ACTS
OF THE
LEGISLATURE
OF
WEST VIRGINIA

Regular Session, 1975
Second Extraordinary Session, 1974
FOREWORD

This volume contains the Acts of the First Regular Session of the 62nd Legislature and the Second Extraordinary Session of the 61st Legislature.

Regular Session, 1975

The first regular session of the 62nd Legislature convened on January 8, 1975, and concluded the sixty-day constitutional session at midnight March 8, 1975. However, for the fifth time in the history of the State and the first time since 1891, the session was extended by concurrent resolution, as provided by Section 22, Article VI of the Constitution, through the 14th day of April, 1975, and adjourned sine die on that date.

The resolutions extending the session fixed an agenda for the extension, limiting business to consideration of supplementary appropriation bills, reconsideration of bills disapproved by the Governor, reconsideration of appropriation bills in which the Governor had deleted items or language or reduced amounts, and reports of Conference Committees.

Bills totaling 1,477 were introduced in the two houses during the session—865 House and 612 Senate. In addition to the Budget Bill, there were 133 bills introduced dealing with appropriation of money—bills amending and transferring amounts of previous appropriations and supplementary appropriation bills—81 were House bills and 52 were Senate bills. A total of 99 of these bills became law.

The Legislature passed 223 bills during the session—122 House and 101 Senate. The Governor approved 163 bills and vetoed 60. Vetoes of 55 bills were overridden, 40 of them being supplementary appropriation bills. One supplementary appropriation bill (H. B. 837) was vetoed three times. It was twice amended by the Legislature and resubmitted to the Governor, the last veto coming after adjournment of the session. Three bills vetoed were amended on reconsideration and subsequently approved by the Governor.

The five bills lost through vetoes were H. B. 837 (supplementary appropriation for state aid to schools), H. B. 1443 (payment of claims against the Department of Highways), S. B. 181 (limitation of amount of life insurance on debtors), S. B. 394 (licensing and regulation of radiologic technologists), and S. B. 597 (supplementary appropriation for feasibility study of State Route 219).

There were 105 concurrent resolutions introduced during the session, 62 House and 43 Senate, of which 14 House and nine Senate were adopted. Nineteen House Joint and 15 Senate Joint Resolutions were introduced, proposing amendments to the State Constitution, none of which were adopted. The House had 30 House Resolutions and the Senate had 29 Senate Resolutions, of which 14 House and 20 Senate were adopted.
The Senate failed to pass 79 House bills passed by the House and 90 Senate bills passed by the Senate failed passage by the House. One Senate bill (S. B. 105, redistricting of the State Senate) died in conference.

Second Extraordinary Session, 1974

The Legislature convened for the Second Extraordinary Session of 1974 on June 11, 1974, and adjourned sine die November 15, 1974. During the session two adjournments were taken for more than three days—from July 3 to July 29 and from July 30 to November 12.

There were 130 bills introduced in the two houses—65 House and 65 Senate, dealing with the 30 items of business set forth in the proclamation of the Governor convening the session. The Legislature passed 18 bills—seven House and eleven Senate. The Governor approved 17 bills and permitted one bill to become law without his approval.

There were 35 Concurrent Resolutions introduced during the session, 16 House and 19 Senate, of which three House and two Senate were adopted. Five Joint Resolutions were introduced, proposing amendments to the State Constitution, none of which were adopted. The House had 19 House Resolutions and the Senate had 20 Senate Resolutions, of which 14 House and 17 Senate were adopted.

The Senate failed to pass five House bills passed by the House and one Senate bill communicated to the House was not passed.

One House Bill was rejected by the House on passage (H. B. 132, compensation of the Judges of the Court of Claims) and the Senate rejected one House Bill on passage (H. B 138, limitation on actions before magistrates which were previously commenced in a justice of the peace court).

This volume may be purchased from the Division of Purchases, Department of Finance and Administration, State Capitol, Charleston, West Virginia 25305.

C. A. Blankenship, Clerk
House of Delegates
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ERRATA

Page 5, §19-11-5, line 14, second word "of" should be "or".

Pages 26 and 27, §19-16B-8, lines 70 and 81, "fourteen" should be "fifteen".

Page 321, §31-1-56a. line 21, a semicolon and the number (ii) should follow the word "state", and the numbers in lines 23, 26, 31 and 35 should be changed to carry out the new number.

Page 338, §31-18-20b, line 83, "funds" should be "fund".
## MEMBERS OF THE SENATE

### REGULAR SESSION, 1975

### OFFICERS

**President**—W. T. Brotherton, Jr., Charleston  
**Clerk**—J. C. Dillon, Jr., Hinton  
**Sergeant at Arms**—John E. Howell, Charleston  
**Doorkeeper**—E. L. Bevins, Williamson

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*J. C. Dillon, Jr., resigned January 8, 1975, and was elected Clerk of the Senate.  

(D) Democrats ........................................... 25  
(R) Republicans ......................................... 8  
Total ...................................................... 33
MEMBERS OF THE HOUSE OF DELEGATES

REGULAR SESSION, 1975

OFFICERS

Speaker—Lewis N. McManus, Beckley
Clerk—C. A. Blankenship, Pineville
Sergeant at Arms—Oce W. Smith, Jr., Fairmont
Doorkeeper—Dannie Wingo, Yukon

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<td>James M. Moler (D)</td>
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(D) Democrats 86
(R) Republicans 14
Total 100
STANDING COMMITTEES OF THE SENATE
1975

AGRICULTURE
Oates (Chairman), Beall (Vice Chairman), Darby, Hamilton, Hatfield, Steptoe, Susman, Williams, Jones and Rogerson.

BANKING AND INSURANCE
Neeley (Chairman), Williams (Vice Chairman), Benson, Hamilton, Huffman, Moreland, Oates, Rogers, Susman, Ward, Deem, Herndon and Kusic.

CONFIRMATIONS
Benson (Chairman), Galperin (Vice Chairman), Darby, Davis, Hamilton, McGraw, Rogers, Savilla, Willis, Gilligan, Harman and Herndon.

EDUCATION
Nelson (Chairman), Willis (Vice Chairman), Beall, Benson, Galperin, McGraw, Oates, Savilla, Sharpe, Steptoe, Deem, Gilligan, Herndon, and Jones.

ELECTIONS
Williams (Chairman), McGraw (Vice Chairman), Galperin, Hamilton, Huffman, Moreland, Nelson, Palumbo, Steptoe, Deem and Jones.

FINANCE
Fanning (Chairman), Susman (Vice Chairman), Beall, Darby, Gainer, Galperin, Hatfield, McGraw, Neeley, Savilla, Sharpe, Williams, Willis, Gilligan, Harman, Hinkle and Rogerson.

HEALTH
Darby (Chairman), Hatfield (Vice Chairman), Davis, Galperin, Hamilton, Moreland, Sharpe, Harman and Jones.

INTERSTATE COOPERATION
Gainer (Chairman), Moreland (Vice Chairman), Neeley, Nelson, Susman, Gilligan and Herndon.

JUDICIARY
Palumbo (Chairman), Oates (Vice Chairman), Benson, Davis, Gainer, Hamilton, Huffman, Moreland, Neeley, Nelson, Rogers, Steptoe, Ward, Willis, Deem, Herndon, Jones and Kusic.

LABOR
Hatfield (Chairman), Davis (Vice Chairman), Darby, Huffman, Sharpe, Steptoe, Ward, Harman and Kusic.

LOCAL GOVERNMENT
Galperin (Chairman), Huffman (Vice Chairman), Beall, Benson, Moreland, Steptoe, Herndon and Hinkle.
MILITARY
Moreland (Chairman), Savilla (Vice Chairman), Darby, Hatfield, McGraw, Neeley, Williams, Harman and Hinkle.

MINES AND MINING
Susman (Chairman), Fanning (Vice Chairman), Beall, Benson, Gainer, Hamilton, Williams, Willis, Deem and Kusic.

NATURAL RESOURCES
Gainer (Chairman), Benson (Vice Chairman), Beall, Galperin, McGraw, Neeley, Oates, Palumbo, Rogers, Susman, Willis, Herndon, Kusic and Rogerson.

PUBLIC INSTITUTIONS
Sharpe (Chairman), Hatfield (Vice Chairman), Darby, Davis, Nelson, Rogers, Savilla, Steptoe, Gilligan, Harman and Hinkle.

RULES
Brotherton (ex officio Chairman), Fanning, Gainer, Nelson, Palumbo, Sharpe, Susman, Ward, Kusic and Rogerson.

TRANSPORTATION
Willis (Chairman), Hamilton (Vice Chairman), Beall, Davis, Gainer, Hatfield, Huffman, Neeley, Nelson, Palumbo, Savilla, Sharpe, Williams, Deem, Hinkle, Gilligan and Rogerson.

JOINT COMMITTEES
ENROLLED BILLS
Davis (Chairman), Beall, Rogers, Hinkle and Jones.

GOVERNMENT AND FINANCE
Brotherton (ex officio Chairman), Fanning, Palumbo, Sharpe, Ward, Deem and Rogerson.

JOINT RULES
Brotherton (ex officio Chairman), Ward and Rogerson.

SPECIAL COMMITTEE
FUNDED HEALTH PROGRAM—
CITIZENS CONFERENCE ON STATE LEGISLATURES
Darby (Chairman), Davis, Hatfield, Jones and Sharpe.

PURCHASING PRACTICES AND PROCEDURES COMMISSION
Brotherton (Chairman), McGraw, Nelson, Gilligan and Harman.
STANDING COMMITTEES OF THE
HOUSE OF DELEGATES
1975

AGRICULTURE AND NATURAL RESOURCES
Ballouz (Chairman), Neal (Vice Chairman), Arnold, Artrip, Brenda, Brown, Bryan, Burleson, Chafin, Childers, Damron (13th Dist.), Erdie, Goodwin, Holliday, McLaughlin, Miller, Milleson, See, Smith, Wells, Wiedebusch, Worden, McCuskey, Swann and Terry.

BANKING AND INSURANCE
Moler (Chairman of Banking), Morasco (Chairman of Insurance), Allen (Vice Chairman of Banking), Stacy (Vice Chairman of Insurance), Canfield, Crabtree, Farley, Holmes, Johnson, Milleson, Mowery, Peak, Pitsenberger, Scott, See, Shingleton, Tomblin, Tompkins, Toney, Tonkovitch, Tucker, Wright, Goldstrom, Jones and Otte.

CONSTITUTIONAL REVISION
Copeland (Chairman), Bumgarner (Vice Chairman), Albright, Artrip, Bell, Colombo, Dalton, Dinsmore, Donley, Farley, McLaughlin, Mowery, Peak, Prestera, Sattes, Shuman, Sonis, Spears, Underwood, Wells, Wright, Goldstrom, McCuskey, Moats and Terry.

EDUCATION
Lohr (Chairman), Damron (10th Dist.) (Vice Chairman), Ballouz, Bird, Brown, Burleson, Dalton, Donley, Erdie, Goodwin, Hagedorn, Lewis, McNeely, Payne, Sonis, Spears, Underwood, Wehrle, Wiedebusch, Worden, Wright, Esposito, Harman, Shaffer and Swann.

FINANCE
Burke (Chairman), Fantasia (Vice Chairman), Allen, Bell, Boettner, Brenda, Bryan, Crabtree, Farley, Fitzgerald, Given, Johnson, Kincaid, Long, Mathis, Moler, Morasco, Neal, Peak, Polan, Wanstree, Withrow, Altmeyer, Jones and Teets.

HEALTH AND WELFARE
Withrow (Chairman), Tonkovitch (Vice Chairman), Arnold, Artrip, Bird, Bumgarner, Caudle, Chafin, Childers, Colombo, Fitzgerald, Gvoyich, Hagedorn, Holliday, Lewis, Miller, Smith, Spears, Tomblin, Wehrle, Wells, Worden, Esposito, Otte and Shaffer.

INDUSTRY AND LABOR
Kopp (Chairman), Moore (Vice Chairman), Allen, Artrip, Bumgarner, Burleson, Copeland, Damron (10th Dist.), Damron (13th Dist.), Fantasia, Gilliam, Given, Gvoyich, Hagedorn, Holmes, McLaughlin, Morasco, Polan, Rollins, Sonis, Tompkins, Wiedebusch, Altmeyer, Harman and Shaffer.
INTERSTATE COOPERATION

Kopp (Chairman), Christian, Given, Rollins, Withrow, Harman and Terry. (The Speaker is a nonvoting member.)

JUDICIARY

Sommerville (Chairman), See (Vice Chairman), Albright, Caudle, Christian, Colombo, Copeland, Dinsmore, Gilliam, Kopp, Moore, Pitsenberger, Prexter, Sattes, Scott, Shepherd, Shingleton, Shuman, Stacy, Tompkins, Tucker, McCuskey, Moats, Moyle and Terry.

POLITICAL SUBDIVISIONS

Given (Chairman), Wanstreet (Vice Chairman), Albright, Bell, Brown, Canfield, Chafin, Damron (13th Dist.), Dinsmore, Gvoyich, Kincaid, Lewis, Mathis, McLaughlin, McNeely, Mowery, Shepherd, Shuman, Sonis, Toney, Tonkovich, Wells, Esposito, Moyle and Otte.

ROADS AND TRANSPORTATION

Donley (Chairman), Mowery (Vice Chairman), Arnold, Boettner, Bumgarner, Childers, Christian, Damron (13th Dist.), Erdie, Fitzgerald, Holliday, Long, Milleson, Payne, Prexter, Sattes, Smith, Tomblin, Toney, Underwood, Wanstreet, Wehrle, Jones, Moats and Swann.

RULES

McManus (ex officio Chairman), Brenda, Burke, Fantasia, Goodwin, Kopp, Lohr, Moler, Rollins, Shiflet, Sommerville and Seibert.

STATE AND FEDERAL AFFAIRS

Scott (Chairman), Payne (Vice Chairman), Bird, Bryan, Canfield, Caudle, Childers, Crabtree, Dalton, Damron (10th Dist.), Gilliam, Holmes, Johnson, Kincaid, Long, McNeely, Miller, Neal, Shepherd, Smith, Tomblin, Goldstrom, Harman, Moyle and Teets.

JOINT COMMITTEES

ENROLLED BILLS

Christian (Chairman), Holmes, Spears, Goldstrom and Swann.

GOVERNMENT AND FINANCE

McManus (ex officio Chairman), Burke, Lohr, Shiflet, Sommerville, Seibert and Teets.

JOINT RULES

McManus (ex officio Chairman), Shiflet and Seibert.

SELECT COMMITTEE ON REDISTRICTING

Dinsmore (Chairman), Peak (Vice Chairman), Albright, Ballouz, Boettner, Brenda, Canfield, Chafin, Holmes, Lohr, Mathis, Moler, Moore, Pitsenberger, Polan, Rollins, See, Shingleton, Stacy, Toney, Tonkovich, Tucker, Altmeyer, Moats and Teets.
HOUSE COMMITTEES

SPECIAL COMMITTEES

Majority Caucus
Shiflet (Chairman), Canfield and Chafin (Associate Chairmen).

FUNDED HEALTH PROGRAM—CITIZENS CONFERENCE ON STATE LEGISLATURES
Withrow (Chairman), Artrip, Esposito, Wehrle and Wells.

PURCHASING PRACTICES AND PROCEDURES COMMISSION
McManus (Chairman), Polan, Shingleton, Moats and Seibert.

MINORITY ORGANIZATION

Minority Leader—George H. Seibert, Jr.
Caucus Chairman—Harry E. Moats
Minority Whip—Terry T. Jones

Minority chairmen on Standing Committees:
Agriculture and Natural Resources—Larry D. Swann
Education—Robert D. Harman
Finance—James W. Teets
Health and Welfare—Charles R. Shaffer
Judiciary—Harry E. Moats
Political Subdivisions—Luke E. Terry
AN ACT to amend and reenact section nine, article fourteen, chapter twenty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the establishment of programs of services for the aging by the West Virginia commission on aging; appropriations and contributions by county courts and municipalities for the establishment of such programs.

Be it enacted by the Legislature of West Virginia:

That section nine, article fourteen, chapter twenty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 14. STATE COMMISSION ON AGING.

§29-14-9. Programs of services for the aging.

1 The commission may establish, under the administration of the director, in selected areas and local communities of the state, programs of services for the aging. Particular emphasis shall be given to services designed to foster continued participation of older people in family and community life and to prevent, insofar as possible, the onset of dependency and the need for long-term institutional care. Any allocations by the commission of appropriations for such programs may be made contingent upon local appropriations or gifts in money
or in kind for the support of such programs. The county court
of any county or governing body of any municipality in this
state may appropriate and expend money for establishing and
maintaining such programs. Funds so appropriated by the
county court or by the governing body of any municipality in
this state may be contributed from time to time to any
committee or organization approved by the commission on
aging for the purposes authorized by this section.

CHAPTER 2
(S. B. 319—By Mr. Savilla and Mr. Oates)

[Passed March 6, 1975; in effect ninety days from passage. Approved by the Governor.]

AN ACT to amend chapter nineteen of the code of West Vir­
ginia, one thousand nine hundred thirty-one, as amended,
by adding thereto a new article, designated article two-d,
relating to definitions, labeling of imitation products; pro­
hibiting certain offenses relating thereto; and providing
to penalties therefor.

Be it enacted by the Legislature of West Virginia:

That chapter nineteen of the code of West Virginia, one
thousand nine hundred thirty-one, as amended, be amended
by adding thereto a new article, designated article two-d, to
read as follows:

ARTICLE 2D. IMITATION HONEY PRODUCT LAW.
§19-2D-1. Definitions.
§19-2D-2. Labeling.
§19-2D-3. Penalties.
§19-2D-1. Definitions.

1 "Honey" means the nectar and saccharine exudation
2 of plants as gathered, modified and stored in comb by
3 honey bees.
4 "Label" means all written, printed or graphic informa-
5 tion upon, attached to or accompanying product contain-
6 ers or wrappers.
7 "Package" means any container or wrappings in which
§19-2D-2. Labeling.

(a) No person shall manufacture, package, label, sell, keep for sale, expose or offer for sale, any article or product with the word "honey" either singularly or in context with other words used in the packaging, labeling or advertising of the product if the product is not honey.

(b) No person shall manufacture, sell, expose or offer for sale any compound or mixture labeled as and for honey which shall be made up of honey mixed with any other ingredient or substance.

§19-2D-3. Penalties.

Any person who violates any of the provisions of this article, shall be guilty of a misdemeanor, and, upon conviction thereof, shall, for the first offense, be fined not more than one hundred dollars, and upon conviction for each subsequent offense be fined not more than five hundred dollars.

CHAPTER 3

(H. B. 967—By Mrs. Withrow and Mr. Ballewz)

[Passed February 21, 1975; in effect ninety days from passage. Approved by the Governor.]

AN ACT to amend and reenact sections three and five, article eleven, chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to standards for milk and milk products and dairy products; permits for the manufacture or purchase of milk and cream.
Be it enacted by the Legislature of West Virginia:

That sections three and five, article eleven, chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 11. MILK AND MILK PRODUCTS.

§19-11-5. Permit for the manufacture or purchase of milk and cream.


(a) The commissioner shall establish definitions and standards by regulation, pursuant to the provisions of chapter twenty-nine-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, for milk and milk products and dairy products, including but not limited to milk, skimmed milk, buttermilk, cultured buttermilk, condensed and sweetened condensed milk, condensed skimmed milk, sweetened condensed skimmed milk, dried milk, dried skimmed milk, sweet cream, butter, cheese, half and half, cottage cheese, creamed cottage cheese, homogenized milk, vitamin D milk, ice cream, ice milk and mellorine except that:

(1) No standard so established shall be less than that for the same item as established by the food and drug administration of the federal department of health, education and welfare; and

(2) The terms "pasteurization" and "pasteurized" and similar terms shall refer to the process of heating every particle of milk or milk products to at least one hundred forty-five degrees Fahrenheit, and holding it at such temperature continuously for at least thirty minutes, or to at least one hundred sixty-one degrees Fahrenheit, and holding it at the same temperature continuously for at least fifteen seconds, in approved and properly operated equipment:

Provided, That nothing contained in this definition shall be construed as barring any other process which has been demonstrated to be equally efficient and which is approved by the commissioner of agriculture and state director of health.
(b) It shall be unlawful for any person to manufacture, offer or expose for sale or exchange, or have in his possession with intent to sell, offer or expose for sale or exchange, any milk or milk products that do not conform to rules and regulations issued under subsection (a) and by the West Virginia board of health.

§19-11-5. Permit for the manufacture or purchase of milk and cream.

(a) Each person, firm, partnership, corporation, company, cooperative or association receiving, buying, paying for milk or cream, regardless of the method of settlement, shall secure from the commissioner of agriculture a permit for each and every place where milk or cream is received by weight or measure.

(b) Application for a permit shall be made to the commissioner on forms supplied by the commissioner.

(c) Each application for a permit shall be accompanied by a fee of five dollars.

(d) Permits shall expire on the thirtieth day of June, following date of issue unless sooner revoked by the commissioner.

(e) The commissioner may revoke any permit when provisions of this article of the regulations issued thereunder have been violated, after a hearing in accordance with the provisions of article five, chapter twenty-nine-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended.

(f) Permits shall be procured by such persons, firms, partnerships, corporations, companies, cooperatives or associations manufacturing, processing or distributing milk, milk products and dairy products in the state except that this provision shall not apply to individuals buying milk or milk products or dairy products for private use, or to retail stores, hotels, restaurants or drug stores who do not operate a dispensing freezer for the manufacture of frozen desserts for sale to the general public.
AN ACT to amend and reenact article fifteen-a, chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to agricultural liming materials; definitions; required registration and fees therefor; required labeling; toxic materials, prohibiting as adulterant; semiannual reporting required and tonnage fees assessed; inspection, sampling and analysis required; providing for stop sale and seizure orders and registration cancellation; deficiency assessments; regulations; and providing penalties.

Be it enacted by the Legislature of West Virginia:

That article fifteen-a, chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted, to read as follows:

ARTICLE 15A. WEST VIRGINIA AGRICULTURAL LIMING MATERIALS LAW.

§19-15A-2. Registration of brands; registration fees.


1 As used in this article:

2 (a) "Brand" means the term, designation, trademark, product name or other specific designation under which individual liming materials are offered for sale.

5 (b) "Bulk" means liming materials in nonpackaged form.

6 (c) "Burnt lime" means a material, made from limestone
which consists essentially of calcium oxide or a combination of calcium oxide with magnesium oxide.

(d) "Calcium carbonate equivalent" means the acid neutralizing capacity of agricultural liming material expressed as the weight percentage of calcium carbonate.

(e) "Commissioner" means the commissioner of agriculture of the state of West Virginia or his duly authorized agent.

(f) "Fineness" means the percentage by weight of the material which will pass United States standard sieves of specified sizes.

(g) "Hydrated lime" means a material, made from burnt lime, which consists essentially of calcium hydroxide or a combination of calcium hydroxide with magnesium oxide and magnesium hydroxide, or both magnesium oxide and magnesium hydroxide.

(h) "Label" means any written or printed matter on or attached to the package or on the delivery ticket which accompanies bulk shipments.

(i) "Limestone" means a material consisting essentially of calcium carbonate with magnesium carbonate capable of neutralizing soil acidity.

(j) "Liming materials" means a product whose calcium and magnesium compounds are used in agriculture because of their capability in neutralizing soil acidity.

(k) "Marl" means a granular or loosely consolidated earthy material composed largely of sea shell fragments and calcium carbonate.

(l) "Percent or percentage" means percent or percentage by weight.

(m) "Person" means any individual, partnership, association, fiduciary, firm, corporation or any organized group of persons whether incorporated or not.

(n) "Slag" means any industrial waste or by-product containing calcium or calcium and magnesium in forms that will neutralize soil acidity.
“Ton” means a weight of two thousand pounds avoirdupois.

“Weight” means the weight of undried liming material as offered for sale.

§19-15A-2. Registration of brands; registration fees.

(a) No agricultural liming material shall be sold or offered for sale in the state unless it has been registered with the commissioner.

(b) Application for registration shall be made to the commissioner on forms approved or supplied by the commissioner. Each separately identified liming product shall be registered before being distributed in the state.

(c) The commissioner shall collect a fifteen dollar registration fee for each brand registered.

(d) All registrations shall expire at the end of the calendar year of issue unless sooner revoked by the commissioner as provided in section six of this article.


(a) No person shall sell, offer to sell, or expose for sale in the state any agricultural liming materials which do not have affixed to the outside of each package in a conspicuous manner a plainly printed, stamped or otherwise marked label, tag or statement, or in the case of bulk sales, a delivery invoice including at least the following:

(1) The name and principal business address of the manufacturer or distributor.

(2) The brand name of the liming material.

(3) The identification of the product as to the type of liming material.

(4) The net weight of the liming material.

(5) The minimum percentage of calcium oxide and magnesium oxide or calcium carbonate and magnesium carbonate.
16 (6) The calcium carbonate equivalent as determined by methods prescribed by the association of official analytical chemists.

19 (7) The minimum percent by weight passing through United States standard sieves.

21 (b) A copy of the statement provided for in subsection (a) shall be posted for each brand sold in bulk at each site where purchase orders are accepted or from which deliveries for such liming materials are made.

25 (c) No information or statement shall appear on any package, label, delivery invoice or advertisement which gives a false or misleading impression to the purchaser as to the quality, analysis, type or composition of the liming material.

29 (d) When liming material has been adulterated subsequent to packaging, labeling or loading thereof and before delivery has been made to the consumer, conspicuous, plainly worded notice to that effect shall be affixed by the vendor to the package or delivery invoice to identify the kind and degree of adulteration therein: Provided, That no liming material shall be sold or offered for sale in the state which contains toxic materials in quantities injurious to plants or animals when applied according to directions.

38 (e) If the commissioner should find, after public hearing following due notice, that a requirement for listing the percentage of calcium and magnesium in elemental form would help in reducing among the states conflicting labeling requirements and would not impose an economic hardship on purchasers of liming materials, he may issue regulations which shall require the minimum percentage of calcium oxide and magnesium oxide or calcium carbonate and magnesium carbonate to be expressed as:

Total calcium (Ca) __________ percent
Total magnesium (Mg) __________ percent

49 However, the effective date of such regulation shall be at least six months after the date of issue and for an additional two year period the equivalent of calcium and magnesium
may also be shown in the form of calcium oxide and magnesium oxide or calcium carbonate and magnesium carbonate.


(a) Within thirty days following the thirtieth day of June and the thirty-first day of December of each year, each registrant shall submit on a form furnished by the commissioner a summary of tons of each liming material sold by him in the state during the previous six months period. Such statement shall be accompanied by payment of an inspection fee at the rate of three cents per ton. A penalty of ten percent of the fees due shall be assessed a registrant whose report is not received within the specified period.

(b) The commissioner shall publish and distribute at least annually to each liming material registrant and other interested persons, a composite report showing the net tons of liming material sold in this state during the preceding period. This report shall in no way divulge information that can be related to the business of any individual registrant.


(a) It shall be the duty of the commissioner to inspect, sample, analyze and test liming materials distributed within the state as he may deem necessary to determine whether such liming materials are in compliance with the provisions of this article and for this purpose the commissioner is authorized to enter upon any public or private premises or carriers during regular business hours to inspect and sample liming materials, and to inspect records related to their distribution.

(b) The methods of analysis and sampling shall be those approved by the association of official analytical chemists and the American society for testing and materials.

(c) The results of official analyses of liming materials shall be distributed by the commissioner as he may deem necessary to carry out the enforcement of this article.

(d) The commissioner shall on request, provide the registrant with a portion of the official sample.

(a) The commissioner is authorized to cancel the registration of any brand of liming material and to refuse the application for registration of any brand of liming material upon being presented satisfactory evidence that the registrant has used fraudulent or deceptive practices in the evasion or attempted evasion of the provisions of this article or any regulation issued thereunder: Provided, That no registration shall be revoked or refused until the registrant has been given an opportunity to appear for a hearing before the commissioner.

(b) The commissioner may issue a “stop sale, use, or removal” order to the owner or custodian of any lot of liming material when he finds said liming material is being offered or exposed for sale in violation of any of the provisions of this article or the regulations issued thereunder and such order shall remain in effect until it has been rescinded in writing by the commissioner: Provided, That the commissioner shall not rescind any “stop sale, use or removal” order until the requirements of this article have been complied with and all costs and expenses incurred in connection therewith have been paid.

(c) Any liming material found to be in violation of the provisions of this article shall be subject to seizure on complaint of the commissioner to a court of competent jurisdiction in the county in which such liming material is located. If the court orders the condemnation of such material it shall be disposed of in a manner consistent with the quality of the liming material and the laws of the state. In no instance shall the disposition of said liming material be ordered by the court without first giving the claimant an opportunity to apply to the court for release of said liming material or for permission to process or relabel said liming material to bring it in compliance with this article.


A registrant shall pay to the commissioner a penalty assessed in accordance with the provisions of this section for each lot of
liming material found to be deficient in its guaranteed analysis. For the purpose of assessing such penalties, the commissioner shall establish values by regulation for the neutralizing qualities and fineness of liming materials and such penalties shall be computed by multiplying times three the extent of the deficiency found by the established value. Such penalty is to be paid to the user consumer, if he be known, with receipts for same being mailed or delivered to the commissioner as evidence of the penalty having been paid. If said user consumer is not known the penalty shall be paid to the commissioner.


The commissioner is authorized to issue, after public hearing following due notice, and in accordance with the provisions of chapter twenty-nine-a of this code, such regulations in addition to any others mentioned elsewhere in the article, as he deems necessary to implement the full intent and meaning of this article, including but not limited to minimum acceptable sieve analysis classifications and minimum acceptable calcium carbonate equivalents for agricultural limestone, burnt lime, hydrated lime, marl and slag.


All fees collected by the commissioner under the provisions of this article shall be placed in a special fund with the state treasurer to be known as the lime inspection fund and shall be expended on order of the commissioner.


Any person violating any of the provisions of this article or the regulations issued thereunder shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than one hundred nor more than two hundred dollars for the first offense and not less than two hundred nor more than five hundred dollars for each subsequent offense.
AN ACT to amend and reenact sections three and four, article sixteen, chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to agricultural and forest seeds; registration; fees; and prohibitions.

Be it enacted by the Legislature of West Virginia:

That sections three and four, article sixteen, chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 16. AGRICULTURAL AND FOREST SEEDS.

§19-16-3. Certificate of registration; seed fees; payment of fees; disposition of funds.

§19-16-4. Prohibitions.

§19-16-3. Certificate of registration; seed fees; payment of fees; disposition of funds.

1 (a) No person shall sell, offer for sale or expose for sale or distribution in this state any agricultural, forest or vegetable seeds or seed potatoes without a certificate of registration issued by the commissioner.

(b) Application for a certificate of registration shall be made in writing to the commissioner on forms provided by the commissioner. Each application shall contain:

1 (1) The name and business address of the person applying for the certificate;

1 (2) A list of the seeds to be offered for sale;

1 (3) A consent for the commissioner to inspect and audit all sales invoices and records; and

1 (4) Any other necessary information prescribed by the commissioner.
(c) The commissioner shall require an annual fee of one dollar for each certificate of registration so issued.

(d) The commissioner shall cancel any certificate of registration upon receiving satisfactory evidence that any provisions of this article or any rules and regulations issued by the commissioner under the auspices of this article have been violated.

(e) Certificates of registration issued by the commissioner shall expire at the end of the calendar year of issue next after date of issue unless sooner revoked as herein provided.

(f) Any person who sells, offers to sell or exposes for sale or distribution any such seed shall report to the commissioner, on forms prescribed by the commissioner, on or before the fifteenth day of April, July, October and January of each year the net pounds of seeds sold by kind or variety and shall pay a state seed fee on such poundage as provided in the following schedule:

(1) For forest, tobacco, alfalfa, clovers and all grass or mixtures of any of these, and all vegetable seeds, except those packaged in units of eight ounces or less and sold from display units, ten cents for each one hundred pounds.

(2) For all other agricultural seeds, five cents for each one hundred pounds.

(3) For seed potatoes, two cents for each one hundred pounds.

(4) For vegetable seeds packaged in containers of eight ounces or less and sold from display units, one dollar per display unit which shall be paid through the purchase of seed stamps from the commissioner with such seed stamps being attached in a conspicuous place to each and every display unit.

(g) A dealer shall not be required to register or pay the seed fee on any agricultural, forest, or vegetable seed, or seed potato which he can prove was currently registered and with the fees paid by a person entitled to do so.
§ 19-16-4. Prohibitions.

(a) It shall be unlawful for any person to sell, offer for sale or expose for sale any agricultural, forest or vegetable seed within this state:

(1) Unless the test to determine the percentage of germination required by section two of this article shall have been completed within the test period prescribed in regulations issued by the commissioner;

(2) Not labeled in accordance with the provisions of this article or which has false or misleading labeling;

(3) Which has been the subject of false or misleading advertisement;

(4) Containing prohibited weed seeds, subject to tolerances and methods of determination prescribed in the rules and regulations issued under the auspices of this article;

(5) Containing more than two percent by weight of weed seed.

(b) It shall be unlawful for any person within this state:

(1) To detach, alter, deface or destroy any label provided for in this article or the rules and regulations issued thereunder, or to alter or substitute seed in a manner that may defeat the purposes of this article;

(2) To disseminate any false or misleading advertisement concerning agriculture, forest, vegetable or potato seed in any manner or by any means;

(3) To hinder or obstruct in any way any authorized person in the performance of his duties under this article;

(4) To fail to comply with a "stop sale" order.
AN ACT to amend chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article sixteen-b, relating to the use and application of pesticides to control pests, declaration of purpose, definitions, commissioner of agriculture to administer and enforce, promulgation of regulations, limitations, publishing of information and courses of instruction, licensing and certification of pesticide users and dealers, license renewals, retesting, license fees, financial security required, cooperative agreements, prohibited acts, pesticide accidents and damage claims, record keeping requirements, reciprocity, exemptions, improper storage and disposal of pesticides and pesticide containers, legal recourse, penalties, subpoenas, enforcement and fee disposition.

Be it enacted by the Legislature of West Virginia:

That chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended, by adding thereto a new article, designated article sixteen-b to read as follows:

ARTICLE 16B. WEST VIRGINIA PESTICIDE USE AND APPLICATION ACT.

§19-16B-1. Title.
§19-16B-2. Declaration of purpose, legislative findings.
§19-16B-4. Administration and enforcement of article; adoption of regulations, limitations.
§19-16B-5. Information; courses of instruction.
§19-16B-6. Classification of licenses; certification standards.
§19-16B-7. Certification requirements; prohibition.
§19-16B-8. Licensed applicator's license.
§19-16B-9. Application of this article to governmental entities; licensed public operator's license required; liability.
§19-16B-10. Private and commercial applicators license and certificate.
§19-16B-12. License renewals.
§19-16B-14. Unlawful acts or grounds for denial, suspending or revocation of a license, permit or certification.
§19-16B-16. Pesticide accidents; incidents or loss.
§19-16B-17. Licensee to keep records; duration; submission to commissioner.
§19-16B-18. Reciprocal agreement.
§19-16B-20. Storing and disposal of pesticides and pesticide containers.
§19-16B-25. Fees.

§19-16B-1. Title.

1. This article shall be known by the short title of “the West Virginia pesticide use and application act of 1975”.

§19-16B-2. Declaration of purpose, legislative findings.

1. The purpose of this article is to regulate in the public interest the use and application of pesticides. The Legislature finds that pesticides perform a vital function in modern society because they control insects, fungi, nematodes, rodents, and other pests which ravage and destroy our food and fiber, which serve as vectors of disease, and which otherwise constitute a nuisance in the environment or the home; they control weeds which compete in the production of foods and fiber and which otherwise are unwanted elements in our environment; and they regulate plant growth to enhance both the quality and quantity of our food and fiber and to facilitate its harvest. Pesticides, however, may be rendered ineffective, may cause injury to man or may cause unreasonable adverse effects on the environment if not properly used. They may injure man or animals either by direct poisoning or by the gradual accumulation of pesticide residues in their tissues. Crops or other plants may be affected by their improper use. The drifting or washing of pesticides into streams or lakes may cause appreciable damage to aquatic life. And, a pesticide applied for the purpose of killing pests in a crop, which is not itself injured by the pesticide, may drift and injure other crops or nontarget organisms with which it comes in contact. Therefore, it is deemed necessary to provide for regulation of the use and application of such pesticides.

As used in this article:

"Agricultural commodity" means any plant, or part thereof, or animal, or animal product, produced by a person (including farmers, ranchers, vineyardists, plant propagators, Christmas tree growers, aquaculturists, floriculturists, orchardists, foresters, or other comparable persons) primarily for sale, consumption, propagation, or other use by man or animals.

"Animal" means all vertebrate and invertebrate species, including but not limited to man and other mammals, birds, fish and shellfish.

"Certified applicator" means any person who is certified under this article to use or supervise the use of any restricted use pesticides.

"Commercial applicator" means a certified applicator (whether or not he is a private applicator with respect to some uses) who uses or supervises the use of any pesticide which is classified for restricted use for any purpose or on any property other than as defined under the definition of "private applicator."

"Commissioner" means the commissioner of agriculture of the state of West Virginia and his duly authorized representatives.

"Defoliant" means any substance or mixture of substances intended for causing the leaves of foliage to drop from a plant, with or without causing abscission.

"Desiccant" means any substance or mixture of substances intended for artificially accelerating the drying of plant tissue.

"Device" means any instrument or contrivance (other than a firearm) which is intended for trapping, destroying, repelling or mitigating any pest or any other form of plant or animal life (other than man and other than bacteria, viruses or other microorganisms on or in living man or other living animals); but not including equipment used for the application of pesticides when sold separately therefrom.
“Direct supervision” means that unless otherwise prescribed by its labeling, a pesticide shall be considered to be applied under the direct supervision of a certified applicator if it is applied by a competent person acting under the instructions and control of a certified applicator who is available if and when needed, even though such certified applicator is not physically present at the time and place the pesticide is applied.

“Environment” includes water, air, land and all plants and man and other animals living therein, and the interrelationships which exist among these.

“Fungus” means any nonchlorophyll-bearing thallophytes (that is, any nonchlorophyll-bearing plant of a lower order than mosses and liverworts), as for example, rust, smut, mildew, mold, yeast and bacteria, except those on or in living man or other animals and except those on or in processed food, beverages, or pharmaceuticals.

“Insect” means any of the numerous small invertebrate animals generally having the body more or less obviously segmented, for the most part belonging to the class insecta, comprising six-legged, usually winged forms, as for example, beetles, bugs, bees, flies and to other allied classes of arthropods whose members are wingless and usually have more than six legs, as for example, spiders, mites, ticks, centipedes and wood lice.

“Land” means all land and water areas, including airspace and all plants, animals, structures, buildings, contrivances and machinery, appurtenant thereto or situated thereon, fixed or mobile, including any used for transportation.

“Licensed applicator” means any person who owns or manages a pesticide application business which is engaged in the business of applying pesticides upon the lands of another (whether or not such person applies restricted use pesticides).

“Licensed public operator” means a licensed applicator who applies “restricted use pesticides” as an employee of a state agency, municipal corporation or other governmental
agency. This term does not include employees who work only under the direct supervision of a licensed public operator.

“Nematode” means invertebrate animals of the phylum nemathelminthes and class nematoda, that is, unsegmented round worms with elongated, fusiform or sac-like bodies covered with cuticle and inhabiting soil, water, plants or plant parts; may also be called nemas or eelworms.

“Permit” means a written certificate, issued by the commissioner authorizing the use of certain restricted use pesticides or state restricted use pesticides.

“Person” means any individual, partnership, association, fiduciary, corporation or any organized group of persons whether incorporated or not.

“Pest” means any insect, rodent, nematode, fungus, weed; or any other form of terrestrial or aquatic plant or animal life or virus, bacteria, or other microorganism (except viruses, bacteria or other microorganisms on or in living man or other living animals) which is declared to be a pest by the commissioner.

“Pesticide” means any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any pest; any substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant.

“Pesticide dealer” means any person who sells, whole-sales, distributes, offers or exposes for sale, exchanges, barters or gives away within or into this state any restricted use pesticide.

“Plant regulator” means any substance or mixture of substances, intended, through physiological action, for accelerating or retarding the rate of growth or rate of maturation, or for otherwise altering the behavior of ornamental or crop plants or the produce thereof, but shall not include substances to the extent that they are intended as plant nutrients, trace elements, nutritional chemicals, plant innoculants or soil amendments.

“Private applicator” means a certified applicator who uses or supervises the use of any pesticide which is classified for
restricted use for purposes of producing any agricultural com-
modity on property owned or rented by him or his employer
or (if applied without compensation other than trading of
personal services between producers of agricultural commodi-
ties) on property of another person.

"Restricted use pesticide" means any pesticide classified for
restricted use by the administrator, United States environ-
mental protection agency.

"State restricted pesticide use" means any pesticide use
which, when used as directed or in accordance with a wide-
spread and commonly recognized practice, the commissioner
determines, subsequent to a hearing, requires additional re-
strictions for that use to prevent unreasonable adverse effects
on the environment including man, land, beneficial insects,
animals, crops and wildlife, other than pests.

"Unreasonable adverse effects on the environment" means
any unreasonable risk to man or the environment, taking into
account the economic, social and environmental costs and
benefits of the use of any pesticide.

"Weed" means any plant which grows where not wanted.

"Wildlife" means all living things that are neither human,
domesticated nor, as defined in this article, pests, including
but not limited to mammals, birds and aquatic life.

§19-16B-4. Administration and enforcement of article; adoption of
regulations, limitations.

(a) The commissioner shall administer and enforce the pro-
visions of this article and shall have authority to issue regula-
tions after a public hearing following due notice to all inter-
rested persons in conformance with the provisions of the state
administrative procedures set forth in chapter twenty-nine-a of
this code to carry out the provisions of this article. Such regu-
lations may prescribe methods to be used in application of
pesticides.

(b) In issuing such regulations, the commissioner shall give
consideration to pertinent research findings and recommenda-
tions of other agencies of the state, the federal government, or
other reliable sources.
(c) For the purpose of uniformity and in order to enter into cooperative agreements, the commissioner shall adopt "restricted use pesticide" classifications as determined by the administrator, United States environmental protection agency. The commissioner may also, by regulations, after a public hearing following due notice, determine "state restricted pesticides uses" for the state or for designated areas within the state. If the commissioner determines that the pesticide (when applied in accordance with its directions for use, warnings and cautions, and for uses for which it is registered) may cause, without additional regulatory restrictions, unreasonable adverse effects on the environment, including injury to the applicator or other persons because of acute dermal or inhalation toxicity of the pesticide, the pesticide shall be applied only by or under the direct supervision of a certified applicator, or be subject to such other restrictions as the commissioner may determine.

(d) Regulations adopted under this article shall not permit any pesticide use which is prohibited by the Federal Environmental Pesticide Control Act of 1972 and regulations, guidelines or rules issued thereunder.

(e) Regulations adopted under this article as to certified applicators of "restricted use pesticides" as designated under the Federal Environmental Pesticide Control Act of 1972 and regulations adopted as to experimental use permits as authorized by such act shall not be inconsistent with the requirements of the Federal Environmental Pesticide Control Act of 1972 and regulations issued thereunder.

(f) The commissioner, after notice and opportunity for hearing, is authorized to declare a pest, a form of plant or animal life (other than man and other than bacteria, viruses and other microorganisms on or in living man or other living animals) which is injurious to health or the environment.

(g) In order to comply with section four of the Federal Environmental Pesticide Control Act of 1972, the commissioner is authorized to make such reports to the United States environmental protection agency in such form and containing such information as that agency may from time to time require.
(h) There is hereby created a pesticide advisory board consisting of seven persons including the commissioner of agriculture who shall be chairman, and one of whom shall be from structural pest control, one of whom shall be a qualified environmental health specialist, one of whom shall be employed in the agricultural chemical industry, one of whom shall be knowledgeable in the area of wildlife resources, one of whom shall be a producer of agricultural crops on which pesticides are applied, and one of whom shall be a citizen member who shall be knowledgeable in the field of pesticides. The six members not representing government departments shall be appointed by the commissioner for terms of four years and may serve successive terms: Provided, That at the inception two shall be appointed for one year, two for two years, one for three years, and one for four years. The board shall advise the commissioner on problems relating to the use and application of pesticides. The board shall meet at such time and place as called by the chairman or by a majority of the board. Members shall serve without compensation and members not from governmental departments shall be paid expenses at the same rate as paid to employees of the state according to the rules and regulations as promulgated pursuant to the West Virginia code.

(i) Except as may be otherwise specifically authorized in this article, the requirements of the commissioner and all regulatory and other exercises of his powers herein shall conform to but be no more stringent than those of the federal environmental protection agency.

§19-16B-5. Information; courses of instruction.

1 The commissioner shall publish information dealing with and conduct courses of instruction in the areas of knowledge required by this article, and may provide funds, as required by cooperating educational institutions and/or agencies, to accomplish these purposes, including but not limited to salaries, travel expenses, equipment and publication costs.

§19-16B-6. Classification of licenses; certification standards.

1 (a) The commissioner may further classify or subclassify certifications or licenses to be issued under this article. Such classifications or subclassifications may include but not be
limited to agricultural pest control, forest pest control, ornamental and turf pest control, seed treatment, aquatic pest control, right-of-way pest control, industrial, institutional, structural and health-related pest control, regulatory pest control and demonstrational and research pest control. Separate sub-classifications may be specified as to ground, aerial, or manual methods used by any licensee to apply pesticides or to the use of pesticides to control insects and plant diseases, rodents or weeds. Each classification shall be subject to separate testing procedures and requirements except that no person shall be required to pay an additional license fee if such person desires to be licensed in one or all of the license classifications provided for by the commissioner under the authority of this section.

(b) The commissioner in issuing regulations under this article shall prescribe standards for the certification of applicators of pesticides. Such standards shall relate to the use and handling of pesticides, or to the use and handling of the pesticide or class of pesticides covered by the person's certification, and shall be relative to the hazards involved. In determining standards, the commissioner shall consider the characteristics of the pesticides formulation such as the acute dermal and inhalation toxicity; the persistence, mobility and susceptibility to biological concentration; the use experience which may reflect an inherent misuse or an established good safety record which does not always follow laboratory toxicological information; the relative hazards of patterns of use such as granular soil applications, ultra low volume or dust aerial applications, or air blast sprayer applications; and the extent of the intended use. Further, the commissioner shall take into consideration standards of the United States environmental protection agency and is authorized to adopt those standards by regulation.

§19-16B-7. Certification requirements; prohibition.

(a) No person other than those working under the direct supervision of a certified applicator shall use any "restricted use pesticide" which is restricted to use by "certified applicators" without that person first complying with the certification requirements pursuant to section six of this article or such other restrictions as are determined by the commissioner as necessary to prevent unreasonable adverse effects on the en-
No person shall engage in the business of applying pesticides to the lands of another at any time without a licensed applicator's license issued by the commissioner. The commissioner shall require an annual fee of fifty dollars for each licensed applicator's license issued.

Application for a licensed applicator's license shall be made in writing to the commissioner on forms approved or supplied by the commissioner. Each application for a license shall contain information regarding the applicant's qualifications and proposed operations, license classification or classifications the applicant is applying for and shall include the following:

(1) The full name of the person applying for the license;

(2) If different than (1) the full name of the individual qualifying under subsection (c) of this section;

(3) If the applicant is a person other than an individual, the full name of each member of the firm or partnership, or the names of the officers of the association, corporation or group;

(4) The principal business address of the applicant in the state and elsewhere;

(5) The name and address of a person, who may be the state auditor, whose domicile is in the state, and who is authorized to receive and accept services of summons and legal notice of all kinds for the applicant;

(6) Nonresidents applying for a licensed applicator's license in any separate classification under this article to operate in this state shall file a written power of attorney designating the state auditor as the agent of such nonresident upon whom service of process may be had in the event of any suit against said nonresident person, and such power of attorney shall be so prepared and in such form as to render effective the jurisdiction of the courts of this state over such nonresident appli-
cant, except that any such nonresident who has a duly ap-
pointed resident agent upon whom process may be served as
provided by law shall not be required to designate the state
auditor as such agent. The commissioner shall be furnished
with a copy of such designation of the state auditor or of a
resident agent, such copy to be duly certified by the state
auditor;

(7) Any other necessary information prescribed by the
commissioner.

(c) The commissioner shall not issue a licensed applicator’s
license until the individual engaged in or managing the pesticide
application business is qualified by passing an examination
to demonstrate to the commissioner his knowledge of how to
apply pesticides under the classification he has applied for
and his knowledge of the nature and effect of pesticides he
may apply under such classifications. Applicants successfully
completing this examination requirement shall be licensed com-
mmercial applicators for the use of “restricted use pesticides”
covered by the applicant’s classification.

The examination shall require a level of competency no more
stringent than the standard approved by the United States
environmental protection agency for each license classification
and the commissioner shall take these standards into account
in the development of examinations.

(d) The commissioner may renew any applicant’s license
under the classification(s) for which such applicant is licensed,
however the applicant may at no less than three year intervals
be required to present a certificate indicating he has attended
a workshop or training session approved by the commissioner,
if the commissioner determines, after consultation with the
federal environmental protection agency, that a significant
change in technology has occurred and that additional training
is vital to the protection of the environment.

(e) If the commissioner finds the applicant qualified to
apply pesticides in the classifications the applicant has applied
for and if the applicant files the financial security required
under section fourteen of this article, and if the applicant
applying for a license to engage in aerial application of pesti-
cides has met all of the requirements of the federal aviation
agency, the aeronautics commission of this state, and any other
applicable federal or state laws or regulations to operate the
equipment described in the application, the commissioner shall
issue a licensed applicator's license limited to the classifications
for which the applicant is qualified. The license so issued shall
expire at the end of the calendar year of issue, unless it has
been revoked or suspended prior thereto by the commissioner
for cause, except when the financial security required under
section fourteen of this article is dated to expire at an earlier
date, in which case said license shall be dated to expire upon
expiration date of said financial security. The commissioner
may limit the license of the applicant to the use of certain
pesticides, or to certain areas, or to certain types of equipment
if the applicant is only so qualified. If a license is not issued
as applied for, the commissioner shall inform the applicant in
writing of the reasons therefor.

§ 19-16B-9. Application of this article to governmental entities;
licensed public operator’s license required; liability.

(a) All state agencies, municipal corporations, or any other
governmental agency shall be subject to the provisions of this
article and rules adopted thereunder concerning the application
of pesticides.

(b) Public operators for agencies listed in subsection (a)
shall be subject to examinations as provided for in section
eight of this article. However, the commissioner shall issue a
limited license without a fee to such public operator who has
qualified for such license. The licensed public operator’s li-
cense shall be valid only when such operator is acting as an
operator applying or supervising application of pesticides used
by such entities. Individuals licensed pursuant to this section
shall be certified applicators for the use of restricted use pesti-
cides covered by the applicant's classification.

(c) Such governmental agencies and municipal corporations
shall be subject to legal recourse by any person damaged by
such application of any pesticide, and such action may be
brought in the county where the damage or some part thereof
occurred.
§19-16B-10. Private and commercial applicators license and certificate.

(a) Application for a private or commercial applicators license shall be made in writing to the commissioner on forms approved or supplied by the commissioner. Each application shall contain:

(1) The full name of the person applying for the license.

(2) The principal business address of the applicant.

(3) A listing of agricultural commodities produced or to be produced by the applicant applying for a private applicators license.

(4) Any other necessary information prescribed by the commissioner.

(b) Private or commercial applicators licenses shall be issued for an initial fee of one dollar.

(c) The commissioner may renew any applicant's license under the classification(s) for which such applicant is licensed, however the applicant may at no less than three-year intervals be required to present a certificate indicating he has attended a workshop or training session approved by the commissioner, if the commissioner determines, after consultation with the federal environmental protection agency, that a significant change in technology has occurred and that additional training is vital to the protection of the environment.

(d) No private applicator shall use any restricted use pesticide which is restricted to use by certified applicators without that private applicator first complying with the certification requirements determined by the commissioner as necessary to prevent unreasonable adverse effects on the environment, including injury to the applicator or other persons, for that specific pesticide use.

(e) As a minimum requirement for certification, a private applicator must show that he possesses a practical knowledge of the pest problems and pest control practices associated with his agricultural operations; proper storage, use, handling and disposal of the pesticides and containers, and his related legal responsibility. This practical knowledge includes ability to:
(1) Recognize common pests to be controlled and damage caused by them.

(2) Read and understand the label and labeling information including the common name of pesticides he uses; the crop, animal, or site to which they will be applied; pest(s) to be controlled; timing and methods of application; safety precautions; any preharvest or reentry restrictions; and any specific disposal procedures.

(3) Apply pesticides in accordance with label instructions and warnings, including the ability to prepare the proper concentration of pesticide to be used under particular circumstances taking into account such factors as area to be covered, speed at which application equipment will be driven, and the quantity dispersed in a given period of operation.

(4) Recognize local environmental situations that must be considered during application to avoid contamination.

(5) Recognize poisoning symptoms and procedures to follow in case of a pesticide accident.

(f) If the commissioner should require a written test prior to the certification of a private or commercial applicator, that test may not be more stringent than the minimum requirements for such certification of the federal environmental protection agency. If there are not such minimum requirements of the environmental protection agency then the commissioner shall not require the written test for certification.

(g) If the commissioner does not certify the private or commercial applicator under this section, he shall inform the applicant in writing of the reasons therefor.


(a) The commissioner may cooperate, receive grants-in-aid, and enter into agreements with any agency of the federal government, of this state or its subdivisions, or with any agency of another state, to obtain assistance in the implementation of this article in order to:

(1) Secure uniformity of regulations;

(2) Cooperate in the enforcement of federal pesticide con-
control laws through the use of state and/or federal enforcement
personnel and facilities and to implement cooperative en-
forcement programs;

(3) Develop and administer state plans for training and
for certification of licensed applicators consistent with federal
standards;

(4) Contract for training with educational institutions or
with other agencies for the purpose of training certified
applicators;

(5) Contract for monitoring pesticides for the national plan;

(6) Prepare and submit state plans to meet federal certifi-
cation standards, as provided for in section four of the
Federal Environmental Pesticide Control Act of 1972;

(7) Regulate certified applicators.

§19-16B-12. License renewals.

Any person holding a current valid license, permit or certifi-
cation may renew such license, permit or certification for the
next year without taking another examination, except as is
provided in subsection (d), section eight, unless the license,
permit or certification is not renewed by the first day of March
of any year in which case such licensee, permittee or certificate
holder shall be required to take another examination.


(a) No pesticide dealer shall engage in the business of
dispensing restricted use pesticides without first qualifying
for and obtaining a pesticide dealer's license from the com-
missioner. Application for such a license shall be on a form
approved or provided by the commissioner and shall be
accompanied by an initial fee of five dollars. The commissioner
shall issue regulations requiring the pesticide dealer to:

(1) Maintain and provide records adequate to identify
purchases of restricted use pesticides and the materials pur-
chased.

(2) Demonstrate a knowledge and understanding of safe
Demonstrate a knowledge and understanding of the state pesticide law and regulations.

§19-16B-14. Unlawful acts or grounds for denial, suspending or revocation of a license, permit or certification.

The commissioner shall notify any licensee of violations of this article by the licensee, and after inquiry, including opportunity for a hearing, may deny, suspend, revoke or modify any provision of any license, permit or certification issued under this article if he finds that the applicant or the holder of a license, permit or certification has committed any of the following acts, each of which is declared to be a violation of this article:

1. Made false or fraudulent claims through any media misrepresenting the effect of pesticides or methods to be utilized;

2. Made a pesticide use recommendation or application inconsistent with the labeling as registered by the United States environmental protection agency or commissioners' state registration for that pesticide, or in violation of the United States environmental protection agency or commissioners state restrictions for the use of that pesticide;

3. Applied unknown ineffective or improper pesticides;

4. Operated faulty or unsafe equipment;

5. Operated in a faulty, careless or negligent manner;

6. Neglected or, after notice, refused to comply with the provisions of this article, the rules adopted hereunder, or of any lawful order of the commissioner;

7. Refused or neglected to keep and maintain the records required by this article, or to make reports when and as required;

8. Made false or fraudulent records, invoices or reports;

9. Engaged in the business of applying a pesticide on the lands of another without having a licensed applicator's license;
(10) Engaged in the business of applying a restricted use pesticide on the lands of another without having a licensed certified applicator in direct supervision;

(11) Used fraud or misrepresentation in making an application for, or renewal of, a license, permit or certification;

(12) Refused or neglected to comply with any limitations or restrictions on or in a duly issued license, permit or certification;

(13) Aided or abetted a licensed or an unlicensed person to evade the provisions of this article or allowed one's license, permit or certification to be used by another person;

(14) Made false or misleading statements during or after an inspection concerning any infestation or infection of pests found on land;

(15) Impersonated any federal, state, county or city inspector or official; or

(16) Failed to comply with any provision of this article or any regulation issued thereunder.


(a) The commissioner shall not issue a licensed applicator's license as required in section eight of this article until the applicant has filed evidence of financial security with the commissioner which may consist of a surety bond or liability insurance policy or certification thereof in an amount no less than twenty-five thousand dollars protecting persons who may suffer legal damages as a result of the operations of the applicant. Such financial security need not apply to damages or injury to agricultural crops, plants or land being worked upon by the applicant.

(b) The commissioner, taking into consideration the different classifications or categories of licensed applicator's licenses, shall establish the amount and kind of financial security for property damage and public liability, each separately, and including loss of damage arising out of the actual use of any pesticide which each classification of licensed license requires. Such
financial security shall be maintained at not less than that sum
at all times during the licensed period. The commissioner shall
be notified forty-five days prior to any reduction at the request
of the applicant or cancellation of such surety bond or liability
insurance by the surety or insurer. The total and aggregate of
the surety or insurer for all claims shall be limited to the face of
the bond or liability insurance policy. The commissioner may
accept a liability insurance policy or surety bond in the proper
sum which has a deductible clause in the amount not exceeding
that which the commissioner shall establish separately for aerial
applicants and for other commercial applicants for the total
amount of financial security required herein. If the applicant
has not satisfied the requirement of the deductible amount in
any prior legal claim such deductible clause shall not be
accepted by the commissioner unless such applicant furnishes
the commissioner with a surety bond or liability insurance
which shall satisfy the amount of the deductible as to all claims
that may arise in his application of pesticides.

Should the surety furnished become unsatisfactory, said
applicant shall upon notice immediately establish new evidence
of financial security and should he fail to do so, it shall be
unlawful thereafter for such person to engage in said business
of applying pesticides until the financial security is brought in-
to compliance with the requirements as established by the
commissioner and the person's license is reinstated.

(c) Nothing in this article shall be construed to relieve any
person from liability for any damage to the person or lands of
another caused by the use of pesticides even though such use
comforms to the rules and regulations of the commissioner.

§19-16B-16. Pesticide accidents; incidents or loss.

(a) Any person claiming damages for a pesticide application
shall file with the commissioner on a form provided by the
commissioner a written statement claiming that he has been
damaged. This report shall have been filed within sixty days
after the date that damages occurred. If a growing crop is
alleged to have been damaged, the report must be filed prior to
the time that twenty-five percent of the crop has been har-
ested. Such statement shall contain, but shall not be limited to
the name of the person allegedly responsible for the application of said pesticide, the name of the owner or lessee of the land on which the crop is grown and for which damage is alleged to have occurred, and the date on which the alleged damage occurred. The commissioner shall, upon receipt of such statement, notify the licensee and the owner or lessee of the land or other person who may be charged with the responsibility of the damages claimed, and furnish copies of such statements as may be requested. The commissioner shall inspect damages whenever possible and when he determines that the complaint has sufficient merit he shall make such information available to the person claiming damage and to the person who is alleged to have caused the damage.

(b) The filing of such report or the failure to file such a report need not be alleged in any complaint which might be filed in a court of law, and the failure to file the report shall not be considered any bar to the maintenance of any criminal or civil action.

(c) The failure to file such a report shall not be a violation of this article. However, if the person failing to file such report is the only one injured from such use or application of a pesticide by others, the commissioner may, when in the public interest, refuse to hold a hearing for the denial, suspension or revocation of a license or permit issued under this article until such report is filed.

(d) Where damage is alleged to have occurred, the claimant shall permit the commissioner, the licensee and his representatives, such as bondsman or insurer, to observe within reasonable hours the lands or nontarget organism alleged to have been damaged in order that such damage may be examined. Failure of the claimant to permit such observation and examination of the damaged lands shall automatically bar the claim against the licensee.

§19-16B-17. Licensee to keep records; duration; submission to commissioner.

The commissioner shall require licensed applicators to maintain records with respect to applications of restricted use and state restricted use pesticides. Such relevant information as
the commissioner may deem necessary may be specified by regulation. Such records shall be kept for a period of three years from the date of the application of the pesticide to which such records refer, and the commissioner shall, upon request in writing, be furnished with a copy of such records forthwith by the licensee or certified commercial applicator. No regulation issued by the commissioner for carrying out provisions of this article shall require any private applicator to maintain any records or file any reports or other documents.

§19-16B-18. Reciprocal agreement.

The commissioner may waive all or part of any license examination requirement provided for in this article on a reciprocal basis with any other state which has standards at least equal to those of West Virginia and with federal agencies whose employees are certified under a government agency plan approved by the administrator of the federal environmental protection agency and may issue a license to the applicant provided all other requirements of this article are complied with by the applicant.


(a) Veterinarian exemption. The provisions of section eight of this article relating to licenses and requirements for their issuance shall not apply to a doctor of veterinary medicine applying pesticides to animals during the normal course of his veterinary practice: Provided, That he is not regularly engaged in the business of applying pesticides for hire amounting to a principal or regular occupation or does not publicly hold himself out as a pesticide applicator.

(b) Landscape gardener exemption. The licensing requirements of section eight of this article shall not apply to any person using handpowered equipment to apply pesticides to lawns, or to ornamental shrubs and trees not in excess of fifteen feet high, as an incidental part of his business of taking care of household lawns and yards, family gardens, and horticulture plots for remuneration: Provided, That such person shall not publicly hold himself out as being in the business of applying pesticides and does not
apply "restricted use pesticides" restricted to use only by certified applicators.

(c) Farmer exemption. The provisions of section eight of this article relating to licenses and requirements for their issuance shall not apply to any farmer applying pesticides for himself or with ground equipment or manually for his farmer neighbors: Provided, That (1) he operates farm property and operates and maintains pesticide application equipment primarily for his own use; (2) he is not regularly engaged in the business of applying pesticides for hire amounting to a principal or regular occupation and that he shall not publicly hold himself out as a pesticide applicator; (3) he operates his pesticide application equipment only in the vicinity of his own property and for the accommodation of his neighbors.

(d) Experimental research exemption. The provisions of sections eight and nine of this article relating to licenses and requirements for their issuance shall not apply to research personnel applying pesticides only to bona fide experimental plots.

§19-16B-20. Storing and disposal of pesticides and pesticide containers.

No person shall transport, store or dispose of any pesticide or pesticide containers in such a manner as to cause injury to humans, vegetation, crops, livestock, wildlife, beneficial insects or to pollute any waterway in a way harmful to any wildlife therein. The commissioner may promulgate rules and regulations governing the storing and disposal of such pesticides or pesticide containers. In determining these standards, the commissioner shall take into consideration any regulations issued by the United States environmental protection agency.


Any person aggrieved by any action of the commissioner may obtain a review thereof by filing in a court of competent jurisdiction, within thirty days of notice of the action, a written petition praying that the action of the commissioner be set aside. A copy of such petition shall forthwith be delivered to the commissioner and within thirty days thereafter the commissioner shall certify and file in the court a
transcript of any record pertaining thereto, including a trans-
script of evidence received, whereupon the court shall have
jurisdiction to affirm, set aside, or modify the action of the
commissioner, except that the findings of the commissioner
as to the facts, if supported by substantial evidence shall
be conclusive.


(a) Any person violating any provisions of this article or
regulations adopted hereunder shall be guilty of a misde-
meanor, and, upon conviction thereof, shall be fined not less
than one hundred dollars nor more than five hundred dollars,
and for the second offense, shall be guilty of a misdemeanor,
and, upon conviction thereof, shall be fined not less than five
hundred nor more than one thousand dollars, or imprisoned in
the county jail not more than six months, or both fined and im-
prisoned. Magistrates shall have concurrent jurisdiction with
circuit courts to enforce the provisions of this article.

(b) No state court shall allow the recovery of damages for
administrative action taken if the court finds that there was
probable cause for such action.


The commissioner may issue subpoenas to compel the
attendance of witnesses and/or production of books, docu-
ments and records anywhere in the state in any hearing
affecting the authority or privilege granted by a license, cer-
tification or permit issued under the provisions of this article.


(a) For the purpose of carrying out the provisions of this
article the commissioner may enter upon any public or private
premises other than a dwelling house and the curtilage thereof,
at reasonable times, after reasonable notification to the owner,
tenant or agent, in order to:

(1) Have access for the purpose of inspecting any equip-
ment subject to this article and such premises on which such
equipment is kept or stored; or
(2) Inspect lands actually or reported to be exposed to pesticides; or

(3) Inspect storage or disposal areas; or

(4) Inspect or investigate complaints of injury to humans or land; or

(5) Sample pesticides being applied or to be applied.

(b) Should the commissioner be denied access to any land where such access was sought for the purpose set forth in this article, he may apply to any court of competent jurisdiction for a search warrant authorizing access to such land for said purposes. The court may upon such application issue the search warrant for the purposes requested.

(c) The commissioner, with or without the aid and advice of the county prosecuting attorney, is charged with the duty of enforcing the requirements of this article and any rules and regulations issued hereunder. In the event a county or prosecuting attorney refuses to act on behalf of the commissioner, the attorney general shall so act.

(d) The commissioner may bring an action to enjoin the violation or threatened violation of any provisions of this article or any rule made pursuant to this article in a court of competent jurisdiction of the county in which such violation occurs or is about to occur.

§19-16B-25. Fees.

All fees collected by the commissioner under the provision of this article shall be deposited in the general revenue fund of the state of West Virginia.


If any provision of this article or the application thereof to any person or circumstance is held invalid, such invalidity does not affect other provisions or applications of this article which can be given effect without the invalid provisions or application, and to this end the provisions of this article are declared to be severable.
AN ACT to amend and reenact section one, article twenty, chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the declaration that dogs are personal property and those above the age of six months are subject to taxation.

Be it enacted by the Legislature of West Virginia:

That section one, article twenty, chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 20. DOGS.

§19-20-1. Dogs subject to taxation; declared to be personal property.

Any dog shall be and is hereby declared to be personal property within the meaning and construction of the laws of this state, and any dog above the age of six months shall be subject to taxation.

CHAPTER 8

(H. B. 810—By Mr. Burke and Mr. Balloux)

AN ACT to amend and reenact section five, article twenty-a, chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to increase of fee for vaccinating dogs against rabies.
Be it enacted by the Legislature of West Virginia:

That section five, article twenty-a, chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 20A. VACCINATION OF DOGS FOR RABIES.

§19-20A-5. Type of vaccination to be furnished; fee.

1 It shall be the duty of the veterinarian, or person vaccinating each animal to furnish vaccine of a type capable of establishing and maintaining immunity for a period of not less than twenty-four months and he shall charge and collect a fee of two dollars fifty cents for each animal vaccinated, if done at a clinic established by a county commission or, if vaccinated at any other place, he shall charge and collect a reasonable fee for his services.

CHAPTER 9

{S. B. 441—Originating in the Senate Committee on Finance)

[Passed February 20, 1975; in effect from passage. Approved by the Governor.]

AN ACT to amend and reenact sections nine-a and nineteen-a, article three, chapter sixty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, as last amended and reenacted by chapter one, acts of the Legislature, second extraordinary session, one thousand nine hundred seventy-four, providing for continued and additional increases in the price of alcoholic liquors sold at state stores on and after the fifteenth day of April, one thousand nine hundred seventy-five, for the purpose of paying into the veterans bonus bond sinking fund for retirement of the Vietnam veterans bonus bonds, and establishing the fifteenth day of April, one thousand nine hundred seventy-five as the earliest date on which the governor may requisition payments into such fund.

Be it enacted by the Legislature of West Virginia:

That sections nine-a and nineteen-a, article three, chapter
sixty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, as last amended by chapter one, acts of the Legislature, second extraordinary session, one thousand nine hundred seventy-four, be amended and reenacted to read as follows:

ARTICLE 3. SALES BY COMMISSIONER.

§60-3-9a. Additional price increase for payment of Korean veterans bonus bonds, state building revenue bonds and Vietnam veterans bonus bonds.

§60-3-19a. Payment into veterans bonus sinking fund for retirement of Korean veterans bonus bonds; payment into special fund for retirement of state building revenue bonds; and payment into veterans bonus sinking fund for retirement of Vietnam veterans bonus bonds.

§60-3-9a. Additional price increase for payment of Korean veterans bonus bonds, state building revenue bonds and Vietnam veterans bonus bonds.

For the purpose of providing revenue for the payment of bonds issued under and by virtue of said “Korean Veterans Bonus Amendment” of one thousand nine hundred fifty-six, the commissioner in the exercise of his authority under section nine of this article is hereby directed to increase the price of alcoholic liquors in addition to the price increase provided in said section nine hereof, on or before the last day of June, one thousand nine hundred fifty-seven, in an amount sufficient to produce an additional revenue of one million eight hundred thousand dollars on an annual volume of business equal to the average for the last three years. Whenever in any fiscal year the amount of money accumulated in the veterans bonus sinking fund for the retirement of Korean veterans bonus bonds shall be sufficient to pay at maturity all outstanding bonus bonds issued under said “Korean Veterans Bonus Amendment” of one thousand nine hundred fifty-six, together with the interest due or payable thereon, then the commissioner is hereby directed to continue in effect the aforesaid price increase of alcoholic liquors and further increase the same as necessary for such continued increase together with such further increase to equal an amount sufficient to provide revenue of three million six hundred thousand dollars on an annual volume of business equal to the average for the last three years
for the purpose of providing revenue to be paid into a
special fund hereby created in the office of the state
treasurer for the purpose of the payment of principal
and interest on bonds of the state known as the "State
Building Revenue Bonds," and for which payment, to
the extent that the state building commission of West
Virginia has available space in buildings operated by
it in excess of revenue-producing uses, said commissioner
shall provide at its established rates and charges such
available excess space for use by such officers, depart-
ments or agencies of the state as the commissioner of
finance and administration or such other officer, agency
or department as shall from time to time have the
duty to arrange for office space for officers, departments
or agencies of the state, shall specify.

For the purpose of providing revenue for the payment
of any bonds issued under and by virtue of the "Vietnam
Veterans Bonus Amendment" of one thousand nine hun-
dred seventy-three, the commissioner is hereby directed,
on and after the fifteenth day of April, one thousand
nine hundred seventy-five, to continue in effect all prior
price increases of alcoholic liquors with the excess reve-
uues generated from such continued price increases
constituting additional charges or increases, such prices
otherwise being subject to reduction but for such con-
tinuation; and further increase prices if necessary after
consideration of all revenue requirements and obliga-
tions as set forth in this article, including the revenue
requirement and obligation herein provided, so as to
equal an amount sufficient to provide for full payment
of all interest and principal payments as the same shall
accrue, on an annual volume of business equal to the
average for the last three years; and such additional
charges or price increases so collected shall be irre-
vocably dedicated for the payment of principal of and
interest on such Vietnam veterans bonus bonds until
such bonds are finally paid and discharged. Whenever
in any fiscal year the amount of money accumulated in
the special fund for the retirement of the state building
revenue bonds shall be sufficient to pay at maturity all
outstanding state building revenue bonds, together with
the interest due or payable thereon, and the amount of
money accumulated in the veterans bonus sinking fund
for the retirement of Vietnam veterans bonus bonds
shall be sufficient to pay at maturity all outstanding
bonus bonds issued under said "Vietnam Veterans Bonus
Amendment" of one thousand nine hundred seventy-
three, together with the interest due or payable thereon,
the provision herein made for continuing in effect the
aforesaid price increases and the provision herein for a
further price increase shall become ineffective at the
end of such fiscal year.

§60-3-19a. Payment into veterans bonus sinking fund for re-
tirement of Korean veterans bonus bonds; pay-
ment into special fund for retirement of state
building revenue bonds; and payment into vet-
erans bonus sinking fund for retirement of Viet-
nam veterans bonus bonds.

On and after the first day of July, one thousand nine
hundred fifty-seven, from receipts in excess of the re-
quirements of the operating fund of the commissioner,
the sum of four hundred fifty thousand dollars shall,
upon requisition of the governor, be paid each quarter
into the veterans bonus sinking fund to be used for the
purpose of retiring bonds issued under said "Korean
Veterans Bonus Amendment" of one thousand nine hun-
dred fifty-six. Whenever, in any fiscal year, the amount
of money accumulated in the veterans bonus sinking
fund for the retirement of said Korean veterans bonus
bonds shall be sufficient to pay at maturity all outstanding
bonus bonds issued under the "Korean Veterans Bonus
Amendment" of one thousand nine hundred fifty-six,
together with interest due or payable thereon, no further
transfer to such sinking fund shall be made after the end
of such fiscal year. Thereafter, from receipts in excess
of the requirements of the operating fund of the com-
missioner, the sum of nine hundred thousand dollars
shall be paid by the commissioner each quarter into the
special fund created in section nine-a of this article for
the purpose of retiring bonds of the state known as the
"State Building Revenue Bonds." It shall be the duty
and responsibility of the state treasurer to pay the principal and interest on said bonds as they become due and payable. Whenever, in any fiscal year, the amount of money accumulated in the special fund for the retirement of said "State Building Revenue Bonds" is sufficient to pay at maturity all of the outstanding bonds, together with interest due or payable thereon, no further transfers to such special fund shall be made after the end of such fiscal year.

