honorably discharged or otherwise separated under honorable conditions, and who have made improvements to their communities following service.

The bill specifies required documentation and citations to submit with nomination. Family members or other persons may apply on a person's behalf, including a decedent's behalf. The bill creates a seven-member board that will be responsible for reviewing nominations and sets forth the board's membership criteria. To facilitate application or other necessary administrative functions, the Secretary of the Department of Veterans Assistance is granted rulemaking authority.

**CODE REFERENCE:** West Virginia Code §9A-5-1 – new

**DATE OF PASSAGE:** March 9, 2022

**EFFECTIVE DATE:** June 7, 2022

**ACTION BY GOVERNOR:** Signed March 30, 2022

## **House Bill 4418**

### **Relating to the Small Business Supplier Certification Assistance Program**

The bill established the Small Business Supplier Certification Assistance Pilot Program, to develop and implement a certification process for small business enterprises to engage in government contracting and bidding processes. The Department of Economic Development may partner with Marshall University to help start the pilot program.

The bill sets forth the criteria for the pilot program and its overarching goals to help small businesses better engage with the public sector and bid on public projects. The pilot program is set to run through December 31, 2023, and prior to its conclusion the pilot program must report to the Joint Committee on Government and Finance the progress of the program, the success of the program, and any recommendations to continue the program.

The bill protects information, like trade secrets or other profitable business processes, disclosed by any small business during the certification process from FOIA requests.

**CODE REFERENCE:** West Virginia Code §5B-2-18 – new

**DATE OF PASSAGE:** March 8, 2022

**EFFECTIVE DATE:** June 6, 2022

**ACTION BY GOVERNOR:** Signed March 28, 2022

## **House Bill 4430**

### **Relating to definitions of base salary and overtime for police and firemen pensions**

The bill would amend provisions of the WV Code relating to municipal policemen’s pension and relief funds and firemen’s pension and relief funds. The bill provides definitions for the terms “base salary” and “overtime and other remuneration.”

**CODE REFERENCE:** West Virginia Code §8-22-16 – amended

**DATE OF PASSAGE:** March 8, 2022

**EFFECTIVE DATE:** June 6, 2022

**ACTION BY GOVERNOR:** Signed March 28, 2022

## House Bill 4462

### Relating to Deferred Retirement Option Plan evaluations

The bill would amend provisions of the WV Code relating to Deferred Retirement Option Plans (DROP). Current law requires annual reports to the Joint Committee on Pensions and Retirement and to the Legislature on any experienced impact on a pension and relief fund because of a DROP. This bill would require instead a report by the Municipal Pensions Oversight Board's actuary every 5 years on the status of a DROP and any impact of the DROP on a pension and relief fund.

**CODE REFERENCE:** West Virginia Code §8-22-25a – amended

**DATE OF PASSAGE:** March 7, 2022

**EFFECTIVE DATE:** June 5, 2022

**ACTION BY GOVERNOR:** Signed March 28, 2022

## House Bill 4479

### Establishing the Coalfield Communities Grant Facilitation Commission

The bill would amend the provisions of the WV Code by adding a new article to be known as the “Coalfield Grant Facilitation Act of 2022.”

The new article creates the “Coalfield Community Grant Facilitation Commission” consisting of 9 members appointed by the Governor with the advice and consent of the Senate. The Executive Director of the Economic Development Authority (or his or her designee) is a member and will serve as the chair of the Commission. The remaining members will represent: county governments, large and small municipalities, foundations or nonprofits that provide public interest grants, institutions of higher education, business and industry in the state, and coalfield areas of the state. The Commission is required to establish a process for review and approval of awards to applicants for funds a coalfield community may need as a match for a grant; provide grant applicants with technical assistance and support; and educating coalfield communities as to the availability of state, federal and nongovernmental resources. The Economic Development Authority is to provide the Commission administrative, clerical and technical support. Commission members are to be reimbursed for any costs incurred by them for their participation, but not compensation. The Commission must find that a project to be funded is in the public interest and that the grant will be used for a public purpose. A project in the public interest and for a public purpose may provide private benefit, so long as the Commission determines the project will enhance a local community or region, the grant making entity requires a public purpose for grant eligibility and the Commission determines that the project will enhance the quality of life or services of a community or region.

The bill also creates a subcommittee of the Commission made up of representatives of WVU, Marshall, the Alliance for Economic Development of Southern WV, and all institutions of higher learning in the coal field counties and regions to provide assistance in the development of grants and grant applications. The bill requires an annual report to the Joint Committee on Government and Finance on its work.

**CODE REFERENCE:** West Virginia Code §5B-2K-1 through §5B-2K-6 – new

**DATE OF PASSAGE:** March 10, 2022

**EFFECTIVE DATE:** June 8, 2022

**ACTION BY GOVERNOR:** Signed March 28, 2022

# House Bill 4491

## To establish requirements for carbon dioxide sequestration

This bill defines matters relating to underground carbon sequestration. It establishes a new framework to govern these types of injection wells and the operation of such facilities. It will be unlawful to operate a facility without a Class 6 underground injection control permit. The bill empowers DEP to propose rules and to enter cooperative agreements. DEP is to determine the content of permit applications and to establish fees, public notices, public hearings, and comment periods. DEP may only issue a permit if certain conditions are met.

The bill provides that operators are the owners of the injected CO<sub>2</sub> until DEP issues a certificate of completion. Once this certificate is issued, ownership transfers to the owners of the pore space without payment of compensation. All liability and regulatory requirements become the responsibility of the state. The state will defend and indemnify the pore space and surface owners against all claims.

The bill contains ownership provisions governing pore space. Title to pore space may not be severed from the surface estate. The bill does not affect transactions before the effective date if an instrument explicitly severed pore space from the surface estate.

The operator must negotiate with pore space owners and acquire needed rights. If an operator cannot locate or reach an agreement with all pore space owners but has secured consent from at least 75 percent of the interests, all the pore space may be declared included within the facility. Unknown or unlocatable owners are deemed to have consented. This authority is given to the Oil and Gas Conservation Commission.

The OGCC may issue a collective storage order to authorize the long-term storage of CO<sub>2</sub> beneath a tract despite an operator's inability to achieve 75% of the owners' consent, provided the operator has rights to 75% of the entire storage field. The collective order will establish the compensation for unknown, unlocatable, and nonconsenting pore space owners and the basis for the valuation.

**CODE REFERENCE:** West Virginia Code §22-11A-3 and 22C-9-4 – amended; §22-11B-1 et seq. – new

**DATE OF PASSAGE:** March 1, 2022

**EFFECTIVE DATE:** May 30, 2022

**ACTION BY GOVERNOR:** Signed March 30, 2022

## House Bill 4540

### To update all retirement plans to comport with federal law

The bill would amend provisions of the WV Code relating to all ten retirement plans administered by the Consolidated Public Retirement Board (CPRB). The bill would make the following changes to each plan:

- Updates each retirement system as to the required beginning date to reflect changes in the federal law. Current law has the required beginning date when the member attains 70.5 years of age. This bill would update this to 72 years of age if born after June 30, 1949, thus delaying the beginning of required minimum distributions to age 72 for those born after June 30, 1949.
- Updates each retirement system as to survivor annuity benefits to reflect changes in the federal law. The bill provides that if a survivor annuity benefit would exceed the applicable percentage permitted by the Internal Revenue Code (IRC), the annuity benefit would be changed to afford the highest survivor benefit option allowed that satisfies the IRC limitations. The bill also provides updated provisions relating to distributions from the Teachers Defined Contribution System.
- Changes the definition of the term “employer error” to include deliberate acts in violation of the WV Code or the Code of State Regulations. Adds definition of “employer error” to the WV Municipal Police Officer and Firefighter Retirement sections, the State Police Retirement sections, the Teachers Defined Contribution sections and the Judges Retirement sections.
- Requires that if a retirant, beneficiary or other person who received an overpayment from the CPRB and then dies with an annuity or lump sum benefit still payable, the CPRB may offset the annuity or lump sum payment by the amount of the overpayment not yet repaid to the retirement fund.

**CODE REFERENCE:** West Virginia Code §5-10-2, §5-10-27b, §5-10-44; §7-14D-2,7a,9b; §8-22A-2, §8-22A-8a, §8-22A-11; §15-2-25b, §15-2-45, §15-2-54; §15-2A-2, §15-2A-6b, §15-2A-23; §16-5V-2, §16-5V-8a, §16-5V-13; §18-7A-3, §18-7A-14c, §18-7A-28b; §18-7B-2, §18-7B-12a, §18-7B-21; §20-18-2, §20-18-9, §20-18-14; §51-9-1a, §51-9-12b, §51-9-18m – amended

**DATE OF PASSAGE:** March 10, 2022

**EFFECTIVE DATE:** June 8, 2022

**ACTION BY GOVERNOR:** Signed March 28, 2022

## House Bill 4563

### Provide for a license plate for auto mechanics

The bill permits mechanics to utilize temporary registration plates, similar to those of an automobile dealer, when working on motor vehicles without registration plates prior to driving the vehicles on roadways. The bill creates an avenue to mechanics to apply for access to the system for a \$100 application fee per year. Each temporary plate utilized would cost \$3, similar to fees paid by automobile dealers. Temporary plates expire at 11:59 p.m. the day it was issued. Finally, the bill requires the mechanic utilizing the system have a certificate of insurance to cover vehicles being test driven by a mechanic.

**CODE REFERENCE:** West Virginia Code §17A-6-15a – new

**DATE OF PASSAGE:** March 12, 2022

**EFFECTIVE DATE:** June 10, 2022

**ACTION BY GOVERNOR:** Signed March 28, 2022



## House Bill 4570

### To allow veterinary telehealth in West Virginia with out of state providers

The bill authorizes out of state veterinarians to offer telehealth services in West Virginia. The bill sets forth the framework to allow the board to authorize telehealth services and clearly defines when telehealth veterinary services are permitted. Any provider offering telehealth services in West Virginia is subject to the jurisdiction of the board. The bill sets the registration fee at \$300 for providers to offer telehealth in this state, renewable annually. Finally, the bill requires all veterinarians meet the same standard of care for telehealth patients as in person visits.

**CODE REFERENCE:** West Virginia Code §30-10-24 – new

**DATE OF PASSAGE:** March 10, 2022

**EFFECTIVE DATE:** June 8, 2022

**ACTION BY GOVERNOR:** Signed March 28, 2022

## House Bill 4644

### Prohibiting the restriction, regulation, use or administration of lawn care and pest care products

The bill exempts from the requirement of an annual pesticide business license for persons applying products that are generally available through retail sale at groceries, drug stores and other stores offering a broad variety of consumer products.

**CODE REFERENCE:** West Virginia Code §19-16A-14 – amended

**DATE OF PASSAGE:** March 10, 2022

**EFFECTIVE DATE:** June 8, 2022

**ACTION BY GOVERNOR:** Signed March 30, 2022

## House Bill 4675

### Relating to autonomous delivery vehicles

The bill defines terms relating to autonomous delivery vehicles. The bill sets forth the requirements for operation of autonomous delivery vehicles regarding permitted places of operation, adherence to traffic and pedestrian controls, plates and markers for vehicles, and braking systems. The bill sets forth prohibitions on the operations of autonomous delivery vehicles and mobile carriers. The bill prohibits local authorities from regulating the operation of autonomous delivery vehicles. The bill sets forth mandatory minimum insurance requirements for owners and operators of autonomous delivery vehicles.

**CODE REFERENCE:** West Virginia Code §17C-24-1, §17C-24-2 – new

**DATE OF PASSAGE:** March 8, 2022

**EFFECTIVE DATE:** June 6, 2022

**ACTION BY GOVERNOR:** Signed March 28, 2022

## House Bill 4758

### **Relating to developing and maintaining a database to track reclamation liabilities in the West Virginia Department of Environmental Protection Special Reclamation Program**

This bill requires the DEP to develop and maintain a database to track reclamation liabilities at coal mining operations that were permitted after August 3, 1977. The information will be updated on a quarterly basis starting in July 2022.

The federal office of surface mining, DEP, and the coal industry have requested this change to the Surface Coal Mining and Reclamation Act.

**CODE REFERENCE:** West Virginia Code §22-3-11 – amended

**DATE OF PASSAGE:** March 8, 2022

**EFFECTIVE DATE:** June 6, 2022

**ACTION BY GOVERNOR:** Signed March 28, 2022

## House Bill 4773

### **Adoption of the FCC customer service and technical standards and requiring certain cable operators to operate an in-state customer call center**

This bill amends two sections of the West Virginia Code. The first requires a cable operator shall provide a paper copy of the subscriber's monthly bill at no charge, that a cable operator shall prorate any charge for service(s) that is cancelled by a subscriber rather than charging for the full term and that a cable operator shall comply with all customer service and technical standards established by the Federal Communications Commission. These standards, as amended, are adopted for use and application in regulating cable operators. Secondly, the bill requires each cable operator that has been subject to a compliance order issued by the Public Service Commission in a show cause or general investigation proceeding, in which the commission concluded that the provider's customer service communications were not safe, adequate, or reliable, shall maintain a call center within the boundaries of the state to serve its subscribers.

**CODE REFERENCE:** West Virginia Code §24D-1-14 and §24D-1-17 – amended

**DATE OF PASSAGE:** March 2, 2022

**EFFECTIVE DATE:** May 31, 2022

**ACTION OF GOVERNOR:** Signed March 30, 2022

## House Bill 4797

### To create an EV Infrastructure Deployment Plan for West Virginia that describes how our state intends to use its share of NEVI Formula Program funds

The bill requires the Department of Transportation create an Electric Vehicle Deployment Plan to utilize National Electric Vehicle Infrastructure (NEVI) funds. The department must submit the plan to the Joint Committee on Government and Finance by July 1, 2022. On February 10, 2022, the current executive administration announced that West Virginia would receive \$6,761,785 in NEVI funds for FY2022 and \$45,683,164 through FY2026. However, states must submit an electric vehicle infrastructure deployment plan to the Federal Joint Office of Energy and Transportation by August 1, 2022, that describes how the state intends to use its share of NEVI Formula Program funds consistent with Federal Highway Administration (FHWA) guidance before the state can access these funds. The report required to access FY2022 funds is due by August 1, 2022.

**CODE REFERENCE:** West Virginia Code §17-30-1 – new

**DATE OF PASSAGE:** March 8, 2022

**EFFECTIVE DATE:** June 6, 2022

**ACTION BY GOVERNOR:** Signed March 28, 2022

# Resolutions



# House Joint Resolution 102

## Clarifying that the policy-making and rule-making authority of the State Board of Education is subject to legislative review, approval, amendment, or rejection

Proposing an amendment to the Constitution of the State of West Virginia, amending section 2, article XII thereof, relating to education and the supervision of free schools; clarifying that the policy-making and rule-making authority of the State Board of Education is subject to legislative review, approval, amendment, or rejection; 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 2022, which proposed amendment is that section 2, article XII thereof, be amended and reenacted to read as follows:

### **ARTICLE XII. EDUCATION.**

#### **§2. Supervision of free schools.**

Subject to the provisions of this section, the general supervision of the free schools of the State is vested in the West Virginia Board of Education which shall perform the duties prescribed by law. Under its supervisory duties, the West Virginia Board of Education may promulgate rules or policies which shall be submitted to the Legislature for its review and approval, amendment, or rejection, in whole or in part, in the manner prescribed by general law. The board shall consist of nine members to be appointed by the Governor, by and with the advice and consent of the Senate, for overlapping terms of nine years. No more than five members of the board shall belong to the same political party, and in addition to the general qualifications otherwise required by the Constitution, the Legislature may require other specific qualifications for membership on the board. No member of the board may be removed from office by the Governor except for official misconduct, incompetence, neglect of duty, or gross immorality, and then only in the manner prescribed by law for the removal by the Governor of state elective officers.

The West Virginia Board of Education shall, in the manner prescribed by law, select the State Superintendent of Free Schools who shall serve at its will and pleasure. He or she shall be the chief school officer of the state and shall perform the duties prescribed by law.

The State Superintendent of Free Schools shall be a member of the Board of Public Works as provided by subsection B, section fifty-one, article VI of this Constitution.

*Resolved further,* That in accordance with the provisions of §3-11-1 et seq. of the Code of West Virginia, 1931, as amended, the amendment is hereby numbered "Amendment No. 1" and designated as the "Education Accountability Amendment" and the purpose of the proposed amendment is summarized as follows: "The purpose of this amendment is to clarify that the rules and policies promulgated by the State Board of Education, are subject to legislative review, approval, amendment, or rejection."

**DATE OF ADOPTION:** March 3, 2022 (General Election ballot 2022)

# House Concurrent Resolution 31

## Applying to the Congress of the United States to call a convention of states

Applying to the Congress of the United States to call a convention for proposing amendments that impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government, and limit the terms of office for its officials and for members of Congress: and adopting certain reservations, understandings and declarations limiting the application.

Whereas, Executive orders by the President of the United States have become a vehicle through which the President may overstep the limits of his or her constitutional authority; and

Whereas, The concentration of power at the federal level has had the effect of making federal officials less responsive to the will of the people and more readily influenced by lobbyists, wealthy corporations and special interests in Washington, D. C.; and

Whereas, Much of federal law is now enacted by federal bureaucrats who were never chosen by the people and have no accountability to the people whatsoever; and

Whereas, Policy decisions made at the state level tend to be more responsive to the needs and desires of the people; and

Whereas, The federal government has created a crushing national debt through improper and imprudent spending; and

Whereas, The federal government has invaded the legitimate roles of the states through the manipulative process of federal mandates, many of which are unfunded to a great extent; and

Whereas, The states have the ability to restore the responsiveness of government to the people and to restrain abuses of federal power by proposing amendments to the Constitution of the United States through a limited convention of the states under Article V; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Legislature hereby applies to Congress, under the provisions of Article V of the Constitution of the United States, for the calling of a convention of the states limited to proposing amendments to the Constitution of the United States that impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government, and limit the terms of office for its officials and for members of Congress; and, be it

*Further Resolved,* That the Clerk of the House of Delegates forward a copy of this resolution, legislative call and application to the President and Secretary of the United States Senate and to the Speaker and Clerk of the United States House of Representatives, and copies to the members of the said Senate and House of Delegates from this state; also to transmit copies hereof to the presiding officers of each of the legislative houses in the several states, requesting their cooperation; and, be it

*Further Resolved,* That this application constitutes a continuing application in accordance with Article V of the Constitution of the United States until the legislatures of at least two thirds of the several states have made applications on the same subject; and, be it

*Further Resolved,* The West Virginia Legislature adopts this application expressly subject to the following reservations, understandings, and declarations:

(1) An application to the Congress of the United States to call an amendment convention of the states pursuant to Article V of the United States Constitution confers no power to Congress other than the power

to call such a convention. The power of Congress to exercise this ministerial duty consists solely of the authority to name a reasonable time and place for the initial meeting of a convention;

(2) Congress shall perform its ministerial duty of calling an amendment convention of the states only upon the receipt of applications for an amendment convention for the substantially same purpose as this application from two thirds of the legislatures of the several states;

(3) Congress does not have the power or authority to determine any rules for the governing of an amendment convention of the states called pursuant to Article V of the United States Constitution. Congress does not have the power to set the number of delegates to be sent by any state to such a convention, nor does it have the power to name delegates to such a convention. The power to name delegates remains exclusively within the authority of the legislatures of the several states;

(4) By definition, an amendment convention of the states means that states shall vote on the basis of one state, one vote;

(5) A convention of the states convened pursuant to this application shall be limited to consideration of the topics specified herein and no other. This application is made with the express understanding that an amendment that in any way seeks to amend, modify, or repeal any provision of the Bill of Rights shall not be authorized for consideration at any stage. This application shall be *void ab initio* if ever used at any stage to consider any change to any provision of the Bill of Rights;

(6) Pursuant to Article V of the United States Constitution, Congress may determine whether proposed amendments shall be ratified by the legislatures of the several states or by special state ratification conventions. The West Virginia Legislature recommends that Congress select ratification by the legislatures of the several states; and

(7) The West Virginia Legislature may provide further instructions to its delegates and may recall its delegates at any time for a breach of a duty or a violation of the instructions provided; and, be it

Further Resolved, That the Clerk of the House forward a copy of this resolution to the representatives and senators elected by the citizens of West Virginia serving the citizens of West Virginia in the Congress of the United States in Washington, D.C.

**DATE OF ADOPTION:** March 4, 2022

## Senate Concurrent Resolution 55

### Respectfully urging current presidential administration to open federal lease sales onshore and offshore

Respectfully urging the current presidential administration to open federal lease sales onshore and offshore; supporting critical energy infrastructure to safely deliver energy produced in West Virginia; and ensuring American energy companies can access the capital they need to hire American workers.

Whereas, All West Virginia residents deserve access to affordable and reliable energy, whether electricity, natural gas, or transportation fuels, and

Whereas, West Virginians are currently dealing with the highest inflation in over 40 years, with energy costs rising 29 percent, and gasoline surging 50 percent, according to the U.S. Bureau of Labor Statistics; and

Whereas, The current administration is pursuing a policy placing the United States at the mercy of the Organization of Petroleum Exporting Countries and Russia to meet our domestic needs, harming our national and economic security; and

Whereas, Foreign oil imports from Russia surged more than 20 percent providing over \$16 billion to Russia in 2021, according to the U.S. Energy Information Agency; and

Whereas, The current administration has frozen federal lease sales for American energy resources onshore and offshore while cancelling critical energy infrastructure projects like the KeystoneXL pipeline which would have reduced our dependence on Russian oil imports; and

Whereas, The current administration is actively litigating against its obligations to issue lease sales on federal lands and waters required under federal law; and

Whereas, The Federal Energy Regulatory Commission has continually delayed important decisions on permits for pipelines across the country and has recently issued new harmful policy statements that could further delay and impede critical domestic energy infrastructure from being developed, depriving West Virginia access to energy markets outside of our state; and

Whereas, The Securities and Exchange Commission is designing rules to discourage investment in domestic oil and natural gas companies which may further impede production and opportunities for West Virginians; and

Whereas, The Environmental Protection Agency has not issued a decision on West Virginia's application for Class VI primacy that would allow West Virginia to safely utilize long-term storage in conjunction with state energy development; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Legislature hereby respectfully urges the current Presidential Administration to open federal lease sales onshore and offshore, supporting critical energy infrastructure to safely deliver energy produced in West Virginia, and ensuring American energy companies can access the capital they need to hire American workers; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the President of the United States, the Secretary of the Interior, the Secretary of the Department of Energy, the Federal Energy Regulatory Commission, the White House National Climate Advisor, the Speaker and Clerk of the United States House of Representatives, the President Pro Tempore and Secretary



of the United States Senate, the members of the West Virginia Congressional Delegation, and the news media of West Virginia.

**DATE OF ADOPTION:** March 12, 2022



## All Resolutions Adopted by the Legislature: 2022 Regular Session

- **HCR 1:** Alex Perdue Memorial Bridge
- **HCR 4:** John B. Short Memorial Bridge
- **HCR 5:** James “Big Jim” Shaffer Memorial Bridge
- **HCR 6:** Elmer Galford Memorial Road
- **HCR 7:** Daniel Edward Kolhton “Red” Haney Memorial Bridge
- **HCR 8:** U.S. Army Private Elmo Davis Memorial Road
- **HCR 10:** Lance CPL Leonard Joe Zelaski Memorial Bridge
- **HCR 13:** The Doctor Enrique Aguilar Memorial Bridge
- **HCR 14:** Colonel Ronald John “Ron” Chiccehitto Memorial Road
- **HCR 15:** Thomas Brothers Memorial Bridge
- **HCR 16:** World War II Veterans Toothman Brothers Memorial Bridge
- **HCR 17:** Daniel Okey Cunningham Memorial Bridge
- **HCR 23:** Requesting the Division of Highways to place at least 10 additional signs along highways entering West Virginia honoring fallen veterans and Gold Star Families
- **HCR 25:** SP5 Terry Lee McClanahan Memorial Bridge
- **HCR 26:** Charleston Police Officer Cassie Johnson - Fallen Heroes Memorial Bridge
- **HCR 27:** Extending an invitation to His Excellency, the Governor, to deliver an address to the Legislature and raising a Joint Assembly therefor
- **HCR 28:** Cpt. Billy Jake Smith Memorial Bridge
- **HCR 30:** U.S. Army Pvt. Dallis H. Johnson WWII Memorial Bridge
- **HCR 31:** Applying to the Congress of the United States to call a convention of states
- **HCR 34:** U.S. Navy Seaman 1st Class Byrne Lee Singleton Memorial Bridge
- **HCR 35:** David Allen Drake, Sr. Memorial Bridge
- **HCR 36:** John Calvin “J.C.” Baker Memorial Bridge
- **HCR 37:** U.S. Army Corporal Charles William “Bill” Knight Memorial Bridge
- **HCR 38:** “Dale Shaheen and George H. Hooker Memorial Bridge”
- **HCR 39:** PFC Donald L. Stuckey Memorial Bridge
- **HCR 40:** USMC Cpl Guy Maywood Edwards Memorial Bridge
- **HCR 45:** U.S. Army SP4 Dennis Harvey Roberts Memorial Bridge
- **HCR 46:** U.S. Navy Seaman Donald Homer Wheeler Memorial Bridge
- **HCR 47:** U.S. Army CPL Billy Earl Duty Memorial Bridge
- **HCR 48:** WVSP Sergeant John S. Syner Memorial Road
- **HCR 49:** Charles M. “Charlie” Biggs Memorial Highway
- **HCR 52:** U.S. Army SGT Roy E. Givens Memorial Road
- **HCR 56:** Roy Lee Shamblin Memorial Bridge
- **HCR 59:** Warrant Officer James G. Bosley Memorial Bridge
- **HCR 60:** Fire Chief Lee Thomas Bridge
- **HCR 61:** Timothy Wayne Farley Memorial Bridge
- **HCR 63:** U.S. Army MSGT Donald Lewis Coen Memorial Bridge
- **HCR 65:** U.S. Army Major Jesse A. Jennings Memorial Bridge
- **HCR 70:** Calvin H. Shifflett Memorial Bridge
- **HCR 72:** U.S. Army SP5 Dana V. Perkins Memorial Bridge
- **HCR 73:** Halstead Brothers WWII Veterans Memorial Bridge

- **HCR 74:** Judge Les Fury Memorial Bridge
- **HCR 76:** U. S. Navy BM1 Farris Burton Memorial Bridge
- **HCR 79:** A resolution to designate February 21st as the official start day to National FFA Week in West Virginia
- **HCR 81:** U.S. Army Chief Warrant Officer Milford Arnold Cunningham Memorial Bridge
- **HCR 82:** Alleen Ledson Memorial Bridge
- **HCR 83:** U.S. Army SGT Charles L. Toppings Memorial Road.
- **HCR 89:** Hajash Brothers Memorial Bridge
- **HCR 90:** U.S. Army PVT Robert (Bob) Mullins Sr. Memorial Bridge
- **HCR 95:** Clemmer Brothers WWII Veterans Memorial Bridge
- **HCR 96:** U. S. Air Force Captain Perry Thomas Rose Memorial Road
- **HJR 102:** Clarifying that the policy-making and rule-making authority of the State Board of Education is subject to legislative review, approval, amendment, or rejection
- **HR 1:** Authorizing the appointment of employees for this, the Second Regular Session of the Eighty-fifth Legislature, Two Thousand Twenty-two
- **HR 2:** Authorizing printing and distribution of Acts of the Legislature and Journals of the House of Delegates
- **HR 3:** Creating a Select Committee on Jails and Prisons
- **HR 4:** Amending House Rule 138, relating to news correspondents and reporters
- **HR 5:** Regarding power grid stability
- **HR 6:** Urging the Army Corps of Engineers to support hydroelectric power generation at the Summersville Dam
- **HR 7:** Urging the United States Congress to increase sustainable forest harvesting on public lands in the state of West Virginia and more specifically, the Monongahela National Forest.
- **HR 8:** Creating a Select Committee on Coalfield Communities
- **HR 9:** Amending the rules of the House of Delegates
- **HR 10:** Commemorating the life of Robert S. Kiss, devoted father and husband, Member of the West Virginia House of Delegates, Finance Chairman, Speaker of the House, West Virginia Secretary of Revenue, long time practicing attorney and distinguished West Virginian
- **HR 11:** Urging members of the United States Congress to enact federal legislation designating May 4 as Firefighters Day
- **HR 12:** Supporting the signing of a Bilateral Trade Agreement (BTA) between the United States and the Republic of China (Taiwan)
- **HR 13:** A resolution on the creation of Select Committee on Tourism and Economic Diversification
- **HR 15:** Amend House Rules 94 and 94b to allow unlimited joint sponsors of bills as well as unrestricted adding and deleting of joint sponsors of bills and resolutions
- **HR 16:** Memorial resolution commemorating the life and death of former House of Delegates member Gene A. Haynes
- **HR 19:** A resolution urging Congress and the President to pass federal legislation to speed up the environmental permitting process on new wells and mines.
- **SCR 1:** US Army PFC Billy Keith Ford Memorial Bridge
- **SCR 3:** USMC CAPT Dempsey Stowers Memorial Bridge
- **SCR 4:** US Army SP4 Warner Ray Osborne Memorial Bridge
- **SCR 5:** US Marine Corps CPL James "Bud" Cox Memorial Bridge

- **SCR 6:** Holden 22 Coal Miners Memorial Bridge
- **SCR 9:** Haynie Family Veterans Memorial Bridge
- **SCR 10:** US Air Force TSGT Franklin A. Bradford Bridge
- **SCR 11:** Dennis E. Davis Veterans Nursing Home
- **SCR 12:** Raymond Jarrell, Jr., Memorial Road
- **SCR 13:** US Army PFC Joseph Stanley McKinney Memorial Bridge
- **SCR 14:** US Army SSGT Elson M Kuhn Memorial Bridge
- **SCR 15:** US Army PVT Shirley E. Bailey Memorial Bridge
- **SCR 16:** William Gregory "Greg" White, P.E., Memorial Bridge
- **SCR 17:** US Air Force SSGT Logan A. Young Memorial Bridge
- **SCR 18:** US Army SSGT Fred E. Duty Memorial Highway
- **SCR 19:** US Army PVT Thomas D. Beckett, Sr., Memorial Bridge
- **SCR 20:** US Air Force LT COL Robert J. Hill Memorial Road
- **SCR 21:** Putnam County Veterans Memorial Bridge
- **SCR 22:** US Army PFC Clifford O. Eckard Memorial Bridge
- **SCR 23:** USMC CPL Guy Maywood Edwards Memorial Bridge
- **SCR 24:** USMC CPL Roger Lee Boothe Memorial Road
- **SCR 25:** Firefighter Marvin Layton Hughes Memorial Bridge
- **SCR 26:** US Army TEC5 William "Bill" Thurman King Memorial Bridge
- **SCR 27:** US Army TSGT Harold William Schmidle Memorial Bridge
- **SCR 28:** US Army PVT Garland Lee Loudermilk Memorial Bridge
- **SCR 29:** Nitro WW I Memorial Bridge
- **SCR 30:** McClintic Family Veterans Memorial Bridge
- **SCR 32:** Curtis "Pap" and Millie "Mammie" Asbury Memorial Bridge
- **SCR 33:** US Army SGT Lewis M. "Mike" Totten Memorial Bridge
- **SCR 34:** USMC SGTMAJ Herman H. Brawner Memorial Bridge
- **SCR 36:** USMC CPL Harry Edward Dean, Jr., Memorial Bridge
- **SCR 37:** Harrison County Veterans Memorial Bridge
- **SCR 38:** Cox Brothers' Veteran Memorial Bridge
- **SCR 39:** Walker Brothers' Veteran Memorial Bridge
- **SCR 40:** Frye Brothers' Veterans Memorial Bridge
- **SCR 41:** Henry Preston Hickman Memorial Bridge
- **SCR 42:** USMC SSGT Herbert "Herbie" D. Barnes Memorial Bridge
- **SCR 45:** US Army CPL John D. Doyle, Sr. Memorial Road
- **SCR 46:** Supporting North Central WV aviation and aerospace industries
- **SCR 48:** US Army PFC Ronald Lee Berry Memorial Bridge
- **SCR 49:** Establishing Honor Guard in each National Guard unit
- **SCR 50:** US Army T/5 John William (J.W.) Cruse Jr. Memorial Bridge
- **SCR 51:** Deputy Kenneth "Kenny" Ward Love, Sheriff Elvin Eugene "Pete" Wedge, and Jailer Ernest Ray "Ernie" Hesson Memorial Bridge
- **SCR 55:** Respectfully urging current presidential administration to open federal lease sales onshore and offshore
- **SR 1:** Notifying House of Delegates Senate has assembled
- **SR 2:** Notifying Governor Legislature has assembled

- **SR 3:** Authorizing appointment of Senate employees
- **SR 4:** Urging US Army Corps of Engineers study clean energy production at Summersville dam
- **SR 5:** Designating January 12, 2022, Prevention Day at Legislature
- **SR 6:** Designating January 14, 2022, as Fairmont State University Day at Legislature
- **SR 7:** Designating January 18, 2022, as Hunger Free WV Day
- **SR 8:** Uplifting faith and freedom in America
- **SR 9:** Designating January 19, 2022, as WV Tourism Day
- **SR 10:** Adopting special rule of order relating to COVID-19 pandemic
- **SR 11:** Recognizing contributions of aviation and aerospace in WV
- **SR 12:** Designating January 22, 2022, as Day of Tears in WV
- **SR 13:** Designating January 25, 2022, as West Virginia University Day
- **SR 14:** Congratulating George Washington High School Patriots golf team for winning 2021 Class AAA State Championship
- **SR 15:** Designating January 28, 2022, as Women's and Girls' Day
- **SR 16:** Designating February 2, 2022, Jan Lilly-Stewart Disability Advocacy Day
- **SR 17:** Designating February 3, 2022, as Preston County Day
- **SR 18:** Designating February 7, 2022, as Sexual Violence Awareness Day in WV
- **SR 19:** Congratulating Ritchie County High School Rebels football team for winning WV 2021 Class A State Football Championship
- **SR 20:** Designating February 8, 2022, as Marshall University Day
- **SR 21:** Congratulating Jeff and Janet Allen for winning Conservation Farm of Year Award
- **SR 22:** Commemorating 250th anniversary of Berkeley County
- **SR 23:** Recognizing Youth Leadership Association Youth in Government
- **SR 24:** Recognizing Greenbrier East High School InvenTeam
- **SR 25:** Designating February 14, 2022, as National Donor Day
- **SR 26:** Designating month of February, 2022, as Self-Care Awareness month
- **SR 27:** Recognizing WV Kids Cancer Crusaders on International Childhood Cancer Awareness Day
- **SR 28:** Designating February 16, 2022, as WV Rural Health Workforce Day at Legislature
- **SR 29:** Designating February 16, 2022, as WV State University Day
- **SR 30:** Designating February 17, 2022, as Corrections Day
- **SR 31:** Designating February 21, 2022, as Pancreatic Cancer Awareness Day
- **SR 32:** Designating February 22, 2022, as Domestic Violence Awareness Day in WV
- **SR 33:** Recognizing 150th Anniversary of Glenville State College
- **SR 34:** Congratulating St. Marys High School golf team for winning 2021 Class A State Golf Championship
- **SR 35:** Congratulating Tug Valley High School Lady Panthers for winning 2021 Class A State Championship in Girls Basketball
- **SR 36:** Recognizing Tug Valley Cheerleaders for winning 2021 Class A State Championship
- **SR 37:** Recognizing Leadership Berkeley for its services, dedication, and commitment to Berkeley County
- **SR 38:** Supporting Bilateral Trade Agreement between United States and Taiwan
- **SR 39:** Recognizing Emergency Conservation Act
- **SR 40:** Affirming support for Ukrainian sovereignty
- **SR 41:** Designating February 28, 2022, as Recovery Community Day

- **SR 42:** Recognizing 911 public safety telecommunicators as true "first responders"
- **SR 43:** Recognizing WV respiratory therapists during month of March
- **SR 44:** Recognizing Leadership Jefferson
- **SR 45:** Designating month of March as American Red Cross month
- **SR 46:** Designating March 2, 2022, as Disability Employment State Use Program Day
- **SR 47:** Memorializing life of Honorable Joseph Michael Minard
- **SR 48:** Congratulating George Washington High School Patriots girls' swim team for winning 2022 State Championship
- **SR 49:** Memorializing Honorable Naomi "Sue" Cline, wife, mother, realtor, former member of WV Senate, and dedicated public servant
- **SR 50:** Designating March 7, 2022, as WV Library Day at Legislature
- **SR 51:** Designating month of February as National Cancer Prevention Month at Legislature
- **SR 52:** Highlighting West Virginia's once-in-a-lifetime opportunity to strengthen national security and energy independence and supply world energy markets
- **SR 53:** Designating March 10, 2022, as World Kidney Day at Legislature
- **SR 54:** Congratulating Fairmont Senior High School Polar Bears football team for winning 2021 Class AA state championship
- **SR 55:** Congratulating Bridgeport High School baseball team for winning 2021 Class AAA state championship
- **SR 56:** Recognizing James Monroe High School Mavericks Youth Leadership Association students for their participation in Harvard University Model United Nations Conference
- **SR 57:** Congratulating Point Pleasant High School Black Knights wrestling team for winning 2022 Class AA state championship
- **SR 58:** Urging President to expedite entrance of Ukranian refugees into US
- **SR 59:** Recognizing dedicated public service of Honorable Michael J. Romano
- **SR 60:** Recognizing dedicated public service of Honorable Dave Sypolt

## 2022 First Extraordinary Session

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### Senate Bill 1001

#### West Virginia Industrial Advancement Act

The purpose of this bill is to provide certain tax incentives, based upon very significant investment and employment thresholds, for labor and capital intensive heavy industrial facilities to locate in the state. The bill would create a new section of tax code that clarifies how existing tax credits for manufacturing would apply to investments of this magnitude. Per a memorandum of understanding between the State of West Virginia and the \$2.7 billion investment related to the Act, the State will not release any money until this prospective company first spends its money within the state. The available funds would not be awarded all at once. They would come in three separate groupings, with the company required to hit specific, auditable milestones of in-state spending first. Those investments are expected to be infrastructure development and upgrades.

**CODE REFERENCE:** West Virginia Code §11-13LL-1 through §11-13LL-14 – new

**DATE OF PASSAGE:** January 12, 2022

**EFFECTIVE DATE:** January 12, 2022

**ACTION BY GOVERNOR:** Signed January 12, 2022

### Senate Bill 1002

#### Supplemental appropriation increasing federal spending authority by creating Coronavirus State Fiscal Recovery Fund

Senate Bill 1002 is a supplemental appropriation increasing the federal spending authority within the Executive by first creating a new item, Coronavirus State Fiscal Recovery Fund, and second increasing the spending authority within this new item as follows:

- Personal Services and Employee Benefits - \$127,500,00; Repairs and Alterations - \$30,000;
- Equipment - \$40,000;
- Current Expenses - \$40,000,000;
- Buildings - \$20,000; and,
- Other Assets - \$400

For a total increase in Federal Spending Authority of \$167,590,400.

**CODE REFERENCE:** N/A

**DATE OF PASSAGE:** January 12, 2022

**EFFECTIVE DATE:** January 12, 2022

**ACTION BY GOVERNOR:** Signed January 12, 2022

## **Senate Bill 1003**

### **Supplemental appropriation decreasing appropriations within funds in Department of Health and Human Resources and Department of Homeland Security**

Senate Bill 1003 is a General Revenue supplemental appropriation which first decreases General Revenue appropriations within several funds found in the Department of Health and Human Resources and Department of Homeland Security in the amount of \$157,500,000. Second this supplemental increases the existing Directed Transfer appropriation within the Department of Economic Development by \$157,500,000. These funds are then directed to be transferred to the Economic Development Promotion and Closing Special Revenue Fund.

**CODE REFERENCE:** N/A

**DATE OF PASSAGE:** January 12, 2022

**EFFECTIVE DATE:** January 12, 2022

**ACTION BY GOVERNOR:** Signed January 12, 2022

## **Senate Bill 1004**

### **Supplemental appropriation decreasing appropriations within funds in Department of Health and Human Resources and Department of Homeland Security**

Senate Bill 1004 is a General Revenue supplemental appropriation which first decreases General Revenue appropriations within several funds found in the Department of Health and Human Resources and Department of Homeland Security in the amount of an additional \$157,500,000. Second this supplemental increases the existing Directed Transfer appropriation within the Department of Economic Development by an additional \$157,500,000. These funds are then directed to be transferred to the Economic Development Promotion and Closing Special Revenue Fund.

**CODE REFERENCE:** N/A

**DATE OF PASSAGE:** January 12, 2022

**EFFECTIVE DATE:** January 12, 2022

**ACTION BY GOVERNOR:** Signed January 12, 2022

## **Senate Bill 1005**

### **Expiring funds from Governor's Office – Coronavirus State Fiscal Recovery Fund**

Senate Bill 1005 expires \$157,500,000 from the Governor's Office – Coronavirus State Fiscal Recovery Fund to the unappropriated surplus balance of the state's General Revenue balance. And, creates General Revenue surplus appropriations within several funds found in the Department of Health and Human Resources and Department of Homeland Security in the amount of \$157,500,000.

**CODE REFERENCE:** N/A

**DATE OF PASSAGE:** January 12, 2022

**EFFECTIVE DATE:** January 12, 2022

**ACTION BY GOVERNOR:** Signed January 12, 2022



## Senate Bill 1006

### Supplemental appropriation to the Department of Economic Office – Office of the Secretary

Senate Bill 1006 appropriates \$15,000,000 from the unappropriated surplus balance of Fiscal year 2022 General Revenue and appropriates them to the Directed Transfer appropriation within the Department of Economic Development – Office of the Secretary. These funds are then directed to the Economic Development Promotion and Closing fund.

**CODE REFERENCE:** N/A

**DATE OF PASSAGE:** January 12, 2022

**EFFECTIVE DATE:** January 12, 2022

**ACTION BY GOVERNOR:** Signed January 12, 2022

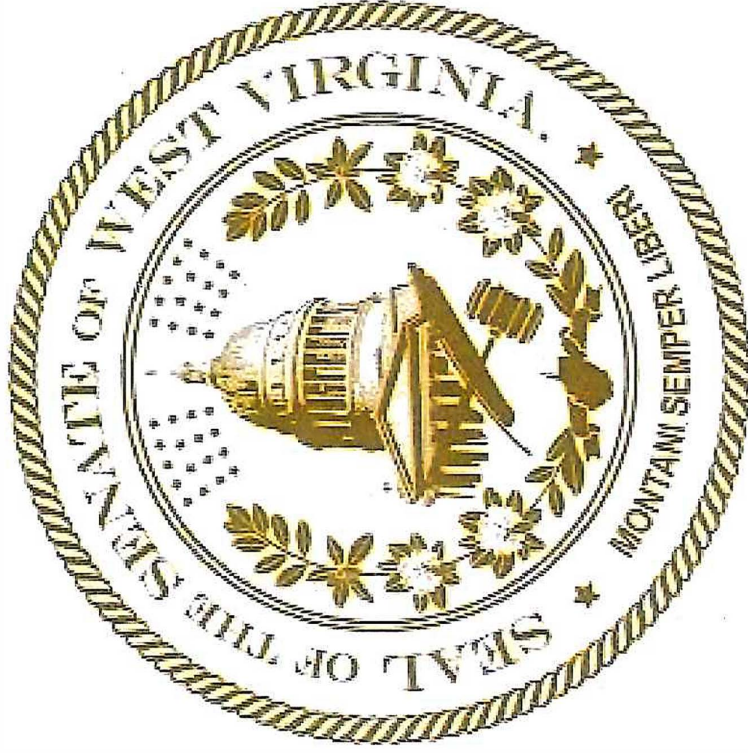


# Appendix – FY2023 Budget and CPRP Plan Statistics



# Budget Side by Side

*Compiled by: Chris DeWitte  
Committee on Finance*



*Fiscal Year 2023 – Final with Veto Letter*

## FISCAL YEAR 2023 BUDGET SUMMARY

	GOVERNOR PROPOSED 2023	SENATE PROPOSED 2023	HOUSE PROPOSED 2023	FINAL W/ VETO 2023
General Revenue	\$4,636,484,086	\$4,645,405,126	\$4,641,360,076	\$4,635,683,465
General Revenue Claims	\$25,000	\$17,874	\$17,924	\$17,924
State Road Fund	\$1,491,821,781	\$1,491,821,781	\$1,491,821,781	\$1,491,821,781
State Road Fund Claims	\$535,000	\$433,232	\$433,232	\$433,232
Other Funds	\$1,986,915,411	\$2,004,071,211	\$2,002,719,411	\$2,001,320,911
Other Funds Claims	\$600,000	\$63,003	\$63,003	\$63,003
Lottery	\$134,145,880	\$134,145,880	\$134,145,880	\$134,145,880
Excess Lottery	\$300,652,000	\$300,652,000	\$300,652,000	\$300,652,000
Federal Revenue	\$8,941,404,394	\$8,913,092,524	\$8,912,932,524	\$8,941,564,394
Federal Block Grants	\$998,789,094	\$998,789,094	\$998,789,094	\$998,789,094
General Revenue Surplus	\$32,820,787	\$674,875,000	\$419,792,150	\$793,370,787
Lottery Surplus	\$19,850,000	\$16,000,000	\$16,000,000	\$19,850,000
Excess Lottery Surplus	\$17,000,000	\$17,000,000	\$17,000,000	\$17,000,000
<b>Totals</b>	<b>\$18,561,043,433</b>	<b>\$19,196,366,725</b>	<b>\$18,935,727,075</b>	<b>\$19,334,712,471</b>



- Other Assets (R)	69000	200,000	200,000	200,000	200,000	200,000	200,000	200,000	0
- B.R.I.M Premium (R)	91300	810,000	834,000	834,000	834,000	834,000	834,000	834,000	0
<i>Total</i>		<i>135,499,000</i>	<i>138,963,000</i>	<i>146,318,026</i>	<i>146,338,026</i>	<i>149,908,338</i>	<i>149,928,338</i>	<i>149,928,338</i>	<i>3,610,312</i>

**TOTAL JUDICIAL** 135,499,000 138,963,000 146,318,026 146,338,026 149,908,338 149,928,338 149,928,338 149,928,338 3,610,312



-	Black Fly Control	13700	453,698	453,698	456,724	456,724	456,724	456,724	456,724	0
-	HEMP Program	13701	350,000	350,000	363,162	363,162	363,162	363,162	363,162	0
-	Donated Foods Program	36300	45,000	45,000	45,000	45,000	45,000	45,000	45,000	0
-	Veterans to Agriculture Program (R)	36301	255,624	255,624	262,432	262,432	262,432	262,432	262,432	0
-	Predator Control (R)	47000	176,400	176,400	176,400	176,400	176,400	176,400	176,400	0
-	Bee Research	69100	70,634	70,634	72,752	72,752	72,752	72,752	72,752	0
-	Microbiology Program	78500	99,828	99,828	102,854	102,854	102,854	102,854	102,854	0
-	Moorefield Agricultural Center	78600	975,284	975,284	1,017,582	1,017,582	1,017,582	1,017,582	1,017,582	0
-	Chesapeake Bay Watershed	83000	112,427	112,427	115,453	115,453	115,453	115,453	115,453	0
-	Livestock Care Standards Board	84000	8,820	8,820	8,820	8,820	8,820	8,820	8,820	0
-	B.R.I.M Premium	91300	138,905	138,905	138,905	138,905	138,905	138,905	138,905	0
-	State FFA-FFA Camp and Conference Center	94101	738,554	738,554	756,707	756,707	756,707	756,707	756,707	0
-	Threat Preparedness	94200	73,122	73,122	75,618	75,618	75,618	75,618	75,618	0
-	WV Food Banks	96900	426,000	426,000	426,000	426,000	426,000	426,000	426,000	0
-	Senior's Farmers' Market Nutrition Coupon Program	97000	55,835	55,835	55,835	55,835	55,835	55,835	55,835	0
-	<b>Total</b>		<b>12,500,083</b>	<b>12,500,083</b>	<b>12,906,141</b>	<b>12,906,141</b>	<b>12,906,141</b>	<b>12,906,141</b>	<b>12,906,141</b>	<b>0</b>
-	Personal Services and Employee Benefits	00100	794,191	794,191	836,549	836,549	836,549	836,549	836,549	0
-	Unclassified	09900	77,059	77,059	77,059	77,059	77,059	77,059	77,059	0
-	Current Expenses (R)	13000	317,848	317,848	317,848	317,848	317,848	317,848	317,848	0
-	Soil Conservation Projects (R)	12000	9,799,709	9,799,709	9,962,895	9,962,895	9,962,895	9,962,895	9,962,895	0
-	B.R.I.M Premium	91300	34,428	34,428	34,428	34,428	34,428	34,428	34,428	0
-	<b>Total</b>		<b>11,023,235</b>	<b>11,023,235</b>	<b>11,228,779</b>	<b>11,228,779</b>	<b>11,228,779</b>	<b>11,228,779</b>	<b>11,228,779</b>	<b>0</b>
-	Personal Services and Employee Benefits	00100	668,030	668,030	695,260	695,260	695,260	695,260	695,260	300,000
-	Unclassified	09900	7,090	7,090	7,090	7,090	7,090	7,090	7,090	0
-	Current Expenses	13000	82,605	82,605	82,605	82,605	82,605	82,605	82,605	0
-	<b>Total</b>		<b>757,725</b>	<b>757,725</b>	<b>784,955</b>	<b>784,955</b>	<b>784,955</b>	<b>784,955</b>	<b>1,084,955</b>	<b>300,000</b>
-	Programs & Awards for 4-H Clubs and FFA/FFA	57700	15,000	15,000	15,000	15,000	15,000	15,000	15,000	0
-	Commissioner's Awards and Programs	73700	39,250	39,250	39,250	39,250	39,250	39,250	39,250	0
-	<b>Total</b>		<b>54,250</b>	<b>54,250</b>	<b>54,250</b>	<b>54,250</b>	<b>54,250</b>	<b>54,250</b>	<b>54,250</b>	<b>0</b>
-	Personal Services and Employee Benefits	00100	99,547	99,547	102,573	102,573	102,573	102,573	102,573	0
-	Unclassified	09900	950	950	950	950	950	950	950	0
-	<b>Total</b>		<b>100,497</b>	<b>100,497</b>	<b>103,523</b>	<b>103,523</b>	<b>103,523</b>	<b>103,523</b>	<b>103,523</b>	<b>0</b>
-	Personal Services and Employee Benefits (R)	00100	2,818,788	2,818,788	3,114,386	3,114,386	3,114,386	3,114,386	3,114,386	0
-	Unclassified (R)	09900	24,428	24,428	24,428	24,428	24,428	24,428	24,428	0
-	Current Expenses (R)	13000	762,097	687,795	687,795	687,795	687,795	687,795	687,795	0
-	Repairs and Alterations	06400	1,000	1,000	1,000	1,000	1,000	1,000	1,000	0
-	Equipment	07000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	0
-	Criminal Convictions and Habeas Corpus Appeals (R)	26000	946,078	946,078	970,283	970,283	970,283	970,283	970,283	0
-	Better Government Bureau	74000	279,412	279,412	283,648	283,648	283,648	283,648	283,648	0
-	B.R.I.M Premium	91300	120,654	120,654	120,654	120,654	120,654	120,654	120,654	0
-	<b>Total</b>		<b>4,953,457</b>	<b>4,879,155</b>	<b>5,203,194</b>	<b>5,203,194</b>	<b>5,203,194</b>	<b>5,203,194</b>	<b>5,203,194</b>	<b>0</b>
-	Personal Services and Employee Benefits	00100	118,794	118,794	118,794	118,794	118,794	118,794	118,794	0

11 West Virginia Conservation Agency  
Fund 0132 - Org 1400

12 Agriculture - Meat Inspection Fund  
Fund 0135 - Org 1400

13 Agriculture - Agricultural Awards Fund  
Fund 0136 - Org 1400

14 WV Agricultural Land Protection Authority  
Fund 0607 - Org 1400

15 Attorney General  
Fund 0150 - Org 1500

16 Secretary of State



Fund 0155 - Org 1600

- Unclassified (R)	09900	8,352	8,352	8,352	8,352	8,352	8,352	8,352	0
- Current Expenses (R)	13000	795,948	781,584	781,584	781,584	781,584	781,584	781,584	0
- B.R.L.M Premium	91300	34,500	34,500	34,500	34,500	34,500	34,500	34,500	0
<i>Total</i>		<i>957,594</i>	<i>943,230</i>	<i>943,230</i>	<i>943,230</i>	<i>943,230</i>	<i>943,230</i>	<i>943,230</i>	<i>0</i>

17 State Election Commission

Fund 0160 - Org 1601

- Personal Services and Employee Benefits	00100	2,477	2,477	2,477	2,477	2,477	2,477	2,477	0
- Unclassified	09900	75	75	75	75	75	75	75	0
- Current Expenses	13000	4,956	4,956	4,956	4,956	4,956	4,956	4,956	0
<i>Total</i>		<i>7,508</i>	<i>7,508</i>	<i>7,508</i>	<i>7,508</i>	<i>7,508</i>	<i>7,508</i>	<i>7,508</i>	<i>0</i>

**TOTAL EXECUTIVE**

<b>43,695,233</b>	<b>46,486,567</b>	<b>52,721,407</b>	<b>48,021,407</b>	<b>47,721,407</b>	<b>53,021,407</b>	<b>300,000</b>
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31 Real Estate Division  
Fund 0610 - Org 0233

- Personal Services and Employee Benefits	00100	681,101	681,101	704,366	704,366	704,366	704,366	0
- Unclassified	09900	1,000	1,000	124	124	124	124	0
- Current Expenses	13000	138,631	137,381	137,381	137,381	137,381	137,381	0
- Repairs and Alterations	06400	100	100	100	100	100	100	0
- Equipment	07000	2,500	2,500	2,500	2,500	2,500	2,500	0
- BRIM Premium	91300	8,534	9,784	9,784	9,784	9,784	9,784	0
- Total		831,866	831,866	854,255	854,255	854,255	854,255	0

TOTAL ADMINISTRATION 105,046,116 106,529,353 106,919,956 107,877,676 107,877,676 107,877,676 107,877,676 957,720



Fund 0277 - Org 0314

- Current Expenses	13000	1,396,141	1,396,141	1,396,141	1,396,141	1,396,141	1,396,141	0
- Coal Dust and Rock Dust Sampling	27000	487,752	487,752	493,803	493,803	493,803	493,803	0
- B.R.I.M. Premium	91300	80,668	80,668	80,668	80,668	80,668	80,668	0
<b>Total</b>		<b>11,525,820</b>	<b>11,450,820</b>	<b>11,744,301</b>	<b>11,744,301</b>	<b>11,744,301</b>	<b>11,744,301</b>	<b>0</b>
- Personal Services and Employee Benefits	00100	233,981	233,981	240,032	240,032	240,032	240,032	0
- Unclassified	09900	3,480	3,480	3,480	3,480	3,480	3,480	0
- Current Expenses	13000	118,138	118,138	118,138	118,138	118,138	118,138	0
<b>Total</b>		<b>355,599</b>	<b>355,599</b>	<b>361,650</b>	<b>361,650</b>	<b>361,650</b>	<b>361,650</b>	<b>0</b>
- Personal Services and Employee Benefits	00100	51,433	51,433	51,433	51,433	51,433	51,433	0
- Unclassified	09900	593	593	593	593	593	593	0
- Current Expenses	13000	7,337	6,447	6,447	6,447	6,447	6,447	0
<b>Total</b>		<b>59,363</b>	<b>58,473</b>	<b>58,473</b>	<b>58,473</b>	<b>58,473</b>	<b>58,473</b>	<b>0</b>
- Personal Services and Employee Benefits	00100	588,872	465,122	1,313,774	1,313,774	1,313,774	1,374,092	0
- Salary and Benefits of Cabinet Secretary and Agency Heac	00201		153,750	153,750	153,750	153,750	153,750	0
- Unclassified	09900	1,490	1,490	1,490	1,490	1,490	1,490	0
- Current Expenses	13000	17,099	131,847	353,147	353,147	353,147	353,147	0
- Directed Transfer	70000	500,000	500,000	0	0	0	0	0
<b>Total</b>		<b>1,107,461</b>	<b>1,252,209</b>	<b>1,882,479</b>	<b>1,822,161</b>	<b>1,822,161</b>	<b>1,882,479</b>	<b>0</b>
- Personal Services and Employee Benefits	00100	11,459,977	11,459,977	11,913,813	11,913,813	11,913,813	11,913,813	0
- Independent Living Services	09900	429,418	429,418	429,418	429,418	429,418	429,418	0
- Current Expenses	13000	558,815	558,815	558,815	558,815	558,815	558,815	0
- Workshop Development	16300	1,817,427	1,817,427	1,817,427	1,817,427	1,817,427	1,817,427	0
- Supported Employment Extended Services	20600	77,960	77,960	77,960	77,960	77,960	77,960	0
- Ron Yost Personal Assistance Fund	40700	333,828	333,828	333,828	333,828	333,828	333,828	0
- Employment Attendant Care Program	59800	131,575	131,575	131,575	131,575	131,575	131,575	0
- B.R.I.M. Premium	91300	77,464	77,464	77,464	77,464	77,464	77,464	0
<b>Total</b>		<b>14,886,464</b>	<b>14,886,464</b>	<b>15,340,300</b>	<b>15,340,300</b>	<b>15,340,300</b>	<b>15,340,300</b>	<b>0</b>

37 Board of Coal Mine Health and Safety

Fund 0280 - Org 0319

38 WorkForce West Virginia

Fund 0572 - Org 0523

39 Commerce - Office of the Secretary

Fund 0606 - Org 0327

40 State Board of Rehabilitation -

Division of Rehabilitation Services

Fund 0310 - Org 0932

<b>TOTAL COMMERCE</b>	<b>60,610,405</b>	<b>61,425,449</b>	<b>64,316,090</b>	<b>65,071,610</b>	<b>64,071,610</b>	<b>64,316,090</b>	<b>64,316,090</b>	<b>0</b>
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**GENERAL REVENUE**