On and after the fifteenth day of April, one thousand nine hundred seventy-five, from receipts in excess of the requirements of the operating fund of the commission, the amount sufficient to provide for full payment of all interest and principal as the same shall accrue, shall, upon requisition of the governor, be paid each quarter into the veterans bonus sinking fund to be used for the purpose of retiring bonds issued under said "Vietnam Veterans Bonus Amendment" of one thousand nine hundred seventy-three. Whenever, in any fiscal year, the amount of money accumulated in the veterans bonus sinking fund for the retirement of said Vietnam veterans bonus bonds shall be sufficient to pay at maturity all outstanding bonus bonds issued under the "Vietnam Veterans Bonus Amendment" of one thousand nine hundred seventy-three, together with interest due and payable thereon, no further transfer to such sinking fund shall be made after the end of such fiscal year.

Nothing in section nine-a of this article or in this section nineteen-a contained shall be taken as limiting the power and authority of the Legislature to at any time appropriate the aforesaid receipts for some other purpose than the special fund for the retirement of said "State Building Revenue Bonds" or make other direction or provision respecting receipts devoted to such purpose.
AN ACT to amend and reenact sections fifteen and seventeen, article three, chapter sixty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, all relating to the state control of alcoholic liquors, sales by the commissioner; directing the commissioner to plan his purchases so that the stock on hand does not exceed the estimated requirements for ninety days' sales; increasing the amount of stock allowed; regulations as to handling and depositing of moneys collected; directing the commissioner to prescribe such regulations with the approval of the state treasurer; requiring monthly remittances to the state treasury by the commissioner, and providing a criminal penalty for the failure of the commissioner to make such remittances.

Be it enacted by the Legislature of West Virginia:

That sections fifteen and seventeen, article three, chapter sixty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted all to read as follows:

ARTICLE 3. SALES BY COMMISSIONER.

§60-3-15. Amount of stock allowed; contract for manufacture of state brand.

§60-3-17. Regulations as to handling and depositing of moneys collected; monthly remittances; penalty.

§60-3-15. Amount of stock allowed; contract for manufacture of state brand.

1 In order to avoid the accumulation of excessive stocks in warehouses and stores, the commissioner shall so plan his purchases of alcoholic liquors for sale in state stores and agencies that stock on hand at any time does not exceed the estimated requirements for ninety days' sales, that none of such stock be on a consignment basis and that the amount of operating fund and the value of
inventory stock shall not exceed eleven million dollars except during the last quarter of the calendar year, during which time it shall not exceed twenty million dollars.

The commissioner may, with the consent of the governor, contract for the manufacture of alcoholic liquors for sale in state stores and agencies. Such liquors shall bear a special designation as “state brand”.

Listed brands and sizes of spirituous liquors shall not be reordered in quantities greater than at the rate of comparative gross sales as determined by the last weekly report published prior to each reorder: Provided, That listed brands on allocation by the respective suppliers may be reordered upon the basis of anticipated needs to be determined by projecting the adjusted sales records to the period of allocation as fixed by the respective suppliers.

The initial order of any new or unlisted brand of spirituous liquor, excepting wine, shall not exceed five hundred cases. The initial order of new or unlisted wine brands shall not exceed fifteen hundred cases.

§60-3-17. Regulations as to handling and depositing of moneys collected; monthly remittances; penalty.

The commissioner, with the approval of the state treasurer, shall prescribe regulations for the handling and depositing of all moneys collected by the commissioner. All receipts accruing to and available for the general revenue fund in excess of the requirements of the operating fund and the license fee and additional sales tax imposed by the provisions of this chapter shall be remitted by the commissioner to the state treasury monthly within fifteen days next after the end of each calendar month.

If the commissioner fails to remit such moneys to the state treasury within the time specified in accordance with the provisions of this section, he shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined one thousand dollars.
AN ACT making appropriations of public money out of the treasury in accordance with section fifty-one, article six of the constitution.

Be it enacted by the Legislature of West Virginia:

Title
2. Appropriations.
3. Administration.

TITLE 1. GENERAL PROVISIONS.
§1. General policy.
§2. Definitions.
§3. Classification of appropriations.

1 Section 1. General Policy.—The purpose of this act is to appropriate money necessary for economical and efficient discharge of the duties and responsibilities of the state and its agencies during the fiscal year one thousand nine hundred seventy-six.

1 Sec. 2. Definitions.—For the purpose of this act:

2 “Governor” shall mean the Governor of the State of West Virginia;

4 “Spending Unit” shall mean the department, agency or institution to which an appropriation is made;

6 The “fiscal year one thousand nine hundred seventy-six” shall mean the period from July first, one thousand nine hundred seventy-five through June thirtieth, one thousand nine hundred seventy-six;

10 “From collections” shall mean that part of the total appropriation which must be collected by the spending unit to be available for expenditure. If the authorized amount of collections is not collected, the total appropriation for the spending unit shall be reduced automatically by the
15 amount of the deficiency in the collection. If the amount
16 collected exceeds the amount designated "from collections"
17 the excess shall be set aside in a special surplus fund and
18 may be expended for the purpose of the spending unit as
19 provided by Chapter 5-A, Article 2 of the Code of West
20 Virginia.

1 Sec. 3. Classification of Appropriations.—An appro-
2 priation for:
3 "Personal Services" shall be expended only for the pay-
4 ment of salaries, wages, fees and other compensation for
5 skill, work, or employment, except from the appropriations
6 made to the spending units of State Government, there
7 may be transferred upon approval of the Governor, to a
8 special account an amount sufficient to match Federal
9 Funds under any Federal Acts.
10 Unless otherwise specified, appropriations for personal
11 services shall include salaries of heads of spending units;
12 "Current Expenses" shall be expended only for operating
13 cost other than personal services or capital outlay;
14 "Repairs and Alterations" shall include all expenditures
15 for materials, supplies and labor used in repairing and
16 altering buildings, grounds and equipment, other than per-
17 sonal service;
18 "Equipment" shall be expended only for things which
19 have an appreciable and calculable period of usefulness in
20 excess of one year;
21 "Buildings" shall include construction and alteration of
22 structures and the improvements of lands, sewer and water
23 improvements and shall include shelter, support, storage,
24 protection, or the improvement of a natural condition;
25 "Lands" shall be expended only for the purchase of lands
26 or interest in lands.

27 Appropriations otherwise classified shall be expended
28 only where the distribution of expenditures for different
29 purposes cannot well be determined in advance or it is
30 necessary or desirable to permit the spending unit freedom
31 to spend an appropriation for more than one of the above
32 purposes.
1 Sec. 4. Method of Expenditure.—Money appropriated by this act, unless otherwise specifically directed, shall be appropriated and expended according to the provisions of Chapter 12, Article 3 of the Code of West Virginia, or according to any law detailing a procedure specifically limiting that article.

**TITLE 2. APPROPRIATIONS.**

§1. Appropriations from general revenue.

**AGRICULTURE**

- Department of agriculture—Acct. No. 510
- Department of agriculture (agricultural awards)—Acct. No. 515
- Department of agriculture (division of rural resources)—Acct. No. 513
- Department of agriculture (meat inspection)—Acct. No. 514
- Department of agriculture (soil conservation committee)—Acct. No. 512

**BUSINESS AND INDUSTRIAL RELATIONS**

- Antiquities commission—Acct. No. 478
- Bureau of labor and department of weights and measures—Acct. No. 450
- Council of State Governments—Acct. No. 472
- Department of banking—Acct. No. 480
- Department of commerce—Acct. No. 465
- Department of mines—Acct. No. 460
- Interstate commission on Potomac river basin—Acct. No. 473
- Interstate education compact—Acct. No. 477
- Interstate mining compact commission—Acct. No. 451
- Ohio river basin commission—Acct. No. 469
- Ohio river valley water sanitation commission—Acct. No. 474
- Southern regional education board—Acct. No. 475
- State commission on manpower, technology and training—Acct. No. 470
- West Virginia air pollution control commission—Acct. No. 476
- West Virginia nonintoxicating beer commissioner—Acct. No. 490
- West Virginia racing commission—Acct. No. 495
- West Virginia state aeronautics commission—Acct. No. 485

**CHARITIES AND CORRECTION**

- Andrew S. Rowan memorial home—Acct. No. 384
- Anthony correctional center—Acct. No. 369
- Forestry camp for boys No. 1 (Davis)—Acct. No. 371
- Huttonsville Correctional Center—Acct. No. 376
- West Virginia children’s home—Acct. No. 380
- West Virginia forestry camp No. 2 (Leckie)—Acct. No. 373
- West Virginia industrial home for girls—Acct. No. 372
West Virginia industrial school for boys—Acct. No. 370
West Virginia penitentiary—Acct. No. 375
West Virginia state prison for women—Acct. No. 374

CONSERVATION AND DEVELOPMENT
Department of natural resources—Acct. No. 565
Geological and economic survey commission—Acct. No. 520
Public land corporation—Acct. No. 566
Water development authority—Acct. No. 567

EDUCATIONAL
Department of archives and history—Acct. No. 340
Department of education—Acct. No. 286
Department of education (aid for exceptional children)—Acct. No. 296
Department of education (support personnel)—Acct. No. 299
Educational broadcasting authority—Acct. No. 291
Marshall University (medical school)—Acct. No. 284
State board of education (early childhood aides)—Acct. No. 297
State board of education (vocational division)—Acct. No. 292
State board of education (vocational division)—Acct. No. 294
State board of education (vocational division—adult basic education)—Acct. No. 289
State department of education (state aid to schools)—Acct. No. 295
State department of education (school lunch program)—Acct. No. 287
State department of education (teacher education program)—Acct. No. 277
State FFA-FHA camp and conference center—Acct. No. 336
Teachers retirement board—Acct. No. 298
West Virginia board of regents—Acct. No. 280
West Virginia board of regents (control)—Acct. No. 279
West Virginia library commission—Acct. No. 350
West Virginia schools for the deaf and blind—Acct. No. 333
West Virginia University (medical school)—Acct. No. 285

EXECUTIVE
Governor's office—Acct. No. 120
Governor's office (civil contingent fund)—Acct. No. 124
Governor's office (commission on Energy, Economy and Environment)—Acct. No. 129
Governor's office (custodial fund)—Acct. No. 123
Governor's office (disaster relief-federal matching)—Acct. No. 126
Governor's office (federal-state coordination)—Acct. No. 125
Office of emergency services—Acct. No. 130

FISCAL
Auditor's office (general administration)—Acct. No. 150
Auditor's office (social security)—Acct. No. 151
Department of finance and administration—Acct. No. 210
Department of Human Resources (office of the secretary)—Acct. No. 186
Sinking fund commission—Acct. No. 170
State board of insurance—Acct. No. 225
### APPROPRIATIONS

<table>
<thead>
<tr>
<th>Agency/Program</th>
<th>Account Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>State commissioner of public institutions</td>
<td>Acct. No. 190</td>
</tr>
<tr>
<td>State commissioner of public institutions (division of correction, work release unit)</td>
<td>Acct. No. 191</td>
</tr>
<tr>
<td>State tax department</td>
<td>Acct. No. 180</td>
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<tr>
<td>State tax department (property appraisal)</td>
<td>Acct. No. 185</td>
</tr>
<tr>
<td>Treasurer's office</td>
<td>Acct. No. 160</td>
</tr>
<tr>
<td>Treasurer's office (School buildings sinking fund)</td>
<td>Acct. No. 165</td>
</tr>
<tr>
<td>Treasurer's office (Vietnam veterans bonus fund)</td>
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### HEALTH AND WELFARE

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<th>Agency/Program</th>
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<tbody>
<tr>
<td>Barboursville state hospital</td>
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</tr>
<tr>
<td>Colin Anderson Center</td>
<td>Acct. No. 419</td>
</tr>
<tr>
<td>Commission on mental retardation</td>
<td>Acct. No. 411</td>
</tr>
<tr>
<td>Commission on postmortem examination</td>
<td>Acct. No. 401</td>
</tr>
<tr>
<td>Denmar state hospital</td>
<td>Acct. No. 432</td>
</tr>
<tr>
<td>Department of mental health</td>
<td>Acct. No. 410</td>
</tr>
<tr>
<td>Department of veterans affairs</td>
<td>Acct. No. 404</td>
</tr>
<tr>
<td>Department of veterans affairs (patriotic exercises)</td>
<td>Acct. No. 403</td>
</tr>
<tr>
<td>Department of welfare</td>
<td>Acct. No. 405</td>
</tr>
<tr>
<td>Department of welfare (food stamp and government donated food)</td>
<td>Acct. No. 407</td>
</tr>
<tr>
<td>Department of welfare (medical program)</td>
<td>Acct. No. 408</td>
</tr>
<tr>
<td>Fairmont emergency hospital</td>
<td>Acct. No. 425</td>
</tr>
<tr>
<td>Greenbrier school for mentally retarded children</td>
<td>Acct. No. 414</td>
</tr>
<tr>
<td>Guthrie Center</td>
<td>Acct. No. 418</td>
</tr>
<tr>
<td>Hopemont state hospital</td>
<td>Acct. No. 430</td>
</tr>
<tr>
<td>Huntington state hospital</td>
<td>Acct. No. 422</td>
</tr>
<tr>
<td>Lakin state hospital</td>
<td>Acct. No. 423</td>
</tr>
<tr>
<td>Pinecrest state hospital</td>
<td>Acct. No. 431</td>
</tr>
<tr>
<td>Roney's Point branch hospital</td>
<td>Acct. No. 417</td>
</tr>
<tr>
<td>Spencer state hospital</td>
<td>Acct. No. 421</td>
</tr>
<tr>
<td>State board of education (rehabilitation division)</td>
<td>Acct. No. 440</td>
</tr>
<tr>
<td>State commission on aging</td>
<td>Acct. No. 406</td>
</tr>
<tr>
<td>State health department</td>
<td>Acct. No. 400</td>
</tr>
<tr>
<td>Welch emergency hospital</td>
<td>Acct. No. 426</td>
</tr>
<tr>
<td>Weston state hospital</td>
<td>Acct. No. 420</td>
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### INCORPORATING AND RECORDING

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<th>Agency/Program</th>
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<tr>
<td>Secretary of state</td>
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### JUDICIAL

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<th>Agency/Program</th>
<th>Account Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>General judicial account</td>
<td>Acct. No. 111</td>
</tr>
<tr>
<td>Judicial council</td>
<td>Acct. No. 118</td>
</tr>
<tr>
<td>State law library</td>
<td>Acct. No. 114</td>
</tr>
<tr>
<td>Supreme court of appeals</td>
<td>Acct. No. 110</td>
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### LEGAL

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<td>Attorney general</td>
<td>Acct. No. 240</td>
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<tr>
<td>Commission on uniform state laws</td>
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### LEGISLATIVE

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<th>Agency/Program</th>
<th>Account Number</th>
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<td>House of Delegates</td>
<td>Acct. No. 102</td>
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<tr>
<td>Joint expenses</td>
<td>Acct. No. 103</td>
</tr>
<tr>
<td>Senate</td>
<td>Acct. No. 101</td>
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### MISCELLANEOUS BOARDS AND COMMISSIONS

<table>
<thead>
<tr>
<th>Agency/Program</th>
<th>Account Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Board of architects</td>
<td>Acct. No. 595</td>
</tr>
<tr>
<td>Board of chiropractic examiners</td>
<td>Acct. No. 588</td>
</tr>
<tr>
<td>Board of embalmers and funeral directors</td>
<td>Acct. No. 593</td>
</tr>
<tr>
<td>Board of examiners for practical nurses</td>
<td>Acct. No. 587</td>
</tr>
<tr>
<td>Board of land surveyors</td>
<td>Acct. No. 585</td>
</tr>
<tr>
<td>Department</td>
<td>Account Number</td>
</tr>
<tr>
<td>---------------------------------------------------------------------------</td>
<td>----------------</td>
</tr>
<tr>
<td>Board of law examiners</td>
<td>597</td>
</tr>
<tr>
<td>Board of osteopathy</td>
<td>591</td>
</tr>
<tr>
<td>Board of pharmacy</td>
<td>590</td>
</tr>
<tr>
<td>Board of professional foresters</td>
<td>586</td>
</tr>
<tr>
<td>Board of registration for professional engineers</td>
<td>594</td>
</tr>
<tr>
<td>Board of sanititrians</td>
<td>599</td>
</tr>
<tr>
<td>Human rights commission</td>
<td>598</td>
</tr>
<tr>
<td>State veterinary board</td>
<td>596</td>
</tr>
<tr>
<td>West Virginia public employees insurance board</td>
<td>615</td>
</tr>
<tr>
<td>West Virginia public employees retirement board</td>
<td>614</td>
</tr>
<tr>
<td>Preventative</td>
<td></td>
</tr>
<tr>
<td>Adjutant general (state militia)</td>
<td>580</td>
</tr>
<tr>
<td>Department of public safety</td>
<td>570</td>
</tr>
<tr>
<td>Insurance commissioner</td>
<td>616</td>
</tr>
</tbody>
</table>

§2. Appropriations from other funds.

**PAYABLE FROM SPECIAL REVENUE FUND**

- Auditor's office (land department operating fund)—Acct. No. 812 | 99
- Department of agriculture—Acct. No. 818 | 100
- Department of finance and administration (division of purchases—revolving fund)—Acct. No. 814 | 99
- Department of finance and administration (information system services division fund)—Acct. No. 815 | 100
- Department of natural resources—Acct. No. 830 | 103
- Department of public safety (inspection fees)—Acct. No. 835 | 103
- Public service commission—Acct. No. 828 | 101
- Public service commission (gas pipeline division)—Acct. No. 8285 | 102
- Public service commission (motor carrier division)—Acct. No. 829 | 102
- Real estate commission—Acct. No. 801 | 98
- State committee of barbers and beauticians—Acct. No. 822 | 101
- Treasurer's office—Acct. No. 800 | 98
- West Virginia alcohol beverage control—Acct. No. 927 | 108
- West Virginia board of regents (special capital improvement fund)—Acct. No. 854 | 107
- West Virginia board of regents (state system special capital improvement fund)—Acct. No. 853 | 104
- West Virginia board of regents—West Virginia University (special capital improvement fund)—Acct. No. 853 | 104
- West Virginia civil service system—Acct. No. 840 | 104
- West Virginia racing commission—Acct. No. 808 | 98

**PAYABLE FROM STATE ROAD FUND**

- Department of motor vehicles—Acct. No. 671 | 97
- State department of highways—Acct. No. 670 | 96
- State tax department (gasoline tax division)—Acct. No. 672 | 97

**PAYABLE FROM GENERAL SCHOOL FUND**

- Department of education (veterans education)—Acct. No. 702 | 97

**PAYABLE FROM MEDICAL SCHOOL FUND**

- West Virginia university (medical school)—Acct. No. 873 | 107

**PAYABLE FROM WORKMEN'S COMPENSATION FUND**

- Workmen's compensation commission—Acct. No. 900 | 108
§ 3. Supplemental and deficiency appropriations.

GENERAL REVENUE FUND

<table>
<thead>
<tr>
<th>Account</th>
<th>Description</th>
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</thead>
<tbody>
<tr>
<td>384</td>
<td>Andrew S. Rowan memorial home</td>
</tr>
<tr>
<td>190</td>
<td>Commissioner of public institutions</td>
</tr>
<tr>
<td>210</td>
<td>Department of finance and administration</td>
</tr>
<tr>
<td>410</td>
<td>Department of mental health</td>
</tr>
<tr>
<td>671</td>
<td>Department of motor vehicles</td>
</tr>
<tr>
<td>565</td>
<td>Department of natural resources</td>
</tr>
<tr>
<td>425</td>
<td>Fairmont emergency hospital</td>
</tr>
<tr>
<td>371</td>
<td>Forestry camp for boys (Davis)</td>
</tr>
<tr>
<td>376</td>
<td>Huttonsville correctional center</td>
</tr>
<tr>
<td>477</td>
<td>Interstate education compact</td>
</tr>
<tr>
<td>111</td>
<td>Judicial—Auditor's office</td>
</tr>
<tr>
<td>423</td>
<td>Lakin state hospital</td>
</tr>
<tr>
<td>431</td>
<td>Pincrest hospital</td>
</tr>
<tr>
<td>615</td>
<td>Public employees health insurance</td>
</tr>
<tr>
<td>614</td>
<td>Public employees retirement board</td>
</tr>
<tr>
<td>417</td>
<td>Roney's point center</td>
</tr>
<tr>
<td>150</td>
<td>State auditor's office</td>
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<tr>
<td>151</td>
<td>State auditor's office</td>
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<tr>
<td>641</td>
<td>State department of highways</td>
</tr>
<tr>
<td>110</td>
<td>Supreme court of appeals</td>
</tr>
<tr>
<td>298</td>
<td>Teachers retirement</td>
</tr>
<tr>
<td>166</td>
<td>Treasurer's office—Vietnam veterans Bonus fund</td>
</tr>
<tr>
<td>567</td>
<td>Water development authority</td>
</tr>
<tr>
<td>279</td>
<td>West Virginia board of regents</td>
</tr>
<tr>
<td>375</td>
<td>West Virginia penitentiary</td>
</tr>
</tbody>
</table>

§ 4. Appropriations from surplus revenue.

§ 5. Awards for claims against the State.

§ 6. Reappropriations.

§ 7. Appropriations from revenue sharing trust fund.

REVENUE SHARING TRUST FUND

<table>
<thead>
<tr>
<th>Account</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>9771</td>
<td>Department of agriculture</td>
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<tr>
<td>9725</td>
<td>Department of natural resources</td>
</tr>
<tr>
<td>9720</td>
<td>Governor's office</td>
</tr>
<tr>
<td>9725</td>
<td>Governor's office</td>
</tr>
<tr>
<td>9735</td>
<td>Huttonsville correctional center</td>
</tr>
<tr>
<td>9705</td>
<td>State department of highways</td>
</tr>
<tr>
<td>9770</td>
<td>Teachers retirement fund</td>
</tr>
<tr>
<td>9772</td>
<td>West Virginia Schools for the Deaf and Blind</td>
</tr>
</tbody>
</table>

§ 8. Reappropriations—"Revenue sharing trust fund."

§ 9. Special revenue appropriations.

§ 10. Specific funds and collection accounts.

§ 11. Appropriation for refunding erroneous payments.

§ 12. Sinking fund deficiencies.

§ 13. Appropriations from taxes and license fees.


§ 15. Appropriations for local governments.

§ 16. Total appropriations.

§ 17. General school fund.

1 Section 1. Appropriations from General Revenue.—From the state fund, general revenue, there is hereby appropriated conditionally upon the fulfillment of the provisions
set forth in Chapter 5-A, Article 2 of the Code of West Virginia, the following amounts, as itemized, for expenditure during the fiscal year one thousand nine hundred seventy-six.

LEGISLATIVE

1—Senate

Acct. No. 101

Fiscal Year 1975-76

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Compensation of Members</td>
<td>$205,000</td>
</tr>
<tr>
<td>2 Compensation and per diem of officers and employees</td>
<td>505,000</td>
</tr>
<tr>
<td>4 Expenses of Members</td>
<td>120,000</td>
</tr>
<tr>
<td>5 Current Expenses and Contingent Fund</td>
<td>120,000</td>
</tr>
<tr>
<td>6 To pay cost of printing the 1975 edition of Blue Book</td>
<td>87,000</td>
</tr>
</tbody>
</table>

The distribution of which shall be by the office of the Clerk of the Senate and shall include seventy-five copies for each member of the Legislature and two copies to each classified and approved High and Junior High school and one to each Elementary school within the state.

The appropriations for the Senate for the fiscal year 1974-75 are to remain in full force and effect, and are hereby reappropriated to June 30, 1976.

Any balances so reappropriated may be transferred and credited to the 1975-76 accounts.

Upon written request of the Clerk of the Senate the State Auditor shall transfer amounts between items of the total appropriation in order to protect or increase the efficiency of service.

The Clerk of the Senate with approval of the President is authorized to draw his requisitions upon the Auditor, payable out of the Current Expenses and Contingent Fund of the Senate, for any bills for supplies and services that may have been incurred by the Senate and not included in the appropriation bill, for supplies and services incurred in preparation for the opening, the conduct of the business and after adjournment of any regular or extraordinary
30 session, and for the necessary operation of the Senate
31 offices, the requisition for same to be accompanied by the
32 bills to be filed with the Auditor.

33 The President of the Senate shall have authority to em-
34 ploy such staff personnel during any session of the Legis-
35 lature as shall be needed in addition to staff personnel au-
36 thorized by Senate resolution adopted during any such
37 session. The President of the Senate shall have authority
38 to employ such staff personnel between sessions of the
39 Legislature as shall be needed, the compensation of all
40 staff personnel during and between sessions of the Legis-
41 lature, notwithstanding any such Senate resolution, to be
42 fixed by the President of the Senate. The Clerk is hereby
43 authorized to draw his requisitions for the payments of all
44 such staff personnel upon the State Auditor, payable out
45 of the appropriation for Compensation and per diem of
46 officers and employees or Current Expenses and Contin-
47 gent Fund of the Senate for such services.

48 For duties imposed by law and the Senate, the Clerk of
49 the Senate shall be paid a monthly salary of two thousand
50 five hundred eighty-five dollars, payable out of the amount
51 appropriated for Compensation and per diem of officers
52 and employees.

2—House of Delegates

Acct. No. 102

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>1975-76</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Compensation of Members</td>
<td>$550,000</td>
</tr>
<tr>
<td>2 Compensation and per diem of officers and employees</td>
<td>390,000</td>
</tr>
<tr>
<td>4 Expenses of Members</td>
<td>310,000</td>
</tr>
<tr>
<td>5 Current Expenses and Contingent Fund</td>
<td>330,000</td>
</tr>
</tbody>
</table>

6 The appropriations for the House of Dele-
7 gates for the fiscal year 1974-75 are to remain
8 in full force and effect, and are hereby reap-
9 propriated to June 30, 1976.

10 Any balances so reappropriated may be
11 transferred and credited to the 1975-76 accounts.
Upon the written request of the Clerk of the House of Delegates, the State Auditor shall transfer amounts between items of the total appropriation in order to protect or increase the efficiency of the service.

The Clerk of the House of Delegates, with approval of the Speaker, is authorized to draw requisitions upon the Auditor, payable out of the Contingent Fund of the House of Delegates, for any bills for supplies and services that may have been incurred by the House of Delegates, and not included in the appropriation bill, for bills for services and supplies incurred in preparation for the opening of the session and after adjournment, and for the necessary operation of the House of Delegates' offices, the requisition for the same to be accompanied by bills to be filed with the Auditor.

For duties imposed by law and by the House of Delegates, including salary allowed by law as keeper of the rolls, the Clerk of the House of Delegates shall be paid a monthly salary as provided in a House Resolution adopted January, 1975, payable from the Per Diem of Officers and Employees Fund or the Contingent Fund of the House of Delegates, and the full-time employees of the House of Delegates shall be paid at the salaries provided in said resolution.

The Speaker of the House of Delegates, upon approval of the House Committee on Rules, shall have authority to employ such staff personnel during and between sessions of the Legislature as shall be needed, and the Clerk of the House is hereby authorized to draw requisitions upon the State Auditor, payable from the Per Diem of Officers and Employees Fund or the Contingent Fund of the House of Delegates, for such services.
3—Joint Expenses

Acct. No. 103

Fiscal Year
1974-75

1 Joint Committee on Government and Finance $ 1,574,487

Fiscal Year
1975-76

1 To pay the cost of legislative printing $ 475,000
2 Commission on Interstate Cooperation 35,000
3 Joint Committee on Government and Finance 2,679,300
4 Other Legislative Committees 10,000

5 The appropriations for Joint Expenses for the fiscal year 1974-75 are to remain in full force and effect and are hereby reappropriated to June 30, 1976. Any balances so reappropriated may be transferred and credited to the 1975-76 accounts.

11 Upon written request of the Clerk of the Senate and the Clerk of the House of Delegates, the State Auditor shall transfer amounts between items of the total appropriation in order to protect or increase the efficiency of the service.

JUDICIAL

4—Supreme Court of Appeals

Acct. No. 110

1 Salaries of Judges $ 187,500
2 Other Personal Services 471,553
3 Current Expenses 121,650
4 Equipment 186,500

5 Total $ 967,203

5—General Judicial Account

Acct. No. 111

1 Personal Services $ 3,937,000
2 Current Expenses (Other) 209,000
### Appropriations

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>3 Other Court Costs</td>
<td>$1,115,000</td>
</tr>
<tr>
<td>4 Judges Retirement System</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>5 Unclassified</td>
<td>$400,000</td>
</tr>
<tr>
<td>6 Total</td>
<td>$6,661,000</td>
</tr>
</tbody>
</table>

#### 6—State Law Library

**Acct. No. 114**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$123,204</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$20,050</td>
</tr>
<tr>
<td>3 Equipment</td>
<td>$78,000</td>
</tr>
<tr>
<td>4 Total</td>
<td>$221,254</td>
</tr>
</tbody>
</table>

#### 7—Judicial Council

**Acct. No. 118**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 To pay expenses of Members of the Council</td>
<td>$12,000</td>
</tr>
</tbody>
</table>

#### EXECUTIVE

#### 8—Governor’s Office

**Acct. No. 120**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Salary of Governor</td>
<td>$35,000</td>
</tr>
<tr>
<td>2 Other Personal Services</td>
<td>$205,128</td>
</tr>
<tr>
<td>3 Current Expenses</td>
<td>$60,000</td>
</tr>
<tr>
<td>4 Equipment</td>
<td>$15,000</td>
</tr>
<tr>
<td>5 Total</td>
<td>$315,128</td>
</tr>
</tbody>
</table>

6 Any unexpended balance remaining at the close of the fiscal year 1974-75 for "Publication of Governor’s Papers and Inaugural Expense” in hereby reappropriated for expenditure during the fiscal year 1975-76.

#### 9—Governor’s Office—Custodial Fund

**Acct. No. 123**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Total</td>
<td>$77,500</td>
</tr>
</tbody>
</table>
To be used for current general expenses, including compensation of employees, household maintenance, cost of official functions, and any additional household expenses occasioned by such official functions.

10—Governor's Office—Civil Contingent Fund

Acct. No. 124

1 Total______________________________ $ 250,000

2 Of this appropriation there may be expended, at the discretion of the governor, an amount not to exceed $1,000.00 as West Virginia's contribution to the Interstate Oil Compact Commission.

Any unexpended balance remaining in this appropriation at the close of the fiscal year 1974-75 is hereby reappropriated for expenditure during the fiscal year 1975-76.

11—Governor's Office—Federal-State Coordination

Acct. No. 125

1 Federal-State Coordination ______________________ $ 1,500,000

2 Governor's Committee on Crime, Delinquency and Correction ______________________________ 575,000

3 Regional Councils—To Match Federal Funds________ 220,000

5 Total______________________________ $ 2,295,000

Any unexpended balance remaining in accounts "Federal-State Coordination" and "Governor's Committee on Crime, Delinquency and Correction" at the close of the fiscal year 1974-75 is hereby reappropriated for expenditure during the fiscal year 1975-76.
12—Governor's Office—Disaster Relief—Federal Matching
Acct. No. 126

1 Total .......................................................... $ 50,000
2 To match and aid Federal Programs, and any part of this appropriation may be transferred to any department for such purposes.

13—Governor's Office—Commission on Energy, Economy and Environment
Acct. No. 129

1 Total .......................................................... $ 0
2 Any unexpended balance remaining in this appropriation at the close of the fiscal year 1974-75 is hereby reappropriated for expenditure during the fiscal year 1975-76.

14—Office of Emergency Services
Acct. No. 130

1 Personal Services ........................................... $ 136,500
2 Current Expenses ........................................... 38,000
3 Equipment ................................................... 6,000

4 Total .......................................................... $ 180,500

FISCAL

15—Auditor's Office—General Administration
Acct. No. 150

1 Salary of State Auditor .................................... $ 22,500
2 Other Personal Services .................................... 716,247
3 Current Expenses ........................................... 213,150
4 Equipment ................................................... 39,700

5 Total .......................................................... $ 991,597

16—Auditor's Office—Social Security
Acct. No. 151

1 To match contributions of state employees for social security ........................................... $ 8,100,000
3 The above appropriation is intended to cover the state’s share of social security costs for
those spending units operating from General Revenue Fund. The State Department of Highways, Department of Motor Vehicles, Workmen's Compensation Commission, Public Service Commission, and other departments operating from Special Revenue Fund and/or Federal Funds shall pay their proportionate share of the social security cost for their respective divisions.

Any unexpended balance remaining in this appropriation at the close of the fiscal year 1974-75 is hereby reappropriated for expenditure during the fiscal year 1975-76.

17—Treasurer’s Office
Acct. No. 160

1 Salary of State Treasurer $22,500
2 Other Personal Services 228,669
3 Current Expenses 62,750
4 Equipment 28,875

5 Total $342,794

18—Treasurer’s Office—School Building Sinking Fund
Acct. No. 165

1 Total $11,197,500

2 Any unexpended balance remaining in the “School Building Sinking Fund” at the close of the fiscal year 1974-75 is hereby reappropriated for expenditure during the fiscal year 1975-76.

19—Treasurer’s Office—Vietnam Veterans Bonus Fund
Acct. No. 166

1 Any unexpended balance remaining in this appropriation at the close of the fiscal year 1974-75 is hereby reappropriated for expenditure during the fiscal year 1975-76.
## APPROPRIATIONS

### 20—Sinking Fund Commission

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Personal Services</td>
<td>$44,079</td>
</tr>
<tr>
<td>2</td>
<td>Current Expenses</td>
<td>$3,960</td>
</tr>
<tr>
<td>3</td>
<td>Equipment</td>
<td>$5,000</td>
</tr>
<tr>
<td>4</td>
<td><strong>Total</strong></td>
<td><strong>$53,039</strong></td>
</tr>
</tbody>
</table>

### 21—State Tax Department

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Personal Services</td>
<td>$2,902,284</td>
</tr>
<tr>
<td>2</td>
<td>Current Expenses</td>
<td>$2,047,000</td>
</tr>
<tr>
<td>3</td>
<td>Equipment</td>
<td>$56,070</td>
</tr>
<tr>
<td>4</td>
<td>Circuit Breaker Reimbursement</td>
<td>$200,000</td>
</tr>
<tr>
<td>5</td>
<td><strong>Total</strong></td>
<td><strong>$5,205,354</strong></td>
</tr>
</tbody>
</table>

The above appropriation “Circuit Breaker Reimbursement” is to be used in accordance with Engrossed House Bill No. 751, 1972 Regular Session of the Legislature.

### 22—State Tax Department

**Property Appraisal**

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Personal Services</td>
<td>$1,202,347</td>
</tr>
<tr>
<td>2</td>
<td>Other Expenses</td>
<td>$736,150</td>
</tr>
<tr>
<td>3</td>
<td>Reimbursement to Counties for computerization</td>
<td>$80,000</td>
</tr>
<tr>
<td>4</td>
<td><strong>Total</strong></td>
<td><strong>$2,018,497</strong></td>
</tr>
</tbody>
</table>

Any balance remaining in the “Property Appraisal Account” at the close of the fiscal year 1974-75 is hereby reappropriated for expenditure during the fiscal year 1975-76.

### 23—Department of Human Resources—Office of the Secretary

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Personal Services</td>
<td>—0—</td>
</tr>
<tr>
<td>2</td>
<td>Other Expenses</td>
<td>—0—</td>
</tr>
<tr>
<td>3</td>
<td><strong>Total</strong></td>
<td><strong>—0—</strong></td>
</tr>
</tbody>
</table>
## Ch. 11] Appropriations

### 24—State Commissioner of Public Institutions

**Acct. No. 190**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Salary of Commissioner</td>
<td>$20,000</td>
</tr>
<tr>
<td>2 Salaries of Board Members—Board of Probation and Parole</td>
<td>$40,500</td>
</tr>
<tr>
<td>3 Other Personal Services</td>
<td>$603,926</td>
</tr>
<tr>
<td>4 Current Expenses</td>
<td>$161,050</td>
</tr>
<tr>
<td>5 Equipment</td>
<td>$4,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$829,476</strong></td>
</tr>
</tbody>
</table>

### 25—State Commissioner of Public Institutions

**Division of Correction, Work Release Unit**

**Acct. No. 191**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$0</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$0</td>
</tr>
<tr>
<td>3 Repairs and Alterations</td>
<td>$0</td>
</tr>
<tr>
<td>4 Equipment</td>
<td>$0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>0</strong></td>
</tr>
</tbody>
</table>

### 26—Department of Finance and Administration

**Acct. No. 210**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$1,160,552</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$436,770</td>
</tr>
<tr>
<td>3 Repairs and Alterations</td>
<td>$79,700</td>
</tr>
<tr>
<td>4 Equipment</td>
<td>$21,560</td>
</tr>
<tr>
<td>5 Postage</td>
<td>$462,000</td>
</tr>
<tr>
<td>6 Records Management</td>
<td>$58,025</td>
</tr>
<tr>
<td>7 State Agency Surplus Property</td>
<td>$76,400</td>
</tr>
<tr>
<td>8 Utilities</td>
<td>$500,000</td>
</tr>
<tr>
<td>9 Federal Matching</td>
<td>$0</td>
</tr>
<tr>
<td>10 Fire Service Fee</td>
<td>$73,965</td>
</tr>
<tr>
<td>11 Building Equipment and Supplies</td>
<td>$25,000</td>
</tr>
<tr>
<td>11A Major Building Repairs</td>
<td>$1,500,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$4,393,972</strong></td>
</tr>
</tbody>
</table>

13 The Workmen's Compensation Commission, Department of Welfare, Public Service Commission, Department of Natural Resources, Department of Motor Vehicles, State Depart-
ment of Highways, State Health Department
and State Tax Department—Income Tax
Division shall reimburse the Postage appro-
priation of the Department of Finance and
Administration monthly for all meter service.
Any spending unit operating from Special
Revenue or receiving reimbursement for
postage costs from the Federal Government
shall refund to the Postage account of the
Department of Finance and Administration
such amounts. Should this appropriation for
Postage be insufficient to meet the mailing
requirements of the State spending units as
set out above, any excess postage meter ser-
vice requirements shall be a proper charge
against the units, and each spending unit
shall refund to the Postage appropriation of
the Department of Finance and Administra-
tion any amounts required for the Depart-
ment for postage in excess of this appropria-
tion.
Any unexpended balance remaining in the
"Postage Account" at the close of the fiscal
year 1974-75 is hereby reappropriated for
expenditure during the fiscal year 1975-76.
Any unexpended balances remaining at the close
of the fiscal year 1974-75 for "Major Building
Repairs" is hereby reappropriated for ex-
penditure during the fiscal year 1975-76.
(Major Building Repairs to include mainte-
nance and repairs to Governor's Mansion).
State Department of Highways, shall reimburse
the appropriation of the Department of
Finance and Administration monthly for all
actual expenses incurred pursuant to the
provisions of Chapter 17, Article 2-A, Sec-
tion 13 of the Code of West Virginia.
There also is appropriated for the State Agency
for Surplus Property all sums of money
collected by that agency from the sale of
surplus state property which has been declared expendable by the director of the Purchasing Division, and a special account created for expenditure for the purchase of operating equipment.

27—State Board of Insurance

Acct. No. 225

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personal Services</td>
<td>$40,230</td>
</tr>
<tr>
<td>Current Expenses</td>
<td>$10,860</td>
</tr>
<tr>
<td>Equipment</td>
<td>$500</td>
</tr>
<tr>
<td>Self-Insurance Fund</td>
<td>$445,000</td>
</tr>
<tr>
<td>Combined Insurance Premiums</td>
<td>$705,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$1,201,590</strong></td>
</tr>
</tbody>
</table>

The above appropriation on line 5 is for the purpose of paying premiums for fire, automobile and bonds for the various state agencies. Should this appropriation be insufficient to meet the premium requirements of the state spending units, any excess premium requirements shall be a proper charge against the units and each spending unit shall reimburse to the Board of Insurance any amounts required for that department for premiums in excess of this appropriation.

Any unexpended balance remaining in the appropriation for “Self-Insurance Fund” at the close of the fiscal year 1974-75 is hereby re-appropriated for expenditure during the fiscal year 1975-76.

Any or all of the funds appropriated for “Self-Insurance Fund” may be transferred to a special account for disbursement for payment of premiums and self-insurance losses.

LEGAL

28—Attorney General

Acct. No. 240

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salary of Attorney General</td>
<td>$22,500</td>
</tr>
<tr>
<td>Other Personal Services</td>
<td>$812,999</td>
</tr>
</tbody>
</table>
3 Current Expenses .............................................. 97,925
4 Equipment ...................................................... 16,000
5 Buffalo Creek Legal Expenses ................................. 0
6 To protect the resources or tax structure of the State in controversies or legal proceedings affecting same ............................................. 3,250
7 Consumer Protection ........................................... 100,000

10 Total .......................................................... $ 1,052,674

11 When legal counsel or secretarial help is appointed by the Attorney General, for any state spending unit, this account shall be reimbursed from such unit's appropriated account in an amount agreed upon by the Attorney General and the proper authority of said spending unit.

18 The above appropriation for "Consumer Protection" is to be used in accordance with Engrossed Senate Bill No. 240, 1974 Regular Session of the Legislature.

22 The above appropriation "Buffalo Creek Legal Expenses" is to pay for legal expenses in instituting legal proceedings to recompensate the state and its local governments, including boards of education, for expenditures incurred as a result of the disaster at Buffalo Creek on February 26, 1972.

29 Any unexpended balance remaining in the appropriation "Buffalo Creek Legal Expenses" at the close of the fiscal year 1974-75 is hereby reappropriated for expenditure during the fiscal year 1975-76.

29—Commission on Uniform State Laws

1 Total .......................................................... $ 7,500
2 To pay expenses of members of the Commission on Uniform State Laws.
### INCORPORATING AND RECORDING

#### 30—Secretary of State

**Acct. No. 250**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Salary of Secretary of State</td>
<td>$22,500</td>
</tr>
<tr>
<td>2 Other Personal Services</td>
<td>$191,586</td>
</tr>
<tr>
<td>3 Current Expenses</td>
<td>$44,372</td>
</tr>
<tr>
<td>4 Equipment</td>
<td>$6,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$264,458</strong></td>
</tr>
</tbody>
</table>

### EDUCATIONAL

#### 31—State Department of Education

**Acct. No. 277**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Teacher Education Program</td>
<td>$125,000</td>
</tr>
</tbody>
</table>

#### 32—West Virginia Board of Regents (Control)

**Acct. No. 279**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$61,247,878</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$10,488,574</td>
</tr>
<tr>
<td>3 Repairs and Alterations</td>
<td>$2,400,000</td>
</tr>
<tr>
<td>4 Equipment</td>
<td>$3,100,000</td>
</tr>
<tr>
<td>5 Oak Wilt Research</td>
<td>$10,500</td>
</tr>
<tr>
<td>6 Veterinary Tuition</td>
<td>$220,160</td>
</tr>
<tr>
<td>7 Optometry Tuition</td>
<td>$54,000</td>
</tr>
<tr>
<td>8 Educational T.V.</td>
<td>$686,576</td>
</tr>
<tr>
<td>9 Bureau for Coal Research</td>
<td>$410,000</td>
</tr>
<tr>
<td>10 Forestry Products</td>
<td>$131,500</td>
</tr>
<tr>
<td>11 Regional Research Institute</td>
<td>$87,600</td>
</tr>
<tr>
<td>12 Agricultural Experimental Station—Intensive</td>
<td></td>
</tr>
<tr>
<td>13 Horticultural Demonstration</td>
<td>$27,700</td>
</tr>
<tr>
<td>14 Intensive Agricultural-Demonstration Trial</td>
<td>$35,000</td>
</tr>
<tr>
<td>15 Podiatry Tuition</td>
<td>$5,000</td>
</tr>
<tr>
<td>16 Individual Accreditation</td>
<td>$90,000</td>
</tr>
<tr>
<td>17 New Programs</td>
<td>$300,000</td>
</tr>
<tr>
<td>18 Unclassified</td>
<td>$300,000</td>
</tr>
<tr>
<td>19 Title I—Matching Funds</td>
<td>$130,000</td>
</tr>
<tr>
<td>20 Awareness Program</td>
<td>$50,000</td>
</tr>
<tr>
<td>21 Scholarship Program</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>22 Facilities and Scholarships Program</td>
<td>$50,964</td>
</tr>
</tbody>
</table>
23 West Virginia College of Osteopathic Medicine 
24 Center for Economic Action 
25 Community and Development Research 
26 Total

| 27 | Any unexpended balance remaining at the close of the fiscal year 1974-75 for "establishing on the campus of or property owned by Marshall University, a "track field" is hereby reappropriated for expenditure during the fiscal year 1975-76. |

33—West Virginia Board of Regents
Acct. No. 280

| 1 Personal Services | $365,683 |
| 2 Current Expenses | $111,100 |
| 3 Equipment | $3,600 |
| 4 Total | $480,383 |

34—Marshall University—Medical School
Acct. No. 284

| 1 Total | $0 |

35—West Virginia University—Medical School
Acct. No. 285

| 1 Personal Services | $5,268,137 |
| 2 Current Expenses | $657,800 |
| 3 Repairs and Alterations | $263,200 |
| 4 Equipment | $128,900 |
| 5 Intern and Residency Support Programs for Community Hospitals | $315,000 |
| 7 Total | $6,633,037 |

8 To be transferred to the West Virginia University—Medical School Fund upon the requisition of the Governor.

36—Department of Education
Acct. No. 286

| 1 Personal Services | $794,370 |
| 2 Current Expenses | $220,900 |
### APPROPRIATIONS

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>3 Equipment</td>
<td>$11,000</td>
</tr>
<tr>
<td>4 National Defense Education Act</td>
<td>$400,000</td>
</tr>
<tr>
<td>5 Statewide Testing Program</td>
<td>$127,180</td>
</tr>
<tr>
<td>6 Safety Education—Aid to Counties</td>
<td>$210,000</td>
</tr>
<tr>
<td>7 State Aid to Children’s Home</td>
<td>$60,000</td>
</tr>
<tr>
<td>8 Regional Education Service Agency</td>
<td>$420,000</td>
</tr>
<tr>
<td>9 Child Development Program</td>
<td>$0</td>
</tr>
<tr>
<td>10 State Program to Purchase Insurance for the Children’s Home</td>
<td>$0</td>
</tr>
<tr>
<td>11 County School System</td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$2,243,450</strong></td>
</tr>
</tbody>
</table>

12 The above appropriation includes the State Board of Education and their executive offices.

13 Any part or all of the appropriation for “National Defense Education Act” may be transferred to a Special Revenue Fund for the purpose of matching Federal Funds for this program.

---

### State Department of Education—School Lunch Program

**Acct. No. 287**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$111,568</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$27,403</td>
</tr>
<tr>
<td>3 Aid to Counties—Includes hot lunches and canning for hot lunches</td>
<td>$925,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$1,063,971</strong></td>
</tr>
</tbody>
</table>

---

### State Board of Education—Vocational Division

**Acct. No. 289**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$155,636</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$49,200</td>
</tr>
<tr>
<td>3 Equipment</td>
<td>$3,575</td>
</tr>
<tr>
<td>4 Vocational Aid</td>
<td>$6,245,000</td>
</tr>
<tr>
<td>5 Adult Basic Education</td>
<td>$250,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$6,703,411</strong></td>
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</tbody>
</table>

---

### Educational Broadcasting Authority

**Acct. No. 291**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$48,932</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$29,075</td>
</tr>
</tbody>
</table>
3 Equipment .................................. 2,500
4 Regional ETV ................................ 1,240,788

5 Total ......................................... $ 1,321,295

6 For participation in the construction and operation of Regional ETV stations by Marshall University, Concord College, Bluefield State College, West Virginia Institute of Technology and West Virginia State College and may be transferred to special revenue accounts for matching County and/or Federal Funds.

40—State Board of Education—Vocational Division
Acct. No. 292

1 Vocational Summer School .................. $ —0—
2 Vocational Equipment Replacement .......... —0—
3 Adult and Community Education ............ —0—

4 Total ......................................... $ —0—

41—State Board of Education—Vocational Division
Acct. No. 294

1 Total ......................................... $ 300,000

2 Any unexpended balance remaining in the appropriation "Aid to Counties" at the close of the fiscal year 1974-75 is hereby reappropriated for expenditure during the fiscal year 1975-76.

42—State Department of Education—State Aid to Schools
Acct. No. 295

1 Professional Services ......................... $162,679,260
2 Salaries—Other Personnel .................... 32,535,852
3 Fixed Charges ................................ 15,324,386
4 Transportation Charges ..................... 7,601,776
5 Administration ................................ 1,626,793
6 Other Current Expense ....................... 19,521,511
7 National Average Attainment ............... 9,918,612
8 Program Improvement ......................... 1,569,948
APPROPRIATIONS

9 Increased Enrollment 700,000

10 Sub Total $251,478,138
11 Less Local Share 44,700,009
12 Total $206,778,129

43—Department of Education—Aid for Exceptional Children

Acct. No. 296
1 Personal Services $167,937
2 Current Expenses 39,055
3 Out-of-State Instruction 150,000
4 Aid to Counties 4,168,062
5 Total $4,525,054
6 The appropriation for “Out-of-State Instruction” may be expended to provide instruction, care and maintenance for educable persons who have multiple handicaps and for whom the state provides no facilities.

44—State Board of Education—Early Childhood Aides

Acct. No. 297
1 Early Childhood Aides $2,685,540

45—Teacher’s Retirement Board

Acct No. 298
1 Teachers Retirement Fund $47,027,000
2 Expenses Fund 35,000
3 Total $47,062,000

46—Department of Education

Acct. No. 299
1 To fund minimum salaries for Support Personnel—Total $0

47—West Virginia Schools for the Deaf and Blind

Acct. No. 333
1 Personal Services $1,530,446
2 Current Expenses 383,430
### Appropriations

<table>
<thead>
<tr>
<th>Acct. No.</th>
<th>Department</th>
<th>1 Personal Services</th>
<th>2 Current Expenses</th>
<th>3 Repairs and Alterations</th>
<th>4 Equipment</th>
<th>5 Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>336</td>
<td>48-State FFA-FHA Camp and Conference Center</td>
<td>$79,915</td>
<td>$14,535</td>
<td>$19,750</td>
<td>$19,200</td>
<td>$133,400</td>
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<tr>
<td>340</td>
<td>49-Department of Archives and History</td>
<td>$125,819</td>
<td>$53,730</td>
<td>$2,000</td>
<td>$30,000</td>
<td>$211,549</td>
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<tr>
<td>350</td>
<td>50-West Virginia Library Commission</td>
<td>$471,450</td>
<td>$152,930</td>
<td>$3,500</td>
<td>$5,000</td>
<td>$3,192,880</td>
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</table>

8 Any unexpended balance remaining in the appropriation “Library Matching Funds” at the close of the fiscal year 1974-75 is hereby re-appropriated for expenditure during the fiscal year 1975-76.
### CHARITIES AND CORRECTION

#### 51—Anthony Correctional Center

<table>
<thead>
<tr>
<th>Account</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Personal Services</td>
<td>$258,300</td>
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<tr>
<td>2</td>
<td>Current Expenses</td>
<td>$106,835</td>
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<tr>
<td>3</td>
<td>Repairs and Alterations</td>
<td>$14,550</td>
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<tr>
<td>4</td>
<td>Equipment</td>
<td>$15,000</td>
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<tr>
<td><strong>5</strong></td>
<td>Total</td>
<td><strong>$394,685</strong></td>
</tr>
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</table>

#### 52—West Virginia Industrial School for Boys

<table>
<thead>
<tr>
<th>Account</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Personal Services</td>
<td>$752,346</td>
</tr>
<tr>
<td>2</td>
<td>Current Expenses</td>
<td>$272,720</td>
</tr>
<tr>
<td>3</td>
<td>Repairs and Alterations</td>
<td>$63,650</td>
</tr>
<tr>
<td>4</td>
<td>Equipment</td>
<td>$36,900</td>
</tr>
<tr>
<td><strong>5</strong></td>
<td>Total</td>
<td><strong>$1,125,616</strong></td>
</tr>
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</table>

#### 53—Forestry Camp for Boys No. 1 (Davis)

<table>
<thead>
<tr>
<th>Account</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Personal Services</td>
<td>$253,246</td>
</tr>
<tr>
<td>2</td>
<td>Current Expenses</td>
<td>$124,305</td>
</tr>
<tr>
<td>3</td>
<td>Repairs and Alterations</td>
<td>$16,065</td>
</tr>
<tr>
<td>4</td>
<td>Equipment</td>
<td>$21,500</td>
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<tr>
<td><strong>5</strong></td>
<td>Total</td>
<td><strong>$415,116</strong></td>
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</table>

#### 54—West Virginia Industrial Home for Girls

<table>
<thead>
<tr>
<th>Account</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Personal Services</td>
<td>$420,528</td>
</tr>
<tr>
<td>2</td>
<td>Current Expenses</td>
<td>$139,825</td>
</tr>
<tr>
<td>3</td>
<td>Repairs and Alterations</td>
<td>$34,900</td>
</tr>
<tr>
<td>4</td>
<td>Equipment</td>
<td>$45,000</td>
</tr>
<tr>
<td>5</td>
<td>Vocational Training</td>
<td>$5,000</td>
</tr>
<tr>
<td><strong>6</strong></td>
<td>Total</td>
<td><strong>$645,253</strong></td>
</tr>
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</table>

#### 55—West Virginia Forestry Camp No. 2 (Leckie)

<table>
<thead>
<tr>
<th>Account</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Personal Services</td>
<td>$252,118</td>
</tr>
<tr>
<td>2</td>
<td>Current Expenses</td>
<td>$138,986</td>
</tr>
<tr>
<td><strong>5</strong></td>
<td>Total</td>
<td><strong>$391,104</strong></td>
</tr>
</tbody>
</table>
3 Repairs and Alterations ........................................ 24,450
4 Equipment ................................................................ 22,000

5 Total ........................................................................ $ 437,554

56—West Virginia State Prison for Women
Acct. No. 374

1 Personal Services ...................................................... $ 134,756
2 Current Expenses ....................................................... 63,523
3 Repairs and Alterations .............................................. 20,050
4 Equipment ................................................................ 12,600

5 Total ........................................................................ $ 230,929

57—West Virginia Penitentiary
Acct. No. 375

1 Personal Services ...................................................... $ 1,828,155
2 Current Expenses ....................................................... 935,800
3 Repairs and Alterations .............................................. 84,500
4 Equipment ................................................................ 200,000
5 Completion of cells in North Block Medium ................. —0—
6 Security ................................................................... —0—
7 Pre-Fab Structure Replacements of (15) Fifteen Guard Towers

9 Total ........................................................................ $ 3,048,455

10 Any unexpended balance remaining in the accounts “Replacement of Sanitary System (Sewers) and Construction of Boiler Plant”; and “Purchase of building and land” at the close of the fiscal year 1974-75 is hereby appropriated for expenditure during the fiscal year 1975-76.
11 Any or all of the accounts “Replacement of Sanitary System (Sewer) and Construction of Boiler Plant” may be used to match and aid Federal Funds.

58—Huttonsville Correctional Center
Acct. No. 376

1 Personal Services ...................................................... $ 1,147,807
2 Current Expenses ....................................................... 411,282
### Appropriations

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>3 Repairs and Alterations</td>
<td>76,603</td>
</tr>
<tr>
<td>4 Equipment</td>
<td>19,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$1,654,692</strong></td>
</tr>
</tbody>
</table>

#### 59—West Virginia Children’s Home

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>126,420</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>63,580</td>
</tr>
<tr>
<td>3 Repairs and Alterations</td>
<td>14,000</td>
</tr>
<tr>
<td>4 Equipment</td>
<td>14,600</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$218,600</strong></td>
</tr>
</tbody>
</table>

#### 60—Andrew S. Rowan Memorial Home

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>608,979</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>284,629</td>
</tr>
<tr>
<td>3 Repairs and Alterations</td>
<td>40,000</td>
</tr>
<tr>
<td>4 Equipment</td>
<td>62,500</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$996,108</strong></td>
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</tbody>
</table>

### Health and Welfare

#### 61—State Health Department

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>1,332,263</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>240,000</td>
</tr>
<tr>
<td>3 Equipment</td>
<td>37,500</td>
</tr>
<tr>
<td>4 Emergency Medical Services</td>
<td>45,000</td>
</tr>
<tr>
<td>5 Cancer Control and Treatment</td>
<td>253,575</td>
</tr>
<tr>
<td>6 Local Health Services</td>
<td>1,500,000</td>
</tr>
<tr>
<td>7 Dental Clinics</td>
<td>158,900</td>
</tr>
<tr>
<td>8 Heart Disease Control</td>
<td>134,607</td>
</tr>
<tr>
<td>9 Maternal and Child Healthmobile Medical</td>
<td></td>
</tr>
<tr>
<td>10 Examination Clinic</td>
<td>463,312</td>
</tr>
<tr>
<td>11 Home Health Services</td>
<td>43,050</td>
</tr>
<tr>
<td>12 Mobile Chest X-ray &amp; Diagnostic Services for Tuberculosis Control</td>
<td>86,100</td>
</tr>
<tr>
<td>13 Tuberculosis Control</td>
<td></td>
</tr>
<tr>
<td>14 Hospital and Medical Facilities Construction</td>
<td>17,500</td>
</tr>
<tr>
<td>15 Program</td>
<td></td>
</tr>
</tbody>
</table>
16 Special Project for Eradication of Tuberculosis.......................... 262,500
17 Environmental Health Services ........................................... 184,500
18 Nursing Home Inspection Unit ............................................. 0
19 Biologics for Immunization and Venereal Disease............................ 75,000
20 Regional Health Service .................................................. 214,000
21 Early Childhood Development Program .................................. 304,750
22 Plastic Card Birth Certificate Program .................................. 0
23 In-Patient Hospital Care and Emergency Service ......................... 0
24 Total .............................................................................. 5,352,557

62—Commission on Postmortem Examination
Acct. No. 401

1 Total .............................................................................. 150,000
2 Any unexpended balance remaining in the appropriation "Commission on postmortem Examination" at the close of the fiscal year 1974-75 is hereby reappropriated for expenditure during the fiscal year 1975-76.

63—Department of Veterans Affairs
Acct. No. 403

1 In aid of Veterans Day Patriotic Exercises............................... 5,000
2 To be expended subject to the approval of the Department of Veterans Affairs upon presentation of satisfactory plans by the Grafton G.A.R. Post, American Legion, Veterans of Foreign Wars and Sons of Veterans.

64—Department of Veterans Affairs
Acct. No. 404

1 Personal Services .................................................................... 367,794
2 Current Expenses ..................................................................... 75,700
3 Equipment . ......................................................................... 5,100
4 Total ................................................................................... 448,594
5 Any unexpended balances remaining in the appropriation "To Provide Educational Op-
opportunities for Children of War Veterans” at the close of the fiscal year 1974-75 is hereby reappropriated for expenditures during the fiscal year 1975-76.

### 65—Department of Welfare

Acct. No. 405

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$4,716,095</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$2,148,667</td>
</tr>
<tr>
<td>3 Equipment</td>
<td>$46,865</td>
</tr>
<tr>
<td>4 Public Assistance Grants (Classified Aid)</td>
<td>$14,218,994</td>
</tr>
<tr>
<td>5 Services to Children, Aged, Blind and Disabled</td>
<td>$5,407,035</td>
</tr>
<tr>
<td>6 Emergency Assistance Program</td>
<td>$1,550,000</td>
</tr>
<tr>
<td>7 Social Security Matching Fund</td>
<td>$470,000</td>
</tr>
<tr>
<td>8 T.R.I.P.</td>
<td>$1,100,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$29,657,656</strong></td>
</tr>
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</table>

### 66—State Commission on Aging

Acct. No. 406

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$52,710</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$39,325</td>
</tr>
<tr>
<td>3 Equipment</td>
<td>$525</td>
</tr>
<tr>
<td>4 Programs for Elderly</td>
<td>$250,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$342,560</strong></td>
</tr>
</tbody>
</table>

### 67—Department of Welfare—Food Stamp and Government Donated Food

Acct. No. 407

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$1,278,337</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$377,018</td>
</tr>
<tr>
<td>3 Equipment</td>
<td>$12,500</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$1,667,855</strong></td>
</tr>
</tbody>
</table>

### 68—Department of Welfare—Medical Program

Acct. No. 408

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$1,117,920</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$904,600</td>
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</tbody>
</table>
### Appropriations

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>3 Equipment</td>
<td>8,750</td>
</tr>
<tr>
<td>4 Direct Services</td>
<td>15,007,037</td>
</tr>
<tr>
<td>5 Total</td>
<td>$17,038,307</td>
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</table>

#### 69—Department of Mental Health

<table>
<thead>
<tr>
<th>Acct. No. 410</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$861,000</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>209,325</td>
</tr>
<tr>
<td>3 Equipment</td>
<td>13,000</td>
</tr>
<tr>
<td>4 Research and Training</td>
<td>10,000</td>
</tr>
<tr>
<td>5 Civil Service Costs</td>
<td>85,000</td>
</tr>
<tr>
<td>6 Division of Health Education</td>
<td>20,000</td>
</tr>
<tr>
<td>7 Community Mental Retardation Program</td>
<td>750,000</td>
</tr>
<tr>
<td>8 Alcohol and Drug Abuse Program</td>
<td>400,000</td>
</tr>
<tr>
<td>9 Community Mental Health Programs</td>
<td>1,600,000</td>
</tr>
<tr>
<td>10 Children’s Mental Health Services</td>
<td>0</td>
</tr>
<tr>
<td>11 Total</td>
<td>$3,948,325</td>
</tr>
</tbody>
</table>

Any unexpended balance remaining in the account “Mental Health Center—Princeton” at the close of the fiscal year 1974-75 is hereby reappropriated for expenditure during fiscal year 1975-76.

#### 70—Commission On Mental Retardation

<table>
<thead>
<tr>
<th>Acct. No. 411</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$51,030</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>16,770</td>
</tr>
<tr>
<td>3 Equipment</td>
<td>2,000</td>
</tr>
<tr>
<td>4 Special Services</td>
<td>0</td>
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<tr>
<td>5 Total</td>
<td>$69,800</td>
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</table>

#### 71—Greenbrier School for Mentally Retarded Children

<table>
<thead>
<tr>
<th>Acct. No. 414</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$626,325</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>151,390</td>
</tr>
<tr>
<td>3 Repairs and Alterations</td>
<td>100,000</td>
</tr>
<tr>
<td>4 Equipment</td>
<td>60,000</td>
</tr>
<tr>
<td>5 Total</td>
<td>$937,715</td>
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</table>
### 72—Roney's Point Branch Hospital

Acct. No. 417

<table>
<thead>
<tr>
<th>Description</th>
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</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$195,386</td>
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<tr>
<td>2 Current Expenses</td>
<td>$58,281</td>
</tr>
<tr>
<td>3 Repairs and Alterations</td>
<td>$20,000</td>
</tr>
<tr>
<td>4 Equipment</td>
<td>$3,750</td>
</tr>
<tr>
<td>5 Total</td>
<td><strong>$277,417</strong></td>
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### 73—Guthrie Center

Acct. No. 418

<table>
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<tbody>
<tr>
<td>1 Personal Services</td>
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<tr>
<td>2 Current Expenses</td>
<td>$211,275</td>
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<tr>
<td>3 Repairs and Alterations</td>
<td>$45,000</td>
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<tr>
<td>4 Equipment</td>
<td>$35,000</td>
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<td>5 Total</td>
<td><strong>$798,003</strong></td>
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</table>

### 74—Colin Anderson Center

Acct. No. 419

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$3,444,000</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$547,847</td>
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<tr>
<td>3 Repairs and Alterations</td>
<td>$89,150</td>
</tr>
<tr>
<td>4 Equipment</td>
<td>$120,000</td>
</tr>
<tr>
<td>5 Total</td>
<td><strong>$4,200,997</strong></td>
</tr>
</tbody>
</table>

### 75—Weston State Hospital

Acct. No. 420

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$4,654,781</td>
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<tr>
<td>2 Current Expenses</td>
<td>$1,550,780</td>
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<td>3 Repairs and Alterations</td>
<td>$143,325</td>
</tr>
<tr>
<td>4 Equipment</td>
<td>$114,450</td>
</tr>
<tr>
<td>5 Psychiatric Training Center for Student Nurses</td>
<td>$150,000</td>
</tr>
<tr>
<td>6 Total</td>
<td><strong>$6,613,336</strong></td>
</tr>
<tr>
<td></td>
<td>76—Spencer State Hospital</td>
</tr>
<tr>
<td>---</td>
<td>---------------------------</td>
</tr>
<tr>
<td>1</td>
<td>Personal Services</td>
</tr>
<tr>
<td>2</td>
<td>Current Expenses</td>
</tr>
<tr>
<td>3</td>
<td>Repairs and Alterations</td>
</tr>
<tr>
<td>4</td>
<td>Equipment</td>
</tr>
<tr>
<td></td>
<td>Total</td>
</tr>
</tbody>
</table>

5 Any unexpended balance remaining in "Boiler Plant" at the close of fiscal year 1974-75, is hereby reappropriated for expenditure during fiscal year 1975-76.

6 Any unexpended balance remaining in the appropriation—Renovate Classroom Building, at the close of the fiscal year 1974-75 is hereby reappropriated for expenditure during the fiscal year 1975-76.
<table>
<thead>
<tr>
<th>Item</th>
<th>80</th>
<th>81</th>
<th>82</th>
<th>83</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Fairmont Emergency Hospital</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Acct. No. 425</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1 Personal Services</td>
<td>$414,356</td>
<td>$731,325</td>
<td>$2,625,000</td>
<td>$2,287,950</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$153,860</td>
<td>$283,285</td>
<td>$517,850</td>
<td>$650,955</td>
</tr>
<tr>
<td>3 Repairs and Alterations</td>
<td>$15,350</td>
<td>$75,000</td>
<td>$60,000</td>
<td>$40,350</td>
</tr>
<tr>
<td>4 Equipment</td>
<td>$17,600</td>
<td>$70,000</td>
<td>$58,850</td>
<td>$43,650</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$601,166</td>
<td>$1,159,610</td>
<td>$3,261,700</td>
<td>$3,022,905</td>
</tr>
</tbody>
</table>

| **Welch Emergency Hospital**        |    |    |    |    |
| Acct. No. 426                       |    |    |    |    |
| 1 Personal Services                 | $414,356 | $731,325 | $2,625,000 | $2,287,950 |
| 2 Current Expenses                  | $153,860 | $283,285 | $517,850 | $650,955 |
| 3 Repairs and Alterations           | $15,350  | $75,000  | $60,000  | $40,350  |
| 4 Equipment                         | $17,600  | $70,000  | $58,850  | $43,650  |
| **Total**                           | $601,166 | $1,159,610 | $3,261,700 | $3,022,905 |

| **Hopemont State Hospital**         |    |    |    |    |
| Acct. No. 430                       |    |    |    |    |
| 1 Personal Services                 | $414,356 | $731,325 | $2,625,000 | $2,287,950 |
| 2 Current Expenses                  | $153,860 | $283,285 | $517,850 | $650,955 |
| 3 Repairs and Alterations           | $15,350  | $75,000  | $60,000  | $40,350  |
| 4 Equipment                         | $17,600  | $70,000  | $58,850  | $43,650  |
| **Total**                           | $601,166 | $1,159,610 | $3,261,700 | $3,022,905 |

| **Pinecrest State Hospital**        |    |    |    |    |
| Acct. No. 431                       |    |    |    |    |
| 1 Personal Services                 | $2,287,950 | $2,625,000 | $2,287,950 | $2,287,950 |
| 2 Current Expenses                  | $650,955  | $517,850  | $517,850  | $517,850  |
| 3 Repairs and Alterations           | $40,350   | $60,000   | $60,000   | $60,000   |
| 4 Equipment                         | $43,650   | $58,850   | $58,850   | $58,850   |
| **Total**                           | $3,022,905 | $3,261,700 | $3,022,905 | $3,022,905 |
### Appropriations

#### 84—Denmar State Hospital

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$1,609,650</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$421,460</td>
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<tr>
<td>3 Repairs and Alterations</td>
<td>$42,000</td>
</tr>
<tr>
<td>4 Equipment</td>
<td>$85,000</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>$2,158,110</strong></td>
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#### 85—State Board of Education—Rehabilitation Division

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$880,000</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$326,880</td>
</tr>
<tr>
<td>3 Rehabilitation Center</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>4 Case Services</td>
<td>$1,722,765</td>
</tr>
<tr>
<td>5 Supervisory Services for Vending Stand Program</td>
<td>$100,000</td>
</tr>
<tr>
<td>6 Training and Special Projects</td>
<td>$204,400</td>
</tr>
<tr>
<td>7 Social Security Matching Fund</td>
<td>$90,000</td>
</tr>
<tr>
<td>8 Program for Blind Food Service</td>
<td>$150,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$4,474,045</strong></td>
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</table>

#### Business and Industrial Relations

#### 86—Bureau of Labor and Department of Weights and Measures

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$708,750</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$232,025</td>
</tr>
<tr>
<td>3 Equipment</td>
<td>$12,970</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$953,745</strong></td>
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</table>

#### 87—Interstate Mining Compact Commission

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Total</td>
<td>$10,000</td>
</tr>
</tbody>
</table>

#### 88—Department of Mines

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$1,893,024</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$360,075</td>
</tr>
<tr>
<td>Item Description</td>
<td>Amount</td>
</tr>
<tr>
<td>---------------------------------------------------------------------------------</td>
<td>------------</td>
</tr>
<tr>
<td>3 Equipment</td>
<td>53,025</td>
</tr>
<tr>
<td>4 Special Mine Drainage Program</td>
<td>50,000</td>
</tr>
<tr>
<td>5 Mine Training, Education and Certification</td>
<td>200,000</td>
</tr>
<tr>
<td>6 Subsidence—Federal Matching</td>
<td>250,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$2,806,124</td>
</tr>
</tbody>
</table>

**89—Department of Commerce**

Acct. No. 465

<table>
<thead>
<tr>
<th>Item Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$585,351</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>1,437,770</td>
</tr>
<tr>
<td>3 Equipment</td>
<td>47,000</td>
</tr>
<tr>
<td>4 Mt. State Forest Festival</td>
<td>25,000</td>
</tr>
<tr>
<td>5 Alpine Festival</td>
<td>7,500</td>
</tr>
<tr>
<td>6 West Virginia Historical Drama Association</td>
<td>55,000</td>
</tr>
<tr>
<td>7 Arts and Humanities Fund</td>
<td>276,759</td>
</tr>
<tr>
<td>8 Industrial Development Revolving Fund</td>
<td>500,000</td>
</tr>
<tr>
<td>9 New Martinsville Regatta</td>
<td>2,500</td>
</tr>
<tr>
<td>10 Braxton County Regatta</td>
<td>4,000</td>
</tr>
<tr>
<td>11 Mothers Day Founders Festival</td>
<td>5,000</td>
</tr>
<tr>
<td>12 Calhoun County Wood Festival</td>
<td>2,500</td>
</tr>
<tr>
<td>13 White Water Weekend</td>
<td>3,000</td>
</tr>
<tr>
<td>14 Cherry River Festival</td>
<td>2,000</td>
</tr>
<tr>
<td>15 Oil and Gas Festival</td>
<td>2,500</td>
</tr>
<tr>
<td>16 National Youth Science Camp</td>
<td>223,856</td>
</tr>
<tr>
<td>17 West Virginia Water Festival</td>
<td>7,500</td>
</tr>
<tr>
<td>18 Mountain Heritage Arts and Crafts Fair</td>
<td>5,000</td>
</tr>
<tr>
<td>19 Sternwheel Regatta</td>
<td>1,000</td>
</tr>
<tr>
<td>20 Wellsburg July 4th Celebration</td>
<td>2,000</td>
</tr>
<tr>
<td>21 Sistersville Outboard Regatta</td>
<td>1,000</td>
</tr>
<tr>
<td>22 West Virginia’s Participation in American</td>
<td></td>
</tr>
<tr>
<td>23 Bicentennial</td>
<td>109,500</td>
</tr>
<tr>
<td>24 Ohio River Festival</td>
<td>1,000</td>
</tr>
<tr>
<td>25 King Coal Festival</td>
<td>700</td>
</tr>
<tr>
<td>26 Independence Hall, Wheeling, West Virginia</td>
<td>125,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$3,432,436</td>
</tr>
</tbody>
</table>
end, Cherry River Festival, Sternwheel Regatta, Oil and Gas Festival, Sistersville Outboard Regatta, West Virginia Water Festival, Mt. Heritage Arts and Crafts Fair, Ohio River Festival, Wellsburg July 4th Celebration, King Coal Festival and Calhoun County Wood Festival shall be expended only upon authorization of the Commerce Commissioner and in accordance with the provisions of Chapter 5A of the Code of West Virginia.

All Federal moneys received as reimbursement to the Department of Commerce, for moneys expended from the General Revenue fund for Arts and Humanities are hereby reappropriated for the purposes as originally made, including Personal Services, Current Expenses and Equipment.

Any unexpended balance remaining in the appropriation "Independence Hall, Wheeling, West Virginia" at the close of the fiscal year 1974-75 is hereby reappropriated for expenditure during the fiscal year 1975-76.

Any unexpended balance remaining in the account "National Youth Science Camp" at the close of the fiscal year 1974-75 is hereby reappropriated for expenditure during the fiscal year 1975-76.

Any unexpended balance remaining in the account "West Virginia Bicentennial" at the close of the fiscal year 1974-75 is hereby reappropriated for expenditure during the fiscal year 1975-76.