**TOURISM & ECONOMIC DEVELOPMENT**

AGENCY NAME	APP	FY 2021 Including Veto	FY 2022 Including Veto	FY 2023 Governor Recommended	FY 2023 Senate	FY 2023 House	FY 2023 Final with Veto	Difference Final - Governor
<b>TOURISM</b>								
41 Department of Tourism - Office of the Secretary Fund 0246 - Org 0304	61803	10,000,000	3,000,000	10,000,000	12,000,000	3,000,000	3,000,000	(7,000,000)
- Tourism - Brand Promotion (R)								
- Tourism - Public Relations (R)	61804	1,500,000	1,500,000	1,500,000	1,500,000	1,500,000	1,500,000	0
- Tourism - Events and Sponsorships (R)	61805	500,000	500,000	500,000	500,000	500,000	500,000	0
- Tourism - Industry Development (R)	61806	500,000	500,000	500,000	500,000	500,000	500,000	0
- State Park and Recreation Advertising (R)	61900	1,500,000	1,500,000	1,500,000	1,500,000	1,500,000	1,500,000	0
<b>Total</b>		<b>14,000,000</b>	<b>7,000,000</b>	<b>14,000,000</b>	<b>16,000,000</b>	<b>7,000,000</b>	<b>7,000,000</b>	<b>(7,000,000)</b>
<b>TOTAL TOURISM</b>		<b>14,000,000</b>	<b>7,000,000</b>	<b>14,000,000</b>	<b>16,000,000</b>	<b>7,000,000</b>	<b>7,000,000</b>	<b>(7,000,000)</b>
<b>ECONOMIC DEVELOPMENT</b>								
42 Department of Economic Development Office of the Secretary Fund 0256 - Org 0307	00100	4,500,420	4,500,420	4,151,904	4,212,222	4,712,222	4,151,904	0
- Personal Services and Employee Benefits	09900	108,055	108,055	108,055	108,055	108,055	108,055	0
- Unclassified	13000	5,815,277	3,681,460	4,607,464	4,738,464	4,715,464	4,738,464	131,000
- Current Expenses	13200	241,570	241,570	241,570	241,570	241,570	241,570	0
- National Youth Science Camp	13300	1,250,000	1,250,000	1,250,000	1,250,000	1,250,000	1,250,000	0
- Local Economic Development Partnerships (R)	13600	152,585	152,585	152,585	152,585	152,585	152,585	0
- ARC Assessment	20201				150,000	0	150,000	150,000
- Global Economic Development Partnerships (R)	23401	0	0	0	0	0	0	0
- Infrastructure and Economic Development Projects	24200	976,579	976,579	982,630	982,630	982,630	982,630	0
- Guaranteed Work Force Grant (R)	70000		0					
- Directed Transfer	79400	167,467	167,467	170,493	170,493	170,493	170,493	0
- Mainstreet Program	18900	1,750,000	0	0	0	0	0	0
- Local Economic Development Assistance (R)	91300	3,157	3,157	3,157	3,157	3,157	3,157	0
- B.R.L.M. Premium	96000	198,415	198,415	198,415	417,415	198,415	198,415	0
- Hatfield McCoy Recreational Trail								
<b>Total</b>		<b>15,163,525</b>	<b>11,279,708</b>	<b>11,866,273</b>	<b>12,426,591</b>	<b>12,534,591</b>	<b>12,147,273</b>	<b>281,000</b>
<b>ECONOMIC DEVELOPMENT</b>		<b>15,163,525</b>	<b>11,279,708</b>	<b>11,866,273</b>	<b>12,426,591</b>	<b>12,534,591</b>	<b>12,147,273</b>	<b>281,000</b>

**GENERAL REVENUE**

**ARTS, CULTURE AND HISTORY**

**AGENCY NAME**

**EXPENDITURE**

**APP**

**ARTS, CULTURE AND HISTORY**

49 Division of Culture and History

Fund 0293 - Org 0432

	FY 2021 Including Veto	FY 2022 Including Veto	FY 2023 Governor Recommended	FY 2023 Senate	FY 2023 House	FY 2023 Final with Veto	Difference Final - Governor
- Personal Services and Employee Benefits	3,463,493	3,343,387	3,513,485	3,513,485	3,513,485	3,513,485	0
- Salary and Benefits of Cabinet Secretary and Agency Heac		120,106	120,106	120,106	120,106	120,106	0
- Current Expenses	610,843	610,843	610,843	610,843	610,843	610,843	0
- Repairs and Alterations	1,000	1,000	1,000	1,000	1,000	1,000	0
- Equipment	1	1	1	1	1	1	0
- Unclassified (R)	28,483	28,483	28,483	28,483	28,483	28,483	0
- WV Humanities Council	250,000	250,000	250,000	250,000	250,000	250,000	0
- Buildings (R)	1	1	1	1	1	1	0
- Other Assets	1	1	1	1	1	1	0
- Educational Enhancements	573,500	573,500	573,500	573,500	573,500	573,500	0
- Land (R)	1	1	1	1	1	1	0
- Culture & History Programming	231,573	231,573	231,573	231,573	231,573	231,573	0
- Capital Outlay and Maintenance (R)	19,600	19,600	19,600	19,600	19,600	19,600	0
- Historical Highway Marker Program	57,548	57,548	57,548	57,548	57,548	57,548	0
- B.R.I.M Premium	39,337	39,337	39,337	39,337	39,337	39,337	0
<b>Total</b>	<b>5,275,381</b>	<b>5,275,381</b>	<b>5,445,479</b>	<b>5,445,479</b>	<b>5,445,479</b>	<b>4,945,479</b>	<b>(500,000)</b>
- Personal Services and Employee Benefits	1,314,744	1,070,613	1,119,022	1,119,022	1,119,022	1,119,022	0
- Salary and Benefits of Cabinet Secretary and Agency Heac		112,000	112,000	112,000	112,000	112,000	0
- Current Expenses	139,624	139,624	139,624	139,624	139,624	139,624	0
- Repairs and Alterations	6,500	6,500	6,500	6,500	6,500	6,500	0
- Services to Blind and Handicapped	161,717	161,717	161,717	161,717	161,717	161,717	0
- B.R.I.M Premium	18,205	18,205	18,205	18,205	18,205	18,205	0
<b>Total</b>	<b>1,640,790</b>	<b>1,508,659</b>	<b>1,557,068</b>	<b>1,557,068</b>	<b>1,557,068</b>	<b>1,557,068</b>	<b>0</b>
- Personal Services and Employee Benefits	3,312,092	3,144,106	3,274,206	3,274,206	3,274,206	3,274,206	0
- Salary and Benefits of Cabinet Secretary and Agency Heac	0	120,106	120,106	120,106	120,106	120,106	0
- Current Expenses	120,146	118,344	113,844	113,844	113,844	113,844	0
- Mountain Stage	300,000	295,500	300,000	450,000	300,000	450,000	150,000
- Capital Outlay and Maintenance (R)	50,000	49,250	49,250	49,250	49,250	49,250	0
- B.R.I.M Premium	48,453	47,727	47,727	47,727	47,727	47,727	0
<b>Total</b>	<b>3,830,691</b>	<b>3,775,033</b>	<b>3,905,133</b>	<b>4,055,133</b>	<b>3,905,133</b>	<b>4,055,133</b>	<b>150,000</b>

50 Library Commission

Fund 0296 - Org 0433

51 Educational Broadcasting Authority

Fund 0300 - Org 0439



**GENERAL REVENUE**

**ENVIRONMENTAL PROTECTION**

**AGENCY NAME**

**EXPENDITURE**

**ENVIRONMENTAL PROTECTION**

52 Environmental Quality Board  
Fund 0270 - Org 0311

APP	FY 2021 Including Veto	FY 2022 Including Veto	FY 2023 Governor Recommended	FY 2023 Senate	FY 2023 House	FY 2023 Final with Veto	Difference Final - Governor
- Personal Services and Employee Benefits	82,539	82,539	88,590	88,590	88,590	88,590	0
- Current Expenses	28,453	28,453	28,453	28,453	28,453	28,453	0
- Repairs and Alterations	800	800	800	800	800	800	0
- Equipment	500	500	500	500	500	500	0
- Other Assets	400	400	400	400	400	400	0
- B.R.I.M. Premium	791	791	791	791	791	791	0
<b>Total</b>	<b>113,483</b>	<b>113,483</b>	<b>119,534</b>	<b>119,534</b>	<b>119,534</b>	<b>119,534</b>	<b>0</b>
- Personal Services and Employee Benefits	4,196,400	4,005,460	4,144,818	4,144,818	4,144,818	4,144,818	0
- Salary and Benefits of Cabinet Secretary and Agency Head	00201	168,000	168,000	168,000	168,000	168,000	0
- Water Resources Protection and Management	06800	576,278	583,086	583,086	583,086	583,086	0
- Current Expenses	13000	96,916	85,816	85,816	85,816	85,816	0
- Repairs and Alterations	06400	1,500	0	0	0	0	0
- Unclassified	09900	14,825	0	0	0	0	0
- Dam Safety	60700	237,824	237,824	245,842	245,842	245,842	0
- WV Stream Partners Program	63700	77,396	77,396	77,396	77,396	77,396	0
- Meth Lab Cleanup	65600	139,000	91,888	91,888	91,888	91,888	0
- WV Contribution to River Commissions	71600	148,485	148,485	148,485	148,485	148,485	0
- Office of Water Resources-Non-Enforcement Activity	85900	1,009,855	1,040,868	1,040,868	1,040,868	1,040,868	0
<b>Total</b>	<b>6,498,479</b>	<b>6,401,002</b>	<b>6,586,199</b>	<b>6,586,199</b>	<b>6,586,199</b>	<b>6,586,199</b>	<b>0</b>
- Personal Services and Employee Benefits	00100	60,737	60,737	60,737	60,737	60,737	0
- Current Expenses	13000	11,612	11,612	11,612	11,612	11,612	0
- Repairs and Alterations	06400	800	800	800	800	800	0
- Equipment	07000	400	400	400	400	400	0
- Other Assets	69000	200	200	200	200	200	0
- B.R.I.M. Premium	91300	2,304	2,304	2,304	2,304	2,304	0
<b>Total</b>	<b>76,053</b>	<b>76,053</b>	<b>76,053</b>	<b>76,053</b>	<b>76,053</b>	<b>76,053</b>	<b>0</b>

53 Division of Environmental Protection  
Fund 0273 - Org 0313

54 Air Quality Board  
Fund 0550 - Org 0325

**TOTAL ENVIRONMENTAL PROTECTION**

6,688,015	6,590,538	6,781,786	6,781,786	6,781,786	6,781,786	6,781,786	0
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	224,618,154	225,133,154	226,972,222	226,972,222	226,972,222	226,972,222	226,972,222	0
<b>Total</b>								
- WV Drinking Water Treatment Revolving Fund	68900	647,500	647,500	647,500	647,500	647,500	647,500	0
<b>Total</b>								
- Personal Services and Employee Benefits	00100	1,073,553	961,553	1,003,911	1,003,911	1,003,911	1,003,911	0
- Salary and Benefits of Cabinet Secretary and Agency Heads	00201		112,000	112,000	112,000	112,000	112,000	0
- Current Expenses	13000	4,024	4,024	4,024	4,024	4,024	4,024	0
- Unclassified	09900	331,304	331,304	331,304	331,304	331,304	331,304	0
- B.R.I.M. Premium	91300	10,764	10,764	10,764	10,764	10,764	10,764	0
<b>Total</b>								
- Personal Services and Employee Benefits	00100	50,356,249	50,630,531	53,717,120	53,717,120	53,717,120	53,717,120	0
- Salary and Benefits of Cabinet Secretary and Agency Heads	00201		87,031	45,531	45,531	45,531	45,531	0
- Unclassified	09900	5,688,944	5,688,944	5,688,944	5,688,944	5,688,944	5,688,944	0
- Current Expenses	13000	11,709,336	11,772,050	11,772,050	12,072,050	12,072,050	12,072,050	300,000
- Child Care Development	14400	3,102,718	3,102,718	3,118,451	3,118,451	3,118,451	3,118,451	0
- Medical Services	18900	297,855,264	318,512,213	308,117,213	308,117,213	294,317,213	294,317,213	(13,800,000)
- Social Services (includes regular foster care)	19500	226,476,781	226,138,785	226,056,151	226,056,151	226,056,151	226,056,151	0
- Family Preservation Program	19600	1,565,000	1,565,000	1,565,000	1,565,000	1,565,000	1,565,000	0
- Family Resource Networks	27400	1,762,464	1,762,464	1,762,464	1,762,464	1,762,464	1,762,464	0
- Domestic Violence Legal Services Fund	39400	400,000	400,000	400,000	400,000	400,000	400,000	0
- James "Tiger" Morton Catastrophic Illness Fund	45500	105,695	18,664	60,164	60,164	60,164	60,164	0
- IDD Waiver	46600	108,541,736	108,541,736	108,541,736	108,541,736	108,541,736	108,541,736	0
- Child Protective Services Case Workers	46800	27,843,073	27,843,073	28,889,529	28,889,529	28,889,529	28,889,529	0
- OSCAR and RAPIDS	51500	0	0	0	0	0	0	0
- Title XIX Waiver for Senior Citizens	53300	13,593,620	13,593,620	13,593,620	13,593,620	13,593,620	13,593,620	0
- WV Teaching Hospitals Tertiary/Safety Net	54700	6,356,000	6,356,000	6,356,000	6,356,000	6,356,000	6,356,000	0
- Child Welfare System	60300	0	0	0	0	0	0	0
- In-Home Family Education	68800	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	0
- WV Works Separate State Program	69800	135,000	135,000	135,000	135,000	135,000	135,000	0
- Child Support Enforcement	70500	6,458,806	6,458,806	6,711,478	6,711,478	6,711,478	6,711,478	0
- Temporary Assistance for Needy Families/Maint of Effort	70700	25,819,096	25,819,096	25,819,096	25,819,096	25,819,096	25,819,096	0
- Child Care Maintenance of Effort Match	70800	5,693,743	5,693,743	5,693,743	5,693,743	5,693,743	5,693,743	0
- Grants for Licensed Domestic Violence Prgrms & Prevention	75000	2,500,000	2,500,000	2,500,000	2,500,000	2,500,000	2,500,000	0
- Capital Outlay and Maintenance (R)	75500	11,875	11,875	11,875	11,875	11,875	11,875	0
- Community Based Services and Pilot Programs for Youth	79000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	0
- Medical Services Administrative Costs	78900	38,234,761	43,568,141	43,681,857	43,681,857	43,681,857	43,681,857	0
- Traumatic Brain Injury Waiver	85500	800,000	800,000	800,000	800,000	800,000	800,000	0
- Indigent Burial (R)	85100	1,550,000	1,550,000	1,550,000	1,550,000	1,550,000	1,550,000	0
- CHIP Administrative Costs	85601	700,000	700,000	701,815	701,815	701,815	701,815	0
- CHIP Services	85602	6,390,665	6,390,665	6,390,665	6,390,665	6,390,665	6,390,665	0
- B.R.I.M. Premium	91300	892,642	892,642	892,642	892,642	892,642	892,642	0
- Rural Hospitals Under 150 Beds	94000	2,596,000	2,596,000	2,596,000	2,596,000	2,596,000	2,596,000	0
- Children's Trust Fund-Transfer	95100	220,000	220,000	220,000	220,000	220,000	220,000	0
- PATH	95400	7,162,452	7,162,452	7,217,367	7,217,367	7,217,367	7,217,367	0
<b>Total</b>								
		856,520,920	882,511,249	876,605,511	876,908,138	883,584,310	863,105,511	(13,500,000)

**TOTAL HEALTH AND HUMAN RESOURCES** 1,159,927,444 1,184,242,733 1,182,586,248 1,184,088,875 1,189,565,047 1,170,286,248 (12,300,000)



-	Unclassified	09900	1,578,800	1,578,800	1,578,800	1,578,800	1,578,800	1,578,800	1,578,800	0
-	Current Expenses (R)	13000	52,016,936	52,016,936	52,016,936	52,016,936	52,016,936	52,016,936	52,016,936	5,673,547
-	Facilities Planning and Administration (R)	38600	1,274,200	1,274,200	1,274,200	1,274,200	1,274,200	1,274,200	1,274,200	0
-	Charleston Correctional Center	45600	3,400,402	3,400,402	3,400,402	3,400,402	3,400,402	3,400,402	3,400,402	0
-	Beckley Correctional Center	49000	2,518,874	2,518,874	2,518,874	2,518,874	2,518,874	2,518,874	2,518,874	0
-	Anthony Correctional Center	50400	6,096,779	6,096,779	6,096,779	6,096,779	6,096,779	6,096,779	6,096,779	0
-	Huttonsville Correctional Center	51400	21,920,001	21,697,029	21,697,029	21,697,029	21,697,029	21,697,029	21,697,029	0
-	Northern Correctional Center	53400	8,018,685	7,899,965	7,899,965	8,154,113	8,154,113	8,154,113	8,154,113	0
-	Inmate Medical Expenses (R)	53500	21,226,064	21,226,064	21,226,064	21,226,064	21,226,064	21,226,064	21,226,064	0
-	Prunytown Correctional Center	54300	8,597,911	8,562,705	8,562,705	8,946,953	8,946,953	8,946,953	8,946,953	0
-	Corrections Academy	56000	1,925,980	1,925,980	1,925,980	1,983,466	1,983,466	1,983,466	1,983,466	0
-	Information Technology Services	59901	2,759,052	2,759,052	2,759,052	2,759,052	2,759,052	2,759,052	2,759,052	0
-	Martinsburg Correctional Center	66300	4,348,990	4,348,990	4,348,990	4,482,115	4,482,115	4,482,115	4,482,115	0
-	Parole Services	66800	5,850,564	5,775,564	5,775,564	6,023,661	6,023,661	6,023,661	6,023,661	0
-	Special Services	68700	6,477,777	6,477,777	6,477,777	5,894,456	5,894,456	5,894,456	5,894,456	0
-	Investigative Services	71600	3,394,070	3,394,070	3,394,070	3,502,991	3,502,991	3,502,991	3,502,991	0
-	Capital Outlay and Maintenance (R)	75500	2,000,000	2,000,000	2,000,000	2,000,000	2,000,000	2,000,000	2,000,000	0
-	Salem Correctional Center	77400	11,455,381	11,305,381	11,305,381	11,678,166	11,678,166	11,678,166	11,678,166	0
-	McDowell County Correctional Center	79000	2,542,590	2,542,590	2,542,590	2,542,590	2,542,590	2,542,590	2,542,590	0
-	Stevens Correctional Center	79100	7,863,195	7,863,195	7,863,195	7,863,195	7,863,195	7,863,195	7,863,195	0
-	Parkersburg Correctional Center	82800	3,927,845	3,927,845	3,927,845	6,418,300	6,418,300	6,418,300	6,418,300	0
-	St. Mary's Correctional Center	88100	14,497,534	14,497,534	14,497,534	15,081,470	15,081,470	15,081,470	15,081,470	0
-	Denmar Correctional Center	88200	5,189,043	5,189,043	5,189,043	5,367,552	5,367,552	5,367,552	5,367,552	0
-	Ohio County Correctional Center	88300	2,147,492	2,147,492	2,147,492	2,211,029	2,211,029	2,211,029	2,211,029	0
-	Mt Olive Correctional Complex	88800	22,357,432	22,297,226	22,297,226	23,032,441	23,032,441	23,032,441	23,032,441	0
-	Lakin Correctional Center	89600	10,711,864	10,711,864	10,711,864	11,141,496	11,141,496	11,141,496	11,141,496	0
-	B.R.I.M. Premium	91300	2,527,657	2,527,657	2,527,657	2,527,657	2,527,657	2,527,657	2,527,657	0
-	<b>Total</b>		<b>238,721,691</b>	<b>237,276,578</b>	<b>238,224,672</b>	<b>238,224,672</b>	<b>238,224,672</b>	<b>238,224,672</b>	<b>238,224,672</b>	<b>5,673,547</b>
-	Statewide Reporting Centers	26200	7,358,529	6,758,529	6,758,529	6,991,498	6,991,498	6,991,498	6,991,498	0
-	Robert L. Shell Juvenile Center	26700	2,519,068	2,519,068	2,519,068	2,649,168	2,649,168	2,649,168	2,649,168	0
-	Resident Medical Services (R)	53501	3,604,999	3,604,999	3,604,999	3,604,999	3,604,999	3,604,999	3,604,999	0
-	Central Office	70100	2,167,320	1,713,291	1,713,291	1,779,854	1,779,854	1,779,854	1,779,854	0
-	Capital Outlay and Maintenance (R)	75500	250,000	250,000	250,000	250,000	250,000	250,000	250,000	0
-	Gene Spadaro Juvenile Center	79300	2,692,984	2,659,469	2,659,469	2,789,569	2,789,569	2,789,569	2,789,569	0
-	B.R.I.M. Premium	91300	115,967	115,967	115,967	115,967	115,967	115,967	115,967	0
-	Kenneth Honey Rubenstein Juvenile Center (R)	98000	5,808,523	5,717,712	5,717,712	5,941,605	5,941,605	5,941,605	5,941,605	0
-	Vickie Douglass Juvenile Center	98100	2,389,494	2,389,494	2,389,494	2,471,185	2,471,185	2,471,185	2,471,185	0
-	Northern Regional Juvenile Center	98200	2,876,302	2,876,302	2,876,302	2,876,302	2,876,302	2,876,302	2,876,302	0
-	Lorrie Yeager Jr Juvenile Center	98300	2,422,880	2,422,880	2,422,880	2,537,852	2,537,852	2,537,852	2,537,852	0
-	Sam Perdue Juvenile Center	98400	2,614,497	2,614,497	2,614,497	2,741,571	2,741,571	2,741,571	2,741,571	0
-	Tiger Morton Center	98500	2,633,060	2,633,060	2,633,060	2,754,083	2,754,083	2,754,083	2,754,083	0
-	Donald R. Kuhn Juvenile Center	98600	5,060,657	5,060,657	5,060,657	5,287,575	5,287,575	5,287,575	5,287,575	0
-	J.M. "Chick" Buckbee Juvenile Center	98700	2,527,617	2,527,617	2,527,617	2,615,359	2,615,359	2,615,359	2,615,359	0
-	<b>Total</b>		<b>45,041,897</b>	<b>43,863,542</b>	<b>45,406,587</b>	<b>45,406,587</b>	<b>45,406,587</b>	<b>45,406,587</b>	<b>45,406,587</b>	<b>0</b>
-	Personal Services and Employee Benefits	00100	62,255,235	62,115,935	62,115,935	64,989,403	64,989,403	64,989,403	64,989,403	8,896,800
-	Salary and Benefits of Cabinet Secretary and Agency Head	00201		139,300	139,300	139,300	139,300	139,300	139,300	0
-	Children's Protection Act	09000	1,009,529	1,009,529	1,009,529	1,040,805	1,040,805	1,040,805	1,040,805	0
-	Current Expenses	13000	10,384,394	10,384,394	10,384,394	10,384,394	10,384,394	10,384,394	10,384,394	0

66 Division of Corrections and Rehabilitation-  
Bureau of Juvenile Services  
Fund 0570 - Org 0608

67 West Virginia State Police  
Fund 0453 - Org 0612

-	Repairs and Alterations	06400	450,523	450,523	450,523	450,523	450,523	450,523	0
-	Trooper Class	52100	3,207,832	3,207,832	3,207,832	3,207,832	3,207,832	3,207,832	0
-	Barracks Lease Payments	55600	237,898	237,898	237,898	237,898	237,898	237,898	0
-	Communications and Other Equipment (R)	55800	1,070,968	1,070,968	1,070,968	1,070,968	1,070,968	1,070,968	0
-	Trooper Retirement Fund	60500	11,487,590	9,592,923	6,824,749	6,812,749	6,812,749	13,324,749	6,500,000
-	Handgun Administration Expense	74700	77,892	77,892	80,918	80,918	80,918	80,918	0
-	Capital Outlay and Maintenance (R)	75500	250,000	250,000	250,000	250,000	250,000	250,000	0
-	Retirement Systems-Unfunded Liability	77500	10,648,000	17,798,000	35,000	35,000	35,000	35,000	0
-	Automated Fingerprint ID system	89800	2,211,693	2,211,693	2,229,846	2,229,846	2,229,846	2,229,846	0
-	B.R.I.M. Premium	91300	5,743,921	5,743,921	5,743,921	5,743,921	5,743,921	5,743,921	0
-	<b>Total</b>		<b>115,035,475</b>	<b>114,290,808</b>	<b>96,685,557</b>	<b>96,673,557</b>	<b>105,570,357</b>	<b>112,082,357</b>	<b>15,396,800</b>
-	Caricent Expenses	13000	64,021	63,061	63,061	63,061	63,061	63,061	0
-	<b>Total</b>		<b>64,021</b>	<b>63,061</b>	<b>63,061</b>	<b>63,061</b>	<b>63,061</b>	<b>63,061</b>	<b>0</b>
-	Personal Services and Employee Benefits	00100	3,029,459	3,029,459	3,186,789	3,186,789	3,186,789	3,186,789	0
-	Unclassified	09900	21,991	21,991	21,991	21,991	21,991	21,991	0
-	Current Expenses	13000	422,981	422,981	422,981	422,981	422,981	422,981	0
-	Repairs and Alterations	06400	8,500	8,500	8,500	8,500	8,500	8,500	0
-	Equipment	07000	64,171	64,171	64,171	64,171	64,171	64,171	0
-	BRIM Premium	91300	32,602	32,602	32,602	32,602	32,602	32,602	0
-	<b>Total</b>		<b>3,579,704</b>	<b>3,579,704</b>	<b>3,737,034</b>	<b>3,737,034</b>	<b>3,737,034</b>	<b>3,737,034</b>	<b>0</b>
-	Personal Services and Employee Benefits	00100	570,979	570,979	591,795	591,795	591,795	591,795	0
-	Current Expenses	13000	133,360	233,360	233,360	233,360	233,360	233,360	0
-	Repairs and Alterations	06400	1,804	1,804	1,804	1,804	1,804	1,804	0
-	Child Advocacy Centers (R)	45800	2,206,954	2,206,954	2,209,526	2,209,526	2,209,526	2,209,526	0
-	Community Corrections (R)	56100	4,595,222	4,595,222	4,599,155	4,599,155	4,599,155	4,599,155	0
-	Justice Reinvestment Initiative (R)	89501	2,332,101	2,332,101	2,333,795	2,333,795	2,333,795	2,333,795	0
-	Statistical Analysis Program	59700	49,819	49,819	50,122	50,122	50,122	50,122	0
-	Sexual Assault Forensic Examination Commission (R)	71400	77,525	77,525	79,340	79,340	79,340	79,340	0
-	Qualitative Analysis and Training for Youth Services (R)	76200	332,446	136,278	136,732	136,732	136,732	136,732	0
-	Law Enforcement Professional Standards	83800	164,272	164,272	170,172	170,172	170,172	170,172	0
-	B.R.I.M. Premium	91300	2,123	2,123	2,123	2,123	2,123	2,123	0
-	<b>Total</b>		<b>10,466,605</b>	<b>10,370,437</b>	<b>10,407,924</b>	<b>10,407,924</b>	<b>10,407,924</b>	<b>10,407,924</b>	<b>0</b>
-	Personal Services and Employee Benefits	00100	230,625	4,629,723	5,155,206	5,155,206	5,155,206	5,155,206	0
-	Unclassified	09900			5,000	5,000	5,000	5,000	0
-	Current Expenses	13000	305,000	605,000	600,000	600,000	600,000	600,000	0
-	<b>Total</b>		<b>2,611,255</b>	<b>5,234,723</b>	<b>5,760,206</b>	<b>5,760,206</b>	<b>5,760,206</b>	<b>5,760,206</b>	<b>0</b>

68 Fire Commission  
Fund 0436 - Org 0619

69 Division of Protective Services  
Fund 0585 - Org 0622

70 Division of Administrative Services  
Fund 0546 - Org 0623

71 Division of Administrative Services  
Fund 0619 - Org 0623

TOTAL MILITARY AFFAIRS AND PUBLIC SAFETY 427,489,665 426,562,499 457,380,478 457,368,478 471,938,825 478,450,825 21,070,347



Fund 0506 - Org 0804

- Current Expenses	13000	3,087,707	287,707	287,707	287,707	287,707	287,707	0
- Other Assets (R)	69000	1,270,019	1,270,019	1,270,019	1,270,019	1,270,019	1,270,019	0
- B.R.I.M. Premium	91300	201,541	201,541	201,541	201,541	201,541	201,541	0
<i>Total</i>		<i>4,920,894</i>	<i>2,120,894</i>	<i>2,129,971</i>	<i>2,129,971</i>	<i>2,129,971</i>	<i>2,129,971</i>	<i>0</i>
- Equipment (R)	07000	25,000	25,000	100,000	100,000	100,000	100,000	0
- Current Expenses (R)	13000	2,237,989	2,137,989	2,042,989	2,042,989	2,012,989	2,042,989	30,000
- Buildings	25800		50,000	100,000	100,000	100,000	100,000	0
- Other Assets	69000		50,000	50,000	50,000	50,000	50,000	0
<i>Total</i>		<i>2,262,989</i>	<i>2,262,989</i>	<i>2,262,989</i>	<i>2,292,989</i>	<i>2,262,989</i>	<i>2,292,989</i>	<i>30,000</i>
- Personal Services and Employee Benefits	00100	223,740	223,740	229,791	229,791	229,791	229,791	0
- Current Expenses (R)	13000	591,839	591,839	591,839	591,839	591,839	591,839	0
- Repairs and Alterations	06400	100	100	100	100	100	100	0
- BRIM Premium	91300	4,438	4,438	4,438	4,438	4,438	4,438	0
<i>Total</i>		<i>820,117</i>	<i>820,117</i>	<i>826,168</i>	<i>826,168</i>	<i>826,168</i>	<i>826,168</i>	<i>0</i>