90—Ohio River Basin Commission
Acct. No. 469

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Total</td>
<td>$21,600</td>
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</tbody>
</table>

91—State Commission on Manpower, Technology and Training
Acct. No. 470

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Personal Services</td>
<td>$24,518</td>
</tr>
<tr>
<td>2</td>
<td>Current Expenses</td>
<td>7,600</td>
</tr>
<tr>
<td>Account</td>
<td>Description</td>
<td>Budget Year</td>
</tr>
<tr>
<td>---------</td>
<td>--------------------------------------------------</td>
<td>-------------</td>
</tr>
<tr>
<td>3</td>
<td>Equipment</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Total</td>
<td></td>
</tr>
<tr>
<td>92</td>
<td>Council of State Governments</td>
<td></td>
</tr>
<tr>
<td>93</td>
<td>Interstate Commission on Potomac River Basin</td>
<td></td>
</tr>
<tr>
<td>94</td>
<td>Ohio River Valley Water Sanitation Commission</td>
<td></td>
</tr>
<tr>
<td>95</td>
<td>Southern Regional Education Board</td>
<td></td>
</tr>
<tr>
<td>96</td>
<td>West Virginia Air Pollution Commission</td>
<td></td>
</tr>
<tr>
<td>97</td>
<td>Interstate Education Compact</td>
<td></td>
</tr>
<tr>
<td>98</td>
<td>Antiquities Commission</td>
<td></td>
</tr>
</tbody>
</table>

**Notes:**
- Equipment: $1,100
- Total: $33,218
- Council of State Governments: $38,130
- Interstate Commission on Potomac River Basin: $12,450
- Ohio River Valley Water Sanitation Commission: $40,575
- Southern Regional Education Board: $64,000
- West Virginia Air Pollution Commission: $529,406
- Interstate Education Compact: $14,250
- Antiquities Commission: $23,392

**To be expended upon requisition of the Governor.**
<table>
<thead>
<tr>
<th>Appropriations</th>
<th>[Ch. 11]</th>
</tr>
</thead>
<tbody>
<tr>
<td>3 Equipment</td>
<td>2,000</td>
</tr>
<tr>
<td>4 Total</td>
<td>33,092</td>
</tr>
</tbody>
</table>

99—Department of Banking

Acct. No. 480

| 1 Personal Services | $249,585 |
| 2 Current Expenses  | 131,990  |
| 3 Equipment         | 3,900    |
| 4 Total             | 385,475  |

100—West Virginia State Aeronautics Commission

Acct. No. 485

| 1 Personal Services | $33,831  |
| 2 Current Expenses  | 22,565   |
| 3 Equipment         | 2,000    |
| 4 Aerial Markers     | 1,200    |
| 5 Civil Air Patrol Expenses | 18,500 |
| 6 Airport Matching  | 1,000,000|
| 7 Total             | 1,078,096|

8 Any unexpended balance remaining in the appropriation “Airport Matching” at the close of the fiscal year 1974-75 is hereby appropriated for expenditure during fiscal year 1975-76.

101—West Virginia Nonintoxicating Beer Commission

Acct. No. 490

| 1 Personal Services | $212,222 |
| 2 Current Expenses  | 73,700   |
| 3 Equipment         | 3,000    |
| 4 Total             | 288,922  |

102—West Virginia Racing Commission

Acct. No. 495

| 1 Personal Services | $329,825 |
| 2 Current Expenses  | 46,416   |
### Appropriations

<table>
<thead>
<tr>
<th>Equipment</th>
<th>2,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total</td>
<td>$378,241</td>
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</tbody>
</table>

**AGRICULTURE**

**103—Department of Agriculture**

<table>
<thead>
<tr>
<th>Acct. No. 510</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Salary of Commissioner $22,500</td>
</tr>
<tr>
<td>2 Other Personal Services 1,117,670</td>
</tr>
<tr>
<td>3 Current Expenses 617,502</td>
</tr>
<tr>
<td>4 Equipment 25,000</td>
</tr>
<tr>
<td>5 Marijuana and Multiflora Rose Eradication Program 35,000</td>
</tr>
<tr>
<td>6 Moving Expenses 0</td>
</tr>
<tr>
<td><strong>Total</strong> $1,817,672</td>
</tr>
</tbody>
</table>

9 Out of the above funds a sum may be used to match Federal funds for the eradication and control of pest and plant diseases.

12 Any unexpended balance remaining in “Eradication Program” and “Laboratory Facility” at the close of fiscal year 1974-75 is hereby reappropriated for expenditure during fiscal year 1975-76.

**104—Department of Agriculture—Soil Conservation Committee**

<table>
<thead>
<tr>
<th>Acct. No. 512</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services $199,500</td>
</tr>
<tr>
<td>2 Current Expenses 58,000</td>
</tr>
<tr>
<td>3 Watershed Program 300,000</td>
</tr>
<tr>
<td>4 Mud River Flood Control Project 100,000</td>
</tr>
<tr>
<td>5 Channelization of Kelley’s Creek 50,000</td>
</tr>
<tr>
<td><strong>Total</strong> $707,500</td>
</tr>
</tbody>
</table>

7 Any unexpended balance remaining in the “Watershed Program,” “Mud River Flood Control Project” and “Channelization of Kelley’s Creek” at the close of the fiscal year
11 1974-75 is hereby reappropriated for expenditure during fiscal year 1975-76.

105—Department of Agriculture—Division of Rural Resources (Matching Fund)

Acct. No. 513

1 Personal Services ........................................ $ 419,818
2 Current Expenses ........................................... 105,182

3 Total ......................................................... $ 525,000

4 Any part or all of this appropriation may be transferred to Special Revenue Fund for the purpose of matching Federal Funds for the above-named program.

106—Department of Agriculture—Meat Inspection

Acct. No. 514

1 Unclassified ................................................ $ 361,200
2 Any part or all of this appropriation may be transferred to Special Revenue Fund for the purpose of matching Federal Funds for the above-named program.

6 Any unexpended balance remaining in the appropriation “Meat Inspection” at the close of the fiscal year 1974-75 is hereby reappropriated for expenditure during the fiscal year 1975-76.

107—Department of Agriculture—Agricultural Awards

Acct. No. 515

1 West Virginia State Fair .................................. $ 35,000
2 Agricultural Awards ......................................... 50,000
3 Black Walnut Festival ....................................... 3,500
4 Apple Festival .............................................. 1,500
5 Marshall Fair ................................................ 2,500
6 Strawberry Festival ......................................... 4,950
7 Town and Country Days .................................... 2,500
8 Webster Logging Festival .................................. 2,000
9 Paden City Labor Day Festival ............................ 2,000
10 Jackson County Junior Fair ............................... 1,500
11 Buckwheat Festival ........................................... 3,500
12 Clay County Golden Delicious Festival .............. 1,500
13 Potato Festival ............................................... 1,500
14 Lincoln County Tomato Festival ...................... 1,000
15 Mason County Fair ......................................... 3,500
16 West Virginia Sports Festival .......................... 1,500
17 Tyler County Fair ........................................... 2,500
18 Virginia Point Days (Wayne County) .................. 1,500
19 Huntington River Day Fair ............................... 1,000
20 Wood County Fair ........................................... 3,000
21 Pocahontas County Pioneer Days ...................... 1,000
22 Manning District Fair ..................................... 1,000
23 Braxton Fair Association .................................. 2,000
24 Paw Paw District Fair ..................................... 1,000
25 Winfield District Fair ..................................... 1,000
26 Wyoming County Labor Day Festival (4-H Awards) .... 2,500
27 Putnam County Midway Fair ............................. 1,000
28 Monroe County Farmers Day Festival ................... 1,500

30 Total ................................................................... $136,950

CONSERVATION AND DEVELOPMENT

108—Geological and Economic Survey Commission

Acct. No. 520

1 Personal Services ............................................. $457,406
2 Current Expenses ............................................. 137,905
3 Repairs and Alterations .................................... 9,500
4 Equipment ....................................................... 56,673
5 Cooperative Mapping Program ........................ 225,000
6 Coal Quality and Reserve Study ...................... 200,000
7 Archaeological Dig—Blennerhassett Island ........ 0

8 Total ................................................................... $1,086,484

9 Of the above appropriations for Cooperative Mapping Program, the sum of $65,000 may be used to cooperate with the United States Geological Survey in Ground Waters Resources Study.
### Appropriations

#### 109—Department of Natural Resources

**Acct. No. 565**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$3,600,838</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>998,743</td>
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<tr>
<td>3 Repairs and Alterations</td>
<td>308,380</td>
</tr>
<tr>
<td>4 Equipment</td>
<td>418,950</td>
</tr>
<tr>
<td>5 Subsistence for Conservation Officers</td>
<td>342,188</td>
</tr>
<tr>
<td>6 Debt Service</td>
<td>675,000</td>
</tr>
<tr>
<td>7 Special Works Program</td>
<td>293,000</td>
</tr>
<tr>
<td>8 A.R.A.-E.D.A. Parks Program</td>
<td>100,840</td>
</tr>
<tr>
<td>9 Clarke-McNary Fire Prevention</td>
<td>400,000</td>
</tr>
<tr>
<td>10 Wonderful West Virginia</td>
<td>150,000</td>
</tr>
<tr>
<td>11 Water Resources Board</td>
<td>13,802</td>
</tr>
<tr>
<td>12 U.S. Geological Survey</td>
<td>52,500</td>
</tr>
<tr>
<td>13 Rabies Control</td>
<td>34,302</td>
</tr>
<tr>
<td>14 French Creek Game Farm</td>
<td>82,926</td>
</tr>
<tr>
<td>15 Berkeley Springs Resort</td>
<td>120,000</td>
</tr>
<tr>
<td>16 Reclamation Board of Review</td>
<td>15,000</td>
</tr>
<tr>
<td>17 Coal Refuse Disposal and Dam Control Act</td>
<td>207,320</td>
</tr>
<tr>
<td>18 Pipestem State Park (operation)</td>
<td>420,000</td>
</tr>
<tr>
<td>19 Family Recreation on Public Fishing and Hunting Areas</td>
<td>0</td>
</tr>
<tr>
<td>20 Repairs, Replacement of Equipment and Furnishings at State Parks and Forests</td>
<td>0</td>
</tr>
<tr>
<td>21 Land and Water Reclamation Inventory</td>
<td>0</td>
</tr>
<tr>
<td>24 Total</td>
<td>$8,233,789</td>
</tr>
</tbody>
</table>

25 Out of the above appropriation for Subsistence for Conservation Officers, subsistence shall be paid at the rate of two hundred twenty-eight dollars ($228.00) per month to the chief conservation officer and each full-time uniformed conservation officer, under his direct supervision, whose primary duties and responsibilities are law enforcement.

33 From the above appropriation “Subsistence for Conservation Officers,” there may be transferred to a Department of Natural Resources Special Revenue Account as reimbursement for payment of subsistence to the chief con-
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APPROPRIATIONS

38 service officer and each full-time uniformed
39 conservation officer, under his direct super-
40 vision, whose primary duties and responsi-
41 bilities are law enforcement, an amount not
42 to exceed two hundred twenty-eight dollars
43 ($228.00) per month.

44 Any unexpended balance remaining in the ap-
45 propriations "Capital Improvements, State
46 Parks," "Grave Creek Mound Park," "Panther
47 State Forest," Piney Creek Watershed,
48 "Purchase of Land—Pipestem State Park,
49 “Land Purchase and Development—(Sand-
50 stone Falls)” and “Land Purchase and Up-
51 grading Facilities—Laurel Creek” at the close
52 of the fiscal year 1974-75, is hereby reappro-
53 priated for expenditure during the fiscal year
54 1975-76.

55 Any or all of the appropriation “Capital Im-
56 provements, State Parks” may be used to
57 match and aid Federal Funds.

58 Any or all funds appropriated for “Clarke-
59 McNary Fire Prevention” may be transferred
60 to special fund to match and aid Federal
61 Funds.

110—Public Land Corporation

Acct. No. 566

1 Any unexpended balance remaining in the ap-
2 propriation for “Public Land Corporation” at
3 the close of the fiscal year 1974-75, is hereby
4 reappropriated for expenditure during the
5 fiscal year 1975-76.

111—Water Development Authority

Acct. No. 567

1 Personal Services .................................. $ 63,756
2 Operating Expenses ................................. 65,000

3 Total ............................................. $ 128,756
### PROTECTION

#### 112—Department of Public Safety

<table>
<thead>
<tr>
<th>Acct. No.</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>570</td>
<td>Personal Services</td>
<td>$6,113,733</td>
</tr>
<tr>
<td>570</td>
<td>Current Expenses</td>
<td>$2,430,000</td>
</tr>
<tr>
<td>570</td>
<td>Repairs and Alterations</td>
<td>$143,850</td>
</tr>
<tr>
<td>570</td>
<td>Equipment</td>
<td>$787,900</td>
</tr>
<tr>
<td>570</td>
<td>Emergency Fund</td>
<td>$5,000</td>
</tr>
<tr>
<td>570</td>
<td>Arrest and Witness Fee</td>
<td>$225,000</td>
</tr>
<tr>
<td>570</td>
<td>Total</td>
<td>$9,705,483</td>
</tr>
</tbody>
</table>

#### 113—Adjutant General—State Militia

<table>
<thead>
<tr>
<th>Acct. No.</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>580</td>
<td>Personal Services</td>
<td>$130,139</td>
</tr>
<tr>
<td>580</td>
<td>Current Expenses</td>
<td>$266,324</td>
</tr>
<tr>
<td>580</td>
<td>Repairs and Alterations</td>
<td>$24,500</td>
</tr>
<tr>
<td>580</td>
<td>Equipment</td>
<td>$7,200</td>
</tr>
<tr>
<td>580</td>
<td>Compensation of Commanding Officers, Clerical Allowances and Uniform Allowances</td>
<td>$95,360</td>
</tr>
<tr>
<td>580</td>
<td>Property Maintenance</td>
<td>$300,240</td>
</tr>
<tr>
<td>580</td>
<td>State Armory Board</td>
<td>$1,100,573</td>
</tr>
<tr>
<td>580</td>
<td>Total</td>
<td>$1,924,336</td>
</tr>
</tbody>
</table>

### MISCELLANEOUS BOARDS AND COMMISSIONS

#### 114—West Virginia State Board of Land Surveyors

<table>
<thead>
<tr>
<th>Acct. No.</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>585</td>
<td>To pay the per diem of members and other general expenses</td>
<td>$7,000</td>
</tr>
<tr>
<td>585</td>
<td>From Collections</td>
<td>$7,000</td>
</tr>
</tbody>
</table>

#### 115—State Board of Professional Foresters

<table>
<thead>
<tr>
<th>Acct. No.</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>586</td>
<td>To pay the per diem of members and other general expenses</td>
<td>$700</td>
</tr>
<tr>
<td>586</td>
<td>From Collections</td>
<td>$700</td>
</tr>
</tbody>
</table>

#### 116—West Virginia Board of Examiners for Practical Nurses

<table>
<thead>
<tr>
<th>Acct. No.</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>587</td>
<td>To pay the per diem of members and other general expenses</td>
<td>$56,000</td>
</tr>
<tr>
<td>587</td>
<td>From Collections</td>
<td>$56,000</td>
</tr>
</tbody>
</table>
117—State Board of Chiropractic Examiners
Acct. No. 588
1 To pay the per diem of members and other
2 general expenses $ 1,700
3 From Collections 1,700

118—State Board of Pharmacy
Acct. No. 590
1 To pay the per diem of members and other
2 general expenses $ 42,000
3 From Collections 42,000

119—State Board of Osteopathy
Acct. No. 591
1 To pay the per diem of members and other
2 general expenses $ 4,145
3 From Collections 4,145

120—State Board of Embalmers and Funeral Directors
Acct. No. 593
1 To pay the per diem of members and other
2 general expenses $ 30,000
3 From Collections 30,000

121—State Board of Registration for Professional Engineers
Acct. No. 594
1 To pay the per diem of members and other
2 general expenses $ 53,695
3 From Collections 53,695

122—State Board of Architects
Acct. No. 595
1 To pay the per diem of members and other
2 general expenses $ 14,000
3 From Collections 14,000

123—State Veterinary Board
Acct. No. 596
1 To pay the per diem of members and other
2 general expenses $ 1,000
3 From Collections 1,000
### Appropriations

#### 124—State Board of Law Examiners
Acct. No. 597

1. To pay the per diem of members and other general expenses $8,000

#### 125—Human Rights Commission
Acct. No. 598

1. Personal Services $184,604
2. Current Expenses $71,015
3. Equipment $3,700

4. Total $259,319

#### 126—West Virginia State Board of Sanitarians
Acct. No. 599

1. To pay the per diem of members and other general expenses $800
2. From Collections $800

#### 127—West Virginia Public Employees Retirement Board
Acct. No. 614

1. Employers Accumulation Fund $—0—
2. Expenses Fund $—0—

3. Total $—0—

The above appropriation is intended to cover the full cost of West Virginia Public Employees' Retirement coverage for those departments operating from General Revenue Fund and State Road Fund appropriations. Workers' Compensation Commission, Public Service Commission, and other departments operating from Special Revenue Funds and/or Federal Funds shall pay the full cost of coverage for their employees from funds available to those respective accounts. When specific appropriations are not made such payments may be made from the balance in the various Special Revenue Funds in excess of specific appropriations.
128—West Virginia Public Employees Insurance Board
Acct. No. 615

1 Expense Fund .................................................. $ 96,000
2 Public Employees Health Insurance—State Contribution .......... 14,000,000

4 Total ............................................................... $ 14,096,000

5 The above appropriation is intended to cover the state's share of Public Employees Health Insurance costs for those spending units operating from General Revenue Fund.
6 The State Department of Highways, Department of Motor Vehicles, Workmen's
7 Compensation Commission, Public Service Commission, and other departments operating from Special Revenue Fund and/or Federal Funds shall pay their proportionate share of the Public Employees Health Insurance cost for their respective divisions.
8 When specific appropriations are not made such payments may be made from the balances in the various Special Revenue Funds in excess of specific appropriations.
9 Any or all of the above appropriation may be transferred to a Special Revenue account for disbursement.

129—Insurance Commissioner
Acct. No. 616

1 Personal Services ........................................... $ 484,050
2 Current Expenses ............................................. 132,900
3 Repairs and Alterations ................................... 5,000
4 Equipment ....................................................... 5,800

5 Total ............................................................... $ 627,750

1 Sec. 2. Appropriations from Other Funds.—From the funds designated there is hereby appropriated conditionally upon the fulfillment of the provisions set forth in
4Chapter 5-A, Article 2, of the Code of West Virginia the
5following amounts, as itemized, for expenditure during
6the fiscal year one thousand nine hundred seventy-six.

130—State Department of Highways
Acct. No. 670

TO BE PAID FROM STATE ROAD FUND

1 Federal Aid Construction ________________________ $ 0
2 Non-Federal Aid Construction ________________________ $ 0
3 Other Operations ________________________________ $ 0

4 Total ________________________________ $ 0

It is the intent to appropriate and make avail-
able for expenditure, the balances and all
revenues and income of the state road fund,
including the proceeds from the sale of bonds,
for the maintenance, construction and re-
construction of state roads and for other pur-
poses in accordance with the provisions of
Chapter 17, Code of West Virginia, one thou-
sand nine hundred thirty-one, as amended.

Funds in excess of amounts herein appropri-
ated may be made available by budget
amendment upon request of the Highways
Commissioner and approval of the Governor.

The State Commissioner of Highways shall
have the authority to purchase various types
of equipment to be used directly and in-
directly in the construction and maintenance
of roads and for the purchase of inventories,
materials and supplies.

There is hereby appropriated, within the above
items sufficient moneys for the pay-
ment of claims, accrued or arising during
this budgetary period, to be paid in accord-
ance with Chapter 14, Article 2, Sections 7
and 8, Code of West Virginia, one thousand
nine hundred thirty-one, as amended.
### 131—Department of Motor Vehicles

**Acct. No. 671**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$1,076,250</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$1,283,736</td>
</tr>
<tr>
<td>3 Equipment</td>
<td>$30,000</td>
</tr>
<tr>
<td>4 Purchase of License Plates</td>
<td>$300,000</td>
</tr>
<tr>
<td>5 Social Security Matching Fund</td>
<td>$73,370</td>
</tr>
<tr>
<td>6 Public Employees Health Insurance</td>
<td>$51,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$2,814,356</strong></td>
</tr>
</tbody>
</table>

### 132—State Tax Department—Gasoline Tax Division

**Acct. No. 672**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$327,598</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$127,300</td>
</tr>
<tr>
<td>3 Equipment</td>
<td>$4,800</td>
</tr>
<tr>
<td>4 Social Security Matching Fund</td>
<td>$21,090</td>
</tr>
<tr>
<td>5 Public Employees Health Insurance</td>
<td>$13,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$493,788</strong></td>
</tr>
</tbody>
</table>

### 133—Department of Education—Veterans Education

**Acct. No. 702**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$121,590</td>
</tr>
<tr>
<td>2 Other Expenses</td>
<td>$47,400</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$168,990</strong></td>
</tr>
</tbody>
</table>

Expenditures from this appropriation shall not exceed the amount to be reimbursed by the Federal Government. Federal funds in excess of the amounts hereby appropriated may be made available by budget amendment upon request of the State Superintendent of Schools and approval of
the Governor for any emergency which might arise in the operation of this Division during the fiscal year.

134—Treasurer's Office
Acct. No. 800

TO BE PAID FROM SPECIAL REVENUE FUND
1 Abandoned and Unclaimed Property—Trust and Expenses Fund $29,620

135—Real Estate Commission
Acct. No. 801

TO BE PAID FROM SPECIAL REVENUE FUND
1 Personal Services $74,361
2 Current Expenses 24,500
3 Equipment 1,050
4 Social Security Matching Fund 5,000
5 Public Employees Retirement Matching Fund 6,500
6 Public Employees Health Insurance 2,000

7 Total $113,411
8 The total amount of this appropriation shall be paid out of collections of license fees as provided by law.

136—West Virginia Racing Commission
Acct. No. 808

TO BE PAID FROM SPECIAL REVENUE FUND
1 Medical Expenses $5,000
2 The total amount of this appropriation shall be paid from Special Revenue Fund out of collections of license fees and fines as provided by law.
3 No expenditures shall be made from this account except for hospitalization, medical care, and/or funeral expenses for persons contributing to this fund.
137—Auditor's Office—Land Department Operating Fund
Acct. No. 812

TO BE PAID FROM SPECIAL REVENUE FUND

1 Total ____________________________ $ 12,000

2 The total amount of this appropriation shall be paid from Special Revenue Fund out of fees and collections as provided by law.

5 Special funds in excess of the amount herein appropriated may be made available by budget amendments upon request of the State Auditor and the approval of the Governor.

138—Department of Finance and Administration—Division of Purchases—Revolving Fund
Acct. No. 814

TO BE PAID FROM SPECIAL REVENUE FUND

1 Personal Services ____________________________ $ 245,952
2 Current Expenses ____________________________ 13,755
3 Equipment ____________________________ 6,500
4 Social Security Matching Fund ____________________________ 15,500
5 Public Employees Retirement Matching Fund ____________________________ 23,625
6 Public Employees Health Insurance ____________________________ 13,170

7 Total ____________________________ $ 318,502

8 The total amount of this appropriation shall be paid from Special Revenue Fund as provided by Chapter 5-A, Article 2, of the Code of West Virginia.

12 The above appropriation includes salaries and operating expenses.

14 There is hereby appropriated from this fund, in addition to the above appropriation, the necessary amount for the purchase of supplies for resale.

18 Special funds in excess of the amounts here- by appropriated may be made available by budget amendments upon request of the De-
21 Department of Finance and Administration and
22 approval of the Governor.

139—Department of Finance and Administration—
Information System Services Division Fund

Acct. No. 8151

<table>
<thead>
<tr>
<th>TO BE PAID FROM SPECIAL REVENUE FUND</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services .............................. $ 2,033,682</td>
</tr>
<tr>
<td>2 Current Expenses .................................. 2,837,500</td>
</tr>
<tr>
<td>3 Equipment ........................................ 100,600</td>
</tr>
<tr>
<td>4 Social Security Matching Fund .............. 127,500</td>
</tr>
<tr>
<td>5 Public Employees Retirement Matching Fund .. 188,475</td>
</tr>
<tr>
<td>6 Public Employees Health Insurance .......... 79,800</td>
</tr>
<tr>
<td>7 Total ............................................. $ 5,367,557</td>
</tr>
</tbody>
</table>

8 The total amount of this appropriation shall
9 be paid from Special Revenue Fund out of
10 collections made by the Department of Fi-
11 nance and Administration as provided by
12 law. It is the intention that special funds
13 in excess of the amounts hereby appropriated
14 may be made available by budget amend-
15 ments upon request of the Commissioner
16 of Finance and Administration and approval
17 of the Governor.

140—Department of Agriculture

Acct. No. 818

<table>
<thead>
<tr>
<th>TO BE PAID FROM SPECIAL REVENUE FUND</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services .............................. $ 262,257</td>
</tr>
<tr>
<td>2 Current Expenses .................................. 38,000</td>
</tr>
<tr>
<td>3 Equipment ........................................ 12,000</td>
</tr>
<tr>
<td>4 Social Security Matching Fund .............. 15,000</td>
</tr>
<tr>
<td>5 Public Employees Retirement Matching Fund .. 24,000</td>
</tr>
<tr>
<td>6 Public Employees Health Insurance .......... 11,000</td>
</tr>
<tr>
<td>7 Total ............................................. $ 362,257</td>
</tr>
</tbody>
</table>

8 The total amount of this appropriation shall
9 be paid from Special Revenue Fund out of
collections made by the Department of Agriculture as provided by law. It is the intention that special funds in excess of the amounts hereby appropriated may be made available by budget amendments upon request of the Commissioner of Agriculture, and approval of the Governor.

141—State Committee of Barbers and Beauticians

Acct. No. 822

TO BE PAID FROM SPECIAL REVENUE FUND

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$86,730</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>39,200</td>
</tr>
<tr>
<td>3 Equipment</td>
<td>1,050</td>
</tr>
<tr>
<td>4 Social Security Matching Fund</td>
<td>5,000</td>
</tr>
<tr>
<td>5 Public Employees Retirement Matching Fund</td>
<td>8,597</td>
</tr>
<tr>
<td>6 Public Employees Health Insurance</td>
<td>2,250</td>
</tr>
</tbody>
</table>

**Total** $142,827

The total amount of this appropriation shall be paid from Special Revenue Fund out of collections made by the State Committee of Barbers and Beauticians as provided by law.

142—Public Service Commission

Acct. No. 828

TO BE PAID FROM SPECIAL REVENUE FUND

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Salaries of Commissioners</td>
<td>$0</td>
</tr>
<tr>
<td>2 Other Personal Services</td>
<td>$0</td>
</tr>
<tr>
<td>3 Current Expenses</td>
<td>$0</td>
</tr>
<tr>
<td>4 Equipment</td>
<td>$0</td>
</tr>
<tr>
<td>5 Social Security Matching Fund</td>
<td>$0</td>
</tr>
<tr>
<td>6 Public Employees Retirement Matching Fund</td>
<td>$0</td>
</tr>
<tr>
<td>7 Public Employees Health Insurance</td>
<td>$0</td>
</tr>
</tbody>
</table>

**Total** $0

The total amount of this appropriation shall be paid from Special Revenue Fund out of collections for special license fees from pub-
lic service corporations as provided by law.

Out of the above appropriation $5,000 may be transferred to the State Water Resources Commission of the Department of Natural Resources for use in cooperation with the U. S. Geological Survey in a program of stream gauging.

143—Public Service Commission—Gas Pipeline Division
Acct. No. 8285

TO BE PAID FROM SPECIAL REVENUE FUND

1 Personal Services $-0-
2 Current Expenses $-0-
3 Equipment $-0-
4 Social Security Matching Fund $-0-
5 Public Employees Retirement Matching Fund $-0-
6 Public Employees Health Insurance $-0-

7 Total $-0-

8 The total amount of this appropriation shall be paid from Special Revenue Fund out of receipts collected for or by the Public Service Commission pursuant to and in the exercise of regulatory authority over pipeline companies.

144—Public Service Commission—Motor Carrier Division
Acct. No. 829

TO BE PAID FROM SPECIAL REVENUE FUND

1 Personal Services $-0-
2 Current Expenses $-0-
3 Equipment $-0-
4 Social Security Matching Fund $-0-
5 Public Employees Retirement Matching Fund $-0-
6 Public Employees Health Insurance $-0-

7 Total $-0-

8 The total amount of this appropriation shall be paid from Special Revenue Fund out of
10 receipts collected for or by the Public Service Commission pursuant to and in the exercise of regulatory authority over motor carriers as authorized by law.

145—Department of Natural Resources
Acct. No. 830

<table>
<thead>
<tr>
<th>TO BE PAID FROM SPECIAL REVENUE FUND</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$1,869,000</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>673,526</td>
</tr>
<tr>
<td>3 Repairs and Alterations</td>
<td>127,000</td>
</tr>
<tr>
<td>4 Equipment</td>
<td>207,215</td>
</tr>
<tr>
<td>5 Social Security Matching</td>
<td>115,000</td>
</tr>
<tr>
<td>6 Public Employees Health Insurance</td>
<td>100,000</td>
</tr>
<tr>
<td>7 Land Purchase and Buildings</td>
<td>350,000</td>
</tr>
<tr>
<td>8 Public Employees Retirement Matching Fund</td>
<td>185,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$3,626,741</strong></td>
</tr>
</tbody>
</table>

10 The total amount of this appropriation shall be paid from Special Revenue Fund out of fees collected by the Department of Natural Resources. Expenditures shall be limited to the amounts appropriated except for Federal Funds received and Special Funds collected at state parks. Special Funds in excess of the amounts hereby appropriated may be made available by budget amendment upon request of the Department of Natural Resources and approved by the Governor.

146—Department of Public Safety—Inspection Fees
Acct. No. 835

<table>
<thead>
<tr>
<th>TO BE PAID FROM SPECIAL REVENUE FUND</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$198,566</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>114,165</td>
</tr>
<tr>
<td>3 Repairs and Alterations</td>
<td>8,200</td>
</tr>
<tr>
<td>4 Equipment</td>
<td>14,530</td>
</tr>
<tr>
<td>5 Social Security Matching Fund</td>
<td>1,770</td>
</tr>
<tr>
<td>6 Public Employees Health Insurance</td>
<td>7,500</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$344,731</strong></td>
</tr>
</tbody>
</table>
8 The total amount of this appropriation shall be paid from Special Revenue Fund out of fees collected for inspection stickers as provided by law.

12 Special Funds in excess of the amounts hereby appropriated may be made available by budget amendment upon request of the Department of Public Safety and approval of the Governor for the purpose of repairs to, or construction of police barracks.

147—West Virginia Civil Service System

Acct. No. 840

TO BE PAID FROM SPECIAL REVENUE FUND

1 Personal Services $ 343,560
2 Current Expense $ 240,360
3 Social Security Matching Fund $ 24,000
4 Public Employees Retirement Matching Fund $ 33,600
5 Public Employees Health Insurance $ 12,500

6 Total $ 654,020

7 The total amount of this appropriation shall be paid from Special Revenue Fund supported by participating agencies as provided by law.

11 The Governor is hereby authorized to make available by budget amendment, upon request of the Civil Service Commission.

148—Board of Regents—West Virginia University—Special Capital Improvement Fund

Acct. No. 853

TO BE PAID FROM SPECIAL REVENUE FUND

1 Debt Service $ 550,418

2 The total amount of this appropriation shall be paid from the nonrevolving Capital Improvement Fund created by the 1959 Legislature, as amended.
6 Any unexpended balances remaining in the appropriations “Miscellaneous Small Projects, Creative Arts, Utilities, Roads and Parking, and Medical Center—Repairs and Alterations” at the close of the fiscal year 1974-75 hereby reappropriated for expenditure during fiscal year 1975-76.

149—Board of Regents—State System Special Capital Improvement Fund
Acct. No. 8535

TO BE PAID FROM SPECIAL REVENUE FUND

1 Miscellaneous Projects ________________________ $ 1,000,000
2 West Virginia Northern Community College, Campus Development ________________ 2,280,350
3 (Property acquisition, educational facilities—Wheeling and Weirton, Branch Campus—New Martinsville)
4 Fairmont State College, Campus Development ____________________________ 3,470,000
5 (Health and Physical Education Building)
6 Southern West Virginia Community College, Campus Development ________________ 1,469,350
7 (Planning for academic building—Logan, aircondition academic building, construct addition to academic building, parking and bridge development—Williamson)
8 West Virginia University, Campus Development ____________________________ 8,688,390
9 (Renovate Martin Hall, Woodburn Hall, Chitwood Hall, and Stansbury Hall; convert old law building to other use; construct facilities for library and computer; bull performance testing facility; and property acquisition)
10 Shepherd College, Campus Development ____________ 1,672,060
11 (Academic Building “B” development and planning for Academic Building “C”)
12 West Virginia State College, Campus Development ____________________________ 1,898,000
13 (Renovate Administration Building and Fleming Hall and parking)
29 Marshall University, Campus Development (Property acquisition and parking) 632,200
30 Bluefield State College, Campus Development (Convert Mahood Hall to educational facility, renovate Conley Hall, greenhouse, storage building, campus mall, lighting and parking) 1,612,200
31 Concord College, Campus Development (Library addition) 1,396,000
32 West Liberty State College, Campus Development (Renovate Main Hall, library alterations, parking, planning new field house, etc.) 1,279,660
33 West Virginia Institute of Technology, Campus Development (Conley Hall alterations, new maintenance building, athletic field development, property acquisition, parking and roads) 2,830,280
34 Potomac State College, Campus Development (Davis Hall Dormitory remodeling, storm drains, curbing and paving) 304,110
35 Debt Service and Debt Service Reserve 2,300,000

The above projects are listed in a stated order of priority. Projects are to be paid from proceeds from revenue bonds issued as authorized by law or on a cash basis. It is intended that only complete and usable projects be constructed and then only in the listed order of priority: Provided, however, That whenever the amount in the special capital improvement fund, including both the proceeds of bonds sales and cash collections, shall be sufficient to cover all capital expenditures authorized above, then the listed projects shall be considered of equal priority and all of them, or any one or more, may be undertaken as soon as plans can be prepared and contracts let therefor.

The total amount of this appropriation shall be paid from the Special Capital Improvement Fund created by the 1971 Legislature.
Any unexpended balances remaining in prior years and in the 1974-75 appropriation are hereby reappropriated for expenditure during fiscal year 1975-76 except the appropriation heretofore authorized by the Legislature for expenditure during fiscal year 1974-75, set forth in the Budget Bill, Second Extraordinary Session, 1974, Section 2, Appropriations From Other Funds, pages 54-56 inclusive, Board of Regents—State System Special Capital Improvement Fund, Account Number 8535, lines 1 through 50 are hereby voided.

150—Board of Regents—Special Capital Improvement Fund Acct. No. 854

TO BE PAID FROM SPECIAL REVENUE FUND

1 Debt Service $1,863,500
2 The total amount of this appropriation shall be paid from the nonrevolving Capital Improvement Fund created by the 1959 Legislature, as amended.

6 Any unexpended balances remaining in prior years and 1974-75 appropriations are hereby reappropriated for expenditure during fiscal year 1975-76.

151—West Virginia University—Medical School Acct. No. 873

TO BE PAID FROM MEDICAL SCHOOL FUND

1 Personal Services $18,666,032
2 Current Expenses 7,025,114
3 Repairs and Alterations 946,386
4 Equipment 1,558,857
5 Intern and Residency Support Program for Community Hospitals 315,000
7 Total $28,511,389

8 Special funds in excess of the amounts hereby appropriated may be made available by budget amendment upon request of the Board of Regents and approval of the Governor,
108

APPROPRIATIONS

152—Workmen’s Compensation Commission
Acct. No. 900

TO BE PAID FROM WORKMEN’S COMPENSATION FUND

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Personal Services</td>
<td>$1,942,917</td>
</tr>
<tr>
<td>2</td>
<td>Current Expenses</td>
<td>$953,800</td>
</tr>
<tr>
<td>3</td>
<td>Equipment</td>
<td>$49,130</td>
</tr>
<tr>
<td>4</td>
<td>Social Security Matching Fund</td>
<td>$109,386</td>
</tr>
<tr>
<td>5</td>
<td>Public Employees Retirement Matching Fund</td>
<td>$168,000</td>
</tr>
<tr>
<td>6</td>
<td>Public Employees Health Insurance</td>
<td>$48,000</td>
</tr>
<tr>
<td>7</td>
<td>Total</td>
<td>$3,271,233</td>
</tr>
</tbody>
</table>

There is hereby authorized to be paid out of the above appropriation for current expenses the amount necessary for the premiums on bonds given by the State Treasurer as Bond Custodian for the protection of the Workmen’s Compensation Fund. This sum shall be transferred to the Board of Insurance.

153—West Virginia Alcohol Beverage Control
Acct. No. 927

TO BE PAID FROM SPECIAL REVENUE FUND

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Salary of Commissioner</td>
<td>$20,000</td>
</tr>
<tr>
<td>2</td>
<td>Other Personal Services</td>
<td>$5,617,589</td>
</tr>
<tr>
<td>3</td>
<td>Current Expenses</td>
<td>$2,558,800</td>
</tr>
<tr>
<td>4</td>
<td>Repairs and Alterations</td>
<td>$40,000</td>
</tr>
<tr>
<td>5</td>
<td>Equipment</td>
<td>$63,000</td>
</tr>
<tr>
<td>6</td>
<td>Social Security Matching Fund</td>
<td>$350,000</td>
</tr>
<tr>
<td>7</td>
<td>Public Employees Retirement Matching Fund</td>
<td>$556,500</td>
</tr>
<tr>
<td>8</td>
<td>Public Employees Health Insurance</td>
<td>$305,000</td>
</tr>
<tr>
<td>9</td>
<td>Total</td>
<td>$9,510,889</td>
</tr>
</tbody>
</table>

The total amount of this appropriation shall be paid from Special Revenue Fund out of liquor revenues.

The above appropriation includes the salaries of store personnel, store inspectors, store operating expenses and equipment; and
salaries, expenses and equipment of administration offices.

There is hereby appropriated from liquor revenues, in addition to the above appropriation, the necessary amount for the purchase of liquor, as provided by law.

Sec. 3. Supplemental and Deficiency Appropriations.—From the State Fund, General Revenue, except as otherwise provided, there are hereby appropriated the following amounts, as itemized, for expenditure during the fiscal year one thousand nine hundred seventy-five to supplement the 1974-75 appropriations, and to be available for expenditure upon date of passage.

154—Supreme Court of Appeals
Acct. No. 110

1 Salary of Justices $10
2 Other Personal Services $0
3 Current Expenses $0
4 Equipment $0
5 Total $0

155—Judicial—Auditor’s Office
Acct. No. 111

1 Personal Services $0
2 Other Expenses $0
3 Other Court Costs $0
4 Unclassified $0
5 Total $0

Any unexpended balance remaining in this appropriation at the close of the fiscal year 1974-75 is hereby reappropriated for expenditure during the fiscal year 1975-76.

156—State Auditor’s Office
Acct. No. 150

1 Personal Services—Total $0
<table>
<thead>
<tr>
<th>Account Number</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>157</td>
<td>State Auditor's Office</td>
<td></td>
</tr>
<tr>
<td>158</td>
<td>Treasurer's Office—Vietnam Veterans Bonus Fund</td>
<td></td>
</tr>
<tr>
<td>159</td>
<td>Commissioner of Public Institutions</td>
<td></td>
</tr>
<tr>
<td>160</td>
<td>Department of Finance and Administration</td>
<td></td>
</tr>
<tr>
<td>161</td>
<td>West Virginia Board of Regents</td>
<td></td>
</tr>
<tr>
<td>162</td>
<td>Teachers Retirement</td>
<td></td>
</tr>
<tr>
<td>163</td>
<td>Forestry Camp for Boys (Davis)</td>
<td></td>
</tr>
<tr>
<td>164</td>
<td>West Virginia Penitentiary</td>
<td></td>
</tr>
</tbody>
</table>
165—Huttonsville Correctional Center
Acct. No. 376
1 Personal Services $—
2 Current Expenses —
3 Total $—

166—Andrew S. Rowan Memorial Home
Acct. No. 384
1 Current Expenses—Total $—

167—Department of Mental Health
Acct. No. 410
1 Community Mental Retardation $—
2 Northern Panhandle (Morgantown) —
3 Valley Counseling (Wheeling) —
4 Total $—

168—Roney’s Point Center
Acct. No. 417
1 Current Expenses—Total $—

169—Lakin State Hospital
Acct. No. 423
1 Current Expenses—Total $—

170—Fairmont Emergency Hospital
Acct. No. 425
1 Personal Services—Total $—

171—Pinecrest State Hospital
Acct. No. 431
1 Waterline—Total $—

172—Interstate Education Compact
Acct. No. 477
1 Total $—
173—Department of Natural Resources  
Acct. No. 565  
1 Clarke-McNary ________________________________ $ 0  
2 Pipestem State Park ________________________________ 0  
3 Total ________________________________ 0  

174—Water Development Authority  
Acct. No. 567  
1 Current Expenses—Total ______________ _..,$ 0  

175—Public Employees Retirement Board  
Acct. No. 614  
1 Employers Accumulation Fund—Total ______________ $ 0  

176—Public Employees Health Insurance  
Acct. No. 615  
1 Public Employees Health and Life Insurance—  
2 State Contributions—Total ______________ $ 0  

177—State Department of Highways  
Acct. No. 641  
1 Total______________________________$ 0  

178—Department of Motor Vehicles  
Acct. No. 671  

TO BE PAID FROM STATE ROAD FUND  
1 Current Expenses ________________________________$ 0  
2 License Plates ________________________________ 0  
3 Public Employees Health Insurance _________ 0  
4 Total______________________________$ 0  

1 Sec. 4. Appropriation from Surplus Revenue.—The  
2 following items are appropriated from the General Reve-  
3 nue Fund, subject to the following terms and conditions:  
4 (a). The following items are hereby appropriated and  
5 are to be available for expenditures out of the surplus  
6 in the Treasury, subject to the approval of the Governor.
The Governor shall review the revenues of the State from the date that appropriations hereunder are expected to be made available for expenditure, and determine whether, in his opinion, revenues then in prospect or on hand will be sufficient to meet all appropriations under the 1974 Budget Act, and this section, and make a finding with respect thereof. In the event that such finding shall show sufficient revenues on hand or in prospect to meet all other appropriations and reappropriations made by the 1974 Budget Act and subject to the foregoing conditions, any or all of the following items may be released for expenditure by the Governor from the date of passage of this bill and such appropriation shall remain in full force and effect until June 30, 1976.

In the event that surplus revenues as of June 30, 1975 are not sufficient to meet all appropriations made by this section, then the appropriation shall be available, in priority order as listed, only to the extent of the total actual surplus accrued as of June 30, 1975.

Item I. *West Virginia University Medical Center*

1. Hospital Capital Equipment
2. Renovation of Student Laboratories
3. Planning for Out-Patient Facilities and Clinical Building
4. Improvements for Emergency Access and Parking

Item II. *Department of Mental Health*

1. Fairmont-Morgantown Area Mental Health Center
2. Keyser-Romney Area Mental Retardation Center
3. Northern Panhandle Regional Mental Retardation Center
4. Weirton Area Mental Health Center
5. Logan-Mingo Area Mental Health Center

Item III. *Vocational Education—Building Construction*

Item IV. *Department of Motor Vehicles*

1. Statewide Drive-in Facilities
Item V. *Department of Natural Resources*

1. Blackwater Falls State Park ____________ $ 
2. Beech Fork State Park ____________ 
3. Bluestone State Park ____________ 
4. Cacapon State Park ____________ 
5. Canaan Valley State Park ____________ 
6. Hawks Nest State Park ____________ 
7. Holly River State Park ____________ 
8. Little Beaver State Park ____________ 
9. Grave Creek Mound ____________ 
10. North Bend State Park ____________ 
11. Pendleton Run Area ____________ 
12. Pinnacle Rock State Park ____________ 
13. Pipestem State Park ____________ 
14. Sandstone Falls State Park ____________ 
15. Tomlinson Run State Park ____________ 
16. Tygart Lake State Park ____________ 
17. Valley Falls State Park ____________ 
18. Watters Smith State Park ____________ 
19. Staats Mill State Park ____________ 

Item VI. *Department of Finance and Administration*

1. Major Building Repairs ____________ $ 

Item VII. *Geological and Economic Survey Commission*

1. Purchase of Old Post Office Building in Morgantown, West Virginia ____________ $ 

Item VIII. *Commissioner of Public Institutions*

1. Denmar State Hospital: 
2. 8” waterline for sprinkler system ____________ $ 
3. Smoke detecting system for hospital and Nurses’ Home ____________ 
4. Laundry Building ____________ 
5. Employees’ parking area ____________ 
6. Radiographic and Fluoroscopic Unit and accessories ____________ 
7. Hopemont State Hospital: 
8. Fire Alarm System—Administration Building ____________ $
12 Fire Alarm System—Unit Halls—0—
13 Auxiliary Power Unit —0— $ —0—
14 Welch Emergency Hospital:
15 Renovation of doors, ceiling and walls of Main Hospital Building —0—
16 Finish New Hospital Building —0— $ —0—
18 Andrew S. Rowan Memorial Home:
19 Renovate Central Building (Men's Old Dormitory) —0— $ —0—
21 Huttonsville Correctional Center:
22 Visiting Room —0—
23 Milking Parlor —0—
24 Loading Shed for Cows —0— $ —0—
25 West Virginia Penitentiary—Prison Industries
27 New Building —0— $ —0—

Item IX. National Track and Field Hall of Fame
1 Total —0— $ —0—

Item X. Water Development Authority
1 Capital Outlay —0— $ —0—

1 Sec. 5. Awards for Claims Against the State.—From the funds designated there are hereby appropriated for the remainder of the fiscal year 1974-75 and to remain in effect until June 30, 1976, for payment of claims against the state, the following amounts as itemized.

6 Claims versus the Adjutant General (To Be Paid from General Revenue Fund)
8 (1) John Moore —0—

9 Claims versus the Department of Mental Health (To Be Paid from General Revenue Fund)
12 (1) John H. Brunetti Hardware & Printing —0—

13 Claims versus the Board of Vocational Education, Division of Vocational Rehabilitation (To Be Paid from General Revenue Fund)
16 (1) Cleveland Clinic —0—

17 Claims versus the Department of Public Safety (To Be Paid from General Revenue)
<table>
<thead>
<tr>
<th></th>
<th>Description</th>
<th>Amount</th>
<th>Other Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>19</td>
<td>(1) Walter E. Bradfield, Jr.</td>
<td>$-0-</td>
<td></td>
</tr>
<tr>
<td>20</td>
<td>(2) Nationwide Mutual Insurance Company</td>
<td>$-0-</td>
<td></td>
</tr>
<tr>
<td>21</td>
<td>Claims versus the Board of Regents (To Be Paid from General Revenue Fund)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>22</td>
<td>(1) Raines Piano &amp; Organ Center, Inc.</td>
<td>$-0-</td>
<td></td>
</tr>
<tr>
<td>23</td>
<td>Claims versus the Department of Highways (To Be Paid from State Road Fund)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>24</td>
<td>(1) Coal River Public Service District</td>
<td>$-0-</td>
<td></td>
</tr>
<tr>
<td>25</td>
<td>(2) Coal River Public Service District</td>
<td>$-0-</td>
<td></td>
</tr>
<tr>
<td>26</td>
<td>(3) Travelers Indemnity Co., subrogee of Catherine M. Belcastro</td>
<td>$-0-</td>
<td></td>
</tr>
<tr>
<td>27</td>
<td>(4) L. M. Casdorph</td>
<td></td>
<td></td>
</tr>
<tr>
<td>28</td>
<td>(5) Mr. and Mrs. T. E. Reed</td>
<td>$-0-</td>
<td></td>
</tr>
<tr>
<td>29</td>
<td>(6) David R. Dietz</td>
<td></td>
<td></td>
</tr>
<tr>
<td>30</td>
<td>(7) Calvert Fire Insurance Company, subrogee of Cody Mullins</td>
<td>$-0-</td>
<td></td>
</tr>
<tr>
<td>31</td>
<td>(8) Tygart Valley Telephone Company</td>
<td>$-0-</td>
<td></td>
</tr>
<tr>
<td>32</td>
<td>(9) Dana H. Carney</td>
<td></td>
<td></td>
</tr>
<tr>
<td>33</td>
<td>(10) State Farm Mutual Automobile Insurance Company, subrogee of Robert</td>
<td>$-0-</td>
<td></td>
</tr>
<tr>
<td>34</td>
<td>and Sharon Myles</td>
<td></td>
<td></td>
</tr>
<tr>
<td>35</td>
<td>(11) H. Ronald Harris</td>
<td>$-0-</td>
<td></td>
</tr>
<tr>
<td>36</td>
<td>(12) T. A. Galyean, Jr. &amp; Ann T. Galyean, John G. Anderson, Trustee, and Hun-</td>
<td>$-0-</td>
<td></td>
</tr>
<tr>
<td>37</td>
<td>tington Federal Savings and Loan Association</td>
<td></td>
<td></td>
</tr>
<tr>
<td>38</td>
<td>(13) Clarke W. Greene</td>
<td>$-0-</td>
<td></td>
</tr>
<tr>
<td>39</td>
<td>Claims versus the Rehabilitation Environmental Action Program (REAP) (To Be Paid from Special Revenue Fund)</td>
<td>$-0-</td>
<td></td>
</tr>
<tr>
<td>40</td>
<td>(1) Lena Solomon</td>
<td>$-0-</td>
<td></td>
</tr>
<tr>
<td>41</td>
<td>(2) Edward H. Stanley</td>
<td>$-0-</td>
<td></td>
</tr>
</tbody>
</table>

1 Sec. 6—Reappropriations—Any unexpended balances of Items I, II, III, IV, V, VI, VII, VIII, IX, X, XI, XII, XIII and XIV in the appropriations made by and under the authority of Section 4 of the 1972 Budget Act, are hereby reappropriated for expenditure during the fiscal year 1975-76.
Any unexpended balances of Items I, II, III, IV, V, VI, VII, VIII, IX, X, XI, XII, XIII, XIV, XV, XVI and XVII in the appropriations made by and under the authority of Section 4 of the 1973 Budget Act, are hereby re-appropriated for expenditure during the fiscal year 1975-76.

Sec. 7. Appropriations from Revenue Sharing Trust Fund. -The following items are hereby appropriated from the Revenue Sharing Trust Fund to be available for expenditure during the fiscal year 1975-76.

Revenue Sharing Trust Fund—Teachers Retirement Fund
Acct. No. 9770
1 Teacher Retirement $ 0

Revenue Sharing Trust Fund—Governor’s Office
Acct. No. 9720
1 State Fiscal Assistance Act $ 0

Revenue Sharing Trust Fund—Department of Natural Resources
Acct. No. 9725

Canaan Valley
1 To complete Recreation Complex $ 0

Revenue Sharing Trust Fund—State Department of Highways
Acct. No. 9705

1 To pave roads—West Virginia State Parks and construct overhead walkway to serve the Williamson Campus of the Southern West Virginia Community College $ 0

Revenue Sharing Trust Fund—Huttonsville Correctional Center
Acct. No. 9735
1 One (1) New Boiler $ 0
Revenue Sharing Trust Fund
Department of Agriculture
Acct. No. 9771

1 New Refrigeration Unit ________________________ $ __0__

Revenue Sharing Trust Fund
West Virginia Schools for the Deaf and the Blind
Acct. No. 9772

1 Renovation of Blind Boy's Hall ________________________ $ __0__
2 Compliance with State Fire Marshal's Re-
3 quirements ________________________________ __0__
4 Equipment for Elementary Deaf Classroom
5 Addition ________________________________ __0__

6 Total__________________________________ $ __0__

Sec. 8. Reappropriations—"Revenue Sharing Trust
2 Fund."—Any unexpended balances to the appropriations
3 made by and under Section 8, of the 1973 Budget Act and
4 Supplementary Acts to Chapter 10, Acts of the Legis-
5 lature, Regular Session 1973, and under Section 5 of
6 the 1974 Budget Act, are hereby reappropriated for
7 expenditure during the fiscal year 1975-76.

Sec. 9. Special Revenue Appropriations.—There is
2 hereby appropriated for expenditure during the fiscal year
3 one thousand nine hundred seventy-six appropriations
4 made by general law from special revenue which are not
5 paid into the state fund as general revenue under the
6 provisions of Chapter 12, Article 2, Section 2 of the Code of
7 West Virginia, one thousand nine hundred thirty-one:
8 Provided, however, That none of the moneys so approp-
9 riated by this section shall be available for expenditure
10 except in compliance with and in conformity to the pro-
11 visions of Chapter 12 Articles 2 and 3, and Chapter 5-A,
12 Article 2, of the Code of West Virginia, unless the
13 spending unit has filed with the state director of the
14 budget, the state auditor and the legislative auditor prior
15 to the beginning of each fiscal year:
16 (a) An estimate of the amount and sources of all reve-
17 nues accruing to such fund:
Sec. 10. Specific Funds and Collection Accounts.—A fund or collection account, which by law is dedicated to a specific use is hereby appropriated in sufficient amount to meet all lawful demands upon the fund or collection account, and shall be expended according to the provisions of Chapter 12, Article 3 of the Code of West Virginia.

Sec. 11. Appropriation for Refunding Erroneous Payments.—Money that has been erroneously paid into the state treasury is hereby appropriated out of the fund into which it was paid for refund to the proper person. When the officer authorized by law to collect money for the state finds that a sum has been erroneously paid, he shall issue his requisition upon the auditor for the refunding of the proper amount. The auditor shall issue his warrant to the treasurer and the treasurer shall pay the warrant out of the fund into which the amount was originally paid.

Sec. 12. Sinking Fund Deficiencies.—There is hereby appropriated to the governor a sufficient amount to meet any deficiencies that may arise in the mortgage finance bond insurance fund of the West Virginia Housing Development Fund which is under the supervision and control of the state sinking fund commission as provided by Chapter 31, Article 18, Section 20b of the West Virginia Code, 1931, as amended, or in the funds of the state sinking fund commission because of the failure of any state agency for either general obligation or revenue bonds or any local taxing district for general obligations bonds to remit funds necessary for the payment of interest and sinking fund requirements. The governor is authorized to transfer from time to time such amounts to the state sinking fund commission as may be necessary for these purposes.

The state sinking fund commission shall reimburse the State of West Virginia through the governor from the first remittance collected from the West Virginia Housing Development Fund or from any state agency or local taxing district for which the governor advanced funds,
21 with interest at the rate carried by the bonds for the
22 security or payment of which the advance was made.

1 Sec. 13. Appropriations from Taxes and License Fees.
2 -There is hereby appropriated from the soft drink tax
3 revenues for administration and enforcement of the law
4 relating to said tax, a sum not to exceed two and one-half
5 percent of the total revenues collected. All such salaries
6 and expenses, authorized by law as aforesaid, shall be paid
7 by the tax commissioner through the state treasury out
8 of gross collections.

9 There is hereby appropriated from the cigarette tax
10 revenues for administration and enforcement of the law
11 relating to said tax, a sum not to exceed one and one-half
12 percent of the total revenues collected. All such salaries
13 and expenses, authorized by law as aforesaid, shall be
14 paid by the tax commissioner through the state treasury
15 out of gross collections.

1 Sec. 14. Appropriations to Pay Costs of Publication
2 of Delinquent Corporations.—There is hereby appropriated
3 out of the state fund, general revenue, out of funds not
4 otherwise appropriated to be paid upon requisitions of the
5 auditor and/or the governor, as the case may be, a sum
6 sufficient to pay the cost of publication of delinquent cor-
7 porations as provided by Chapter 11, Article 12, Sections 84
8 and 86 of the Code of West Virginia.

1 Sec. 15. Appropriations for Local Governments.—
2 There is hereby appropriated for payment to counties, dis-
3 tricts, and municipal corporations such amounts as will be
4 necessary to pay taxes due county, district, and municipal
5 corporations and which have been paid into the treasury:
6 (a) For the redemption of lands;
7 (b) By public service corporations;
8 (c) For tax forefeitures.

1 Sec. 16. Total Appropriations.—Where only a total
2 sum is appropriated to a spending unit that total sum shall
3 include personal services, current expenses, and capital
4 outlay, except as otherwise provided in TITLE I, Section 3.

1 Sec. 17. General School Fund.—The balance of the
2 proceeds of the general school fund remaining after the
3 payment of the appropriations made by this act is appro-
4 priated for expenditure in accordance with Chapter 18,
5 Article 9-A, Section 16 of the Code of West Virginia.

TITLE 3. ADMINISTRATION.
§1. Appropriations conditional.
§2. Constitutionality.

1 Section 1. Appropriations Conditional.—The expendi-
2 ture of the appropriations made by this act, except those
3 appropriations made to the legislative and judicial
4 branches of the state government, are conditioned upon
5 the compliance by the spending unit with the require-
6 ments of Chapter 5-A, Article 2, of the Code of West
7 Virginia.

8 Where former spending units have been absorbed by or
9 combined with other spending units by acts of this Legisla-
10 ture, it is the intent of this act that reappropriation shall
11 be to the succeeding or later spending unit created unless
12 otherwise indicated.

1 Sec. 2. Constitutionality.—If any part of this act is
2 declared unconstitutional by a court of competent juris-
3 diction, its decision shall not afford any portion of this act
4 which remains, but the remaining portion shall be in full
5 force and effect as if the portion declared unconstitutional
6 had never been a part of the act.

CHAPTER 12
(H. B. 1450—Originating in the House Committee on Finance)

[Passed April 12, 1975; in effect from passage. Approved by the Governor.]

AN ACT supplementing, amending and transferring amounts be-
tween items of the existing appropriation of the Supreme Court
of Appeals as appropriated by chapter two, acts of the Legisla-
ture, second extraordinary session, one thousand nine hundred
seventy-four, known as the “Budget Bill.”
Be it enacted by the Legislature of West Virginia:

That items of the total appropriation of Account No. 110, chapter two, acts of the Legislature, second extraordinary session, one thousand nine hundred seventy-four, be supplemented, amended and transferred to read as follows:

1 JUDICIAL

4—Supreme Court of Appeals

Acct. No. 110

4  2 Other Personal Services $ 360,544

4  4 Equipment $ 209,500

The purpose of this supplementary appropriation bill is to supplement, amend and transfer certain moneys from one item of the existing appropriation to another item of such appropriation for the designated spending unit. The amounts as itemized for expenditure during the fiscal year one thousand nine hundred seventy-five shall be available for expenditure upon the effective date of this act.

CHAPTER 13

(H. B. 1132—Originating in the House Committee on Finance)

[Passed February 21, 1975; in effect from passage. Approved by the Governor.]

AN ACT making supplementary appropriation of public money out of the treasury from the balance of all general revenue remaining unappropriated for the fiscal year ending June thirtieth, one thousand nine hundred seventy-five to Judicial—Auditor’s Office, Account No. 111, chapter two, acts of the Legislature, second extraordinary session, one thousand nine hundred seventy-four, known as the “Budget Bill.”

WHEREAS, The Governor submitted to the Legislature the Budget Document, dated January 9, 1975, which included a statement of the state fund, general revenue, including the fiscal year 1974-75, in which
it is set forth and stated that cash balances and investments, as of July 1, 1974, and funds transferred from the Department of Welfare after the close of fiscal year 1974, amount to $106,542,995, and in addition thereto, estimated revenues for fiscal year 1974-75 of $557,154,120, which said amounts total $663,697,115, and as reduced by net appropriation balances forwarded of $68,156,381, and regular appropriations for fiscal year 1974-75 of $504,266,182, which said regular appropriations are offset by estimated expirations for fiscal year 1974-75 of $13,000,000, thereby leaving a net unencumbered cash balance of $104,274,552 available for appropriation and expenditure for said fiscal year 1974-75; a portion of said net unencumbered cash balance is hereby appropriated by the terms of this supplementary appropriation bill; therefore,

Be it enacted by the Legislature of West Virginia:

That Account No. 111, chapter two, acts of the Legislature, second extraordinary session, one thousand nine hundred seventy-four, known as the Budget Bill, be supplemented by adding thereto the following sums to the designated line items:

1

JUDICIAL

5—Judicial—Auditor's Office

Acct. No. 111

4 1 Salaries of Judges ________________________  $ 450,000
5 2 Other Personal Services _____________________ 600,000
6 3 Current Expenses __________________________ 150,000
7 6 Unclassified ______________________________ 700,000

8 Total _________________________________  $1,900,000

9 The amount as itemized for expenditure during the fiscal year one thousand nine hundred seventy-five shall be available for expenditure upon the effective date of this bill. Any unexpended balance remaining in this appropriation at the close of the fiscal year 1974-75 is hereby reappropriated for expenditure during the fiscal year 1975-76.
AN ACT making supplementary appropriation of public money out of the treasury from the balance of all funds remaining unappropriated from the Revenue Sharing Trust Fund, for the fiscal year ending June thirtieth, one thousand nine hundred seventy-five to the Treasurer’s Office, Vietnam Veterans Bonus Fund, Account No. 166, chapter two, acts of the Legislature, second extraordinary session, one thousand nine hundred seventy-four, known as the “Budget Bill.”

WHEREAS, The Governor submitted to the Legislature the Budget Document, dated January 9, 1975, which included a statement of Federal Revenue Sharing Funds, further detailed in the Governor’s communication of January 24, 1975, including the fiscal year 1974-75, in all of which it is set forth and stated that there has been received, through January 7, 1975, the sum of $74,684,580, which said amount is reduced by prior year’s appropriations of $41,210,458, thereby leaving a net unencumbered balance of $33,474,122, available for appropriation and expenditure for said fiscal year 1974-75; a portion of said net unencumbered balance is hereby appropriated by the terms of this supplementary appropriation bill; therefore,

Be it enacted by the Legislature of West Virginia:

That Account No. 166, chapter two, acts of the Legislature, second extraordinary session, one thousand nine hundred seventy-four, known as the Budget Bill, be supplemented by adding thereto the following sum to the designated line item:

1        Treasurer’s Office
2        Vietnam Veterans Bonus Fund
3        Acct. No. 166
4        TO BE PAID FROM REVENUE SHARING TRUST FUND
5        1 Total ________________________________ $25,000,000.00
The foregoing is for payment of the cash bonus to veterans of the Vietnam conflict. The amount as itemized for expenditure during the fiscal year one thousand nine hundred seventy-five shall be available for expenditure upon the effective date of this bill. Any unexpended balance remaining in this account at the close of the fiscal year 1974-75 is hereby reappropriated for expenditure during the fiscal year 1975-76.

CHAPTER 15
(H. B. 792—Originating in the House Committee on Finance)

[Passed February 19, 1975; in effect from passage. Approved by the Governor.]

AN ACT making supplementary appropriation of public money out of the treasury from the balance of all general revenue remaining unappropriated for the fiscal year ending June thirtieth, one thousand nine hundred seventy-five to the Department of Finance and Administration. Account No. 210, chapter two, acts of the Legislature, second extraordinary session, one thousand nine hundred seventy-four, known as the "Budget Bill."

WHEREAS, The Governor submitted to the Legislature the Budget Document, dated January 9, 1975, which included a statement of the state fund, general revenue, including the fiscal year 1974-75, in which it is set forth and stated that cash balances and investments, as of July 1, 1974, and funds transferred from the Department of Welfare after the close of fiscal year 1974, amount to $106,542,995, and in addition thereto, estimated revenues for fiscal year 1974-75 of $557,154,120, which said amounts total $663,697,115, and as reduced by net appropriation balances forwarded of $68,156,381, and regular appropriations for fiscal year 1974-75 of $504,266,182, which said regular appropriations are offset by estimated expirations for fiscal year 1974-75 of $13,000,000, thereby leaving a net unencumbered cash balance of $104,274,552 available for appropriation and expenditure for said fiscal year 1974-75; a portion of said net unencumbered cash balance is hereby appropriated by the terms of this supplementary appropriation bill; therefore,
Be it enacted by the Legislature of West Virginia:

That Account No. 210, chapter two, acts of the Legislature, second extraordinary session, one thousand nine hundred seventy-four, known as the Budget Bill, be supplemented by adding thereto the following sum to the designated line item:

1
EXECUTIVE

2
24—Department of Finance and Administration

3
Acct. No. 210

4
2 Current Expenses _______________ $ 150,000.00

5
Total 2,692,803.00

6
The amount as itemized for expenditure during the fiscal year one thousand nine hundred seventy-five shall be available for expenditure upon the effective date of this bill.

AN ACT transferring amounts between items of the total appropriation for a certain state spending unit as appropriated by chapter two, acts of the Legislature, second extraordinary session, one thousand nine hundred seventy-four, known as the "Budget Bill."

Be it enacted by the Legislature of West Virginia:

That items of the total appropriations of Account No. 240, chapter two, acts of the Legislature, second extraordinary session, one thousand nine hundred seventy-four be transferred to read as follows:
AN ACT making a supplementary appropriation of public money out of the treasury from the balance of all general revenue remaining unappropriated for the fiscal year ending June thirtieth, one thousand nine hundred seventy-five, to the office of the Secretary of State, Account No. 250, chapter two, acts of the Legislature, second extraordinary session, one thousand nine hundred seventy-four, known as the "Budget Bill."

WHEREAS, The Governor submitted to the Legislature the Budget Document, dated January 9, 1975, which included a statement of the state fund, general revenue, including the fiscal year 1974-75, in which it is set forth and stated that cash balances and investments, as of July 1, 1974, and funds transferred from the Department of Welfare after the close of fiscal year 1974, amount to $106,542,995, and in addition thereto, estimated revenues for fiscal year 1974-75 of $557,154,120, which said amounts total $663,697,115, and as reduced by net appro-
appropriation balances forwarded of $68,156,381, and regular appropri­
ations for fiscal year 1974-75 of $504,266,182, which said regular appropriations are offset by estimated expirations for
fiscal year 1974-75 of $13,000,000, thereby leaving a net unen-
cumbered cash balance of $104,274,552 available for appropria-
and expenditure for said fiscal year 1974-75; a portion of
said net unencumbered cash balance is hereby appropriated by
the terms of this supplementary appropriation bill; and

WHEREAS, A special election on proposed constitutional
amendments was held on November 6, 1973; and

WHEREAS, The West Virginia Constitution, Article XIV, Sec-
tion 2, requires that the cost of such special election throughout
the state shall be paid out of the state treasury; and

WHEREAS, The Legislature, by a supplementary appropriation
act, chapter seventeen, acts of the Legislature, first extraor-
dinary session, one thousand nine hundred seventy-three, ap-
propriated the sum of $500,000 to the office of the secretary of
state, for the purpose of paying the costs of such special elec-
tion; and

WHEREAS, The amount previously appropriated was insuffi-
cient to pay the costs of such special election, and an additional
amount of $26,747 is needed to fully pay such costs; therefore,

Be it enacted by the Legislature of West Virginia:

That Account No. 250, chapter two, acts of the Legislature,
second extraordinary session, one thousand nine hundred seventy-four, known as the Budget Bill, be supplemented by
adding thereto the following designated line item and sum:

INCORPORATING AND RECORDING

28—Secretary of State

Account No. 250

4a. 1973 Special Election on Constitutional
4b. Amendments $ 26,747

The amount as appropriated and itemized for expenditure
during the fiscal year one thousand nine hundred seventy-five
shall be available for expenditure upon the effective date of
this bill.
AN ACT making supplementary appropriation of public money out of the treasury from the balance of all general revenue remaining unappropriated for the fiscal year ending June thirtieth, one thousand nine hundred seventy-five to the West Virginia Board of Regents (Control), Account No. 279, chapter two, acts of the Legislature, second extraordinary session, one thousand nine hundred seventy-four, known as the "Budget Bill."

WHEREAS, The Governor submitted to the Legislature the Budget Document, dated January 9, 1975, which included a statement of the state fund, general revenue, including the fiscal year 1974-75, in which it is set forth and stated that cash balances and investments, as of July 1, 1974, and funds transferred from the Department of Welfare after the close of fiscal year 1974, amount to $106,542,995, and in addition thereto, estimated revenues for fiscal year 1974-75 of $557,154,120, which said amounts total $663,697,115, and as reduced by net appropriation balances forwarded of $68,156,381, and regular appropriations for fiscal year 1974-75 of $504,266,182, which said regular appropriations are offset by estimated expirations for fiscal year 1974-75 of $13,000,000, thereby leaving a net unencumbered cash balance of $104,274,552 available for appropriation and expenditure for said fiscal year 1974-75; a portion of said net unencumbered cash balance is hereby appropriated by the terms of this supplementary appropriation bill; therefore,

Be it enacted by the Legislature of West Virginia:

That Account No. 279, chapter two, acts of the Legislature, second extraordinary session, one thousand nine hundred seventy-four, known as the Budget Bill, be supplemented by adding thereto the following sum to the designated line item:

<table>
<thead>
<tr>
<th></th>
<th>EDUCATIONAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>West Virginia Board of Regents (Control)</td>
</tr>
<tr>
<td>3</td>
<td>Acct. No. 279</td>
</tr>
<tr>
<td>4</td>
<td>Current Expenses</td>
</tr>
<tr>
<td>5</td>
<td>Total</td>
</tr>
</tbody>
</table>
6 The amount as itemized for expenditure during the fiscal year one thousand nine hundred seventy-five shall be available for expenditure upon the effective date of this bill.

CHAPTER 19

(H. B. 1436—Originating in the House Committee on Finance)

[Passed March 9, 1975; in effect from passage. Approved by the Governor.]

AN ACT making a supplementary appropriation of public money out of the treasury from the balance of all funds remaining unappropriated from the Revenue Sharing Trust Fund for the fiscal year ending June thirtieth, one thousand nine hundred seventy-five, to West Virginia Board of Regents (Control), Acct. No. 279, chapter two, acts of the Legislature, second extraordinary session, one thousand nine hundred seventy-four, known as the "Budget Bill."

WHEREAS, The Governor submitted to the Legislature the Budget Document, dated January 9, 1975, which included a statement of Federal Revenue Sharing Funds, further detailed in the Governor's communication of January 24, 1975, including the fiscal year 1974-75, in all of which it is set forth and stated that there has been received, through January 7, 1975, the sum of $74,684,580, which said amount is reduced by prior year's appropriations of $41,210,-458, thereby leaving a net unencumbered balance of $33,474,122, available for appropriation and expenditure for said fiscal year 1974-75; a portion of said net unencumbered balance is hereby appropriated by the terms of this supplementary appropriation bill; therefore,

Be it enacted by the Legislature of West Virginia:

That chapter two, acts of the Legislature, second extraordinary session, one thousand nine hundred seventy-four, known as the Budget Bill, be supplemented by adding thereto the following:
West Virginia Board of Regents (Control)

Acct. No. 279

TO BE PAID FROM REVENUE SHARING TRUST FUND

Construction of Barn at West Virginia University

$378,000

The amount as itemized for expenditure during the fiscal year one thousand nine hundred seventy-five shall be available for expenditure upon the effective date of this bill for the purpose of constructing a barn at West Virginia University. Any unexpended balance remaining in this account at the close of the fiscal year 1974-75 is hereby reappropriated for expenditure during the fiscal year 1975-76.

CHAPTER 20
(S. B. 568—Originating in the Senate Committee on Finance)

[Passed March 7, 1975; in effect from passage. Approved by the Governor.]

AN ACT transferring amounts between items of the total appropriation for a certain state spending unit as appropriated by chapter two, acts of the Legislature, second extraordinary session, one thousand nine hundred seventy-four, known as the budget bill, as amended.

Be it enacted by the Legislature of West Virginia:

That amounts within the total appropriations of Account No. 279, chapter two, acts of the Legislature, second extraordinary session, one thousand nine hundred seventy-four, as amended, be transferred to read as follows:

EDUCATIONAL

West Virginia Board of Regents (Control)

Acct. No. 279

1 Greenbrier School of Osteopathic Medicine—
   Scholarship Program—In-state Students—$ 0

3 Unclassified ____________________________ 725,000
The foregoing constitutes transfer of amounts from one item of appropriation to another item of appropriation within the total appropriation of the designated spending unit. The amounts as itemized for expenditure during the fiscal year one thousand nine hundred seventy-five shall be available for expenditure upon the effective date of this act.

CHAPTER 21
(S. B. 612—Originating in the Senate Committee on Finance)

[Passed April 14, 1975; in effect from passage. Approved by the Governor after deleting the preamble.]

AN ACT making a supplementary appropriation of public money out of the treasury from the balance of all general revenue remaining unappropriated for the fiscal year ending June thirtieth, one thousand nine hundred seventy-five, to the State Board of Education, Vocational Division, Account No. 289, chapter two, acts of the Legislature, second extraordinary session, one thousand nine hundred seventy-four, known as the “Budget Bill,” as amended.

Be it enacted by the Legislature of West Virginia:

That Account No. 289, chapter two, acts of the Legislature, second extraordinary session, one thousand nine hundred seventy-four, known as the Budget Bill, be supplemented by adding thereto the following sum to the designated line items:

State Board of Education—Vocational Division

Acct. No. 289

Building Construction .............................................. $2,000,000

The amount as itemized for expenditure during the fiscal year one thousand nine hundred seventy-five shall be available for expenditure upon the effective date of this bill for the purpose of supplementing prior appropriation. Any unexpended balance remaining in this account at the close of the fiscal year 1974-75 is hereby reappropriated for expenditure during the fiscal year 1975-76.
AN ACT making supplementary appropriation of public money out of the treasury from the balance of all general revenue remaining unappropriated for the fiscal year ending June thirtieth, one thousand nine hundred seventy-five to the Teacher's Retirement Board, Account No. 298, chapter two, acts of the Legislature, second extraordinary session, one thousand nine hundred seventy-four, known as the "Budget Bill."

WHEREAS, The Governor submitted to the Legislature the Budget Document, dated January 9, 1975, which included a statement of the state fund, general revenue, including the fiscal year 1974-75, in which it is set forth and stated that cash balances and investments, as of July 1, 1974, and funds transferred from the Department of Welfare after the close of fiscal year 1974, amount to $106,542,995, and in addition thereto, estimated revenues for fiscal year 1974-75 of $557,154,120, which said amounts total $663,697,115, and as reduced by net appropriation balances forwarded of $68,156,381, and regular appropriations for fiscal year 1974-75 of $504,266,182, which said regular appropriations are offset by estimated expirations for fiscal year 1974-75 of $13,000,000, thereby leaving a net unencumbered cash balance of $104,274,552 available for appropriation and expenditure for said fiscal year 1974-75; a portion of said net unencumbered cash balance is hereby appropriated by the terms of this supplementary appropriation bill; therefore,

Be it enacted by the Legislature of West Virginia:

That Account No. 298, chapter two, acts of the Legislature, second extraordinary session, one thousand nine hundred seventy-four, known as the Budget Bill, be supplemented by adding thereto the following sum to the designated line item:

1 EDUCATIONAL
2 42—Teachers Retirement Board
3 Acct. No. 298
4 Benefit Fund—Payments to Retired Teachers....$7,776,000
The amount as itemized for expenditure during the fiscal year one thousand nine hundred seventy-five shall be available for expenditure upon the effective date of this bill.

CHAPTER 23
(S. B. 282—By Mr. Rogerson)

[Passed February 20, 1975; in effect from passage. Approved by the Governor.]

AN ACT transferring an amount between items of the total appropriation for a state spending unit as appropriated by Committee Substitute for Senate Bill No. 9, acts of the Legislature, second extraordinary session, one thousand nine hundred seventy-four, known as the Budget Bill.

Be it enacted by the Legislature of West Virginia:

That items of the total appropriation of Account No. 370, Committee Substitute for Senate Bill No. 9, acts of the Legislature, second extraordinary session, one thousand nine hundred seventy-four, be transferred to read as follows:

47—West Virginia Industrial School for Boys

Acct. No. 370

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Regular Current Expenses</td>
<td>$238,100</td>
</tr>
<tr>
<td>2</td>
<td>Regular Equipment</td>
<td>67,700</td>
</tr>
</tbody>
</table>

The foregoing constitute transfers of amounts from one item of appropriation to another item of appropriation within the total appropriation of the designated spending unit. The amounts as itemized for expenditure during the fiscal year one thousand nine hundred seventy-five shall be available for expenditure upon the effective date of this bill.
CHAPTER 24
(Com. Sub. for H. B. 1445—By Mr. Speaker, Mr. McManus, and Mr. Seibert)

[Passed April 12, 1975; in effect from passage. Approved by the Governor.]

AN ACT supplementing, amending and transferring amounts between items of the existing appropriation of the West Virginia Industrial School for Boys as appropriated by chapter two, acts of the Legislature, second extraordinary session, one thousand nine hundred seventy-four, known as the “Budget Bill.”

Be it enacted by the Legislature of West Virginia:

That items of the total appropriation of Account No. 370, chapter two, acts of the Legislature, second extraordinary session, one thousand nine hundred seventy-four, be supplemented, amended and transferred to read as follows:

1 CHARITIES AND CORRECTION

2 47—West Virginia Industrial School for Boys

Account No. 370

4 2 Regular Personal Services .......................... $ 661,520
5 8 Regular Repairs and Alterations .................. 118,650

6 The purpose of this supplementary appropriation bill is to supplement, amend and transfer certain moneys from one item of the existing appropriation to another item of such appropriation for the designated spending unit. The amounts as itemized for expenditure during the fiscal year one thousand nine hundred seventy-five shall be available for expenditure upon the effective date of this act.
AN ACT making supplementary appropriation of public money out of the treasury from the balance of all general revenue remaining unappropriated for the fiscal year ending June thirtieth, one thousand nine hundred seventy-five to the West Virginia Penitentiary, Account No. 375, chapter two, acts of the Legislature, second extraordinary session, one thousand nine hundred seventy-four, known as the "Budget Bill."

WHEREAS, The Governor submitted to the Legislature the Budget Document, dated January 9, 1975, which included a statement of the state fund, general revenue, including the fiscal year 1974-75, in which it is set forth and stated that cash balances and investments, as of July 1, 1974, and funds transferred from the Department of Welfare after the close of fiscal year 1974, amount to $106,542,995, and in addition thereto, estimated revenues for fiscal year 1974-75 of $557,154,120, which said amounts total $663,697,115, and as reduced by net appropriation balances forwarded of $68,156,381, and regular appropriations for fiscal year 1974-75 of $504,266,182, which said regular appropriations are offset by estimated expirations for fiscal year 1974-75 of $13,000,000, thereby leaving a net unencumbered cash balance of $104,274,552 available for appropriation and expenditure for said fiscal year 1974-75; a portion of said net unencumbered cash balance is hereby appropriated by the terms of this supplementary appropriation bill; therefore,

Be it enacted by the Legislature of West Virginia:

That Account No. 375, chapter two, acts of the Legislature, second extraordinary session, one thousand nine hundred seventy-four, known as the Budget Bill, be supplemented by adding thereto the following sums to the designated line items:

1 CHARITIES AND CORRECTION
   2 52—West Virginia Penitentiary
   3 Acct. No. 375
   4 Current Expenses $ 244,968
AN ACT making supplementary appropriation of public money out of the treasury from the balance of all funds remaining unappropriated from the Revenue Sharing Trust Fund for the fiscal year ending June thirtieth, one thousand nine hundred seventy-five, to Huttonsville Correctional Center, Account No. 376, reappropriated by chapter two, acts of the Legislature, second extraordinary session, one thousand nine hundred seventy-four, known as the "Budget Bill."

WHEREAS, The Governor submitted to the Legislature the Budget Document, dated January nine, one thousand nine hundred seventy-five, which included a statement of Federal Revenue Sharing Funds, including the fiscal year 1974-75, in which it is set forth and stated that cash balances and investments, as of July first, one thousand nine hundred seventy-four of such funds amounted to $52,668,523, which said amount is reduced by prior appropriations of $35,273,811, thereby leaving a net unencumbered cash balance of $17,394,712 available for appropriation and expenditure for said fiscal year 1974-75; a portion of said net unencumbered cash balance is hereby appropriated by the terms of this supplementary appropriation bill; and

WHEREAS, Said Account No. 376 as set forth in the 1973 Budget Act, chapter ten, acts of the Legislature, regular session 1973, was supplemented by chapter thirteen, acts of the Legislature, first extraordinary session, 1973 which supplementary act appropriated, as a line item to said Account No. 376 and to be paid from Revenue
Sharing Trust Fund “Three new Boilers—$400,000.00,” which appropriation was reappropriated and available for expenditure in 1974-75 by chapter two, acts of the Legislature, second extraordinary session, 1974; therefore,

Be it enacted by the Legislature of West Virginia:

That Account No. 376, chapter two, acts of the Legislature, second extraordinary session, one thousand nine hundred seventy-four, known as the Budget Bill, be supplemented by adding thereto the following sum to the designated line item:

1 CHARITIES AND CORRECTION

2 Huttonsville Correctional Center

Acct. No. 376

TO BE PAID FROM REVENUE SHARING TRUST FUND

1 Three new Boilers $200,000.

The amount as itemized for expenditure during the fiscal year one thousand nine hundred seventy-five shall be available for expenditure upon the effective date of this bill. Any unexpended balance remaining in this account at the close of the fiscal year 1974-75 is hereby reappropriated for expenditure during the fiscal year 1975-76.

CHAPTER 27

(H. B. 1093—Originating in the House Committee on Finance)

[Passed February 19, 1975; in effect from passage. Approved by the Governor.]

AN ACT making supplementary appropriation of public money out of the treasury from the balance of all general revenue remaining unappropriated for the fiscal year ending June thirtieth, one thousand nine hundred seventy-five to the Huttonsville Correctional Center, Account No. 376, chapter two, acts of the Legislature, second extraordinary session, one thousand nine hundred seventy-four, known as the “Budget Bill.”
WHEREAS, The Governor submitted to the Legislature the Budget Document, dated January 9, 1975, which included a statement of the state fund, general revenue, including the fiscal year 1974-75, in which it is set forth and stated that cash balances and investments, as of July 1, 1974, and funds transferred from the Department of Welfare after the close of fiscal year 1974, amount to $106,542,995, and in addition thereto, estimated revenues for fiscal year 1974-75 of $557,154,120, which said amounts total $663,697,115, and as reduced by net appropriation balances forwarded of $68,156,381, and regular appropriations for fiscal year 1974-75 of $504,266,182, which said regular appropriations are offset by estimated expirations for fiscal year 1974-75 of $13,000,000, thereby leaving a net unencumbered cash balance of $104,274,552 available for appropriation and expenditure for said fiscal year 1974-75; a portion of said net unencumbered cash balance is hereby appropriated by the terms of this supplementary appropriation bill; therefore,

Be it enacted by the Legislature of West Virginia:

That Account No. 376, chapter two, acts of the Legislature, second extraordinary session, one thousand nine hundred seventy-four, known as the Budget Bill, be supplemented by adding thereto the following sum to be designated line item:

1 CHARITIES AND CORRECTION ·

2  53—Huttonsville Correctional Center

3    Acct. No. 376

4 Current Expenses ..................................................$153,000

5 The amount as itemized for expenditure during the fiscal
6 year one thousand nine hundred seventy-five shall be avail-
7 able for expenditure upon the effective date of this bill.

CHAPTER 28

[H. B. 950—Originating in the House Committee on Finance]

[Passed February 19, 1975; in effect from passage. Approved by the Governor.]

AN ACT making supplementary appropriation of public money out of the treasury from the balance of all general revenue remain-
Whereas, the Governor submitted to the Legislature the Budget Document, dated January 9, 1975, which included a statement of the state fund, general revenue, including the fiscal year 1974-75, in which it is set forth and stated that cash balances and investments, as of July 1, 1974, and funds transferred from the Department of Welfare after the close of fiscal year 1974, amount to $106,542,995, and in addition thereto, estimated revenues for fiscal year 1974-75 of $557,154,120, which said amounts total $663,697,115, and as reduced by net appropriation balances forwarded of $68,156,381, and regular appropriations for fiscal year 1974-75 of $504,266,182, which said regular appropriations are offset by estimated expirations for fiscal year 1974-75 of $13,000,000, thereby leaving a net unencumbered cash balance of $104,274,552 available for appropriation and expenditure for said fiscal year 1974-75; a portion of said net unencumbered cash balance is hereby appropriated by the terms of this supplementary appropriation bill; therefore,

Be it enacted by the Legislature of West Virginia:

That Account No. 384, chapter two, acts of the Legislature, second extraordinary session, one thousand nine hundred seventy-four, known as the Budget Bill, be supplemented by adding thereto the following sum to the designated line item:

1 CHARITIES AND CORRECTION

2  55—Andrew S. Rowan Memorial Home

3 Acct. No. 384

4  2 Current Expenses $25,000

5 The amount as itemized for expenditure during the fiscal year one thousand nine hundred seventy-five shall be available for expenditure upon the effective date of this bill.
AN ACT making a supplementary appropriation of public money out of the treasury from the balance of all general revenue remaining unappropriated for the fiscal year ending June thirtieth, one thousand nine hundred seventy-five, to the Department of Mental Health, Account No. 410, chapter two, acts of the Legislature, second extraordinary session, one thousand nine hundred seventy-four, known as the "Budget Bill."

Be it enacted by the Legislature of West Virginia:

That Account No. 410, chapter two, acts of the Legislature, second extraordinary session, one thousand nine hundred seventy-four, known as the Budget Bill, be supplemented by adding thereto the following designated line items and sums:

CHARITIES AND CORRECTION

64—Department of Mental Health

Acct. No. 410

7 Community Mental Retardation Program

7a Southern Highlands
Community Mental Health Center
Mercer, McDowell, Wyoming
Princeton, West Virginia ........................................ $ 26,657.00
Fayette-Monroe-Raleigh-Summers
Mental Health Council, Inc.
Beckley, West Virginia ........................................ 48,831.00
Logan-Mingo Area Mental Health
Logan, West Virginia ........................................... 19,000.00

Shawnee Hills Regional Center, Inc.
Kanawha, Clay, Boone, Putnam
Institute, West Virginia ........................................... 19,780.00
Valley Community Mental Health Center
Marion, Monongalia, Preston, Taylor
Morgantown, West Virginia 31,600.00

The amounts as appropriated and itemized for expenditure during the fiscal year one thousand nine hundred seventy-five shall be available for expenditure upon the effective date of this bill.

CHAPTER 30
(H. B. 795—Originating in the House Committee on Finance)

[Passed February 5, 1975; in effect from passage. Approved by the Governor.]

AN ACT making supplementary appropriation of public money out of the treasury from the balance of all general revenue remaining unappropriated for the fiscal year ending June thirtieth, one thousand nine hundred seventy-five to the Roney's Point Branch Hospital, Account No. 417, chapter two, acts of the Legislature, second extraordinary session, one thousand nine hundred seventy-four, known as the "Budget Bill."

WHEREAS, The Governor submitted to the Legislature the Budget Document, dated January 9, 1975, which included a statement of the state fund, general revenue, including the fiscal year 1974-75, in which it is set forth and stated that cash balances and investments, as of July 1, 1974, and funds transferred from the Department of Welfare after the close of fiscal year 1974, amount to $106,542,995, and in addition thereto, estimated revenues for fiscal year 1974-75 of $557,154,120, which said amounts total $663,697,115, and as reduced by net appropriation balances forwarded of $68,156,381, and regular appropriations for fiscal year 1974-75 of $504,266,182, which said regular appropriations are offset by estimated expirations for fiscal year 1974-75 of $13,000,000, thereby leaving a net unencumbered cash balance of $104,274,552 available for appropriation and expenditure for said fiscal year 1974-75; a portion of said net unencumbered cash balance is hereby appropriated by the terms of this supplementary appropriation bill; therefore,
Be it enacted by the Legislature of West Virginia:

The Account No. 417, chapter two, acts of the Legislature, second extraordinary session, one thousand nine hundred seventy-four, known as the Budget Bill, be supplemented by adding thereto the following sum to the designated line item:

1  CHARITIES AND CORRECTION

2  67—Roney's Point Branch Hospital

3  Acct. No. 417

4  2 Current Expenses _______ ___ $ 7,500.00

5  Total _______________________ 272,457.00

6  The amount as itemized for expenditure during the fiscal year one thousand nine hundred seventy-five shall be available for expenditure upon the effective date of this bill.

CHAPTER 31
(H. B. 951—Originating in the House Committee on Finance)

[Passed February 19, 1975; in effect from passage. Approved by the Governor.]

AN ACT making supplementary appropriation of public money out of the treasury from the balance of all general revenue remaining unappropriated for the fiscal year ending June thirtieth, one thousand nine hundred seventy-five to the Lakin State Hospital, Account No. 423, chapter two, acts of the Legislature, second extraordinary session, one thousand nine hundred seventy-four, known as the “Budget Bill.”

WHEREAS, The Governor submitted to the Legislature the Budget Document, dated January 9, 1975, which included a statement of the state fund, general revenue, including the fiscal year 1974-75, in which it is set forth and stated that cash balances and investments, as of July 1, 1974, and funds transferred from the Department of Welfare after the close of fiscal year 1974, amount to $106,542,995, and in addition thereto, estimated revenues for fiscal year 1974-75 of
$557,154,120, which said amounts total $663,697,115, and as reduced by net appropriation balances forwarded of $68,156,381, and regular appropriations for fiscal year 1974-75 of $504,266,182, which said regular appropriations are offset by estimated expirations for fiscal year 1974-75 of $13,000,000, thereby leaving a net unencumbered cash balance of $104,274,552 available for appropriation and expenditure for said fiscal year 1974-75; a portion of said net unencumbered cash balance is hereby appropriated by the terms of this supplementary appropriation bill; therefore,

Be it enacted by the Legislature of West Virginia:

That Account No. 423, chapter two, acts of the Legislature, second extraordinary session, one thousand nine hundred seventy-four, known as the Budget Bill, be supplemented by adding thereto the following sum to the designated line item:

1 CHARITIES AND CORRECTION

73—Lakin State Hospital

Acct. No. 423

2 Current Expenses $45,000

The amount as itemized for expenditure during the fiscal year one thousand nine hundred seventy-five shall be available for expenditure upon the effective date of this bill.

CHAPTER 32

(H. B. 1341—Originating in the House Committee on Finance)

[Passed March 6, 1975; in effect from passage. Approved by the Governor.]

AN ACT making a supplementary appropriation of public money out of the treasury from the balance of all funds remaining unappropriated from the Revenue Sharing Trust Fund for the fiscal year ending June thirtieth, one thousand nine hundred seventy-five, to Hopemont State Hospital, Account No. 430,
chapter two, acts of the Legislature, second extraordinary session, one thousand nine hundred seventy-four, known as the "Budget Bill."

WHEREAS, The Governor submitted to the Legislature the Budget Document, dated January 9, 1975, which included a statement of Federal Revenue Sharing Funds, further detailed in the Governor's communication of January 24, 1975, including the fiscal year 1974-75, in all of which it is set forth and stated that there has been received, through January 7, 1975, the sum of $74,684,580, which said amount is reduced by prior year's appropriations of $41,210,458, thereby leaving a net unencumbered balance of $33,474,122, available for appropriation and expenditure for said fiscal year 1974-75; a portion of said net unencumbered balance is hereby appropriated by the terms of this supplementary appropriation bill; therefore,

Be it enacted by the Legislature of West Virginia:

That Account No. 430, chapter two, acts of the Legislature, second extraordinary session, one thousand nine hundred seventy-four, known as the Budget Bill, be supplemented by adding thereto the following sums to the designated line items:

1  
2  
3  TO BE PAID FROM REVENUE SHARING TRUST FUND  
4   1 Fire Alarm System—Administration Building.......$ 9,000  
5   2 Fire Alarm System—Unit Halls ....................... 12,000  

6 The amount as itemized for expenditure during the fiscal year one thousand nine hundred seventy-five shall be available for expenditure upon the effective date of this bill for the purpose of supplementing prior appropriation. Any unexpended balance remaining in this account at the close of the fiscal year 1974-75 is hereby reappropriated for expenditure during the fiscal year 1975-76.
AN ACT supplementing, amending and transferring amounts between items of the existing appropriation of Hopemont State Hospital as appropriated by chapter two, acts of the Legislature, second extraordinary session, one thousand nine hundred seventy-four, known as the "Budget Bill."

Be it enacted by the Legislature of West Virginia:

That items of the total appropriation of Account No. 430, chapter two, acts of the Legislature, second extraordinary session, one thousand nine hundred seventy-four, be supplemented, amended and transferred to read as follows:

1 CHARITIES AND CORRECTION
2 77—Hopemont State Hospital
3 Acct. No. 430
4 1 Personal Services $ 2,453,500
5 2 Current Expenses 536,500

The purpose of this supplementary appropriation bill is to supplement, amend and transfer certain moneys from one item of the existing appropriation to another item of such appropriation for the designated spending unit. The amounts as itemized for expenditure during the fiscal year one thousand nine hundred seventy-five shall be available for expenditure upon the effective date of this act.
AN ACT transferring amounts between items of the total appropriation for a certain state spending unit as appropriated by chapter two, acts of the Legislature, second extraordinary session, one thousand nine hundred seventy-four, known as the “Budget Bill.”

Be it enacted by the Legislature of West Virginia:

That items of the total appropriations of Account No. 431, chapter two, acts of the Legislature, second extraordinary session, one thousand nine hundred seventy-four be transferred to read as follows:

1 CHARITIES AND CORRECTION
2 78—Pinecrest State Hospital
3 Acct. No. 431
4 1 Personal Services $2,149,000.00
5 3 Repairs and Alterations 70,350.00

The foregoing constitutes transfer of amounts from one item of appropriation to another item of appropriation within the total appropriation of the designated spending unit. The amounts as itemized for expenditure during the fiscal year one thousand nine hundred seventy-five shall be available for expenditure upon the effective date of this act.

\*

CHAPTER 35
(H. B. 1349-Originating in the House Committee on Finance)

[Passed March 6, 1975; in effect from passage. Approved by the Governor.]

AN ACT making a supplementary appropriation of public money out of the treasury from the balance of all funds remaining unap-
propriated from the Revenue Sharing Trust Fund for the fiscal year ending June thirtieth, one thousand nine hundred seventy-five, to Denmar State Hospital, Account No. 432, chapter two, acts of the Legislature, second extraordinary session, one thousand nine hundred seventy-four, known as the “Budget Bill.”

WHEREAS, The Governor submitted to the Legislature the Budget Document, dated January 9, 1975, which included a statement of Federal Revenue Sharing Funds, further detailed in the Governor’s communication of January 24, 1975, including the fiscal year 1974-75, in all of which it is set forth and stated that there has been received, through January 7, 1975, the sum of $74,684,580, which said amount is reduced by prior year’s appropriations of $41,210,458, thereby leaving a net unencumbered balance of $33,474,122, available for appropriation and expenditure for said fiscal year 1974-75; a portion of said net unencumbered balance is hereby appropriated by the terms of this supplementary appropriation bill; therefore,

Be it enacted by the Legislature of West Virginia:

That Account No. 432, chapter two, acts of the Legislature, second extraordinary session, one thousand nine hundred seventy-four, known as the Budget Bill, be supplemented by adding thereto the following sum to the designated line item:

1  Denmar State Hospital

2  Acct. No. 432

3  TO BE PAID FROM REVENUE SHARING TRUST FUND

4  1  8” waterline for sprinkler system .....................$80,000

5  The amount as itemized for expenditure during the fiscal year one thousand nine hundred seventy-five shall be available for expenditure upon the effective date of this bill for the purpose of supplementing prior appropriation. Any unexpended balance remaining in this account at the close of the fiscal year 1974-75 is hereby reappropriated for expenditure during the fiscal year 1975-76.
CHAPTER 36
(H. B. 1441—Originating in the House Committee on Finance)

[Passed March 8, 1975; in effect from passage. Approved by the Governor.]

AN ACT supplementing, amending and transferring amounts between items of an existing appropriation for a certain state spending unit as appropriated by chapter two, acts of the Legislature, second extraordinary session, one thousand nine hundred seventy-four, known as the Budget Bill, as amended.

Be it enacted by the Legislature of West Virginia:

That items of the total appropriations of Account No. 432, chapter two, acts of the Legislature, second extraordinary session, one thousand nine hundred seventy-four, as amended, be supplemented, amended and transferred to read as follows:

1 CHARITIES AND CORRECTION
2
3 79—Denmar State Hospital
4 Acct. No. 432
5 1 Personal Services _________________________ $1,478,000
6 2 Current Expenses __________________________ 456,000
7
8 The foregoing constitutes the supplementing, amending and transfer of amounts from one item of an existing appropriation to another item of such appropriation within the present total appropriation of the designated spending unit. The amounts as itemized for expenditure during the fiscal year one thousand nine hundred seventy-five shall be available for expenditure upon the effective date of this act.

CHAPTER 37
(S. B. 610—Originating in the Senate Committee on Finance)

[Passed April 14, 1975; in effect from passage. Approved by the Governor.]

AN ACT making a supplementary appropriation of public money out of the treasury from the balance of all funds
remaining unappropriated from the Revenue Sharing Trust Fund for the fiscal year ending June thirtieth, one thousand nine hundred seventy-five, to Department of Natural Resources, Account No. 565, chapter two, acts of the Legislature, second extraordinary session, one thousand nine hundred seventy-four, known as the "Budget Bill."

WHEREAS, The Governor submitted to the Legislature the Budget Document, dated January 9, 1975, which included a statement of Federal Revenue Sharing Funds, further detailed in the Governor's communication of January 24, 1975, including the fiscal year 1974-75, in all of which it is set forth and stated that there has been received, through January 7, 1975, the sum of $74,684,580, which said amount is reduced by prior year's appropriations of $41,210,458, thereby leaving a net unencumbered balance of $33,474,122 available for appropriation and expenditure for said fiscal year 1974-75; a portion of said net unencumbered balance is hereby appropriated by the terms of this supplementary appropriation bill; therefore,

Be it enacted by the Legislature of West Virginia:

That Account No. 565, chapter two, acts of the Legislature, second extraordinary session, one thousand nine hundred seventy-four, known as the Budget Bill, be supplemented by adding thereto the following sums to the designated line items:

Department of Natural Resources
Acct. No. 565

Pipestem State Park—Capital Improvements:
  Additional Sewage—Camp Ground $ 60,000
  Main Lodge—Roof Repair 56,000
  Equipment Replacement 20,000

Total $136,000

The amounts as itemized for expenditure during the fiscal year one thousand nine hundred seventy-five shall be available for expenditure upon the effective date of this bill for the purpose of supplementing prior appropriation. Any unexpended balance remaining in this account at the close of the fiscal year 1974-75 is hereby reappropriated for expenditure during the fiscal year 1975-76.
CHAPTER 38
(H. S. 1203—Originating in the House Committee on Finance)
[Passed February 22, 1975; in effect from passage. Approved by the Governor.]

AN ACT making supplementary appropriation of public money out of the treasury from the balance of all general revenue remaining unappropriated for the fiscal year ending June thirtieth, one thousand nine hundred seventy-five to the Department of Natural Resources, Account No. 565, chapter two, acts of the Legislature, second extraordinary session, one thousand nine hundred seventy-four, known as the "Budget Bill."

WHEREAS, The Governor submitted to the Legislature the Budget Document, dated January 9, 1975, which included a statement of the state fund, general revenue, including the fiscal year 1974-75, in which it is set forth and stated that cash balances and investments, as of July 1, 1974, and funds transferred from the Department of Welfare after the close of fiscal year 1974, amount to $106,542,995, and in addition thereto, estimated revenues for fiscal year 1974-75 of $557,154,120, which said amounts total $663,697,115, and as reduced by net appropriation balances forwarded of $68,156,381, and regular appropriations for fiscal year 1974-75 of $504,266,182, which said regular appropriations are offset by estimated expirations for fiscal year 1974-75 of $13,000,000, thereby leaving a net unencumbered cash balance of $104,274,552 available for appropriation and expenditure for said fiscal year 1974-75; a portion of said net unencumbered cash balance is hereby appropriated by the terms of this supplementary appropriation bill; therefore,

Be it enacted by the Legislature of West Virginia:

That Account No. 565, chapter two, acts of the Legislature, second extraordinary session, one thousand nine hundred seventy-four, known as the Budget Bill, be supplemented by adding thereto the following sums to the designated line items:
CONSERVATION AND DEVELOPMENT

105—Department of Natural Resources

Acct. No. 565

<table>
<thead>
<tr>
<th>Item Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clarke-McNary Fire Prevention</td>
<td>$200,000.00</td>
</tr>
<tr>
<td>Pipestem State Park (operation)</td>
<td>200,000.00</td>
</tr>
</tbody>
</table>

Total: $400,000.00

The amount as itemized for expenditure during the fiscal year one thousand nine hundred seventy-five shall be available for expenditure upon the effective date of this bill.

CHAPTER 39

(H. B. 1426—Originating in the House Committee on Finance)

[Passed April 12, 1975; in effect ninety days from passage. Approved by the Governor.]

AN ACT making a supplementary appropriation of public money out of the treasury from the balance of all general revenue remaining unappropriated for the fiscal year ending June thirtieth, one thousand nine hundred seventy-five, to the Public Land Corporation, Account No. 566, chapter two, acts of the Legislature, second extraordinary session, one thousand nine hundred seventy-four, known as the “Budget Bill.”

WHEREAS, The Governor has stated that he will be able to acquire federal moneys to match any appropriation of state moneys for the purpose of providing for a National Track and Field Hall of Fame; and

WHEREAS, The Attorney General of West Virginia rendered an opinion, dated February 18, 1975, wherein he stated that public moneys may only be appropriated by the Legislature where title to land and buildings would be in the name of the state of West Virginia and a public agency thereof and that appropriations made to any private identity would violate Article X, Section 6 of the State Constitution; and
WHEREAS, The Legislature intends that any expenditure of this appropriation be contingent upon receipt by the Governor of the aforesaid federal funds; and

WHEREAS, The Governor submitted to the Legislature the Budget Document, dated January 9, 1975, which included a statement of the state fund, general revenue, including the fiscal year 1974-75, in which it is set forth and stated that balances and investments, as of July 1, 1974, and funds transferred from the Department of Welfare after the close of fiscal year 1974, amount to $106,542,995, and in addition thereto, estimated revenues for fiscal year 1974-75 of $557,154,120 which said amounts total $663,697,115, and as reduced by net appropriation balances forwarded of $68,156,381, and regular appropriations for fiscal year 1974-75 of $504,266,182, which said regular appropriations are offset by estimated expirations for fiscal year 1974-75 of $13,000,000, thereby leaving net unencumbered balances of $104,274,552 available for appropriation and expenditure for said fiscal year 1974-75; a portion of said net unencumbered balance is hereby appropriated by the terms of this supplementary appropriation bill; therefore,

Be it enacted by the Legislature of West Virginia:

That chapter two, acts of the Legislature, second extraordinary session, one thousand nine hundred seventy-four, known as the Budget Bill, be supplemented by adding thereto the following:

1 TITLE II—APPROPRIATIONS.

2 Section 1. Appropriations from General Revenue

3 CONSERVATION AND DEVELOPMENT

4 106—Public Land Corporation

5 Acct. No. 566

6 National Track and Field Hall of Fame ............ $852,500

7 The purpose of this bill is to provide state general revenue moneys to match federal funds in providing for a National Track and Field Hall of Fame, the land and buildings of such to be in the name of the state of West Virginia and a public agency thereof. Such state moneys herein appropriated
12 shall be available for expenditure upon the effective date of
13 the bill. Any unexpended balance remaining in this account
14 at the close of the fiscal year 1974-75 is hereby reappropriated
15 for expenditure during the fiscal year 1975-76. Such moneys
16 may be transferred to a special fund to match and aid federal
17 funds.

CHAPTER 40

(S. B. 608—Originating in the Senate Committee on Finance)

[Passed April 14, 1975; in effect from passage. Approved by the
Governor after deleting the preamble.]

AN ACT making a supplementary appropriation of public
money out of the treasury from the balance of all general
revenue remaining unappropriated for the fiscal year end­
ing June thirtieth, one thousand nine hundred seventy­five, to the Water Development Authority, Account No.
567, chapter two, acts of the Legislature, second extraor­
dinary session, one thousand nine hundred seventy-four,
known as the "Budget Bill," as amended.

Be it enacted by the Legislature of West Virginia:

That Account No. 567, chapter two, acts of the Legislature,
second extraordinary session, one thousand nine hundred
seventy-four, known as the Budget Bill, be supplemented by
adding thereto the following sum to the designated line items:

Water Development Authority
Acct. No. 567

Capital Outlay _____________________________ $3,000,000

The amount as itemized for expenditure during the fiscal
year one thousand nine hundred seventy-five shall be available
for expenditure upon the effective date of this bill for the
purpose of supplementing prior appropriation. Any unex­
pended balance remaining in this account at the close of the
fiscal year 1974-75 is hereby reappropriated for expenditure
during the fiscal year 1975-76.
AN ACT supplementing, amending and transferring amounts between items of the total appropriation of the Department of Public Safety as appropriated by chapter two, acts of the Legislature, second extraordinary session, one thousand nine hundred seventy-four, known as the "Budget Bill."

Be it enacted by the Legislature of West Virginia:

That items of the total appropriations of Account No. 570, chapter two, acts of the Legislature, second extraordinary session, one thousand nine hundred seventy-four be supplemented, amended and transferred to read as follows:

```
1 PROTECTION

2 107—Department of Public Safety

3 Acct. No. 570

4 1 Personal Services $ 5,894,519

5 2 Current Expenses 2,500,000

6 3 Repairs and Alterations 193,850

7 The purpose of this supplementary appropriation bill is to supplement, amend and transfer certain moneys from one item of the existing appropriation to another item of such appropriation for the designated spending unit. The amounts as itemized for expenditure during the fiscal year one thousand nine hundred seventy-five shall be available for expenditure upon the effective date of this act. Any unexpended balance remaining in the appropriation for "Current Expenses" at the close of the fiscal year 1974-75 is hereby reappropriated for expenditure during the fiscal year 1975-76.
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CHAPTER 42

(H. B. 1131—Originating in the House Committee on Finance)

[Passed February 21, 1975; in effect from passage. Appropriation reduced by $1,100,000 and approved by the Governor.]

AN ACT making supplementary appropriation of public money out of the treasury from the balance of all general revenue remaining unappropriated for the fiscal year ending June thirtieth, one thousand nine hundred seventy-five to the West Virginia Public Employees Retirement Board, Account No. 614, chapter two, acts of the Legislature, second extraordinary session, one thousand nine hundred seventy-four, known as the “Budget Bill.”

WHEREAS, The Governor submitted to the Legislature the Budget Document, dated January 9, 1975, which included a statement of the state fund, general revenue, including the fiscal year 1974-75, in which it is set forth and stated that cash balances and investments, as of July 1, 1974, and funds transferred from the Department of Welfare after the close of fiscal year 1974, amount to $106,542,995, and in addition thereto, estimated revenues for fiscal year 1974-75 of $557,154,120, which said amounts total $663,697,115, and as reduced by net appropriation balances forwarded of $68,156,381, and regular appropriations for fiscal year 1974-75 of $504,266,182, which said regular appropriations are offset by estimated expirations for fiscal year 1974-75 of $13,000,000, thereby leaving a net unencumbered cash balance of $104,274,552 available for appropriation and expenditure for said fiscal year 1974-75; a portion of said net unencumbered cash balance is hereby appropriated by the terms of this supplementary appropriation bill; therefore,

Be it enacted by the Legislature of West Virginia:

That Account No. 614, chapter two, acts of the Legislature, second extraordinary session, one thousand nine hundred seventy-four, known as the Budget Bill, be supplemented by adding thereto the following sum to the designated line item:
AN ACT making supplementary appropriation of public money out of the treasury from the balance of all general revenue remaining unappropriated for the fiscal year ending June thirtieth, one thousand nine hundred seventy-five to the West Virginia Public Employees Insurance Board, Account No. 615, chapter two, acts of the Legislature, second extraordinary session, one thousand nine hundred seventy-four, known as the "Budget Bill."

WHEREAS, The Governor submitted to the Legislature the Budget Document, dated January 9, 1975, which included a statement of the state fund, general revenue, including the fiscal year 1974-75, in which it is set forth and stated that cash balances and investments, as of July 1, 1974, and funds transferred from the Department of Welfare after the close of fiscal year 1974, amount to $106,542,995, and in addition thereto, estimated revenues for fiscal year 1974-75 of $557,154,120, which said amounts total $663,697,115, and as reduced by net appropriation balances forwarded of $68,156,381, and regular appropriations for fiscal year 1974-75 of $504,266,182, which said regular appropriations are offset by estimated expirations for fiscal year 1974-75 of $13,000,000, thereby leaving a net unencumbered cash balance of $104,274,552 available for appropriation and expenditure for said fiscal year 1974-75; a portion of said net
unencumbered cash balance is hereby appropriated by the terms of
this supplementary appropriation bill; therefore,

Be it enacted by the Legislature of West Virginia:

That Account No. 615, chapter two, acts of the Legislature, second
extraordinary session, one thousand nine hundred seventy-four,
known as the Budget Bill, be supplemented by adding thereto the
following sum to the designated line item:

1 PROTECTION

2 123—West Virginia Public Employees Insurance Board

3 Acct. No. 615

4 Public Employees Health Insurance—

5 State Contribution $13,321,000.

6 The amount as itemized for expenditure during the fiscal
7 year one thousand nine hundred seventy-five shall be available
8 for expenditure upon the effective date of this bill.

CHAPTER 44

(H. B. 1238—Originating in the House Committee on Finance)

[Passed March 9, 1975; in effect from passage. Approved by the Governor.]

AN ACT making a supplementary appropriation of public money out
of the treasury from the balance of all general revenue remain-
ing unappropriated for the fiscal year ending June thirtieth,
one thousand nine hundred seventy-five to the State Depart-
ment of Highways, Account No. 641, chapter two, acts of
the Legislature, second extraordinary session, one thousand
nine hundred seventy-four, known as the “Budget Bill,” as
amended.

WHEREAS, The Governor submitted to the Legislature the Budget
Document, dated January 9, 1975, which included a statement of
the state fund, general revenue, including the fiscal year 1974-75,
in which it is set forth and stated that cash balances and investments,
as of July 1, 1974, and funds transferred from the Department of
Welfare after the close of fiscal year 1974, amount to $106,542,995, and in addition thereto, estimated revenues for fiscal year 1974-75 of $557,154,120, which said amounts total $663,697,115, and as reduced by net appropriation balances forwarded of $68,156,381, and regular appropriations for fiscal year 1974-75 of $504,266,182, which said regular appropriations are offset by estimated expirations for fiscal year 1974-75 of $13,000,000, thereby leaving a net unencumbered cash balance of $104,274,552 available for appropriation and expenditure for said fiscal year 1974-75; a portion of said net unencumbered cash balance is hereby appropriated by the terms of this supplementary appropriation bill; therefore,

Be it enacted by the Legislature of West Virginia:

That Account No. 641, chapter two, acts of the Legislature, second extraordinary session, one thousand nine hundred seventy-four, known as the Budget Bill, as amended, be supplemented by adding thereto the following sum to the designated line item:

1 State Department of Highways

2 Acct. No. 641

3 General Operations ...$3,800,000

4 The amount as itemized for expenditure during the fiscal year one thousand nine hundred seventy-five shall be available for expenditure upon the effective date of this bill. Any or all of the above appropriation may be transferred to the state road fund for disbursement.

CHAPTER 45
(H. B. 1237—Originating in the House Committee on Finance)

[Passed March 9, 1975; in effect from passage. Approved by the Governor.]

AN ACT making a supplementary appropriation of public money out of the treasury from the balance of the state road fund remaining unappropriated for the fiscal year ending June thirtieth, one thousand nine hundred seventy-five to the Department of Motor Vehicles, Account No. 671, chapter two, acts of...
the Legislature, second extraordinary session, one thousand nine hundred seventy-four, known as the “Budget Bill.”

WHEREAS, The governor submitted an Executive Budget (the Budget Document) dated January 9, 1975, which on page IV reflected estimated revenues for the State Road Fund for the fiscal year 1974-75 in the amount of $450,030,000; and

WHEREAS, The Legislature, in chapter two, acts of the Legislature, second extraordinary session, 1974, known as the budget bill, made appropriations from the State Road Fund for the fiscal year 1974-75 in the amount of $389,392,347; and

WHEREAS, It therefore appears that a balance well in excess of the amount to be appropriated by the terms of this supplementary appropriation bill remains available for appropriation and expenditure in said fiscal year 1974-75, and it is the purpose of the Legislature to appropriate a portion of such balance by the terms of this supplementary appropriation bill; therefore,

Be it enacted by the Legislature of West Virginia:

That Account No. 671, chapter two, acts of the Legislature, second extraordinary session, one thousand nine hundred seventy-four, known as the Budget Bill, be supplemented by adding thereto the following sums to the designated line items:

<table>
<thead>
<tr>
<th>TITLE II—APPROPRIATIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 2. Appropriations from Other Funds.</td>
</tr>
<tr>
<td>128—Department of Motor Vehicles</td>
</tr>
<tr>
<td>Acct. No. 671</td>
</tr>
<tr>
<td>TO BE PAID FROM STATE ROAD FUND</td>
</tr>
<tr>
<td>2 Current Expenses $30,000</td>
</tr>
<tr>
<td>4 Purchase of License Plates 36,000</td>
</tr>
<tr>
<td>7 Public Employees Health Insurance 22,300</td>
</tr>
<tr>
<td>Total $88,300</td>
</tr>
</tbody>
</table>

The amount as itemized for expenditure during the fiscal year one thousand nine hundred seventy-five shall be available for expenditure upon the effective date of this bill.
CHAPTER 46
(S. B. 565—Originating in the Senate Committee on Finance)

[Passed March 5, 1975; in effect from passage. Disapproved by the Governor, and repassed notwithstanding his objections.]

AN ACT making a supplementary appropriation of public money out of the treasury from the balance of the special revenue account of the Alcohol Beverage Control Commissioner remaining unappropriated for the fiscal year ending June thirtieth, one thousand nine hundred seventy-five, to the Alcohol Beverage Control Commissioner, Account No. 837, supplementing chapter two, acts of the Legislature, second extraordinary session, one thousand nine hundred seventy-four, known as the "Budget Bill."

WHEREAS, The Governor's Executive Budget for the fiscal year 1974-75 on page 353, reflects special revenue in the Alcohol Beverage Control Commissioner's special revenue fund available for appropriation in the amount of $13,900,000; and

WHEREAS, The budget bill for the fiscal year 1974-75 as enacted by the Legislature contained appropriations from such fund in the amount of $9,201,585; and

WHEREAS, An amount well in excess of the amount so appropriated is still available for appropriation for the fiscal year 1974-75 and the Legislature desires to make the following supplementary appropriation out of such amount; therefore,

Be it enacted by the Legislature of West Virginia:

That Account No. 837, chapter two, acts of the Legislature, second extraordinary session, one thousand nine hundred seventy-four, known as the Budget Bill, be supplemented by adding thereto the following sum to be designated line item:

144—West Virginia Alcohol Beverage Control Commissioner
Acct. No. 837
TO BE PAID FROM SPECIAL REVENUE FUND

8 Public Employees Health Insurance .......... $132,000
The amount as itemized for expenditure during the fiscal year one thousand nine hundred seventy-five shall be available for expenditure upon the effective date of this bill.

CHAPTER 47
(H. B. 679—By Mr. Speaker, Mr. McManus)

[Passed March 5, 1975; in effect from passage. Approved by the Governor.]

AN ACT making an amendment to Account No. 854 of section two, Title II, chapter two, Acts of the Legislature, Second Extraordinary Session, one thousand nine hundred seventy-four, known as the "Budget Bill," reappropriating unexpended balances remaining from prior years' appropriations for expenditure during fiscal year 1974-1975.

WHEREAS, In Account No. 854, section two, Title II, chapter six, acts of the Legislature, Regular Session, 1971, commonly referred to as the "Budget Bill," the Legislature on lines 41 and 42 thereof, appropriated $375,000.00 to be expended for "West Virginia Institute of Technology Maintenance Building and Allied Equipment"; and

WHEREAS, Said appropriated moneys have not to this date been expended but have been reappropriated in the "Budget Bill" by the Legislature in said account for the fiscal years 1972-1973 (chapter seven, Acts of the Legislature, Regular Session, 1972), 1973-1974 (chapter 10, Acts of the Legislature, Regular Session, 1973), and 1974-1975 (chapter two, Acts of the Legislature, Second Extraordinary Session, 1974); and

WHEREAS, The West Virginia board of regents in the exercise of its discretion granted by the Legislature in chapter eighteen, article twenty-six, section eight, code of West Virginia, one thousand nine hundred thirty-one, as amended, is of the opinion that the aforesaid appropriation of $375,000.00 should be immediately expended for the purchase of land on which to construct said maintenance building; therefore,
Be it enacted by the Legislature of West Virginia:

That Account No. 854, section two, Title II, chapter two, acts of the Legislature, Second Extraordinary Session, 1974, be amended and reenacted to include, in addition to provisions therein presently set forth, a specific line item appropriation as follows, in lieu of the line item appropriation set forth on lines 41 and 42 of Account No. 854 in chapter six, acts of the Legislature, Regular Session, 1971, "West Virginia Institute of Technology Maintenance Building and Allied Equipment," as reappropriated:

1 TITLE II—APPROPRIATIONS

2 Section 2. Appropriations from Other Funds.

3 148—Board of Regents Special Capital Improvement Fund

4 Acct. No. 854

5 TO BE PAID FROM SPECIAL REVENUE FUND

6 West Virginia Institute of Technology either

7 Land acquisition for or construction of

8 Maintenance Building and Allied Equipment $375,000.00.

9 The above designated itemized appropriation shall be

10 available for expenditure upon the effective date of this act.

CHAPTER 48
(S. B. 393—By Mr. Hogarson)

[Passed February 20, 1975; In effect from passage. Approved by the Governor.]

AN ACT transferring an amount between items of the total appropriation for a state spending unit as appropriated by Committee Substitute for Senate Bill No. 9, acts of the Legislature, second extraordinary session, one thousand nine hundred seventy-four, known as the Budget Bill.

Be it enacted by the Legislature of West Virginia:

That items of the total appropriation of Account No. 900, Committee Substitute for Senate Bill No. 9, acts of the Legis-
lature, second extraordinary session, one thousand nine hundred seventy-four, be transferred to read as follows:

150—Workmen’s Compensation Commission

Acct. No. 900

TO BE PAID FROM WORKMEN’S COMPENSATION FUND

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 1 Personal Services</td>
<td>$1,700,000</td>
</tr>
<tr>
<td>2 2 Current Expenses</td>
<td>1,084,000</td>
</tr>
<tr>
<td>3 3 Equipment</td>
<td>148,000</td>
</tr>
<tr>
<td>4 6 Public Employees Health Insurance</td>
<td>63,000</td>
</tr>
</tbody>
</table>

The foregoing constitute transfers of amounts from one item of appropriation to another item of appropriation within the total appropriation of the designated spending unit. The amounts as itemized for expenditure during the fiscal year one thousand nine hundred seventy-five shall be available for expenditure upon the effective date of this bill.

CHAPTER 49

(H. B. 1434—Originating in the House Committee on Finance)

[Passed March 9, 1975; in effect from passage. Disapproved by the Governor, and repassed notwithstanding his objections.]

AN ACT making a supplementary appropriation of public money out of the treasury from the balance of all funds remaining unappropriated from the Revenue Sharing Trust Fund for the fiscal year ending June thirtieth, one thousand nine hundred seventy-five, to the Department of Agriculture, Account No. 970, chapter two, acts of the Legislature, second extraordinary session, one thousand nine hundred seventy-four, known as the “Budget Bill.”

WHEREAS, The Governor submitted to the Legislature the Budget Document, dated January 9, 1975, which included a statement of Federal Revenue Sharing Funds, further detailed in the Governor’s communication of January 24, 1975, including the fiscal year
1974-75, in all of which it is set forth and stated that there has been received, through January 7, 1975, the sum of $74,684,580, which said amount is reduced by prior year's appropriations of $41,210,458, thereby leaving a net unencumbered balance of $33,474,122, available for appropriation and expenditure for said fiscal year 1974-75; a portion of said net unencumbered balance is hereby appropriated by the terms of this supplementary appropriation bill; therefore,

Be it enacted by the Legislature of West Virginia:

That chapter two, acts of the Legislature, second extraordinary session, one thousand nine hundred seventy-four, known as the Budget Bill, be supplemented by adding thereto the following new account, designated Acct. No. 970:

1 Department of Agriculture

2 Acct. No. 970

3 TO BE PAID FROM REVENUE SHARING TRUST FUND

4 1 Laboratory construction ________________ ___________ $1,000,000

5 The amount as itemized for expenditure during the fiscal year one thousand nine hundred seventy-five shall be available for expenditure upon the effective date of this bill for the purpose of providing for construction of a laboratory facility. Any unexpended balance remaining in this account at the close of the fiscal year 1974-75 is hereby reappropriated for expenditure during the fiscal year 1975-76.

CHAPTER 50

(S. B. 598—Originating in the Senate Committee on Finance)

[Passed March 9, 1975; in effect from passage. Disapproved by the Governor, and repassed notwithstanding his objections.]

AN ACT making a supplementary appropriation of public money out of the treasury from the balance of all funds remaining unappropriated from the Revenue Sharing Trust
Fund for the fiscal year ending June thirtieth, one thousand nine hundred seventy-five, to Department of Natural Resources, Account No. 972, chapter two, acts of the Legislature, second extraordinary session, one thousand nine hundred seventy-four, known as the "Budget Bill."

WHEREAS, The Governor submitted to the Legislature the Budget Document, dated January 9, 1975, which included a statement of Federal Revenue Sharing Funds, further detailed in the Governor's communication of January 24, 1975, including the fiscal year 1974-75, in all of which it is set forth and stated that there has been received, through January 7, 1975, the sum of $74,684,580, which said amount is reduced by prior year's appropriations of $41,210,458, thereby leaving a net unencumbered balance of $33,474,122, available for appropriation and expenditure for said fiscal year 1974-75; a portion of said net unencumbered balance is hereby appropriated by the terms of this supplementary appropriation bill; therefore,

Be it enacted by the Legislature of West Virginia:

That Account No. 972, chapter two, acts of the Legislature, second extraordinary session, one thousand nine hundred seventy-four, known as the Budget Bill, be supplemented by adding thereto the following sums to the designated line items:

<table>
<thead>
<tr>
<th>Line</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Twin Falls State Park</td>
<td>$ 75,000</td>
</tr>
<tr>
<td>2</td>
<td>Museum</td>
<td>$ 25,000</td>
</tr>
<tr>
<td>3</td>
<td>Multi-purpose Arena (Feasibility Study)</td>
<td>25,000</td>
</tr>
<tr>
<td>4</td>
<td>Expansion of 9-hole golf course (Feasibility Study)</td>
<td>25,000</td>
</tr>
</tbody>
</table>

The amounts as itemized for expenditure during the fiscal year one thousand nine hundred seventy-five shall be available for expenditure upon the effective date of this bill. Any unexpended balance remaining in this account at the close of the fiscal year 1974-75 is hereby reappropriated for expenditure during the fiscal year 1975-76.
AN ACT making a supplementary appropriation of public money out of the treasury from the balance of all funds remaining unappropriated from the Revenue Sharing Trust Fund for the fiscal year ending June thirtieth, one thousand nine hundred seventy-five, to the Department of Natural Resources, Account No. 972, chapter two, acts of the Legislature, second extraordinary session, one thousand nine hundred seventy-four, known as the "Budget Bill."

WHEREAS, The Governor submitted to the Legislature the Budget Document, dated January 9, 1975, which included a statement of Federal Revenue Sharing Funds, further detailed in the Governor's communication of January 24, 1975, including the fiscal year 1974-75, in all of which it is set forth and stated that there has been received, through January 7, 1975, the sum of $74,684,580, which said amount is reduced by prior year's appropriations of $41,210,458, thereby leaving a net unencumbered balance of $33,474,122, available for appropriation and expenditure for said fiscal year 1974-75; a portion of said net unencumbered balance is hereby appropriated by the terms of this supplementary appropriation bill; therefore,

Be it enacted by the Legislature of West Virginia:

That chapter two, acts of the Legislature, second extraordinary session, one thousand nine hundred seventy-four, known as the Budget Bill, be supplemented by adding thereto the following new account, designated Acct. No. 972:

1 Department of Natural Resources
2 Acct. No. 972
3 TO BE PAID FROM REVENUE SHARING TRUST FUND
4 Acquisition of land, right-of-way and certain personal property situate in Fayette County, West Virginia $250,000
The amount as itemized for expenditure during the fiscal year one thousand nine hundred seventy-five shall be available for expenditure upon the effective date of this bill for the purpose of purchasing the land, right-of-way, railroad tracks, trestles and ties situate between Thurmond and Minden in Fayette County, West Virginia.

CHAPTER 52
(S. B. 561—Originating in the Senate Committee on Finance)

[Passed March 5, 1975; in effect July 1, 1975. Approved by the Governor.]

AN ACT making a supplementary appropriation of public money out of the treasury from the balance of all funds remaining unappropriated from the Revenue Sharing Trust Fund for the fiscal year ending June thirtieth, one thousand nine hundred seventy-five, to West Virginia Penitentiary, Account No. 9719, chapter two, acts of the Legislature, second extraordinary session, one thousand nine hundred seventy-four, known as the “Budget Bill.”

WHEREAS, The Governor submitted to the Legislature the Budget Document, dated January 9, 1975, which included a statement of Federal Revenue Sharing Funds, further detailed in the Governor's communication of January 24, 1975, including the fiscal year 1974-75, in all of which it is set forth and stated that there has been received, through January 7, 1975, the sum of $74,684,580, which said amount is reduced by prior year's appropriations of $41,210,458, thereby leaving a net unencumbered balance of $33,474,122, available for appropriation and expenditure for said fiscal year 1974-75; a portion of said net unencumbered balance is hereby appropriated by the terms of this supplementary appropriation bill; therefore,

Be it enacted by the Legislature of West Virginia:

That Account No. 9719, chapter two, acts of the Legislature, second extraordinary session, one thousand nine hundred seventy-four, known as the Budget Bill, be supplemented by adding thereto the following sums to the designated line items:
West Virginia Penitentiary
Acct. No. 9719
TO BE PAID FROM REVENUE SHARING TRUST FUND

1 Completion of Cells in North Block— $200,000
2 Maximum Security .......................... 169
3 Pre-Fab Structure for Replacement of
4 (15) Guard Towers ....................... 55,250
5 Total ........................................ $255,250

The amount as itemized for expenditure during the fiscal year one thousand nine hundred seventy-five shall be available for expenditure upon the effective date of this bill for the purpose of supplementing prior appropriations. Any unexpended balance remaining in this account at the close of the fiscal year 1974-75 is hereby reappropriated for expenditure during the fiscal year 1975-76.

CHAPTER 53
(S. B. 593—Originating in the Senate Committee on Finance)

[Passed March 9, 1975; in effect from passage. Approved by the Governor.]

AN ACT making a supplementary appropriation of public money out of the treasury from the balance of all funds remaining unappropriated from the Revenue Sharing Trust Fund for the fiscal year ending June thirtieth, one thousand nine hundred seventy-five, to Department of Natural Resources, Account No. 9725, chapter two, acts of the Legislature, second extraordinary session, one thousand nine hundred seventy-four, known as the “Budget Bill”.

WHEREAS, The Governor submitted to the Legislature the Budget Document, dated January 9, 1975, which included a statement of Federal Revenue Sharing Funds, further detailed in the Governor's communication of January 24, 1975, including the fiscal year 1974-75, in all of which it is set forth and stated that there has been received, through January 7, 1975, the
sum of $74,684,580, which said amount is reduced by prior year's appropriations of $41,210,458, thereby leaving a net unencumbered balance of $33,474,122, available for appropriation and expenditure for said fiscal year 1974-75; a portion of said net unencumbered balance is hereby appropriated by the terms of this supplementary appropriation bill; therefore,

Be it enacted by the Legislature of West Virginia:

That Account No. 9725, chapter two, acts of the Legislature, second extraordinary session, one thousand nine hundred seventy-four, known as the Budget Bill, be supplemented by adding thereto the following sums to the designated line items:

Revenue Sharing Trust Fund—
Department of Natural Resources

Acct. No. 9725

TO BE PAID FROM REVENUE SHARING TRUST FUND

1 Canaan Valley .......................... $2,000,000
2 To complete recreation complex

The amount as itemized for expenditure during the fiscal year one thousand nine hundred seventy-five shall be available for expenditure upon the effective date of this bill for the purpose of supplementing prior appropriations. Any unexpended balance remaining in this account at the close of the fiscal year 1974-75 is hereby reappropriated for expenditure during the fiscal year 1975-76.

CHAPTER 54
(H. B. 1380—Originating in the House Committee on Finance)

[Passed March 6, 1975; in effect from passage. Disapproved by the Governor, and repassed notwithstanding his objections.]

AN ACT making a supplementary appropriation of public money out of the treasury from the balance of all funds remaining unappropriated from the Revenue Sharing Trust Fund for the fiscal year ending June thirtieth, one thousand nine hundred
seventy-five, to the Department of Agriculture, Account No. 9738, chapter two, acts of the Legislature, second extraordinary session, one thousand nine hundred seventy-four, known as the "Budget Bill."

WHEREAS, The Governor submitted to the Legislature the Budget Document, dated January 9, 1975, which included a statement of Federal Revenue Sharing Funds, further detailed in the Governor's communication of January 24, 1975, including the fiscal year 1974-75, in all of which it is set forth and stated that there has been received, through January 7, 1975, the sum of $74,684,580, which said amount is reduced by prior year's appropriations of $41,210,458, thereby leaving a net unencumbered balance of $33,474,122, available for appropriation and expenditure for said fiscal year 1974-75; a portion of said net unencumbered balance is hereby appropriated by the terms of this supplementary appropriation bill; therefore,

Be it enacted by the Legislature of West Virginia:

That chapter two, acts of the Legislature, second extraordinary session, one thousand nine hundred seventy-four, known as the Budget Bill, be supplemented by adding thereto the following new account, designated Acct. No. 9738.

1 Department of Agriculture

2 Acct. No. 9738

3 TO BE PAID FROM REVENUE SHARING TRUST FUND

4 National Association of State Departments of Agriculture .............................................. $8,000

6 The amount as itemized for expenditure during the fiscal year one thousand nine hundred seventy-five shall be available for expenditure upon the effective date of this bill for the purpose of participating in the national convention of the National Association of State Departments of Agriculture.

Any unexpended balance remaining in this account at the close of the fiscal year 1974-75 is hereby reappropriated for expenditure during the fiscal year 1975-76.
CHAPTER 55
(H. B. 1381—Originating in the House Committee on Finance)

[Passed March 9, 1973; in effect from passage. Approved by the Governor.]

AN ACT making a supplementary appropriation of public money out of the treasury from the balance of all funds remaining unappropriated from the Revenue Sharing Trust Fund for the fiscal year ending June thirtieth, one thousand nine hundred seventy-five, to West Virginia Board of Regents (Control), Account No. 9745, chapter two, acts of the Legislature, second extraordinary session, one thousand nine hundred seventy-four, known as the “Budget Bill.”

WHEREAS, The Governor submitted to the Legislature the Budget Document, dated January 9, 1975, which included a statement of Federal Revenue Sharing Funds, further detailed in the Governor’s communication of January 24, 1975, including the fiscal year 1974-75, in all of which it is set forth and stated that there has been received, through January 7, 1975, the sum of $74,684,580, which said amount is reduced by prior year’s appropriations of $41,210,458, thereby leaving a net unencumbered balance of $33,474,122, available for appropriation and expenditure for said fiscal year 1974-75; a portion of said net unencumbered balance is hereby appropriated by the terms of this supplementary appropriation bill; therefore,

Be it enacted by the Legislature of West Virginia:

That chapter two, acts of the Legislature, second extraordinary session, one thousand nine hundred seventy-four known as the Budget Bill, be supplemented by adding thereto the following new account, designated Acct. No. 9745.

1  West Virginia Board of Regents (Control)
2    Acct. No. 9745
3    TO BE PAID FROM REVENUE SHARING TRUST FUND
4 1 West Virginia University, Morgantown
5      Campus: to comply with miscellaneous
6      orders of the fire marshal and
7      insurance commissioner .......................... $ 401,250
2 Bluefield State, Conley Hall:  
   Renovate plumbing 65,000

3 West Virginia State, Replace under
   ground cables, and replace and improve
   campus overall lighting 145,000

4 Shepherd, Physical Ed. Building: Roof
   repair, replace floors and install
   ventilation system in basement 165,000

5 Glenville State, Health and Physical Ed.
   Building: Reroof 40,000

6 Concord, Replace and enlarge sewer main
   to sewer plant, and demolish water
   tank 65,000

7 West Liberty State, Hall of Fine Arts:
   Improve ventilation and heating system 50,000

8 West Virginia Northern Community
   College, Hazel Atlas Building:
   Renovate heating, lighting, etc. 80,000

9 West Virginia University, Downtown
   Campus: Replace electrical distribution
   system 375,000

10 Fairmont State, Administration Building:
    Replace windows 200,000

11 West Virginia University, Beechurst
   Avenue Heating Plants: Install emer-
   gency generators and transfer switches 100,000

12 Glenville State, Transformers for all
   buildings to increase voltage 85,000

13 Marshall University, Science Hall:
   Replacement and/or rehabilitation
   of floors, electrical apparatus,
   plumbing, ventilation, etc. 600,000
AN ACT making a supplementary appropriation of public money out of the treasury from the balance of all funds remaining unappropriated from the Revenue Sharing Trust Fund for the fiscal year ending June thirtieth, one thousand nine hundred seventy-five, to the Department of Agriculture, Account No. 9771, chapter two, acts of the Legislature, second extraordinary session, one thousand nine hundred seventy-four, known as the "Budget Bill."

WHEREAS, The Governor submitted to the Legislature the Budget Document, dated January 9, 1975, which included a statement of Federal Revenue Sharing Funds, further detailed in the Governor's communication of January 24, 1975, including the fiscal year 1974-75, in all of which it is set forth and stated that there has been received, through January 7, 1975, the sum of $74,684,580, which said amount is reduced by prior year's appropriations of $41,210,458, thereby leaving a net unencumbered balance of $33,474,122, available for appropriation and expenditure for said fiscal year 1974-75; a portion of said net unencumbered balance is hereby appropriated by the terms of this supplementary appropriation bill; therefore,
Be it enacted by the Legislature of West Virginia:

That chapter two, acts of the Legislature, second extraordinary session, one thousand nine hundred seventy-four, known as the Budget Bill, be supplemented by adding thereto the following new account, designated Acct. No. 9771:

1 Department of Agriculture

2 Acct. No. 9771

3 TO BE PAID FROM REVENUE SHARING TRUST FUND

4 Refrigeration Unit, Inwood Storage Facility _____ $200,000

The amount as itemized for expenditure during the fiscal year one thousand nine hundred seventy-five shall be available for expenditure upon the effective date of this bill for the purpose of providing refrigeration facilities within the storage structure. Any unexpended balance remaining in this account at the close of the fiscal year 1974-75 is hereby reappropriated for expenditure during the fiscal year 1975-76.

AN ACT making a supplementary appropriation of public money out of the treasury from the balance of all funds remaining unappropriated from the Revenue Sharing Trust Fund for the fiscal year ending June thirtieth, one thousand nine hundred seventy-five, to West Virginia Schools for the Deaf and the Blind, Account No. 9772, chapter two, acts of the Legislature, second extraordinary session, one thousand nine hundred seventy-four, known as the "Budget Bill."

WHEREAS, The Governor submitted to the Legislature the Budget Document, dated January 9, 1975, which included a statement of
Federal Revenue Sharing Funds, further detailed in the Governor's communication of January 24, 1975, including the fiscal year 1974-75, in all of which it is set forth and stated that there has been received, through January 7, 1975, the sum of $74,684,580, which said amount is reduced by prior year's appropriations of $41,210,458, thereby leaving a net unencumbered balance of $33,474,122, available for appropriation and expenditure for said fiscal year 1974-75; a portion of said net unencumbered balance is hereby appropriated by the terms of this supplementary appropriation bill; therefore,

Be it enacted by the Legislature of West Virginia:

That chapter two, acts of the Legislature, second extraordinary session, one thousand nine hundred seventy-four, known as the Budget Bill, be supplemented by adding thereto the following new account, designated Acct. No. 9772:

1. West Virginia Schools for the Deaf and The Blind

2. Acct. No. 9772

3. TO BE PAID FROM REVENUE SHARING TRUST FUND

4. 1 Compliance with State Fire Marshal's Requirements $475,000

5. 2 Equipment for Elementary Deaf Classroom Addition 125,000

6. Total $600,000

7. The amounts as itemized for expenditure during the fiscal year one thousand nine hundred seventy-five shall be available for expenditure upon the effective date of this bill for the purpose of meeting fire safety standards and providing equipment. Any unexpended balance remaining in this account at the close of the fiscal year 1974-75 is hereby reappropriated for expenditure during the fiscal year 1975-76.
AN ACT making a supplementary appropriation of public money out of the treasury from the balance of the special revenue account of the Alcohol Beverage Control Commissioner remaining unappropriated for the fiscal year ending June thirtieth, one thousand nine hundred seventy-five, for payment of claims against the state and the Alcohol Beverage Control Commissioner, supplementing chapter two, acts of the Legislature, second extraordinary session, one thousand nine hundred seventy-four, known as the “Budget Bill.”

WHEREAS, The Governor’s Executive Budget for the fiscal year 1974-75 on page 353, reflects special revenue in the Alcohol Beverage Control Commissioner’s special revenue fund available for appropriation in the amount of $13,900,000; and

WHEREAS, The budget bill for the fiscal year 1974-75 as enacted by the Legislature contained appropriations from such fund in the amount of $9,201,585; and

WHEREAS, An amount well in excess of the amount so appropriated is still available for appropriation for the fiscal year 1974-75 and the Legislature desires to make the following supplementary appropriation out of such amount; therefore,

Be it enacted by the Legislature of West Virginia:

That chapter two, acts of the Legislature, second extraordinary session, one thousand nine hundred seventy-four, known as the Budget Bill, be supplemented by adding thereto the following:

1 TITLE II—APPROPRIATIONS
2 Section 3. Awards for Claims Against the State.
3 TO BE PAID FROM SPECIAL REVENUE FUND
4 Claims against the alcohol beverage control commissioner:
5 (1) Helen L. Freed $ 850.00
6 (2) W. M. Harris $ 850.00
The purpose of this bill is to provide payment for claims against the Alcohol Beverage Control Commissioner and out of his special revenue fund, such appropriation being available for expenditure during the fiscal year ending June thirtieth, one thousand nine hundred seventy-five and upon the effective date of this act. Any unexpended balance remaining at the close of fiscal year 1974-75 is hereby re-appropriated for expenditure during fiscal year 1975-76.

CHAPTER 59

(5. B. 569—Originating in the Senate Committee on Finance)

[Passed March 8, 1975; in effect from passage. Disapproved by the Governor, and repassed notwithstanding his objections.]

AN ACT making a supplementary appropriation of public money out of the treasury from the balance of all general revenue remaining unappropriated for the fiscal year ending June thirtieth, one thousand nine hundred seventy-five, for the purpose of appropriating money for payment of a claim against the state in the amount of $44,825.17 to Russell Transfer, Inc.

WHEREAS, The Governor submitted to the Legislature the Budget Document, dated January 9, 1975, which included a statement of the state fund, general revenue, including the fiscal year 1974-75, in which it is set forth and stated that cash balances and investments, as of July 1, 1974, and funds trans-
ferred from the Department of Welfare after the close of fiscal year 1974, amount to $106,542,995, and in addition thereto, estimated revenues for fiscal year 1974-75 of $557,154,120, which said amounts total $663,697,115, and as reduced by net appropriation balances forwarded of $68,156,381, and regular appropriations for fiscal year 1974-75 of $504,266,182, which said regular appropriations are offset by estimated expirations for fiscal year 1974-75 of $13,000,000, thereby leaving a net unencumbered balance of $104,274,552 available for appropriation and expenditure for said fiscal year 1974-75; a portion of said net unencumbered balance is hereby appropriated by the terms of this supplementary appropriation bill; and

WHEREAS, The Legislature, chapter three, acts of the Legislature, second extraordinary session, one thousand nine hundred seventy-four, found and declared a certain claim of Russell Transfer, Inc., against the Department of Finance and Administration, in the amount of $44,825.17, to be a moral obligation of the state; and the Legislature, in said act, directed the auditor to issue his warrant for payment of such claim, among others, out of funds appropriated therefore; and

WHEREAS, The above amount was appropriated for payment by the Legislature in the Budget Bill for fiscal year 1974-75, but such claim and amount was disapproved and deleted by the Governor from the Budget Bill pursuant to his constitutional authority to disapprove items in said Budget Bill; and

WHEREAS, The Legislature finds that such claim remains a valid moral obligation against the state, and desires that such claim be paid out of the amount appropriated by the terms of this supplementary appropriation bill; therefore,

Be it enacted by the Legislature of West Virginia:

That from the fund designated herein, there is hereby appropriated, for payment of a claim against the state, out of the balance of general revenue remaining available for appropriation out of the public treasury for the fiscal year ending June thirtieth, one thousand nine hundred seventy-five, the following item and amount:

Claim Versus the Department of Finance and Administration
(To be paid from general revenue fund)

1 Russell Transfer, Inc. ........................................ $44,825.17
2 The amount as appropriated and itemized for expenditure during the fiscal year ending June thirtieth, one thousand nine hundred seventy-five shall be available for expenditure upon the effective date of this act.

6 If this amount or any portion thereof remains unexpended at the close of such fiscal year, it is hereby reappropriated for expenditure during fiscal year 1975-76.

CHAPTER 60
(H. B. 1442—Originating in the House Committee on Finance)

[Passed March 8, 1975; in effect from passage. Approved by the Governor.]

AN ACT supplementing, amending, transferring and redesignating purpose in an existing appropriation, as appropriated by section four, Title II, chapter two, acts of the Legislature, Second Extraordinary Session, one thousand nine hundred seventy-four, known as the “Budget Bill,” reappropriating unexpended balances remaining from prior years’ appropriations for expenditure during fiscal year 1974-75.

WHEREAS, In subitem G, Item XIII, section four, Title II, chapter ten, acts of the Legislature, Regular Session, 1973, commonly referred to as the “Budget Bill,” the Legislature on lines 2, 3 and 4 thereof appropriated $135,000.00 to be expended for “Roofing Main Hospital Building, Nursing Home and installing copper gutters on both,” and on line 5 thereof, appropriated $50,000.00 for a “New Sewage System,” and on lines 6 and 7 thereof, appropriated $10,000.00 for “Installation New Tile, Main Hospital Building,” and on lines 8, 9 and 10 thereof, appropriated $50,000.00 for “Remodeling Nurses’ Home to house Administrative Offices and two apartments” all to be expended at “Welch Emergency Hospital”; and

WHEREAS, Said appropriated moneys have not to this date been expended but have been reappropriated in the “Budget Bill” for the
fiscal years 1974-1975 (chapter two, acts of the Legislature, Second Extraordinary Session, 1974); and

WHEREAS, The Commissioner of Public Institutions in the exercise of his discretion granted by the Legislature in chapter twenty-five, article one, section three, code of West Virginia, one thousand nine hundred thirty-one, as amended, is of the opinion that the aforesaid unexpended appropriations should be expended for remodeling the nursing home building at Welch Emergency Hospital; therefore,

Be it enacted by the Legislature of West Virginia:

That section four, Title II, chapter two, acts of the Legislature, Second Extraordinary Session, 1974, be supplemented, amended, transferred, redesignated and reenacted as follows, in lieu of the line item appropriations set forth on lines 2, 3, 4, 5, 6, 7, 8, 9 and 10 of subitem G, Item XIII, section four, Title II, chapter ten, acts of the Legislature, Regular Session, 1973, “Roofing Main Hospital Building, Nursing Home and installing copper gutters on both,” “New Sewage System,” “Installation New Tile, Main Hospital Building” and “Remodeling Nurses’ Home to house Administrative Offices and two apartments,” all of “Welch Emergency Hospital,” as reappropriated:

TITLE II—APPROPRIATIONS

Section 4. Appropriations from Surplus Revenue.

Item XIII. Commissioner of Public Institutions.

G. Welch Emergency Hospital

To be paid from the capital improvements fund of Welch Emergency Hospital for Remodeling the nursing Home Building to five apartments $151,300.00.

The above designated itemized appropriation shall be available for expenditure upon the effective date of this bill.
CHAPTER 61
(H. B. 1433—Originating in the House Committee on Finance)

[Passed March 9, 1975; in effect July 1, 1975. Disapproved by the Governor, and repassed notwithstanding his objections.]

AN ACT making a supplementary appropriation of public money out of the treasury from the balance of all general revenue remaining unappropriated for the fiscal year ending June thirtieth, one thousand nine hundred seventy-six, to Auditor's Office—General Administration, Account No. 150, Enrolled Committee Substitute for Senate Bill No. 23, acts of the Legislature, regular session, one thousand nine hundred seventy-five, known as the "Budget Bill."

WHEREAS, The Governor submitted to the Legislature the Executive Budget Document, dated January 9, 1975, which included a statement of the state fund, general revenue, setting forth therein the cash balance and investments as of July 1, 1974, and funds transferred from the Department of Welfare after the close of fiscal year 1974; and further included the estimate of revenues for fiscal year 1974-75, less net appropriation balances forwarded and regular appropriations for fiscal year 1974-75, which said regular appropriations are offset by estimated expirations for fiscal year 1974-75; and

WHEREAS, The Governor's Executive Budget Document further included estimates of revenues for fiscal year 1975-76 of $558,750,000 available for appropriation; and

WHEREAS, The Legislature has heretofore and during the regular session, 1975, enacted certain supplementary appropriation bills for fiscal year 1974-75 and a Budget Bill for fiscal year 1975-76, Enrolled Committee Substitute for Senate Bill No. 23, all well within the Governor's overall estimates of available revenues thereby leaving general revenues available for further appropriation; and

WHEREAS, It thus appearing from the aforesaid and the Governor's Executive Budget Document that a sufficient balance of general revenue is available for supplementary appropriations for the fiscal year ending June thirtieth, one thousand nine hundred seventy-six; therefore,
Be it enacted by the Legislature of West Virginia:

That Account No. 150, Enrolled Committee Substitute for Senate Bill No. 23, acts of the Legislature, regular session, one thousand nine hundred seventy-five, known as the Budget Bill, be supplemented by adding thereto the following sum to the designated line item:

<table>
<thead>
<tr>
<th>TITLE II—APPROPRIATIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 1. Appropriations from General Revenue.</td>
</tr>
<tr>
<td>FISCAL</td>
</tr>
<tr>
<td>15—Auditor's Office—General Administration</td>
</tr>
<tr>
<td>Acct. No. 150</td>
</tr>
<tr>
<td>4a Mental Hygiene Fund $100,000</td>
</tr>
</tbody>
</table>

The purpose of this bill is to supplement the aforesaid account and item therein for paying those certain fees and expenses as provided by law to be assumed by the state. This appropriation shall be available for expenditure in the fiscal year of 1975-76.

CHAPTER 62
(H. B. 1419—Originating in the House Committee on Finance)

[Passed March 6, 1975; in effect July 1, 1975. Disapproved by the Governor, and repassed notwithstanding his objections.]

AN ACT making a supplementary appropriation of public money out of the treasury from the balance of all general revenue remaining unappropriated for the fiscal year ending June thirtieth, one thousand nine hundred seventy-six, to the State Department of Education, Account No. 277, Enrolled Committee Substitute for Senate Bill No. 23, acts of the Legislature, regular session, one thousand nine hundred seventy-five, known as the “Budget Bill.”

WHEREAS, The Governor submitted to the Legislature the Executive Budget Document, dated January 9, 1975, which included a state-
ment of the state fund, general revenue, setting forth therein the cash balance and investments as of July 1, 1974, and funds transferred from the Department of Welfare after the close of fiscal year 1974; and further included the estimate of revenues for fiscal year 1974-75, less net appropriation balances forwarded and regular appropriations for fiscal year 1974-75, which said regular appropriations are offset by estimated expirations for fiscal year 1974-75; and

WHEREAS, The Governor's Executive Budget Document further included estimates of revenues for fiscal year 1975-76 of $558,750,000 available for appropriation; and

WHEREAS, The Legislature has heretofore and during the regular session, 1975, enacted certain supplementary appropriation bills for fiscal year 1974-75 and a Budget Bill for fiscal year 1975-76, Enrolled Committee Substitute for Senate Bill No. 23, all well within the Governor's overall estimates of available revenues thereby leaving general revenues available for further appropriation; and

WHEREAS, It thus appearing from the aforesaid and the Governor's Executive Budget Document that a sufficient balance of general revenue is available for supplementary appropriations for the fiscal year ending June thirtieth, one thousand nine hundred seventy-six; therefore,

Be it enacted by the Legislature of West Virginia:

That Account No. 277, Enrolled Committee Substitute for Senate Bill No. 23, acts of the Legislature, regular session, one thousand nine hundred seventy-five, known as the Budget Bill, be supplemented by adding thereto the following sum to the designated line item:

<table>
<thead>
<tr>
<th>Line</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Title II—Appropriations</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Section 1. Appropriations from General Revenue.</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Educational</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>31—State Department of Education</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Acct. No. 277</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>1 Teacher Education Program</td>
<td>$6,250.</td>
</tr>
</tbody>
</table>
The purpose of this bill is to supplement the aforesaid account and item therein for expenditure in the fiscal year 1975-76.

CHAPTER 63
(H. B. 1422—Originating in the House Committee on Finance)

[Passed March 9, 1975; in effect July 1, 1975. Approved by the Governor.]

AN ACT making a supplementary appropriation of public money out of the treasury from the balance of all general revenue remaining unappropriated for the fiscal year ending June thirtieth, one thousand nine hundred seventy-six, to the West Virginia Board of Regents (Control), Acct. No. 279, Enrolled Committee Substitute for Senate Bill No. 23, acts of the Legislature, regular session, one thousand nine hundred seventy-five, known as the "Budget Bill."

WHEREAS, The Governor submitted to the Legislature the Executive Budget Document, dated January 9, 1975, which included a statement of the state fund, general revenue, setting forth therein the cash balance and investments as of July 1, 1974, and funds transferred from the Department of Welfare after the close of fiscal year 1974; and further included the estimate of revenues for fiscal year 1974-75, less net appropriation balances forwarded and regular appropriations for fiscal year 1974-75, which said regular appropriations are offset by estimated expirations for fiscal year 1974-75; and

WHEREAS, The Governor's Executive Budget Document further included estimates of revenues for fiscal year 1975-76 of $558,750,000 available for appropriation; and

WHEREAS, The Legislature has heretofore and during the regular session, 1975, enacted certain supplementary appropriation bills for fiscal year 1974-75 and a Budget Bill for fiscal year 1975-76, Enrolled Committee Substitute for Senate Bill No. 23, all well within the Governor's overall estimates of available revenues thereby leaving general revenues available for further appropriation; and

WHEREAS, It thus appering from the aforesaid and the Governor's
Executive Budget Document that a sufficient balance of general revenue is available for supplementary appropriations for the fiscal year ending June thirtieth, one thousand nine hundred seventy-six; therefore,

Be it enacted by the Legislature of West Virginia:

That Account No. 279, Enrolled Committee Substitute for Senate Bill No. 23, acts of the Legislature, regular session, one thousand nine hundred seventy-five, known as the Budget Bill, be supplemented by adding thereto the following:

TITLE II—APPROPRIATIONS

Section 1. Appropriations from General Revenue.

EDUCATIONAL

32—West Virginia Board of Regents (Control)

Acct. No. 279

23 West Virginia College of Osteopathic Medicine $ 1,290,000

The purpose of this bill is to provide operational moneys for this new public institution coming under the jurisdiction of the West Virginia Board of Regents.

CHAPTER 64

(H. B. 1428—Originating in the House Committee on Finance)

[Passed March 9, 1975; in effect July 1, 1975. Disapproved by the Governor, and repassed notwithstanding his objections.]

AN ACT making a supplementary appropriation of public money out of the treasury from the balance of all general revenue remaining unappropriated for the fiscal year ending June thirtieth, one thousand nine hundred seventy-six, to the West Virginia Board of Regents (Control), Acct. 279, Enrolled Committee Substitute for Senate Bill No. 23, acts of the Legislature, regular session, one thousand nine hundred seventy-five, known as the “Budget Bill.”
WHEREAS, The Governor submitted to the Legislature the Executive Budget Document, dated January 9, 1975, which included a statement of the state fund, general revenue, setting forth therein the cash balance and investments as of July 1, 1974, and funds transferred from the Department of Welfare after the close of fiscal year 1974; and further included the estimate of revenues for fiscal year 1974-75, less net appropriation balances forwarded and regular appropriations for fiscal year 1974-75, which said regular appropriations are offset by estimated expirations for fiscal year 1974-75; and

WHEREAS, The Governor's Executive Budget Document further included estimates of revenues for fiscal year 1975-76 of $558,750,000 available for appropriation; and

WHEREAS, The Legislature has heretofore and during the regular session, 1975, enacted certain supplementary appropriation bills for fiscal year 1974-75 and a Budget Bill for fiscal year 1975-76, Enrolled Committee Substitute for Senate Bill No. 23, all well within the Governor's overall estimates of available revenues thereby leaving general revenues available for further appropriation; and

WHEREAS, It thus appearing from the aforesaid and the Governor's Executive Budget Document that a sufficient balance of general revenue is available for supplementary appropriations for the fiscal year ending June thirtieth, one thousand nine hundred seventy-six; therefore,

Be it enacted by the Legislature of West Virginia:

That Account No. 279, Enrolled Committee Substitute for Senate Bill No. 23, acts of the Legislature, regular session, one thousand nine hundred seventy-five, known as the Budget Bill, be supplemented by adding thereto the following sums to the designated line items:

1  TITLE II—APPROPRIATIONS
2  Section 1. Appropriations from General Revenue.
3  EDUCATIONAL
4  32—West Virginia Board of Regents (Control)
5  Acct. No. 279
6  1 Personal Services $ 3,732,626
CHAPTER 65

(H. B. 1424—Originating in the House Committee on Finance)

[Passed March 6, 1975; in effect July 1, 1975. Disapproved by the Governor, and repassed notwithstanding his objections.]

AN ACT making a supplementary appropriation of public money out of the treasury from the balance of all general revenue remaining unappropriated for the fiscal year ending June thirtieth, one thousand nine hundred seventy-six, to the West Virginia Board of Regents, Account No. 280, Enrolled Committee Substitute for Senate Bill No. 23, acts of the Legislature, regular session, one thousand nine hundred seventy-five, known as the "Budget Bill."
WHEREAS, The Governor submitted to the Legislature the Executive Budget Document, dated January 9, 1975, which included a statement of the state fund, general revenue, setting forth therein the cash balance and investments as of July 1, 1974, and funds transferred from the Department of Welfare after the close of fiscal year 1974; and further included the estimate of revenues for fiscal year 1974-75, less net appropriation balances forwarded and regular appropriations for fiscal year 1974-75, which said regular appropriations are offset by estimated expirations for fiscal year 1974-75; and

WHEREAS, The Governor's Executive Budget Document further included estimates of revenues for fiscal year 1975-76 of $558,750,000 available for appropriation; and

WHEREAS, The Legislature has heretofore and during the regular session, 1975, enacted certain supplementary appropriation bills for fiscal year 1974-75 and a Budget Bill for fiscal year 1975-76, Enrolled Committee Substitute for Senate Bill No. 23, all well within the Governor's overall estimates of available revenues thereby leaving general revenues available for further appropriation; and

WHEREAS, It thus appearing from the aforesaid and the Governor's Executive Budget Document that a sufficient balance of general revenue is available for supplementary appropriations for the fiscal year ending June thirtieth, one thousand nine hundred seventy-six; therefore,

Be it enacted by the Legislature of West Virginia:

That Account No. 280, Enrolled Committee Substitute for Senate Bill No. 23, acts of the Legislature, regular session, one thousand nine hundred seventy-five, known as the Budget Bill, be supplemented by adding thereto the following sum to the designated line item:

1. TITLE II—APPROPRIATIONS

2. Section 1. Appropriations from General Revenue.

3. EDUCATIONAL

4. 33—West Virginia Board of Regents

5. Acct. No. 280

6. 1 Personal Services $44,000
The purpose of this bill is to supplement moneys in the personal services item for new positions, Director Health Affairs and ADP Programmer. Such moneys are expendable in fiscal year 1975-76.

CHAPTER 66
(H. B. 1423—Originating in the House Committee on Finance)

[Passed March 9, 1975; in effect July 1, 1975. Approved by the Governor.]

AN ACT making a supplementary appropriation of public money out of the treasury from the balance of all general revenue remaining unappropriated for the fiscal year ending June thirtieth, one thousand nine hundred seventy-six, to Marshall University—Medical School, Account No. 284, Enrolled Committee Substitute for Senate Bill No. 23, acts of the Legislature, regular session, one thousand nine hundred seventy-five, known as the "Budget Bill."

WHEREAS, The Governor submitted to the Legislature the Executive Budget Document, dated January 9, 1975, which included a statement of the state fund, general revenue, setting forth therein the cash balance and investments as of July 1, 1974, and funds transferred from the Department of Welfare after the close of fiscal year 1974; and further included the estimate of revenues for fiscal year 1974-75, less net appropriation balances forwarded and regular appropriations for fiscal year 1974-75, which said regular appropriations are offset by estimated expirations for fiscal year 1974-75; and

WHEREAS, The Governor's Executive Budget Document further included estimates of revenues for fiscal year 1975-76 of $558,750,000 available for appropriation; and

WHEREAS, The Legislature has heretofore and during the regular session, 1975, enacted certain supplementary appropriation bills for fiscal year 1974-75 and a Budget Bill for fiscal year 1975-76, Enrolled Committee Substitute for Senate Bill No. 23, all well within the Governor's overall estimates of available revenues thereby leaving general revenues available for further appropriation; and
WHEREAS, It thus appearing from the aforesaid and the Governor's Executive Budget Document that a sufficient balance of general revenue is available for supplementary appropriations for the fiscal year ending June thirtieth, one thousand nine hundred seventy-six; therefore,

Be it enacted by the Legislature of West Virginia:

That Account No. 284, Enrolled Committee Substitute for Senate Bill No. 23, acts of the Legislature, regular session, one thousand nine hundred seventy-five, known as the Budget Bill, be supplemented by adding thereto the following:

TITLE II—APPROPRIATIONS

Section 1. Appropriations from General Revenue.

EDUCATIONAL

34—Marshall University—Medical School

Acct. No. 284

1 Unclassified Total ___________________ $ 871,915

The purpose of this bill is to fund the medical school at Marshall University, such moneys to be available for expenditure in the fiscal year 1975-76.

CHAPTER 67

(S. B. 591—Originating in the Senate Committee on Finance)

[Passed March 9, 1975; in effect July 1, 1975. Disapproved by the Governor, and repassed notwithstanding his objections.]

AN ACT making supplementary appropriations of public money out of the treasury from the balance of all general revenue remaining unappropriated for the fiscal year ending June thirtieth, one thousand nine hundred seventy-six, to West Virginia University—Medical School, Account No. 285, an act, Enrolled Committee Substitute for Senate Bill No. 23, enacted by the Legislature, regular session, one thousand nine hundred seventy-five, known as the budget bill.
WHEREAS, The estimated revenue in the state fund, general revenue, to be received in the fiscal year 1975-76, as contained on page V of the Executive Budget for the fiscal year 1975-76, submitted by the Governor for the 1975 regular session, totals $558,750,000; and

WHEREAS, In addition to the estimate of revenue submitted by the Governor for the 1975-76 fiscal year, there existed available for appropriation cash balances, estimated expirations, and estimated surplus revenue for the fiscal year 1974-75, all as further contained on page V of said Executive Budget; and

WHEREAS, The Legislature, basing its action upon the above estimates as duly provided by the Governor, enacted a budget bill for the fiscal year 1975-76, which bill became law, and which thereby made appropriations to various accounts of state spending units, and which as to total appropriations out of general revenues, were well within the total of all such revenues available for appropriations for the fiscal year 1975-76; and

WHEREAS, It appearing from the Governor's Executive Budget that a sufficient balance of general revenue is thus available for supplementary appropriations for the fiscal year ending June thirtieth, one thousand nine hundred seventy-six; a part of which balance is hereby appropriated by the terms of this supplementary appropriation bill; therefore,

Be it enacted by the Legislature of West Virginia:

That Account No. 285, Enrolled Committee Substitute for Senate Bill No. 23, an act of the Legislature, one thousand nine hundred seventy-five, known as the budget bill, be supplemented by adding thereto the following:

EDUCATIONAL

35—West Virginia University—Medical School

Acct. No. 285

1 Personal Services .......................................................... $1,585,000
2 Current Expenses ......................................................... 200,000
3 Repairs and Alterations .............................................. 25,000
AN ACT making a supplementary appropriation of public money out of the treasury from the balance of all general revenue remaining unappropriated for the fiscal year ending June thirtieth, one thousand nine hundred seventy-six, to the Department of Education, Account No. 286, Enrolled Committee Substitute for Senate Bill No. 23, acts of the Legislature, regular session, one thousand nine hundred seventy-five, known as the "Budget Bill."

WHEREAS, The Governor submitted to the Legislature the Executive Budget Document, dated January 9, 1975, which included a statement of the state fund, general revenue, setting forth therein the cash balance and investments as of July 1, 1974, and funds transferred from the Department of Welfare after the close of fiscal year 1974; and further included the estimate of revenues for fiscal year 1974-75, less net appropriation balances forwarded and regular appropriations for fiscal year 1974-75, which said regular appropriations are offset by estimated expirations for fiscal year 1974-75; and

WHEREAS, The Governor's Executive Budget Document further included estimates of revenues for fiscal year 1975-76 of $558,750,000 available for appropriation; and

WHEREAS, The Legislature has heretofore and during the regular session, 1975, enacted certain supplementary appropriation bills for fiscal year 1974-75 and a Budget Bill for fiscal year 1975-76,
Enrolled Committee Substitute for Senate Bill No. 23, all well within the Governor's overall estimates of available revenues thereby leaving general revenues available for further appropriation; and

Whereas, it thus appearing from the aforesaid and the Governor's Executive Budget Document that a sufficient balance of general revenue is available for supplementary appropriations for the fiscal year ending June thirtieth, one thousand nine hundred seventy-six; therefore,

Be it enacted by the Legislature of West Virginia:

That Account No. 286, Enrolled Committee Substitute for Senate Bill No. 23, acts of the Legislature, regular session, one thousand nine hundred seventy-five, known as the Budget Bill, be supplemented by adding thereto the following sums to the designated line items:

<table>
<thead>
<tr>
<th>TITLE II—APPROPRIATIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 1. Appropriations from General Revenue.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>EDUCATIONAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>36—Department of Education</td>
</tr>
<tr>
<td>Acct. No. 286</td>
</tr>
<tr>
<td>8 Regional Education Service Agency $ 21,000</td>
</tr>
<tr>
<td>12 Project 0629-061, Identification and Remediation of Learning Disabilities $ 50,000</td>
</tr>
<tr>
<td>13 Project 0629-062, Diagnosis and Remediation of Learning Disabilities $ 50,000</td>
</tr>
<tr>
<td>14 Project 0629-067, Early Learning and Child Care $ 50,000</td>
</tr>
<tr>
<td>15 Project 0629-077, Early Learning and Child Care $ 50,000</td>
</tr>
<tr>
<td>16 Project 0629-078, Early Learning and Child Care $ 50,000</td>
</tr>
</tbody>
</table>

The purpose of this bill is to supplement the aforesaid account and items therein for expenditure in the fiscal year 1975-76.
AN ACT making a supplementary appropriation of public money out of the treasury from the balance of all general revenue remaining unappropriated for the fiscal year ending June thirtieth, one thousand nine hundred seventy-six, to the State Department of Education—Professional Educators—Account No. 290, Enrolled Committee Substitute for Senate Bill No. 23, acts of the Legislature, regular session, one thousand nine hundred seventy-five, known as the "Budget Bill."

WHEREAS, The Governor submitted to the Legislature the Executive Budget Document, dated January 9, 1975, which included a statement of the state fund, general revenue, setting forth therein the cash balance and investments as of July 1, 1974, and funds transferred from the Department of Welfare after the close of fiscal year 1974; and further included the estimate of revenues for fiscal year 1974-75, less net appropriation balances forwarded and regular appropriations for fiscal year 1974-75, which said regular appropriations are offset by estimated expirations for fiscal year 1974-75; and

WHEREAS, The Governor's Executive Budget Document further included estimates of revenues for fiscal year 1975-76 of $558,750,000 available for appropriation; and

WHEREAS, The Legislature has heretofore and during the regular session, 1975, enacted certain supplementary appropriation bills for fiscal year 1974-75 and a Budget Bill for fiscal year 1975-76, Enrolled Committee Substitute for Senate Bill No. 23, all well within the Governor's overall estimates of available revenues thereby leaving general revenues available for further appropriation; and

WHEREAS, It thus appearing from the aforesaid and the Governor's Executive Budget Document that a sufficient balance of general revenue is available for supplementary appropriations for the fiscal year ending June thirtieth, one thousand nine hundred seventy-six; therefore,
Be it enacted by the Legislature of West Virginia:

That Account No. 290, Enrolled Committee Substitute for Senate Bill No. 23, acts of the Legislature, regular session, one thousand nine hundred seventy-five, known as the Budget Bill, be supplemented by adding thereto the following sums to the designated line items:

1 TITLE II—APPROPRIATIONS

2 Section 1. Appropriations from General Revenue.

3 EDUCATIONAL

4 State Department of Education—

5 Professional Educators

6 Acct. No. 290

7 Professional Educators $ 11,195,148

8 Such amount is appropriated to increase each professional educator's basic salary by $500 over and above that specified in Chapter 18A, Article 4, Section 2 of the Code. The number of professional educators so affected shall be that number employed by the various county boards of education as of the end of the third school month of the 1974-75 school year, exclusive of such educators employed with Federal funds. Included in the sum are sufficient dollars to cover the fixed charges of matching social security payments and workmen's compensation costs.

CHAPTER 70

(H. B. 1430—Originating in the House Committee on Finance)

[Passed March 6, 1975; in effect July 1, 1975. Disapproved by the Governor, and repassed notwithstanding his objections.]

AN ACT making a supplementary appropriation of public money out of the treasury from the balance of all general revenue remaining unappropriated for the fiscal year ending June thirtieth, one thousand nine hundred seventy-six, to the Educational
Broadcasting Authority, Account No. 291, Enrolled Committee Substitute for Senate Bill No. 23, acts of the Legislature, regular session, one thousand nine hundred seventy-five, known as the "Budget Bill."

WHEREAS, The Governor submitted to the Legislature the Executive Budget Document, dated January 9, 1975, which included a statement of the state fund, general revenue, setting forth therein the cash balance and investments as of July 1, 1974, and funds transferred from the Department of Welfare after the close of fiscal year 1974; and further included the estimate of revenues for fiscal year 1974-75, less net appropriation balances forwarded and regular appropriations for fiscal year 1974-75, which said regular appropriations are offset by estimated expirations for fiscal year 1974-75; and

WHEREAS, The Governor's Executive Budget Document further included estimates of revenues for fiscal year 1975-76 of $558,750,000 available for appropriation; and

WHEREAS, The Legislature has heretofore and during the regular session, 1975, enacted certain supplementary appropriation bills for fiscal year 1974-75 and a Budget Bill for fiscal year 1975-76, Enrolled Committee Substitute for Senate Bill No. 23, all well within the Governor's overall estimates of available revenues thereby leaving general revenues available for further appropriation; and

WHEREAS, It thus appearing from the aforesaid and the Governor's Executive Budget Document that a sufficient balance of general revenue is available for supplementary appropriations for the fiscal year ending June thirtieth, one thousand nine hundred seventy-six; therefore,

Be it enacted by the Legislature of West Virginia:

That Account No. 291, Enrolled Committee Substitute for Senate Bill No. 23, acts of the Legislature, regular session, one thousand nine hundred seventy-five, known as the Budget Bill, be supplemented by adding thereto the following sum to the designated line item:
TITLE II—APPROPRIATIONS

Section 1. Appropriations from General Revenue.

EDUCATIONAL

39—Educational Broadcasting Authority

Acct. No. 291

Regional ETV $ 47,103

The purpose of this bill is to supplement the aforesaid account and item therein for expenditure in the fiscal year 1975-76.

CHAPTER 71

(H. B. 1438—Originating in the House Committee on Finance)

[Passed March 9, 1975; in effect July 1, 1975. Disapproved by the Governor, and repassed notwithstanding his objections.]

AN ACT making a supplementary appropriation of public money out of the treasury from the balance of all general revenue remaining unappropriated for the fiscal year ending June thirtieth, one thousand nine hundred seventy-six, to the Department of Education, Account No. 299, Enrolled Committee Substitute for Senate Bill No. 23, acts of the Legislature, regular session, one thousand nine hundred seventy-five, known as the "Budget Bill."

WHEREAS, The Governor submitted to the Legislature the Executive Budget Document, dated January 9, 1975, which included a statement of the state fund, general revenue, setting forth therein the cash balance and investments as of July 1, 1974, and funds transferred from the Department of Welfare after the close of fiscal year 1974; and further included the estimate of revenues for fiscal year 1974-75, less net appropriation balances forwarded and regular appropriations for fiscal year 1974-75, which said regular appropriations are offset by estimated expirations for fiscal year 1974-75; and
WHEREAS, The Governor's Executive Budget Document further included estimates of revenues for fiscal year 1975-76 of $558,750,000 available for appropriation; and

WHEREAS, The Legislature has heretofore and during the regular session, 1975, enacted certain supplementary appropriation bills for fiscal year 1974-75 and a Budget Bill for fiscal year 1975-76, Enrolled Committee Substitute for Senate Bill No. 23, all well within the Governor's overall estimates of available revenues thereby leaving general revenues available for further appropriation; and

WHEREAS, It thus appearing from the aforesaid and the Governor's Executive Budget Document that a sufficient balance of general revenue is available for supplementary appropriations for the fiscal year ending June thirtieth, one thousand nine hundred seventy-six; therefore,

Be it enacted by the Legislature of West Virginia:

That Account No. 299, Enrolled Committee Substitute for Senate Bill No. 23, acts of the Legislature, regular session, one thousand nine hundred seventy-five, known as the Budget Bill, be supplemented by adding thereto the following sum to the designated line item:

1 TITLE II—APPROPRIATIONS

2 Section 1. Appropriations from General Revenue.

EDUCATIONAL

46—Department of Education

Acct. No. 299

1 To fund minimum salaries for Support Personnel $8,278,791

The purpose of this bill is to provide moneys for the aforesaid account, purpose and item therein set forth; such moneys to be available for expenditure in the fiscal year 1975-76.
CHAPTER 72

(H. B. 1417—Originating in the House Committee on Finance)

[Passed March 9, 1975; in effect July 1, 1975. Disapproved by the Governor, and repassed notwithstanding his objections.]

AN ACT making a supplementary appropriation of public money out of the treasury from the balance of all general revenue remaining unappropriated for the fiscal year ending June thirtieth, one thousand nine hundred seventy-six, to the State Health Department, Account No. 400, Enrolled Committee Substitute for Senate Bill No. 23, acts of the Legislature, regular session, one thousand nine hundred seventy-five, known as the “Budget Bill.”

WHEREAS, The Governor submitted to the Legislature the Executive Budget Document, dated January 9, 1975, which included a statement of the state fund, general revenue, setting forth therein the cash balance and investments as of July 1, 1974, and funds transferred from the Department of Welfare after the close of fiscal year 1974; and further included the estimate of revenues for fiscal year 1974-75, less net appropriation balances forwarded and regular appropriations for fiscal year 1974-75, which said regular appropriations are offset by estimated expirations for fiscal year 1974-75; and

WHEREAS, The Governor’s Executive Budget Document further included estimates of revenues for fiscal year 1975-76 of $558,-750,000 available for appropriation; and

WHEREAS, The Legislature has heretofore and during the regular session, 1975, enacted certain supplementary appropriation bills for fiscal year 1974-75 and a Budget Bill for fiscal year 1975-76, Enrolled Committee Substitute for Senate Bill No. 23, all well within the Governor’s overall estimates of available revenues thereby leaving general revenues available for further appropriation; and

WHEREAS, It thus appearing from the aforesaid and the Governor’s Executive Budget Document that a sufficient balance of general revenue is available for supplementary appropriations for the fiscal year ending June thirtieth, one thousand nine hundred seventy-six; therefore,
Be it enacted by the Legislature of West Virginia:

That Account No. 400, Enrolled Committee Substitute for Senate Bill No. 23, acts of the Legislature, regular session, one thousand nine hundred seventy-five, known as the Budget Bill, be supplemented by adding thereto the following sums to the designated line items:

1 TITLE II—APPROPRIATIONS

2 Section 1. Appropriations from General Revenue.

3 HEALTH AND WELFARE

4 61—State Health Department

5 Acct. No. 400

6 6 Local Health Services  $125,000
7 19 Nursing Home Inspection Unit  90,300
8 20 Biologics for Immunization and
9 21 Venereal Disease  135,000

10 The purpose of this bill is to supplement the aforesaid account and items therein for expenditure in the fiscal year 1975-76.

CHAPTER 73

(S. B. 590—Originating in the Senate Committee on Finance)

[Passed March 9, 1975; in effect July 1, 1975. Approved by the Governor.]

AN ACT making supplementary appropriations of public money out of the treasury from the balance of all general revenue remaining unappropriated for the fiscal year ending June thirtieth, one thousand nine hundred seventy-six, to Department of Welfare, Account No. 405, an act, Enrolled Committee Substitute for Senate Bill No. 23, enacted by the Legislature, regular session, one thousand nine hundred seventy-five, known as the budget bill.
WHEREAS, The estimated revenue in the state fund, general revenue, to be received in the fiscal year 1975-76, as contained on page V of the Executive Budget for the fiscal year 1975-76, submitted by the Governor for the 1975 regular session, totals $558,750,000; and

WHEREAS, In addition to the estimate of revenue submitted by the Governor for the 1975-76 fiscal year, there existed available for appropriation cash balances, estimated expirations, and estimated surplus revenue for the fiscal year 1974-75, all as further contained on page V of said Executive Budget; and

WHEREAS, The Legislature, basing its action upon the above estimates as duly provided by the Governor, enacted a budget bill for the fiscal year 1975-76, which bill became law, and which thereby made appropriations to various accounts of state spending units, and which as to total appropriations out of general revenues, were well within the total of all such revenues available for appropriations for the fiscal year 1975-76; and

WHEREAS, It appearing from the Governor's Executive Budget that a sufficient balance of general revenue is thus available for supplementary appropriations for the fiscal year ending June thirtieth, one thousand nine hundred seventy-six; a part of which balance is hereby appropriated by the terms of this supplementary appropriation bill; therefore,

Be it enacted by the Legislature of West Virginia:

That Account No. 405, Enrolled Committee Substitute for Senate Bill No. 23, an act of the Legislature, one thousand nine hundred seventy-five, known as the budget bill, be supplemented by adding thereto the following:

HEALTH AND WELFARE

65—Department of Welfare

Acct. No. 405

1 Personal Services $ 873,746
CHAPTER 74

(H. B. 1429—Originating in the House Committee on Finance)

[Passed March 6, 1975; in effect July 1, 1975. Disapproved by the Governor, and repassed notwithstanding his objections.]

AN ACT making a supplementary appropriation of public money out of the treasury from the balance of all general revenue remaining unappropriated for the fiscal year ending June thirtieth, one thousand nine hundred seventy-six, to the State Commission on Aging, Account No. 406, Enrolled Committee Substitute for Senate Bill No. 23, acts of the Legislature, regular session, one thousand nine hundred seventy-five, known as the "Budget Bill."

WHEREAS, The Governor submitted to the Legislature the Executive Budget Document, dated January 9, 1975, which included a statement of the state fund, general revenue, setting forth therein the cash balance and investments as of July 1, 1974, and funds transferred from the Department of Welfare after the close of fiscal year 1974; and further included the estimate of revenues for fiscal year 1974-75, less net appropriation balances forwarded and regular appropriations for fiscal year 1974-75, which said regular appropriations are offset by estimated expirations for fiscal year 1974-75; and

WHEREAS, The Governor's Executive Budget Document further included estimates of revenues for fiscal year 1975-76 of $558,750,000 available for appropriation; and

WHEREAS, The Legislature has heretofore and during the regular session, 1975, enacted certain supplementary appropriation bills for fiscal year 1974-75 and a Budget Bill for fiscal year 1975-76, Enrolled Committee Substitute for Senate Bill No. 23, all well within the Governor's overall estimates of available revenues thereby leaving general revenues available for further appropriation; and

WHEREAS, It thus appearing from the aforesaid and the Governor's Executive Budget Document that a sufficient balance of general revenue is available for supplementary appropriations for the fiscal year ending June thirtieth, one thousand nine hundred seventy-six; therefore,
Be it enacted by the Legislature of West Virginia:

That Account No. 406, Enrolled Committee Substitute for Senate Bill No. 23, acts of the Legislature, regular session, one thousand nine hundred seventy-five, known as the Budget Bill, be supplemented by adding thereto the following sums to the designated line items:

1 TITLE II—APPROPRIATIONS

2 Section 1. Appropriations from General Revenue.

3 HEALTH AND WELFARE

4 66—State Commission on Aging

5 Acct. No. 406

6 3 Equipment ________________________ $ 175

7 4 Programs for Elderly ____________________ 30,000

8 The purpose of this bill is to supplement the aforesaid account and items therein for expenditure in the fiscal year 1975-76.

CHAPTER 75
(S. B. 595—Originating in the Senate Committee on Finance)

[Passed March 9, 1975; in effect July 1, 1975. Approved by the Governor.]

AN ACT making supplementary appropriations of public money out of the treasury from the balance of all general revenue remaining unappropriated for the fiscal year ending June thirtieth, one thousand nine hundred seventy-six, to Department of Mental Health, Account No. 410, an act, Enrolled Committee Substitute for Senate Bill No. 23, enacted by the Legislature, regular session, one thousand nine hundred seventy-five, known as the budget bill.
WHEREAS, The estimated revenue in the state fund, general revenue, to be received in the fiscal year 1975-76, as contained on page V of the Executive Budget for the fiscal year 1975-76, submitted by the Governor for the 1975 regular session, totals $558,750,000; and

WHEREAS, In addition to the estimate of revenue submitted by the Governor for the 1975-76 fiscal year, there existed available for appropriation cash balances, estimated expirations, and estimated surplus revenue for the fiscal year 1974-75, all as further contained on page V of said Executive Budget; and

WHEREAS, The Legislature, basing its action upon the above estimates as duly provided by the Governor, enacted a budget bill for the fiscal year 1975-76, which bill became law, and which thereby made appropriations to various accounts of state spending units, and which as to total appropriations out of general revenues, were well within the total of all such revenues available for appropriations for the fiscal year 1975-76; and

WHEREAS, It appearing from the Governor's Executive Budget that a sufficient balance of general revenue is thus available for supplementary appropriations for the fiscal year ending June thirtieth, one thousand nine hundred seventy-six; a part of which balance is hereby appropriated by the terms of this supplementary appropriation bill; therefore,

Be it enacted by the Legislature of West Virginia:

That Account No. 410, Enrolled Committee Substitute for Senate Bill No. 23, an act of the Legislature, one thousand nine hundred seventy-five, known as the budget bill, be supplemented by adding thereto the following:

69—Department of Mental Health

Acct. No. 410

10 Logan-Mingo Area Mental Health Center .......... $1,200,000
CHAPTER 76

(H. B. 1418—Originating in the House Committee on Finance)

[Passed March 9, 1975; in effect July 1, 1975. Disapproved by the Governor, and repassed notwithstanding his objections.]

AN ACT making a supplementary appropriation of public money out of the treasury from the balance of all general revenue remaining unappropriated for the fiscal year ending June thirtieth, one thousand nine hundred seventy-six, to the Department of Mental Health, Account No. 410, Enrolled Committee Substitute for Senate Bill No. 23, acts of the Legislature, regular session, one thousand nine hundred seventy-five, known as the "Budget Bill."

WHEREAS, The Governor submitted to the Legislature the Executive Budget Document, dated January 9, 1975, which included a statement of the state fund, general revenue, setting forth therein the cash balance and investments as of July 1, 1974, and funds transferred from the Department of Welfare after the close of fiscal year 1974; and further included the estimate of revenues for fiscal year 1974-75, less net appropriation balances forwarded and regular appropriations for fiscal year 1974-75, which said regular appropriations are offset by estimated expirations for fiscal year 1974-75; and

WHEREAS, The Governor's Executive Budget Document further included estimates of revenues for fiscal year 1975-76 of $558,750,000 available for appropriation; and

WHEREAS, The Legislature has heretofore and during the regular session, 1975, enacted certain supplementary appropriation bills for fiscal year 1974-75 and a Budget Bill for fiscal year 1975-76, Enrolled Committee Substitute for Senate Bill No. 23, all well within the Governor's overall estimates of available revenues thereby leaving general revenues available for further appropriation; and

WHEREAS, It thus appearing from the aforesaid and the Governor's Executive Budget Document that a sufficient balance of general revenue is available for supplementary appropriations for the fiscal year ending June thirtieth, one thousand nine hundred seventy-six; therefore,
Be it enacted by the Legislature of West Virginia:

That Account No. 410, Enrolled Committee Substitute for Senate Bill No. 23, acts of the Legislature, regular session, one thousand nine hundred seventy-five, known as the Budget Bill, be supplemented by adding thereto the following sums to the designated line items:

1 TITLE II—APPROPRIATIONS
2 Section 1. Appropriations from General Revenue.
3 HEALTH AND WELFARE
4 69—Department of Mental Health
5 Acct. No. 410
6 7 Community Mental Retardation Program $ 200,000
7 9 Community Mental Health Programs 800,000
8 The purpose of this bill is to supplement the aforesaid account and items therein for expenditure in the fiscal year 1975-76.

CHAPTER 77
(Com. Sub. for H. B. 1410—By Mr. Weastreet, and Mr. Damron, 10th Dist.)

[Passed March 9, 1975; in effect July 1, 1975. Disapproved by the Governor, and repassed notwithstanding his objections.]

AN ACT making a supplementary appropriation of public money out of the treasury from the balance of all general revenue remaining unappropriated for the fiscal year ending June thirtieth, one thousand nine hundred seventy-six, to the State Board of Education—Rehabilitation Division, Account No. 440, Enrolled Committee Substitute for Senate Bill No. 23, acts of the Legislature, regular session, one thousand nine hundred seventy-five, known as the "Budget Bill."

WHEREAS, The Governor submitted to the Legislature the Executive Budget Document, dated January 9, 1975, which included a
statement of the state fund, general revenue, setting forth therein
the cash balance and investments as of July 1, 1974, and funds
transferred from the Department of Welfare after the close of
fiscal year 1974; and further included the estimate of revenues for
fiscal year 1974-75, less net appropriation balances forwarded and
regular appropriations for fiscal year 1974-75, which said regular
appropriations are offset by estimated expirations for fiscal year
1974-75; and

WHEREAS, The Governor's Executive Budget Document further in­
cluded estimates of revenues for fiscal year 1975-76 of $558,750,000
available for appropriation; and

WHEREAS, The Legislature has heretofore and during the regular
session, 1975, enacted certain supplementary appropriation bills for
fiscal year 1974-75 and a Budget Bill for fiscal year 1975-76,
Enrolled Committee Substitute for Senate Bill No. 23, all well within
the Governor's overall estimates of available revenues thereby leav­
ing general revenues available for further appropriation; and

WHEREAS, It thus appearing from the aforesaid and the Governor's
Executive Budget Document that a sufficient balance of general
revenue is available for supplementary appropriations for the fiscal
year ending June thirtieth, one thousand nine hundred seventy-six;
therefore,

Be it enacted by the Legislature of West Virginia:

That Account No. 440, Enrolled Committee Substitute for Senate
Bill No. 23, acts of the Legislature, regular session, one thousand
nine hundred seventy-five, known as the Budget Bill, be supplemented
by adding thereto the following sums to the designated line items:

--- TITLE II—APPROPRIATIONS ---

Section 1.  Appropriations from General Revenue.

HEALTH AND WELFARE

85—State Board of Education—Rehabilitation Division

Acct. No. 440

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<thead>
<tr>
<th>1</th>
<th>Personal Services</th>
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<td>2</td>
<td>Current Expenses</td>
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AN ACT making supplementary appropriations of public money out of the treasury from the balance of all general revenue remaining unappropriated for the fiscal year ending June thirtieth, one thousand nine hundred seventy-six, to Department of Mines, Account No. 460, an act, Enrolled Committee Substitute for Senate Bill No. 23, enacted by the Legislature, regular session, one thousand nine hundred seventy-five, known as the budget bill.

WHEREAS, The estimated revenue in the state fund, general revenue, to be received in the fiscal year 1975-76, as contained on page V of the Executive Budget for the fiscal year 1975-76, submitted by the Governor for the 1975 regular session, totals $558,750,000; and

WHEREAS, In addition to the estimate of revenue submitted by the Governor for the 1975-76 fiscal year, there existed available for appropriation cash balances, estimated expirations, and estimated surplus revenue for the fiscal year 1974-75, all as further contained on page V of said Executive Budget; and

WHEREAS, The Legislature, basing its action upon the above estimates as duly provided by the Governor, enacted a budget bill for the fiscal year 1975-76, which bill became law, and which thereby made appropriations to various accounts of state spending units, and which as to total appropriations out of general revenues, were well within the total of all such
revenues available for appropriations for the fiscal year 1975-76; and

WHEREAS, It appearing from the Governor's Executive Budget that a sufficient balance of general revenue is thus available for supplementary appropriations for the fiscal year ending June thirtieth, one thousand nine hundred seventy-six; a part of which balance is hereby appropriated by the terms of this supplementary appropriation bill; therefore,

Be it enacted by the Legislature of West Virginia:

That Account No. 460, Enrolled Committee Substitute for Senate Bill No. 23, an act of the Legislature, one thousand nine hundred seventy-five, known as the budget bill, be supplemented by adding thereto the following:

BUSINESS AND INDUSTRIAL RELATIONS

88—Department of Mines

Acct. No. 460

1 Personal Services ........................................... $165,000

The above appropriation for "Personal Services" shall be used to implement Senate Bill No. 246, 1975 regular session of the Legislature.

CHAPTER 79

(H. B. 1427—Originating in the House Committee on Finance)

[Passed March 9, 1975; in effect July 1, 1975. Approved by the Governor.]

AN ACT making a supplementary appropriation of public money out of the treasury from the balance of all general revenue remaining unappropriated for the fiscal year ending June thirtieth, one thousand nine hundred seventy-six, to the Department of Commerce, Account No. 465, Enrolled Committee Substitute for Senate Bill No. 23, acts of the Legislature, regular session, one thousand nine hundred seventy-five, known as the "Budget Bill."
WHEREAS, The Governor submitted to the Legislature the Executive Budget Document, dated January 9, 1975, which included a statement of the state fund, general revenue, setting forth therein the cash balance and investments as of July 1, 1974, and funds transferred from the Department of Welfare after the close of fiscal year 1974; and further included the estimate of revenues for fiscal year 1974-75, less net appropriation balances forwarded and regular appropriations for fiscal year 1974-75, which said regular appropriations are offset by estimated expirations for fiscal year 1974-75; and

WHEREAS, The Governor's Executive Budget Document further included estimates of revenues for fiscal year 1975-76 of $558,750,000 available for appropriation; and

WHEREAS, The Legislature has heretofore and during the regular session, 1975, enacted certain supplementary appropriation bills for fiscal year 1974-75 and a Budget Bill for fiscal year 1975-76, Enrolled Committee Substitute for Senate Bill No. 23, all well within the Governor's overall estimates of available revenues thereby leaving general revenues available for further appropriation; and

WHEREAS, It thus appearing from the aforesaid and the Governor's Executive Budget Document that a sufficient balance of general revenue is available for supplementary appropriations for the fiscal year ending June thirtieth, one thousand nine hundred seventy-six; therefore,

Be it enacted by the Legislature of West Virginia:

That Account No. 465, Enrolled Committee Substitute for Senate Bill No. 23, acts of the Legislature, regular session, one thousand nine hundred seventy-five, known as the Budget Bill, be supplemented by adding thereto the following sum to the designated line item:

1 TITLE II—APPROPRIATIONS

2 Section 1. Appropriations from General Revenue.

3 BUSINESS AND INDUSTRIAL RELATIONS

4 89—Department of Commerce

5 Acct. No. 465

6 26 Independence Hall, Wheeling, West Virginia....$773,000
The purpose of this bill is to supplement the aforesaid account and item therein for expenditure in the fiscal year 1975-76.

CHAPTER 80
(H. B. 1432—Originating in the House Committee on Finance)

[Passed March 8, 1975; in effect July 1, 1975. Approved by the Governor.]

AN ACT making a supplementary appropriation of public money out of the treasury from the balance of all general revenue remaining unappropriated for the fiscal year ending June thirtieth, one thousand nine hundred seventy-six, to the Department of Commerce, Account No. 465, Enrolled Committee Substitute for Senate Bill No. 23, acts of the Legislature, regular session, one thousand nine hundred seventy-five, known as the "Budget Bill."

WHEREAS, The Governor submitted to the Legislature the Executive Budget Document, dated January 9, 1975, which included a statement of the state fund, general revenue, setting forth therein the cash balance and investments as of July 1, 1974, and funds transferred from the Department of Welfare after the close of fiscal year 1974; and further included the estimate of revenues for fiscal year 1974-75, less net appropriation balances forwarded and regular appropriations for fiscal year 1974-75, which said regular appropriations are offset by estimated expirations for fiscal year 1974-75; and

WHEREAS, The Governor's Executive Budget Document further included estimates of revenues for fiscal year 1975-76 of $558,750,000 available for appropriation; and

WHEREAS, The Legislature has heretofore and during the regular session, 1975, enacted certain supplementary appropriation bills for fiscal year 1974-75 and a Budget Bill for fiscal year 1975-76, Enrolled Committee Substitute for Senate Bill No. 23, all well within the Governor's overall estimates of available revenues thereby leaving general revenues available for further appropriation; and

WHEREAS, It thus appearing from the aforesaid and the Governor's
Executive Budget Document that a sufficient balance of general revenue is available for supplementary appropriations for the fiscal year ending June thirtieth, one thousand nine hundred seventy-six; therefore,

Be it enacted by the Legislature of West Virginia:

That Account No. 465, Enrolled Committee Substitute for Senate Bill No. 23, acts of the Legislature, regular session, one thousand nine hundred seventy-five, known as the Budget Bill, be supplemented by adding thereto the following sum to the designated line item:

1 TITLE II—APPROPRIATIONS
2 Section 1. Appropriations from General Revenue.
3 BUSINESS AND INDUSTRIAL RELATIONS
4 89—Department of Commerce
5 Acct. No. 465
6 11 Mothers Day Founders Festival $10,000
7 The purpose of this bill is to supplement the aforesaid account and item therein for expenditure in the fiscal year 1975-76.

CHAPTER 81
(S. B. 607—Originating in the Senate Committee on Finance)

[Passed April 13, 1975; in effect July 1, 1975. Approved by the Governor.]

AN ACT making supplementary appropriations of public money out of the treasury from the balance of all general revenue remaining unappropriated for the fiscal year ending June thirtieth, one thousand nine hundred seventy-six, to Department of Commerce, Account No. 465, an act, Enrolled Committee Substitute for Senate Bill No. 23, enacted by the Legislature, regular session, one thousand nine hundred seventy-five, known as the budget bill.
WHEREAS, The estimated revenue in the state fund, general revenue, to be received in the fiscal year 1975-76, as contained on page V of the Executive Budget for the fiscal year 1975-76, submitted by the Governor for the 1975 regular session, totals $558,750,000; and

WHEREAS, In addition to the estimate of revenue submitted by the Governor for the 1975-76 fiscal year, there existed available for appropriation cash balances, estimated expirations, and estimated surplus revenue for the fiscal year 1974-75, all as further contained on page V of said Executive Budget; and

WHEREAS, The Legislature, basing its action upon the above estimates as duly provided by the Governor, enacted a budget bill for the fiscal year 1975-76, which bill became law, and which thereby made appropriations to various accounts of state spending units, and which as to total appropriations out of general revenues, were well within the total of all such revenues available for appropriations for the fiscal year 1975-76; and

WHEREAS, It appearing from the Governor's Executive Budget that a sufficient balance of general revenue is thus available for supplementary appropriations for the fiscal year ending June thirtieth, one thousand nine hundred seventy-six; a part of which balance is hereby appropriated by the terms of this supplementary appropriation bill; therefore,

Be it enacted by the Legislature of West Virginia:

That Account No. 465, Enrolled Committee Substitute for Senate Bill No. 23, an act of the Legislature, one thousand nine hundred seventy-five, known as the budget bill, be supplemented by adding thereto the following:

Department of Commerce

Acct. No. 465

Personal Services .............................................. $ 15,398
Current Expenses ................................................. 6,000
West Virginia's Participation in American Bicentennial ................................. 300,000
AN ACT making supplementary appropriations of public money out of the treasury from the balance of all general revenue remaining unappropriated for the fiscal year ending June thirtieth, one thousand nine hundred seventy-six, to Department of Agriculture, Account No. 510, an act, Enrolled Committee Substitute for Senate Bill No. 23, enacted by the Legislature, regular session, one thousand nine hundred seventy-five, known as the "Budget Bill."

WHEREAS, The estimated revenue in the state fund, general revenue, to be received in the fiscal year 1975-76, as contained on page V of the Executive Budget for the fiscal year 1975-76, submitted by the Governor for the 1975 regular session, totals $558,750,000; and

WHEREAS, In addition to the estimate of revenue submitted by the Governor for the 1975-76 fiscal year, there existed available for appropriation cash balances, estimated expirations, and estimated surplus revenue for the fiscal year 1974-75, all as further contained on page V of said Executive Budget; and

WHEREAS, The Legislature, basing its action upon the above estimates as duly provided by the Governor, enacted a budget bill for the fiscal year 1975-76, which bill became law, and which thereby made appropriations to various accounts of state spending units, and which as to total appropriations out of general revenues, were well within the total of all such revenues available for appropriations for the fiscal year 1975-76; and

WHEREAS, It appearing from the Governor's Executive Budget that a sufficient balance of general revenue is thus available for supplementary appropriations for the fiscal year ending June thirtieth, one thousand nine hundred seventy-six; a part of which balance is hereby appropriated by the terms of this supplementary appropriation bill; therefore,
Be it enacted by the Legislature of West Virginia:

That Account No. 510, Enrolled Committee Substitute for Senate Bill No. 23, an act of the Legislature, one thousand nine hundred seventy-five, known as the Budget Bill, be supplemented by adding thereto the following:

**Agriculture**

103—Department of Agriculture

Acct. No. 510

2 Other Personal Services $28,000

3 Current Expenses 10,000

8 Total $38,000

**CHAPTER 83**

(S. B. 564—Originating in the Senate Committee on Finance)

[Passed March 5, 1975; in effect July 1, 1975. Disapproved by the Governor, and repassed notwithstanding his objections.]

AN ACT making supplementary appropriations of public money out of the treasury from the balance of all general revenue remaining unappropriated for the fiscal year ending June thirtieth, one thousand nine hundred seventy-six, to Geological and Economic Survey Commission, Account No. 520, an act, Enrolled Committee Substitute for Senate Bill No. 23, enacted by the Legislature, regular session, one thousand nine hundred seventy-five, known as the “Budget Bill.”

WHEREAS, The estimated revenue in the state fund, general revenue, to be received in the fiscal year 1975-76, as contained on page V of the Executive Budget for the fiscal year 1975-76, submitted by the Governor for the 1975 regular session, totals $558,750,000; and
WHEREAS, In addition to the estimate of revenue submitted by the Governor for the 1975-76 fiscal year, there existed available for appropriation cash balances, estimated expirations, and estimated surplus revenue for the fiscal year 1974-75, all as further contained on page V of said Executive Budget; and

WHEREAS, The Legislature, basing its action upon the above estimates as duly provided by the Governor, enacted a budget bill for the fiscal year 1975-76, which bill became law, and which thereby made appropriations to various accounts of state spending units, and which as to total appropriations out of general revenues, were well within the total of all such revenues available for appropriations for the fiscal year 1975-76; and

WHEREAS, It appearing from the Governor's Executive Budget that a sufficient balance of general revenue is thus available for supplementary appropriations for the fiscal year ending June thirtieth, one thousand nine hundred seventy-six; a part of which balance is hereby appropriated by the terms of this supplementary appropriation bill; therefore,

Be it enacted by the Legislature of West Virginia:

That Account No. 520, Enrolled Committee Substitute for Senate Bill No. 23, an act of the Legislature, one thousand nine hundred seventy-five, known as the Budget Bill, be supplemented by adding thereto the following:

CONSERVATION AND DEVELOPMENT

108—Geological and Economic Survey Commission

Acct. No. 520

2 Current Expenses .......................................................... $ 43,059

6 Coal Quality and Reserve Study .................................. 80,000

7 Archaeological Investigations ...................................... 30,000

8 Total ................................................................. $153,059
CHAPTER 84
(S. B. 600—Originating in the Senate Committee on Finance)

[Passed March 9, 1975; in effect July 1, 1975. Approved by the Governor.]

AN ACT making supplementary appropriations of public money out of the treasury from the balance of all general revenue remaining unappropriated for the fiscal year ending June thirtieth, one thousand nine hundred seventy-six, to Department of Natural Resources, Account No. 565, an act, Enrolled Committee Substitute for Senate Bill No. 23, enacted by the Legislature, regular session, one thousand nine hundred seventy-five, known as the budget bill.

WHEREAS, The estimated revenue in the state fund, general revenue, to be received in the fiscal year 1975-76, as contained on page V of the Executive Budget for the fiscal year 1975-76, submitted by the Governor for the 1975 regular session, totals $558,750,000; and

WHEREAS, In addition to the estimate of revenue submitted by the Governor for the 1975-76 fiscal year, there existed available for appropriation cash balances, estimated expirations, and estimated surplus revenue for the fiscal year 1974-75, all as further contained on page V of said Executive Budget; and

WHEREAS, The Legislature, basing its action upon the above estimates as duly provided by the Governor, enacted a budget bill for the fiscal year 1975-76, which bill became law, and which thereby made appropriations to various accounts of state spending units, and which as to total appropriations out of general revenues, were well within the total of all such revenues available for appropriations for the fiscal year 1975-76; and

WHEREAS, It appearing from the Governor's Executive Budget that a sufficient balance of general revenue is thus available for supplementary appropriations for the fiscal year ending June thirtieth, one thousand nine hundred seventy-six; a part of which balance is hereby appropriated by the terms of this supplementary appropriation bill; therefore,
Be it enacted by the Legislature of West Virginia:

That Account No. 565, Enrolled Committee Substitute for Senate Bill No. 23, an act of the Legislature, one thousand nine hundred seventy-five, known as the budget bill, be supplemented by adding thereto the following:

CONSERVATION AND DEVELOPMENT

109—Department of Natural Resources

Acct. No. 565

14 French Creek Game Farm .................. $75,000

CHAPTER 85

(S. B. 587—Originating in the Senate Committee on Finance)

[Passed March 9, 1975; in effect July 1, 1975. Approved by the Governor.]

AN ACT making supplementary appropriations of public money out of the treasury from the balance of all general revenue remaining unappropriated for the fiscal year ending June thirtieth, one thousand nine hundred seventy-six, to the Public Land Corporation, Account No. 566, an act, Enrolled Committee Substitute for Senate Bill No. 23, enacted by the Legislature, regular session, one thousand nine hundred seventy-five, known as the budget bill.

WHEREAS, The estimated revenue in the state fund, general revenue, to be received in the fiscal year 1975-76, as contained on page V of the Executive Budget for the fiscal year 1975-76, submitted by the Governor for the 1975 regular session, totals $558,750,000; and

WHEREAS, In addition to the estimate of revenue submitted by the Governor for the 1975-76 fiscal year, there existed available for appropriation cash balances, estimated expirations, and estimated surplus revenue for the fiscal year 1974-75, all as further contained on page V of said Executive Budget; and

WHEREAS, The Legislature, basing its action upon the above
estimates as duly provided by the Governor, enacted a budget bill for the fiscal year 1975-76, which bill became law, and which thereby made appropriations to various accounts of state spending units, and which as to total appropriations out of general revenues, were well within the total of all such revenues available for appropriations for the fiscal year 1975-76; and

WHEREAS, It appearing from the Governor's Executive Budget that a sufficient balance of general revenue is thus available for supplementary appropriations for the fiscal year ending June thirtieth, one thousand nine hundred seventy-six; a part of which balance is hereby appropriated by the terms of this supplementary appropriation bill; therefore,

Be it enacted by the Legislature of West Virginia:

That Account No. 566, Enrolled Committee Substitute for Senate Bill No. 23, an act of the Legislature, one thousand nine hundred seventy-five, known as the budget bill, be supplemented by adding thereto the following:

110—Public Land Corporation

Acct. No. 566

1 Blennerhassett Island Development .......... $2,640,000

All or any appropriations to this account for Blennerhassett Island may be transferred to the account of the Blennerhassett Historical Park Commission or such other agency as may be engaged in the development of Blennerhassett Island as an historical park upon the requisition of the Governor.

CHAPTER 86

(H. B. 1425—Originating in the House Committee on Finance)

[Passed March 9, 1975; in effect July 1, 1975. Approved by the Governor.]

AN ACT making a supplementary appropriation of public money out of the treasury from the balance of all general revenue remaining
unappropriated for the fiscal year ending June thirtieth, one thousand nine hundred seventy-six, to the Department of Public Safety, Account No. 570, Enrolled Committee Substitute for Senate Bill No. 23, acts of the Legislature, regular session, one thousand nine hundred seventy-five, known as the "Budget Bill."

WHEREAS, The Governor submitted to the Legislature the Executive Budget Document, dated January 9, 1975, which included a statement of the state fund, general revenue, setting forth therein the cash balance and investments as of July 1, 1974, and funds transferred from the Department of Welfare after the close of fiscal year 1974; and further included the estimate of revenues for fiscal year 1974-75, less net appropriation balances forwarded and regular appropriations for fiscal year 1974-75, which said regular appropriations are offset by estimated expirations for fiscal year 1974-75; and

WHEREAS, The Governor's Executive Budget Document further included estimates of revenues for fiscal year 1975-76 of $558,750,000 available for appropriation; and

WHEREAS, The Legislature has heretofore and during the regular session, 1975, enacted certain supplementary appropriation bills for fiscal year 1974-75 and a Budget Bill for fiscal year 1975-76, Enrolled Committee Substitute for Senate Bill No. 23, all well within the Governor's overall estimates of available revenues thereby leaving general revenues available for further appropriation; and

WHEREAS, It thus appearing from the aforesaid and the Governor's Executive Budget Document that a sufficient balance of general revenue is available for supplementary appropriations for the fiscal year ending June thirtieth, one thousand nine hundred seventy-six; therefore,

Be it enacted by the Legislature of West Virginia:

That Account No. 570, Enrolled Committee Substitute for Senate Bill No. 23, acts of the Legislature, regular session, one thousand nine hundred seventy-five, known as the Budget Bill, be supplemented by adding thereto the following sums to the designated line items:
AN ACT making supplementary appropriations of public money out of the treasury from the balance of all general revenue remaining unappropriated for the fiscal year ending June thirtieth, one thousand nine hundred seventy-six, to Adjutant General—State Militia, Account No. 580, an act, Enrolled Committee Substitute for Senate Bill No. 23, enacted by the Legislature, regular session, one thousand nine hundred seventy-five, known as the "Budget Bill."

WHEREAS, The estimated revenue in the state fund, general revenue, to be received in the fiscal year 1975-76, as contained on page V of the Executive Budget for the fiscal year 1975-76, submitted by the Governor for the 1975 regular session, totals $558,750,000; and

WHEREAS, In addition to the estimate of revenue submitted by the Governor for the 1975-76 fiscal year, there existed available for appropriation cash balances, estimated expirations, and estimated surplus revenue for the fiscal year 1975-76, all as further contained on page V of said Executive Budget; and

WHEREAS, The Legislature, basing its action upon the above estimates as duly provided by the Governor, enacted a budget bill for the fiscal year 1975-76, which bill became law, and which thereby made appropriations to various accounts of
state spending units, and which as to total appropriations out of general revenues, were well within the total of all such revenues available for appropriations for the fiscal year 1975-76; and

WHEREAS, It appearing from the Governor's Executive Budget that a sufficient balance of general revenue is thus available for supplementary appropriations for the fiscal year ending June thirtieth, one thousand nine hundred seventy-six; a part of which balance is hereby appropriated by the terms of this supplementary appropriation bill; therefore,

Be it enacted by the Legislature of West Virginia:

That Account No. 580, Enrolled Committee Substitute for Senate Bill No. 23, an act of the Legislature, one thousand nine hundred seventy-five, known as the Budget Bill, be supplemented by adding thereto the following:

PROTECTION

113—Adjutant General—State Militia

Acct. No. 580

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CHAPTER 88

(S. B. 599—Originating in the Senate Committee on Finance)

[Passed March 9, 1975; in effect July 1, 1975. Disapproved by the Governor, and repassed notwithstanding his objections.]

AN ACT making supplementary appropriations of public money out of the treasury from the balance of all general revenue remaining unappropriated for the fiscal year ending June thirtieth, one thousand nine hundred seventy-six, to the Human Rights Commission, Account No. 598, an act, Enrolled Committee Substitute for Senate Bill No. 23,
enacted by the Legislature, regular session, one thousand nine hundred seventy-five, known as the budget bill.

WHEREAS, The estimated revenue in the state fund, general revenue, to be received in the fiscal year 1975-76, as contained on page V of the Executive Budget for the fiscal year 1975-76, submitted by the Governor for the 1975 regular session, totals $558,750,000; and

WHEREAS, In addition to the estimate of revenue submitted by the Governor for the 1975-76 fiscal year, there existed available for appropriation cash balances, estimated expirations, and estimated surplus revenue for the fiscal year 1974-75, all as further contained on page V of said Executive Budget; and

WHEREAS, The Legislature, basing its action upon the above estimates as duly provided by the Governor, enacted a budget bill for the fiscal year 1975-76, which bill became law, and which thereby made appropriations to various accounts of state spending units, and which as to total appropriations out of general revenues, were well within the total of all such revenues available for appropriations for the fiscal year 1975-76; and

WHEREAS, It appearing from the Governor’s Executive Budget that a sufficient balance of general revenue is thus available for supplementary appropriations for the fiscal year ending June thirtieth, one thousand nine hundred seventy-six; a part of which balance is hereby appropriated by the terms of this supplementary appropriation bill; therefore,

Be it enacted by the Legislature of West Virginia:

That Account No. 598, Enrolled Committee Substitute for Senate Bill No. 23, an act of the Legislature, one thousand nine hundred seventy-five, known as the budget bill, be supplemented by adding thereto the following:

PROTECTION
125—Human Rights Commission
Acct. No. 598

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</tbody>
</table>
AN ACT making supplementary appropriations of public money out of the treasury from the balance of all general revenue remaining unappropriated for the fiscal year ending June thirtieth, one thousand nine hundred seventy-six, to the West Virginia Public Employees Retirement Board, Account No. 614, an act, Enrolled Committee Substitute for Senate Bill No. 23, enacted by the Legislature, regular session, one thousand nine hundred seventy-five, known as the "Budget Bill."

WHEREAS, The estimated revenue in the state fund, general revenue, to be received in the fiscal year 1975-76, as contained on page V of the Executive Budget for the fiscal year 1975-76, submitted by the Governor for the 1975 regular session, totals $558,750,000; and

WHEREAS, In addition to the estimate of revenue submitted by the Governor for the 1975-76 fiscal year, there existed available for appropriation cash balances, estimated expirations, and estimated surplus revenue for the fiscal year 1974-75, all as further contained on page V of said Executive Budget; and

WHEREAS, The Legislature, basing its action upon the above estimates as duly provided by the Governor, enacted a budget bill for the fiscal year 1975-76, which bill became law, and which thereby made appropriations to various accounts of state spending units, and which as to total appropriations out of general revenues, were well within the total of all such revenues available for appropriations for the fiscal year 1975-76; and

WHEREAS, It appearing from the Governor's Executive Budget that a sufficient balance of general revenue is thus available
for supplementary appropriations for the fiscal year ending June thirtieth, one thousand nine hundred seventy-six; a part of which balance is hereby appropriated by the terms of this supplementary appropriation bill; therefore,

**Be it enacted by the Legislature of West Virginia:**

That Account No. 614, Enrolled Committee Substitute for Senate Bill No. 23, an act of the Legislature, one thousand nine hundred seventy-five, known as the Budget Bill, be supplemented by adding thereto the following:

**PROTECTION**

127—*West Virginia Public Employees Retirement Board*

Acct. No. 614

<table>
<thead>
<tr>
<th>1 Employers Accumulation Fund</th>
<th>$5,770,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 Expense Fund</td>
<td>85,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$5,855,000</strong></td>
</tr>
</tbody>
</table>

4 The above appropriation is intended to cover the state's share of the West Virginia Public Employee's Retirement cost in accordance with Chapter 5, Article 10 of the Code of West Virginia for those departments operating from General Revenue Fund. The State Department of Highways, Department of Motor Vehicles, State Tax Department—Gasoline Tax Division, Workers' Compensation Commission, Public Service Commission, and other departments operating from Special Revenue Funds and/or Federal Funds shall pay their proportionate share of the retirement costs for their respective divisions. When specific appropriations are not made such payments may be made from the balances in the various Special Revenue Funds in excess of specific appropriations.
AN ACT making a supplementary appropriation of public money out of the treasury from the State Road Fund, to the State Department of Highways, for the fiscal year ending June thirtieth, one thousand nine hundred seventy-six, Account No. 670, an act, Enrolled Committee Substitute for Senate Bill No. 23, enacted by the Legislature, regular session, one thousand nine hundred seventy-five, known as the budget bill.

WHEREAS, The Governor's Executive Budget for the fiscal year 1975-76, page IV, reflected estimated revenues in the state road fund available for appropriation for said fiscal year in the amount of $425,486,000; and

WHEREAS, The Legislature, in the aforesaid budget bill made appropriations out of the state road fund in the amount of $3,308,144, thereby reducing the amount available for appropriation out of such fund to $422,177,856; and

WHEREAS, The Governor, in his proposed budget bill for the fiscal year 1975-76 recommended certain appropriations, itemizations, and language of appropriation for Account No. 670, State Department of Highways; and

WHEREAS, The Legislature considered the appropriations, itemizations, and language in the Governor's proposed budget bill relative to said account, and having considered same, declined to make such appropriations in the budget bill as enacted; and

WHEREAS, The amount of $422,177,856 is therefore still available for appropriation for the fiscal year 1975-76, and it is the purpose of the Legislature to make the following supplementary appropriation to the State Department of Highways out of such amount, by the terms of this supplementary appropriation bill; therefore,
Be it enacted by the Legislature of West Virginia:

That Account No. 670, Title II, Section 2, of Enrolled Committee Substitute for Senate Bill No. 23, an act of the Legislature, regular session, one thousand nine hundred seventy-five, known as the budget bill, be supplemented by the following item and language of appropriation:

Sec. 2. Appropriations from Other Funds.

130—State Department of Highways

Acct. No. 670

TO BE PAID FROM STATE ROAD FUND

1 Federal Aid Construction—Interstate

2 Program $81,300,000

It is the intent to appropriate and make available for expenditure, the balances and all revenues and income of the state road fund, including the proceeds from the sale of bonds, for the maintenance, construction and reconstruction of state roads and for other purposes in accordance with the provisions of Chapter 17, Code of West Virginia, one thousand nine hundred thirty-one, as amended.

The State Commissioner of Highways shall have the authority to operate revolving funds within the state road fund for the operation and purchase of various types of equipment used directly and indirectly in the construction and maintenance of roads and for the purchase of inventories and materials and supplies: Provided, however, That the operation of such revolving funds shall not cause expenditures in excess of the foregoing appropriations.

There is hereby appropriated, within the above line items, sufficient moneys for the payment of claims, accrued or arising during this budgetary period, to be paid in accordance with Chapter 14, Article 2, Sections 7 and 8, Code of West Virginia, one thousand nine hundred thirty-one, as amended.
AN ACT making a supplementary appropriation of public money out of the treasury from the State Road Fund, to the State Department of Highways, for the fiscal year ending June thirtieth, one thousand nine hundred seventy-six, Account No. 670, an act, Enrolled Committee Substitute for Senate Bill No. 23, enacted by the Legislature, regular session, one thousand nine hundred seventy-five, known as the budget bill.

WHEREAS, The Governor's Executive Budget for the fiscal year 1975-76, page IV, reflected estimated revenues in the state road fund available for appropriation for said fiscal year in the amount of $425,486,000; and

WHEREAS, The Legislature, in the aforesaid budget bill made appropriations out of the state road fund in the amount of $3,308,144, thereby reducing the amount available for appropriation out of such fund to $422,177,856; and

WHEREAS, The Governor, in his proposed budget bill for the fiscal year 1975-76 recommended certain appropriations, itemizations, and language of appropriation for Account No. 670, State Department of Highways; and

WHEREAS, The Legislature considered the appropriations, itemizations, and language in the Governor's proposed budget bill relative to said account, and having considered same, declined to make such appropriations in the budget bill as enacted; and

WHEREAS, The amount of $422,177,856 is therefore still available for appropriation for the fiscal year 1975-76, and it is the purpose of the Legislature to make the following supplementary appropriation to the State Department of Highways out of such amount, by the terms of this supplementary appropriation bill; therefore,
Be it enacted by the Legislature of West Virginia:

That Account No. 670, Title II, Section 2, of Enrolled Committee Substitute for Senate Bill No. 23, an act of the Legislature, regular session, one thousand nine hundred seventy-five, known as the budget bill, be supplemented by the following item and language of appropriation:

Sec. 2. Appropriations from Other Funds.

130—State Department of Highways

Acct. No. 670

TO BE PAID FROM THE STATE ROAD FUND

3 Appalachian Program $ 76,000,000

It is the intent to appropriate and make available for expenditure, the balances and all revenues and income of the state road fund, including the proceeds from the sale of bonds, for the maintenance, construction and reconstruction of state roads and for other purposes in accordance with the provisions of Chapter 17, Code of West Virginia, one thousand nine hundred thirty-one, as amended.

The State Commissioner of Highways shall have the authority to operate revolving funds within the state road fund for the operation and purchase of various types of equipment used directly and indirectly in the construction and maintenance of roads and for the purchase of inventories and materials and supplies: Provided, however, That the operation of such revolving funds shall not cause expenditures in excess of the foregoing appropriations.

There is hereby appropriated, within the above line items, sufficient moneys for the payment of claims, accrued or arising during this budgetary period, to be paid in accordance with Chapter 14, Article 2, Sections 7 and 8, Code of West Virginia, one thousand nine hundred thirty-one, as amended.
CHAPTER 92
(S. B. 577—Originating in the Senate Committee on Finance)

[Passed March 8, 1975; in effect July 1, 1975. Disapproved by the Governor, and repassed notwithstanding his objections.]

AN ACT making a supplementary appropriation of public money out of the treasury from the State Road Fund, to the State Department of Highways, for the fiscal year ending June thirtieth, one thousand nine hundred seventy-six, Account No. 670, an act, Enrolled Committee Substitute for Senate Bill No. 23, enacted by the Legislature, regular session, one thousand nine hundred seventy-five, known as the budget bill.

WHEREAS, The Governor's Executive Budget for the fiscal year 1975-76, page IV, reflected estimated revenues in the state road fund available for appropriation for said fiscal year in the amount of $425,486,000; and

WHEREAS, The Legislature, in the aforesaid budget bill made appropriations out of the state road fund in the amount of $3,308,144, thereby reducing the amount available for appropriation out of such fund to $422,177,856; and

WHEREAS, The Governor, in his proposed budget bill for the fiscal year 1975-76 recommended certain appropriations, itemizations, and language of appropriation for Account No. 670, State Department of Highways; and

WHEREAS, The Legislature considered the appropriations, itemizations, and language in the Governor's proposed budget bill relative to said account, and having considered same, declined to make such appropriations in the budget bill as enacted; and

WHEREAS, The amount of $422,177,856 is therefore still available for appropriation for the fiscal year 1975-76, and it is the purpose of the Legislature to make the following supplementary appropriation to the State Department of Highways out of such amount, by the terms of this supplementary appropriation bill; therefore,
Be it enacted by the Legislature of West Virginia:

That Account No. 670, Title II, Section 2, Enrolled Committee Substitute for Senate Bill No. 23, an act of the Legislature, regular session, one thousand nine hundred seventy-five, known as the budget bill, be supplemented by the following item and language of appropriation:

Sec. 2. Appropriations from Other Funds.

130—State Department of Highways

Acct. No. 670

TO BE PAID FROM STATE ROAD FUND

4 Other Federal Aid Programs $48,600,000

It is the intent to appropriate and make available for expenditure, the balances and all revenues and income of the state road fund, including the proceeds from the sale of bonds, for the maintenance, construction and reconstruction of state roads and for other purposes in accordance with the provisions of Chapter 17, Code of West Virginia, one thousand nine hundred thirty-one, as amended.

The State Commissioner of Highways shall have the authority to operate revolving funds within the state road fund for the operation and purchase of various types of equipment used directly and indirectly in the construction and maintenance of roads and for the purchase of inventories and materials and supplies: Provided, however, That the operation of such revolving funds shall not cause expenditures in excess of the foregoing appropriations.

There is hereby appropriated, within the above line items, sufficient moneys for the payment of claims, accrued or arising during this budgetary period, to be paid in accordance with Chapter 14, Article 2, Sections 7 and 8, Code of West Virginia, one thousand nine hundred thirty-one, as amended.
AN ACT making a supplementary appropriation of public money out of the treasury from the State Road Fund, to the State Department of Highways, for the fiscal year ending June thirtieth, one thousand nine hundred seventy-six, Account No. 670, an act, Enrolled Committee Substitute for Senate Bill No. 23, enacted by the Legislature, regular session, one thousand nine hundred seventy-five, known as the budget bill.

WHEREAS, The Governor's Executive Budget for the fiscal year 1975-76, page IV, reflected estimated revenues in the state road fund available for appropriation for said fiscal year in the amount of $425,486,000; and

WHEREAS, The Legislature, in the aforesaid budget bill made appropriations out of the state road fund in the amount of $3,308,144, thereby reducing the amount available for appropriation out of such fund to $422,177,856; and

WHEREAS, The Governor, in his proposed budget bill for the fiscal year 1975-76 recommended certain appropriations, itemizations, and language of appropriation for Account No. 670, State Department of Highways; and

WHEREAS, The Legislature considered the appropriations, itemizations, and language in the Governor's proposed budget bill relative to said account, and having considered same, declined to make such appropriations in the budget bill as enacted; and

WHEREAS, The amount of $422,177,856 is therefore still available for appropriation for the fiscal year 1975-76, and it is the purpose of the Legislature to make the following supplementary appropriation to the State Department of Highways out of such amount, by the terms of this supplementary appropriation bill; therefore,
Be it enacted by the Legislature of West Virginia:

That Account No. 670, Title II, Section 2, of Enrolled Committee Substitute for Senate Bill No. 23, an act of the Legislature, regular session, one thousand nine hundred seventy-five, known as the budget bill, be supplemented by the following item and language of appropriation:

Sec. 2. Appropriations from Other Funds.

130—State Department of Highways

Acct. No. 670

TO BE PAID FROM STATE ROAD FUND

5 Non-Federal Aid Construction $41,900,000

It is the intent to appropriate and make available for expenditure, the balances and all revenues and income of the state road fund, including the proceeds from the sale of bonds, for the maintenance, construction and reconstruction of state roads and for other purposes in accordance with the provisions of Chapter 17, Code of West Virginia, one thousand nine hundred thirty-one, as amended.

The State Commissioner of Highways shall have the authority to operate revolving funds within the state road fund for the operation and purchase of various types of equipment used directly and indirectly in the construction and maintenance of roads and for the purchase of inventories and materials and supplies: Provided, however, That the operation of such revolving funds shall not cause expenditures in excess of the foregoing appropriations.

There is hereby appropriated, within the above line items, sufficient moneys for the payment of claims, accrued or arising during this budgetary period, to be paid in accordance with Chapter 14, Article 2, Sections 7 and 8, Code of West Virginia, one thousand nine hundred thirty-one, as amended.
AN ACT making a supplementary appropriation of public money out of the treasury from the State Road Fund, to the State Department of Highways, for the fiscal year ending June thirtieth, one thousand nine hundred seventy-six, Account No. 670, an act, Enrolled Committee Substitute for Senate Bill No. 23, enacted by the Legislature, regular session, one thousand nine hundred seventy-five, known as the budget bill.

WHEREAS, The Governor's Executive Budget for the fiscal year 1975-76, page IV, reflected estimated revenues in the state road fund available for appropriation for said fiscal year in the amount of $425,486,000; and

WHEREAS, The Legislature, in the aforesaid budget bill made appropriations out of the state road fund in the amount of $3,308,144, thereby reducing the amount available for appropriation out of such fund to $422,177,856; and

WHEREAS, The Governor, in his proposed budget bill for the fiscal year 1975-76 recommended certain appropriations, itemizations, and language of appropriation for Account No. 670, State Department of Highways; and

WHEREAS, The Legislature considered the appropriations, itemizations, and language in the Governor's proposed budget bill relative to said account, and having considered same, declined to make such appropriations in the budget bill as enacted; and

WHEREAS, The amount of $422,177,856 is therefore still available for appropriation for the fiscal year 1975-76, and it is the purpose of the Legislature to make the following supplementary appropriation to the State Department of Highways out of such amount, by the terms of this supplementary appropriation bill; therefore,
Be it enacted by the Legislature of West Virginia:

That Account No. 670, Title II, Section 2, of Enrolled Committee Substitute for Senate Bill No. 23, an act of the Legislature, regular session, one thousand nine hundred seventy-five, known as the budget bill, be supplemented by the following item and language of appropriation:

Sec. 2. Appropriations from Other Funds.

130—State Department of Highways

Acct. No. 670

TO BE PAID FROM STATE ROAD FUND

6  Maintenance—Expressway, Trunkline and Feeder $ 49,500,000

It is the intent to appropriate and make available for expenditure, the balances and all revenues and income of the state road fund, including the proceeds from the sale of bonds, for the maintenance, construction and reconstruction of state roads and for other purposes in accordance with the provisions of Chapter 17, Code of West Virginia, one thousand nine hundred thirty-one, as amended.

The State Commissioner of Highways shall have the authority to operate revolving funds within the state road fund for the operation and purchase of various types of equipment used directly and indirectly in the construction and maintenance of roads and for the purchase of inventories and materials and supplies: Provided, however, That the operation of such revolving funds shall not cause expenditures in excess of the foregoing appropriations.

There is hereby appropriated, within the above line items, sufficient moneys for the payment of claims, accrued or arising during this budgetary period, to be paid in accordance with Chapter 14, Article 2, Sections 7 and 8, Code of West Virginia, one thousand nine hundred thirty-one, as amended.
CHAPTER 95
(S. B. 580—Originating in the Senate Committee on Finance)

[Passed March 8, 1975; in effect July 1, 1975. Disapproved by the Governor, and repassed notwithstanding his objections.]

AN ACT making a supplementary appropriation of public money out of the treasury from the State Road Fund, to the State Department of Highways, for the fiscal year ending June thirtieth, one thousand nine hundred seventy-six, Account No. 670, an act, Enrolled Committee Substitute for Senate Bill No. 23, enacted by the Legislature, regular session, one thousand nine hundred seventy-five, known as the budget bill.

WHEREAS, The Governor's Executive Budget for the fiscal year 1975-76, page IV, reflected estimated revenues in the state road fund available for appropriation for said fiscal year in the amount of $425,486,000; and

WHEREAS, The Legislature, in the aforesaid budget bill made appropriations out of the state road fund in the amount of $3,308,144, thereby reducing the amount available for appropriation out of such fund to $422,177,856; and

WHEREAS, The Governor, in his proposed budget bill for the fiscal year 1975-76 recommended certain appropriations, itemizations, and language of appropriation for Account No. 670, State Department of Highways; and

WHEREAS, The Legislature considered the appropriations, itemizations, and language in the Governor's proposed budget bill relative to said account, and having considered same, declined to make such appropriations in the budget bill as enacted; and

WHEREAS, The amount of $422,177,856 is therefore still available for appropriation for the fiscal year 1975-76, and it is the purpose of the Legislature to make the following supplementary appropriation to the State Department of Highways out of such amount, by the terms of this supplementary appropriation bill; therefore,
Be it enacted by the Legislature of West Virginia:

That Account No. 670, Title II, Section 2, of Enrolled Committee Substitute for Senate Bill No. 23, an act of the Legislature, regular session, one thousand nine hundred seventy-five, known as the budget bill, be supplemented by the following item and language of appropriation:

Sec. 2. Appropriations from Other Funds.

130—State Department of Highways

Acct. No. 670

TO BE PAID FROM STATE ROAD FUND

8 Maintenance—State Local Service $40,500,000

It is the intent to appropriate and make available for expenditure, the balances and all revenues and income of the state road fund, including the proceeds from the sale of bonds, for the maintenance, construction and reconstruction of state roads and for other purposes in accordance with the provisions of Chapter 17, Code of West Virginia, one thousand nine hundred thirty-one, as amended.

The State Commissioner of Highways shall have the authority to operate revolving funds within the state road fund for the operation and purchase of various types of equipment used directly and indirectly in the construction and maintenance of roads and for the purchase of inventories and materials and supplies: Provided, however, That the operation of such revolving funds shall not cause expenditures in excess of the foregoing appropriations.

There is hereby appropriated, within the above line items, sufficient moneys for the payment of claims, accrued or arising during this budgetary period, to be paid in accordance with Chapter 14, Article 2, Sections 7 and 8, Code of West Virginia, one thousand nine hundred thirty-one, as amended.
AN ACT making a supplementary appropriation of public money out of the treasury from the State Road Fund, to the State Department of Highways, for the fiscal year ending June thirtieth, one thousand nine hundred seventy-six, Account No. 670, an act, Enrolled Committee Substitute for Senate Bill No. 23, enacted by the Legislature, regular session, one thousand nine hundred seventy-five, known as the budget bill.

WHEREAS, The Governor's Executive Budget for the fiscal year 1975-76, page IV, reflected estimated revenues in the state road fund available for appropriation for said fiscal year in the amount of $425,486,000; and

WHEREAS, The Legislature, in the aforesaid budget bill made appropriations out of the state road fund in the amount of $3,308,144, thereby reducing the amount available for appropriation out of such fund to $422,177,856; and

WHEREAS, The Governor, in his proposed budget bill for the fiscal year 1975-76 recommended certain appropriations, itemizations, and language of appropriation for Account No. 670, State Department of Highways; and

WHEREAS, The Legislature considered the appropriations, itemizations, and language in the Governor's proposed budget bill relative to said account, and having considered same, declined to make such appropriations in the budget bill as enacted; and

WHEREAS, The amount of $422,177,856 is therefore still available for appropriation for the fiscal year 1975-76, and it is the purpose of the Legislature to make the following supplementary appropriation to the State Department of Highways out of such amount, by the terms of this supplementary appropriation bill; therefore,
Be it enacted by the Legislature of West Virginia:

That Account No. 670, Title II, Section 2, of Enrolled Committee Substitute for Senate Bill No. 23, an act of the Legislature, regular session, one thousand nine hundred seventy-five, known as the budget bill, be supplemented by the following item and language of appropriation:

Sec. 2. Appropriations from Other Funds.

130—State Department of Highways

Acct. No. 670

TO BE PAID FROM STATE ROAD FUND

9 General Operations .................................................. $ 24,000,000

It is the intent to appropriate and make available for expenditure, the balances and all revenues and income of the state road fund, including the proceeds from the sale of bonds, for the maintenance, construction and reconstruction of state roads and for other purposes in accordance with the provisions of Chapter 17, Code of West Virginia, one thousand nine hundred thirty-one, as amended.

The State Commissioner of Highways shall have the authority to operate revolving funds within the state road fund for the operation and purchase of various types of equipment used directly and indirectly in the construction and maintenance of roads and for the purchase of inventories and materials and supplies: Provided, however, That the operation of such revolving funds shall not cause expenditures in excess of the foregoing appropriations.

There is hereby appropriated, within the above line items, sufficient moneys for the payment of claims, accrued or arising during this budgetary period, to be paid in accordance with Chapter 14, Article 2, Sections 7 and 8, Code of West Virginia, one thousand nine hundred thirty-one, as amended.
AN ACT making a supplementary appropriation of public money out of the treasury from the State Road Fund, to the State Department of Highways, for the fiscal year ending June thirtieth, one thousand nine hundred seventy-six, Account No. 670, an act, Enrolled Committee Substitute for Senate Bill No. 23, enacted by the Legislature, regular session, one thousand nine hundred seventy-five, known as the budget bill.

WHEREAS, The Governor's Executive Budget for the fiscal year 1975-76, page IV, reflected estimated revenues in the state road fund available for appropriation for said fiscal year in the amount of $425,486,000; and

WHEREAS, The Legislature, in the aforesaid budget bill made appropriations out of the state road fund in the amount of $3,308,144, thereby reducing the amount available for appropriation out of such fund to $422,177,856; and

WHEREAS, The Governor, in his proposed budget bill for the fiscal year 1975-76 recommended certain appropriations, itemizations, and language of appropriation for Account No. 670, State Department of Highways; and

WHEREAS, The Legislature considered the appropriations, itemizations, and language in the Governor's proposed budget bill relative to said account, and having considered same, declined to make such appropriations in the budget bill as enacted; and

WHEREAS, The amount of $422,177,856 is therefore still available for appropriation for the fiscal year 1975-76, and it is the purpose of the Legislature to make the following supplementary appropriation to the State Department of Highways out of such amount, by the terms of this supplementary appropriation bill; therefore,
Be it enacted by the Legislature of West Virginia:

That Account No. 670, Title II, Section 2, of Enrolled Committee Substitute for Senate Bill No. 23, an act of the Legislature, regular session, one thousand nine hundred seventy-five, known as the budget bill, be supplemented by the following item and language of appropriation:

Sec. 2. Appropriations from Other Funds.

130—State Department of Highways

Acct. No. 670

TO BE PAID FROM STATE ROAD FUND

10 Equipment Purchases ..............................................$1,000,000

It is the intent to appropriate and make available for expenditure, the balances and all revenues and income of the state road fund, including the proceeds from the sale of bonds, for the maintenance, construction and reconstruction of state roads and for other purposes in accordance with the provisions of Chapter 17, Code of West Virginia, one thousand nine hundred thirty-one, as amended.

The State Commissioner of Highways shall have the authority to operate revolving funds within the state road fund for the operation and purchase of various types of equipment used directly and indirectly in the construction and maintenance of roads and for the purchase of inventories and materials and supplies: Provided, however, That the operation of such revolving funds shall not cause expenditures in excess of the foregoing appropriations.

There is hereby appropriated, within the above line items, sufficient moneys for the payment of claims, accrued or arising during this budgetary period, to be paid in accordance with Chapter 14, Article 2, Sections 7 and 8, Code of West Virginia, one thousand nine hundred thirty-one, as amended.
AN ACT making a supplementary appropriation of public money out of the treasury from the State Road Fund, to the State Department of Highways, for the fiscal year ending June thirtieth, one thousand nine hundred seventy-six, Account No. 670, an act, Enrolled Committee Substitute for Senate Bill No. 23, enacted by the Legislature, regular session, one thousand nine hundred seventy-five, known as the budget bill.

WHEREAS, The Governor's Executive Budget for the fiscal year 1975-76, page IV, reflected estimated revenues in the state road fund available for appropriation for said fiscal year in the amount of $425,486,000; and

WHEREAS, The Legislature, in the aforesaid budget bill made appropriations out of the state road fund in the amount of $3,308,144, thereby reducing the amount available for appropriation out of such fund to $422,177,856; and

WHEREAS, The Governor, in his proposed budget bill for the fiscal year 1975-76 recommended certain appropriations, itemizations, and language of appropriation for Account No. 670, State Department of Highways; and

WHEREAS, The Legislature considered the appropriations, itemizations, and language in the Governor's proposed budget bill relative to said account, and having considered same, declined to make such appropriations in the budget bill as enacted; and

WHEREAS, The amount of $422,177,856 is therefore still available for appropriation for the fiscal year 1975-76, and it is the purpose of the Legislature to make the following supplementary appropriation to the State Department of Highways out of such amount, by the terms of this supplementary appropriation bill; therefore,
Be it enacted by the Legislature of West Virginia:

That Account No. 670, Title II, Section 2, of Enrolled Committee Substitute for Senate Bill No. 23, an act of the Legislature, regular session, one thousand nine hundred seventy-five, known as the budget bill, be supplemented by the following item and language of appropriation:

Sec. 2. Appropriations from Other Funds.

130—State Department of Highways

Acct. No. 670

TO BE PAID FROM STATE ROAD FUND

11 Inventory Purchases $ 2,000,000

It is the intent to appropriate and make available for expenditure, the balances and all revenues and income of the state road fund, including the proceeds from the sale of bonds, for the maintenance, construction and reconstruction of state roads and for other purposes in accordance with the provisions of Chapter 17, Code of West Virginia, one thousand nine hundred thirty-one, as amended.

The State Commissioner of Highways shall have the authority to operate revolving funds within the state road fund for the operation and purchase of various types of equipment used directly and indirectly in the construction and maintenance of roads and for the purchase of inventories and materials and supplies: Provided, however, That the operation of such revolving funds shall not cause expenditures in excess of the foregoing appropriations.

There is hereby appropriated, within the above line items, sufficient moneys for the payment of claims, accrued or arising during this budgetary period, to be paid in accordance with Chapter 14, Article 2, Sections 7 and 8, Code of West Virginia, one thousand nine hundred thirty-one, as amended.
AN ACT making a supplementary appropriation of public money out of the treasury from the State Road Fund, to the State Department of Highways, for the fiscal year ending June thirtieth, one thousand nine hundred seventy-six, Account No. 670, an act, Enrolled Committee Substitute for Senate Bill No. 23, enacted by the Legislature, regular session, one thousand nine hundred seventy-five, known as the budget bill.

WHEREAS, The Governor's Executive Budget for the fiscal year 1975-76, page IV, reflected estimated revenues in the state road fund available for appropriation for said fiscal year in the amount of $425,486,000; and

WHEREAS, The Legislature, in the aforesaid budget bill made appropriations out of the state road fund in the amount of $3,308,144, thereby reducing the amount available for appropriation out of such fund to $422,177,856; and

WHEREAS, The Governor, in his proposed budget bill for the fiscal year 1975-76 recommended certain appropriations, itemizations, and language of appropriation for Account No. 670, State Department of Highways; and

WHEREAS, The Legislature considered the appropriations, itemizations, and language in the Governor's proposed budget bill relative to said account, and having considered same, declined to make such appropriations in the budget bill as enacted; and

WHEREAS, The amount of $422,177,856 is therefore still available for appropriation for the fiscal year 1975-76, and it is the purpose of the Legislature to make the following supplementary appropriation to the State Department of Highways out of such amount, by the terms of this supplementary appropriation bill; therefore,
Be it enacted by the Legislature of West Virginia:

That Account No. 670, Title II, Section 2, of Enrolled Committee Substitute for Senate Bill No. 23, an act of the Legislature, regular session, one thousand nine hundred seventy-five, known as the budget bill, be supplemented by the following item and language of appropriation:

Sec. 2. Appropriations from Other Funds.

130—State Department of Highways

Acct. No. 670

TO BE PAID FROM STATE ROAD FUND

12 Debt Service $57,200,000

It is the intent to appropriate and make available for expenditure, the balances and all revenues and income of the state road fund, including the proceeds from the sale of bonds, for the maintenance, construction and reconstruction of state roads and for other purposes in accordance with the provisions of Chapter 17, Code of West Virginia, one thousand nine hundred thirty-one, as amended.

The State Commissioner of Highways shall have the authority to operate revolving funds within the state road fund for the operation and purchase of various types of equipment used directly and indirectly in the construction and maintenance of roads and for the purchase of inventories and materials and supplies: Provided, however, That the operation of such revolving funds shall not cause expenditures in excess of the foregoing appropriations.

There is hereby appropriated, within the above line items, sufficient moneys for the payment of claims, accrued or arising during this budgetary period, to be paid in accordance with Chapter 14, Article 2, Sections 7 and 8, Code of West Virginia, one thousand nine hundred thirty-one, as amended.
AN ACT making a supplementary appropriation of public money out of the treasury from the State Road Fund, to the Department of Motor Vehicles, for the fiscal year ending June thirtieth, one thousand nine hundred seventy-six, Account No. 671, an act, Enrolled Committee Substitute for Senate Bill No. 23, enacted by the Legislature, regular session, one thousand nine hundred seventy-five, known as the budget bill.

WHEREAS, The Governor's Executive Budget for the fiscal year 1975-76, page IV, reflected estimated revenues in the state road fund available for appropriation for said fiscal year in the amount of $425,486,000; and

WHEREAS, The Legislature, in the aforesaid budget bill made appropriations out of the state road fund in the amount of $3,308,144, thereby reducing the amount available for appropriation out of such fund to $422,177,856; and

WHEREAS, The Governor, in his proposed budget bill for the fiscal year 1975-76 recommended certain other appropriations out of the state road fund; and

WHEREAS, The Legislature considered the other recommended appropriations from the state road fund in the Governor's proposed budget bill and, having considered same, declined to make such appropriations in the budget bill as enacted; and

WHEREAS, The amount of $422,177,856 is therefore still available for appropriation for the fiscal year 1975-76, and it is the purpose of the Legislature to make the following supplementary appropriation to the Department of Motor Vehicles out of such amount, by the terms of this supplementary appropriation bill; therefore,

Be it enacted by the Legislature of West Virginia:

That Account No. 671, Title II, Section 2, of Enrolled Committee Substitute for Senate Bill No. 23, an act of the Legis-
lature, regular session, one thousand nine hundred seventy-five, known as the budget bill, be supplemented by the following item:

Sec. 2. Appropriations from Other Funds.

131—Department of Motor Vehicles

Acct. No. 671

TO BE PAID FROM STATE ROAD FUND

6a Public Employees Retirement Matching Fund ....$114,450

CHAPTER 101

(S. B. 586—Originating in the Senate Committee on Finance)

[Passed March 8, 1975; in effect July 1, 1975. Approved by the Governor.]

AN ACT making a supplementary appropriation of public money out of the treasury from the State Road Fund, to the State Tax Department—Gasoline Tax Division, for the fiscal year ending June thirtieth, one thousand nine hundred seventy-six, Account No. 672, an act, Enrolled Committee Substitute for Senate Bill No. 23, enacted by the Legislature, regular session, one thousand nine hundred seventy-five, known as the budget bill.

WHEREAS, The Governor's Executive Budget for the fiscal year 1975-76, page IV, reflected estimated revenues in the state road fund available for appropriation for said fiscal year in the amount of $425,486,000; and

WHEREAS, The Legislature in the aforesaid budget bill made appropriations out of the state road fund in the amount of $3,308,144, thereby reducing the amount available for appropriation out of such fund to $422,177,856; and

WHEREAS, The Governor in his proposed budget bill for the fiscal year 1975-76 recommended certain other appropriations out of the state road fund; and

WHEREAS, The Legislature considered the other recom-
mended appropriations from the state road fund in the Governor's proposed budget bill and, having considered same, declined to make such appropriations in the budget bill as enacted; and

WHEREAS, The amount of $422,177,856 is therefore still available for appropriation for the fiscal year 1975-76, and it is the purpose of the Legislature to make the following supplementary appropriation to the State Tax Department—Gasoline Tax Division out of such amount, by the terms of this supplementary appropriation bill; therefore,

Be it enacted by the Legislature of West Virginia:

That Account No. 672, Title II, Section 2, of Enrolled Committee Substitute for Senate Bill No. 23, an act of the Legislature, regular session, one thousand nine hundred seventy-five, known as the budget bill, be supplemented by the following item:

Sec. 2. Appropriations from Other Funds.

132—State Tax Department—Gasoline Tax Division
Acct. No. 672
TO BE PAID FROM STATE ROAD FUND

5a Public Employees Retirement Matching Fund.......$34,000

CHAPTER 102
(S. B. 570—Originating in the Senate Committee on Finance)

[Passed March 8, 1975; in effect July 1, 1975. Disapproved by the Governor, and repassed notwithstanding his objections.]

AN ACT making supplementary appropriations of public money out of the treasury from the special revenue account of the Public Service Commission remaining unappropriated for the fiscal year ending June thirtieth, one thousand nine hundred seventy-six, to the Public Service Commission, Account No. 828, an act, Enrolled Committee Substitute for Senate Bill No. 23, enacted by the Legislature, regular
session, one thousand nine hundred seventy-five, known as the budget bill.

WHEREAS, The Governor, by correspondence dated February 26, 1975, certified financial statements for Special Revenue accounts for the 1975-76 fiscal year; and

WHEREAS, The financial statement for Account No. 828 indicates that estimated receipts and balance available for appropriation totals $1,816,129; and

WHEREAS, It is the purpose of the Legislature to make the following supplementary appropriations to the Public Service Commission out of such amount; therefore,

Be it enacted by the Legislature of West Virginia:

That Account No. 828, Enrolled Committee Substitute for Senate Bill No. 23, an act of the Legislature, one thousand nine hundred seventy-five, known as the budget bill be supplemented by adding thereto the following:

Sec. 2. Appropriations from Other Funds.

142—Public Service Commission

Acct. No. 828

TO BE PAID FROM SPECIAL REVENUE FUND

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Salaries of Commissioners</td>
<td>$60,000</td>
</tr>
<tr>
<td>2 Other Personal Services</td>
<td>$1,005,940</td>
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<tr>
<td>3 Current Expenses</td>
<td>$409,042</td>
</tr>
<tr>
<td>4 Equipment</td>
<td>$32,905</td>
</tr>
<tr>
<td>5 Social Security Matching Fund</td>
<td>$54,750</td>
</tr>
<tr>
<td>6 Public Employees Retirement Matching Fund</td>
<td>$108,250</td>
</tr>
<tr>
<td>7 Public Employees Health Insurance</td>
<td>$42,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$1,712,887</strong></td>
</tr>
</tbody>
</table>

The total amount of this appropriation shall be paid from Special Revenue Fund out of collections for special license fees from public service corporations as provided by law. Out of the above appropriation $5,000 may be transferred to the State Water Resources Commission of the Department of Natural Resources for use in cooperation with the U. S. Geological Survey in a program of stream gauging.
AN ACT making supplementary appropriations of public money out of the treasury from the special revenue account of the Public Service Commission—Motor Carrier Division, remaining unappropriated for the fiscal year ending June thirtieth, one thousand nine hundred seventy-six, to the Public Service Commission—Motor Carrier Division, Account No. 829, an act, Enrolled Committee Substitute for Senate Bill No. 23, enacted by the Legislature, regular session, one thousand nine hundred seventy-five, known as the budget bill.

WHEREAS, The Governor, by correspondence dated February 26, 1975, certified financial statements for Special Revenue accounts for the 1975-76 fiscal year; and

WHEREAS, The financial statement for Account No. 829 indicates that estimated receipts and balance available for appropriation totals $1,330,997; and

WHEREAS, It is the purpose of the Legislature to make the following supplementary appropriations to the Public Service Commission—Motor Carrier Division, out of such amount; therefore,

Be it enacted by the Legislature of West Virginia:

That Account No. 829, Enrolled Committee Substitute for Senate Bill No. 23, an act of the Legislature, one thousand nine hundred seventy-five, known as the budget bill, be supplemented by adding thereto the following:

Sec. 2. Appropriations from Other Funds.

144—Public Service Commission—Motor Carrier Division
Acct. No. 829

TO BE PAID FROM SPECIAL REVENUE FUND

1 Personal Services $492,625
The total amount of this appropriation shall be paid from Special Revenue Fund out of receipts collected for or by the Public Service Commission pursuant to and in the exercise of regulatory authority over motor carriers as authorized by law.

CHAPTER 104

(S. B. 589—Originating in the Senate Committee on Finance)

[Passed March 9, 1975; in effect July 1, 1975. Disapproved by the Governor, and repassed notwithstanding his objections.]

AN ACT making a supplementary appropriation of public money out of the treasury from the special revenue account of the Department of Natural Resources remaining unappropriated for the fiscal year ending June thirtieth, one thousand nine hundred seventy-six, to the Department of Natural Resources, Account No. 830, an act, Enrolled Committee Substitute for Senate Bill No. 23, enacted by the Legislature, regular session, one thousand nine hundred seventy-five, known as the budget bill.

WHEREAS, The Governor, by correspondence dated February 26, 1975, certified financial statements for special revenue accounts for the 1975-76 fiscal year; and

WHEREAS, The financial statement for Account No. 830 indicates that estimated receipts and balance available for appropriation totals $5,349,637; and

WHEREAS, It is the purpose of the Legislature to make the following supplementary appropriation to the Department of Natural Resources out of such amount; therefore,
Be it enacted by the Legislature of West Virginia:

That Account No. 830, Enrolled Committee Substitute for Senate Bill No. 23, an act of the Legislature, one thousand nine hundred seventy-five, known as the budget bill be supplemented by adding thereto the following:

Sec. 2. Appropriations from Other Funds.

145—Department of Natural Resources

Acct. No. 830

TO BE PAID FROM SPECIAL REVENUE FUND

8a. Personal Services—Additional Salary for Conservation Officers $ 140,000

Out of the above appropriation, "Additional Salary for Conservation Officers", there shall be paid an additional amount of one hundred dollars ($100.00) per month to the Chief Conservation Officer and each full-time uniformed conservation officer under his direct supervision whose primary duties and responsibilities are law enforcement.

CHAPTER 105

(S. B. 603—Originating in the Senate Committee on Finance)

[Passed March 8, 1975; in effect July 1, 1975. Approved by the Governor.]

AN ACT making supplementary appropriations of public money out of the treasury from the special revenue account of the Department of Public Safety—Inspection Fees, Account No. 835, an act, Enrolled Committee Substitute for Senate Bill No. 23, enacted by the Legislature, regular session, one thousand nine hundred seventy-five, known as the budget bill.

WHEREAS, The Governor, by correspondence dated February 26, 1975, certified financial statements for special revenue accounts for the 1975-76 fiscal year; and
WHEREAS, The financial statement for Account No. 835 indicated that estimated receipts and balance available for appropriation totals $1,589,210; and

WHEREAS, It is the purpose of the Legislature to make the following supplementary appropriation to the Department of Public Safety—Inspection Fees, out of such amount; therefore,

Be it enacted by the Legislature of West Virginia:

That Account No. 835, Enrolled Committee Substitute for Senate Bill No. 23, an act of the Legislature, one thousand nine hundred seventy-five, known as the budget bill, be supplemented by adding thereto the following:

Sec. 2. Appropriations from Other Funds.

146—Department of Public Safety—Inspection Fees

Acct. No. 835

TO BE PAID FROM SPECIAL REVENUE FUND

1 Personal Services ________________________________ $12,000

CHAPTER 106

(S. B. 592—Originating in the Senate Committee on Finance)

[Passed March 9, 1975; in effect July 1, 1975. Approved by the Governor.]

AN ACT making a supplementary appropriation of public money out of the treasury from the special revenue funds of the West Virginia University—Medical School Fund, for the fiscal year ending June thirtieth, one thousand nine hundred seventy-six, to the West Virginia University—Medical School, Account No. 873, an act, Enrolled Committee Substitute for Senate Bill No. 23, enacted by the Legislature, regular session, one thousand nine hundred seventy-five, known as the budget bill.

WHEREAS, The Governor's Executive Budget for the fiscal
year 1975-76 on page 388 reflected special revenues in the West Virginia University—Medical School Fund, available for appropriation in the amount of $28,511,389; and

WHEREAS, The Legislature has recommended certain appropriations, itemizations, and language of appropriation for the above account from the General Revenue Fund, Account No. 285, to be transferred to Account No. 873; and

WHEREAS, The Legislature desires to make the following supplementary appropriation to the West Virginia University—Medical School, out of such amounts; therefore,

Be it enacted by the Legislature of West Virginia:

That Account No. 873, Enrolled Committee Substitute for Senate Bill No. 23, an act of the Legislature, one thousand nine hundred seventy-five, known as the budget bill, be supplemented by adding thereto the following:

Sec. 2. Appropriations from Other Funds.

151—West Virginia University—Medical School

Acct. No. 873

TO BE PAID FROM MEDICAL SCHOOL FUND

<table>
<thead>
<tr>
<th></th>
<th>Description</th>
<th>Amount</th>
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<tr>
<td>1</td>
<td>Personal Services</td>
<td>$1,585,000</td>
</tr>
<tr>
<td>2</td>
<td>Current Expenses</td>
<td>200,000</td>
</tr>
<tr>
<td>3</td>
<td>Repairs and Alterations</td>
<td>25,000</td>
</tr>
<tr>
<td>4</td>
<td>Equipment</td>
<td>25,000</td>
</tr>
<tr>
<td>5</td>
<td>Family Practice Support Program</td>
<td>200,000</td>
</tr>
<tr>
<td>6</td>
<td>Total</td>
<td>$2,035,000</td>
</tr>
</tbody>
</table>

Special funds in excess of the amounts hereby appropriated may be made available by budget amendment upon request of the Board of Regents and approval of the Governor.
AN ACT making supplementary appropriations of public money out of the treasury from the special revenue account of the West Virginia Alcohol Beverage Control, Account No. 927, an act, Enrolled Committee Substitute for Senate Bill No. 23, enacted by the Legislature, regular session, one thousand nine hundred seventy-five, known as the budget bill.

WHEREAS, The Governor, by correspondence dated February 26, 1975, certified financial statements for special revenue accounts for the 1975-76 fiscal year; and

WHEREAS, The financial statement for Account No. 927 indicates that estimated receipts and balance available for appropriation totals $14,000,000; and

WHEREAS, It is the purpose of the Legislature to make the following supplementary appropriation to the West Virginia Alcohol Beverage Control, out of such amount; therefore,

Be it enacted by the Legislature of West Virginia:

That Account No. 927, Enrolled Committee Substitute for Senate Bill No. 23, an act of the Legislature, one thousand nine hundred seventy-five, known as the budget bill, be supplemented by adding thereto the following:

Sec. 2. Appropriations from Other Funds.

153—West Virginia Alcohol Beverage Control

Acct. No. 927

TO BE PAID FROM SPECIAL REVENUE FUND

8a Agency Operating Expenses $14,400
AN ACT making supplementary appropriations of public money out of the treasury from the special revenue account of the Public Service Commission—Gas Pipeline Division, remaining unappropriated for the fiscal year ending June thirtieth, one thousand nine hundred seventy-six, to the Public Service Commission—Gas Pipeline Division, Account No. 8285, an act, Enrolled Committee Substitute for Senate Bill No. 23, enacted by the Legislature, regular session, one thousand nine hundred seventy-five, known as the budget bill.

WHEREAS, The Governor, by correspondence dated February 26, 1975, certified financial statements for Special Revenue accounts for the 1975-76 fiscal year; and

WHEREAS, The financial statement for Account No. 8285 indicates that estimated receipts and balance available for appropriation totals $343,247; and

WHEREAS, It is the purpose of the Legislature to make the following supplementary appropriations to the Public Service Commission—Gas Pipeline Division, out of such amount; therefore,

Be it enacted by the Legislature of West Virginia:

That Account No. 8285, Enrolled Committee Substitute for Senate Bill No. 23, an act of the Legislature, one thousand nine hundred seventy-five, known as the budget bill, be supplemented by adding thereto the following:

143—Public Service Commission—Gas Pipeline Division

Acct. No. 8285

TO BE PAID FROM SPECIAL REVENUE FUND

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$86,702</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$47,300</td>
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</table>
3 Equipment ................................................................. 5,000
4 Social Security Matching Fund .............................. 4,750
5 Public Employees Retirement Matching Fund .... 9,600
6 Public Employees Health Insurance ............... 3,520

7 Total ........................................................................ $156,872

The total amount of this appropriation shall be paid from Special Revenue Fund out of receipts collected for or by the Public Service Commission pursuant to and in the exercise of regulatory authority over pipeline companies.

**CHAPTER 109**

(S. B. 602—Originating in the Senate Committee on Finance)

[Passed April 12, 1975; in effect July 1, 1975. Approved by the Governor.]

AN ACT making a supplementary appropriation of public money out of the state treasury, County Coal Revenue Fund, created by section two-l, article thirteen, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, supplementing Enrolled Committee Substitute for Senate Bill No. 23, an act of the Legislature, regular session, one thousand nine hundred seventy-five, known as the budget bill.

WHEREAS, The Constitution of West Virginia, Article X, Section 6a, which section was ratified in 1972, authorizes the Legislature to impose a state tax or taxes or dedicate a state tax or taxes or any portion thereof for the benefit of and use by counties, municipalities, or other political subdivisions of the state; and

WHEREAS, Enrolled Committee Substitute for Senate Bill No. 285, an act of the Legislature, regular session, one thousand nine hundred seventy-five, amended sections two, two-k, three-b and twenty-five, article thirteen, chapter eleven of said code, and further amended said article by adding thereto a new section, designated two-l; and

WHEREAS, Said Enrolled Committee Substitute for Senate
Bill No. 285 created in the state treasurer's office a special fund known as the "County Coal Revenue Fund"; and

WHEREAS, Said Enrolled Committee Substitute for Senate Bill No. 285 imposed an additional business and occupation tax on the severance, extraction, and production of coal, and dedicated a certain portion of the net proceeds from such additional tax to the County Coal Revenue Fund; and

WHEREAS, The net proceeds from the additional business and occupation tax imposed under Enrolled Committee Substitute for Senate Bill No. 285 are additional revenues over and above the Governor's estimates for fiscal year 1975-76, and such proceeds provide the revenue necessary to pay the appropriation hereby made; and

WHEREAS, It is the purpose of the Legislature, by the terms of this supplementary appropriation bill to appropriate for expenditure from the County Coal Revenue Fund the revenues dedicated thereto by the aforesaid act of the Legislature; therefore,

Be it enacted by the Legislature of West Virginia:

That Title II, Enrolled Committee Substitute for Senate Bill No. 23, an act of the Legislature, regular session, one thousand nine hundred seventy-five, known as the budget bill, be supplemented by adding thereto the following section:

Sec. 15a. Appropriation from County Coal Revenue Fund.

There is hereby appropriated for payment to counties in the fiscal year 1975-76 such amounts as may be deposited in the County Coal Revenue Fund pursuant to general law. The amounts paid to the respective counties shall be calculated and distributed as required by such general law.

CHAPTER 110

(P. L. 1437-Originating in the House Committee on Finance)

[Passed March 9, 1975; in effect from passage. Approved by the Governor.]

AN ACT making a supplementary appropriation of public money out of the treasury from the balance of all general revenue
remaining unappropriated for fiscal year 1974-75 and for the fiscal year ending June thirtieth, one thousand nine hundred seventy-six, for payment of certain claims against the state and designated agencies thereof, Enrolled Committee Substitute for Senate Bill No. 23, acts of the Legislature, regular session, one thousand nine hundred seventy-five, known as the "Budget Bill."

WHEREAS, The Governor submitted to the Legislature the Executive Budget Document, dated January 9, 1975, which included a statement of the state fund, general revenue, setting forth therein the cash balance and investments as of July 1, 1974, and funds transferred from the Department of Welfare after the close of fiscal year 1974; and further included the estimate of revenues for fiscal year 1974-75, less net appropriation balances forwarded and regular appropriations for fiscal year 1974-75, which said regular appropriations are offset by estimated expirations for fiscal year 1974-75; and

WHEREAS, The Governor's Executive Budget Document further included estimates of revenues for fiscal year 1975-76 of $558,750,000 available for appropriation; and

WHEREAS, The Legislature has heretofore and during the regular session, 1975, enacted certain supplementary appropriation bills for fiscal year 1974-75 and a Budget Bill for fiscal year 1975-76, Enrolled Committee Substitute for Senate Bill No. 23, all well within the Governor's overall estimates of available revenues thereby leaving general revenues available for further appropriation; and

WHEREAS, It thus appearing from the aforesaid and the Governor's Executive Budget Document that a sufficient balance of general revenue is available for supplementary appropriations for fiscal year 1974-75 and for the fiscal year ending June thirtieth, one thousand nine hundred seventy-six; therefore,

Be it enacted by the Legislature of West Virginia:

That Enrolled Committee Substitute for Senate Bill No. 23, acts of the Legislature, regular session, one thousand nine hundred seventy-five, known as the Budget Bill, be supplemented by adding thereto the following:
TITLE II—APPROPRIATIONS

Section 5. Awards for Claims Against the State.

TO BE PAID FROM GENERAL REVENUE FUND

Claims against the Adjutant General:
(1) John Moore 416.38
(2) Jerry W. Ware 2,060.00

Claims against the Department of Mental Health:
(1) John H. Brunetti Hardware and Painting 2,264.43
(2) Hoffman La Roche, Inc. 275.94
(3) Mildred Mitchell-Bateman, M.D. 2,500.00

Claim against the board of vocational education
division of vocational rehabilitation:
(1) Cleveland Clinic 805.88

Claim against the Department of Public Safety:
(1) Walter E. Bradfield, Jr. 100.00

Claim against the Board of Regents:
(1) Raines Piano and Organ Center, Inc. 399.50

Claim against the Department of Natural Resources:
(1) Baltimore Contractors, Inc. 200,000.00

Claim against the nonintoxicating Beer Commission:
(1) Central Investment Corporation 7,777.37

Claims against the Department of Public Institutions:
(1) Midland Wholesale Grocery Company $ 151.23
(2) State Food Stores, Inc. $ 80.00
(3) Wheeling Hospital, Inc. $ 864.20
(4) Medical Supply Company, Inc. $ 13.50
(5) Independent Dressed Beef Company, Inc. $ 369.60
(6) Norteman Packing Co. $ 5,652.11
(7) Cook Motor Lines, Inc. $ 9.36
(8) Electronic Materials Corporation $ 62.38
(9) Schering Corporation $ 419.05
(10) Oscar Ruttenberg, d/b/a Ruttenberg's Store $ 149.61
(11) West Virginia State Industries $25,071.62
<table>
<thead>
<tr>
<th></th>
<th>Description</th>
<th>Amount</th>
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<tbody>
<tr>
<td>36</td>
<td>Storck Baking Company, Inc.</td>
<td>$1,699.24</td>
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<tr>
<td>37</td>
<td>Polis Brothers</td>
<td>$672.80</td>
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<tr>
<td>38</td>
<td>Mt. Clare Provision Company</td>
<td>$4,459.14</td>
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<tr>
<td>39</td>
<td>Lever Brothers Company</td>
<td>$1,160.60</td>
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<td>40</td>
<td>Physicians Fee Office</td>
<td>$109.85</td>
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<td>41</td>
<td>Industrious Blind Enterprise</td>
<td>$402.12</td>
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<td>42</td>
<td>Pepsi-Cola Bottling Co. of Moundsville, Inc.</td>
<td>$1,057.20</td>
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<td>43</td>
<td>M &amp; W Distributors, Inc.</td>
<td>$46.94</td>
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<td>44</td>
<td>Valley Welding Supply Company</td>
<td>$98.58</td>
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<td>45</td>
<td>Southern Chemical Company, a Division of Southern Machinery Company</td>
<td>$4,090.78</td>
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<tr>
<td>46</td>
<td>Tri-State Drug Company</td>
<td>$131.46</td>
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<tr>
<td>47</td>
<td>Standard Brush &amp; Broom Company</td>
<td>$175.98</td>
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<tr>
<td>48</td>
<td>Reynolds Memorial Hospital</td>
<td>$1,289.07</td>
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<td>49</td>
<td>Dermatology Service, Inc.</td>
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<td>50</td>
<td>A. H. Robins Company</td>
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<td>51</td>
<td>William McNinch, d/b/a McNinch</td>
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<td>52</td>
<td>The National Colloid Company</td>
<td>$220.00</td>
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<tr>
<td>53</td>
<td>Columbia Gas of West Virginia, Inc.</td>
<td>$7,283.91</td>
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<tr>
<td>54</td>
<td>Aristotle A. Rabanal, M. D.</td>
<td>$15.00</td>
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<tr>
<td>55</td>
<td>Louis Anthony Co., Inc.</td>
<td>$1,545.70</td>
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<td>56</td>
<td>American Can Company</td>
<td>$565.00</td>
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<tr>
<td>57</td>
<td>Merck, Sharp &amp; Dohme</td>
<td>$694.36</td>
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<tr>
<td>58</td>
<td>Mutual Wholesalers of Wheeling, Inc.</td>
<td>$5.76</td>
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<tr>
<td>59</td>
<td>West Virginia Newspaper Publishing Co.</td>
<td>$98.70</td>
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<tr>
<td>60</td>
<td>Wheeling Electric Company</td>
<td>$1,219.36</td>
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<tr>
<td>61</td>
<td>Kellogg Sales Company</td>
<td>$1,840.00</td>
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<tr>
<td>62</td>
<td>Marion Paper, Inc.</td>
<td>$4,366.74</td>
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<tr>
<td>63</td>
<td>Exxon Company, U.S.A.</td>
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<tr>
<td>64</td>
<td>Wheeling Wholesale Grocery Company</td>
<td>$445.00</td>
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<tr>
<td>65</td>
<td>Procter &amp; Gamble Distributing Co.</td>
<td>$266.50</td>
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<td>66</td>
<td>Monroe, Division of Litton Business Systems, Inc.</td>
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<tr>
<td>67</td>
<td>The Upjohn Company</td>
<td>$79.05</td>
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<tr>
<td>68</td>
<td>Hoffman-LaRoche, Inc.</td>
<td>$526.50</td>
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<tr>
<td>69</td>
<td>C &amp; P Telephone Co. of West Virginia</td>
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<tr>
<td>70</td>
<td>Myers Drug Store, Inc.</td>
<td>$83.00</td>
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<tr>
<td>71</td>
<td>Alling &amp; Cory</td>
<td>$72.45</td>
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</tbody>
</table>
The purpose of this bill is to fund, from the state's general revenues, payment of claims against the state and its designated agencies, such appropriations being for the remainder of the fiscal year 1974-75 and to remain in effect until June 30, 1976.

CHAPTER 111

(S. B. 59—By Mr. Hamilton, Mr. Ward and Mr. Fanning)

[Passed February 24, 1975; in effect ninety days from passage. Disapproved by the Governor, and repassed notwithstanding his objections.]

AN ACT to amend and reenact section twelve, article eight, chapter thirty-one-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to branch banking and bank holding companies.
Be it enacted by the Legislature of West Virginia:

That section twelve, article eight, chapter thirty-one-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 8. HEARINGS; ADMINISTRATIVE PROCEDURES; JUDICIAL REVIEW; UNLAWFUL ACTS; PENALTIES.

§31A-8-12. Branch banks forbidden; one limited off-premises facility permitted; limitation on purchase of bank stock and control.

1 (a) No banking institution shall:

2 (1) Install or maintain any branch bank; or

3 (2) Engage in business at any place other than at its principal office in this state: Provided, That at any time any such banking institution may operate one and only one off-premises walk-in or drive-in banking facility, on or in conjunction with or entirely separate from a parking lot for the customers of such banking institution, for the purpose of receiving bank deposits of all kinds, cashing checks, making change, selling and issuing money orders and travelers checks and receiving payments on installment, savings and rental accounts, and for no other purposes, provided such off-premises banking facility is located within two thousand feet of the banking house premises of the banking institution operating such off-premises facility measured between the nearest points of the banking house premises and the premises on which such off-premises banking facility is located.

19 (b) It shall be unlawful for any individual, partnership, society, association, firm, institution, trust, syndicate, public or private corporation, or any other legal entity, or combination of entities acting in concert, to directly or indirectly own, control or hold with power to vote, twenty-five percent or more of the voting shares of each of two or more banks, or to control in any manner the election of a majority of the directors of two or more banks: Provided, however, That it shall be unlawful for any financial institution, as defined in subsection (j),
section two, article one of this chapter, or any other financial organization having similar purposes as those specifically mentioned in said subsection (j) to directly or indirectly own, control or hold with power to vote, twenty-five percent or more of the voting shares of any one or more banks, or to control in any manner the election of a majority of the directors of any one or more banks, but the foregoing provisions of this provision shall not apply to shares held by a financial institution in a fiduciary capacity. It is further specifically provided that nothing herein contained shall in anywise affect the ownership or control of financial institutions other than banks and banking institutions as defined in subsection (b), section two, article one of this chapter.

(c) Any violation of any provision of this section shall constitute a misdemeanor offense punishable by applicable penalties as provided in section fifteen of article eight of this chapter.

CHAPTER 112
(S. B. 567—Originating in the Senate Committee on Finance)

[Passed March 7, 1975; in effect from passage. Approved by the Governor.]

AN ACT to amend chapter twenty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article eight, relating to the creation of the Blennerhassett historical park commission as a public corporation within the executive branch of government; authorizing said commission to engage in certain activities and exercise certain powers for the development of Blennerhassett island and related locations in the county of Wood into an educational, cultural and recreational attraction so as to enhance said island and related locations as a significant historical, natural and archaeological resource for the state and the nation; giving certain legislative findings;
relating to the composition of said commission and the terms, reimbursement and meetings of its members; empowering said commission to enter into agreements with private and certain out-of-state persons, firms, corporations and agencies; relating to certain powers, duties and responsibilities of said commission; giving certain local governmental agencies authority to assist said commission; requiring a certain cooperation; authorizing said commission to issue and sell revenue bonds not exceeding a certain principal amount for specific purposes and specifying the procedures therefor and the manner thereof; relating to certain trust agreements for holders of bonds and a certain sinking fund for payment of bonds; requiring that a certain credit of the state not be pledged; and relating to exempting said revenue bonds from taxation.

Be it enacted by the Legislature of West Virginia:

That chapter twenty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, designated article eight, to read as follows:

ARTICLE 8. BLENNERHASSETT HISTORICAL PARK COMMISSION.

§29-8-1. Legislative findings.

§29-8-2. Blennerhassett historical park commission established; public members; government members; terms; meeting; quorum; compensation; expenses.

§29-8-3. General powers of Blennerhassett historical park commission as public corporation.

§29-8-4. Duties of Blennerhassett historical park commission with respect to the development of Blennerhassett island.

§29-8-5. Cooperation of state agencies and local government with Blennerhassett historical park commission; powers of local government with respect to development.

§29-8-6. Authority of Blennerhassett historical park commission for issuance and sale of revenue bonds; what constitutes undertaking.

§29-8-7. Issuance of revenue bonds.

§29-8-8. Trust agreement for holders of bonds.

§29-8-9. Sinking fund for payment of bonds.

§29-8-10. Credit of state not pledged; bonds exempt from taxation.

§29-8-1. Legislative findings.

1 The Legislature hereby finds and declares that:
(1) Blennerhassett island, situate in the Ohio river near the city of Parkersburg, is a significant historical, natural and archaeological resource of importance to this state and the nation;

(2) A well-planned and executed program for the development of educational, cultural and recreational attractions related to events known and believed to have occurred on and near scenic Blennerhassett island will be of great benefit to all the people of this state and constitutes a most worthy public undertaking;

(3) The primary responsibility for the planning and execution of such a program rests upon the state of West Virginia, while the secondary responsibility for development rests upon private and other public resources; and

(4) The best and most feasible means of accomplishing the foregoing is by the establishment and maintenance of the Blennerhassett historical park commission.

§29-8-2. Blennerhassett historical park commission established; public members; government members; terms; meeting; quorum; compensation; expenses.

There is hereby established within the executive branch of government the "Blennerhassett historical park commission" (hereafter in this article referred to as the "commission"). The commission shall be composed of ten public members and may have, in addition, not more than five government members. The ten public members shall be citizens and residents of this state, appointed by the governor, with the advice and consent of the Senate, for overlapping terms of four years, except that three of the original appointments shall be for terms of one year, three of the original appointments shall be for terms of two years, three of the original appointments shall be for terms of three years and one of the original appointments shall be for a term of four years. The governor shall make his initial appointments of citizen members within forty days after this section takes effect.

Each public member shall be qualified to carry out the
functions of the commission under this article by reason of his special interest, training, education or experience.

No person shall be eligible to appointment as a public member who is an officer or member of any political party executive committee; the holder of any other public office or public employment under the United States government or the government of this state or a political subdivision of this state; or an employee of the commission. Not more than six public members shall belong to the same political party, and not more than three public members shall be citizens and residents of the county of Wood.

The governor may, in his discretion, appoint from among the department heads serving within the executive branch of government not more than five government members to serve as ex officio members of the commission.

At its first meeting, which shall be held within fifty days after this section takes effect, the commission shall elect from among its public members a chairman, who shall preside over its meetings until the second Monday in September of the next year. Thereafter, the commission shall elect a chairman from among its public members on the second Monday in September of each year.

All public members shall be eligible for reappointment once by the governor. A public member shall, unless sooner removed, continue to serve until his term expires and his successor has been appointed and has qualified. A vacancy caused by the death, resignation or removal of a public member prior to the expiration of his term shall be filled only for the remainder of such term.

For the purpose of carrying out its powers, duties and responsibilities under this article, six members of the commission shall constitute a quorum for the transaction of business so long as at least five members constituting the quorum are public members. Each public member and each government member shall be entitled to one vote. The commission shall meet at a time and place designated by the chairman at least four times each fiscal
year. Additional meetings may be held when called by
the chairman or when requested by five members of the
commission or by the governor. All meetings of the
commission shall be open to the public. Each member
shall be reimbursed for all reasonable and necessary ex-
penses actually incurred in the performance of his duties
under this article.

§29-8-3. General powers of Blennerhassett historical park com-
mission as public corporation.

The commission shall be a public corporation and, as
such, may:

(1) Contract and be contracted with;
(2) Plead and be impleaded;
(3) Sue and be sued;
(4) Have and use a common seal;
(5) Make bylaws for the management and regulation
of its affairs and activities;
(6) Acquire real and personal property by purchase
or lease;
(7) Establish and maintain an office in the county of
Wood;
(8) Exercise its corporate powers in the state of Ohio
to the extent permitted by the laws of the state of Ohio;
(9) Employ and fix the compensation of such per-
sonnel as it considers necessary or expedient;
(10) Accept and use gifts, grants and any other re-
sources or funds made available to it from any source,
whether public or private;
(11) Cooperate with the public land corporation and,
with its permission, use property belonging to the public
land corporation;
(12) Enter into any agreement with the state of Ohio
or any person, firm or corporation therein for the provi-
sion of electricity, water, sewer and such similar services

to Blennerhassett island as are necessary;

(13) Own or operate, or both, by itself or in con-
junction with any other public agency or any private
person, firm or corporation, such facilities and equip-
ment as it considers necessary or convenient for the im-
plementation of its duties under this article. Without
limiting the generality of the foregoing, such facilities
and equipment may include boats, docks, an amphi-
theatre, parking facilities, the reconstructed Blenner-
hassett mansion and other buildings;

(14) Cooperate fully with all persons, organizations
and agencies, whether public or private, to the extent
necessary or expedient to accomplish the duties imposed
upon it by this article;

(15) Fix, revise from time to time, charge and collect
fees for its acts and undertakings;

(16) In accordance with other pertinent provisions of
this article, finance undertakings in whole or in part by
the issuance and sale of revenue bonds; and

(17) Promulgate rules and regulations, in accordance
with the provisions of chapter twenty-nine-a of this code,
to implement and make effective the powers and duties
vested in it by the provisions of this article and take such
other steps as may, in its discretion, be necessary or
expedient for the proper and effective development of
Blennerhassett island and related locations in the county
of Wood into a major educational, cultural and recrea-
tional attraction.

§29-8-4. Duties of Blennerhassett historical park commission
with respect to the development of Blennerhassett
island.

Within the limit of funds available from this state,
the United States and any other source, whether public
or private, the commission shall:

(1) Conduct a comprehensive investigation to deter-
mine those educational, cultural and recreational attrac-
tions which should be developed in this state concerning events known or believed to have occurred on and near Blennerhassett island, the economic feasibility of such attractions, needed capital investment, available or contemplated resources therefor, appropriate locations and accessibility thereto and such other related matters as the commission considers pertinent. The commission shall use the information developed by the Blennerhassett historical commission, provided for in article six, chapter four of this code, as the starting point for this investigation;

(2) Plan and execute a program for the development of educational, cultural and recreational attractions related to events known or believed to have occurred on and near Blennerhassett island;

(3) Plan and execute a program for the development of Blennerhassett island and related locations in the county of Wood so as to preserve and enhance the island and related locations as a significant historical, natural and archaeological resource of importance to this state and the nation;

(4) As soon as practicable after the first day of July of each year, submit an annual report to the governor and the Legislature on its affairs and activities during the preceding fiscal year; and

(5) Make such written reports to the Blennerhassett historical commission and the joint committee on government and finance as the commission considers advisable or as the Blennerhassett historical commission or the joint committee requests.

In carrying out its duties under subdivisions (2) and (3) of this section, the commission shall, as near as practicable, adhere to the recommendations and plans for development contained in the documents prepared for the Blennerhassett historical commission, submitted to it on the eighteenth day of February, one thousand nine hundred seventy-five, and titled as follows: (a) Summary report for the development of Blennerhassett island, (b) physical masterplan, (c) interpretive master-
§29-8-5. Cooperation of state agencies and local government with Blennerhassett historical park commission; powers of local government with respect to development.

(a) All other state and local governmental personnel and agencies shall cooperate to the fullest possible extent with the commission to accomplish the proper and effective development of Blennerhassett island and related locations in the county of Wood into a major educational, cultural and recreational attraction.

(b) The county of Wood, the city of Parkersburg, any other municipality in the county and any board, commission, authority, agency or other office created under authority thereof may, in its discretion engage in any activity or undertaking designed to assist the commission in the proper and effective development of Blennerhassett island and related locations in the county of Wood into a major educational, cultural and recreational attraction.

§29-8-6. Authority of Blennerhassett historical park commission for issuance and sale of revenue bonds; what constitutes undertaking.

For the purpose of developing Blennerhassett island and related locations in the county of Wood into a major educational, cultural and recreational attraction, the commission may issue and sell revenue bonds not to exceed four million dollars in principal amount, in the manner provided for hereafter in this article, to finance in whole or in part any of the following undertakings:

(1) The acquisition of land or any right or interest therein;

(2) The construction or acquisition of a new building;

(3) The construction of an amphitheatre, parking facilities, docking facilities and such other facilities and structures as the commission considers necessary;
(4) The renovation or construction of an addition to any existing building or other structure;

(5) The acquisition of furnishings and equipment for any such new or existing building, facility or other structure; and

(6) The construction or acquisition of any other capital improvement or capital facility. This authority includes the construction or acquisition of any road, utility or other property, real or personal, and any other undertaking, including site improvement and landscaping, that is necessary, appurtenant or incidental thereto.

§29-8-7. Issuance of revenue bonds.

The issuance of bonds under the provisions of this article shall be authorized by a resolution of the commission. The resolution shall recite an estimate by the commission of the cost of the proposed building or structure, improvements and land and shall provide for the issuance of bonds in an amount sufficient, when sold as hereinafter provided, to provide moneys sufficient to pay such cost, less the amount of any other funds available for the construction or acquisition of the building or structure, improvements and land from any appropriation, grant, gift or contribution therefor. The resolution shall prescribe the rights and duties of the bondholders and the commission. For such purpose, it may prescribe the form of the trust agreement provided for in section eight of this article. The bonds shall be of such series; bear such date or dates; mature at such time or times not exceeding thirty years from their respective dates; bear interest at such rate or rates, payable semiannually; be in such denominations; be in such form, either coupon or fully registered without coupons, carrying such registration as to principal only; be payable in such medium of payment and at such place or places; be subject to such terms of redemption at such prices; and be entitled to such priorities as are provided in the resolution authorizing the issuance of the bonds or in any trust agreement made in connection therewith. The bonds shall be signed by the governor and by the chairman of the commission,
under the great seal of the state, attested by the secretary of state. The coupons attached thereto shall bear the facsimile signature of the chairman of the commission. In case any of the officers whose signatures appear on the bonds or coupons cease to be such officers before the delivery of such bonds, the signatures shall remain valid for all purposes the same as if such officers had remained in office until the delivery.

The commission must offer the bonds for competitive bids from recognized financial investment institutions before the bonds may be sold. The bonds shall be sold in such manner as the commission determines, taking into consideration the financial responsibility of the purchaser, the terms and conditions of the purchase and especially the availability of the proceeds of the bonds when required for payment of the cost of the building or structure, improvements and land, such sale to be made at a price not lower than a price which, when computed upon standard tables of bond values, will show a net return of not more than eight percent a year to the purchaser upon the amount paid therefor. The proceeds of the bonds shall be used solely for the payment of the cost of the building or structure, improvements and land and shall be deposited in the state treasury in a special fund and checked out as provided by law for the disbursement of other state funds. If the proceeds of such bonds, by error in calculation or otherwise, together with any other funds used therefor, as hereinbefore in this article authorized are less than the cost of the building or structure, improvements and land, additional bonds may in like manner be issued to provide the amount of the deficiency, but in no case shall they exceed the total amount of bonds authorized in section six of this article less the amount of any other funds used therefor; and, unless otherwise provided for in the resolution or trust agreement, they shall be considered to be of the same issue and be entitled to payment from the same fund, without preference or priority, as the bonds issued before for the building or structure, improvements and land. If the proceeds of bonds issued for the building or structure, improvements and land, together with the amount of any other funds used therefor, exceeds
the cost thereof, the surplus shall be paid into the sinking fund or reserve fund to be established for payment of the principal and interest of the bonds. Before the preparation of definitive bonds, the commission may, under like restrictions, issue temporary bonds with or without coupons, exchangeable for definitive bonds upon their issuance.

The bonds issued under the provisions of this article shall be and have all the qualities of negotiable instruments under the provisions of chapter forty-six of this code.

§29-8-8. Trust agreement for holders of bonds.

The commission may enter into an agreement with any trust company or with any bank having the powers of a trust company, either within or outside this state, as trustee for the holders of bonds issued under the provisions of this article, setting forth therein such duties of the commission with respect to the payment of the bonds; the acquisition, construction, improvement, maintenance, operation, repair and insurance of the building or structure, improvements and land; the conservation and application of all moneys; the security for moneys on hand or on deposit; and the rights and remedies of the trustee and the holders of the bonds as are agreed upon with the original purchasers of the bonds; and including therein provisions restricting the individual right of action of bondholders as is customary in trust agreements respecting bonds and debentures of corporations; protecting and enforcing the rights and remedies of the trustee and the bondholders; and providing for approval by the original purchasers of the bonds of the appointment of consulting engineers and of the security given by those who contract to construct the building, structure or improvement and for approval by the consulting engineers of all contracts for construction. Any such agreement entered into by the commission shall be binding in all respects on the commission and its successors in accordance with its terms. Any provision of any such agreement shall be enforceable by an appropriate proceeding at law.
§29-8-9. Sinking fund for payment of bonds.

1 The commission shall make periodic payments to the state sinking fund commission in an amount sufficient to meet the requirements of any issue of bonds sold under the provisions of this article, as specified in the resolution of the commission authorizing the issue and in any trust agreement entered into in connection therewith. The payments so made shall be placed by the state sinking fund commission in a special sinking fund which shall be pledged to and charged with the payment of the principal of the bonds of such issue and the interest thereon and to the redemption or repurchase of such bonds, such sinking fund to be a fund for all bonds of such issue without distinction or priority of one over another. The moneys in the special sinking fund, less such reserve for payment of principal and interest as is required by the resolution of the commission authorizing the issue and any trust agreement made in connection therewith, may be used for the redemption of any outstanding bonds payable from such fund which by their terms are then redeemable or for the purchase of bonds at the market price, but at not exceeding the price, if any, at which such bonds will be redeemable on the next ensuing date upon which they are redeemable prior to maturity. All bonds so redeemed or purchased shall immediately be canceled and shall not again be issued.

§29-8-10. Credit of state not pledged; bonds exempt from taxation.

1 The provisions of this article relating to revenue bonds shall not under any circumstances be construed to authorize the commission at any time or in any manner to pledge the credit or taxing power of the state. The revenue bond obligations or debts created by the commission under the provisions of this article shall not under any circumstances be considered obligations of the state. All bonds issued by the commission under the provisions of this article shall be exempt from taxation by this state and any county, school district, municipality or other subdivision thereof.
AN ACT to amend chapter forty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article two-a, relating to adoption of the interstate compact on the placement of children, purpose and policies, definitions, requirements and conditions for placement, penalty for illegal placement, retention of jurisdiction by sending agency, institutional care of delinquent children, appointment of a compact administrator, limitations on application of compact, enactment and withdrawal, and providing for a severability clause.

Be it enacted by the Legislature of West Virginia:

That chapter forty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, designated article two-a, to read as follows:

CHAPTER 49. CHILD WELFARE.

ARTICLE 2A. INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN.

§49-2A-1. Adoption of compact.
§49-2A-2. Definitions; implementation.

§49-2A-1. Adoption of compact.

The interstate compact on the placement of children is hereby enacted into law and entered into with all other jurisdictions legally joining therein in form substantially as follows:

INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN

Article I. Purpose and Policy.

It is the purpose and policy of the party states to cooperate with each other in the interstate placement of children to the end that:
10 (a) Each child requiring placement shall receive the maximum opportunity to be placed in a suitable environment and with persons or institutions having appropriate qualifications and facilities to provide a necessary and desirable degree and type of care.

15 (b) The appropriate authorities in a state where a child is to be placed may have full opportunity to ascertain the circumstances of the proposed placement, thereby promoting full compliance with applicable requirements for the protection of the child.

20 (c) The proper authorities of the state from which the placement is made may obtain the most complete information on the basis of which to evaluate a projected placement before it is made.

24 (d) Appropriate jurisdictional arrangements for the care of children will be promoted.

Article II. Definitions.

27 As used in this compact:

28 (a) "Child" means a person who, by reason of minority is legally subject to parental, guardianship or similar control.

30 (b) "Sending agency" means a party state, officer or employee thereof; a subdivision of a party state, or officer or employee thereof; a court of a party state; a person, corporation, association, charitable agency or other entity which sends, brings, or causes to be sent or brought any child to another party state.

36 (c) "Receiving state" means the state to which a child is sent, brought, or caused to be sent or brought, whether by public authorities or private persons or agencies, and whether for placement with state or local public authorities or for placement with private agencies or persons.