78 Division of Public Transit

Fund 0510 - Org 0805

79 Aeronautics Commission

Fund 0582 - Org 0807

<b>TOTAL TRANSPORTATION</b>		<b>8,004,000</b>	<b>5,204,000</b>	<b>5,219,128</b>	<b>5,249,128</b>	<b>5,219,128</b>	<b>5,249,128</b>	<b>30,000</b>
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**GENERAL REVENUE**

**VETERANS AND SENIORS**

**EXPENDITURE**

**AGENCY NAME**

**APP**

**FY 2021 Including Veto**

**FY 2022 Including Veto**

**FY 2023 Governor Recommended**

**FY 2023 Senate**

**FY 2023 House**

**FY 2023 Final with Veto**

**Difference Final - Governor**

80 VETERANS' ASSISTANCE  
Department of Veterans' Assistance  
Fund 0456 - Org 0613

AGENCY NAME	APP	FY 2021 Including Veto	FY 2022 Including Veto	FY 2023 Governor Recommended	FY 2023 Senate	FY 2023 House	FY 2023 Final with Veto	Difference Final - Governor
- Personal Services and Employee Benefits	00100	1,987,212	1,931,772	2,036,851	2,330,325	2,242,090	2,036,851	0
- Salary and Benefits of Cabinet Secretary and Agency Head	00201		110,880	110,880	110,880	110,880	110,880	0
- Unclassified	09900	20,000	20,000	20,000	20,000	20,000	20,000	0
- Current Expenses	13000	161,450	161,450	161,450	161,450	245,335	161,450	0
- Repairs and Alterations	06400	5,000	5,000	5,000	5,000	5,000	5,000	0
- Veterans' Field Offices	22800	405,550	405,550	405,550	405,550	405,550	405,550	0
- Buildings (R)	25800	7,000,000	7,000,000	8,181,000	0	0	8,181,000	0
- Veterans' Nursing Home (R)	28600	6,916,912	6,861,472	7,103,125	7,755,655	7,103,125	7,103,125	0
- Veterans' Toll Free Assist Line	32800	2,015	2,015	2,015	2,015	2,015	2,015	0
- Veterans' Reeducation Assistance (R)	32900	40,000	40,000	40,000	40,000	40,000	40,000	0
- Veterans' Grant Program (R)	34200	560,000	560,000	560,000	560,000	560,000	560,000	0
- Veterans' Grave Marker	47300	10,000	10,000	10,000	10,000	10,000	10,000	0
- Veterans Outreach Programs	61700	200,740	0					0
- Memorial Day Patriotic Exercise	69700	0	0					0
- Veterans' Cemetery	80800	389,215	389,215	402,074	402,074	402,074	402,074	0
- B.R.I.M. Premium	91300	50,000	50,000	50,000	50,000	50,000	50,000	0
<b>Total</b>		<b>10,748,094</b>	<b>17,547,354</b>	<b>19,087,945</b>	<b>11,852,949</b>	<b>11,166,069</b>	<b>19,087,945</b>	<b>0</b>
81 Veterans' Home Fund 0460 - Org 0618								
- Personal Services and Employee Benefits	00100	1,217,096	1,217,096	1,296,064	1,365,847	1,296,064	1,296,064	0
- Current Expenses	13000	46,759	46,759	46,759	126,759	46,759	46,759	0
- Veterans Outreach Program	61700	0	200,740	203,766	203,766	203,766	203,766	0
- Other Assets	69000	0	0					0
<b>Total</b>		<b>1,263,855</b>	<b>1,464,595</b>	<b>1,546,589</b>	<b>1,696,372</b>	<b>1,546,589</b>	<b>1,546,589</b>	<b>0</b>
<b>TOTAL VETERANS ASSISTANCE</b>		<b>12,011,949</b>	<b>19,011,949</b>	<b>20,634,534</b>	<b>13,549,321</b>	<b>12,712,658</b>	<b>20,634,534</b>	<b>0</b>

**SENIOR SERVICES**

82 Bureau of Senior Services  
Fund 0420 - Org 0508

AGENCY NAME	APP	FY 2021 Including Veto	FY 2022 Including Veto	FY 2023 Governor Recommended	FY 2023 Senate	FY 2023 House	FY 2023 Final with Veto	Difference Final - Governor
- Current Expenses	13000	500,000	0					0
- Transfer Title XIX Waiver for Senior Citizens	53900	29,950,955	29,950,955	19,612,957	19,612,957	19,612,957	19,612,957	0
<b>Total</b>		<b>30,450,955</b>	<b>29,950,955</b>	<b>19,612,957</b>	<b>19,612,957</b>	<b>19,612,957</b>	<b>19,612,957</b>	<b>0</b>

**TOTAL SENIOR SERVICES**

<b>TOTAL SENIOR SERVICES</b>		<b>30,450,955</b>	<b>29,950,955</b>	<b>19,612,957</b>	<b>19,612,957</b>	<b>19,612,957</b>	<b>19,612,957</b>	<b>0</b>
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**GENERAL REVENUE**

**HIGHER EDUCATION**

**AGENCY NAME**

**EXPENDITURE**

**HIGHER EDUCATION**

AGENCY NAME	APP	FY 2021 Including Veto	FY 2022 Including Veto	FY 2023 Governor Recommended	FY 2023 Senate	FY 2023 House	FY 2023 Final with Veto	Difference Final - Governor
83 W.Ya. Council for Community and Technical College Education - Control Account Fund 0596 - Org 0420	39200	738,955	727,871	744,232	744,232	744,232	744,232	0
- Transit Training Partnership	78300	34,293	34,293	34,293	34,293	34,293	34,293	0
- Community College Workforce Development (R)	87800	2,786,925	2,788,925	2,788,387	2,788,387	2,788,387	2,788,387	0
- College Transition Program	88700	278,222	278,222	278,222	278,222	278,222	278,222	0
- WV Advance Workforce Development (R)	89300	3,118,960	3,118,960	3,121,387	3,121,387	3,121,387	3,121,387	0
- Technical Program Development (R)	89400	1,800,735	1,800,735	1,800,735	1,800,735	1,800,735	1,800,735	0
- WV Invests Grant Program	89401	7,034,748	7,034,748	7,037,672	7,037,672	7,037,672	7,037,672	0
<b>Total</b>		<b>15,792,838</b>	<b>15,781,754</b>	<b>15,804,928</b>	<b>15,804,928</b>	<b>15,804,928</b>	<b>15,804,928</b>	<b>0</b>
84 Mountwest CTC - Fund 0599	48700	6,489,307	6,391,967	6,716,176	6,716,176	6,716,176	6,716,176	0
- Mountwest Community and Technical College								
85 New River CTC - Fund 0600	35800	5,864,886	5,776,913	6,088,539	6,088,539	6,088,539	6,088,539	0
- New River Community and Technical College								
86 Pierpont CTC - Fund 0597	93000	7,820,129	7,820,129	8,119,152	8,119,152	8,119,152	8,119,152	0
- Pierpont Community and Technical College								
87 Blue Ridge CTC - Fund 0601	88500	7,830,842	7,713,379	8,139,835	8,139,835	8,139,835	8,139,835	0
- Blue Ridge Community and Technical College								
88 WVU at Parkersburg - Fund 0351	47100	10,319,284	10,164,495	10,799,686	10,799,686	10,799,686	10,799,686	0
- West Virginia University at Parkersburg								
89 Southern WV CTC - Fund 0380	44600	8,241,823	8,118,196	8,557,086	8,557,086	8,557,086	8,557,086	0
- Southern West Virginia Community & Technical College								
90 WV Northern CTC - Fund 0383	47000	7,285,825	7,176,538	7,580,697	7,580,697	7,580,697	7,580,697	0
- West Virginia Northern Community & Technical College								
91 Eastern CTC - Fund 0587	41200	2,179,912	2,147,213	2,264,340	2,264,340	2,264,340	2,264,340	0
- Eastern West Virginia Community & Technical College								
92 Bridge Valley CTC - Fund 0618	71700	8,098,811	7,977,329	8,364,587	8,364,587	8,364,587	8,364,587	0
- Bridge Valley Community & Technical College								
<b>Total</b>		<b>64,130,819</b>	<b>63,286,159</b>	<b>66,630,098</b>	<b>66,630,098</b>	<b>66,630,098</b>	<b>66,630,098</b>	<b>0</b>

**TOTAL COMMUNITY & TECHNICAL COLLEGES**

79,923,657 79,067,913 82,435,026 82,435,026 82,435,026 0

**HIGHER EDUCATION POLICY COMMISSION**

AGENCY NAME	APP	FY 2021 Including Veto	FY 2022 Including Veto	FY 2023 Governor Recommended	FY 2023 Senate	FY 2023 House	FY 2023 Final with Veto	Difference Final - Governor
93 HEPIC - Administration - Control Account Fund 0589 - Org 0441	00100	2,710,154	2,669,502	2,789,394	2,789,394	2,789,394	2,789,394	0
- Personal Services and Employee Benefits								
- Current Expenses	13000	1,113,606	1,096,902	1,096,902	1,096,902	1,096,902	1,096,902	0
- Higher Ed Grant Program	16400	40,619,864	40,619,864	40,619,864	40,619,864	40,619,864	40,619,864	0
- Tuition Contract Program (R)	16500	1,225,120	1,225,120	1,225,412	1,225,412	1,225,412	1,225,412	0
- Underwood Smith Scholarship and Loan Assistance Pr.	16700	628,349	628,349	628,349	628,349	628,349	628,349	0
- Facilities Planning and Administration	38600	1,760,254	1,760,254	1,760,254	1,760,254	1,760,254	1,760,254	0
- Higher Education System Initiatives	48801	1,630,000	1,630,000	1,635,847	1,635,847	1,635,847	1,635,847	0
- PROMISE Scholarship - Transfer	80000	18,500,000	18,500,000	18,500,000	18,500,000	18,500,000	18,500,000	0
- HEAPS Grant Program (R)	86700	5,014,728	5,014,728	5,017,974	5,017,974	5,017,974	5,017,974	0
- Health Professionals' Student Loan Program	86701	400,000	547,470	547,470	547,470	547,470	547,470	0
- Mental Health Provider Loan Repayment	11301	330,000	330,000	330,000	330,000	330,000	330,000	0
- RHI Program and Site Support - RHPP Program Admin	3700	80,000	80,000	80,000	80,000	80,000	80,000	0
- B.R.I.M. Premium	91300	17,817	17,817	17,817	17,817	17,817	17,817	0
<b>Total</b>		<b>74,029,892</b>	<b>74,120,006</b>	<b>74,249,283</b>	<b>74,249,283</b>	<b>74,249,283</b>	<b>74,249,283</b>	<b>0</b>

**94 West Virginia University - School of Medicine - Medical School Fund**

AGENCY NAME	APP	FY 2021 Including Veto	FY 2022 Including Veto	FY 2023 Governor Recommended	FY 2023 Senate	FY 2023 House	FY 2023 Final with Veto	Difference Final - Governor
Fund 0343 - Org 0463								
- WVU School of Health Sciences-Eastern Division	05600	2,235,352	2,201,822	2,277,794	2,277,794	2,277,794	2,277,794	0
- WVU - School of Health Sciences	17400	15,056,370	14,830,524	15,490,163	15,490,163	15,490,163	15,490,163	0
- WVU School of Health Sciences - Charleston Division	17500	2,286,711	2,252,410	2,351,833	2,351,833	2,351,833	2,351,833	0
- Rural Health Outreach Programs	37700	164,517	165,979	165,979	165,979	165,979	165,979	0
- WV University School of Medicine BRIM Subsidy	46000	1,203,087	1,203,087	1,203,087	1,203,087	1,203,087	1,203,087	0
<b>Total</b>		<b>20,946,037</b>	<b>20,652,360</b>	<b>21,488,856</b>	<b>21,488,856</b>	<b>21,488,856</b>	<b>21,488,856</b>	<b>0</b>

95	West Virginia University - General Administrative Fund Fund 0344 - Org 0463	45900	97,017,960	79,017,960	99,166,182	99,166,182	85,166,182	99,166,182	0
	- Jackson's Mill	46100	491,458	491,458	502,471	502,471	502,471	502,471	0
	- West Virginia University Institute of Technology Fund 0344 - Org 0463	47900	8,020,938	8,020,938	8,320,240	8,320,240	8,320,240	8,320,240	0
	- State Priorities-Brownfield Professional Development	53100	316,556	316,556	316,556	316,556	316,556	316,556	0
	- Energy Express	86100	382,935	382,935	382,935	382,935	382,935	382,935	0
	- West Virginia University-Potomac State	99400	4,512,711	4,512,711	4,709,664	4,709,664	4,709,664	4,709,664	0
	<b>Total</b>		<b>110,742,558</b>	<b>92,742,558</b>	<b>113,398,048</b>	<b>113,398,048</b>	<b>99,398,048</b>	<b>113,398,048</b>	<b>0</b>
96	Marshall University - School of Medicine Fund 0347 - Org 0471	17300	12,235,068	12,051,542	12,772,947	12,772,947	12,772,947	7,272,947	(5,500,000)
	- Rural Health Outreach Programs (R)	37700	156,022	156,022	157,572	157,572	157,572	157,572	0
	- Forensic Lab	37701	227,415	227,415	227,415	227,415	227,415	227,415	0
	- Center for Rural Health	37702	157,096	157,096	161,043	161,043	161,043	161,043	0
	- Marshall University Medical School BRIM Subsidy	44900	872,612	872,612	872,612	872,612	872,612	872,612	0
	<b>Total</b>		<b>13,648,213</b>	<b>13,464,687</b>	<b>14,191,589</b>	<b>14,191,589</b>	<b>14,191,589</b>	<b>8,691,589</b>	<b>(5,500,000)</b>
97	Marshall University - General Administration Fund Fund 0348 - Org 0471	44800	46,761,199	36,761,199	48,961,949	48,961,949	40,961,949	48,961,949	0
	- Luke Lee Listening Language and Learning Lab	44801	149,015	149,015	151,939	151,939	151,939	151,939	0
	- Vista E-Learning (R)	51900	229,019	229,019	229,019	229,019	229,019	229,019	0
	- State Priorities-Brownfield Professional Development (R)	53100	309,606	309,606	309,606	309,606	309,606	309,606	0
	- Marshall University Graduate College Writing Project (R)	80700	25,412	25,412	25,412	25,412	25,412	25,412	0
	- WV Autism Training Center (R)	93200	1,808,381	1,808,381	1,869,776	1,869,776	1,869,776	1,869,776	0
	<b>Total</b>		<b>49,282,632</b>	<b>39,282,632</b>	<b>51,547,701</b>	<b>51,547,701</b>	<b>43,547,701</b>	<b>51,547,701</b>	<b>0</b>
98	W.Va. School of Osteopathic Medicine Fund 0336 - Org 0476	17200	8,879,296	8,746,107	9,147,095	9,147,095	9,147,095	5,247,095	(3,900,000)
	- Rural Health Outreach Programs (R)	37700	166,111	166,111	169,035	169,035	169,035	169,035	0
	- WV School of Osteopathic Medicine BRIM Subsidy	40800	153,405	153,405	153,405	153,405	153,405	153,405	0
	- Rural Health Initiatives-Medical Schools Support	58100	397,592	397,592	403,439	403,439	403,439	403,439	0
	<b>Total</b>		<b>9,596,404</b>	<b>9,463,215</b>	<b>9,872,974</b>	<b>9,872,974</b>	<b>9,872,974</b>	<b>5,972,974</b>	<b>(3,900,000)</b>
99	Bluefield State College - Fund 0354	40800	6,383,221	6,287,473	6,648,770	6,648,770	6,648,770	6,648,770	0
100	Concord University - Fund 0357	41000	10,476,415	10,319,269	10,836,709	10,836,709	10,836,709	10,836,709	0
101	Fairmont State University - Fund 0360	41400	18,600,341	18,600,341	19,273,190	19,273,190	19,273,190	19,273,190	0
102	Glennville State University - Fund 0363	42800	6,446,942	6,350,238	6,768,535	6,768,535	6,768,535	6,768,535	0
103	Shepherd University - Fund 0366	43200	12,683,829	12,493,572	13,026,830	13,026,830	13,026,830	13,026,830	0
104	West Liberty University - Fund 0370	43900	9,102,662	8,966,122	9,552,600	9,552,600	9,552,600	9,552,600	0
	<b>Total</b>		<b>63,693,410</b>	<b>63,017,015</b>	<b>66,106,634</b>	<b>66,106,634</b>	<b>66,106,634</b>	<b>66,106,634</b>	<b>0</b>
105	West Virginia State University	44100	11,342,512	11,172,374	11,680,098	11,680,098	11,680,098	11,380,098	(300,000)
	- Healthy Grandfamilies (R)	xxxxx			800,000	800,000	0	800,000	800,000
	- West Virginia State University Land Grant Match	95600	2,950,192	2,950,192	2,950,192	2,950,192	2,950,192	3,950,192	1,000,000
	<b>Total</b>		<b>14,292,704</b>	<b>14,122,566</b>	<b>14,630,290</b>	<b>14,630,290</b>	<b>14,630,290</b>	<b>16,130,290</b>	<b>1,500,000</b>
106	WVNET Fund 0551 - Org 0495	16900	1,747,826	1,747,826	1,817,992	1,817,992	1,817,992	1,817,992	0
	<b>Total</b>		<b>1,747,826</b>	<b>1,747,826</b>	<b>1,817,992</b>	<b>1,817,992</b>	<b>1,817,992</b>	<b>1,817,992</b>	<b>0</b>
	<b>TOTAL UNIVERSITY</b>		<b>282,201,958</b>	<b>252,745,033</b>	<b>291,236,092</b>	<b>292,736,092</b>	<b>269,236,092</b>	<b>283,336,092</b>	<b>(7,900,000)</b>
	<b>TOTAL HIGHER EDUCATION</b>		<b>436,155,507</b>	<b>407,680,778</b>	<b>447,920,410</b>	<b>451,238,393</b>	<b>427,738,393</b>	<b>441,838,393</b>	<b>(7,900,000)</b>

**GENERAL REVENUE**

**MISCELLANEOUS BOARDS AND COMMISSIONS**

**AGENCY NAME**

**EXPENDITURE**

**APP**

**EXECUTIVE**

107 Adjutant General - State Militia  
Fund 0433 - Org 0603

FY 2021 Including Veto	FY 2022 Including Veto	FY 2023 Governor Recommended	FY 2023 Senate	FY 2023 House	FY 2023 Final with Veto	Difference Final - Governor
	189,000	189,000	189,000	189,000	189,000	0
	106,798	106,798	106,798	106,798	106,798	0
	4,000,000	4,000,000	4,000,000	4,000,000	4,000,000	0
	249,664	249,664	249,664	249,664	249,664	0
	4,800,000	3,324,624	3,324,624	3,324,624	3,324,624	0
	2,317,555	2,317,555	2,317,555	2,317,555	2,317,555	0
	6,260,251	6,251,727	6,251,727	6,251,727	6,251,727	0
	1,500,000	1,532,374	1,532,374	1,532,374	1,532,374	0
	19,234,268	17,634,268	17,971,742	17,971,742	17,971,742	0

108 Adjutant General - Military Fund  
Fund 0605 - Org 0603

	100,000	100,000	100,000	100,000	100,000	0
	57,775	57,775	57,775	57,775	57,775	0
	157,775	157,775	157,775	157,775	157,775	0

**TOTAL MISCELLANEOUS BOARDS**

	19,392,043	17,792,043	18,129,517	18,129,517	18,129,517	-
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**FISCAL YEAR 2023 GENERAL REVENUE SUMMARY**

	FINAL W/ VETO 2022	GOVERNOR PROPOSED FY 23 BUDGET	SENATE PROPOSED 2023	HOUSE PROPOSED 2023	FINAL 2023 with Veto
Legislature	\$25,596,694	\$25,596,694	\$25,596,694	\$26,096,694	\$26,096,694
Judicial	\$138,963,000	\$146,318,026	\$146,338,026	\$149,908,338	\$149,928,338
Executive	\$46,486,567	\$52,721,407	\$48,021,407	\$47,721,407	\$53,021,407
Administration	\$105,046,116	\$106,919,956	\$107,877,676	\$107,877,676	\$107,877,676
Commerce	\$61,425,449	\$64,316,090	\$65,071,610	\$64,071,610	\$64,316,090
Tourism	\$7,000,000	\$14,000,000	\$16,000,000	\$7,000,000	\$7,000,000
Economic Development	\$11,279,708	\$11,866,273	\$12,426,591	\$12,534,591	\$12,147,273
Total Public Education	\$1,954,299,328	\$2,010,943,451	\$2,024,185,519	\$2,030,623,801	\$2,010,943,451
Public Education (Administrative)	\$201,707,966	\$219,151,454	\$211,613,934	\$208,843,271	\$219,151,454
School Aid	\$1,752,591,362	\$1,791,791,997	\$1,812,571,585	\$1,821,780,530	\$1,791,791,997
Arts, Culture and History	\$10,559,073	\$10,907,680	\$11,057,680	\$10,907,680	\$10,557,680
Environmental Protection	\$6,590,538	\$6,781,786	\$6,781,786	\$6,781,786	\$6,781,786
Health and Human Resources	\$1,184,242,733	\$1,182,586,248	\$1,184,088,875	\$1,189,565,047	\$1,170,286,248
Homeland Security	\$426,562,499	\$457,380,478	\$457,368,478	\$471,938,825	\$478,450,825
Revenue	\$30,261,837	\$32,811,468	\$32,811,468	\$32,919,968	\$32,811,468
Transportation	\$5,204,000	\$5,219,128	\$5,249,128	\$5,219,128	\$5,249,128
Veterans	\$19,011,949	\$20,634,534	\$13,549,321	\$12,712,658	\$20,634,534
Seniors	\$29,950,955	\$19,612,957	\$19,612,957	\$19,612,957	\$19,612,957
Total Higher Education	\$407,680,778	\$449,738,393	\$451,238,393	\$427,738,393	\$441,838,393
Higher Education (Administrative)	\$75,867,832	\$76,067,275	\$76,067,275	\$76,067,275	\$76,067,275
Community Colleges	\$79,067,913	\$82,435,026	\$82,435,026	\$82,435,026	\$82,435,026
Colleges and Universities	\$252,745,033	\$291,236,092	\$292,736,092	\$269,236,092	\$283,336,092
Miscellaneous Boards and Commissions	\$17,792,043	\$18,129,517	\$18,129,517	\$18,129,517	\$18,129,517
<b>Claims against the State</b>	<b>4,310,008</b>	<b>25,000</b>	<b>17,874</b>	<b>17,924</b>	<b>17,924</b>
<b>Totals</b>	<b>\$4,490,722,107</b>	<b>\$4,636,509,086</b>	<b>\$4,645,423,000</b>	<b>\$4,641,378,000</b>	<b>\$4,635,701,389</b>

STATE ROAD FUND

AGENCY NAME EXPENDITURE

TRANSPORTATION

109 Division of Motor Vehicles  
Fund 9007 - Org 0802

APP	FY 2021 Including Veto	FY 2022 Including Veto	FY 2023 Governor Recommended	FY 2023 Senate	FY 2023 House	FY 2023 Final with Veto	Difference Final - Governor
00100	25,977,939	26,867,939	36,894,264	36,894,264	36,894,264	36,894,264	0
00201	0	129,500	129,500	129,500	129,500	129,500	0
13000	16,187,194	16,576,540	22,334,363	22,334,363	22,334,363	22,334,363	0
06400	144,000	144,000	144,000	144,000	144,000	144,000	0
07000	1,080,000	1,080,000	1,080,000	1,080,000	1,080,000	1,080,000	0
25800	10,000	10,000	10,000	10,000	10,000	10,000	0
69000	2,600,000	8,154,000	2,480,000	2,480,000	2,480,000	2,480,000	0
91300	78,586	89,940	75,117	75,117	75,117	75,117	0
<b>Total</b>	<b>46,077,719</b>	<b>53,051,919</b>	<b>63,147,244</b>	<b>63,147,244</b>	<b>63,147,244</b>	<b>63,147,244</b>	<b>0</b>
00201		200,000	200,000	200,000	200,000	200,000	0
04000	150,000,000	124,000,000	135,500,000	135,500,000	135,500,000	135,500,000	0
23700	489,932,854	520,000,000	529,881,528	551,081,528	551,081,528	529,881,528	0
23701	0	0	0	0	0	0	0
27500	4,000,000	4,000,000	4,000,000	4,000,000	4,000,000	4,000,000	0
27600	18,000,000	20,000,000	19,400,841	19,400,841	19,400,841	19,400,841	0
27700	80,000,000	152,800,000	178,042,168	156,842,168	156,842,168	178,042,168	0
27800	90,000,000	115,000,000	115,000,000	115,000,000	115,000,000	115,000,000	0
27900	370,000,000	345,000,000	345,000,000	345,000,000	345,000,000	345,000,000	0
28000	100,000,000	100,000,000	100,000,000	100,000,000	100,000,000	100,000,000	0
28200	1,650,000	1,650,000	1,650,000	1,650,000	1,650,000	1,650,000	0
28201	5,000,000	0	0	0	0	0	0
<b>Total</b>	<b>1,334,315,083</b>	<b>1,382,650,000</b>	<b>1,428,674,537</b>	<b>1,428,674,537</b>	<b>1,428,674,537</b>	<b>1,428,674,537</b>	<b>0</b>

ROAD FUND - SUBTOTAL

1,380,392,802	1,435,701,919	1,491,821,781	1,491,821,781	1,491,821,781	1,491,821,781	1,491,821,781	0
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OTHER FUNDS

AGENCY NAME	APP	FY 2021 Including Veto	FY 2022 Including Veto	FY 2023 Governor Recommended	FY 2023 Senate	FY 2023 House	FY 2023 Final with Veto	Difference Final - Governor
<b>EXPENDITURE</b>								
<b>LEGISLATIVE</b>								
111 Crime Victims Compensation Fund Fund 1731 - Org 2300	00100	498,020	498,020	498,020	498,020	498,020	498,020	0
- Personal Services and Employee Benefits								
- Current Expenses	13000	133,903	133,903	133,903	133,903	133,903	133,903	0
- Repairs and Alterations	06400	1,000	1,000	1,000	1,000	1,000	1,000	0
- Economic Loss Claim Pymt Fund	33400	2,000,000	2,000,000	2,000,000	2,000,000	2,000,000	2,000,000	0
- Other Assets	69000	3,700	3,700	3,700	3,700	3,700	3,700	0
<b>Total</b>		<b>2,636,623</b>	<b>2,636,623</b>	<b>2,636,623</b>	<b>2,636,623</b>	<b>2,636,623</b>	<b>2,636,623</b>	<b>0</b>
<b>TOTAL LEGISLATIVE</b>		<b>2,636,623</b>	<b>2,636,623</b>	<b>2,636,623</b>	<b>2,636,623</b>	<b>2,636,623</b>	<b>2,636,623</b>	<b>0</b>
<b>JUDICIAL</b>								
112 Supreme Court - (Chapter 51) Court Advanced Technology Subscription Fund Fund 1705 - Org 2400	13000	200,000	100,000	100,000	100,000	100,000	100,000	0
- Current Expenses								
<b>Total</b>		<b>200,000</b>	<b>100,000</b>	<b>100,000</b>	<b>100,000</b>	<b>100,000</b>	<b>100,000</b>	<b>0</b>
113 Supreme Court - (Chapter 62) Adult Drug Court Participation Fund Fund 1704 - Org 2400	13000	100,000	200,000	200,000	200,000	200,000	200,000	0
- Current Expenses								
<b>Total</b>		<b>100,000</b>	<b>200,000</b>	<b>200,000</b>	<b>200,000</b>	<b>200,000</b>	<b>200,000</b>	<b>0</b>
114 Supreme Court - Family Court Fund Fund 1763 - Org 2400	13000	1,150,000	1,050,000	1,050,000	1,050,000	1,050,000	1,050,000	0
- Current Expenses								
<b>Total</b>		<b>1,150,000</b>	<b>1,050,000</b>	<b>1,050,000</b>	<b>1,050,000</b>	<b>1,050,000</b>	<b>1,050,000</b>	<b>0</b>
115 Supreme Court - Court Facilities Maintenance Fund Fund - 1766 - Ord 2400	13000			250,000	250,000	250,000	250,000	0
- Current Expenses								
- Repairs and Alterations	06400			250,000	250,000	250,000	250,000	0
<b>Total</b>				<b>250,000</b>	<b>250,000</b>	<b>250,000</b>	<b>250,000</b>	<b>0</b>
<b>TOTAL JUDICIAL</b>		<b>1,450,000</b>	<b>1,350,000</b>	<b>1,850,000</b>	<b>1,850,000</b>	<b>1,850,000</b>	<b>1,850,000</b>	<b>0</b>
<b>EXECUTIVE</b>								
116 Governor's Office - Minority Affairs Fund Fund 1058 - Org 0100	00100	177,737	177,737	233,788	233,788	233,788	233,788	0
- Personal Services and Employee Benefits								
- Current Expenses	13000	503,200	503,200	453,200	453,200	453,200	453,200	0
- Martin Luther King, Jr. Holiday Celebration	03100	8,926	8,926	8,926	8,926	8,926	8,926	0
<b>Total</b>		<b>689,863</b>	<b>689,863</b>	<b>695,914</b>	<b>695,914</b>	<b>695,914</b>	<b>695,914</b>	<b>0</b>
117 Auditor's Office - Grant Recovery Fund Fund 1205 - Org 1200	06600			2,000	2,000	2,000	2,000	0
- Repairs and Alterations								
- Equipment	07000			7,000	7,000	7,000	7,000	0
- Current Expenses	13000			191,000	191,000	191,000	191,000	0
<b>Total</b>				<b>200,000</b>	<b>200,000</b>	<b>200,000</b>	<b>200,000</b>	<b>0</b>
118 Auditor's Office - Land Operating Fund Fund 1206 - Org 1200	00100	799,211	799,211	832,826	832,826	832,826	832,826	0
- Personal Services and Employee Benefits								
- Unclassified	09900	15,139	15,139	15,139	15,139	15,139	15,139	0
- Current Expenses	13000	715,291	715,291	715,291	715,291	715,291	715,291	0
- Repairs and Alterations	06400	2,600	2,600	2,600	2,600	2,600	2,600	0
- Transfers	42600	0	0	0	0	0	0	0
- Equipment	07000	426,741	426,741	426,741	426,741	426,741	426,741	0
- Cost of Delinquent Land Sales	76800	1,841,168	1,841,168	1,841,168	1,841,168	1,841,168	1,841,168	0
<b>Total</b>		<b>3,800,150</b>	<b>3,800,150</b>	<b>3,833,765</b>	<b>3,833,765</b>	<b>3,833,765</b>	<b>3,833,765</b>	<b>0</b>