41 (d) "Placement" means the arrangement for the care of a child in a family free home or boarding home or in a child-caring agency or institution but does not include any institution caring for the mentally ill, mentally defective or epileptic
or any institution primarily educational in character, and
any hospital or other medical facility.

Article III. Conditions for Replacement

(a) No sending agency shall send, bring, or cause to be
sent or brought into any other party state any child for
placement in foster care or as a preliminary to a possible
adoption unless the sending agency shall comply with each
and every requirement set forth in this article and with the
applicable laws of the receiving state governing the placement
of children therein.

(b) Prior to sending, bringing or causing any child to
be sent or brought into a receiving state for placement in
foster care or as a preliminary to a possible adoption, the
sending agency shall furnish the appropriate public authorities
in the receiving state written notice of the intention to send,
bring, or place the child in the receiving state. The notice
shall contain:

(1) The name, date and place of birth of the child.

(2) The identity and address or addresses of the parents
or legal guardian.

(3) The name and address of the person, agency or
institution to or with which the sending agency proposes to
send, bring, or place the child.

(4) A full statement of the reasons for such proposed
action and evidence of the authority pursuant to which the
placement is proposed to be made.

(c) Any public officer or agency in a receiving state
which is in receipt of a notice pursuant to paragraph (b) of
this article may request of the sending agency, or any other
appropriate officer or agency of or in the sending agency's
state, and shall be entitled to receive therefrom, such sup-
porting or additional information as it may deem necessary
under the circumstances to carry out the purpose and policy
of this compact.

(d) The child shall not be sent, brought, or caused to
be sent or brought into the receiving state until the ap-
propricate public authorities in the receiving state shall notify
the sending agency, in writing, to the effect that the proposed
placement does not appear to be contrary to the interests
of the child.

Article IV. Penalty for Illegal Placement.

The sending, bringing, or causing to be sent or brought
into any receiving state of a child in violation of the terms of
this compact shall constitute a violation of the laws respect-
ing the placement of children of both the state in which the
sending agency is located or from which it sends or brings
the child and of the receiving state. Such violation may be
punished or subjected to penalty in either jurisdiction in
accordance with its laws. In addition to liability for any
such punishment or penalty, any such violation shall con-
stitute full and sufficient grounds for the suspension or
revocation of any license, permit, or other legal authorization
held by the sending agency which empowers or allows it to
place, or care for children.

Article V. Retention of Jurisdiction.

(a) The sending agency shall retain jurisdiction over the
child sufficient to determine all matters in relation to the
custody, supervision, care, treatment and disposition of the
child which it would have had if the child had remained in
the sending agency's state, until the child is adopted, reaches
majority, becomes self-supporting or is discharged with the
concurrence of the appropriate authority in the receiving
state. Such jurisdiction shall also include the power to effect
or cause the return of the child or its transfer to another
location and custody pursuant to law. The sending agency
shall continue to have financial responsibility for support
and maintenance of the child during the period of the place-
ment. Nothing contained herein shall defeat a claim of
jurisdiction by a receiving state sufficient to deal with an
act of delinquency or crime committed therein.

(b) When the sending agency is a public agency, it may
enter into an agreement with an authorized public or private
agency in the receiving state providing for the performance
of one or more services in respect of such case by the latter as agent for the sending agency.

(c) Nothing in this compact shall be construed to prevent a private charitable agency authorized to place children in the receiving state from performing services or acting as agent in that state for a private charitable agency of the sending state; nor to prevent the agency in the receiving state from discharging financial responsibility for the support and maintenance of a child who has been placed on behalf of the sending agency without relieving the responsibility set forth in paragraph (a) hereof.

Article VI.

Institutional Care of Delinquent Children.

A child adjudicated delinquent may be placed in an institution in another party jurisdiction pursuant to this compact but no such placement shall be made unless the child is given a court hearing on notice to the parent or guardian with opportunity to be heard, prior to his being sent to such other party jurisdiction for institutional care and the court finds that:

1. Equivalent facilities for the child are not available in the sending agency's jurisdiction; and

2. Institutional care in the other jurisdiction is in the best interest of the child and will not produce undue hardship.

Article VII. Compact Administrator.

The executive head of each jurisdiction party to this compact shall designate an officer who shall be general coordinator of activities under this compact in his jurisdiction and who, acting jointly with like officers of other party jurisdictions, shall have power to promulgate rules and regulations to carry out more effectively the terms and provisions of this compact.

Article VIII. Limitations.

This compact shall not apply to:

(a) The sending or bringing of a child into a receiving state by his parent, stepparent, grandparent, adult brother
or sister, adult uncle or aunt, or his guardian and leaving
the child with any such relative or nonagency guardian in
the receiving state.

(b) Any placement, sending or bringing of a child into
a receiving state pursuant to any other interstate compact to
which both the state from which the child is sent or brought
and the receiving state are party, or to any other agreement
between said states which has the force of law.

Article IX. Enactment and Withdrawal.

This compact shall be open to joinder by any state, terri-
tory or possession of the United States, the District of
Columbia, the Commonwealth of Puerto Rico, and, with the
consent of Congress, the Government of Canada or any
province thereof. It shall become effective with respect to
any such jurisdiction when such jurisdiction has enacted the
same into law. Withdrawal from this compact shall be by the
enactment of a statute repealing the same, but shall not
take effect until two years after the effective date of such
statute and until written notice of the withdrawal has been
given by the withdrawing state to the governor of each other
party jurisdiction. Withdrawal of a party state shall not
affect the rights, duties and obligations under this compact
of any sending agency therein with respect to a placement
made prior to the effective date of withdrawal.

Article X. Construction.

The provisions of this compact shall be liberally con-
strued to effectuate the purposes thereof. The provisions
of this compact shall be severable and if any phrase, clause,
sentence or provision of this compact is declared to be con-
trary to the constitution of any party state or of the United
States or the applicability thereof to any government, agency,
person or circumstance is held invalid, the validity of the
remainder of this compact and the applicability thereof to
any government, agency, person or circumstance shall not
be affected thereby. If this compact shall be held contrary
to the constitution of any state party thereto, the compact
shall remain in full force and effect as to the remaining
states and in full force and effect as to the state affected as to all severable matters.

§49-2A-2. Definitions; implementation.

1 (1) Financial responsibility for any child placed pursuant to the provisions of the interstate compact on the placement of children shall be determined in accordance with the provisions of Article V thereof in the first instance. However, in the event of partial or complete default of performance thereunder, the provisions of section one, article two of this chapter may be invoked.

2 (2) The “appropriate public authorities” as used in Article III of the interstate compact on the placement of children shall, with reference to this state, mean the department of welfare and said agency shall receive and act with reference to notices required by said Article III.

3 (3) As used in paragraph (a) of Article V of the interstate compact on the placement of children, the phrase “appropriate authority in the receiving state” with reference to this state shall mean the department of welfare.

4 (4) The officers and agencies of this state and its subdivisions having authority to place children are hereby empowered to enter into agreements with appropriate officers or agencies of or in other party states pursuant to paragraph (b) of Article V of the interstate compact on the placement of children. Any such agreement which contains a financial commitment or imposes a financial obligation on this state or subdivision or agency thereof shall not be binding unless it has the approval in writing of the auditor in the case of the state and of the chief local fiscal officer in the case of a subdivision of the state.

5 (5) Any requirements for visitation, inspection or supervision of children, homes, institutions or other agencies in another party state which may apply under sections five and eleven of article two of this chapter shall be deemed to be met if performed pursuant to an agreement entered into by appropriate officers or agencies of this state or a subdivision thereof as contemplated by paragraph (b) of Article V of the interstate compact on the placement of children.
(6) The provisions of section fifteen, article two of this chapter shall not apply to placements made pursuant to the interstate compact on the placement of children.

(7) Any court having jurisdiction to place delinquent children may place such a child in an institution of or in another state pursuant to Article VI of the interstate compact on the placement of children and shall retain jurisdiction as provided in Article V thereof.

(8) As used in Article VII of the interstate compact on the placement of children, the term "executive head" means the governor. The governor is hereby authorized to appoint a compact administrator in accordance with the terms of said Article VII.

CHAPTER 114

(Com. Sub. for H. B. 1078—By Mr. Speaker, Mr. McManus, and Mr. Seibert)

[Passed March 7, 1975; in effect from passage. Approved by the Governor.]

AN ACT finding and declaring certain claims against the state and its agencies to be moral obligations of the state, and directing the auditor to issue warrants for the payments thereof.

Be it enacted by the Legislature of West Virginia:

CLAIMS AGAINST THE STATE.

§1. Finding and declaring certain claims against the alcohol beverage control commissioner and the department of public institutions to be moral obligations of the state and directing payment thereof.

The Legislature has heretofore made findings of fact that the state has received the benefit of the commodities and services rendered by certain claimants herein and has considered claims against the state, the alcohol beverage control commissioner and the department of public institutions, agencies thereof, which have arisen due to over-expenditures of depart-
mental appropriations by officers of such state spending unit, such claims having been previously considered by the court of claims which also found that the state has received the benefit of the commodities and services rendered by each claimant, but were denied by the court of claims on the purely statutory grounds that to allow such claims would be condoning illegal acts contrary to the laws of the state. The Legislature, pursuant to its findings of fact and also by the adoption of the findings of fact by the court of claims as its own, and, while not condoning such illegal acts, hereby declares it to be the moral obligation of the state to pay each such claim in the amount specified below, and directs the auditor to issue warrants upon receipt of a properly executed requisition supported by an itemized invoice, statement or other satisfactory document as required by section ten, article three, chapter twelve of the code of West Virginia, one thousand nine hundred thirty-one, as amended, for the payment thereof out of any fund appropriated and available for the purpose.

(a) Claims against the alcohol beverage control commissioner:

TO BE PAID FROM SPECIAL REVENUE FUND

<table>
<thead>
<tr>
<th>Claimant</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Helen L. Freed</td>
<td>$850.00</td>
</tr>
<tr>
<td>W. M. Harris</td>
<td>$850.00</td>
</tr>
<tr>
<td>Wilda F. Currence</td>
<td>$775.00</td>
</tr>
<tr>
<td>Barbara Rae Norton</td>
<td>$700.00</td>
</tr>
<tr>
<td>Aluna J. Ware</td>
<td>$550.00</td>
</tr>
<tr>
<td>Mary Louise Singleton</td>
<td>$550.00</td>
</tr>
<tr>
<td>Wayne L. Main</td>
<td>$1,000.00</td>
</tr>
<tr>
<td>Louise H. Harper</td>
<td>$625.00</td>
</tr>
<tr>
<td>Shirley Ann Kimble</td>
<td>$625.00</td>
</tr>
<tr>
<td>Leonard D. Watson</td>
<td>$775.00</td>
</tr>
<tr>
<td>Donal L. Smith</td>
<td>$775.00</td>
</tr>
<tr>
<td>Cecile H. Ruddell</td>
<td>$850.00</td>
</tr>
<tr>
<td>James F. Kirby</td>
<td>$850.00</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$9,775.00</strong></td>
</tr>
</tbody>
</table>

(b) Claims against the Department of Public Institutions:

TO BE PAID FROM GENERAL REVENUE FUND

<table>
<thead>
<tr>
<th>Claimant</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Midland Wholesale Grocery Company</td>
<td>$151.23</td>
</tr>
<tr>
<td>#</td>
<td>Company Name</td>
</tr>
<tr>
<td>---</td>
<td>--------------------------------------------------</td>
</tr>
<tr>
<td>44</td>
<td>(2) State Food Stores, Inc.</td>
</tr>
<tr>
<td>45</td>
<td>(3) Wheeling Hospital, Inc.</td>
</tr>
<tr>
<td>46</td>
<td>(4) Medical Supply Company, Inc.</td>
</tr>
<tr>
<td>47</td>
<td>(5) Independent Dressed Beef Company, Inc.</td>
</tr>
<tr>
<td>48</td>
<td>(6) Norteman Packing Co.</td>
</tr>
<tr>
<td>49</td>
<td>(7) Cook Motor Lines, Inc.</td>
</tr>
<tr>
<td>50</td>
<td>(8) Electronic Materials Corporation</td>
</tr>
<tr>
<td>51</td>
<td>(9) Schering Corporation</td>
</tr>
<tr>
<td>52</td>
<td>(10) Oscar Ruttenberg, d/b/a Ruttenberg's Store</td>
</tr>
<tr>
<td>53</td>
<td>(11) West Virginia State Industries</td>
</tr>
<tr>
<td>54</td>
<td>(12) Storck Baking Company, Inc.</td>
</tr>
<tr>
<td>55</td>
<td>(13) Polis Brothers</td>
</tr>
<tr>
<td>56</td>
<td>(14) Mt. Clare Provision Company</td>
</tr>
<tr>
<td>57</td>
<td>(15) Lever Brothers Company</td>
</tr>
<tr>
<td>58</td>
<td>(16) Physicians Fee Office</td>
</tr>
<tr>
<td>59</td>
<td>(17) Industrious Blind Enterprise</td>
</tr>
<tr>
<td>60</td>
<td>(18) Pepsi-Cola Bottling Co. of Moundsville, Inc.</td>
</tr>
<tr>
<td>61</td>
<td>(19) M &amp; W Distributors, Inc.</td>
</tr>
<tr>
<td>62</td>
<td>(20) Valley Welding Supply Company</td>
</tr>
<tr>
<td>63</td>
<td>(21) Southern Chemical Company, a Division of Southern Machinery Company</td>
</tr>
<tr>
<td>64</td>
<td>(22) Tri-State Drug Company</td>
</tr>
<tr>
<td>65</td>
<td>(23) Standard Brush &amp; Broom Company</td>
</tr>
<tr>
<td>66</td>
<td>(24) Reynolds Memorial Hospital</td>
</tr>
<tr>
<td>67</td>
<td>(25) Dermatology Service, Inc.</td>
</tr>
<tr>
<td>68</td>
<td>(26) A. H. Robins Company</td>
</tr>
<tr>
<td>69</td>
<td>(27) William McNinch, d/b/a McNinch</td>
</tr>
<tr>
<td>70</td>
<td>(28) The National Colloid Company</td>
</tr>
<tr>
<td>71</td>
<td>(29) Columbia Gas of West Virginia, Inc.</td>
</tr>
<tr>
<td>72</td>
<td>(30) Aristotle A. Rabanal, M. D.</td>
</tr>
<tr>
<td>73</td>
<td>(31) Louis Anthony Co., Inc.</td>
</tr>
<tr>
<td>74</td>
<td>(32) American Can Company</td>
</tr>
<tr>
<td>75</td>
<td>(33) Merck, Sharp &amp; Dohme</td>
</tr>
<tr>
<td>76</td>
<td>(34) Mutual Wholesalers of Wheeling, Inc.</td>
</tr>
<tr>
<td>77</td>
<td>(35) West Virginia Newspaper Publishing Co.</td>
</tr>
<tr>
<td>78</td>
<td>(36) Wheeling Electric Company</td>
</tr>
<tr>
<td>79</td>
<td>(37) Kellogg Sales Company</td>
</tr>
<tr>
<td>Claimant</td>
<td>Amount</td>
</tr>
<tr>
<td>----------------------------------------------</td>
<td>----------</td>
</tr>
<tr>
<td>Marion Paper, Inc.</td>
<td>$4,366.74</td>
</tr>
<tr>
<td>Exxon Company, U.S.A.</td>
<td>$219.71</td>
</tr>
<tr>
<td>Wheeling Wholesale Grocery Co.</td>
<td>$445.00</td>
</tr>
<tr>
<td>Procter &amp; Gamble Distributing Co.</td>
<td>$266.50</td>
</tr>
<tr>
<td>Monroe, Division of Litton Business Systems, Inc.</td>
<td>$32.00</td>
</tr>
<tr>
<td>The Upjohn Company</td>
<td>$79.05</td>
</tr>
<tr>
<td>Hoffmann-LaRoche, Inc.</td>
<td>$526.50</td>
</tr>
<tr>
<td>C &amp; P Telephone Co. of West Virginia</td>
<td>$39.76</td>
</tr>
<tr>
<td>Myers Drug Store, Inc.</td>
<td>$83.00</td>
</tr>
<tr>
<td>Alling &amp; Cory</td>
<td>$72.45</td>
</tr>
<tr>
<td>Hong I. Seung, M. D.</td>
<td>$40.00</td>
</tr>
<tr>
<td>Marshall County Cooperative, Inc.</td>
<td>$82.13</td>
</tr>
<tr>
<td>The Kroger Co.</td>
<td>$31.86</td>
</tr>
<tr>
<td>Ohio Valley Medical Center, Inc.</td>
<td>$32.00</td>
</tr>
<tr>
<td>Standard Brands Incorporated</td>
<td>$948.00</td>
</tr>
<tr>
<td>Economics Laboratory, Inc.</td>
<td>$3,396.00</td>
</tr>
<tr>
<td>American Home Products Corporation</td>
<td>$176.00</td>
</tr>
<tr>
<td>Hillandale Farms, Inc.</td>
<td>$318.75</td>
</tr>
<tr>
<td>Winans Sanitary Supply Company, Inc.</td>
<td>$46.80</td>
</tr>
<tr>
<td>Consolidated Midland Corporation</td>
<td>$210.00</td>
</tr>
<tr>
<td>Robert E. Durig, O. D.</td>
<td>$801.00</td>
</tr>
<tr>
<td>Doctors Asaad, Inc.</td>
<td>$100.00</td>
</tr>
<tr>
<td>Doctors Barger and Gordon, Inc.</td>
<td>$1,035.19</td>
</tr>
<tr>
<td>Ambulatory Care Associates, Inc.</td>
<td>$20.00</td>
</tr>
<tr>
<td>Ohio Valley Drug Company</td>
<td>$30.00</td>
</tr>
<tr>
<td>IBM Corporation</td>
<td>$218.75</td>
</tr>
<tr>
<td>The City of Moundsville Water Department</td>
<td>$2,464.19</td>
</tr>
<tr>
<td>Crescent Print Shop</td>
<td>$42.97</td>
</tr>
<tr>
<td>Pfizer Inc.</td>
<td>$3,788.52</td>
</tr>
<tr>
<td>Valley Animal Clinic</td>
<td>$89.00</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$82,105.18</strong></td>
</tr>
</tbody>
</table>
AN ACT finding and declaring certain claims against the state and its agencies to be moral obligations of the state, and directing the auditor to issue warrants for the payments thereof.

Be it enacted by the Legislature of West Virginia:

CLAIMS AGAINST THE STATE.

§1. Finding and declaring certain claims against the department of highways; adjutant general; department of mental health; board of vocational education, division of vocational rehabilitation; rehabilitation environmental action program; department of public safety; board of regents; department of natural resources; and the nonintoxicating beer commission, to be moral obligations of the state and directing payment thereof.

The Legislature has considered the findings of fact and recommendations reported to it by the court of claims concerning various claims against the state and agencies thereof, and in respect to each of the following claims the Legislature adopts those findings of fact as its own, and hereby declares it to be the moral obligation of the state to pay each such claim in the amount specified below, and directs the auditor to issue warrants for the payment thereof out of any fund appropriated and available for the purpose.

(a) Claims against the Department of Highways:

| (1) | Coal River Public Service District | $201.00 |
| (2) | L. M. Casdorph | $61.29 |
| (3) | Mr. and Mrs. T. E. Reed | $600.00 |
| (4) | David R. Dietz | $82.40 |
| (5) | Tygart Valley Telephone Company | $109.79 |
| (6) | Dana H. Carney | $67.61 |
| (7) | H. Ronald Harris | $78.92 |
(8) T. A. Galyean, Jr., Ann T. Galyean, his wife, John G. Anderson, Trustee, and Huntington Federal Savings and Loan Association 7,500.00

(9) Clarke W. Greene 183.95

(10) James R. Lantz 43.30

(11) Velva K. Corzine 221.98

(12) Mrs. W. G. Via 55.10

(13) Monongahela Power Company 82.94

(14) Samuel Miller 123.60

(15) Harry C. Henderson 6,600.00

(16) Clyde M. Ellison 25.00

(17) James M. Duffy 25.00

(18) John L. Cooper 25.00

(19) Norfolk and Western Railway Company 1,258.29

(20) Opal Baker Thomas and Elsey Thomas 1,920.00

(b) Claims against the Adjutant General:

TO BE PAID FROM GENERAL REVENUE FUND

(1) John Moore 416.38

(2) Jerry W. Ware 2,060.00

(c) Claims against the Department of Mental Health:

TO BE PAID FROM GENERAL REVENUE FUND

(1) John H. Brunetti Hardware and Painting 2,264.43

(2) Hoffman La Roche, Inc. 275.94

(3) Mildred Mitchell-Bateman, M.D. 2,500.00

(d) Claim against board of vocational education division of vocational rehabilitation:

TO BE PAID FROM GENERAL REVENUE FUND

(1) Cleveland Clinic 805.88

(e) Claims against the Rehabilitation Environmental Action Program:

TO BE PAID FROM SPECIAL REVENUE FUND

(1) Lena Solomon 500.00
CONSUMER PROTECTION  

(2) Edward H. Stanley .................. 200.00
(3) Geneva Marie Burch .................. 150.00

(f) Claim against the Department of Public Safety:

TO BE PAID FROM GENERAL REVENUE FUND

(1) Walter E. Bradfield, Jr. ............... 100.00

(g) Claim against the Board of Regents:

TO BE PAID FROM GENERAL REVENUE FUND

(1) Raines Piano and Organ Center, Inc. .. 399.50

(h) Claim against the Department of Natural Resources:

TO BE PAID FROM GENERAL REVENUE FUND

(1) Baltimore Contractors, Inc. .......... 200,000.00

(i) Claim against the Nonintoxicating Beer Commission:

TO BE PAID FROM GENERAL REVENUE FUND

(1) Central Investment Corporation ...... 7,777.37

Total of all claims .................. $236,714.67

The Legislature finds that the above moral obligations and the appropriation made in satisfaction thereof shall be the full compensation for all claimants, and that prior to the payments to any claimant provided for in this bill, the court of claims shall receive a release from said claimant releasing any and all claims for moral obligations arising from the matters considered by the Legislature in the finding of the moral obligations and the making of the appropriations for said claimant. The court of claims shall deliver all releases obtained from claimants to the department against which the claim was allowed.

CHAPTER 116

(H. B. 1421—Originating in the House Committee on the Judiciary)

[Passed March 8, 1975; in effect from passage. Approved by the Governor.]

AN ACT to amend and reenact section one hundred two, article six, chapter forty-six-a of the code of West Virginia, one thousand
nine hundred thirty-one, as amended, relating to the West Vir­ginia consumer credit and protection act; relating to the defini­tions of terms as used in said article six; and defining two new terms, as used in said article six, namely, the terms “consumer” and “consumer transaction.”

Be it enacted by the Legislature of West Virginia:

That section one hundred two, article six, chapter forty-six-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted all to read as follows:

ARTICLE 6. GENERAL CONSUMER PROTECTION.

§46A-6-102. Definitions.

1 When used in this article the following words, terms and phrases, and any variations thereof required by the context, shall have the meaning ascribed to them in this article, except where the context indicates a different meaning:

5 (a) “Advertisement” means the publication, dissemination or circulation of any matter, oral or written, including label­ing, which tends to induce, directly or indirectly, any person to enter into any obligation, sign any contract, or acquire any title or interest in any goods or services and includes every word device to disguise any form of business solicitation by using such terms as “renewal,” “invoice,” “bill,” “statement” or “re­mind­er,” to create an impression of existing obligation when there is none, or other language to mislead any person in rela­tion to any sought-after commercial transaction.

15 (b) “Consumer” means a natural person to whom a sale is made in a consumer transaction, and a “consumer transaction” means a sale to a natural person or persons for a personal, family, household or agricultural purpose.

19 (c) “Merchantable” means, in addition to the qualities prescribed in section three hundred fourteen, article two, chapter forty-six of this code, that the goods conform in all material respects to applicable state and federal statutes and regulations establishing standards of quality and safety of goods and, in the case of goods with mechanical, electrical or thermal components, that the goods are in good working order
and will operate properly in normal usage for a reasonable period of time.

(d) "Sale" includes any sale, offer for sale or attempt to sell any goods for cash or credit or any services or offer for services for cash or credit.

(e) "Trade" or "commerce" means the advertising, offering for sale, sale or distribution of any goods or services and shall include any trade or commerce, directly or indirectly, affecting the people of this state.

(f) "Unfair methods of competition and unfair or deceptive acts or practices" means and includes, but is not limited to, any one or more of the following:

(1) Passing off goods or services as those of another;

(2) Causing likelihood of confusion or of misunderstanding as to the source, sponsorship, approval or certification of goods or services;

(3) Causing likelihood of confusion or of misunderstanding as to affiliation, connection or association with, or certification by, another;

(4) Using deceptive representations or designations of geographic origin in connection with goods or services;

(5) Representing that goods or services have sponsorship, approval, characteristics, ingredients, uses, benefits or quantities that they do not have, or that a person has a sponsorship, approval, status, affiliation or connection that he does not have;

(6) Representing that goods are original or new if they are deteriorated, altered, reconditioned, reclaimed, used or secondhand;

(7) Representing that goods or services are of a particular standard, quality or grade, or that goods are of a particular style or model, if they are of another;

(8) Disparaging the goods, services or business of another by false or misleading representation of fact;
(9) Advertising goods or services with intent not to sell them as advertised;

(10) Advertising goods or services with intent not to supply reasonably expectable public demand, unless the advertisement discloses a limitation of quantity;

(11) Making false or misleading statements of fact concerning the reasons for, existence of or amounts of price reductions;

(12) Engaging in any other conduct which similarly creates a likelihood of confusion or of misunderstanding;

(13) The act, use or employment by any person of any deception, fraud, false pretense, false promise or misrepresentation, or the concealment, suppression or omission of any material fact with intent that others rely upon such concealment, suppression or omission, in connection with the sale or advertisement of any goods or services, whether or not any person has in fact been misled, deceived or damaged thereby;

(14) Advertising, printing, displaying, publishing, distributing or broadcasting, or causing to be advertised, printed, displayed, published, distributed or broadcast in any manner, any statement or representation with regard to the sale of goods or the extension of consumer credit including the rates, terms or conditions for the sale of such goods or the extension of such credit, which is false, misleading, or deceptive, or which omits to state material information which is necessary to make the statements therein not false, misleading or deceptive.

(g) "Warranty" means express and implied warranties described and defined in sections three hundred thirteen, three hundred fourteen and three hundred fifteen, article two, chapter forty-six of this code and expressions or actions of a merchant which assure the consumer that the goods have described qualities or will perform in a described manner.
CHAPTER 117

(H. B. 1236—Originating in the House Committee on the Judiciary)

[Passed March 8, 1975; in effect ninety days from passage. Approved by the Governor.]

AN ACT to amend article eight, chapter fifty-five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section fourteen, making covenants, promises, agreements or understandings of indemnification against the sole negligence of the indemnitee, his agents or employees against public policy; providing that no action may be maintained thereon; and providing exceptions.

Be it enacted by the Legislature of West Virginia:

That article eight of chapter fifty-five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section fourteen, to read as follows:

ARTICLE 8. ACTIONS ON CONTRACTS.

§55-8-14. Agreements to indemnify against sole negligence of the indemnitee, his agents or employees against public policy; no action maintainable thereon; exceptions.

1 A covenant, promise, agreement or understanding in or in connection with or collateral to a contract or agreement entered into on or after the effective date of this section, relative to the construction, alteration, repair, addition to, subtraction from, improvement to or maintenance of any building, highway, road, railroad, water, sewer, electrical or gas distribution system, excavation or other structure, project, development or improvement attached to real estate, including moving and demolition in connection therewith, purporting to indemnify against liability for damages arising out of bodily injury to persons or damage to property caused by or resulting from the sole negligence of the indemnitee, his agents or employees is against public policy and is void and unenforceable and no action shall be maintained thereon.

15 This section does not apply to construction bonds or insurance contracts or agreements.
AN ACT to repeal sections one hundred fifty-nine and one hundred sixty, article one, chapter thirty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended; to amend and reenact sections three, six, eight, nine, fifteen, nineteen, twenty-seven, twenty-eight, thirty-six, forty-six, forty-eight, forty-nine, fifty-three, fifty-five, fifty-six, sixty, sixty-two, sixty-three, ninety, one hundred four, one hundred eight, one hundred nine, one hundred thirty-one, one hundred forty-four, one hundred forty-eight and one hundred forty-nine of said article one; to further amend said article one by adding thereto two new sections, designated sections fifty-six-a and fifty-six-b; and to amend and reenact sections seventy-seven, eighty, eighty-one and eighty-three, article twelve, chapter eleven of said code, all relating to corporations generally, including business and nonprofit corporations; relating to the application of the West Virginia corporation act; defining terms; relating to the general powers of any such corporation; permitting the indemnification of corporate officers, directors, employees and agents in certain cases; designating the secretary of state as the attorney-in-fact for all domestic corporations and for foreign corporations conducting affairs or doing or transacting business in this state; setting forth procedures for the service of notice and process upon the secretary of state and the acceptance of such service by him as attorney-in-fact; defining acts which constitute the conducting of affairs or the doing or transacting of business by foreign corporations notwithstanding failure to be authorized so to do; relating to notice required of meetings of shareholders or members; relating to articles of incorporation, contents thereof, filing with secretary of state and other requirements with respect thereto; relating to issuance of certificate of incorporation and recordation thereof; relating to articles of merger or consolidation and the filing thereof with secretary of state; relating to issuance of certificate of merger or consolidation, recordation thereof and admission in evidence of such certificate and the effect thereof; relating to order of
involuntary dissolution and filing and recordation thereof; relating to survival of certain remedies and corporate powers following dissolution and effects of such dissolution; relating to admission and qualification of foreign corporations to conduct affairs or do or transact business in this state; relating to activities of foreign corporations permitted to be done in this state without certificate of authority; relating to application by foreign corporation for certificate of authority and contents thereof; prohibiting certificate of authority to transact business to churches and religious denominations which are foreign corporations; relating to effect of certificate of authority; setting forth procedures by which corporation may appoint person to whom notice or process to corporation may be sent by the secretary of state and procedures for change of principal office or name and address of such person; requiring annual reports of domestic and foreign corporations and providing certain requirements in respect thereto; relating to failure to file annual report, notice to corporation of its failure to file same and hearing thereon and appeal therefrom; relating to procedure for withdrawal of foreign corporations and publication of notice and other requirements relating to such withdrawal; relating to issuance of certificate of withdrawal by secretary of state and recordation thereof; relating to grounds for which secretary of state may revoke certificate of authority of foreign corporation, issuance of orders in connection therewith and appeals in such cases; relating to preemptive rights of shareholders of business corporation; relating to corporate officers, their authority and the removal of such officers; relating to articles of amendment, contents thereof and prescribing class voting on proposed amendments in certain cases; relating to voluntary dissolution and revocation of such dissolution by act of corporation; relating to nonprofit corporations, membership certificates therein and prohibiting dividends of such corporations; providing procedure for articles of amendment of such corporation; providing right to restate articles of incorporation and procedure therefor and contents thereof; providing for appeal to circuit court from assessment of corporate license tax by tax commissioner; requiring filing of annual report with the tax commissioner by domestic and foreign corporations; providing for license tax on foreign corporations and for amount, assessment and collection thereof and other requirements with respect
thereto; prescribing filing of preliminary report by foreign corporation and information to be contained therein; providing that payment of such license tax shall be in addition to payment of annual fee to secretary of state as attorney-in-fact; providing for notice to corporations of license tax due and payable; requiring submission of report to tax commissioner with payment of tax and statutory attorney fee and transmission of a copy of such report by tax commissioner to the secretary of state, together with a list of all corporations which have paid license tax; providing that license tax shall be deemed a debt due the state and shall be a lien; and providing criminal offenses and penalties.

Be it enacted by the Legislature of West Virginia:

That sections one hundred fifty-nine and one hundred sixty, article one, chapter thirty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be repealed; that sections three, six, eight, nine, fifteen, nineteen, twenty-seven, twenty-eight, thirty-six, forty-six, forty-eight, forty-nine, fifty-three, fifty-five, fifty-six, sixty, sixty-two, sixty-three, ninety, one hundred four, one hundred eight, one hundred nine, one hundred thirty-one, one hundred forty-four, one hundred forty-eight and one hundred forty-nine of said article one, be amended and reenacted; that said article one be further amended by adding thereto two new sections, designated sections fifty-six-a and fifty-six-b; and that sections seventy-seven, eighty, eighty-one and eighty-three, article twelve, chapter eleven of said code be amended and reenacted, all to read as follows:

Chapter
11. Taxation.

CHAPTER 31. CORPORATIONS.

ARTICLE 1. BUSINESS AND NONPROFIT CORPORATIONS.

PART I—SHORT TITLE, CONSTRUCTION AND APPLICATION OF ARTICLE, EFFECT OF REPEAL, AND SEVERABILITY.

§31-1-3. Application of article; application to foreign and interstate commerce.

PART II—CORPORATIONS GENERALLY.

§31-1-6. Definitions.
§31-1-9. Indemnification of officers, directors, employees and agents.
§31-1-15. Secretary of state constituted attorney-in-fact for all corporations; manner of acceptance or service of notices and process upon secretary of state; what constitutes conducting affairs of doing or transacting business in this state for purposes of this section.
§31-1-19. Notice of shareholders' or members' meetings.
§31-1-27. Article of incorporation; contents; matters not required to be set forth; inconsistencies with bylaws; acknowledgement.
§31-1-28. Filing of articles of incorporation; issuance of certificate of incorporation; recordation of certificate in county clerk's office.
§31-1-36. Articles of merger or consolidation; filing; issuance of certificate; recordation; admission in evidence.
§31-1-46. Order of involuntary dissolution; filing with the secretary; recordation.
§31-1-49. Admission of foreign corporation; acts permitted to be done without certificate of authority.
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PART III—BUSINESS CORPORATIONS.

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PART I—SHORT TITLE, CONSTRUCTION AND APPLICATION OF ARTICLE, EFFECT OF REPEAL, AND SEVERABILITY.

§31-1-3. Application of article; application to foreign and interstate commerce.

Except as may be otherwise provided by the provisions
of this article, this article shall become and be operative as of the effective date hereof, and the provisions thereof shall apply to and govern all corporations then existing or thereafter formed, and all corporate acts thereafter done: Provided, That nothing contained in this article shall be construed to affect the existence of any then existing corporation or to impair the validity of any corporate act done and performed in accordance with the preexisting law. In the event of any inconsistency between any of the provisions of this article and the rights conferred by any special act of the Legislature of the state of Virginia before the formation of the state of West Virginia, or the Legislature of the state of West Virginia subsequent to such date, the provisions of such special act shall prevail to the extent of such inconsistency.

The provisions of this article shall apply to commerce with foreign nations and among the several states only insofar as the same may be permitted under the provisions of the constitution and treaties of the United States.

PART II—CORPORATIONS GENERALLY.

§31-1-6. Definitions.

As used in this article, unless the context otherwise requires a different meaning, the term:

(a) "Articles of incorporation" means the original or restated articles of incorporation or articles of consolidation and all amendments thereto including articles of merger.

(b) "Authorized shares" means the shares of all classes which a business corporation is authorized to issue.

(c) "Business corporation" means a corporation organized for profit.

(d) "Bylaws" means the code or codes of rules adopted for the regulation or management of the affairs of the corporation, irrespective of the name or names by which such rules are designated.

(e) "Capital surplus" means the entire surplus of a business corporation other than its earned surplus.
As used in Part I and Part II of this article, "corporation" or "domestic corporation" means a business corporation or a nonprofit corporation, subject to the provisions of this article, except a foreign corporation.

"Director or directors" or "board of directors" shall include those who are vested with the management of the affairs of the corporation, by whatever name they may be called.

"Earned surplus" means the portion of the surplus of a business corporation equal to the balance of its net profits, income, gains and losses from the date of incorporation, or from the latest date when a deficit was eliminated by an application of its capital surplus or stated capital or otherwise, after deducting subsequent distributions to shareholders and transfers to stated capital and capital surplus to the extent such distributions and transfers are made out of earned surplus. Earned surplus shall include also any portions of surplus allocated to earned surplus in mergers, consolidations or acquisitions of all or substantially all of the outstanding shares or of the property and assets of another corporation, domestic or foreign.

"Employee" includes officers but not directors. A director may accept duties which make him also an employee.

As used in Part I and Part II of this article, "foreign corporation" means a business corporation or nonprofit corporation organized under laws other than the laws of this state for a purpose or purposes for which a corporation may be organized under this article.

"Insolvent" means inability of a corporation to pay its debts as they become due in the usual course of its business.

"Member" means one having membership in a nonprofit corporation in accordance with the provisions of its articles of incorporation or bylaws and shall include shareholders where such corporation issues shares.

"Net assets" means the amount by which the total assets of a corporation exceed the total debt of the corporation.

"Nonprofit corporation" means a corporation no part
of the income or profit of which is distributable to its shareholders, members, directors or officers.

(o) "Shareholder" means one who is a holder of record of shares in a corporation and may include the term "member."

(p) "Shares" means the units into which the proprietary interests in a corporation are divided.

(q) "Stated capital" means, at any particular time, the sum of (1) the par value of all shares of a business corporation having a par value that have been issued, (2) the amount of the consideration received by a business corporation for all shares of such corporation without par value that have been issued, except such part of the consideration therefor as may have been allocated to capital surplus in a manner permitted by law, and (3) such amounts not included in clauses (1) and (2) of this subdivision as have been transferred to stated capital of such corporation, whether upon the issue of shares as a share dividend or otherwise, minus all reductions from such sums as have been effected in a manner permitted by law. Irrespective of the manner of designation thereof by the laws under which a foreign corporation is organized, the stated capital of a foreign corporation shall be determined on the same basis and in the same manner as the stated capital of a domestic corporation, for the purpose of computing fees, franchise taxes and other charges prescribed by law.

(r) "Subscriber" means one who subscribes for shares in a corporation, whether before or after incorporation.

(s) "Surplus" means the excess of the net assets of a business corporation over its stated capital.

(t) "Treasury shares" means shares of a business corporation which have been issued and have been subsequently acquired by and belong to such corporation, and have not, either by reason of the acquisition or thereafter, been cancelled or restored to the status of authorized but unissued shares. Treasury shares shall be deemed to be issued shares, but not outstanding shares.


Every corporation shall have the power:
(a) To have perpetual succession by its corporate name unless a limited period of duration is stated in its articles of incorporation. Any corporation chartered heretofore and still in existence, which under its agreement of incorporation, had less than perpetual existence, is hereby granted perpetual existence, provided all license fees and taxes due the state of West Virginia shall have been paid.

(b) To sue and be sued, complain and defend, in its corporate name.

(c) To have a corporate seal which may be altered at pleasure, and to use the same by causing it, or a facsimile thereof, to be impressed or affixed or in any other manner reproduced.

(d) To purchase, take, receive, lease, take by gift, devise or bequest, or otherwise acquire, own, hold, improve, use and otherwise deal in and with real or personal property, or any interest therein, wherever situated.

(e) To sell, convey, mortgage, pledge, lease, exchange, transfer and otherwise dispose of all or any part of its property and assets.

(f) To lend money and use its credit to assist its employees.

(g) To purchase, take, receive, subscribe for, or otherwise acquire, own, hold, vote, use, employ, sell, mortgage, lend, pledge, or otherwise dispose of, and otherwise use and deal in and with, shares or other interests in, or obligations of, other domestic or foreign corporations, associations, partnerships, joint ventures or individuals, or direct or indirect obligations of the United States or of any other government, state, territory, governmental district or municipality or of any instrumentality thereof.

(h) To make contracts and guarantees and incur liabilities, borrow money at such rates of interest as the corporation may determine, issue its notes, bonds and other obligations, and secure any of its obligations by mortgage, deed of trust or pledge of all or any of its property, franchises and income.

(i) To lend money for its corporate purposes, invest and
(j) To conduct its business and affairs, carry on its operations, and have offices and exercise the powers granted by this article, within or without this state.

(k) To elect or appoint officers and agents of the corporation, and define their duties and fix their compensation.

(l) To make and alter bylaws, not inconsistent with its articles of incorporation or with the laws of this state, for the administration and regulation of the business and affairs of the corporation.

(m) To make donations for the public welfare or for charitable, scientific or educational purposes.

(n) To transact any lawful business which the board of directors shall find will be in the aid of governmental policy.

(o) To pay pensions and establish pension plans or pension trusts for any or all of its directors, officers and employees, and in the case of business corporations, to establish profit sharing plans, stock bonus plans, stock option plans and other incentive plans for any or all of its directors, officers and employees.

(p) To be a promoter, partner, member, associate, or manager of any partnership, joint venture, trust or other enterprise.

(q) To cease its corporate activities and surrender its corporate franchise in accordance with the provisions of this article.

(r) To have and exercise all powers necessary or convenient to effect its purposes.

§31-1-9. Indemnification of officers, directors, employees and agents.

(a) A corporation shall have power to indemnify any person who was or is a party or is threatened to be made a party to any threatened, pending or completed action or
proceeding, whether civil, criminal, administrative or investiga-
tive (other than an action by or in the right of the corporation)
by reason of the fact that he is or was a director, officer,
employee or agent of the corporation, or is or was serving at the
request of the corporation as a director, officer, employee or
agent of another corporation, partnership, joint venture, trust
or other enterprise, against expenses (including attorneys' fees),
judgments, fines, taxes and penalties and interest thereon, and
amounts paid in settlement actually and reasonably incurred by
him in connection with such action or proceeding if he
acted in good faith and in a manner he reasonably believed
to be in or not opposed to the best interests of the cor-
poration, and, with respect to any criminal action or pro-
ceeding, had no reasonable cause to believe his conduct was
unlawful. The termination of any action or proceeding by
judgment, order, settlement, conviction, or upon a plea of nolo
contendere or its equivalent, shall not, of itself, create a pre-
sumption that the person did not act in good faith and in a
manner which he reasonably believed to be in or not opposed
to the best interest of the corporation, and, with respect to
any criminal action or proceeding, that such person did have
reasonable cause to believe that his conduct was unlawful.

(b) A corporation shall have power to indemnify any
person who was or is a party or is threatened to be made a
party to any threatened, pending or completed action or
proceeding by or in the right of the corporation to procure
judgment in its favor by reason of the fact that he is or
was a director, officer, employee or agent of the corpora-
tion, or is or was serving at the request of the corporation
as a director, officer, employee or agent of another corporation,
partnership, joint venture, trust or other enterprise against
expenses (including attorneys' fees) actually and reasonably
incurred by him in connection with the defense or settlement
of such action or proceeding if he acted in good faith and in
a manner he reasonably believed to be in or not opposed to the
best interests of the corporation, except that no indemnifica-
tion shall be made in respect of any claim, issue or matter,
including, but not limited to, taxes or any interest or penalties
thereon, as to which such person shall have been adjudged to
be liable for negligence or misconduct in the performance of
his duty to the corporation unless and only to the extent that the court in which such action or proceeding was brought shall determine upon application that, despite the adjudication of liability but in view of all circumstances of the case, such person is fairly and reasonably entitled to indemnity for such expenses which such court shall deem proper.

(c) To the extent that a director, officer, employee or agent of a corporation has been successful on the merits or otherwise in defense of any action or proceeding referred to in subsections (a) or (b), or in defense of any claim, issue or matter therein, he shall be indemnified against expenses (including attorneys' fees) actually and reasonably incurred by him in connection therewith.

(d) Any indemnification under subsections (a) or (b) (unless ordered by a court) shall be made by the corporation only as authorized in the specific case upon a determination that indemnification of the director, officer, employee or agent is proper in the circumstances because he has met the applicable standard of conduct set forth in subsections (a) or (b). Such determination shall be made (1) by the board of directors by a majority vote of a quorum consisting of directors who were not parties to such action or proceeding, or (2) if such a quorum is not obtainable, or even if obtainable a quorum of disinterested directors so directs, by independent legal counsel in a written opinion, or (3) by the shareholders or members.

(e) Expenses (including attorneys' fees) incurred in defending a civil or criminal action or proceeding may be paid by the corporation in advance of the final disposition of such action or proceeding as authorized in the manner provided in subsection (d) upon receipt of an undertaking by or on behalf of the director, officer, employee or agent to repay such amount unless it shall ultimately be determined that he is entitled to be indemnified by the corporation as authorized in this section.

(f) The indemnification provided by this section shall not be deemed exclusive of any other rights to which any shareholder or member may be entitled under any bylaw, agreement, vote of shareholders, members or disinterested
directors or otherwise, both as to action in his official capacity and as to action in another capacity while holding such office, and shall continue as to a person who has ceased to be a director, officer, employee or agent and shall inure to the benefit of the heirs, executors and administrators of such a person.

(g) A corporation shall have power to purchase and maintain insurance on behalf of any person who is or was a director, officer, employee or agent of the corporation, or is or was serving at the request of the corporation as a director, officer, employee or agent of another corporation, partnership, joint partnership, joint venture, trust or other enterprise against any liability asserted against him and incurred by him in any such capacity or arising out of his status as such, whether or not the corporation would have the power to indemnify him against such liability under the provisions of this section.

§31-1-15. Secretary of state constituted attorney-in-fact for all corporations; manner of acceptance or service of notices and process upon secretary of state; what constitutes conducting affairs or doing or transacting business in this state for purposes of this section.

The secretary of state is hereby constituted the attorney-in-fact for and on behalf of every corporation created by virtue of the laws of this state and every foreign corporation authorized to conduct affairs or do or transact business herein pursuant to the provisions of this article, with authority to accept service of notice and process on behalf of every such corporation and upon whom service of notice and process may be made in this state for and upon every such corporation. No act of such corporation appointing the secretary of state such attorney-in-fact shall be necessary. Immediately after being served with or accepting any such process or notice, of which process or notice two copies for each defendant shall be furnished the secretary of state with the original notice or process, together with a fee of two dollars, the secretary of state shall file in his office a copy of such process or notice, with a note thereon endorsed of the time of service, or acceptance, as the case may be,
and transmit one copy of such process or notice by registered
or certified mail, return receipt requested, to the person
to whom notice and process shall be sent, whose name and
address were last furnished to the state officer at the time
authorized by statute to accept service of notice and process
and upon whom notice and process may be served; and if no
such person has been named, to the principal office of the
corporation at the address last furnished to the state officer
at the time authorized by statute to accept service of process
and upon whom process may be served, as required by law.
No process or notice shall be served on the secretary of state or
accepted by him less than ten days before the return day
thereof. Such corporation shall pay the annual fee prescribed
by article twelve, chapter eleven of this code for the services
of the secretary of state as its attorney-in-fact.

Any foreign corporation which shall conduct affairs or
do or transact business in this state without having been
authorized so to do pursuant to the provisions of this
article shall be conclusively presumed to have appointed
the secretary of state as its attorney-in-fact with authority
to accept service of notice and process on behalf of such
corporation and upon whom service of notice and process
may be made in this state for and upon every such corpora-
tion in any action or proceeding described in the next
following paragraph of this section. No act of such corporation
appointing the secretary of state as such attorney-in-fact shall
be necessary. Immediately after being served with or accept-
ing any such process or notice, of which process or notice
two copies for each defendant shall be furnished the secretary
of state with the original notice or process, together with
a fee of two dollars, the secretary of state shall file in his
office a copy of such process or notice, with a note thereon
endorsed of the time of service or acceptance, as the case
may be, and transmit one copy of such process or notice
by registered or certified mail, return receipt requested, to
such corporation at the address of its principal office, which
address shall be stated in such process or notice. Such
service or acceptance of such process or notice shall be
sufficient if such return receipt shall be signed by an agent
or employee of such corporation, or the registered or certified
mail so sent by the secretary of state is refused by the
addressee and the registered or certified mail is returned to
the secretary of state, or to his office, showing thereon the
stamp of the United States postal service that delivery thereof
has been refused, and such return receipt or registered or
certified mail is appended to the original process or notice
and filed therewith in the clerk's office of the court from
which such process or notice was issued. No process or
notice shall be served on the secretary of state or accepted
by him less than ten days before the return date thereof.
The court may order such continuances as may be reasonable
to afford each defendant opportunity to defend the action
or proceedings.

For the purpose of this section, a foreign corporation
not authorized to conduct affairs or do or transact business
in this state pursuant to the provisions of this article shall
nevertheless be deemed to be conducting affairs or doing or
transacting business herein (a) if such corporation makes a
contract to be performed, in whole or in part, by any party
thereto, in this state, (b) if such corporation commits a tort
in whole or in part in this state, or (c) if such corporation
manufactures, sells, offers for sale or supplies any product
in a defective condition and such product causes injury to
any person or property within this state notwithstanding the
fact that such corporation had no agents, servants or employees
or contacts within this state at the time of said injury.
The making of such contract, the committing of such tort
or the manufacture or sale, offer of sale or supply of such
defective product as hereinabove described shall be deemed
to be the agreement of such corporation that any notice or
process served upon, or accepted by, the secretary of state
pursuant to the next preceding paragraph of this section
in any action or proceeding against such corporation arising
from, or growing out of, such contract, tort, or manufacture
or sale, offer of sale or supply of such defective product
shall be of the same legal force and validity as process duly
served on such corporation in this state.

§31-1-19. Notice of shareholders' or members' meetings.

Unless otherwise provided in the bylaws, written notice
stating the place, day and hour of the meeting and, in case of a special meeting, the purpose or purposes for which the meeting is called, shall be delivered not less than ten nor more than fifty days before the date of the meeting, either personally or by mail, by or at the direction of the president, the secretary, or the officer or persons calling the meeting, to each shareholder of record or member entitled to vote at such meeting. If mailed, such notice shall be deemed to be delivered when deposited in the United States mail addressed to the shareholder or member at his address as it appears on the corporate records, with postage thereon prepaid.

§31-1-27. Articles of incorporation; contents; matters not required to be set forth; inconsistencies with bylaws; acknowledgment.

(a) The articles of incorporation shall set forth:

(1) The name of the corporation.

(2) The period of duration, which may be perpetual.

(3) The purpose or purposes for which the corporation is organized.

(4) The address of its principal office, and the name and address of the person to whom shall be sent notice or process served upon, or service of which is accepted by, the secretary of state, if such person has been appointed by the corporation.

(5) The name and address of each incorporator.

(b) In the case of a business corporation, in addition to those matters required to be set forth by the provisions of subsection (a) of this section, the articles of incorporation shall set forth:

(1) The aggregate number of shares which the corporation shall have authority to issue; if such shares are to consist of one class only, the par value of each of such shares, or a statement that all of such shares are without par value; or, if such shares are to be divided into classes, the number of shares of each class, and a statement of the par value of the shares of each such class or that such shares are to be without par value.
(2) If the shares are to be divided into classes, the designation of each class and a statement of the preferences, limitations and relative rights in respect of the shares of each class.

(3) If the corporation is to issue the shares of any preferred or special class in series, the designation of each series and a statement of the variations in the relative rights and preferences as between series insofar as the same are to be fixed in the articles of incorporation, and a statement of any authority to be vested in the board of directors to establish series and fix and determine the variations in the relative rights and preferences as between series.

(4) Any provision limiting or denying to shareholders the preemptive right to acquire additional unissued or treasury shares of the corporation.

(5) Any provision, not inconsistent with law, which the incorporators elect to set forth in the articles of incorporation for the regulation of the internal affairs of the corporation, including any provision restricting the transfer of shares and any provision which under this article is required or permitted to be set forth in the bylaws.

(c) In the case of a nonprofit corporation, in addition to those matters required to be set forth by the provisions of subsection (a) of this section, the articles of incorporation shall set forth any provisions, not inconsistent with law, which the incorporators elect to set forth in such articles of incorporation for the regulation of the internal affairs of the corporation, including any provisions for distribution of assets on dissolution or final liquidation.

(d) It shall not be necessary to set forth in the articles of incorporation any of the corporate powers enumerated in this article.

(e) Whenever a provision of the articles of incorporation is inconsistent with a bylaw, the provision of the articles of incorporation shall be controlling.

(f) The articles of incorporation shall contain a statement of the name and address of the person who, or the firm which, prepared such articles of incorporation.
(g) The articles of incorporation shall be acknowledged by the incorporators before a notary public and transmitted with the proper fees to, and shall be filed with, the secretary of state.

§31-1-28. Filing of articles of incorporation; issuance of certificate of incorporation; recordation of certificate in county clerk's office.

(a) Duplicate originals, which as used in this article shall mean two copies, howsoever reproduced, both of which are executed in the original, of the articles of incorporation shall be delivered to the secretary of state. If the secretary of state finds that the articles of incorporation conform to law, he shall, when all fees have been paid as prescribed by law, (i) endorse on each of such duplicate originals the word "Filed," and the month, day and year of the filing thereof; (ii) file one of such duplicate originals in his office; and (iii) issue a certificate of incorporation to which he shall affix the other duplicate original.

The certificate of incorporation, together with the duplicate original of the articles of incorporation affixed thereto by the secretary of state, shall be returned to the incorporators or their representative.

(b) If the corporation has its principal office in this state, it shall cause such certificate, or a duly certified copy thereof to be recorded in the office of the clerk of the county commission of the county in which such principal office is located; if its principal office is not within this state but it conducts affairs or does or transacts business herein, then in the county or one of the counties in which it conducts its affairs or does or transacts its principal business. If its principal office is without the state and it does not conduct affairs or do or transact business within the state, such charter need not be recorded in a county clerk's office. A failure to comply with the foregoing recordation provision within six months from the date of such certificate shall subject the corporation to a fine of not more than one thousand dollars.

§31-1-36. Articles of merger or consolidation; filing; issuance of certificate; recordation; admission in evidence.

(a) Upon approval by the shareholders or members in
accordance with the provisions of section one hundred seventeen or section one hundred fifty of this article, whichever is applicable, the articles of merger or articles of consolidation shall be executed in duplicate by each corporation by its president or a vice president and by its secretary or an assistant secretary, and verified by one of the officers of each corporation signing such articles.

(b) Duplicate originals of the articles of merger or articles of consolidation shall be delivered to the secretary of state. If the secretary of state finds that such articles conform to law, he shall, when all fees have been paid as prescribed by law, (i) endorse on each of such duplicate originals the word "Filed," and the month, day and year of the filing thereof; (ii) file one of such duplicate originals in his office; and (iii) issue a certificate of merger or a certificate of consolidation to which he shall affix the other duplicate original.

The certificate of merger or certificate of consolidation, together with the duplicate original of the articles of merger or articles of consolidation affixed thereto by the secretary of state, shall be returned to the surviving or new corporation, as the case may be, or its representative.

(c) The certificate of merger or certificate of consolidation, or certified copy thereof, shall be recorded in the office of the appropriate county clerk in the same manner as original certificates of incorporation are required to be recorded, in accordance with the provisions of subsection (b) of section twenty-eight of this article and received in evidence to the same extent as an original certificate of incorporation or a certified copy of such original.

§31-1-46. Order of involuntary dissolution; filing with the secretary of state; recordation.

In proceedings to liquidate the assets and business or affairs of a corporation, when the costs and expenses of such proceedings and all debts, obligations and liabilities of the corporation shall have been paid and discharged and all of its remaining property and assets distributed to its shareholders, or in the case of a nonprofit corporation, in accordance with the provisions of sections one hundred fifty-five and one hundred
fifty-six of this article, the court shall enter an order dis-
soving the corporation, whereupon the existence of the cor-
poration shall cease. In case its property and assets are not
sufficient to satisfy and discharge such costs, expenses, debts
and obligations and all the property and assets have been
applied so far as they will go to their payment, the court shall
likewise enter an order dissolving the corporation, whereupon
the existence of the corporation shall cease.

If the court shall enter an order dissolving a corporation,
it shall be the duty of the clerk of such court to cause a cer-
fied copy of the order to be filed with the secretary of state, and
a certified copy of the order to be recorded in the office of
the clerk of the county commission in which the certificate of
incorporation is recorded and such county clerk shall make a
marginal notation thereof in the manner required by section
forty of this article. No fee shall be charged by the secretary of
state or county clerk for the filing or recording thereof.


The dissolution of a corporation either (1) by the issuance
of a certificate of dissolution by the secretary of state, or (2)
by an order of court when the court has not liquidated the
assets and business or affairs of the corporation as provided in
this article, or (3) by expiration of its period of duration, shall
not take away or impair any remedy available to or against
such corporation, its shareholders or members, directors and
officers, for any right or claim existing, or any liability in-
curred, prior to such dissolution if action or other proceeding
thereon is commenced within two years after the date of such
dissolution. Any such action or proceeding by or against the
corporation may be prosecuted or defended by the corporation
in its corporate name. The shareholders or members, directors
and officers shall have power to take such corporate or other
action as shall be appropriate to protect such remedy, right or
claim. If such corporation was dissolved by the expiration of
its period of duration, such corporation may amend its articles
of incorporation at any time during such period of two years
so as to extend its period of duration.

At any time after the date of such expiration or dissolution,
the shareholders may elect a new board of directors; the di-
rector or directors remaining in office may fill any vacancies in
the board of directors, and in any executive office, by election
or appointment; and such directors or officers and their suc-
successors in office may cause actions or proceedings to be
brought, conducted, prosecuted or defended, the real and per-
sonal property of the corporation to be conveyed or trans-
ferred under the common seal or otherwise, further assurances
of previous conveyances to be made, and all lawful acts to be
done, in the corporate name, in like manner and with like
effect as before such dissolution or expiration; but so far only
as shall be necessary or proper to do and perform every act
and thing which should have been or should be done and per-
formed by the corporation, and for collecting the debts and
claims due to the corporation, converting its property and
assets into money, prosecuting, defending and protecting its
rights, enforcing all claims in its favor, and paying over and
distributing its property and assets, or the proceeds thereof, to
those entitled thereto.

§31-1-49. Admission of foreign corporation; acts permitted to be
done without certificate of authority.

(a) No foreign corporation shall have the right to conduct
affairs or do or transact business in this state until it shall have
procured a certificate of authority so to do from the secretary
of state. No foreign corporation shall be entitled to procure a
certificate of authority under this article to conduct affairs or
do or transact any business in this state which would not be
permitted to be conducted, done or transacted by a corpora-
tion organized under this article. A foreign corporation shall
not be denied a certificate of authority by reason of the fact
that the laws of the state or county under which such corpora-
tion is organized governing its organization and internal affairs
differ from the laws of this state, and nothing in this article
contained shall be construed to authorize this state to regulate
the organization or the internal affairs of such corporation.

(b) Without excluding other activities which may not con-
stitute conducting affairs or doing or transacting business in
this state, a foreign corporation shall not be considered to be
conducting affairs or doing or transacting business in this state,
for the purposes of this article, by reason of carrying on in this state any one or more of the following activities:

(1) Maintaining or defending any legal action or proceeding or any administrative or arbitration proceeding, or effecting the settlement thereof or the settlement of claims or disputes;

(2) Holding meetings of its directors, shareholders or members or carrying on other activities concerning its internal affairs;

(3) Maintaining bank accounts;

(4) Creating evidences of debt, mortgages or liens on real or personal property;

(5) Securing or collecting debts or enforcing any rights in property securing the same;

(6) Conducting its affairs or doing or transacting business in interstate commerce;

(7) Granting funds or other gifts;

(8) Distributing information to its shareholders or members; or

(9) Conducting an isolated transaction completed within a period of thirty days and not in the course of a number of repeated transactions of like nature.

(c) In addition to those activities enumerated in subsection (b) of this section, a foreign corporation shall not be considered to be conducting affairs or doing or transacting business in this state, for the purposes of this article, by reason of carrying on in this state one or more of the following activities:

(1) Maintaining offices or agencies for the transfer, exchange and registration of its securities, or appointing and maintaining trustees or depositaries with relation to its securities;

(2) Effecting sales through independent contractors; or

(3) Soliciting or procuring orders, whether by mail or through employees or agents or otherwise, where such orders require acceptance without this state before becoming binding contracts.
(d) In addition to those activities enumerated in subsections (b) and (c) of this section, a foreign corporation shall not be considered to be conducting affairs or doing or transacting business in this state, for the purposes of this article, by reason of carrying on in this state one or more of the following activities:

(1) The acquisition by purchase of loans secured by mortgages or deeds of trust, drawn and executed in compliance with section two, article one-a, chapter thirty-eight of this code on real or personal property situated in West Virginia pursuant to commitment agreements or arrangements made prior to or following the origination or creation of said loans;

(2) The ownership, modification, renewal, extension, transfer or foreclosure of such loans, or the acceptance of substitute or additional obligors thereon;

(3) The maintaining or defending of any actions or suits relative to such loans, mortgages or deeds of trust;

(4) The maintenance of bank accounts in West Virginia banks in connection with the collection or servicing of such loans;

(5) The making, collection and servicing of such loans through a resident person, firm or corporation, or a foreign corporation qualified to do business in West Virginia, engaged in the business of servicing loans for investors;

(6) The taking of deeds to the mortgaged property either in lieu of foreclosure or for the purpose of transferring title either to the federal housing administration or to the veterans administration as the insurer or guarantor;

(7) The acquisition of title to property under foreclosure sale or from the owner in lieu of foreclosure;

(8) The management, rental, maintenance and sale, or the operating, maintaining, renting or otherwise dealing with, selling or disposing of property acquired under foreclosure sale or by agreement in lieu thereof;

(9) Physical inspection and appraisal of property in West Virginia as security for deeds of trust or mortgages and negotiations for the purchase of such loans;
(10) Any other transaction directly related to the activities above described: Provided, That if property acquired in or by reason of any of the activities defined in the provisions of (6), (7) and (8) of this subsection shall be held longer than a period of five years, the provisions of this section shall there- after be inapplicable.

§31-1-53. Application for certificate of authority by foreign corporation; contents; churches or religious denominations in corporate capacity prohibited.

(a) A foreign corporation, in order to procure a certificate of authority to conduct affairs, or do or transact business in this state, shall make application therefor to the secretary of state, which application shall set forth:

(1) The name of the corporation and the state or country under the laws of which it is incorporated.

(2) If the name of the corporation does not contain the word "corporation," "company," "incorporated" or "limited," or does not contain an abbreviation of one of such words, then the name of the corporation with the word or abbreviation which it elects to add thereto for use in this state.

(3) The date of incorporation and the period of duration of the corporation.

(4) The address of the principal office of the corporation.

(5) The name and address of the person to whom shall be sent notice or process served upon, or service of which is accepted by, the secretary of state, if one has been designated.

(6) The purpose or purposes of the corporation which it proposes to pursue in conducting its affairs or doing or transacting its business in this state.

(7) The names and respective addresses of the directors and officers of the corporation.

(8) Such additional information as may be necessary or appropriate in order to enable the secretary of state to determine whether such corporation is entitled to a certificate of authority to conduct its affairs or do or transact business in
this state and to determine and assess the fees payable as
prescribed by law.

(9) The county wherein the corporation intends to record
its articles of incorporation, amendments or restatement of such
articles of incorporation, pursuant to the provisions of sub-
section (c) of section fifty-four of this article.

(b) In the case of a business corporation, in addition to
those matters required to be set forth under the provisions of
subsection (a) of this section, such application shall set forth:

(1) A statement of the aggregate number of shares which
the corporation has authority to issue, itemized by classes, par
value of shares, shares without par value, and series, if any,
within a class.

(2) A statement of the aggregate number of issued shares
itemized by classes, par value of shares, shares without par
value, and series, if any, within a class.

(3) A statement, expressed in dollars, of the amount of
stated capital of the corporation, as defined in this article.

(4) An estimate, expressed in dollars, of the value of all
property to be owned by the corporation, for the following year,
whenever located, and an estimate of the value of the property
of the corporation to be located within this state during such
year, and an estimate, expressed in dollars, of the gross amount
of business which will be done or transacted by the corporation
during such year, and an estimate of the gross amount thereof
which will be done or transacted by the corporation at
or from places of business in this state during such year.

(c) Such application shall be made on forms prescribed
and furnished by the secretary of state and shall be executed
in duplicate by the corporation by its president or vice president
and by its secretary or an assistant secretary, and verified by one
of the officers signing such application.

(d) No church, religious sect or denomination incorporated
by the laws of any other state or territory of the United States,
the District of Columbia or of any foreign country shall be
qualified to conduct affairs or do or transact business in this
state in a corporate capacity.
§31-1-55. Effect of certificate of authority.

Upon the issuance of a certificate of authority by the secretary of state, the corporation shall be authorized to conduct affairs or do or transact business in this state for those purposes set forth in its application, subject, however, to the right of this state to suspend or to revoke such authority as provided in this article.

§31-1-56. Appointment of person to whom notice or process may be sent by the secretary of state; change of principal office or name and address of person to receive notice or process.

(a) A corporation may at any time appoint a person other than the corporation to whom notice or process served upon the secretary of state or service of which is accepted by the secretary of state may be sent, as required by section fifteen of this article, by filing with the secretary of state a statement setting forth:

(1) The name of the corporation and the state of its incorporation.

(2) The present address of its principal office.

(3) Express appointment of and the name and address of the person to whom notice or process shall be sent by the secretary of state under section fifteen of this article.

(4) Express authority to the secretary of state to send to such person at the address given, all notices and process served upon the secretary of state or service of which is accepted by the secretary of state.

(5) That such appointment was duly authorized by the board of directors of the corporation.

Such statement shall be signed by the president or a vice president or secretary or an assistant secretary, of the corporation, verified by the signer and delivered to the secretary of state, and upon receipt thereof shall be filed by the secretary of state in his office.

(b) A corporation may at any time change the address of its principal office; or the name and address, or the address,
of the person to whom shall be sent notice or process served
upon, or service of which is accepted by, the secretary of
state. Such change shall become effective as the name and
address or address last furnished to the secretary of state
for the purposes of section fifteen of this article only when
such corporation has filed in the office of the secretary of state
a statement setting forth:

(1) The name of the corporation.

(2) The state under whose laws it was incorporated.

(3) If the address of the principal office is changed, then
the address of the former or present principal office and
the address to which it is changed or to be changed.

(4) If the name and address or address only of the person
to whom notice or process is to be sent is to be changed,
then the name and address of such person to be used from
and after the filing of the statement required by this section.

(5) That such change was duly authorized by the board
of directors.

Such statement shall be signed by the president, vice
president, secretary or assistant secretary of the corporation
and verified by him.

§31-1-56a. Annual report of domestic and foreign corporations;
filing.

(a) Each domestic corporation, and each foreign cor-
poration authorized to conduct affairs or do or transact business
within this state, shall file with the secretary of state and
with the tax commissioner, within the time prescribed by this
article, an annual report setting forth:

(1) The name of the corporation and the state or country
under the laws of which it is incorporated.

(2) The address of its principal office; and, if one has
been appointed, the name and address of the person to whom
shall be sent notice and process served upon or service of
which is accepted by the secretary of state, as provided by
sections fifteen and fifty-six of this article.
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(3) A brief statement of the character of the affairs which
the corporation is actually conducting, or the business it is
doing or transacting, in this state.

(4) The names and respective addresses of the directors
and officers of the corporation.

(5) In the case of a foreign corporation, the date of
incorporation and the following additional information: (i) the
date of the certificate of the secretary of state authorizing it
to do business in this state, the name of its officer, if any,
charged with the duty of making returns of its property for
taxation; (ii) the number of shares of its authorized capital
stock having a par value and the par value of each share, and
the number of its issued and outstanding shares and the par
value of each share; (iii) the number of shares of its authorized
capital stock having no par value, the number of shares of such
stock authorized to be issued and the considerations fixed for
the issue of each share of the same by its articles of incor-
poration or board of directors, and the number of shares thereof
issued and outstanding; (iv) the value of the property owned
and used by such corporation within this state, where situate,
of what it consists, and the number of acres of land it holds in
this state, and the value of its property owned and used without
this state; and (v) the proportion of its capital stock which is
represented by property owned and used in the state of West
Virginia.

(b) Such annual report shall be made on forms pre-
scribed and furnished by the secretary of state, and the in-
formation therein contained shall be given as of the date of the
execution of the report. It shall be executed and verified by
the corporation by its president, a vice president, secretary or
treasurer, or an assistant secretary or treasurer, or, if the
corporation is in the hands of a receiver or trustee, it shall
be executed on behalf of the corporation by such receiver or
trustee.

(c) Such annual report of a domestic or foreign corporation
shall be delivered to the secretary of state and the tax com-
misssioner in duplicate, between the first day of January and
the thirty-first day of March of each year, except that the first
annual report of a domestic or foreign corporation shall be
filed between the first day of January and the thirty-first day of March of the year next succeeding the calendar year in which its certificate of incorporation or its certificate of authority, as the case may be, was issued by the secretary of state. Proof to the satisfaction of the secretary of state that prior to the thirty-first day of March such reports were deposited in the United States mail in sealed envelopes, properly addressed to the secretary of state and the tax commissioner, with postage prepaid, shall be deemed compliance with this requirement. If the secretary of state finds that such report conforms to the requirements of this article, he shall file the same. If he finds that it does not so conform, he shall promptly return the same to the corporation for any necessary corrections, which corrections shall be made and the corrected report be returned by the corporation to the secretary of state and tax commissioner within thirty days, and upon receipt of such corrected report the secretary of state shall file the same.

§31-1-56b. Penalties imposed for failure to file annual report; notice; hearings conducted by secretary of state; appeal.

1 Each corporation, domestic or foreign, which fails or refuses to file its annual report or corrected annual report, if such corrected report is requested, for three successive years, as required by the provisions of section fifty-six-a of this article, shall be notified by registered or certified mail, return receipt requested, of its failure to file such annual reports. Such notice shall be mailed to the corporation as provided in section fifteen of this article.

Such notice shall also advise the corporation that its failure to file all of the annual reports within thirty days of receipt of the notice shall subject such corporation to an order of dissolution or an order revoking its certificate of authority, as the case may be. Such order shall also advise the corporation of its right to a hearing and shall set forth the date and time of the hearing, which hearing shall be held in the office of the secretary of state by the secretary of state or his designee. At such hearing, the corporation shall be afforded an opportunity to explain its reasons for failure to file the required reports.
If the corporation fails to file the required reports within such thirty day period or fails to appear at the hearing, as set by the secretary of state, or fails to explain to the satisfaction of the secretary of state its reasons for not filing the reports, then the secretary of state shall issue an order dissolving the corporation or shall issue an order revoking its certificate of authority as the case may be.

Any person or corporation aggrieved by the action of the secretary of state with respect to dissolving the corporation or revoking its certificate of authority under this section shall have the same right of appeal as set forth in subsection (b) of section sixty-eight of this article.

§31-1-60. Procedure for withdrawal of foreign corporation; publication required; application for certificate of withdrawal; contents; filing; issuance of certificate; recordation.

(a) A foreign corporation authorized to conduct affairs or do or transact business in this state may withdraw from this state upon procuring from the secretary of state a certificate of withdrawal. In order to procure such certificate of withdrawal, such foreign corporation shall publish a notice of its intention to withdraw from the state, such notice to be published as a Class II legal advertisement in compliance with the provisions of article three, chapter fifty-nine of this code, and the publication area for such publication shall be the county in which its principal office in this state is situated, or if there be no such office in this state, then any county in this state where it conducts its affairs or transacts its business.

(b) After publication of the notice required by the provisions of subsection (a) of this section, such foreign corporation shall make application to the secretary of state for a certificate of withdrawal, which application shall set forth:

(1) The name of the corporation and the state or country under the laws of which it is incorporated.

(2) That the corporation has ceased conducting affairs or has ceased doing or transacting business in this state.
(3) That the corporation surrenders its authority to conduct affairs or do or transact business in this state.

(4) A post-office address to which the secretary of state may mail a copy of any process against the corporation that may be served on him.

(5) Such additional information as may be necessary or appropriate in order to enable the secretary of state and tax commissioner to determine and assess any unpaid fees and annual corporate license tax payable by such foreign corporation as may be prescribed by law.

(c) In the case of a business corporation, in addition to those matters required to be set forth under the provisions of subsection (b) of this section, such application shall set forth:

(1) A statement of the aggregate number of shares which the corporation has authority to issue, itemized by classes, par value of shares, shares without par value, and series, if any, within a class, as of the date of such application.

(2) A statement of the aggregate number of issued shares, itemized by classes, par value of shares, shares without par value, and series, if any, within a class, as of the date of such application.

(3) A statement, expressed in dollars, of the amount of stated capital of the corporation, as of the date of such application.

(d) The application for a certificate of withdrawal shall be made on forms prescribed and furnished by the secretary of state and shall be executed by the corporation by its president or a vice president and by its secretary or an assistant secretary, and verified by one of the officers signing the application, or, if the corporation is in the hands of a receiver or trustee, shall be executed on behalf of the corporation by such receiver or trustee and verified by him. Such application shall be accompanied by a copy of the notice required to be published under the provisions of subsection (a) of this section and the publisher's certificate of such publication.
(e) Duplicate originals of such application for a certificate of withdrawal shall be delivered to the secretary of state. If the secretary of state finds that such application conforms to law, he shall, when all fees have been paid, as prescribed by law, (i) endorse on each of such duplicate originals the word "Filed," and the month, day and year of the filing thereof; (ii) file one of such duplicate originals in his office; and (iii) subject to the provisions of section sixty-one of this article, issue a certificate of withdrawal to which he shall affix the other duplicate original.

(f) The certificate of withdrawal, together with the duplicate original of the application for withdrawal affixed thereto by the secretary of state, shall be returned to the corporation or its representative. The corporation or its representative shall record the certificate of withdrawal in the office of the clerk of the county commission in which the corporation's certificate of authority is recorded, and the clerk shall note on the margin of the record book in which such certificate of authority is engrossed the fact of the withdrawal of the corporation.


(a) Subject to the provisions of section sixty-eight of this article, the certificate of authority of a foreign corporation to conduct affairs or do or transact business in this state may be revoked by the secretary of state upon the conditions prescribed in this section when:

(1) The corporation has failed or refused to file in the office of the secretary of state its annual report or corrected annual report as required by section fifty-six-a of this article, or

(2) The corporation has failed to file in the office of the secretary of state any amendment to its articles of incorporation as required by the provisions of section fifty-seven of this article, or

(3) The corporation has failed to file in the office of the secretary of state any articles of merger, as required by the provisions of section fifty-eight of this article, or

(4) A misrepresentation has been made of any material matter in any application, report, affidavit or other document
submitted by such corporation pursuant to the provisions of this article.

(b) No certificate of authority of a foreign corporation shall be revoked by the secretary of state unless:

(1) He shall have given the corporation not less than sixty days' notice thereof by registered or certified mail, return receipt requested, addressed to its principal office, and

(2) The corporation shall fail, prior to revocation, to file its annual statement or shall fail to file any amendment to its articles of incorporation or shall fail to file any articles of merger or shall fail to correct any such misrepresentation.

§31-1-63. Issuance of order of revocation; period of appeal.

(a) Upon revoking any certificate of authority, the secretary of state shall issue an order of revocation in duplicate, one of which shall be filed in his office and the other shall be mailed by registered or certified mail, return receipt requested, to the corporation at its principal office and a copy of the notice required by the provisions of subsection (b) of section sixty-two of this article shall be attached thereto.

(b) Such corporation shall have thirty days from the date of receipt of such order of revocation to appeal the action of the secretary of state in accordance with the provisions of section sixty-eight of this article, and if such appeal be not taken within such thirty-day period, then the order of the secretary of state revoking the certificate of authority of such corporation shall be final and the authority of the corporation to conduct affairs or do or transact business in this state shall cease.

(c) When said order of revocation becomes finally effective, whether upon no appeal being taken or being sustained upon appeal, it shall be recorded in the office of the clerk of the county commission of the county in which such corporation's original certificate of authority was recorded, and such clerk shall record the same without charge or fee, and shall note on the margin of the record book in which such certificate of authority is engrossed the fact of the revocation of the certificate of authority of the corporation.
§31-1-90. Shareholders' preemptive rights.
1 The articles of incorporation may contain such provisions
2 as may be desired limiting or denying to the shareholders of
3 a corporation the preemptive right to acquire unissued or
4 treasury shares theretofore or thereafter authorized of any or
5 all classes or securities convertible into such shares or carry-
6 ing a right to subscribe to or acquire such shares.

§31-1-104. Officers; removal of officers.
1 (a) The officers of a corporation shall consist of a pres-
2 ident, a secretary, and a treasurer, each of whom shall
3 be elected by the board of directors at such time and in
4 such manner as may be prescribed by the bylaws. Such
5 other officers and assistant officers and agents as may be
6 deemed necessary may be elected or appointed by the
7 board of directors or chosen in such other manner as may
8 be prescribed by the bylaws. Any two or more offices may
9 be held by the same person, except the offices of president and
10 secretary.

11 All officers and agents of the corporation, as between them-
12 selves and the corporation, shall have such authority and per-
13 form such duties in the management of the corporation as may
14 be provided in the bylaws, or as may be determined by reso-
15 lution of the board of directors not inconsistent with the by-
16 laws.

17 (b) Any officer or agent may be removed by the board of
18 directors whenever in its judgment the best interests of the
19 corporation will be served thereby, but such removal shall be
20 without prejudice to the contract rights, if any, of the person
21 so removed. Election or appointment of an officer or agent
22 shall not of itself create contract rights.

§31-1-108. Class voting on amendments.
1 The holders of the outstanding shares of a class shall be
2 entitled to vote as a class upon a proposed amendment, whether
3 or not entitled to vote thereon by the provisions of the articles
4 of incorporation, if the amendment would:
(a) Increase or decrease the aggregate number of authorized shares of such class.

(b) Increase or decrease the par value of the shares of such class.

(c) Effect an exchange, reclassification or cancellation of all or part of the shares of such class.

(d) Effect an exchange, or create a right of exchange, of all or any part of the shares of another class into the shares of such class.

(e) Change the designations, preferences, limitations or relative rights of the shares of such class.

(f) Change the shares of such class, whether with or without par value, into the same or a different number of shares, either with or without par value, of the same class or another class or classes.

(g) Create a new class of shares having rights and preferences prior and superior to the shares of such class, or increase the rights and preferences or the number of authorized shares, of any class having rights and preferences prior or superior to the shares of such class.

(h) In the case of a preferred or special class of shares, divide the shares of such class into series and fix and determine the designation of such series and the variations in the relative rights and preferences between the shares of such series, or authorize the board of directors to do so.

(i) Limit or deny the existing preemptive rights of the shares of such class.

(j) Cancel or otherwise affect dividends on the shares of such class which have accrued but have not been declared.

§31-1-109. **Articles of amendment.**

The articles of amendment shall be executed in duplicate by the corporation by its president or a vice president and by its secretary or an assistant secretary and verified by one of the officers signing such articles, and shall set forth:

(a) The name of the corporation.
(b) The amendments so adopted.

(c) The date of the adoption of the amendment by the shareholders, or by the board of directors where no shares have been issued.

(d) The number of shares outstanding, and the number of shares entitled to vote thereon, and if the shares of any class are entitled to vote thereon as a class, the designation and number of outstanding shares entitled to vote thereon of each such class.

(e) The number of shares voted for and against such amendment, respectively, and, if the shares of any class are entitled to vote thereon as a class, the number of shares of each such class voted for and against such amendment, respectively, or if no shares have been issued, a statement to that effect.

(f) If such amendment provides for an exchange, reclassification or cancellation of issued shares, and if the manner in which the same shall be effected is not set forth in the amendment, then a statement of the manner in which the same shall be effected.

(g) If such amendment effects a change in the amount of stated capital, then a statement of the manner in which the same is effected and a statement, expressed in dollars, of the amount of stated capital as changed by such amendment.

(h) The amendment shall contain a statement of the name and address of the person who, or the firm which, prepared such amendment.


By the act of the corporation, a corporation may, at any time prior to the issuance of a certificate of dissolution by the secretary of state, revoke voluntary dissolution proceedings theretofore taken, in the following manner:

(a) The board of directors shall adopt a resolution recommending that the voluntary dissolution proceedings be revoked, and directing that the question of such revocation be submitted to a vote at a special meeting of shareholders.
(b) Written notice, stating that the purpose or one of the purposes of such meeting is to consider the advisability of revoking the voluntary dissolution proceedings, shall be given to each shareholder of record entitled to vote at such meeting within the time and in the manner provided in this article for the giving of notice of special meetings of shareholders.

(c) At such meeting a vote of the shareholders entitled to vote thereat shall be taken on a resolution to revoke the voluntary dissolution proceedings, which shall require for its adoption the affirmative vote of a majority of the shares entitled to vote thereon.

(d) Upon the adoption of such resolution, a statement of revocation of voluntary dissolution proceedings shall be executed in duplicate by the corporation by its president or a vice president and by its secretary or an assistant secretary, and verified by one of the officers signing such statement, which statement shall set forth:

(1) The name of the corporation.

(2) The names and respective addresses of its officers.

(3) The names and respective addresses of its directors.

(4) A copy of the resolution adopted by the shareholders revoking the voluntary dissolution proceedings.

(5) The number of shares outstanding.

(6) The number of shares voted for and against the resolution, respectively.

PART IV—NONPROFIT CORPORATIONS.

§31-1-144. Membership certificates permitted; dividends prohibited.

Corporations may have or issue to its members certificates of membership evidencing proportionate ownership of the corporate assets, but having no vote as such, the power to vote being reserved to the members. All shares of stock in nonprofit corporations now issued and outstanding shall be treated for all purposes as membership certificates. No dividend shall be paid and no part of the income or profit
of a corporation shall be distributed to its members, directors
or officers. A corporation may pay compensation in a rea-
sonable amount to its members, directors, or officers for
services rendered, may confer benefits upon its members in
conformity with its purposes, and upon dissolution or final
liquidation may make distributions to its members as permitted
by this article, and no such payment, benefit or distribution
shall be deemed to be a dividend or a distribution of income
or profit.

§31-1-148. Articles of amendment.

The articles of amendment shall be executed in duplicate
by the corporation by its president or a vice president and by
its secretary or an assistant secretary and shall set forth:

(a) The name of the corporation.
(b) The amendment so adopted.
(c) If there are members entitled to vote thereon, (1) a statement setting forth the date of the meeting of members
at which the amendment was adopted, that a quorum was
present at such meeting, and that such amendment received
a majority of the votes which members present at such meeting
or represented by proxy were entitled to cast, or (2) a state-
ment that such amendment was adopted by a consent in writing
signed by all members entitled to vote with respect thereto.
(d) If there are no members, or no members entitled to
vote thereon, a statement of such fact, the date of the meeting
of the board of directors at which the amendment was adopted,
and a statement of the fact that such amendment received the
vote of a majority of the directors in office.
(e) The amendment shall contain a statement of the name
and address of the person who, or the firm which, prepared
such amendment.

§31-1-149. Restated articles of incorporation; procedures for adop-
tion; contents.

A domestic corporation may at any time restate its articles
of incorporation as theretofore amended, by a resolution adopt-
ed by the board of directors.