- Repairs and Alterations	06400	158,500	158,500	158,500	158,500	158,500	158,500	158,500	0
- Equipment	07000	436,209	436,209	436,209	436,209	436,209	436,209	436,209	0
- Other Assets	69000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	0
<b>Total</b>		<b>4,923,764</b>	<b>4,923,764</b>	<b>4,923,764</b>	<b>5,033,207</b>	<b>5,033,207</b>	<b>5,033,207</b>	<b>5,033,207</b>	<b>0</b>
- Personal Services and Employee Benefits	00100	78,251	78,251	78,251	80,974	80,974	80,974	80,974	0
- Unclassified	09900	10,476	10,476	10,476	10,476	10,476	10,476	10,476	0
- Current Expenses	13000	963,404	2,200,000	2,200,000	2,200,000	2,200,000	2,200,000	2,200,000	0
<b>Total</b>		<b>1,052,131</b>	<b>2,288,727</b>	<b>2,288,727</b>	<b>2,291,450</b>	<b>2,291,450</b>	<b>2,291,450</b>	<b>2,291,450</b>	<b>0</b>
- Personal Services and Employee Benefits	00100	71,937	71,937	71,937	76,415	76,415	76,415	76,415	0
- Unclassified	09900	36,400	2,100	2,100	2,100	2,100	2,100	2,100	0
- Current Expenses	13000	15,000	89,500	89,500	89,500	89,500	89,500	89,500	0
- Repairs and Alterations	06400	2,100	36,400	36,400	36,400	36,400	36,400	36,400	0
- Equipment	07000	89,500	15,000	15,000	15,000	15,000	15,000	15,000	0
<b>Total</b>		<b>214,937</b>	<b>214,937</b>	<b>214,937</b>	<b>219,415</b>	<b>219,415</b>	<b>219,415</b>	<b>219,415</b>	<b>0</b>
- Personal Services and Employee Benefits	00100	868,492	868,492	868,492	888,219	888,219	888,219	888,219	0
- Unclassified	09900	15,173	15,173	15,173	15,173	15,173	15,173	15,173	0
- Current Expenses	13000	1,367,464	1,367,464	1,367,464	1,367,464	1,367,464	1,367,464	1,367,464	0
- Repairs and Alterations	06400	388,722	388,722	388,722	388,722	388,722	388,722	388,722	0
- Equipment	07000	399,393	399,393	399,393	399,393	399,393	399,393	399,393	0
- Other Assets	69000	20,000	20,000	20,000	20,000	20,000	20,000	20,000	0
<b>Total</b>		<b>3,059,244</b>	<b>3,059,244</b>	<b>3,059,244</b>	<b>3,078,971</b>	<b>3,078,971</b>	<b>3,078,971</b>	<b>3,078,971</b>	<b>0</b>
- Unclassified	09900	10,000	20,000	20,000	20,000	20,000	20,000	20,000	0
- Current Expenses	13000	10,000	510,000	510,000	510,000	510,000	510,000	510,000	0
- Repairs and Alterations	06400	250,000	250,000	250,000	250,000	250,000	250,000	250,000	0
- Equipment	07000	350,000	350,000	350,000	350,000	350,000	350,000	350,000	0
- Building Improvements	25800	370,000	670,000	670,000	670,000	670,000	670,000	670,000	0
- Other Assets	69000	10,000	200,000	200,000	200,000	200,000	200,000	200,000	0
<b>Total</b>		<b>1,000,000</b>	<b>2,000,000</b>	<b>2,000,000</b>	<b>2,000,000</b>	<b>2,000,000</b>	<b>2,000,000</b>	<b>2,000,000</b>	<b>0</b>
- Personal Services and Employee Benefits	00100	1,030,451	1,030,451	1,030,451	1,074,322	1,074,322	1,074,322	1,074,322	0
- Unclassified	09900	45,807	45,807	45,807	45,807	45,807	45,807	45,807	0
- Current Expenses	13000	3,410,542	3,410,542	3,410,542	3,410,542	3,410,542	3,410,542	3,410,542	0
- Repairs and Alterations	06400	128,500	128,500	128,500	128,500	128,500	128,500	128,500	0
- Equipment	07000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	0
- Other Assets	69000	27,000	27,000	27,000	27,000	27,000	27,000	27,000	0
- Land	73000	250,000	250,000	250,000	250,000	250,000	250,000	250,000	0
<b>Total</b>		<b>4,902,300</b>	<b>4,902,300</b>	<b>4,902,300</b>	<b>4,946,171</b>	<b>4,946,171</b>	<b>4,946,171</b>	<b>4,946,171</b>	<b>0</b>
- Current Expenses	13000	112,500	112,500	112,500	112,500	112,500	112,500	112,500	0
<b>Total</b>		<b>112,500</b>	<b>112,500</b>	<b>112,500</b>	<b>112,500</b>	<b>112,500</b>	<b>112,500</b>	<b>112,500</b>	<b>0</b>
- Current Expenses	13000	500,000	500,000	500,000	600,000	600,000	600,000	600,000	0
<b>Total</b>		<b>500,000</b>	<b>500,000</b>	<b>500,000</b>	<b>600,000</b>	<b>600,000</b>	<b>600,000</b>	<b>600,000</b>	<b>0</b>
- Current Expenses	13000	7,500	7,500	7,500	7,500	7,500	7,500	7,500	0
<b>Total</b>		<b>7,500</b>	<b>7,500</b>	<b>7,500</b>	<b>7,500</b>	<b>7,500</b>	<b>7,500</b>	<b>7,500</b>	<b>0</b>
- Personal Services and Employee Benefits	00100	1,218,564	1,218,564	1,218,564	1,218,564	1,218,564	1,218,564	1,218,564	0

128 Department of Agriculture - West Virginia Rural Rehabilitation Program Fund 1408 - Org 1400

129 Department of Agriculture - General John McCausland Memorial Farm Fund Fund 1409 - Org 1400

130 Department of Agriculture - Farm Operating Fund Fund 1412 - Org 1400

131 Department of Agriculture - Capital Improvements Fund (new) Fund 1413 - Org 1400

132 Department of Agriculture - Donated Food Fund Fund 1446 - Org 1400

133 Department of Agriculture - Integrated Predation Management Fund Fund 1465 - Org 1400

134 Department of Agriculture - West Virginia Spay Neuter Fund Fund 1481 - Org 1400

135 Department of Agriculture - Veterans and Warriors Fund 1483 - Org 1400

136 Department of Agriculture - State FFA-FHA Camp







- Unclassified	2,261	2,261	2,261	2,261	2,261	2,261	2,261	2,261	2,261	0
- Current Expenses	44,112	44,112	94,712	94,712	94,712	94,712	94,712	94,712	94,712	0
- Repairs and Alterations	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000	0
- Buildings	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	0
- BRIM Premium	8,500	8,500	8,500	8,500	8,500	8,500	8,500	8,500	8,500	0
<b>Total</b>	<b>455,735</b>	<b>455,735</b>	<b>506,335</b>	<b>517,409</b>	<b>517,409</b>	<b>517,409</b>	<b>517,409</b>	<b>517,409</b>	<b>517,409</b>	<b>0</b>
- Personal Services and Employee Benefits	82,716	82,716	82,716	80,742	80,742	80,742	80,742	80,742	80,742	0
- Unclassified	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	0
- Current Expenses	15,000	15,000	15,000	20,000	20,000	20,000	20,000	20,000	20,000	0
- Repairs and Alterations	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000	0
- Buildings	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	0
- BRIM Premium	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	0
<b>Total</b>	<b>102,716</b>	<b>102,716</b>	<b>102,716</b>	<b>105,742</b>	<b>105,742</b>	<b>105,742</b>	<b>105,742</b>	<b>105,742</b>	<b>105,742</b>	<b>0</b>
- Personal Services and Employee Benefits	191,899	191,899	191,899	196,226	196,226	196,226	196,226	196,226	196,226	0
- Unclassified	1,380	1,380	1,380	1,380	1,380	1,380	1,380	1,380	1,380	0
- Current Expenses	49,765	49,765	51,265	51,265	51,265	51,265	51,265	51,265	51,265	0
- Repairs and Alterations	1,500	1,500	1,500	1,500	1,500	1,500	1,500	1,500	1,500	0
- Buildings	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	0
- BRIM Premium	8,500	8,500	7,000	7,000	7,000	7,000	7,000	7,000	7,000	0
<b>Total</b>	<b>254,044</b>	<b>254,044</b>	<b>254,044</b>	<b>258,371</b>	<b>258,371</b>	<b>258,371</b>	<b>258,371</b>	<b>258,371</b>	<b>258,371</b>	<b>0</b>
- Personal Services and Employee Benefits	187,462	187,462	187,462	192,424	192,424	192,424	192,424	192,424	192,424	0
- Unclassified	1,281	1,281	1,281	1,281	1,281	1,281	1,281	1,281	1,281	0
- Current Expenses	44,520	44,520	44,520	44,520	44,520	44,520	44,520	44,520	44,520	0
- Repairs and Alterations	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000	0
- Buildings	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	0
- BRIM Premium	8,500	8,500	8,500	8,500	8,500	8,500	8,500	8,500	8,500	0
<b>Total</b>	<b>244,763</b>	<b>244,763</b>	<b>244,763</b>	<b>249,725</b>	<b>249,725</b>	<b>249,725</b>	<b>249,725</b>	<b>249,725</b>	<b>249,725</b>	<b>0</b>
- Personal Services and Employee Benefits	289,199	289,199	289,199	294,645	294,645	294,645	294,645	294,645	294,645	0
- Unclassified	1,847	1,847	1,847	1,847	1,847	1,847	1,847	1,847	1,847	0
- Current Expenses	43,700	43,700	43,700	43,700	43,700	43,700	43,700	43,700	43,700	0
- Repairs and Alterations	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	0
- Buildings	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	0
- BRIM Premium	3,404	3,404	3,404	3,404	3,404	3,404	3,404	3,404	3,404	0
<b>Total</b>	<b>340,150</b>	<b>340,150</b>	<b>340,150</b>	<b>345,596</b>	<b>345,596</b>	<b>345,596</b>	<b>345,596</b>	<b>345,596</b>	<b>345,596</b>	<b>0</b>
- Personal Services and Employee Benefits	0	0	0	0	0	0	0	0	0	0
- Unclassified	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	0
- Current Expenses	100,000	100,000	93,000	93,000	93,000	93,000	93,000	93,000	93,000	0
- Repairs and Alterations	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	0
- Equipment	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	0
- BRIM Premium	0	0	7,000	7,000	7,000	7,000	7,000	7,000	7,000	0
<b>Total</b>	<b>121,200</b>	<b>121,200</b>	<b>121,200</b>	<b>121,200</b>	<b>121,200</b>	<b>121,200</b>	<b>121,200</b>	<b>121,200</b>	<b>121,200</b>	<b>0</b>
- Personal Services and Employee Benefits	150,000	150,000	150,000	152,270	152,270	152,270	152,270	152,270	152,270	0
- Unclassified	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000	0
- Current Expenses	43,000	43,000	145,400	145,400	145,400	145,400	145,400	145,400	145,400	0
- Repairs and Alterations	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000	0
- Buildings	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	0
- BRIM Premium	2,000	2,000	8,700	8,700	8,700	8,700	8,700	8,700	8,700	0
<b>Total</b>	<b>200,000</b>	<b>200,000</b>	<b>309,100</b>	<b>311,370</b>	<b>311,370</b>	<b>311,370</b>	<b>311,370</b>	<b>311,370</b>	<b>311,370</b>	<b>0</b>

160 Division of Labor - Steam Boiler Fund  
Fund 3189 - Org 0308

161 Division of Labor - Crane Operator Certification Fund  
Fund 3191 - Org 0308

162 Division of Labor - Amusement Rides & Amusement  
Attraction Safety Fund  
Fund 3192 - Org 0308

163 Division of Labor - State Manufactured  
Housing Administration Fund  
Fund 3195 - Org 0308

164 Division of Labor - Weights and Measures Fund  
Fund 3196 - Org 0308

165 Division of Labor - Bedding and Upholstery Fund  
Fund 3198 - Org 0308









- Equipment	07000	8,000	500	500	500	500	500	500	0
- Other Assets	69000	44,700	500	500	500	500	500	500	0
- Unclassified	09900	15,000	15,700	15,700	15,700	15,700	15,700	15,700	0
<b>Total</b>		<b>4,844,954</b>	<b>3,100,000</b>	<b>3,146,291</b>	<b>3,146,291</b>	<b>3,146,291</b>	<b>3,146,291</b>	<b>3,146,291</b>	<b>0</b>
- Personal Services and Employee Benefits	00100	3,566,280	3,566,280	3,635,868	3,635,868	3,635,868	3,635,868	3,635,868	0
- Current Expenses	13000	2,202,231	2,202,231	2,202,231	2,202,231	2,202,231	2,202,231	2,202,231	0
- Repairs and Alterations	06400	60,260	60,260	60,260	60,260	60,260	60,260	60,260	0
- Equipment	07000	83,000	83,000	83,000	83,000	83,000	83,000	83,000	0
- Other Assets	69000	920	920	920	920	920	920	920	0
- Unclassified	09900	57,500	57,500	57,500	57,500	57,500	57,500	57,500	0
<b>Total</b>		<b>5,970,191</b>	<b>5,970,191</b>	<b>6,039,779</b>	<b>6,039,779</b>	<b>6,039,779</b>	<b>6,039,779</b>	<b>6,039,779</b>	<b>0</b>
- Personal Services and Employee Benefits	00100	476,417	476,417	486,251	486,251	486,251	486,251	486,251	0
- Current Expenses	13000	318,420	318,420	318,420	318,420	318,420	318,420	318,420	0
- Repairs and Alterations	06400	5,350	5,350	5,350	5,350	5,350	5,350	5,350	0
- Equipment	07000	3,610	3,610	3,610	3,610	3,610	3,610	3,610	0
- Other Assets	69000	7,520	7,520	7,520	7,520	7,520	7,520	7,520	0
- Unclassified	09900	3,500	3,500	3,500	3,500	3,500	3,500	3,500	0
<b>Total</b>		<b>814,817</b>	<b>814,817</b>	<b>824,651</b>	<b>824,651</b>	<b>824,651</b>	<b>824,651</b>	<b>824,651</b>	<b>0</b>
- Personal Services and Employee Benefits	00100	598,154	598,154	614,039	614,039	614,039	614,039	614,039	0
- Current Expenses	13000	767,905	767,905	767,905	767,905	767,905	767,905	767,905	0
- Repairs and Alterations	06400	7,014	7,014	7,014	7,014	7,014	7,014	7,014	0
- Equipment	07000	9,000	9,000	9,000	9,000	9,000	9,000	9,000	0
- Other Assets	69000	10,616	10,616	10,616	10,616	10,616	10,616	10,616	0
- Unclassified	09900	3,500	3,500	3,500	3,500	3,500	3,500	3,500	0
<b>Total</b>		<b>1,396,189</b>	<b>1,396,189</b>	<b>1,412,074</b>	<b>1,412,074</b>	<b>1,412,074</b>	<b>1,412,074</b>	<b>1,412,074</b>	<b>0</b>
- Personal Services and Employee Benefits	00100	825,811	825,811	849,562	849,562	849,562	849,562	849,562	0
- Current Expenses	13000	3,604,737	3,604,737	3,604,737	3,604,737	3,604,737	3,604,737	3,604,737	0
- Repairs and Alterations	06400	25,000	25,000	25,000	25,000	25,000	25,000	25,000	0
- Equipment	07000	31,500	31,500	31,500	31,500	31,500	31,500	31,500	0
- Unclassified	09900	22,900	22,900	22,900	22,900	22,900	22,900	22,900	0
- Buildings	25800	500	500	500	500	500	500	500	0
- Other Assets	69000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	0
<b>Total</b>		<b>4,511,448</b>	<b>4,511,448</b>	<b>4,535,199</b>	<b>4,535,199</b>	<b>4,535,199</b>	<b>4,535,199</b>	<b>4,535,199</b>	<b>0</b>
- Personal Services and Employee Benefits	00100	3,274,054	3,274,054	3,362,824	3,362,824	3,362,824	3,362,824	3,362,824	0
- Current Expenses	13000	940,229	940,229	940,229	940,229	940,229	940,229	940,229	0
- Repairs and Alterations	06400	30,930	30,930	30,930	30,930	30,930	30,930	30,930	0
- Equipment	07000	23,356	23,356	23,356	23,356	23,356	23,356	23,356	0
- Unclassified	09900	31,145	31,145	31,145	31,145	31,145	31,145	31,145	0
- Other Assets	69000	25,554	25,554	25,554	25,554	25,554	25,554	25,554	0
<b>Total</b>		<b>4,325,268</b>	<b>4,325,268</b>	<b>4,414,038</b>	<b>4,414,038</b>	<b>4,414,038</b>	<b>4,414,038</b>	<b>4,414,038</b>	<b>0</b>
- Personal Services and Employee Benefits	00100	5,934,859	5,934,859	6,112,158	6,112,158	6,112,158	6,112,158	6,112,158	0
- Current Expenses	13000	1,469,467	1,469,467	1,469,467	1,469,467	1,469,467	1,469,467	1,469,467	0
- Repairs and Alterations	06400	84,045	84,045	84,045	84,045	84,045	84,045	84,045	0
- Equipment	07000	103,601	103,601	103,601	103,601	103,601	103,601	103,601	0
- Unclassified	09900	70,572	70,572	70,572	70,572	70,572	70,572	70,572	0
- Other Assets	69000	52,951	52,951	52,951	52,951	52,951	52,951	52,951	0
<b>Total</b>		<b>7,715,495</b>	<b>7,715,495</b>	<b>7,892,794</b>	<b>7,892,794</b>	<b>7,892,794</b>	<b>7,892,794</b>	<b>7,892,794</b>	<b>0</b>

192 Division of Environmental Protection - Mining & Reclamation Operations Fund  
Fund 3324 - Org 0313

193 Division of Environmental Protection - Underground Storage Tank Administration Fund  
Fund 3325 - Org 0313

194 Division of Environmental Protection - Hazardous Waste Emergency Response Fund  
Fund 3331 - Org 0313

195 Division of Environmental Protection - Solid Waste Reclamation and Environmental Response Fund  
Fund 3332 - Org 0313

196 Division of Environmental Protection - Solid Waste Enforcement Fund  
Fund 3333 - Org 0313

197 Division of Environmental Protection- Air Pollution Control Fund  
Fund 3336 - Org 0313

198 Division of Environmental Protection - Environmental Laboratory Certification Fund  
Fund 3340 - Org 0313

- Personal Services and Employee Benefits	00100	352,834	352,834	364,936	364,936	364,936	0
- Current Expenses	13000	201,146	201,146	201,146	201,146	201,146	0
- Repairs and Alterations	06400	1,000	1,000	1,000	1,000	1,000	0
- Equipment	07000	0	0				0
- Unclassified	09000	1,120	1,120	1,120	1,120	1,120	0
- Other Assets	09000	163,000	163,000	163,000	163,000	163,000	0
<b>Total</b>		<b>719,100</b>	<b>719,100</b>	<b>731,202</b>	<b>731,202</b>	<b>731,202</b>	<b>0</b>

199 Division of Environmental Protection - Stream Restoration Fund  
Fund 3349 - Org 0313

- Current Expenses	13000	5,182,076	5,182,076	5,182,076	5,182,076	5,182,076	0
<b>Total</b>		<b>5,182,076</b>	<b>5,182,076</b>	<b>5,182,076</b>	<b>5,182,076</b>	<b>5,182,076</b>	<b>0</b>

200 Division of Environmental Protection - Litter Control Fund  
Fund 3486 - Org 0313

- Current Expenses	13000	60,000	60,000	60,000	60,000	60,000	0
<b>Total</b>		<b>60,000</b>	<b>60,000</b>	<b>60,000</b>	<b>60,000</b>	<b>60,000</b>	<b>0</b>

201 Division of Environmental Protection - Recycling Assistance Fund  
Fund 3487 - Org 0313

- Personal Services and Employee Benefits	00100	660,575	660,575	680,241	680,241	680,241	0
- Current Expenses	13000	2,754,258	2,754,258	2,754,258	2,754,258	2,754,258	0
- Repairs and Alterations	06400	800	800	800	800	800	0
- Equipment	07000	500	500	500	500	500	0
- Unclassified	09000	400	400	400	400	400	0
- Other Assets	09000	2,500	2,500	2,500	2,500	2,500	0
<b>Total</b>		<b>3,419,033</b>	<b>3,419,033</b>	<b>3,438,699</b>	<b>3,438,699</b>	<b>3,438,699</b>	<b>0</b>

202 Division of Environmental Protection - Mountaintop Removal Fund  
Fund 3490 - Org 0313

- Personal Services and Employee Benefits	00100	1,250,562	1,250,562	1,120,989	1,120,989	1,120,989	0
- Current Expenses	13000	642,934	642,934	589,834	589,834	589,834	0
- Repairs and Alterations	06400	30,112	30,112	27,612	27,612	27,612	0
- Equipment	07000	23,500	23,500	23,500	23,500	23,500	0
- Unclassified	09600	1,180	1,180	1,180	1,180	1,180	0
- Other Assets	09000	11,520	11,520	11,520	11,520	11,520	0
<b>Total</b>		<b>1,959,808</b>	<b>1,959,808</b>	<b>1,774,635</b>	<b>1,774,635</b>	<b>1,774,635</b>	<b>0</b>

203 Oil and Gas Conservation Commission - Special Oil & Gas Conservation Fund  
Fund 3371 - Org 0315

- Personal Services and Employee Benefits	00100	162,161	162,161	165,187	165,187	165,187	0
- Current Expenses	13000	161,225	161,225	161,225	161,225	161,225	0
- Repairs and Alterations	06400	1,000	1,000	1,000	1,000	1,000	0
- Equipment	07000	9,481	9,481	9,481	9,481	9,481	0
- Other Assets	09000	1,500	1,500	1,500	1,500	1,500	0
<b>Total</b>		<b>335,367</b>	<b>335,367</b>	<b>338,393</b>	<b>338,393</b>	<b>338,393</b>	<b>0</b>

**TOTAL ENVIRONMENTAL PROTECTION**

		<b>65,747,194</b>	<b>66,002,240</b>	<b>66,099,099</b>	<b>66,099,099</b>	<b>66,099,099</b>	<b>0</b>
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**HEALTH AND HUMAN RESOURCES**

204 Division of Health - Ryan Brown Addiction Prevention & Recovery Fund 5111 - Org 0506

- Current Expenses	13000	10,667,392	10,667,392	10,667,392	10,667,392	10,667,392	0
<b>Total</b>		<b>10,667,392</b>	<b>10,667,392</b>	<b>10,667,392</b>	<b>10,667,392</b>	<b>10,667,392</b>	<b>0</b>

205 Division of Health - The Vital Statistics Account  
Fund 5144 - Org 0506

- Personal Services and Employee Benefits	00100	938,484	938,484	1,097,919	1,097,919	1,097,919	0
- Unclassified	09000	15,500	15,500	15,500	15,500	15,500	0
- Current Expenses	13000	2,757,788	2,757,788	3,557,788	3,557,788	3,557,788	0
<b>Total</b>		<b>3,711,772</b>	<b>3,711,772</b>	<b>4,671,207</b>	<b>4,671,207</b>	<b>4,671,207</b>	<b>0</b>

206 Division of Health - Hospital Services Revenue Account Special Fund Capital Improvement, Renovation and Oper.  
Fund 5156 - Org 0506

- Institutional Facilities Operations	35000	35,555,221	35,555,221	44,555,221	44,555,221	44,555,221	0
- Medical Services Trust Fund-Transfer	51200	27,800,000	27,800,000	27,800,000	27,800,000	27,800,000	0
<b>Total</b>		<b>63,355,221</b>	<b>63,355,221</b>	<b>72,355,221</b>	<b>72,355,221</b>	<b>72,355,221</b>	<b>0</b>

207 Division of Health - Laboratory Services Fund Fund 5163 - Org 0506	- Personal Services and Employee Benefits	00100	936,712	936,712	985,121	985,121	985,121	985,121	0
	- Unclassified	09900	18,114	18,114	18,114	18,114	18,114	18,114	0
	- Current Expenses	13000	1,803,327	2,209,105	2,209,105	2,209,105	2,209,105	2,209,105	0
	<b>Total</b>		<b>2,758,153</b>	<b>3,163,931</b>	<b>3,212,340</b>	<b>3,212,340</b>	<b>3,212,340</b>	<b>3,212,340</b>	<b>0</b>
208 Division of Health - The Health Facility Licensing Account Fund 5172 - Org 0506	- Personal Services and Employee Benefits	00100	645,446	645,446	669,651	669,651	669,651	669,651	0
	- Unclassified	09900	7,113	7,113	7,113	7,113	7,113	7,113	0
	- Current Expenses	13000	98,247	98,247	98,247	98,247	98,247	98,247	0
	<b>Total</b>		<b>750,806</b>	<b>750,806</b>	<b>775,011</b>	<b>775,011</b>	<b>775,011</b>	<b>775,011</b>	<b>0</b>
209 Division of Health - Hepatitis B Vaccine Fund 5183 - Org 0506	- Personal Services and Employee Benefits	00100	9,740	9,740	9,740	9,740	9,740	9,740	0
	- Current Expenses	13000	9,740	9,740	9,740	9,740	9,740	9,740	0
	<b>Total</b>		<b>9,740</b>	<b>9,740</b>	<b>9,740</b>	<b>9,740</b>	<b>9,740</b>	<b>9,740</b>	<b>0</b>
210 Division of Health - Lead Abatement Account Fund 5204 - Org 0506	- Personal Services and Employee Benefits	00100	19,100	19,100	19,100	19,100	19,100	19,100	0
	- Unclassified	09900	373	373	373	373	373	373	0
	- Current Expenses	13000	17,875	17,875	17,875	17,875	17,875	17,875	0
	<b>Total</b>		<b>37,348</b>	<b>37,348</b>	<b>37,348</b>	<b>37,348</b>	<b>37,348</b>	<b>37,348</b>	<b>0</b>
211 Division of Health - W.Va. Birth-to-Three Fund Fund 5214 - Org 0506	- Personal Services and Employee Benefits	00100	691,978	691,978	719,208	719,208	719,208	719,208	0
	- Unclassified	09900	223,999	223,999	223,999	223,999	223,999	223,999	0
	- Current Expenses	13000	30,134,400	30,134,400	30,134,400	30,134,400	30,134,400	30,134,400	0
	<b>Total</b>		<b>31,050,377</b>	<b>31,050,377</b>	<b>31,077,607</b>	<b>31,077,607</b>	<b>31,077,607</b>	<b>31,077,607</b>	<b>0</b>
212 Division of Health - Tobacco Control Special Fund Fund 5218 - Org 0506	- Personal Services and Employee Benefits	00100	7,579	7,579	7,579	7,579	7,579	7,579	0
	- Current Expenses	13000	7,579	7,579	7,579	7,579	7,579	7,579	0
	<b>Total</b>		<b>7,579</b>	<b>7,579</b>	<b>7,579</b>	<b>7,579</b>	<b>7,579</b>	<b>7,579</b>	<b>0</b>
213 Division of Health - Medical Cannabis Program Fund Fund 5420 - Org 0506	- Personal Services and Employee Benefits	00100	509,658	509,658	509,658	509,658	509,658	509,658	0
	- Current Expenses	13000	2,046,040	2,046,040	2,046,040	2,046,040	2,046,040	2,046,040	0
	- Other Assets	69000	0	0	0	0	0	0	0
	<b>Total</b>		<b>2,555,698</b>	<b>2,555,698</b>	<b>2,555,698</b>	<b>2,555,698</b>	<b>2,555,698</b>	<b>2,555,698</b>	<b>0</b>
214 W.Va. Health Care Authority - Health Care Cost Review Fund Fund 5375 - Org 0507	- Personal Services and Employee Benefits	00100	1,345,380	1,345,380	1,348,406	1,348,406	1,348,406	1,348,406	0
	- Hospital Assistance	02500	0	0	0	0	0	0	0
	- Unclassified	09900	20,100	20,100	20,100	20,100	20,100	20,100	0
	- Current Expenses	13000	785,445	785,445	785,445	785,445	785,445	785,445	0
	- Repairs and Alterations	06400	0	0	0	0	0	0	0
	- Equipment	07000	0	0	0	0	0	0	0
	<b>Total</b>		<b>2,150,925</b>	<b>2,150,925</b>	<b>2,153,951</b>	<b>2,153,951</b>	<b>2,153,951</b>	<b>2,153,951</b>	<b>0</b>
215 W.Va. Health Care Authority - Certificate of Need Program Fund Fund 5377 - Org 0506	- Personal Services and Employee Benefits	00100	829,798	829,798	844,926	844,926	844,926	844,926	0
	- Current Expenses	13000	474,967	474,967	474,967	474,967	474,967	474,967	0
	<b>Total</b>		<b>1,304,765</b>	<b>1,304,765</b>	<b>1,319,893</b>	<b>1,319,893</b>	<b>1,319,893</b>	<b>1,319,893</b>	<b>0</b>
216 Division of Human Services - Health Care Provider Tax - Medicaid State Share Fund Fund 5090 - Org 0511	- Medical Services	18900	213,594,315	213,594,315	393,594,315	393,594,315	393,594,315	393,594,315	0
	- Medical Services Admin Costs	78900	242,287	242,287	251,273	251,273	251,273	251,273	0
	<b>Total</b>		<b>213,836,602</b>	<b>213,836,602</b>	<b>393,845,588</b>	<b>393,845,588</b>	<b>393,845,588</b>	<b>393,845,588</b>	<b>0</b>
217 Division of Human Services - Child Support Enforcement Fund 5094 - Org 0511	- Personal Services and Employee Benefits	00100	24,809,509	24,809,509	24,809,509	24,809,509	24,809,509	24,809,509	0
	- Unclassified	09900	380,000	380,000	380,000	380,000	380,000	380,000	0
	- Current Expenses	13000	12,810,491	12,810,491	12,810,491	12,810,491	12,810,491	12,810,491	0
	<b>Total</b>		<b>38,000,000</b>	<b>38,000,000</b>	<b>38,000,000</b>	<b>38,000,000</b>	<b>38,000,000</b>	<b>38,000,000</b>	<b>0</b>
218 Division of Human Services - Medical Services Trust Fund Fund 5185 - Org 0511	- Medical Services	18900	83,168,707	77,500,000	77,500,000	77,500,000	77,500,000	82,500,000	5,000,000
	- Medical Services Admin Costs	78900	602,486	602,486	646,750	646,750	646,750	646,750	0













		40,000	40,000	40,000	40,000	40,000	45,500	5,500
<b>Total</b>		<b>488,132,360</b>	<b>473,183,773</b>	<b>474,313,553</b>	<b>474,313,553</b>	<b>474,313,553</b>	<b>474,319,053</b>	<b>5,500</b>
<b>TOTAL REVENUE</b>								
<b>TRANSPORTATION</b>								
266 Division of Motor Vehicles - Dealer Recovery Fund Fund 8220 - Org 0802	13000	189,000	189,000	189,000	189,000	189,000	189,000	0
- Current Expenses								
<b>Total</b>		<b>189,000</b>	<b>189,000</b>	<b>189,000</b>	<b>189,000</b>	<b>189,000</b>	<b>189,000</b>	<b>0</b>
267 Division of Motor Vehicles - Motor Vehicle Fees Fund Fund 8223 - Org 0802	00100	3,733,074	3,733,074	3,929,736	3,929,736	3,929,736	3,929,736	0
- Current Expenses	13000	4,357,773	4,357,773	4,372,596	4,372,596	4,372,596	4,372,596	0
- Repairs and Alterations	06400	16,000	16,000	16,000	16,000	16,000	16,000	0
- Equipment	07000	75,000	75,000	75,000	75,000	75,000	75,000	0
- Other Assets	69000	10,000	10,000	10,000	10,000	10,000	10,000	0
- BRIM Premium	91300	89,939	89,939	75,116	75,116	75,116	75,116	0
<b>Total</b>		<b>8,281,786</b>	<b>8,281,786</b>	<b>8,478,448</b>	<b>8,478,448</b>	<b>8,478,448</b>	<b>8,478,448</b>	<b>0</b>
268 Division of Highways - A. James Manchin Fund Fund 8319 - Org 0803	13000	2,500,000	2,500,000	2,500,000	2,500,000	2,500,000	2,500,000	0
- Current Expenses	42600							
- Transfers								
<b>Total</b>		<b>2,500,000</b>	<b>2,500,000</b>	<b>2,500,000</b>	<b>2,500,000</b>	<b>2,500,000</b>	<b>2,500,000</b>	<b>0</b>
269 State Rail Authority - West Virginia Commuter Rail Access Fund Fund 8402 - Org 0804	13000	2,800,000	600,000	600,000	600,000	600,000	600,000	0
- Current Expenses								
<b>Total</b>		<b>2,800,000</b>	<b>600,000</b>	<b>600,000</b>	<b>600,000</b>	<b>600,000</b>	<b>600,000</b>	<b>0</b>
<b>TOTAL TRANSPORTATION</b>		<b>13,770,786</b>	<b>11,570,786</b>	<b>11,767,448</b>	<b>11,767,448</b>	<b>11,767,448</b>	<b>11,767,448</b>	<b>0</b>
<b>VETERANS' ASSISTANCE</b>								
270 Department of Veterans' Assistance - Veteran's Facilities Support Fund Fund 6703 - Org 0613	00100	1,654,234	1,654,234	1,654,234	1,654,234	1,654,234	1,654,234	0
- Current Expenses	13000							
- Repairs and Alterations	06400							
- Equipment	07000							
- Other Assets	69000	10,000	10,000	10,000	10,000	10,000	10,000	0
<b>Total</b>		<b>1,664,234</b>	<b>1,664,234</b>	<b>1,664,234</b>	<b>1,664,234</b>	<b>1,664,234</b>	<b>1,664,234</b>	<b>0</b>
271 Department of Veteran's Assistance - WV Veterans' Home - Special Revenue Operating Fund Fund 6754 - Org 0618	13000	289,400	289,400	289,400	289,400	289,400	289,400	0
- Current Expenses	06400	10,600	10,600	10,600	10,600	10,600	10,600	0
- Repairs and Alterations								
<b>Total</b>		<b>300,000</b>	<b>300,000</b>	<b>300,000</b>	<b>300,000</b>	<b>300,000</b>	<b>300,000</b>	<b>0</b>
<b>TOTAL VETERANS' ASSISTANCE</b>		<b>1,964,234</b>	<b>1,964,234</b>	<b>1,964,234</b>	<b>1,964,234</b>	<b>1,964,234</b>	<b>1,964,234</b>	<b>0</b>
<b>SENIOR SERVICES</b>								
272 Bureau of Senior Services - Community Based Service Fund Fund 5409 - Org 0508	00100	160,883	160,883	140,202	140,202	140,202	140,202	0
- Personal Services and Employee Benefits	00201			25,795	25,795	25,795	25,795	0
- Salary & Benefits of Cabinet Sec. and Agency Her	13000	10,348,710	10,348,710	10,348,710	10,348,710	10,348,710	10,348,710	0
- Current Expenses								
<b>Total</b>		<b>10,509,593</b>	<b>10,509,593</b>	<b>10,514,707</b>	<b>10,514,707</b>	<b>10,514,707</b>	<b>10,514,707</b>	<b>0</b>
<b>TOTAL SENIOR SERVICES</b>		<b>10,509,593</b>	<b>10,509,593</b>	<b>10,514,707</b>	<b>10,514,707</b>	<b>10,514,707</b>	<b>10,514,707</b>	<b>0</b>
<b>HIGHER EDUCATION POLICY COMMISSION</b>								
273 HEPC - System - Tuition Fee Capital Improvement Fund (Capital Improvement and Bond Retirement Fund) Control Fund 4903 - Org 0442	04000	27,713,123	27,713,123	27,402,035	27,402,035	27,402,035	27,402,035	0
- Debt Service	30600	5,000,000	5,000,000	5,000,000	5,000,000	5,000,000	5,000,000	0
- General Capital Expenditures	38600	441,111	441,111	456,239	456,239	456,239	456,239	0
- Facilities Planning and Admin								
<b>Total</b>		<b>33,154,234</b>	<b>33,154,234</b>	<b>32,858,274</b>	<b>32,858,274</b>	<b>32,858,274</b>	<b>32,858,274</b>	<b>0</b>
274 Tuition Fee Revenue Bond Construction Fund								

Fund 4906 - Org 0442

275 Community and Technical College - Capital Improvement Fund  
Fund 4908 - Org 0442

276 West Virginia University -- Health Sciences Center  
Fund 4179 - Org 0463

277 Marshall University -  
School of Medicine - Fund xxxx Org. 0471

278 W.Va. School of Osteopathic Medicine  
Fund 0336 - Org 0476

**TOTAL HIGHER EDUCATION**

**MISCELLANEOUS BOARDS AND COMMISSIONS**

279 Board of Barbers and Cosmetologists -  
Barbers and Beauticians Special Fund  
Fund 5425 - Org 0505

280 Hospital Finance Authority - Hospital Finance Authority Fund  
Fund 5475 - Org 0509

281 State Armory Board - General Armory Fund  
Fund 6057 - Org 0603

282 WV State Board of Examiners for Licensed Practical Nurses -  
Licensed Practical Nurses  
Fund 8517 - Org 0906

283 WV Board of Examiners for Registered Professional Nurses -  
Registered Professional Nurses  
Fund 8520 - Org 0907

284 Public Service Commission

Account Name	0000	10,764,347	11,118,758	11,118,758	11,118,758	11,118,758	0
Reappropriation Language							
- Personal Services and Employee Benefits	0000	10,764,347	11,118,758	11,118,758	11,118,758	11,118,758	0
- Current Expenses	13000	4,524,300	4,524,300	4,524,300	4,524,300	4,524,300	0
- Repairs and Alterations	06400	425,000	425,000	425,000	425,000	425,000	0
- Equipment	07000	512,000	512,000	512,000	512,000	512,000	0
- Buildings	25800	150,000	150,000	150,000	150,000	150,000	0
- Other Assets	69000	50,000	50,000	50,000	50,000	50,000	0
<b>Total</b>		<b>16,425,647</b>	<b>16,780,058</b>	<b>16,780,058</b>	<b>16,780,058</b>	<b>16,780,058</b>	<b>0</b>
Marshall Medical School	17300						5,500,000
<b>Total</b>						<b>5,500,000</b>	<b>5,500,000</b>
WV School of Osteopathic Medicine	17200						3,900,000
<b>Total</b>						<b>3,900,000</b>	<b>3,900,000</b>
<b>TOTAL HIGHER EDUCATION</b>		<b>49,579,881</b>	<b>49,638,332</b>	<b>49,638,332</b>	<b>49,638,332</b>	<b>49,638,332</b>	<b>9,400,000</b>
<b>MISCELLANEOUS BOARDS AND COMMISSIONS</b>							
- Personal Services and Employee Benefits	00100	543,993	568,198	568,198	568,198	568,198	0
- Current Expenses	13000	234,969	234,969	234,969	234,969	234,969	0
- Repairs and Alterations	06400	5,000	5,000	5,000	5,000	5,000	0
<b>Total</b>		<b>783,962</b>	<b>808,167</b>	<b>808,167</b>	<b>808,167</b>	<b>808,167</b>	<b>0</b>
- Personal Services and Employee Benefits	00100	93,279	10,000	10,000	93,339	10,000	0
- Salary and Benefits of Cabinet Secretary and Agency Heads							
- Unclassified	09900	1,501	93,339	1,501	1,501	93,339	0
- Current Expenses	13000	55,328	55,268	55,268	55,268	1,501	0
<b>Total</b>		<b>150,108</b>	<b>160,108</b>	<b>150,108</b>	<b>150,108</b>	<b>55,268</b>	<b>0</b>
- Personal Services and Employee Benefits	00100	1,681,247	1,687,298	1,687,298	1,687,298	1,687,298	0
- Current Expenses	13000	650,000	650,000	650,000	650,000	650,000	0
- Repairs and Alterations	06400	385,652	385,652	385,652	385,652	385,652	0
- Equipment	07000	250,000	250,000	250,000	250,000	250,000	0
- Buildings	25800	520,820	520,820	520,820	520,820	520,820	0
- Other Assets	69000	350,000	350,000	350,000	350,000	350,000	0
- Land	73000	200,000	200,000	200,000	200,000	200,000	0
<b>Total</b>		<b>4,037,719</b>	<b>4,043,770</b>	<b>4,043,770</b>	<b>4,043,770</b>	<b>4,043,770</b>	<b>0</b>
- Personal Services and Employee Benefits	00100	495,505	507,607	507,607	507,607	507,607	0
- Current Expenses	13000	107,700	107,700	107,700	107,700	107,700	0
<b>Total</b>		<b>603,205</b>	<b>615,307</b>	<b>615,307</b>	<b>615,307</b>	<b>615,307</b>	<b>0</b>
- Personal Services and Employee Benefits	00100	1,300,612	1,342,970	1,342,970	1,342,970	1,342,970	0
- Current Expenses	13000	312,655	312,655	312,655	312,655	312,655	0
- Repairs and Alterations	06400	3,000	3,000	3,000	3,000	3,000	0
- Equipment	07000	25,000	25,000	25,000	25,000	25,000	0
- Other Assets	69000	4,500	4,500	4,500	4,500	4,500	0
<b>Total</b>		<b>1,645,767</b>	<b>1,688,125</b>	<b>1,688,125</b>	<b>1,688,125</b>	<b>1,688,125</b>	<b>0</b>
- Personal Services and Employee Benefits	00100	12,481,921	12,543,164	12,543,164	12,543,164	12,543,164	0

Fund 8623 - Org 0926

	00201	00900	13000	06400	07000	25800	34500	52000	73000	91300	Total	318,640	318,640	318,640	318,640	318,640
- Salary and Benefits of Cabinet Secretary and Aget																
- Unclassified		147,643									147,643	147,643	147,643	147,643	147,643	147,643
- Current Expenses		2,572,202	55,000	390,000	160,000	10	4,605,652	350,000	10	172,216	21,061,445	2,507,202	2,507,202	2,507,202	2,507,202	2,507,202
- Repairs and Alterations												120,000	120,000	120,000	120,000	120,000
- Equipment												160,000	160,000	160,000	160,000	160,000
- Buildings												10	10	10	10	10
- PSC Weight Enforcement												4,742,560	4,742,560	4,742,560	4,742,560	4,742,560
- Debt Payment/ Capital Outlay												350,000	350,000	350,000	350,000	350,000
- Land												10	10	10	10	10
- B.R.I.M. Premium												172,216	172,216	172,216	172,216	172,216
<b>Total</b>		<b>20,544,654</b>	<b>55,000</b>	<b>390,000</b>	<b>160,000</b>	<b>10</b>	<b>4,605,652</b>	<b>350,000</b>	<b>10</b>	<b>172,216</b>	<b>21,061,445</b>	<b>21,061,445</b>	<b>21,061,445</b>	<b>21,061,445</b>	<b>21,061,445</b>	<b>21,061,445</b>

285 Public Service Commission - Gas Pipeline Division  
Public Service Commission Pipeline Safety Fund  
Fund 8624 - Org 0926

	00100	00900	13000	06400	07000	25800	34500	52000	73000	91300	Total	288,700	288,700	288,700	288,700	288,700
- Personal Services and Employee Benefits																
- Salary and Benefits of Cabinet Secretary and Aget		294,658									294,658	294,658	294,658	294,658	294,658	294,658
- Unclassified			3,851								3,851	3,851	3,851	3,851	3,851	3,851
- Current Expenses			93,115								93,115	93,115	93,115	93,115	93,115	93,115
- Repairs and Alterations											4,000	4,000	4,000	4,000	4,000	4,000
<b>Total</b>		<b>294,658</b>	<b>3,851</b>	<b>93,115</b>	<b>4,000</b>	<b></b>	<b></b>	<b></b>	<b></b>	<b></b>	<b>288,700</b>	<b>288,700</b>	<b>288,700</b>	<b>288,700</b>	<b>288,700</b>	<b>288,700</b>

286 Public Service Commission - Motor Carrier Division  
Fund 8625 - Org 0926

	00100	00900	13000	06400	07000	25800	34500	52000	73000	91300	Total	2,309,803	2,309,803	2,309,803	2,309,803	2,309,803
- Personal Services and Employee Benefits																
- Salary and Benefits of Cabinet Secretary and Aget		2,377,514									2,377,514	2,377,514	2,377,514	2,377,514	2,377,514	2,377,514
- Unclassified			29,233								29,233	29,233	29,233	29,233	29,233	29,233
- Current Expenses			571,557								571,557	571,557	571,557	571,557	571,557	571,557
- Repairs and Alterations											23,000	23,000	23,000	23,000	23,000	23,000
- Equipment											50,000	50,000	50,000	50,000	50,000	50,000
<b>Total</b>		<b>2,377,514</b>	<b>29,233</b>	<b>571,557</b>	<b>23,000</b>	<b></b>	<b></b>	<b></b>	<b></b>	<b></b>	<b>3,057,304</b>	<b>3,057,304</b>	<b>3,057,304</b>	<b>3,057,304</b>	<b>3,057,304</b>	<b>3,057,304</b>

287 Public Service Commission - Consumer Advocate Fund  
Fund 8627 - Org 0926

	00100	00900	13000	06400	07000	25800	34500	52000	73000	91300	Total	876,994	876,994	876,994	876,994	876,994
- Personal Services and Employee Benefits																
- Current Expenses		876,994									876,994	876,994	876,994	876,994	876,994	876,994
- Equipment											9,872	9,872	9,872	9,872	9,872	9,872
- B.R.I.M. Premium											4,660	4,660	4,660	4,660	4,660	4,660
<b>Total</b>		<b>876,994</b>	<b></b>	<b></b>	<b></b>	<b></b>	<b></b>	<b></b>	<b></b>	<b></b>	<b>14,506</b>	<b>891,500</b>	<b>891,500</b>	<b>891,500</b>	<b>891,500</b>	<b>891,500</b>

288 Real Estate Commission - Real Estate License Fund  
Fund 8635 - Org 0927

	00100	13000	06400	07000	Total	607,098	607,098	607,098	607,098	607,098	607,098	607,098	607,098	607,098	607,098
- Personal Services and Employee Benefits															
- Current Expenses		607,098			607,098	607,098	607,098	607,098	607,098	607,098	607,098	607,098	607,098	607,098	607,098
- Repairs and Alterations															
- Equipment															
<b>Total</b>		<b>607,098</b>	<b></b>	<b></b>	<b>607,098</b>	<b>607,098</b>	<b>607,098</b>	<b>607,098</b>	<b>607,098</b>	<b>607,098</b>	<b>607,098</b>	<b>607,098</b>	<b>607,098</b>	<b>607,098</b>	<b>607,098</b>

289 WV Board of Examiners for Speech-Language Pathology and Audiology - Speech-Language Pathology and Audiology Operating Fund  
Fund 8646 - Org 0930

	00100	13000	06400	07000	Total	91,513	91,513	91,513	91,513	91,513	91,513	91,513	91,513	91,513	91,513
- Personal Services and Employee Benefits															
- Current Expenses		91,513			91,513	91,513	91,513	91,513	91,513	91,513	91,513	91,513	91,513	91,513	91,513
- Repairs and Alterations															
- Equipment															
<b>Total</b>		<b>91,513</b>	<b></b>	<b></b>	<b>91,513</b>	<b>91,513</b>	<b>91,513</b>	<b>91,513</b>	<b>91,513</b>	<b>91,513</b>	<b>91,513</b>	<b>91,513</b>	<b>91,513</b>	<b>91,513</b>	<b>91,513</b>

290 WV Board of Respiratory Care - Board of Respiratory Care Fund  
Fund 8676 - Org 0935

	00100	13000	06400	07000	Total	63,499	63,499	63,499	63,499	63,499	63,499	63,499	63,499	63,499	63,499
- Personal Services and Employee Benefits															
- Current Expenses		63,499			63,499	63,499	63,499	63,499	63,499	63,499	63,499	63,499	63,499	63,499	63,499
- Repairs and Alterations															
<b>Total</b>		<b>63,499</b>	<b></b>	<b></b>	<b>63,499</b>	<b>63,499</b>	<b>63,499</b>	<b>63,499</b>	<b>63,499</b>	<b>63,499</b>	<b>63,499</b>	<b>63,499</b>	<b>63,499</b>	<b>63,499</b>	<b>63,499</b>

291 WV Board of Licensed Dietitians - Dietitians Licensure Board Fund  
Fund 8680 - Org 0936

	00100	13000	06400	07000	Total	155,012	155,012	155,012	155,012	155,012	155,012	155,012	155,012	155,012	155,012
- Personal Services and Employee Benefits															
- Current Expenses		155,012			155,012	155,012	155,012	155,012	155,012	155,012	155,012	155,012	155,012	155,012	155,012
- Repairs and Alterations															
<b>Total</b>		<b>155,012</b>	<b></b>	<b></b>	<b>155,012</b>	<b>155,012</b>	<b>155,012</b>	<b>155,012</b>	<b>155,012</b>	<b>155,012</b>	<b>155,012</b>	<b>155,012</b>	<b>155,012</b>	<b>155,012</b>	<b>155,012</b>

292 Massage Therapy Licensure Board -

293 Message Therapist Board Fund  
Fund 8671 - Org 0938

293 Board of Medicine - Medical Licensing Board Fund  
Fund 9070 - Org 0945

294 West Virginia Enterprise Resource Planning Board -  
Enterprise Resource Planning System Fund  
Fund 9080 - Org 0947

295 Board of Treasury Investments - Board of Treasury  
Investments Fee Fund  
Fund 9152 - Org 0950

296 Division of Labor - Contractor Licensing Board Fund  
Fund 3187 - Org 0308

- Current Expenses	13000	42,448	42,448	42,448	42,388	42,388	42,388	42,388	0
<b>Total</b>		<b>152,003</b>	<b>152,003</b>	<b>152,003</b>	<b>155,029</b>	<b>155,029</b>	<b>155,029</b>	<b>155,029</b>	<b>0</b>
- Personal Services and Employee Benefits	00100	1,378,807	1,378,807	1,577,216	1,577,216	1,577,216	1,577,216	1,577,216	0
- Current Expenses	13000	1,108,789	1,108,789	1,108,789	1,108,789	1,108,789	1,108,789	1,108,789	0
- Repairs and Alterations	06400	8,000	8,000	8,000	8,000	8,000	8,000	8,000	0
<b>Total</b>		<b>2,495,596</b>	<b>2,495,596</b>	<b>2,694,005</b>	<b>2,694,005</b>	<b>2,694,005</b>	<b>2,694,005</b>	<b>2,694,005</b>	<b>0</b>
- Personal Services and Employee Benefits	00100	6,856,239	6,856,239	5,494,051	5,494,051	5,494,051	5,494,051	5,494,051	0
- Unclassified	09900	232,000	182,000	132,000	132,000	132,000	132,000	132,000	0
- Current Expenses	13000	13,662,210	13,662,210	17,214,993	17,214,993	17,214,993	17,214,993	17,214,993	0
- Repairs and Alterations	06400	300	300	300	300	300	300	300	0
- Equipment	07000	302,000	352,000	502,000	502,000	502,000	502,000	502,000	0
- Buildings	25800	2,000	2,000	2,000	2,000	2,000	2,000	2,000	0
- Other Assets	69000	203,500	203,500	2,004,500	2,004,500	2,004,500	2,004,500	2,004,500	0
<b>Total</b>		<b>21,258,249</b>	<b>21,258,249</b>	<b>25,349,844</b>	<b>25,349,844</b>	<b>25,349,844</b>	<b>25,349,844</b>	<b>25,349,844</b>	<b>0</b>
- Personal Services and Employee Benefits	00100	832,889	832,889	857,714	857,714	857,714	857,714	857,714	0
- Unclassified	09900	14,850	14,850	14,850	14,850	14,850	14,850	14,850	0
- Current Expenses	13000	605,714	605,714	580,889	580,889	580,889	580,889	580,889	0
- BRIM Premium	91300	31,547	31,547	31,547	31,547	31,547	31,547	31,547	0
- Fees of Custodians, Fund Advisors and Fund Ma	93800	3,500,000	3,500,000	3,500,000	3,500,000	3,500,000	3,500,000	3,500,000	0
<b>Total</b>		<b>4,985,000</b>	<b>4,985,000</b>	<b>4,985,000</b>	<b>4,985,000</b>	<b>4,985,000</b>	<b>4,985,000</b>	<b>4,985,000</b>	<b>0</b>
- Personal Services and Employee Benefits	00100	2,532,000	2,532,000	2,559,000	2,559,000	2,559,000	2,559,000	2,559,000	0
- Salary and Benefits of Cabinet Secretary and Aget	00201								0
- Unclassified	09900	21,000	21,000	21,000	21,000	21,000	21,000	21,000	0
- Current Expenses	13000	500,000	500,000	500,000	500,000	500,000	500,000	500,000	0
- Repairs and Alterations	06400	5,000	10,000	10,000	10,000	10,000	10,000	10,000	0
- Buildings	25800	5,000	0	0	0	0	0	0	0
- BRIM Premium	91300	8,500	8,500	8,500	8,500	8,500	8,500	8,500	0
<b>Total</b>		<b>3,071,500</b>	<b>3,071,500</b>	<b>3,098,500</b>	<b>3,098,500</b>	<b>3,098,500</b>	<b>3,098,500</b>	<b>3,098,500</b>	<b>0</b>

**TOTAL BOARDS AND COMMISSIONS** 58,601,258 62,908,977 70,747,759 70,737,759 70,737,759 70,747,759 70,747,759 70,747,759 70,747,759 0

**TOTAL OTHER FUNDS** 1,509,365,927 1,554,752,480 1,986,915,411 2,004,071,211 2,002,719,411 2,001,320,911 2,001,320,911 2,001,320,911 2,001,320,911 14,405,500





- WV Alzheimer's Hotline	72400	45,000	45,000	45,000	45,000	45,000	45,000	45,000	0
- Regional Aged and Disabled Resource Center	76700	425,000	425,000	425,000	425,000	425,000	425,000	425,000	0
- Senior Services Medicaid Transfer	87100	16,400,070	16,400,070	16,400,070	16,400,070	16,400,070	16,400,070	16,400,070	0
- Legislative Initiatives for the Elderly	90400	9,671,239	9,671,239	9,671,239	9,671,239	9,671,239	9,671,239	9,671,239	0
- Long Term Care Ombudsmen	90500	297,226	297,226	297,226	297,226	297,226	297,226	297,226	0
- BRIM Premium	91300	7,718	7,718	7,718	7,718	7,718	7,718	7,718	0
- In-Home Services and Nutrition for Senior Citizens	91700	6,095,941	8,095,941	6,845,941	6,845,941	6,845,941	6,845,941	6,845,941	0
<i>Total</i>		42,856,387	44,856,387	53,200,238	53,200,238	53,200,238	53,200,238	53,200,238	0

**TOTAL SENIOR SERVICES** 42,856,387 44,856,387 53,200,238 53,200,238 53,200,238 53,200,238 53,200,238 53,200,238 53,200,238 0

**TOTAL LOTTERY** 127,808,000 125,433,000 134,145,880 134,145,880 134,145,880 134,145,880 134,145,880 134,145,880 134,145,880 0













-	Repairs and Alterations	06400	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	0
-	Equipment	07000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	0
-	Other Assets	69000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	0
-	Federal Coronavirus Pandemic	89101			4,990,123	4,990,123	4,990,123	4,990,123	4,990,123	4,990,123	4,990,123	0
-	<b>Total</b>		<b>230,183,179</b>	<b>1,441,961,307</b>	<b>1,447,056,327</b>	<b>1,447,056,327</b>	<b>1,447,056,327</b>	<b>1,447,056,327</b>	<b>1,447,056,327</b>	<b>1,447,056,327</b>	<b>1,447,056,327</b>	<b>0</b>
-	Personal Services and Employee Benefits	00100	1,881,766	1,881,766	1,924,124	1,924,124	1,924,124	1,924,124	1,924,124	1,924,124	1,924,124	0
-	Unclassified	09900	1,150,500	1,150,500	1,150,500	1,150,500	1,150,500	1,150,500	1,150,500	1,150,500	1,150,500	0
-	Current Expenses	13000	148,281,265	148,281,265	258,781,265	258,781,265	258,781,265	258,781,265	258,781,265	258,781,265	258,781,265	0
-	Repairs and Alterations	06400	20,000	20,000	20,000	20,000	20,000	20,000	20,000	20,000	20,000	0
-	Equipment	07000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	0
-	Other Assets	69000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	0
-	<b>Total</b>		<b>151,458,531</b>	<b>151,458,531</b>	<b>262,000,889</b>	<b>262,000,889</b>	<b>262,000,889</b>	<b>262,000,889</b>	<b>262,000,889</b>	<b>262,000,889</b>	<b>262,000,889</b>	<b>0</b>
-	Personal Services and Employee Benefits	00100	1,896,249	1,896,249	1,938,607	1,938,607	1,938,607	1,938,607	1,938,607	1,938,607	1,938,607	0
-	Unclassified	09900	155,000	155,000	155,000	155,000	155,000	155,000	155,000	155,000	155,000	0
-	Current Expenses	13000	17,820,081	17,820,081	17,820,081	17,820,081	17,820,081	17,820,081	17,820,081	17,820,081	17,820,081	0
-	Repairs and Alterations	06400	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	0
-	Equipment	07000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	0
-	Other Assets	69000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	0
-	<b>Total</b>		<b>17,901,330</b>	<b>17,901,330</b>	<b>19,943,688</b>	<b>19,943,688</b>	<b>19,943,688</b>	<b>19,943,688</b>	<b>19,943,688</b>	<b>19,943,688</b>	<b>19,943,688</b>	<b>0</b>
-	Personal Services and Employee Benefits	00100	3,477,006	3,477,006	3,540,241	3,540,241	3,540,241	3,540,241	3,540,241	3,540,241	3,540,241	0
-	Unclassified	09900	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	0
-	Current Expenses	13000	123,346,390	123,346,390	133,346,390	133,346,390	133,346,390	133,346,390	133,346,390	133,346,390	133,346,390	0
-	Repairs and Alterations	06400	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	0
-	Equipment	07000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	0
-	Other Assets	69000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	0
-	Federal Coronavirus Pandemic	89101			17,336,635	17,336,635	17,336,635	17,336,635	17,336,635	17,336,635	17,336,635	0
-	<b>Total</b>		<b>127,853,396</b>	<b>127,853,396</b>	<b>155,253,266</b>	<b>155,253,266</b>	<b>155,253,266</b>	<b>155,253,266</b>	<b>155,253,266</b>	<b>155,253,266</b>	<b>155,253,266</b>	<b>0</b>
-	<b>TOTAL EDUCATION</b>		<b>527,396,436</b>	<b>1,741,174,624</b>	<b>1,884,254,170</b>	<b>1,884,254,170</b>	<b>1,884,254,170</b>	<b>1,884,254,170</b>	<b>1,884,254,170</b>	<b>1,884,254,170</b>	<b>1,884,254,170</b>	<b>0</b>
-	Personal Services and Employee Benefits	00100	810,436	810,436	851,130	851,130	851,130	851,130	851,130	851,130	851,130	0
-	Current Expenses	13000	1,947,372	1,947,372	1,947,372	1,947,372	1,947,372	1,947,372	1,947,372	1,947,372	1,947,372	0
-	Repairs and Alterations	06400	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	0
-	Equipment	07000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	0
-	Buildings	25000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	0
-	Other Assets	69000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	0
-	Land	73000	360	360	360	360	360	360	360	360	360	0
-	Federal Coronavirus Pandemic	89101			765,400	765,400	765,400	765,400	765,400	765,400	765,400	0
-	<b>Total</b>		<b>2,762,168</b>	<b>2,762,168</b>	<b>3,568,262</b>	<b>3,568,262</b>	<b>3,568,262</b>	<b>3,568,262</b>	<b>3,568,262</b>	<b>3,568,262</b>	<b>3,568,262</b>	<b>0</b>
-	Personal Services and Employee Benefits	00100	437,040	437,040	446,874	446,874	446,874	446,874	446,874	446,874	446,874	0
-	Current Expenses	13000	5,587,325	5,587,325	5,587,325	5,587,325	5,587,325	5,587,325	5,587,325	5,587,325	5,587,325	0
-	Repairs and Alterations	06400	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	0
-	Federal Coronavirus Pandemic	89101			1,960,558	1,960,558	1,960,558	1,960,558	1,960,558	1,960,558	1,960,558	0
-	<b>Total</b>		<b>6,025,365</b>	<b>6,025,365</b>	<b>7,995,757</b>	<b>7,995,757</b>	<b>7,995,757</b>	<b>7,995,757</b>	<b>7,995,757</b>	<b>7,995,757</b>	<b>7,995,757</b>	<b>0</b>
-	Personal Services and Employee Benefits	00100	353,396	353,396	368,524	368,524	368,524	368,524	368,524	368,524	368,524	0
-	Current Expenses	13000	1,076,162	1,076,162	1,076,162	1,076,162	1,076,162	1,076,162	1,076,162	1,076,162	1,076,162	0
-	Equipment	07000	543,406	543,406	543,406	543,406	543,406	543,406	543,406	543,406	543,406	0
-	Federal Coronavirus Pandemic	89101			2,388,880	2,388,880	2,388,880	2,388,880	2,388,880	2,388,880	2,388,880	0
-	<b>Total</b>		<b>1,972,964</b>	<b>1,972,964</b>	<b>4,376,972</b>	<b>4,376,972</b>	<b>4,376,972</b>	<b>4,376,972</b>	<b>4,376,972</b>	<b>4,376,972</b>	<b>4,376,972</b>	<b>0</b>

350 State Board of Education –  
School Lunch Program  
Fund 8713 - Org 0402

351 State Board of Education –  
Vocational Division  
Fund 8714 - Org 0402

352 State Board of Education –  
Aid for Exceptional Children  
Fund 8715 - Org 0402

**TOTAL EDUCATION**

ARTS, CULTURE AND HISTORY  
353 Division of Culture and History  
Fund 8718 - Org 0432

354 Commission for National and Community Service  
Fund 8841 - Org 0431

355 Library Commission  
Fund 8720 - Org 0433



**HOMELAND SECURITY**

363 Office of the Secretary  
Fund 8876 - Org 0601

- Unclassified	09900	5,000	5,000	5,000	5,000	5,000	5,000	0
- Current Expenses	13000	495,000	495,000	495,000	495,000	495,000	495,000	0
- Repairs and Alterations	06400							0
<b>Total</b>		<b>500,000</b>	<b>500,000</b>	<b>500,000</b>	<b>500,000</b>	<b>500,000</b>	<b>500,000</b>	<b>0</b>

364 Division of Emergency Management  
Fund 8727 - Org 0606

- Personal Services and Employee Benefits	00100	1,260,422	1,199,172	1,418,043	1,418,043	1,418,043	1,418,043	0
- Salary and Benefits of Cabinet Secretary and Agency Head	00201		61,250	61,250	61,250	61,250	61,250	0
- Current Expenses	13000	20,429,281	20,429,281	20,429,281	20,429,281	20,429,281	20,429,281	0
- Repairs and Alterations	06400	5,000	5,000	5,000	5,000	5,000	5,000	0
- Equipment	07000	100,000	100,000	100,000	100,000	100,000	100,000	0
<b>Total</b>		<b>21,794,703</b>	<b>21,794,703</b>	<b>22,013,574</b>	<b>22,013,574</b>	<b>22,013,574</b>	<b>22,013,574</b>	<b>0</b>

365 Division of Corrections and Rehabilitation  
Fund 8836 - Org 0608

- Unclassified	09900	1,100	1,100	1,100	1,100	1,100	1,100	0
- Current Expenses	13000	108,900	108,900	108,900	108,900	108,900	108,900	0
<b>Total</b>		<b>110,000</b>	<b>110,000</b>	<b>110,000</b>	<b>110,000</b>	<b>110,000</b>	<b>110,000</b>	<b>0</b>

366 West Virginia State Police  
Fund 8741 - Org 0612

- Personal Services and Employee Benefits	00100	2,480,877	2,480,877	2,502,056	2,502,056	2,502,056	2,502,056	0
- Current Expenses	13000	2,125,971	2,125,971	2,125,971	2,125,971	2,125,971	2,125,971	0
- Repairs and Alterations	06400	42,000	42,000	42,000	42,000	42,000	42,000	0
- Equipment	07000	2,502,285	2,502,285	2,502,285	2,502,285	2,502,285	2,502,285	0
- Buildings	25800	750,500	750,500	750,500	750,500	750,500	750,500	0
- Other Assets	69000	144,500	144,500	144,500	144,500	144,500	144,500	0
- Land	73000	500	500	500	500	500	500	0
<b>Total</b>		<b>8,046,633</b>	<b>8,046,633</b>	<b>8,067,812</b>	<b>8,067,812</b>	<b>8,067,812</b>	<b>8,067,812</b>	<b>0</b>

367 Fire Commission  
Fund 8819 - Org 0619

- Current Expenses	13000	80,000	80,000	80,000	80,000	80,000	80,000	0
<b>Total</b>		<b>80,000</b>	<b>80,000</b>	<b>80,000</b>	<b>80,000</b>	<b>80,000</b>	<b>80,000</b>	<b>0</b>

368 Division of Administrative Services  
Fund 8803 - Org 0620

- Personal Services and Employee Benefits	00100	1,222,258	1,222,258	1,270,062	1,270,062	1,270,062	1,270,062	0
- Unclassified	09900	25,185	25,185	25,185	25,185	25,185	25,185	0
- Current Expenses	13000	25,381,973	25,381,973	25,381,973	25,381,973	25,381,973	25,381,973	0
- Repairs and Alterations	06400	1,750	1,750	1,750	1,750	1,750	1,750	0
<b>Total</b>		<b>26,631,166</b>	<b>26,631,166</b>	<b>26,678,970</b>	<b>26,678,970</b>	<b>26,678,970</b>	<b>26,678,970</b>	<b>0</b>

**TOTAL HOMELAND SECURITY**

		<b>57,162,502</b>	<b>209,589,788</b>	<b>107,450,356</b>	<b>107,450,356</b>	<b>107,450,356</b>	<b>107,450,356</b>	<b>0</b>
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**DEPT OF REVENUE**

369 Insurance Commissioner  
Fund 8883 - Org 0704

- Personal Services and Employee Benefits	00100		145,000	145,000	145,000	145,000	145,000	0
- Current Expenses	13000	3,000,000	2,825,000	2,825,000	2,825,000	2,825,000	2,825,000	0
- Equipment	07000		30,000	30,000	30,000	30,000	30,000	0
<b>Total</b>		<b>3,000,000</b>	<b>3,000,000</b>	<b>3,000,000</b>	<b>3,000,000</b>	<b>3,000,000</b>	<b>3,000,000</b>	<b>0</b>

**TOTAL REVENUE**

		<b>3,000,000</b>	<b>3,000,000</b>	<b>3,000,000</b>	<b>3,000,000</b>	<b>3,000,000</b>	<b>3,000,000</b>	<b>0</b>
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**TRANSPORTATION**

370 Division of Motor Vehicles  
Fund 8787 - Org 0802

- Personal Services and Employee Benefits	00100	551,394	551,394	551,394	551,394	551,394	551,394	0
- Current Expenses	13000	5,448,106	5,448,106	5,448,106	5,448,106	5,448,106	5,448,106	0
- Repairs and Alterations	06400	500	500	500	500	500	500	0
<b>Total</b>		<b>6,000,000</b>	<b>6,000,000</b>	<b>6,000,000</b>	<b>6,000,000</b>	<b>6,000,000</b>	<b>6,000,000</b>	<b>0</b>

371 Division of Public Transit  
Fund 8745 - Org 0805

- Personal Services and Employee Benefits	00100	922,070	1,010,320	1,040,576	1,040,576	1,040,576	1,040,576	0
- Current Expenses	13000	8,663,149	20,913,149	18,863,149	18,863,149	18,863,149	18,863,149	0
- Repairs and Alterations	06400	2,500	2,500	2,500	2,500	2,500	2,500	0
<b>Total</b>		<b>9,587,719</b>	<b>22,926,000</b>	<b>19,906,225</b>	<b>19,906,225</b>	<b>19,906,225</b>	<b>19,906,225</b>	<b>0</b>





Fund 8785 - Org 0603

- Repairs and Alterations	06400	50,000	50,000	50,000	50,000	50,000	50,000	50,000	0
- Buildings	25800	100,000	100,000	200,000	200,000	200,000	200,000	200,000	0
- Land	7000	50,000	50,000	100,000	100,000	100,000	100,000	100,000	0
- Other Assets	69000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	0
- Equipment	07000	200,000	200,000	200,000	200,000	200,000	200,000	200,000	0
<b>Total</b>		<b>2,000,000</b>	<b>2,000,000</b>	<b>2,000,000</b>	<b>2,000,000</b>	<b>2,000,000</b>	<b>2,000,000</b>	<b>2,000,000</b>	<b>0</b>
- Personal Services and Employee Benefits	00100	1,352,576	1,352,576	1,410,819	1,410,819	1,410,819	1,410,819	1,410,819	0
- Current Expenses	13000	368,953	368,953	368,953	368,953	368,953	368,953	368,953	0
- Repairs and Alterations	06400	39,000	39,000	39,000	39,000	39,000	39,000	39,000	0
- Equipment	07000	935,500	413,400	1,000	1,000	1,000	1,000	1,000	0
<b>Total</b>		<b>2,696,029</b>	<b>2,173,929</b>	<b>1,819,772</b>	<b>1,819,772</b>	<b>1,819,772</b>	<b>1,819,772</b>	<b>1,819,772</b>	<b>0</b>
- Personal Services and Employee Benefits	00100	621,039	621,039	639,344	639,344	639,344	639,344	639,344	0
- Current Expenses	13000	124,628	124,628	4,072	4,072	4,072	4,072	4,072	0
- Equipment	07000	3,000	3,000	124,628	124,628	124,628	124,628	124,628	0
- Unclassified	09900	4,072	4,072	3,000	3,000	3,000	3,000	3,000	0
<b>Total</b>		<b>752,739</b>	<b>752,739</b>	<b>771,044</b>	<b>771,044</b>	<b>771,044</b>	<b>771,044</b>	<b>771,044</b>	<b>0</b>
- Personal Services and Employee Benefits	00100	163,405	163,405	193,043	193,043	193,043	193,043	193,043	0
- Current Expenses	13000	633,417	242,195	328,008	328,008	328,008	328,008	328,008	0
- Repairs and Alterations	06400	5,000	5,000	5,000	5,000	5,000	5,000	5,000	0
- Equipment	07000	3,000	3,000	3,000	3,000	3,000	3,000	3,000	0
- Other Assets	69000	2,000	2,000	2,000	2,000	2,000	2,000	2,000	0
<b>Total</b>		<b>806,822</b>	<b>415,600</b>	<b>531,051</b>	<b>531,051</b>	<b>531,051</b>	<b>531,051</b>	<b>531,051</b>	<b>0</b>

378 Public Service Commission -  
Motor Carrier Division  
Fund 8743 - Org 0926

379 Public Service Commission -  
Gas Pipeline Division  
Fund 8744 - Org 0926

380 National Coal Heritage Area Authority  
Fund 8869 - Org 0941

<b>TOTAL BOARDS &amp; COMMISSIONS</b>		<b>4,255,590</b>	<b>105,769,554</b>	<b>106,875,535</b>	<b>106,875,535</b>	<b>106,875,535</b>	<b>106,875,535</b>	<b>106,875,535</b>	<b>0</b>
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TOTAL FEDERAL FUNDS

		<b>5,151,878,546</b>	<b>6,944,882,390</b>	<b>8,941,404,394</b>	<b>8,913,092,524</b>	<b>8,912,932,524</b>	<b>8,912,932,524</b>	<b>8,941,564,394</b>	<b>0</b>
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Fund 8896 - Org 1400

335 Attorney General - Medicaid Fraud Unit

Fund 8882 - Org 1500

- Current Expenses	13000	448,920	448,920	448,920	448,920	448,920	448,920	448,920	0
<b>Total</b>		<b>500,450</b>	<b>500,450</b>	<b>500,450</b>	<b>500,450</b>	<b>500,450</b>	<b>500,450</b>	<b>500,450</b>	<b>0</b>
- Personal Services and Employee Benefits	00100	1,038,458	1,257,042	1,434,886	1,434,886	1,434,886	1,434,886	1,434,886	0
- Unclassified	09900	15,336	15,336	15,336	15,336	15,336	15,336	15,336	0
- Current Expenses	13000	456,638	456,638	599,513	599,513	599,513	599,513	599,513	0
- Repairs and Alterations	06400	4,313	4,313	4,313	4,313	4,313	4,313	4,313	0
- Equipment	07000	7,500	7,500	7,500	7,500	7,500	7,500	7,500	0
- Other Assets	69000	11,336	11,336	11,336	11,336	11,336	11,336	11,336	0
<b>Total</b>		<b>1,533,581</b>	<b>1,762,165</b>	<b>2,072,884</b>	<b>2,072,884</b>	<b>2,072,884</b>	<b>2,072,884</b>	<b>2,072,884</b>	<b>0</b>

336 Secretary of State - State Election Fund

Fund 8854 - Org 1600

- Personal Services and Employee Benefits	00100	210,240	210,240	210,240	210,240	210,240	210,240	210,240	0
- Unclassified	09900	7,484	7,484	7,484	7,484	7,484	7,484	7,484	0
- Current Expenses	13000	415,727	415,727	415,727	415,727	415,727	415,727	415,727	0
- Repairs and Alterations	06400	15,000	15,000	15,000	15,000	15,000	15,000	15,000	0
- Other Assets	69000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	0
<b>Total</b>		<b>748,451</b>	<b>748,451</b>	<b>748,451</b>	<b>748,451</b>	<b>748,451</b>	<b>748,451</b>	<b>748,451</b>	<b>0</b>

**TOTAL EXECUTIVE**

		<b>29,021,497</b>	<b>32,740,081</b>	<b>1,389,756,188</b>	<b>1,388,657,349</b>	<b>1,388,657,349</b>	<b>1,389,756,188</b>	<b>1,389,756,188</b>	<b>0</b>
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**COMMERCE**

337 Division of Forestry

Fund 8703 - Org 0305

- Personal Services and Employee Benefits	00100	1,640,060	1,640,060	610,888	610,888	610,888	610,888	610,888	0
- Unclassified	09900	51,050	51,050	51,050	51,050	51,050	51,050	51,050	0
- Current Expenses	13000	5,232,560	5,232,560	5,232,560	5,232,560	5,232,560	5,232,560	5,232,560	0
- Repairs and Alterations	06400	155,795	155,795	155,795	155,795	155,795	155,795	155,795	0
- Equipment	07000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	0
- Other Assets	69000	1,808,300	1,808,300	1,808,300	1,808,300	1,808,300	1,808,300	1,808,300	0
<b>Total</b>		<b>8,987,765</b>	<b>8,987,765</b>	<b>7,958,593</b>	<b>7,958,593</b>	<b>7,958,593</b>	<b>7,958,593</b>	<b>7,958,593</b>	<b>0</b>

338 Geological & Economic Survey

Fund 8704 - Org 0306

- Personal Services and Employee Benefits	00100	54,432	54,432	54,432	54,432	54,432	54,432	54,432	0
- Unclassified	09900	2,803	2,803	2,803	2,803	2,803	2,803	2,803	0
- Current Expenses	13000	195,639	195,639	195,639	195,639	195,639	195,639	195,639	0
- Repairs and Alterations	06400	5,000	5,000	5,000	5,000	5,000	5,000	5,000	0
- Equipment	07000	7,500	7,500	7,500	7,500	7,500	7,500	7,500	0
- Other Assets	69000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	0
<b>Total</b>		<b>280,374</b>	<b>280,374</b>	<b>280,374</b>	<b>280,374</b>	<b>280,374</b>	<b>280,374</b>	<b>280,374</b>	<b>0</b>

339 Division of Labor

Fund 8706 - Org 0308

- Personal Services and Employee Benefits	00100	409,251	409,251	427,254	427,254	427,254	427,254	427,254	0
- Unclassified	09900	5,572	5,572	5,572	5,572	5,572	5,572	5,572	0
- Current Expenses	13000	167,098	167,098	167,098	167,098	167,098	167,098	167,098	0
- Repairs and Alterations	06400	500	500	500	500	500	500	500	0
<b>Total</b>		<b>582,421</b>	<b>582,421</b>	<b>600,424</b>	<b>600,424</b>	<b>600,424</b>	<b>600,424</b>	<b>600,424</b>	<b>0</b>

340 Division of Natural Resources

Fund 8707 - Org 0310

- Personal Services and Employee Benefits	00100	10,064,006	10,064,006	10,318,396	10,318,396	10,318,396	10,318,396	10,318,396	0
- Unclassified	09900	107,693	107,693	107,693	107,693	107,693	107,693	107,693	0
- Current Expenses	13000	7,887,660	7,887,660	7,887,660	7,887,660	7,887,660	7,887,660	7,887,660	0
- Administration	15500	50,325	50,325	50,325	50,325	50,325	50,325	50,325	0
- Repairs and Alterations	06400	566,250	566,250	566,250	566,250	566,250	566,250	566,250	0
- Equipment	07000	2,126,141	2,126,141	2,126,141	2,126,141	2,126,141	2,126,141	2,126,141	0
- Buildings	25800	951,000	951,000	951,000	951,000	951,000	951,000	951,000	0
- Other Assets	69000	7,088,880	7,088,880	4,768,670	4,768,670	4,768,670	4,768,670	4,768,670	0
- Land	73000	2,893,920	2,893,920	2,893,920	2,893,920	2,893,920	2,893,920	2,893,920	0
<b>Total</b>		<b>31,735,875</b>	<b>31,735,875</b>	<b>29,670,055</b>	<b>29,670,055</b>	<b>29,670,055</b>	<b>29,670,055</b>	<b>29,670,055</b>	<b>0</b>



- Repairs and Alterations	06400	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	0
- Equipment	07000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	0
- Other Assets	69000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	0
- Federal Coronavirus Pandemic	89101			4,990,123	4,990,123	4,990,123	4,990,123	4,990,123	4,990,123	0
<b>Total</b>		<b>230,183,179</b>	<b>1,441,961,367</b>	<b>1,447,056,327</b>	<b>1,447,056,327</b>	<b>1,447,056,327</b>	<b>1,447,056,327</b>	<b>1,447,056,327</b>	<b>1,447,056,327</b>	<b>0</b>
- Personal Services and Employee Benefits	00100	1,881,766	1,881,766	1,924,124	1,924,124	1,924,124	1,924,124	1,924,124	1,924,124	0
- Unclassified	09900	1,150,500	1,150,500	1,150,500	1,150,500	1,150,500	1,150,500	1,150,500	1,150,500	0
- Current Expenses	13000	148,281,265	148,281,265	258,781,265	258,781,265	258,781,265	258,781,265	258,781,265	258,781,265	0
- Repairs and Alterations	06400	20,000	20,000	20,000	20,000	20,000	20,000	20,000	20,000	0
- Equipment	07000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	0
- Other Assets	69000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	0
<b>Total</b>		<b>151,458,531</b>	<b>151,458,531</b>	<b>262,000,889</b>	<b>262,000,889</b>	<b>262,000,889</b>	<b>262,000,889</b>	<b>262,000,889</b>	<b>262,000,889</b>	<b>0</b>
- Personal Services and Employee Benefits	00100	1,896,249	1,896,249	1,938,607	1,938,607	1,938,607	1,938,607	1,938,607	1,938,607	0
- Unclassified	09900	155,000	155,000	155,000	155,000	155,000	155,000	155,000	155,000	0
- Current Expenses	13000	17,820,081	17,820,081	17,820,081	17,820,081	17,820,081	17,820,081	17,820,081	17,820,081	0
- Repairs and Alterations	06400	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	0
- Equipment	07000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	0
- Other Assets	69000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	0
<b>Total</b>		<b>17,901,330</b>	<b>17,901,330</b>	<b>19,943,688</b>	<b>19,943,688</b>	<b>19,943,688</b>	<b>19,943,688</b>	<b>19,943,688</b>	<b>19,943,688</b>	<b>0</b>
- Personal Services and Employee Benefits	00100	3,477,006	3,477,006	3,540,241	3,540,241	3,540,241	3,540,241	3,540,241	3,540,241	0
- Unclassified	09900	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	0
- Current Expenses	13000	123,346,390	123,346,390	133,346,390	133,346,390	133,346,390	133,346,390	133,346,390	133,346,390	0
- Repairs and Alterations	06400	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	0
- Equipment	07000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	0
- Other Assets	69000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	0
- Federal Coronavirus Pandemic	89101			17,336,635	17,336,635	17,336,635	17,336,635	17,336,635	17,336,635	0
<b>Total</b>		<b>127,853,396</b>	<b>127,853,396</b>	<b>155,253,266</b>	<b>155,253,266</b>	<b>155,253,266</b>	<b>155,253,266</b>	<b>155,253,266</b>	<b>155,253,266</b>	<b>0</b>
<b>TOTAL EDUCATION</b>		<b>527,306,436</b>	<b>1,741,174,624</b>	<b>1,884,254,170</b>	<b>1,884,254,170</b>	<b>1,884,254,170</b>	<b>1,884,254,170</b>	<b>1,884,254,170</b>	<b>1,884,254,170</b>	<b>0</b>
- Personal Services and Employee Benefits	00100	810,436	810,436	851,130	851,130	851,130	851,130	851,130	851,130	0
- Current Expenses	13000	1,947,372	1,947,372	1,947,372	1,947,372	1,947,372	1,947,372	1,947,372	1,947,372	0
- Repairs and Alterations	06400	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	0
- Equipment	07000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	0
- Buildings	25800	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	0
- Other Assets	69000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	0
- Land	73000	360	360	360	360	360	360	360	360	0
- Federal Coronavirus Pandemic	89101			765,400	765,400	765,400	765,400	765,400	765,400	0
<b>Total</b>		<b>2,762,168</b>	<b>2,762,168</b>	<b>3,568,262</b>	<b>3,568,262</b>	<b>3,568,262</b>	<b>3,568,262</b>	<b>3,568,262</b>	<b>3,568,262</b>	<b>0</b>
- Personal Services and Employee Benefits	00100	437,040	437,040	446,874	446,874	446,874	446,874	446,874	446,874	0
- Current Expenses	13000	5,587,325	5,587,325	5,587,325	5,587,325	5,587,325	5,587,325	5,587,325	5,587,325	0
- Repairs and Alterations	06400	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	0
- Federal Coronavirus Pandemic	89101			1,960,558	1,960,558	1,960,558	1,960,558	1,960,558	1,960,558	0
<b>Total</b>		<b>6,025,365</b>	<b>6,025,365</b>	<b>7,995,757</b>	<b>7,995,757</b>	<b>7,995,757</b>	<b>7,995,757</b>	<b>7,995,757</b>	<b>7,995,757</b>	<b>0</b>
- Personal Services and Employee Benefits	00100	353,396	353,396	368,524	368,524	368,524	368,524	368,524	368,524	0
- Current Expenses	13000	1,076,162	1,076,162	1,076,162	1,076,162	1,076,162	1,076,162	1,076,162	1,076,162	0
- Equipment	07000	543,406	543,406	543,406	543,406	543,406	543,406	543,406	543,406	0
- Federal Coronavirus Pandemic	89101			2,388,880	2,388,880	2,388,880	2,388,880	2,388,880	2,388,880	0
<b>Total</b>		<b>1,972,964</b>	<b>1,972,964</b>	<b>4,376,972</b>	<b>4,376,972</b>	<b>4,376,972</b>	<b>4,376,972</b>	<b>4,376,972</b>	<b>4,376,972</b>	<b>0</b>

350 State Board of Education –  
School Lunch Program  
Fund 8713 - Org 0402

351 State Board of Education –  
Vocational Division  
Fund 8714 - Org 0402

352 State Board of Education –  
Aid for Exceptional Children  
Fund 8715 - Org 0402

**TOTAL EDUCATION**

**ARTS, CULTURE AND HISTORY**

353 Division of Culture and History  
Fund 8718 - Org 0432

354 Commission for National and Community Service  
Fund 8841 - Org 0431

355 Library Commission  
Fund 8720 - Org 0433

356 Educational Broadcasting Authority  
Fund 8721 - Org 0439

- Equipment	07000	200,000	200,000	1,000	1,000	1,000	1,000	1,000	0
- Federal Coronavirus Pandemic	89101	0	0	710,176	710,176	710,176	710,176	710,176	0
<b>Total</b>		<b>200,000</b>	<b>200,000</b>	<b>710,176</b>	<b>710,176</b>	<b>1,000</b>	<b>1,000</b>	<b>1,000</b>	<b>0</b>
<b>TOTAL ARTS, CULTURE AND HISTORY</b>		<b>10,960,497</b>	<b>10,960,497</b>	<b>16,652,167</b>	<b>16,652,167</b>	<b>10,827,153</b>	<b>10,827,153</b>	<b>10,827,153</b>	<b>0</b>

ENVIRONMENTAL PROTECTION  
357 Division of Environmental Protection  
Fund 8708 - Org 0313

- Personal Services and Employee Benefits	00100	31,406,529	31,406,529	32,273,598	32,273,598	32,273,598	32,273,598	32,273,598	0
- Current Expenses	13000	153,850,118	153,850,118	153,850,118	153,850,118	153,850,118	153,850,118	153,850,118	0
- Repairs and Alterations	06400	739,783	739,783	739,783	739,783	739,783	739,783	739,783	0
- Equipment	07000	1,712,238	1,712,238	1,712,238	1,712,238	1,712,238	1,712,238	1,712,238	0
- Unclassified	09000	1,923,580	1,923,580	1,923,580	1,923,580	1,923,580	1,923,580	1,923,580	0
- Other Assets	69000	2,177,261	2,177,261	2,177,261	2,177,261	2,177,261	2,177,261	2,177,261	0
- Land	73000	80,000	80,000	80,000	80,000	80,000	80,000	80,000	0
<b>Total</b>		<b>191,889,509</b>	<b>191,889,509</b>	<b>192,756,578</b>	<b>192,756,578</b>	<b>192,756,578</b>	<b>192,756,578</b>	<b>192,756,578</b>	<b>0</b>

**TOTAL ENVIRONMENTAL PROTECTION**

HEALTH AND HUMAN RESOURCES  
358 Consolidated Medical Service Fund  
Fund 8723 - Org 0506

- Personal Services and Employee Benefits	00100	1,532,219	1,532,219	1,660,962	1,660,962	1,660,962	1,660,962	1,660,962	0
- Unclassified	09000	73,307	73,307	73,307	73,307	73,307	73,307	73,307	0
- Current Expenses	13000	36,583,302	36,583,302	36,583,302	36,583,302	36,583,302	36,583,302	36,583,302	0
- Federal Coronavirus Pandemic	89101	0	0	4,886,344	4,886,344	4,886,344	4,886,344	4,886,344	0
<b>Total</b>		<b>38,188,828</b>	<b>38,188,828</b>	<b>99,203,915</b>	<b>99,203,915</b>	<b>99,203,915</b>	<b>99,203,915</b>	<b>99,203,915</b>	<b>0</b>

359 Division of Health - Central Office  
Fund 8802 - Org 0506

- Personal Services and Employee Benefits	00100	14,610,947	14,610,947	16,607,893	16,607,893	16,607,893	16,607,893	16,607,893	0
- Unclassified	09000	856,614	856,614	856,614	856,614	856,614	856,614	856,614	0
- Current Expenses	13000	69,201,885	69,201,885	102,758,622	102,758,622	102,758,622	102,758,622	102,758,622	0
- Equipment	07000	456,972	456,972	456,972	456,972	456,972	456,972	456,972	0
- Buildings	25800	155,000	155,000	155,000	155,000	155,000	155,000	155,000	0
- Other Assets	69000	380,000	380,000	380,000	380,000	380,000	380,000	380,000	0
- Federal Coronavirus Pandemic	89101	0	0	248,935,941	248,935,941	248,935,941	248,935,941	248,935,941	0
<b>Total</b>		<b>85,661,418</b>	<b>85,661,418</b>	<b>370,151,042</b>	<b>370,151,042</b>	<b>370,151,042</b>	<b>370,151,042</b>	<b>370,151,042</b>	<b>0</b>

360 Division of Health - WV Safe Drinking Water Treatment  
Fund 8824 - Org 0506

- West Virginia Drinking Water Treatment - Revolving Fund	68900	16,000,000	16,000,000	16,000,000	16,000,000	16,000,000	16,000,000	16,000,000	0
<b>Total</b>		<b>16,000,000</b>	<b>16,000,000</b>	<b>16,000,000</b>	<b>16,000,000</b>	<b>16,000,000</b>	<b>16,000,000</b>	<b>16,000,000</b>	<b>0</b>

361 Human Rights Commission  
Fund 8725 - Org 0510

- Personal Services and Employee Benefits	00100	449,874	449,874	455,925	455,925	455,925	455,925	455,925	0
- Unclassified	09000	5,050	5,050	5,050	5,050	5,050	5,050	5,050	0
- Current Expenses	13000	64,950	64,950	64,950	64,950	64,950	64,950	64,950	0
<b>Total</b>		<b>519,874</b>	<b>519,874</b>	<b>525,925</b>	<b>525,925</b>	<b>525,925</b>	<b>525,925</b>	<b>525,925</b>	<b>0</b>

362 Division of Human Services  
Fund 8722 - Org 0511

- Personal Services and Employee Benefits	00100	76,486,842	76,486,842	80,538,993	80,538,993	80,538,993	80,538,993	80,538,993	0
- Unclassified	09000	22,855,833	22,855,833	22,855,833	22,855,833	22,855,833	22,855,833	22,855,833	0
- Current Expenses	13000	112,110,500	112,110,500	112,181,984	112,181,984	112,181,984	112,181,984	112,181,984	0
- Medical Services	18900	3,598,409,155	3,860,302,514	3,935,000,000	3,935,000,000	3,935,000,000	3,935,000,000	3,935,000,000	0
- Medical Services Admin.Costs	78900	132,247,536	132,247,536	132,380,661	132,380,661	132,380,661	132,380,661	132,380,661	0
- CHIP Administrative Costs	85601	4,539,496	4,539,496	4,549,783	4,549,783	4,549,783	4,549,783	4,549,783	0
- CHIP Services	85602	47,422,974	49,752,412	49,752,412	49,752,412	49,752,412	49,752,412	49,752,412	0
- Federal Economic Stimulus	89100	5,000,000	5,000,000	5,002,723	5,002,723	5,002,723	5,002,723	5,002,723	0
- Federal Coronavirus Pandemic	89101	0	0	151,642,105	151,642,105	151,642,105	151,642,105	151,642,105	0
<b>Total</b>		<b>3,999,072,336</b>	<b>4,263,599,908</b>	<b>4,493,904,494</b>	<b>4,493,904,494</b>	<b>4,493,904,494</b>	<b>4,493,904,494</b>	<b>4,493,904,494</b>	<b>0</b>

**TOTAL DHHR**

<b>Total</b>		<b>4,139,442,456</b>	<b>4,448,970,028</b>	<b>4,979,785,376</b>	<b>4,979,785,376</b>	<b>4,979,785,376</b>	<b>4,979,785,376</b>	<b>4,979,785,376</b>	<b>0</b>
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- Equipment	07000	2,801,714	2,801,714	2,801,714	3,501,714	3,501,714	3,501,714	3,501,714	0
- Buildings	25800	1,250,000	1,250,000	1,250,000	2,450,000	2,450,000	2,450,000	2,450,000	0
- Other Assets	69000	100,000	100,000	100,000	250,000	250,000	250,000	250,000	0
<b>Total</b>		<b>13,739,433</b>	<b>26,077,683</b>	<b>26,077,683</b>	<b>26,107,939</b>	<b>26,107,939</b>	<b>26,107,939</b>	<b>26,107,939</b>	<b>0</b>
- Current Expenses	13000	400,000	400,000	400,000	400,000	400,000	400,000	400,000	0
- Other Assets	69000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	0

372 *Aeronautics Commission*  
Fund 8831 - Org 0807

**TOTAL TRANSPORTATION**

**VETERANS' ASSISTANCE**

373 *Department of Veterans' Assistance*  
Fund 8858 - Org 0613

- Personal Services and Employee Benefits	00100	2,947,485	2,890,365	2,890,365	3,016,683	3,016,683	3,016,683	3,016,683	0
- Salary and Benefits of Cabinet Secretary and Agency Head	00201		57,120	57,120	57,120	57,120	57,120	57,120	0
- Current Expenses	13000	2,840,300	2,840,300	2,840,300	2,840,300	2,840,300	2,840,300	2,840,300	0
- Repairs and Alterations	06400	20,000	20,000	20,000	20,000	20,000	20,000	20,000	0
- Equipment	07000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	0
- Buildings	25800	250,000	250,000	250,000	250,000	250,000	250,000	250,000	0
- Land	73000	500	500	500	500	500	500	500	0
- Veterans' Cemetery	80800	175,000	175,000	175,000	175,000	175,000	175,000	175,000	0
- Federal Coronavirus Pandemic	89101				1,900,000	1,900,000	1,900,000	1,900,000	0
<b>Total</b>		<b>6,258,285</b>	<b>6,258,285</b>	<b>6,258,285</b>	<b>8,284,603</b>	<b>8,284,603</b>	<b>8,284,603</b>	<b>8,284,603</b>	<b>0</b>
- Personal Services and Employee Benefits	00100	906,850	906,850	906,850	951,931	951,931	951,931	951,931	0
- Current Expenses	13000	601,700	595,700	595,700	595,700	595,700	595,700	595,700	0
- Repairs and Alterations	06400	60,500	60,500	60,500	60,500	60,500	60,500	60,500	0
- Equipment	07000	10,500	10,500	10,500	10,500	10,500	10,500	10,500	0
- Buildings	25800	500	500	500	500	500	500	500	0
- Other Assets	69000	500	6,500	6,500	6,500	6,500	6,500	6,500	0
- Land	73000	100	100	100	100	100	100	100	0
- Federal Coronavirus Pandemic	89101				1,600,000	1,600,000	1,600,000	1,600,000	0
<b>Total</b>		<b>1,580,650</b>	<b>1,580,650</b>	<b>1,580,650</b>	<b>3,225,731</b>	<b>3,225,731</b>	<b>3,225,731</b>	<b>3,225,731</b>	<b>0</b>
<b>Total</b>		<b>7,838,935</b>	<b>7,838,935</b>	<b>7,838,935</b>	<b>11,510,334</b>	<b>11,510,334</b>	<b>11,510,334</b>	<b>11,510,334</b>	<b>0</b>

374 *Department of Veterans' Assistance - Veterans' Home*  
Fund 8728 - Org 0618

**TOTAL VETERANS' ASSISTANCE**

**SENIOR SERVICES**

375 *Bureau of Senior Services*  
Fund 8724 - Org 0508

- Personal Services and Employee Benefits	00100	767,364	767,364	767,364	783,001	783,001	783,001	783,001	0
- Salary & Benefits of Cabinet Sec. and Agency Head	00201				8,840	8,840	8,840	8,840	0
- Current Expenses	13000	13,811,853	13,811,853	13,811,853	13,811,853	13,811,853	13,811,853	13,811,853	0
- Repairs and Alterations	06400	3,000	3,000	3,000	3,000	3,000	3,000	3,000	0
- Federal Coronavirus Pandemic	89101				16,400,000	16,400,000	16,400,000	16,400,000	0
<b>Total</b>		<b>14,582,217</b>	<b>14,582,217</b>	<b>14,582,217</b>	<b>31,006,694</b>	<b>31,006,694</b>	<b>31,006,694</b>	<b>31,006,694</b>	<b>0</b>
<b>Total</b>		<b>14,582,217</b>	<b>14,582,217</b>	<b>14,582,217</b>	<b>14,606,694</b>	<b>14,606,694</b>	<b>14,606,694</b>	<b>14,606,694</b>	<b>0</b>

**TOTAL SENIOR SERVICES**

**MISCELLANEOUS BOARDS & COMMISSIONS**

376 *Adjutant General - State Militia*  
Fund 8726 - Org 0603

- Unclassified	09000	982,705	982,705	982,705	982,705	982,705	982,705	982,705	0
- Martinsburg Starbase	74200	439,622	439,622	439,622	11,573,992	11,573,992	11,573,992	11,573,992	0
- Charleston Starbase	74300	424,685	424,685	424,685	547,801	547,801	547,801	547,801	0
- Mountaineer ChalleNGe Academy	70900	7,200,000	7,200,000	7,200,000	516,838	516,838	516,838	516,838	0
- Military Authority	74800	91,380,274	91,380,274	91,380,274	88,132,332	88,132,332	88,132,332	88,132,332	0
<b>Total</b>		<b>100,427,286</b>	<b>100,427,286</b>	<b>100,427,286</b>	<b>101,753,668</b>	<b>101,753,668</b>	<b>101,753,668</b>	<b>101,753,668</b>	<b>0</b>
- Personal Services and Employee Benefits	00100	1,350,000	1,350,000	1,350,000	1,350,000	1,350,000	1,350,000	1,350,000	0
- Current Expenses	13000	150,000	150,000	150,000	150,000	150,000	150,000	150,000	0

377 *Adjutant General - West Virginia National Guard Counterdrug Forfeiture Fund*



Fund 8785 - Org 0603

- Repairs and Alterations	06400	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	0
- Buildings	25800	100,000	100,000	200,000	200,000	200,000	200,000	200,000	200,000	0
- Land	73000	50,000	50,000	100,000	100,000	100,000	100,000	100,000	100,000	0
- Other Assets	69000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	0
- Equipment	07000	200,000	200,000	50,000	50,000	50,000	50,000	50,000	50,000	0
<b>Total</b>		<b>2,000,000</b>	<b>2,000,000</b>	<b>2,000,000</b>	<b>2,000,000</b>	<b>2,000,000</b>	<b>2,000,000</b>	<b>2,000,000</b>	<b>2,000,000</b>	<b>0</b>
- Personal Services and Employee Benefits	00100	1,352,576	1,352,576	1,410,819	1,410,819	1,410,819	1,410,819	1,410,819	1,410,819	0
- Current Expenses	13000	368,953	368,953	368,953	368,953	368,953	368,953	368,953	368,953	0
- Repairs and Alterations	06400	39,000	39,000	39,000	39,000	39,000	39,000	39,000	39,000	0
- Equipment	07000	935,500	413,400	1,000	1,000	1,000	1,000	1,000	1,000	0
<b>Total</b>		<b>2,696,029</b>	<b>2,173,929</b>	<b>1,819,772</b>	<b>1,819,772</b>	<b>1,819,772</b>	<b>1,819,772</b>	<b>1,819,772</b>	<b>1,819,772</b>	<b>0</b>
- Personal Services and Employee Benefits	00100	621,039	621,039	639,344	639,344	639,344	639,344	639,344	639,344	0
- Current Expenses	13000	124,628	124,628	4,072	4,072	4,072	4,072	4,072	4,072	0
- Equipment	07000	3,000	3,000	124,628	124,628	124,628	124,628	124,628	124,628	0
- Unclassified	09900	4,072	4,072	3,000	3,000	3,000	3,000	3,000	3,000	0
<b>Total</b>		<b>752,739</b>	<b>752,739</b>	<b>771,044</b>	<b>771,044</b>	<b>771,044</b>	<b>771,044</b>	<b>771,044</b>	<b>771,044</b>	<b>0</b>
- Personal Services and Employee Benefits	00100	163,405	163,405	193,043	193,043	193,043	193,043	193,043	193,043	0
- Current Expenses	13000	633,417	242,195	328,008	328,008	328,008	328,008	328,008	328,008	0
- Repairs and Alterations	06400	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	0
- Equipment	07000	3,000	3,000	3,000	3,000	3,000	3,000	3,000	3,000	0
- Other Assets	69000	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000	0
<b>Total</b>		<b>806,822</b>	<b>415,600</b>	<b>531,051</b>	<b>531,051</b>	<b>531,051</b>	<b>531,051</b>	<b>531,051</b>	<b>531,051</b>	<b>0</b>

378 Public Service Commission -  
Motor Carrier Division  
Fund 8743 - Org 0926

379 Public Service Commission -  
Gas Pipeline Division  
Fund 8744 - Org 0926

380 National Coal Heritage Area Authority  
Fund 8869 - Org 0941

**TOTAL BOARDS & COMMISSIONS** 4,255,590 105,769,554 106,875,535 106,875,535 106,875,535 106,875,535 106,875,535 106,875,535 106,875,535 106,875,535 0

**TOTAL FEDERAL FUNDS** 5,151,878,546 6,944,882,300 8,941,404,394 8,913,092,524 8,912,932,524 8,912,932,524 8,912,932,524 8,912,932,524 8,912,932,524 8,912,932,524 0

**SURPLUS**

<u>AGENCY NAME</u>	<u>EXPENDITURE</u>	APP	FY 2023 Final with Veto
<u>GENERAL REVENUE SURPLUS</u>			
Division of Human Services	- Medical Services	63300	8,800,000
Department of Tourism	- Brand Promotion	61893	7,000,000
Department of Veterans' Assistance	- Personal Services and Employee Benefits	24301	946,004
Department of Veterans' Assistance - Veterans' Home	- Personal Services and Employee Benefits	24301	149,783
Department of Environmental Protection	- Directed Transfer	70099	50,000,000
Department of Commerce - Office of the Secretary	- Directed Transfer	70099	1,000,000
Division of Administrative Services	- Current Expenses	13099	12,150,000
Division of General Services	- Capital Outlay, Repairs and Equipment	67700	4,000,000
Department of Economic Development - Office of Secretary	- Directed Transfer	70099	500,000
Division of Personnel	- Directed Transfer	70099	1,500,000
Adjutant General	- Armory Board Transfer	70199	1,525,000
Division of Corrections and Rehabilitation - Correctional Units	- Current Expenses	13099	4,200,000
Division of Natural Resources	- Equine Enhancement	xxxxxx	1,000,000
Division of Culture and History	- National Youth Science Camp	xxxxxx	100,000
Governor's Contingent Fund	- Congressional Earmarks	xxxxxx	100,000,000
Department of Economic Development	- Directed Transfer	70099	600,000,000
Division of Culture and History	- Educational Enhancements	xxxxxx	500,000
<b>TOTAL GENERAL REVENUE SURPLUS</b>			<b>793,370,787</b>
<b>LOTTERY SURPLUS</b>			

Bureau of Senior Services - Lottery Senior Citizens Fund	68199	14,750,000
Bureau of Senior Services - Lottery Senior Citizens Fund	76699	2,000,000
Department of Arts Culture and History	xxxxxx	100,000
<i>Department of Arts Culture and History</i>	76099	3,000,000
<b>TOTAL LOTTERY SURPLUS</b>		<b>19,850,000</b>
<b>EXCESS LOTTERY SURPLUS</b>		
Racing Commission - General Administration	70000	800,000
Division of Human Services	68100	16,200,000
<b>TOTAL EXCESS LOTTERY SURPLUS</b>		<b>17,000,000</b>
<b>TOTAL SURPLUS</b>		<b>830,220,787</b>

## Consolidated Public Retirement Board (CPRB) Plan Statistics

As of 7/1/2021	Public Employees (PERS)		Teachers' Defined Benefit (TRS)		Teachers' Defined Contribution (TDC)	State Police (Plan A)	State Police (Plan B)	Judges' System (JRS)		Deputy Sheriffs' (DSRS)	Emergency Medical Services (EMRS)	Municipal Police & Firefighters (MPFRS)	Natural Resources Police Officers (NRPORS)	
	Tier I	Tier II	Tier I	Tier II				Tier I	Tier II					
Year Implemented	1961	2015	1941	2015	1991	1935	1994	1949	2005	1998	2008	2010	2021	
Active Members	22,288	13,308	23,564	11,549	2,648	4	606	18	61	1085	638	540	111	
Retirees	29,006	3	37,282	0	522	752	94	59	0	494	138	1	3	
Covered by Soc. Sec.	Yes		Yes	Yes	Yes	No	No	Yes		Yes	Yes	Unknown	Yes	
Out of State Svc. Credit	Yes		Yes	Yes	No	No	No	No		No	No	No	No	
% of Employer Contributions/ARC	10.00%		Per Actuary (NC+UAAAL) 23.01% FY2022		7.50%	Per Actuary (NC+UAAAL) 43.16% FY2022	28% of Base Pay	Per Actuary (NC+UAAAL) \$742,000 FY2022		13.0% + Fees (0.68% fees FY2022)	10.50%	8.50%	12.00%	
% of Employee Contributions	4.50%	6.00%	6.00%		4.50%	9.00%	13% of Base Pay	7.00%		8.50%	8.50%	8.50%	9.50%	
Unfunded Accrued Liability (UAL)	\$196,389,000		\$2,754,980,000		N/A	(\$48,854,000)	(\$11,413,000)	(\$173,978,000)		\$39,540,000	(\$13,558,000)	(\$10,722,000)	\$2,847,000	
% Funded	97.5%		76.0%		N/A	106.1%	103.9%	263.1%		87.5%	112.8%	180.2%	89.8%	
Normal Retirement	Age 60 and 5 years of service or age 55 and age plus service equals 80	Age 62 and 10 years of service	Age 60 and 5 years of service or age 55 and 30 years or any age and 35 years	Age 62 and 10 years of service	Age 55 and 12 years of service	25 years of service or age 50 and 20 years or age 62 and 10 years	Age 50 and 25 years of service or age 52 and 20 years or age 62 and 10 years	24 years of service or age 65 and 16 years		Age 50 and age plus service equals 70 or age 60 and 10 years or, if not working, age 62 and 5 years	Age 50 and age plus service equals 70 or age 60 and 10 years or age 62 and 5 years	Age 50 and age plus service equals 70 or age 60 and 10 years or age 62 and 5 years	Age 55 and age plus service equals 70 or 55 and 15 years or, if not working, age 62 and 10 years	
Retirement Benefits	(2.0% of FAS) x (Years of Service)	(2.0% of FAS) x (Years of Service)	(2.0% of FAS) x (Years of Service)	(2.0% of FAS) x (Years of Service)	Vested assets in both EE & ER contributions and net earnings	5.5% of total salary earned as employee	(3.00% of FAS) x (Years of Service)	75% of current salary of sitting judges	75% of FAS (Years of Service)	(2.50% of FAS) x (Years of Service)	- 2.75% of FAS for 1-20 yrs of svc. - 2.0% of FAS for 21-25 yrs of svc. - 1.5% of FAS for yrs over 25 with max of 90%	- 2.6% of FAS for 1-20 years of svc. - 2.0% of FAS for 21-25 years of svc. - 1.0% of FAS for 26-30 years of svc.	Retirements effective on or before 7/1/2025 (2.250% of FAS) x (Years of Service)	
Final Average Salary (FAS)	36 highest consecutive months out of last 15 years of earnings	60 highest consecutive months out of last 15 years of earnings	5 highest plan years out of last 15 years of earnings	Vesting: 33.33% at 6 years 66.67% at 9 years 100% at 12 years		N/A	5 highest calendar years out of last 10 years of service	N/A	36 highest consecutive months	5 highest consecutive plan years out of last 10 years of earnings	5 highest consecutive plan years out of last 10 years of earnings	5 highest consecutive plan years out of last 10 years of earnings	5 highest consecutive plan years out of last 10 years of earnings	
COLA	No	No	No	No	No	3.75%	1.00%	No	No	No	No	No	No	
Credit for Military Service	Yes - Credit for up to 5 years	Yes - May purchase up to 5 years	Yes - Credit for up to 10 years or 25% of total service	Yes - May purchase up to 5 years	Service under USERRA only	Yes - Credit for up to 5 years after 20 years of service	Yes - Credit for up to 5 years after 20 years of service	Yes - Credit for up to 5 years	Yes - Credit for up to 5 years	Yes - Credit for up to 5 years	Yes - Credit for up to 5 years	Yes - Credit for up to 2 years. May purchase 1 additional year.	Yes - Credit for up to 5 years	
Disability Benefits	Yes - After 10 years of service for non-work related disability	Yes - After 10 years of service or violence	Yes - After 10 years of service for student violence	Yes - No minimum service	Yes - No minimum service	Any Age & Any Service	Any Age & Any Service	Yes - After 10 years of service or age 65 with 6 years	Any Age & Any Service	Yes - After 10 years of service for non-duty disability	Yes - After 10 years of service for non-duty disability	Yes - After 10 years of service for non-duty disability	Yes - After 10 years of service for non-duty disability	
Interest Rate Assumption	7.25%	7.25%	7.25%	N/A	N/A	7.25%	7.25%	7.25%	7.25%	7.25%	7.25%	7.25%	7.25%	
Projected Amortization	by 6/30/2035	by 6/30/2034	by 6/30/2034	N/A	N/A	N/A	N/A	N/A	N/A	by 6/30/2029	N/A	N/A	by 6/30/2051	

## CPRB Retirement Plans - Running Statistics

PLAN NAME	PLAN YEAR	ACTIVES		VESTED TERMS.		NON - VESTED TERMS.		RETIRES		UAL (in millions)	% FUNDED *	MKT. VALUE ASSETS (in millions)	
		TIER I	TIER II	TIER I	TIER II	TIER I	TIER II	TIER I	TIER II				
PERS	7/1/2018	27,284	7,481	4,625	1	15,920	3,554	27,568	0	\$494.83	92.9%	\$6,508.77**	
	7/1/2019	25,448	10,060	4,747	0	15,318	4,760	28,033	0	\$445.11	93.9%	\$6,792.29**	
	7/1/2020	23,893	11,888	4,917	1	14,892	6,121	28,449	1	\$377.51	95.0%	\$7,129.02**	
	7/1/2021	22,268	13,308	4,926	3	14,674	7,774	29,006	3	\$196.39	97.5%	\$7,745.85**	
TRS	7/1/2018	27,540	5,634	3,169	0	3,723	1,528	36,394	0	\$3,280.14	69.6%	\$7,497.89**	
	7/1/2019	26,314	7,794	2,983	0	3,518	1,670	36,652	0	\$3,163.02	71.1%	\$7,788.48**	
	7/1/2020	25,046	9,707	3,038	0	3,282	1,910	36,797	0	\$3,038.52	72.8%	\$8,116.33**	
	7/1/2021	23,564	11,549	2,919	0	3,133	2,186	37,282	0	\$2,754.98	76.0%	\$8,740.20**	
TDC	7/1/2018	3,407	N/A	N/A	N/A	N/A	N/A	336***	N/A	N/A	N/A	\$515.30	
	7/1/2019	3,317	N/A	N/A	N/A	N/A	N/A	414***	N/A	N/A	N/A	\$549.65	
	7/1/2020	3,214	N/A	N/A	N/A	N/A	N/A	455***	N/A	N/A	N/A	\$582.99	
	7/1/2021	2,648	N/A	N/A	N/A	N/A	N/A	522***	N/A	N/A	N/A	\$703.29	
STATE POLICE PLAN A	7/1/2018	20	4	4	1	1	1	759	0	\$72.17	90.4%	\$682.80	
	7/1/2019	6	4	4	1	1	1	765	0	\$77.30	89.9%	\$689.82	
	7/1/2020	4	3	3	1	1	1	759	0	\$97.52	87.4%	\$675.60	
	7/1/2021	4	2	2	1	1	1	752	0	(\$48.85)	106.1%	\$851.53	
STATE POLICE PLAN B	7/1/2018	570	17	17	125	137	137	33	0	(\$3.27)	101.8%	\$189.92	
	7/1/2019	613	19	19	137	134	134	40	0	\$18.53	91.8%	\$207.10	
	7/1/2020	626	17	17	134	138	138	59	0	\$29.05	88.4%	\$220.57	
	7/1/2021	606	20	20	138	138	138	94	0	(\$11.41)	103.9%	\$301.16	
JRS	7/1/2018	23	51	0	1	2	2	57	1	(\$94.27)	185.5%	\$204.49	
	7/1/2019	20	57	2	0	0	0	59	0	(\$102.18)	192.3%	\$212.65	
	7/1/2020	19	58	2	0	0	0	59	0	(\$116.89)	218.3%	\$215.69	
	7/1/2021	18	61	1	0	0	0	59	0	(\$173.98)	263.1%	\$280.66	
DSRS	7/1/2018	1,050	114	114	246	267	267	403	0	\$19.00	92.1%	\$220.51	
	7/1/2019	1,081	119	119	275	275	275	432	0	\$27.09	89.6%	\$233.66	
	7/1/2020	1,086	119	119	275	275	275	456	0	\$30.04	89.2%	\$247.78**	
	7/1/2021	1,085	121	121	308	308	308	494	0	\$39.54	87.5%	\$277.32**	
EMSRS	7/1/2018	577	61	61	221	221	221	102	0	(\$3.73)	104.9%	\$79.30	
	7/1/2019	587	67	67	263	263	263	120	0	(\$2.39)	102.9%	\$84.97	
	7/1/2020	611	70	70	299	299	299	130	0	\$1.69	98.1%	\$89.01	
	7/1/2021	638	77	77	342	342	342	138	0	(\$13.56)	112.8%	\$119.22	
MPFRS	7/1/2018	332	32	2	97	97	97	1	0	(\$3.28)	168.3%	\$8.08	
	7/1/2019	370	37	7	131	131	131	1	0	(\$4.93)	177.5%	\$11.30	
	7/1/2020	436	43	6	149	149	149	1	0	(\$5.94)	166.5%	\$14.89	
	7/1/2021	540	54	11	199	199	199	1	0	(\$10.72)	180.2%	\$24.10	
NRPORS	7/1/2021	111	4	4	3	3	3	3	0	\$2.85	89.8%	\$25.01	
<b>TOTALS as of 7/1/2021</b>											<b>\$2,735.24</b>	<b>68,354</b>	<b>\$19,068.34</b>

\* Plan assets as a percent of Actuarial Accrued Liabilities  
 \*\*Actuarial Value Asset under 4 Year Asset Smoothing  
 \*\*\*Receiving Periodic Payment Distribution

The materials contained herein are intended for general guidance purposes only. In the event there is a discrepancy between information contained here and the WV State Code and Rules, the language in the Code and Rules shall prevail.