Upon the adoption of such resolution, restated articles of incorporation shall be executed in duplicate by the corporation by its president or a vice president and by its secretary or assistant secretary and verified by one of the officers signing such articles and shall set forth all of the operative provisions of the articles of incorporation as theretofore amended together with a statement that the restated articles of incorporation correctly set forth without change the corresponding provisions of the articles of incorporation as theretofore amended and that the restated articles of incorporation supersede the original articles of incorporation and all amendments thereto.

CHAPTER 11. TAXATION.

ARTICLE 12. LICENSE TAXES.

§11-12-77. Relief from assessment of corporate license tax.

§11-12-80. Filing of annual reports by corporations; license tax on foreign corporations.

§11-12-81. Preliminary report by foreign corporations; assessments; collection of license taxes.

§11-12-83. Notice to corporations taxable; statement on payment; tax as lien.

§11-12-77. Relief from assessment of corporate license tax.

Any corporation feeling aggrieved at the assessment of its license tax by the tax commissioner, under the provisions of this article may appeal to the circuit court of the county in which the principal office of such corporation is situated, or is proposed to be situated, or if such principal office is located or to be located outside this state, then such appeal shall be to the circuit court of Kanawha county. Such appeal shall be taken within thirty days from the date of receipt of the notice of the assessment.

The appeal shall be taken by the filing of a petition and notice, which petition and notice shall be served upon the tax commissioner as an original notice. When said petition and notice is so served, it shall, with the return thereon, be filed in the office of the clerk of the circuit court and docketed as other cases with the taxpayer as plaintiff and the tax commissioner as defendant.
§11-12-80. Filing of annual reports by corporations; license tax on foreign corporations.

Every domestic corporation and foreign corporation which has qualified to hold property or to do business in this state shall file with the tax commissioner annually on or before the thirty-first day of the third month of each year, two copies of the annual report required by section fifty-six-a, article one, chapter thirty-one of this code.

It shall be the duty of the tax commissioner to assess and fix the license tax of each such foreign corporation according to the proportion of its issued and outstanding capital stock which is represented by its property owned and used in this state, which license tax shall be at the rate prescribed in section seventy-eight of this article, plus seventy-five percent of such tax. In no event shall any such foreign corporation pay an annual license tax of less than two hundred fifty dollars, which shall be in addition to the fee of the secretary of state as statutory attorney-in-fact. The tax commissioner may in any case require such additional information as he may deem necessary to enable him to assess and fix the just amount of license tax of such corporation; and it shall be his duty to notify every such corporation of the amount so assessed by him and it shall be the duty of the corporation to pay the same to the tax commissioner within thirty days thereafter, and if it fail to do so it shall be liable to the penalties prescribed in sections eighty-six and eighty-seven of this article.

§11-12-81. Preliminary report by foreign corporations; assessments; collection of license taxes.

Every foreign corporation, at the time of its application for a certificate of authority under the provisions of article one of chapter thirty-one of this code, shall file with the secretary of state a report preliminary to the annual report required to be filed under the provisions of section eighty of this article, which preliminary report shall contain sufficient information upon which to base an assessment of its license tax for the then current year. It shall be the duty of the secretary of state to make assessment of its license tax for such year, and he may require such further information as he may deem necessary for that purpose. Before issuing such certificate the secretary
of state shall collect the amount of license tax he finds to be
proper for the license tax year ending with the thirtieth day of
the last month of the license tax year. If the certificate be is-
issued after the last day of the third month of the license tax
year and before the first day of the ensuing license tax year, the
secretary of state shall assess and collect such taxes at the
rate of one tenth the amount of the annual license tax for each
month or fractional part of a month to ensue before the first
day of the ensuing license tax year. Thereafter on or before the
first day of the license tax year next following the date of the
certificate of authority and on or before every succeeding first
day of the license tax year the tax commissioner shall collect
such tax for a full year: Provided, That if the certificate be
issued in either of the last two months of the license tax year,
the secretary of state shall assess and collect the license tax for
such month or months, as well as for a full year beginning with
the first day of the ensuing license tax year. When the tax
commissioner shall assess and collect the tax on any such for-

eign corporation, he may include in the tax for any year any
amount that such corporation should have paid for any pre-
vious year and failed to pay. The collections hereunder shall
be in addition to the annual fee of the secretary of state as stat-
tutory attorney-in-fact. All moneys collected by the secretary of
state and the tax commissioner shall be paid into the state
treasury in the manner prescribed by law.

§11-12-83. Notice to corporations taxable; statement on payment;
tax as lien.

It shall be the duty of the tax commissioner, between the
fifteenth day of the third month next preceding the first day
of the license tax year and the fifteenth day of the second
month next preceding the first day of the license tax year, in
each year, to notify each corporation, liable to the tax imposed
by this article, of the time of payment of such tax and the
amount thereof, together with the statutory attorney fee, if any.
Such notices may be sent through the mails, addressed to the
corporation at its last known post-office address as shown by
the records in the office of the secretary of state. If the tax
commissioner shall make a mistake in the amount of such
tax such corporation may file a sworn certificate of the presi-
dent, vice president or secretary of the corporation, showing
such mistake, or showing the actual amount of tax due; and,
in that event, it shall be the duty of the tax commissioner to
accept the amount due as shown by such certificate, unless con-
trary to provisions of this article. The payment of the tax and
statutory attorney fee, payable under the provisions of this sec-
tion, shall be accompanied by a report on forms provided by the
tax commissioner for the purpose, and shall be submitted in du-
plicate. The tax commissioner shall forward a copy of such re-
port to the secretary of state, together with a list of all corpora-
tions which have paid such tax. Such report shall contain, in
addition to such information as the tax commissioner deems ap-
propriate, the name and address of the corporation, the date of
incorporation, the place of its principal office and the names
and post-office addresses of its president, secretary and other
officers. The amount of such tax shall be deemed a debt due the
state, and shall be a lien as to an innocent purchaser for value,
on the property and assets of the corporation prior to all other
liens, except the lien of the taxes levied on its property for state,
county and district purposes, from the time a notice of such
lien, specifying the year and the amount for which the lien is
claimed, is filed in the office of the clerk of the county commis-
sion of the county in which the property subject to such liens is
situated. Such clerk shall, upon the filing in his office of any
such notice, record such notice in a separate docket in his office
to be known as “Corporation License Tax Lien Docket,” and
index the same in the name of the corporation against whom
the lien is claimed. Upon payment of such lien debt there shall
be executed by the tax commissioner and delivered to the clerk
of the county commission in whose office notice of such lien is
filed a release thereof, which said release shall be filed and
recorded by such clerk in like manner as releases of judgment
liens are filed and recorded. Such tax shall be a preferred
debt in case of insolvency.
AN ACT to amend and reenact section twenty-b, article eighteen, chapter thirty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the West Virginia housing development fund; relating to the special fund established in the state treasury under the supervision of the state sinking fund commission known as the "mortgage finance bond insurance fund"; providing for deposit of certain moneys therein and payments therefrom; relating to such special fund generally; and providing for appropriations to cover deficiencies in such special fund and reimbursements of the state from certain sources.

Be it enacted by the Legislature of West Virginia:

That section twenty-b, article eighteen, chapter thirty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 18. WEST VIRGINIA HOUSING DEVELOPMENT FUND.


1 (a) There is hereby created and established in the state treasury a special trust fund to be designated the "mortgage finance bond insurance fund" into and from which moneys shall be paid as provided in this section. The mortgage finance bond insurance fund shall be under the supervision and control of the state sinking fund commission and all moneys and securities held therein or investments thereof shall be held in trust subject to use and application only as provided herein and in the resolution or resolutions of the housing development fund authorizing the issuance of any mortgage finance bonds, notwithstanding any other provision of law. The mortgage finance bond insurance fund shall be kept separate and apart from all other moneys and funds of the state and the housing development fund is hereby autho-
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16 rized to pledge any amount or amounts held therein to the
17 payment of the principal (including annual sinking fund
18 payments) of, and interest on, mortgage finance bonds in the
19 manner and to the extent and on such terms and conditions
20 as may be provided by the housing development fund.

21 (b) In addition to any other fees and charges which the
22 housing development fund may charge on loans, it shall
23 charge on all loans or mortgages made or purchased with the
24 proceeds of sale of mortgage finance bonds, except federally
25 insured construction loans, federally insured mortgages, or
26 federal mortgages, a special bond insurance commitment fee
27 and special bond insurance premiums. The special bond
28 insurance commitment fees and special bond insurance pre-
29 miums so charged shall be remitted to the state sinking fund
30 commission, promptly after the last day of each calendar
31 quarter, by the housing development fund, or by any trustee,
32 trustees, agent or agents designated by the housing develop-
33 ment fund to receive the same and shall be held, invested and,
34 together with all investment income thereon, reinvested by
35 the state sinking fund commission in investments authorized
36 under section six of this article.

37 (c) Simultaneously with the issuance of any mortgage
38 finance bonds, the housing development fund shall cause to
39 be deposited in the mortgage finance bond insurance fund an
40 amount of the proceeds of sale and delivery of such mortgage
41 finance bonds which together with the sum of the amount then
42 on deposit in the mortgage finance bond insurance fund and
43 in reserves theretofore or then set aside with a trustee or
44 trustees and held pursuant to the resolution or resolutions
45 authorizing the issuance of such bonds only for the payment
46 of designated mortgage finance bonds prior to, or at, their
47 maturity, shall equal the minimum bond insurance require-
48 ment. Except as provided in subsection (e) of this section,
49 amounts on deposit in the mortgage finance bond insurance
50 fund which are in excess of the minimum bond insurance
51 requirement may be withdrawn from the mortgage finance
52 bond insurance fund and paid to or upon the order of the
53 housing development fund upon thirty days' notice in writing to
54 the state sinking fund commission. For the purposes of deter-
mining any amounts held in the mortgage finance bond insurance fund, securities held in or other investments of the mortgage finance bond insurance fund shall be valued at par. If, at any time, the housing development fund shall determine that because of defaults or other reasons, the moneys available therefor shall be insufficient to pay the principal, including the annual sinking fund payment, of, and interest on, mortgage finance bonds becoming due during the next ensuing six-month period, the housing development fund shall give written notice to the state sinking fund commission to transfer the amount of moneys required for such payment, on or before the time and to such trustee or paying agent for any of the mortgage finance bonds as shall be specified in such notice, and the state sinking fund commission shall make such transfer.

(d) In the event that the sum of the amount held in the mortgage finance bond insurance fund and in reserves set aside with a trustee or trustees and held pursuant to the resolution or resolutions authorizing the issuance of such bonds only for the payment of designated mortgage finance bonds prior to, or at, their maturity, shall be less than the minimum bond insurance requirement, the chairman of the housing development fund shall certify, on or before the first day of December of each year, the amount of such deficiency to the governor of the state, for inclusion, if the governor shall so elect, of the amount of such deficiency in the budget to be submitted to the next session of the Legislature for appropriation to the state sinking fund commission for deposit in the mortgage finance bond insurance funds: Provided, That the Legislature shall not be required to make any appropriation so requested, and the amount of such deficiencies shall not constitute a debt or liability of the state.

(e) Subject to any agreement or agreements with holders of outstanding notes and bonds of the housing development fund, any amount or amounts paid by the state into the mortgage finance bond insurance fund pursuant to this section shall be repaid to the state as, when, and to the extent, amounts held in the mortgage finance bond insurance fund at any time or times after any payment by the state into the mortgage finance bond insurance fund shall exceed
CHAPTER 120
(H. B. 839—By Mr. Burke and Mrs. Given)

[Passed February 24, 1975; In effect ninety days from passage. Approved by the Governor.]

AN ACT to amend article one, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section three-μ, relating to empowering counties and municipalities to treat streams to prevent floods by rechanneling, dredging, removing obstructions, straightening stream channels and carrying out erosion and sedimentation control measures and programs; to acquire property required for such purpose; to levy and accept money and services available for such purpose; and to cooperate with each other to carry out stream treatment; and defining the term “stream” for purposes of the section.

Be it enacted by the Legislature of West Virginia:

That article one, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section three-μ, to read as follows:

ARTICLE 1. COUNTY COMMISSIONS GENERALLY.

§7-1-3μ. Authority of counties and municipalities to treat streams to prevent floods.

1 To protect people and property from floods, counties and municipalities are hereby empowered to rechannel and dredge streams; remove accumulated debris, snags, sandbars, rocks and any other kinds of obstructions from streams; straighten stream channels; and carry out erosion and sedimentation control measures and programs.

7 For stream treatment to prevent floods as provided in this section, counties and municipalities are hereby further empow-
erated to levy, within all constitutional and statutory limitations;
acquire property by purchase, exercise of the right of eminent
domain, lease, gift or grant; accept any and all benefits,
moneys, services and assistance which may be available from
the federal and state government or any private source; issue
and sell bonds within the constitutional and statutory limita-
tions prescribed by law for the issuance and sale of bonds by
counties and municipalities for public purposes generally. Any
such levy shall be equal and uniform throughout the county or
municipality.

The power and authority granted in this section, may be
exercised by any county or municipality in cooperation with
each other or separately as provided in section three-i of this
article. Any county or municipality which exercises any power
or authority set forth in this section shall comply with all
applicable provisions of federal and state laws and rules and
regulations lawfully promulgated thereunder.

The term “stream” as used in this section means any water-
course, whether natural or man-made, distinguishable by banks
and a bed, regardless of their size, through which water flows
continually or intermittently, regardless of its volume.

CHAPTER 121
(Com. Sub. for S. B. 110—By Mr. Hamilton, Mr. Kusic and Mr. Neeley)

[Passed March 8, 1975; in effect from passage. Approved by the Governor.]

AN ACT to amend article one, chapter seven of the code of
West Virginia, one thousand nine hundred thirty-one, as
amended, by adding a new section, designated section
three-v, authorizing and empowering county commissions
to adopt building codes and take other necessary action in
order to comply with the National Flood Insurance Act of
1968, as amended; and relating to enforcement.

Be it enacted by the Legislature of West Virginia:
That article one, chapter seven of the code of West Virginia,
one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section three-v, to read as follows:

ARTICLE 1. COUNTY COMMISSIONS GENERALLY.

§7-1-3v. Floodplain and mudslide area management; legislative findings; power and authority; enforcement; provisions cumulative.

(a) The Legislature hereby finds and declares that it is imperative that municipalities and counties in this state be fully authorized and empowered to take all action necessary to comply with the requirements of the National Flood Insurance Act of 1968 (Public Law 91-152), as amended by the Congress of the United States through the fifteenth day of February, one thousand nine hundred seventy-five; that municipalities presently are vested with all statutory power and authority necessary in this regard; and that the purpose of this section is to authorize and empower the several counties of this state to comply with such requirements.

(b) As used in this section:

(1) "Act" means the National Flood Insurance Act of 1968 (Public Law 91-152), as amended by the Congress of the United States through the fifteenth day of February, one thousand nine hundred seventy-five; and

(2) "Specified area or areas" means the area or areas specified under such act as a floodplain or mudslide area or areas within which control over construction and improvements must be exercised in order to comply with such act.

(c) To the extent and only to the extent necessary to comply with the eligibility requirements of and otherwise fully and in all respects to comply with the requirements of such act, the county commission of each county is hereby authorized and empowered to (i) adopt, administer and enforce building codes for a specified area or areas within such county, which building codes may establish different requirements for different specified areas; (ii) require and issue building permits for all
proposed construction or other improvements in such county: *Provided,* That nothing contained in this sub-
division (ii) shall authorize a county commission to
refuse to issue a building permit for any proposed con-
struction or other improvement outside of a specified area
or areas within such county; (iii) conduct inspections
of construction and other improvements in a specified
area or areas within such county and (iv) other-
wise take such action and impose such requirements
regarding land use and control measures in a specified
area or areas within such county as shall be necessary
under such act: *Provided,* That no such building code
adopted by a county commission shall apply within nor
any authority hereinabove granted exercised by a county
commission within the corporate limits of any munici-
pality which has taken appropriate action to comply with
such act, unless and until such municipality so provides
by ordinance. Any such building code adopted by a coun-
ty commission and any other requirements imposed by
a county commission under the provisions of this subsec-
tion (c) may be enforced by injunctive action in the
circuit court of the county.

(d) The power and authority conferred upon county
commissions in this section is supplemental to and not in
derogation of any power and authority heretofore or
hereafter conferred by law upon county commissions.

CHAPTER 122

(Com. Sub. for H. B. 1177—By Mr. Peak and Mr. Damron, 10th Dist.)

[Passed March 8, 1975; in effect January 1, 1977. Approved by the Governor.]

AN ACT to amend and reenact section four, article seven, chapter
seven of the code of West Virginia, one thousand nine hundred
thirty-one, as amended, relating to increasing the compensation
of certain county assessors, sheriffs and prosecuting attorneys.
Be it enacted by the Legislature of West Virginia:

That section four, article seven, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 7. TRAINING PROGRAMS FOR COUNTY EMPLOYEES, ETC.; COMPENSATION OF ELECTED COUNTY OFFICIALS; COUNTY ASSISTANTS, DEPUTIES AND EMPLOYEES, THEIR NUMBER AND COMPENSATION.

§7-7-4. Compensation of elected county officials other than county commissioners for each class of county; effective date.

For the purpose of determining the compensation to be paid to the elected county officials of each county, the following compensations for each county office by class are hereby established and shall be used by each county commission in determining the compensation of each of their county officials other than compensation of members of the county commission:

<table>
<thead>
<tr>
<th>Class</th>
<th>Sheriff</th>
<th>County Clerk</th>
<th>Circuit Clerk</th>
<th>Assessor</th>
<th>Prosecuting Attorney</th>
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<td>$19,500</td>
<td>$19,500</td>
<td>$15,000</td>
<td>$30,000</td>
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<td>$15,600</td>
<td>$15,000</td>
<td>$28,000</td>
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<tr>
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<td>$15,000</td>
<td>$18,000</td>
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<tr>
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<tr>
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<td>$ 8,300</td>
<td>$ 9,500</td>
<td>$10,000</td>
</tr>
<tr>
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<td>$ 4,200</td>
<td>$ 3,600</td>
<td>$ 3,000</td>
<td>$ 3,600</td>
<td>$ 2,100</td>
</tr>
</tbody>
</table>

Any county clerk, circuit clerk, joint clerk of the county commission and circuit court, if any, county assessors, sheriff and prosecuting attorney of a Class I county and any prosecuting attorney of a Class II county shall devote full time to his public duties to the exclusion of any other employment.

Notwithstanding the effective date of this section the compensation provided in this section for assessors, sheriffs and prosecuting attorneys shall become effective January first, one
thousand nine hundred seventy-seven, and the compensation
provided for county clerks, circuit clerks and joint clerks of
county commissions and circuit courts shall become effective
January first, one thousand nine hundred seventy-five.

In the case of a county that has a joint clerk of the county
commission and circuit court, the compensation of the joint
clerk shall be fixed in an amount twenty-five percent higher
than the compensation would be fixed for the county clerk if
it had separate offices of county clerk and circuit clerk.

CHAPTER 123
(S. B. 489—By Mr. Brotherton, Mr. President)

[Passed March 8, 1975; in effect ninety days from passage. Approved by the Governor.]

AN ACT to amend and reenact section two, article eleven,
chapter seven of the code of West Virginia, one thousand
nine hundred thirty-one, as amended, relating to county
parks and recreation commissions and authorizing county
parks and recreation commissions to take and hold title
to any real or personal property, whether such property
be located wholly within or partly within and partly without
the county.

Be it enacted by the Legislature of West Virginia:

That section two, article eleven, chapter seven of the code
of West Virginia, one thousand nine hundred thirty-one, as
amended, be amended and reenacted to read as follows:

ARTICLE 11. COUNTY PARKS AND RECREATION COMMISSIONS.

§7-11-2. Commission a body corporate; perpetual existence;
name; power and authority; authority of county
commission; indebtedness of commission; agree-
ments; tax exemption.

1 Any parks and recreation commission created by a
2 county court pursuant to the authority of this article shall
3 be a public corporate body with perpetual existence and
a corporate seal. It shall be known as the (name of county) county parks and recreation commission. Any board of park and recreation commissioners heretofore created under the former provisions of this article shall hereafter be known as the (name of county) county parks and recreation commission, and such commission shall succeed to all of the properties, interest and assets of any such board of park and recreation commissioners. The commission shall have the power and authority to receive and control any gift, federal grant, other grant, donation and bequest or devise; to exercise the right of eminent domain if an order of the county court authorizing exercise of the right as to any proposed acquisition is first made and entered; to take and hold title to any real or personal property, whether such property be located wholly within or partly within and partly without the county; to receive all operating and capital funds appropriated by the county court to the commission; to receive all income and other funds, whether in cash or check, received by the county court and derived from properties and facilities devoted to park and recreational uses and under the control of said commission; to receive all receipts from income producing park and recreational properties and facilities under the control of the commission; to deposit, invest, manage and disburse, all such funds, income or receipts, including the interest or income earned thereon or therefrom; to borrow money and execute and deliver negotiable notes, mortgage bonds, other bonds, debentures and other evidences of indebtedness therefor, and give such security therefor as shall be requisite, including giving a mortgage or deed of trust on the properties or facilities under the control of the commission or assigning or pledging the gross or net revenues therefrom; to raise funds by the issuance and sale of revenue bonds in the manner provided by the applicable provisions of article sixteen, chapter eight of this code, it being hereby expressly provided that for the purpose of the issuance and sale of revenue bonds, the commission is a "governing body" as that term is used in said article sixteen; to establish, charge and collect reason-
able fees and charges for services or for the use of any part of the properties or facilities under its control, or for both services and such use; to sue and be sued; to contract and be contracted with; to obtain one or more insurance policies affording coverage for loss of or damage to the properties and facilities under its control and affording public liability coverage for the legal liability of the commission, its officers, agents and employees; to adopt bylaws governing the operation of the commission and specifying the powers and duties of its officers; and to do any and all things which may be necessary or convenient to carry out and effectuate the purposes and provisions of this article.

Any such county court is hereby empowered and authorized to transfer to any such commission all such funds or income, as provided for in the preceding paragraph of this section, and such county court may require a blanket surety bond covering those individuals authorized to sign checks on behalf of the commission in a penal sum not in excess of twenty-five thousand dollars.

The commission may incur any proper indebtedness and issue any obligations and give any security therefor which it may deem necessary and advisable in connection with carrying out any of its purposes. No indebtedness or obligation incurred by the commission shall give any right against the county or any member of the county court or any member of the commission. No indebtedness of any nature of the commission shall constitute an indebtedness of the county or the county court or be a charge against any property of the county. The rights of creditors of the commission shall be solely against the commission as a corporate body and shall be satisfied only out of property held by it in its corporate capacity.

Without in any way limiting the generality of any of the other provisions of this article, the commission may, in connection with obtaining moneys or property for its purposes, enter into any agreement with any person, including the federal government, or any department,
agency or subdivision thereof, containing such provisions
covenants, terms and conditions as the commission may
deem advisable.

The commission shall be exempt from the payment
of any taxes or fees to the state or any subdivision
thereof or any municipality or to any officer or employee
of the state or of any subdivision thereof or of any mu-
nicipality. The property of the commission shall be
exempt from all municipal and county taxes. Bonds,
notes, debentures and other evidences of indebtedness
of the commission are declared to be issued for a public
purpose and to be public instrumentalities, and, together
with interest and income thereon, shall be exempt from
taxation.

CHAPTER 124

(Com. Sub. for S. B. 77—By Miss Herndon and Mr. Kusic)

[Passed March 8, 1975; in effect ninety days from passage. Approved by the Governor.]

AN ACT to amend chapter seven of the code of West Virginia,
one thousand nine hundred thirty-one, as amended, by
adding thereto a new article, designated article eleven-a,
relating generally to creation of museum commissions;
providing authority for municipalities and county com-
misions to appoint museum commissions by ordinances
or orders; specifying provisions of orders or ordinances
creating commissions; providing authority for commissions
to hire employees; authorizing commission to charge ad-
mission fees; granting power of eminent domain to com-
mmission; authorizing county commissions and municipali-
ties to make appropriations to museum commissions; au-
thorizing commission to receive funds from other sources;
relating to assistance of other governmental agencies; and
relating to cooperation and coordination of specified state
agencies with commissions.
Be it enacted by the Legislature of West Virginia:

That chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, designated article eleven-a, to read as follows:

ARTICLE 11A. MUSEUM COMMISSIONS.

§7-11A-1. **County commission or municipality may establish museum commission; cooperation; appointments.**

§7-11A-2. **Provisions of order or ordinance creating commission.**

§7-11A-3. **Commission empowered to employ personnel and charge admission fees.**

§7-11A-4. **County commission or municipality may contribute money to commission; commission may receive gifts, etc.**

§7-11A-5. **County, city and state agencies shall assist commission.**

§7-11A-6. **Commission must cooperate and coordinate activities with state agencies.**

§7-11A-1. **County commission or municipality may establish museum commission; cooperation; appointments.**

1 Any county commission by order entered of record and any municipality by ordinance or any county and municipality by joint agreement may, if it or they so desire, establish a museum commission hereinafter, in this article referred to as the commission, to consist of not less than five nor more than ten appointees to be appointed by the county court or the mayor, as the case may be, and in the case of cooperative efforts between counties and municipalities, hereby authorized, each authority is to have equal appointive power.

§7-11A-2. **Provisions of order or ordinance creating commission.**

1 In any such order or ordinance, the governing body shall include provisions specifying (1) the terms of the members of such commission; (2) a method of filling vacancies; (3) whether the members of the commission are to be reimbursed for all reasonable and necessary expenses actually incurred in the performance of their duties; (4) the officers of the commission to be elected from the membership thereof; (5) requirements as to meetings of the commission; (6) requirements as to a quorum of the commission; (7) requirements as to voting by members of the commission; and (8) such other mat-
§7-11A-3. Commission empowered to employ personnel and charge admission fees.

Any such commission may also be authorized and empowered by any such ordinance or order to employ, within the limits of funds available therefor, such employees, assistants, technical personnel and consultants as are necessary to discharge the duties and responsibilities of the commission which such duties shall be contained in the order or ordinance establishing the commission. Any such commission may, in its discretion, charge admission fees.

Any such commission shall have the right and power to exercise eminent domain, with the approval of the county commission wherein the power of eminent domain is sought to be exercised, for the purpose of preserving historical and archeological points of interest in their respective jurisdictions.

§7-11A-4. County commission or municipality may contribute money to commission; commission may receive gifts, etc.

Any municipality or county establishing any such commission shall have plenary power and authority to appropriate and contribute funds to such commission for expenditure by the commission for the purposes of this article and any expenditure and contribution of county commission or municipal funds shall be under this article. Any such commission may receive gifts, grants, donations, bequests or devises from sources other than public funds.

§7-11A-5. County, city and state agencies shall assist commission.

Upon the request of any such commission, all agencies of the city, county and state shall assist such commission in the discharge of its duties and functions.
§7-11A-6. Commission must cooperate and coordinate activities with state agencies.

Every such commission shall cooperate and coordinate its activities with the West Virginia department of archives and history, the West Virginia historical society and the West Virginia antiquities commission.

CHAPTER 125

(S. B. 378—By Mr. Huffman)

[Passed February 26, 1975; in effect July 1, 1975. Approved by the Governor.]

AN ACT to amend chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article fifteen, relating to establishing the “Emergency Ambulance Service Act of 1975”; giving certain legislative findings, a certain declaration of policy and certain definitions; imposing upon county commissions a certain duty to provide emergency ambulance service; giving county commissions certain powers with respect thereto; empowering a county commission to impose and collect a certain special emergency ambulance service fee; authorizing the creation of certain authorities for the provision of emergency ambulance service and making the authorities public corporations; vesting the management of an authority in a certain board; relating to a certain vote of members and certain vacancies; providing for the compensation and reimbursement of expenses of members; relating to certain board meetings, quorums, officers, employees and bonds; making the records of an authority public records; requiring a certain majority vote; relating to a certain budget; giving certain general powers and duties to an authority; providing for certain contributions to authorities; relating to certain funds, accounts and reports of authorities; providing for a certain audit by the state tax department; providing that the public service commission shall not regulate
any aforesaid emergency ambulance service; giving a
certain exemption of taxation; relating to a certain indebt-
edness of authorities and certain conflicts of interest; pro-
viding for certain competitive bids and the publication of
certain solicitations; and relating to a certain liberal con-
struction and severability.

Be it enacted by the Legislature of West Virginia:

That chapter seven of the code of West Virginia, one thou-
sand nine hundred thirty-one, as amended, be amended by
adding thereto a new article, designated article fifteen, to
read as follows:

ARTICLE 15. EMERGENCY AMBULANCE SERVICE ACT OF 1975.


§7-15-2. Legislative findings and declaration of policy.


§7-15-4. Duty of county commissions to provide emergency ambulance
service; emergency ambulance service authorities authorized;
authorities to be public corporations.

§7-15-5. Management of authority vested in board; eligibility, appointment,
number and term of members; vote of members; vacancies.

§7-15-6. Compensation of members; expenses.

§7-15-7. Meetings of authority; officers; employees; official bonds; records
of authority public records.

§7-15-8. Quorum; majority vote required.


§7-15-11. Contributions to authorities; funds and accounts of authorities;
reports; audit by state tax department.

§7-15-12. Emergency ambulance service not regulated by public service com-
mission.


§7-15-17. Imposition and collection of special emergency ambulance service
fee by county commission.

§7-15-18. Article constitutes complete authority; liberal construction; sever-
ability.


This article shall be known and may be cited as the
"Emergency Ambulance Service Act of 1975."

§7-15-2. Legislative findings and declaration of policy.

The Legislature hereby finds and declares:
COUNTY COMMISSIONS AND COUNTY OFFICERS [Ch. 125

(a) That a significant part of the population of this state does not have adequate emergency ambulance service;

(b) That the establishment and maintenance of adequate emergency ambulance systems for the entire state is necessary to promote the health and welfare of the citizens and residents of this state;

(c) That emergency ambulance service is not likely to become available to all the citizens and residents of this state unless specific requirements therefor are provided by law;

(d) That emergency ambulance service is a public purpose and a responsibility of government for which public money may be spent; and

(e) This article is enacted in view of these findings and shall be liberally construed in the light thereof.


As used in this article, unless a different meaning appears from the context:

(a) "Authority" means any emergency ambulance service authority created pursuant to the provisions of this article;

(b) "Board" means the board of any emergency ambulance service authority;

(c) "Contiguous counties" means two or more counties which constitute a compact territorial unit within an unbroken boundary wherein one county touches at least one other county, but does not require that each county touch all of the other counties so combining;

(d) "Facilities and equipment" means all real and personal property of every kind and character owned or held by any emergency ambulance service authority;

(e) "Participating government" means any municipality or county establishing or participating in an emergency ambulance service authority;
(f) "Project" means any undertaking of an authority;

(g) "Revenues" means the gross receipts derived directly or indirectly from or in connection with the operation by an authority and shall include, without limitation, all fees, rates, fares, rentals or other income actually received or receivable by or for the account of an authority from the operation of the authority's facilities and equipment, and any other receipts from whatever source derived;

(h) "Service area of the authority" means and includes an area commensurate with the territorial boundaries of each participating government and beyond to the extent permitted by any agreement with any county or municipality which is not a participating government in the project;

(i) "System" means any emergency ambulance service provided pursuant to the provisions of this article; and

(j) The singular shall include the plural and the plural shall include the singular.

§7-15-4. Duty of county commissions to provide emergency ambulance service; emergency ambulance service authorities authorized; authorities to be public corporations.

Except as hereinafter provided and in addition to all other duties imposed upon it by law, the county commission shall cause emergency ambulance service to be made available to all the residents of the county where such service is not otherwise available: Provided, however, That the duty imposed upon county commissions by this article shall not be construed in such manner as to impose a duty to cause such emergency ambulance service to be provided unless the commission shall make an affirmative determination that there are funds available therefor by the inclusion of a projected expenditure for such purpose in the current levy estimate, and in the event that such county commission shall make such determination the commission shall not be under
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15 a duty to cause such service to be provided beyond a
16 level commensurate with the amount of funds actually
17 available for such purpose.
18
19 The county commission may provide the service di-
20 rectly through its agents, servants and employees; or
21 through private enterprise; or by its designees; or by
22 contracting with individuals, groups, associations, cor-
23 porations or otherwise; or it may cause such services to be
24 provided by an authority, as provided for in this ar-
25 ticle; and any municipality or county, or both, or
26 any two or more municipalities within any county or
27 contiguous counties, or any two or more contiguous
28 counties, or any combination thereof, may create an au-
29 thority. Such authority shall be created upon the adop-
30 tion, by the governing body of each participating gov-
31 ernment, acting individually, of an appropriate ordinance
32 or order. Each authority shall constitute a public cor-
33 poration, and as such, shall have perpetual existence.
34 The authority shall be known by such name as may be
35 established by the board.

§7-15-5. Management of authority vested in board; eligibility, appointment, number and term of members; vote of members; vacancies.

1 The management and control of any authority, its
2 operations, business and affairs shall be lodged in a board
3 of not less than five nor more than fifteen individuals
4 who shall be known as members of the board and who
5 shall be appointed for terms of three years each by the
6 governing bodies of the participating governments. Prior
7 to making the initial appointments to the board, the gov-
8 erning bodies of the participating governments shall
9 agree to make such initial appointments so that approxi-
10 mately one third of the total number of the members to
11 be so appointed shall be appointed for a term of one year,
12 approximately one third of such total number of the
13 members shall be appointed for a term of two years and
14 approximately one third of such total number of the
15 members shall be appointed for a term of three years.
16 As the term of each such initial appointee expires, the
17 successor to fill the vacancy created by such expired term
shall be appointed for a term of three years. The number of members representing each participating government shall be as agreed upon from time to time by the governing bodies of the participating governments. Each member of the board shall have one vote on all matters coming before it. Any individual who is a resident of, or member of the governing body of any participating government is eligible to serve as a member of the board. The governing body of each participating government shall inform the authority of its appointments or reappointments to the board by delivering to the authority a certified copy of the ordinance or order making the appointment or reappointment. If any member of the board dies, resigns or for any other reason ceases to be a member of the board, the governing body of the participating government which such member represented shall appoint another individual to fill the unexpired portion of the term of such member.

§7-15-6. Compensation of members; expenses.

As compensation for his services on the board, each member shall receive from the authority the sum of not more than twenty dollars for each meeting actually attended, as may be determined by the board. The total compensation paid to any member by the authority for any fiscal year shall not exceed in the aggregate the sum of six hundred dollars. Each member shall also be reimbursed by the authority for all reasonable and necessary expenses actually incurred in the discharge of his duties as a member of the board.

§7-15-7. Meetings of authority; officers; employees; official bonds; records of authority public records.

At its first meeting, to be held no later than sixty days from the creation of the authority as provided in this article, the board shall elect from among its membership a president to act during the next ensuing fiscal year, or until his successor is elected and qualified. At that time, the board shall also elect a vice president, a secretary and a treasurer and such other officers as may be required, who need not be members of the board, whose duties
shall be defined and whose compensation shall be fixed
by the board and paid out of the funds of the authority.
The treasurer, and such other officers and employees
as the board shall direct, shall furnish bond for the use
and benefit of the authority in such penal sum as may be
fixed by the board and conditioned upon the faithful
discharge by such treasurer and such other officers and
employees so directed by the board of the duties of their
respective offices or employment, and upon accounting
for and paying over all moneys which may come into
their possession by virtue of such office or employment.
At its first meeting the board shall also fix the time and
place for holding regular meetings, but it shall meet at
least once in the months of January, April, July and
October. Special meetings of the board may be called
by the president or by two members upon written request
to the secretary. The secretary shall send to all the
members, at least two days in advance of a special meet-
ing, a written notice setting forth the time and place of
the special meeting and the matters to be considered at
such special meeting. Written notice of a special meeting
is not required if the time of the special meeting has been
fixed in a regular meeting or if all the members are
present at the special meeting. All regular meetings shall
be general meetings for the consideration of any and all
matters which may properly come before an authority.
All proceedings of the authority shall be entered in a
permanently bound record book, properly indexed, and
shall be carefully preserved by the secretary of the
authority. All records of the authority shall be public
records.

§7-15-8. Quorum; majority vote required.

1 A majority of the members of the board shall constitute
2 a quorum. The vote of a majority of all members present
3 at any meeting of the board shall be necessary to take any
4 action.


1 The board shall establish the beginning and ending of
2 its fiscal year, which period shall constitute its budget
year, and, at least thirty days prior to the beginning of
the first full fiscal year after the creation of the author-
ity and annually thereafter, the treasurer shall prepare
and submit to the board a tentative budget. The tentative
budget shall be considered by the board, and, subject
to any revisions or amendments that may be determined
by the board, shall be adopted as the budget for the
ensuing fiscal year. No expenditures in excess of the
budget shall be made during such fiscal year unless
expressly authorized and directed by the board.


Each authority is hereby given the power:

(a) To sue and be sued, implead and be impleaded;

(b) To have and use a seal and alter the same at

pleasure;

(c) To make and adopt all rules and regulations and

bylaws as may be necessary or desirable to enable it to

exercise the powers and perform the duties conferred or

imposed upon it by the provisions of this article;

(d) To provide emergency ambulance service, maintain

and operate such service, and employ, in its discretion,
planning consultants, attorneys, accountants, superinten-
dents, managers and such other employees and agents as
may be necessary in its judgment and fix their compensa-

(e) To acquire by grant, purchase, gift, devise or lease

and to hold, use, sell, lease or otherwise dispose of real
and personal property of every kind and nature what-
soever, licenses, franchises, rights and interests necessary
for the full exercise of its powers pursuant to the provi-
sions of this article or which may be convenient or useful
for the carrying out of such powers;

(f) To enter into contracts and agreements which are
necessary, convenient or useful to carry out the purposes
of this article with any person, public corporation, state or
any agency or political subdivision thereof and the federal
government and any department or agency thereof, in-
including, without limitation, contracts and agreements for
the joint use of any property and rights by the authority
and any person or authority operating any system,
whether within or without the service area of the author-
ity, and contracts and agreements with any person or
authority for the maintenance, servicing, storage, opera-
tion or use of any system or part thereof, facility or
equipment on such basis as shall seem proper to its
board;

(g) To enter into contracts and agreements for superin-
tendence and management services with any person, who
has executive personnel with experience and skill appli-
cable to the superintendence and management of any
system, for the furnishing of its services and the services
of experienced and qualified personnel for the superin-
tendence and management of any system or any part
thereof, including, without limitation, superintendence
over personnel, purchases, properties and operations and
all matters relating thereto, and any revenue bond trust
indenture may require such contract or agreement, but
the personnel whose services are to be so furnished under
any such contract or agreement shall not include any
member of the board, any member of the immediate
family of a member of the board or any agents or em-
ployees of the authority;

(h) To execute security agreements, contracts, leases,
equipment trust certificates and any other forms of con-
tract or agreement, granting or creating a lien, security
interest, encumbrance or other security in, on or to
facilities and equipment, containing such terms and pro-
visions as the board considers necessary;

(i) To apply for, receive and use grants, grants-in-aid,
donations and contributions from any source or sources,
including, but not limited to, the federal government and
any agency or department thereof, and a state govern-
ment whose constitution does not prohibit such grants,
grants-in-aid, donations and contributions, and any agency
or department thereof, and to accept and use bequests,
devises, gifts and donations from any person;
§7-15-11. Contributions to authorities; funds and accounts of authorities; reports; audit by state tax department.

Contributions may be made to authorities from time to time by the participating governments and by the state of West Virginia, the United States of America, municipalities, counties or persons that shall desire to do so. All such funds and all of the other funds received by any authority shall be deposited in a separate account in such banking institution or institutions as its board may direct and shall be withdrawn therefrom only in such manner as its board may direct. Each authority shall keep strict account of all its receipts and expenditures and shall make a quarterly report to the participating governments which have made contributions to it. The report shall contain an itemized account of the authority's receipts and disbursements during the preceding quarter and shall be made within sixty days after the termination of the quarter. Within ninety days after the end of each fiscal year, each authority shall make an annual report containing an itemized statement of its receipts and disbursements for the preceding fiscal year, and any and all other information which the board may consider pertinent, to all of the participating governments. The books, records and accounts of each authority shall be subject to audit and examination by the state tax department.


Any authority created pursuant to the provisions of this article and any county commission which provides emergency ambulance service hereunder shall not be subject to regulation by the public service commission.


It is hereby found, determined and declared that the
creation of any authority and the carrying out of its purposes is in all respects for the benefit of the people of this state in general and of the participating governments in particular and is a public purpose; and that the authority will be performing an essential governmental function in the exercise of the powers conferred upon it by the provisions of this article. Accordingly, each authority and, without limitation, its revenues, properties, operations and activities shall be exempt from the payment of any taxes or fees to the state or any of its political subdivisions or to any officer or employee of the state or any of its political subdivisions. Interest on obligations and all evidences of indebtedness of any such authority shall be exempt from taxation, except inheritance and transfer taxes.


No indebtedness or obligation incurred by any authority shall give any right against any member of the governing body of any participating government or any member of the board of any authority. Any obligation or indebtedness of any nature of any authority shall never constitute an obligation or indebtedness of any participating government or the governing body of any participating government, within the meaning of any constitutional provision or statutory limitation and shall never constitute or give rise to a pecuniary liability of any participating government or the governing body of any participating government or be a charge against the general credit or taxing power of any participating government or the governing body of any participating government. The rights of creditors of any authority shall be solely against the authority as a corporate body and shall be satisfied only out of revenues, moneys or property received or held by it in its corporate capacity.


No member of any authority, nor any of its officers, employees, agents or consultants, shall have any interest in any firm, partnership, corporation, company, association or joint-stock association engaged in the business
of providing ambulance service or in the manufacture, sale or lease of ambulance equipment or facilities. No member of any authority, nor any of its officers, employees, agents or consultants, shall contract with the authority or be interested in, either directly or indirectly, any contract with the authority or in the sale of property, either real or personal, to such authority.


A purchase of or contract for all supplies, equipment and materials and a contract for the construction of facilities by any authority, when the expenditure required exceeds the sum of one thousand dollars, shall be based on competitive sealed bids. Such bids shall be obtained by public notice published as a Class II legal advertisement in compliance with the provisions of article three, chapter fifty-nine of this code, and the publication area for such publication shall be the service area of the authority. The second publication shall be made at least fourteen days before the final date for submitting bids. In addition to such publication, the notice may also be published by any other advertising medium the authority may consider advisable, and the authority may also solicit sealed bids by sending requests by mail to prospective suppliers and by posting notice on a bulletin board in the office of the authority.

§7-15-17. Imposition and collection of special emergency ambulance service fee by county commission.

A county commission may, by ordinance, impose upon and collect from the users of emergency ambulance service within the county a special service fee, which shall be known as the "special emergency ambulance service fee." The proceeds from the imposition and collection of any such special service fee shall be deposited in a special fund and used only to pay reasonable and necessary expenses actually incurred and the cost of buildings and equipment used in providing emergency ambulance service to residents of the county. Such proceeds may be used to pay for, in whole or in part, the establishment, mainte-
As used in this section, "users" means any person to whom emergency ambulance service is made available under the provisions of this article.

§7-15-18. Article constitutes complete authority; liberal construction; severability.

This article shall constitute full and complete authority for the provision of emergency ambulance service within a county by a county commission and for the creation of any authority and carrying out the powers and duties of any such authority. The provisions of this article shall be liberally construed to accomplish its purpose and no procedure or proceedings, notices, consents or approvals shall be required in connection therewith except as may be prescribed by this article.

CHAPTER 126

(Com. Sub. for H. B. 1406—By Mr. Sommerville and Mr. See)

[Passed March 8, 1975; in effect from passage. Approved by the Governor.]
four, article one, chapter fifty-two; section thirteen, article two, chapter fifty-two; section one, article eleven, chapter fifty-six; section eleven, article five, chapter fifty-seven; section seventeen, article five, chapter fifty-eight; sections sixteen, twenty-eight, twenty-nine and thirty-one, article one, chapter fifty-nine; section one, article three, chapter sixty-two; section one, article five, chapter sixty-two; and sections one, five, six and twenty-two, article twelve, chapter sixty-two, all of said code; to amend article three, chapter twelve of said code by adding thereto a new section, designated section eight-a; and to amend article eight, chapter fifty-one of said code by adding thereto a new section, designated section ten, all relating to implementation of the "Judicial Reorganization Amendment to the West Virginia Constitution" by effecting the code provisions hereinabove referred to and relating to the particular matters hereinabove described so as to be consistent with a unified court system as the primary fiscal responsibility of the state as opposed to the counties; permitting mileage and certain other expenses and allowances to be paid to judges of the supreme court of appeals and of the various circuit courts; relating to the amount of such expenses and allowances; placing certain limitations on requisitions from the judicial accounts of the state treasury; providing that the state shall bear certain costs attendant with the commitment to mental facilities of certain persons convicted of crimes; providing procedures to be followed in certain juvenile proceedings and the jurisdiction and power of the circuit courts with respect thereto; providing for the recordation of juvenile proceedings and establishing the right to trial by jury and assistance to counsel and the payment of such counsel in such cases; providing for the form of the petition used in delinquency cases and the filing and service thereof and the procedures relating thereto; providing for the various methods of disposition to be used by the court in juvenile cases; prohibiting the placing of certain juveniles in jail; relating to juvenile probation officers, their powers and duties, and their compensation and expenses; relating to juvenile referees, their qualifications, powers, duties and compensation; providing for certain procedures in juvenile neglect cases; providing for the compensation of circuit judges and special judges; relating to compensation and fees for court reporters and the methods of payment; requiring transcript to be furnished indigent person in certain cases and pro-
viding for payment therefor; relating to state and county law libraries and the financial support thereof and the duties of the administrative director of the supreme court of appeals and of the various circuit clerks with respect thereto; relating to the appointment under special acts of law clerks and law assistants and compensation thereof; relating to the retirement system for judges and the payments required for the support of such system; relating to the eligibility of persons to participate in such system; authorizing retired judges participating in such system to serve as special judges; providing for the compensation of jury commissioners; providing for compensation and the payment of expenses of petit and grand jurors; relating to the time during which grand juries may sit; relating to the membership of the judicial council and designating the administrative director of the supreme court of appeals as secretary of such council; providing for the disposition of exhibits used in evidence in the trial of cases and the use of the proceeds of such disposition; providing for the reproduction of records in appellate cases, the distribution of such records and the payment of costs therefor; relating to the use, collection and disposition of certain fees of sheriffs, clerks of the various county commissions, circuit clerks and prosecuting attorneys and the duties of such persons with respect thereto; providing certain procedures with respect to trial in criminal cases and establishing the right to counsel in such cases; providing for the payment of counsel fees in cases involving indigent defendants; providing for the payment of witnesses in the trial of criminal cases; relating to the authority of circuit courts with respect to placing persons convicted of crimes on probation; relating to the appointment by circuit courts of probation officers, assistant probation officers and clerical assistants and compensation thereof; relating to the appointment under special acts of medical and psychiatric assistants and tenure and compensation thereof; relating to the powers and duties of probation officers; relating to the right to counsel in cases of parole violation and the payment of such counsel by the state in cases involving indigent parolees; and providing criminal offenses and penalties.

Be it enacted by the Legislature of West Virginia:

That section three-k, article one, chapter seven; section eighteen,
article seven, chapter seven; sections thirteen and fourteen, article one, chapter fifty-one; section twelve, article one, chapter fifty-nine; section three, article five, chapter sixty-two; and section five-a, article twelve, chapter sixty-two, all of the code of West Virginia, one thousand nine hundred thirty-one, as amended, he repealed; and that sections five and six, article seven, chapter six; section eight, article six-a, chapter twenty-seven; article five, chapter forty-nine; sections one and three, article five-a, chapter forty-nine; section one, article six, chapter forty-nine; sections twelve and thirteen, article two, chapter fifty-one; sections three, five, six and seven, article seven, chapter fifty-one; sections eight and nine, article eight, chapter fifty-one; sections five, ten and fifteen, article nine, chapter fifty-one; sections three, twenty-one, twenty-three and twenty-four, article one, chapter fifty-two; section thirteen, article two, chapter fifty-two; section one, article eleven, chapter fifty-six; section eleven, article five, chapter fifty-eight; sections sixteen, twenty-eight, twenty-nine and thirty, article one, chapter fifty-nine; section one, article three, chapter sixty-two; section one, article five, chapter sixty-two; and sections one, five, six and twenty-two, article twelve, chapter sixty-two, all of said code, be amended and reenacted; that article three, chapter twelve of said code, be amended by adding thereto a new section, designated section eight-a; and that article eight, chapter fifty-one of said code, be amended by adding thereto a new section, designated section ten, all to read as follows:

Chapter

27. Mentally Ill Persons.
51. Courts and Their Officers.
52. Juries.
56. Pleading and Practice.
57. Evidence and Witnesses.
58. Appeal and Error.
59. Fees, Allowances and Costs; Newspapers; Legal Advertisements.

Article 7. Compensation and Allowances.

§6-7-5. Mileage and expenses of judges.

§6-7-6. Allowance to circuit judges for stationery, postage and stenographic help.

§6-7-5. Mileage and expenses of judges.

1. A judge of the supreme court of appeals and of a circuit court shall be entitled to an allowance for mileage at the rate of fifteen cents for each mile, to be computed according to the distance by the nearest practicable route necessarily traveled from his place of residence, to the place of holding any term of court in a county other than that of his residence, and from such place to his residence; and a judge of the circuit court shall be paid the sum of thirty-five dollars per day as expenses while holding court in a county other than that in which he resides: Provided, That no judge of a circuit court shall be paid mileage and expenses for holding more than ten terms of court in any county in any one year, including regular, adjourned and special terms. The mileage and expenses provided for in this article shall be paid to any judge out of the state treasury as and when the salary of such judge is payable.

§6-7-6. Allowance to circuit judges for stationery, postage and stenographic help.

1. Each judge of the circuit court shall, in accordance with the rules of the supreme court of appeals, be allowed stenographic help necessary in the discharge of the duties of his office, and each judge shall be allowed necessary stationery, payment of postage, and necessary supplies for his office. The judge shall be reimbursed for the actual amounts expended by him for stationery, supplies and postage. Payment for stenographic help shall be made directly to the person performing the stenographic work. Such amounts shall be paid monthly out of the state treasury, but not until the judge submits an itemized statement covering the same.
CHAPTER 12. PUBLIC MONEYS AND SECURITIES.

ARTICLE 3. APPROPRIATIONS AND EXPENDITURES.

§12-3-8a. Limitation on requisitions from judicial accounts.

1 No requisition shall be made upon the auditor for any money appropriated for the judicial system of the state, unless prior approval shall have been obtained from the supreme court of appeals or its administrative director authorizing such requisition.

CHAPTER 27. MENTALLY ILL PERSONS.

ARTICLE 6A. SENTENCING, COMMITMENT AND CONTROL OF SEX OFFENDERS.

§27-6A-8. Credit for time; expenses.

1 (a) If a person is convicted of a crime, any time spent in involuntary confinement in a mental health facility as a result of being charged with such crimes, shall be credited to this sentence.

(b) All medical and psychological expenses attendant upon these proceedings shall be paid by the state.

CHAPTER 49. CHILD WELFARE.

Article 5A. Juvenile Referee System.
Article 6. Procedure In Neglect Cases.

ARTICLE 5. JUVENILE PROCEEDINGS.

§49-5-1. Circuit courts to have juvenile jurisdiction.
§49-5-3. Criminal jurisdiction over persons under eighteen years of age.
§49-5-4. Wards of the court.
§49-5-5. Record of findings, etc.
§49-5-6. Jury trial under article.
§49-5-7. Petitioning court for disposition of suspected delinquents—Form of petition; filing; service; answer.
§49-5-8. Temporary disposition.
§49-5-10. Right to counsel; mandatory advice with respect thereto; appointment of counsel; payment by state of fee for appointed attorney.
§49-5-11. Methods of disposition by court.
§49-5-12. Prosecuting attorney to represent petitioner.
§49-5-13. Committing children to jail.
§49-5-14. Notice to be given by clerk to state department.
§49-5-15. Juvenile probation officers; duties; expenses; powers.
§49-5-1. Circuit courts to have juvenile jurisdiction.

1 The circuit court of the county shall have original jurisdiction in proceedings brought by petition under this article.


1 "Child" means a person under the age of eighteen years. When jurisdiction shall have been obtained by the court in the case of any child, such child shall continue under the jurisdiction of the court until he becomes eighteen years of age unless discharged prior thereto or, in the event such child is committed to a correctional or other institution, until he is released therefrom. A person subject to the jurisdiction of the court pursuant to this article may be brought before it by either of the following means and no other.

(a) By petition praying that the person be adjudged neglected or delinquent;

(b) Certification from any other court before which such person is brought charged with the commission of a crime.

§49-5-3. Criminal jurisdiction over persons under eighteen years of age.

1 Except as to a violation of law which if committed by an adult would be a capital offense, the court shall hear and determine criminal charges in the manner provided in this article, including a charge of violation of a municipal ordinance, against a person who is under eighteen years of age at the time of the alleged offense.

If during the pendency of a criminal proceeding against a person in any court other than a circuit court, pursuant to this article, it shall be ascertained, or it shall appear, that the person was under the age of eighteen years at the time of the alleged offense, such court, judge, justice of the peace or magistrate shall immediately transfer the case with all the papers, documents, and testimony connected therewith to the circuit court. The circuit court shall proceed to hear and dispose of the case in the same manner as if it had been instituted in that court in the first instance: Provided, That for violations of the traffic laws of West Virginia as contained in chapter seventeen-c of
this code, or for the violation of a municipal traffic ordinance, justices of the peace courts, magistrate courts and municipal courts when appropriate shall have concurrent jurisdiction with the circuit court and such persons under the age of eighteen years shall be liable for punishment for violation of such traffic statutes and ordinances in the same manner as adults.

Any person who is under the age of eighteen years shall be entitled to be admitted to bail or recognizance in the same manner as a person over the age of eighteen years, and shall have the protection guaranteed by article III, section 5 of the Constitution of West Virginia, and also the right to be admitted to bail or recognizance in the same manner as a person over the age of eighteen years.

§49-5-4. Wards of the court.

A person under the age of eighteen years who appears before the circuit court in any capacity shall be deemed to be a ward of the court and protected accordingly. Such court or judge thereof shall request the county health officer in any county employing a full-time health officer, to make a physical and mental examination of the wards of the court as defined in this section. Such health officer shall, as promptly as may be, furnish to the court or judge a written report of such examinations on forms to be furnished to said health officer by the court. In those counties not employing a full-time health officer, the court or judge may designate a reputable physician of the county to make such mental and physical examinations and render such written reports. When any such mental and physical examination is made and any such report rendered, the state shall pay to the examining physician a sum not to exceed ten dollars for each such mental and physical examination, upon certification of the fact of such examination by the court or the judge thereof.

§49-5-5. Record of findings, etc.

The findings and orders of the court shall be entered in a book, kept by the clerk of the court for that purpose, known as the "juvenile record."

§49-5-6. Jury trial under article.

In a proceeding under this article, an interested person may
demand, or the judge of his own motion, may order a jury of

§49-5-7. Petitioning court for disposition of suspected delinquents
—Form of petition; filing; service; answer.

(a) If the state department or a reputable person believes
that a child is delinquent, the department or person may
present a petition setting forth the facts to the circuit court
or judge thereof in the county where the child may be.

The petition may set forth that it is for the interest of the
child and of the state that the child be taken from its parent,
guardian, or other custodian and placed under another guard-
ianship or custody as determined by the court; and that the
parent, guardian or other custodian is unfit properly to care
for, protect, train, educate, control or discipline the child, or
that the parent, guardian, or other custodian consents that the
child may be taken from him.

The petition shall be verified by oath, and shall set forth
the name and address of the parent, guardian, or other person
having custody and control of the child if such name and ad-

Upon the filing of the petition, the court or judge shall set
a time and place for a hearing and proceedings upon the
facts.

(b) A person named in the petition shall be made a de-
defendant and shall be notified of the proceedings by personal
service of summons, which shall require the person to appear
with the child at the time and place set for the proceedings.
If the defendant cannot be found, service may be by publi-
cation as a Class II legal advertisement in compliance with
the provisions of article three, chapter fifty-nine of this code,
and the publication area for such publication shall be the
county.

(c) A defendant, duly summoned, shall appear and answer,
in open court or before the judge in vacation, on the return
day of the summons, or if the summons is served less than
one day prior to the return day, then on the following day.

A defendant notified by publication shall appear and an-
§49-5-8. Temporary disposition.

The court or judge may, before the proceedings, make temporary disposition of the child in the manner provided in article two of this chapter, or may order the child to be placed in the custody of a probation officer.


The court or judge may, if he deems such action necessary, order the issuance of a warrant against the person having custody and control of the child, to bring the person into court or before the judge; or a warrant against the child to bring the child into court or before the judge.

§49-5-10. Right to counsel; mandatory advice with respect thereto; appointment of counsel; payment by state of fee for appointed attorney.

In any proceeding under the provisions of this article, the child shall have the right to be represented by counsel, and the child and his parents, his guardian, his custodian, or any other person standing in loco parentis to him, or the person named in the petition, must be informed at the outset of the child's right to be represented by counsel, and if neither the child nor any other of the aforementioned persons can pay for the services of counsel, that counsel will be appointed to represent the child. Upon the presentation to the court or judge thereof of a written request for the appointment of counsel and an affidavit by the child, or by his parents, the guardian of his person, his custodian, or any other person standing in loco parentis to him, or by the person named in the petition, showing that neither the child nor any other of the aforementioned persons can pay for the services of counsel, the court or judge, upon being satisfied as to the truth of the information set forth in the affidavit, shall, by order entered of record, appoint an attorney at law to represent the child in any proceeding under the provisions of this article, and may, in the
exercise of discretion, by order entered of record, allow any
attorney so appointed a fee in an amount not to exceed two
hundred dollars. Any such fee shall be paid by the state audi­
tor in the same manner as fees for appointed counsel are paid
in felony cases.

§49-5-11. Methods of disposition by court.

With a view to the welfare and interest of the child and of
the state, the court or judge may, after the proceedings, make
any of the following dispositions:

(1) Treat the child as a neglected child, in which
case the provisions of article six of this chapter shall
apply;

(2) Order the child placed under the supervision of a pro­
bation officer;

(3) If the child be over sixteen years of age at the time of
the commission of the offense the court may, if the proceedings
originated as a criminal proceeding, enter an order showing
its refusal to take jurisdiction as a juvenile proceeding and
permit the child to be proceeded against in accordance with
the laws of the state governing the commission of crimes or
violation of municipal ordinances;

(4) Commit the child to an industrial home or correctional
institution for minors;

(5) Commit the child to any public or private institution
or agency permitted by law to care for children;

(6) Commit the child to the care and custody of some
suitable person who shall be appointed guardian of the person
and custodian of the child;

(7) Enter any other order which seems to the court to be
in the best interest of the child.

§49-5-12. Prosecuting attorney to represent petitioner.

The prosecuting attorney, in counties having population in
excess of two hundred thousand, shall represent the petitioner
in all juvenile proceedings before the court or judge having
juvenile jurisdiction in such counties. The prosecuting attorney
§49-5-13. Committing children to jail.

A child under sixteen years of age, whether delinquent or otherwise, shall not be committed to a jail or police station, except that any child over fourteen years of age who has been committed to an industrial home or correctional institution may be held in the juvenile department of a jail while awaiting transportation to the institution.

§49-5-14. Notice to be given by clerk to state department.

The clerk of the court shall promptly notify the state department of delinquent children brought before the court or judge and of delinquency proceedings pending.

§49-5-15. Juvenile probation officers; duties; expenses; powers.

(a) The commissioner of the state department of welfare shall, with the approval of the court, designate one of the employees of the state department of welfare to act as a juvenile probation officer, and when required one or more employees of the state department of welfare to act as assistant or assistants to such probation officer, and such employee or employees, when so assigned, shall perform their duties under the sole supervision and control of the court and the court shall have the sole power to recommend the transfer or dismissal of employees so assigned. There shall be at least one such juvenile probation officer assigned to each county, but a juvenile probation officer may be assigned to more than one county.

The foregoing provisions of this section shall not be construed as abrogating or affecting in any way the power and authority vested in any court, subject to the approval of and in accordance with the rules of the supreme court of appeals, to select, supervise and discharge its own probation officers and assistants thereto.

(b) The clerk of a court shall notify, if practicable, the chief probation officer of the county when a child is brought before the court or judge. When notified, or if the probation officer
22 otherwise obtains knowledge of such fact, he or one of his
23 assistants shall:
24 (1) Make investigation of the case;
25 (2) Be present in court, or before the judge, to represent
26 the interests of the child when the case is heard;
27 (3) Furnish such information and assistance as the court
28 or judge may require;
29 (4) Take charge of the child before and after the trial, as
30 may be directed by the court or judge.
31 (c) The necessary expenses incurred by a probation officer
32 acting pursuant to an order issued by a court exercising jurisdic-
33 tion pursuant to this article shall be borne by the state depart-
34 ment.
35 (d) A juvenile probation officer is hereby vested with the
36 power and authority of a peace officer to make arrests and
37 perform any other duties ordinarily performed by a peace
38 officer, incident to his office, or necessary or convenient to
39 the performance of his duties.

ARTICLE 5A. JUVENILE REFEREE SYSTEM.
§49-5A-1. Juvenile referee; qualifications; compensation; authority; "child", etc., defined.
§49-5A-3. Orders of juvenile referee or judge following detention hearing; force and effect and finality of such orders.

§49-5A-1. Juvenile referee; qualifications; compensation; authority; "child", etc., defined.

1 In each county, the judge or judges of the circuit court may
2 appoint one person who is qualified by education and exper-
3 ence to serve as juvenile referee on a full-time or part-time
4 basis who shall serve at the will and pleasure of the appointing
5 court. The salary of such referee shall be fixed by the court
6 in accordance with the rules of the supreme court of appeals,
7 and shall be paid out of the state treasury. It shall be the duty
8 of the referee to hold any detention hearing determined neces-
9 sary pursuant to the provisions of section two of this article.
10 Each referee shall also perform such other duties as are
11 assigned to him by the court to carry on the purposes of this
article. Referees shall not be permitted to conduct hearings on the merits of any case.

As used in this article, the terms "child" or "children" shall have the meaning ascribed to those terms elsewhere in this chapter.

§49-5A-3. Orders of juvenile referee or judge following detention hearing; force and effect and finality of such orders.

After a detention hearing conducted by a judge or referee an order shall be forthwith entered setting forth the findings of fact and conclusions of law with respect to further detention pending hearing and disposition of the child proceedings involving such juvenile. A copy of such order shall be furnished to the court, if entered by a referee, and to the child and his attorney, if any, and to the parent or parents or guardian of the child. A detention order of a judge or referee shall become effective immediately, subject to the right of review provided for in section four of this article, and shall continue in effect until modified or vacated by the judge. In the event any referee under this article shall order further detention, the judge shall within two days of the entry of the referee's order afford to the child a new hearing upon the issue of further detention, to which hearing the provisions of this and the preceding sections shall apply.

ARTICLE 6. PROCEDURE IN NEGLECT CASES.

§49-6-1. Petition to court when child believed neglected—Form, etc.

If the state department, or a reputable person, believes that a child is neglected, the department or the person may present a petition setting forth the facts to the circuit court in the county in which the child resides, or to the judge of such court in vacation. The petition shall be verified by the oath of some credible person having knowledge of the facts. Upon the filing of the petition, the court or judge shall set a time and place for a hearing.
Article 8. State and County Law Libraries; Law Clerks.
Article 9. Retirement System for Judges.

ARTICLE 2. CIRCUIT COURTS AND CIRCUIT JUDGES.

§51-2-12. Compensation of special judge.

The judge so elected or agreed upon shall receive for his services, while sitting as such judge, one hundred dollars per day, to be certified by the court and paid out of the state treasury.


The salaries of the judges of the various circuit courts shall be paid solely out of the state treasury. No county, county commission, board of commissioners or other political subdivision shall supplement or add to such salaries.

The annual salary of all circuit judges shall be twenty-eight thousand five hundred dollars per year.

ARTICLE 7. OFFICIAL REPORTERS.

§51-7-3. Compensation for attending court and taking notes.

The official reporter shall receive, for his services and expenses in attending the court or judge and in taking the notes provided for in section two of this article, such salary or other compensation as the court or judge, in accordance with the rules of the supreme court of appeals, may allow. If such salary be allowed, it shall be paid monthly, out of the state treasury. If no such salary be allowed, such other compensation and expenses as may be allowed in civil cases shall be certified by the court or judge to the auditor of the state and the same shall be paid out of the state treasury. Such other compensation and expenses in felony and misdemeanor cases shall be certified to the auditor of the state and paid out of the state treasury. The salary or other compensation provided for in this section shall not be deemed to include the making of...
§51-7-5. Salary in lieu of all other compensation.

If neither of the methods of compensation provided for in section three of this article be adopted, a salary may be allowed in lieu of all other compensation, which shall be paid monthly, out of the state treasury, in such proportions as the court or judge may fix in accordance with the rules of the supreme court of appeals. All fees for services rendered by the official reporter in the discharge of his duties as such, when he is allowed a salary under the provisions of this section, may be collected, and shall, when collected by the sheriff or official reporter, be paid into the treasury of the state; and it shall be the duty of such reporter to make out, sign and deliver to the sheriff a fee bill in every case, civil or criminal, giving the style thereof and the amount due, and from whom, which amount may be collected or levied for by the sheriff, and such fee bill shall have the force and effect of an execution when levied. An official reporter compensated under the provisions of this section shall collect the fees mentioned in section four of this article for any transcript of his shorthand notes of the testimony or proceedings furnished by him to any party, and shall pay the same over to the sheriff of the county in which the services were performed, to be by him accounted for and paid into the state treasury.

§51-7-6. Reporter's fee; how taxed; paid and accounted for.

The clerk of the court in which such reporter is employed shall tax as a part of the costs a reporter's fee of not less than five dollars, to be fixed by the court or judge, for each case in which such reporter was engaged. Such costs, when received by the clerk, shall be paid by him to the sheriff, who shall account for and pay such costs, in civil and misdemeanor cases, into the state treasury.

§51-7-7. Transcripts to be furnished indigent persons under conviction upon timely request; payment therefor.

In any case wherein an indigent person has filed a notice of intent to seek an appeal or writ of error as specified in section...
four, article four, or section four, article five, chapter fifty-eight of this code, the court, or judge thereof in vacation, upon written request of such convicted person or his counsel, presented within sixty days after the entry of such judgment, shall, by order entered of record, authorize and direct the court reporter to furnish a transcript of the testimony and proceedings of the trial, or such part or parts thereof as such convicted person or his counsel shall have indicated in his request to be necessary, to the convicted person, without charge to him, for use in seeking his appeal or writ of error, and the cost of such transcript whether the case be one of misdemeanor or felony, shall be certified by the judge of the court to the auditor of the state and shall be paid out of the treasury of the state from the appropriation for criminal charges.

ARTICLE 8. STATE AND COUNTY LAW LIBRARIES; LAW CLERKS.

§51-8-8. Authority to establish county law libraries; control of circuit judge; rules and regulations.

§51-8-9. Accounts and reports relating to county law libraries.

§51-8-10. Law clerks.

§51-8-8. Authority to establish county law libraries; control of circuit judge; rules and regulations.

In addition to all other powers and duties now conferred by law upon the supreme court of appeals and the circuit courts, such courts are hereby authorized and empowered to establish county law libraries which shall be wholly under the control and management of the circuit judge, with the assistance of the circuit clerk. The supreme court of appeals may expend funds for the purchase of books or other expenses necessary to the operation of the county law library.

All county law libraries presently in existence shall be continued and kept current and the cost thereof, other than for provision of adequate space, shall be borne by the state and charged against the judicial accounts thereof. Such libraries shall be available for use by the public subject to such reasonable rules as may be adopted by the circuit judge. County commissions shall provide adequate space for such libraries.

§51-8-9. Accounts and reports relating to county law libraries.

The administrative director of the supreme court of appeals, with the cooperation and assistance of each circuit clerk, shall
keep full and complete account of all money transactions in connection with the various county law libraries and of the receipt of all books and other documents lodged in such libraries and shall perform such other duties in connection therewith as may be ordered by the supreme court of appeals. Such administrative director shall make an annual report to the supreme court of appeals within sixty days after the close of each fiscal year, in which he shall state the number of copies of reports, acts of the Legislature and all other books and documents received by each county law library and the disposition made thereof. Such report shall also set forth what money came into his hands during the preceding fiscal year.

§51-8-10. Law clerks.

Any circuit court heretofore authorized by special act of the Legislature to appoint a law clerk or law assistant shall continue to have such authority, and all of the provisions of any such special act or any other special acts amendatory thereof shall continue to apply, and any such law clerk or law assistant shall receive the salary most recently authorized in any such special act, until changed by such circuit court, with the approval of the supreme court of appeals, by order entered of record, but such salary shall be paid out of the state treasury.

ARTICLE 9. RETIREMENT SYSTEM FOR JUDGES.

§51-9-5. Election not to contribute.

§51-9-10. Services of retired judges.

§51-9-15. County commissioners excluded.

§51-9-5. Election not to contribute.

Notwithstanding any provisions of this article, any judge may in writing notify the auditor within thirty days after he takes office, or, if he is in office, on the date this article becomes effective, then within thirty days from such latter date, that he elects not to make payments or contributions to the fund, in which event every judge, so electing, shall not thereafter at any time be entitled to receive any retirement pay or benefits under provisions of this article: Provided, That any judge who has so elected not to contribute shall thereafter be permitted to become eligible for retirement benefits by
paying into the judges' retirement fund all contributions he would have been required to pay into the fund, together with interest thereon at four percent, if he had not previously elected not to contribute. If such notice in writing be given, any deductions theretofore made from the salary of such judge and paid into the fund shall be refunded, without interest, to him by the auditor by warrant drawn on the fund.

§51-9-10. Services of retired judges.

Any retired judge receiving retirement benefits under the provisions hereof shall serve as special judge of any circuit court of this state, when such retired judge is selected according to law to serve as such special judge in any such court without charge or compensation, per diem or otherwise to him, but shall be allowed and paid his traveling expenses and other actual expenses for lodging and meals in the same manner and amounts as such expenses of judges are paid as now or hereafter may be provided for by statute.

§51-9-15. County commissioners excluded.

Commissioners of county commissions or of any tribunal established in lieu thereof, are excluded from the retirement pay and retirement benefits herein provided.

CHAPTER 52. JURIES.

Article 2. Grand Juries.

ARTICLE 1. PETIT JURIES.

§52-1-3. Jury commissioners; appointment and qualifications; term; removal; vacancies; compensation; oath; powers and duties generally.

§52-1-21. Compensation of jurors; taxation of jury fees as costs; disposition thereof.

§52-1-23. Record of allowance to jurors; certification to auditor; failure of clerk to comply with provisions.

§52-1-24. Payment of compensation.

§52-1-3. Jury commissioners; appointment and qualifications; term; removal; vacancies; compensation; oath; powers and duties generally.

There shall be two jury commissioners of the circuit court
of each county. They shall be of opposite politics, citizens
of good standing, residents in the county for which they are
appointed, and well-known members of the principal political
parties thereof; but the chairman of any political party shall
be ineligible to appointment, and no jury commissioner shall
be eligible to reappointment after he shall have served four
consecutive years. They shall be appointed by the circuit
court, or the judge thereof in vacation, of their respective
counties. Their term of office shall be four years, and shall
commence on the first day of June next after their appoint-
ment. The jury commissioners appointed by the circuit court
or the judge thereof, in office when this code takes effect,
shall continue in office, unless removed, until the expiration
of their respective terms of office, and their successors shall
be appointed, as aforesaid, alternately, so that a period of
two years shall intervene between the dates when the terms
of office of the two commissioners shall begin and expire.
They may be removed from office by the court or judge
having the power of appointment, for official misconduct,
incompetency, habitual drunkenness, neglect of duty or gross
immorality. Vacancies caused by death, resignation or other-
wise, shall be filled for the unexpired term in the same
manner as the original appointments. They shall receive as
compensation for their services, while necessarily employed
as such jury commissioners, an amount to be fixed by the
judge of the circuit court, in accordance with the rules of
the supreme court of appeals, which shall be payable out of
the state treasury upon the orders of the circuit court. Before
entering upon the discharge of his duties, a jury commissioner
shall take and subscribe, before the clerk of the circuit court,
who is hereby authorized to administer the same, an oath,
to be filed and preserved by him in his office, to the following
effect:

State of West Virginia,
County of .........................................................., to wit:

I, A.________________ B.__________________________, do solemnly
swear that I will support the Constitution of the United
States and the constitution of this state and will faithfully
discharge the duties of jury commissioner to the best of my
skill and judgment, and that I will not place any person upon
the jury list in violation of law, or out of fear, favor or
affection.

§52-1-21. Compensation of jurors; taxation of jury fees as costs; 
disposition thereof.

Any person summoned as aforesaid, by virtue of a venire
facias or otherwise, to serve as a petit juror, and actually at-
tending upon the court, or attending at the courthouse, at the
time summoned, whether he be called to serve on a jury or
not, shall, for each day he so attends, be entitled to receive
the sum of not less than fifteen and not more than twenty-five
dollars, to be fixed by order entered of record, and the same
mileage and other expenses allowed to witnesses, to be paid out
of the state treasury: Provided, That for each day he shall not
actually attend at the courthouse he shall receive nothing and
that he shall be allowed mileage and tolls for necessary travel to
and from his place of residence during the term. When a jury in
any case shall be placed in the custody of the sheriff, he shall
provide for and furnish such jury necessary meals and lodging
while they are in such sheriff's custody, at a reasonable cost to
be determined by an order of the court, and such meals and
lodging shall be paid for out of the state treasury. There shall be
taxed in the costs against any person against whom a judgment
on the verdict of a jury may be rendered in a case of misde-
meanor, and against any person against whom judgment on the
verdict of a jury may be rendered in a civil action, and against
any person on whose motion the verdict of a jury is set aside
and a new trial granted, a total of ten dollars for jury costs,
which, when collected by the circuit clerk from the party,
shall be paid by the sheriff into the state treasury. All money
so received by the clerk shall be forthwith paid by him to the
sheriff, and the clerk and his surety shall be liable therefor on
his official bond as for other money coming into his hands
by virtue of his office.

The clerk of the circuit court of each county in this state
shall annually certify to the county court a list of all money so
paid to him, and by him paid to the sheriff, and, in addition
thereto, a correct list of all the cases in which jury fees have
been taxed, and are, at the time, properly due and payable
in the state treasury, and the sheriff of the county shall be held to account in his annual settlement for all such moneys collected by him.

§52-1-23. Record of allowance to jurors; certification to auditor; failure of clerk to comply with provisions.

1 The clerk of any court upon which juries are in attendance shall, before the final adjournment of each term, and under the direction of the court, make an entry upon its minutes, stating separately the amount which each juror is entitled to receive out of the state treasury for his services or attendance during the term; and such clerk of any court upon which juries are in attendance, if directed by the court, shall at any time during such term, and under the direction of the court, make an entry upon its minutes, stating separately the amount which each juror is entitled to receive out of the state treasury for his services or attendance during the term. It shall be the duty of such clerk, as soon as practicable after adjournment of the court, to transmit to the auditor certified copies of all orders under this section making allowances payable out of the state treasury. Any such clerk who shall fail to pay over, as required by law, any moneys so received by him, or otherwise to comply with the provisions of this article, shall be deemed guilty of a misdemeanor and fined not less than fifty dollars.

§52-1-24. Payment of compensation.

1 It shall be the duty of the clerk, as soon as practicable after the adjournment of the court, or before the adjournment of the court at such time as the court may direct, to deliver to each juror a certified copy of any order under the preceding section making an allowance to him, payable out of the state treasury; and the sheriff of such county shall, upon demand, pay to such juror the amount allowed to him, which shall be repaid to the sheriff out of the state treasury, upon the production of satisfactory proof that the same has actually been paid by him. If any sheriff fail to pay any such allowance as required by law, he may be proceeded against as for a contempt of court.

ARTICLE 2. GRAND JURIES.


1 Every person who shall serve upon a grand jury shall be en-
titiled to receive for such services not less than fifteen dollars nor
more than twenty-five dollars, to be fixed by the court, for each
day he may so serve, and in addition thereto the same mileage
and other expenses as allowed to witnesses, to be paid out of the
state treasury. But he shall not be paid for more than four days’
service at any one term of the court, except in the counties of
Harrison, McDowell, Fayette, Cabell, Marshall, Marion, Mer-
ner, Wood, Ohio, Mingo, Monongalia, Preston and Summers,
where such grand jurors shall not be paid for more than ten
days’ service for any one term of court and except in Kanawha
County where such grand jurors shall not be paid for more than
sixty days’ services for any one term of court. The judge of the
court shall fix the compensation for grand jurors, as provided
above, by an order entered of record in such court. The provi-
sions of sections twenty-three and twenty-four of article one of
this chapter, relating to allowance and payment of compen-
sation and mileage and other expenses to petit jurors where ap-
icable, shall apply in like respect to grand jurors.

CHAPTER 56. PLEADING AND PRACTICE.

ARTICLE 11. JUDICIAL COUNCIL FOR STUDY OF PROCEDURE
AND PRACTICE.

§56-11-1. Created; purpose; composition; qualifications, appoint-
ment and political affiliation of members; secretary
of council.

There is hereby created a judicial council for the continuous
study of the organization, rules and methods of procedure
and practice of the judicial system of the state. It shall be
composed of one judge of the supreme court of appeals,
four circuit judges, at least one of whom shall be from a
multi-judge circuit and who shall not be the chief judge
thereof, and four practicing attorneys and one member of
the faculty of the college of law of West Virginia University,
who shall be appointed by the governor. Not more than three
judges and two attorneys shall be members of any one
political party.

The administrative director of the supreme court of appeals
shall, without additional compensation therefor, serve as
secretary of the judicial council.
§57-5-11. Disposal of exhibits or articles offered in evidence; disposal of property in hands of law enforcement officials.

Any circuit court in this state, or the judge thereof in vacation, may in its discretion by order entered of record dispose of by return to the owner thereof, or by destruction, sale, or otherwise, any exhibit or article introduced or offered in evidence at the hearing, or upon the trial, of any matter or case before such court or judge, and remaining in the custody or control of such court for a period of thirty days after the expiration of the time within which an appeal may be taken from any final order or judgment in such matter or case, if no appeal is taken therefrom, or thirty days, after any final order or judgment of an appellate court, if such appeal is taken therein: Provided, That if the ownership of such exhibit or article be known, the owner shall be notified and such exhibit or article shall be returned to him if he so desires.

Any sale directed hereunder shall be made upon such notice and terms and by such officer or other person as the court or judge shall direct. The proceeds of any such sale shall be applied to the reasonable costs and expenses of such sale as the court or judge shall allow, and the remainder thereof shall be paid into the state treasury.

The provisions of this section shall not apply or extend to the county commission of any county; nor shall any property or article be disposed of hereunder contrary to any other statute which expressly provides a different disposition.

CHAPTER 58. APPEAL AND ERROR.

ARTICLE 5. APPELLATE RELIEF IN SUPREME COURT OF APPEALS.

§58-5-17. Court to prescribe method and form of reproducing record; reproduction of record by clerk; distribution; costs.

The supreme court of appeals shall by order prescribe the method and form of reproducing records. Such order
shall prescribe the number of copies to be reproduced, the contents thereof, the type size and quality of paper and the maximum rate per page that may be charged for the printing or reproduction of such records.

The cost of printing or reproduction, photostating and blueprinting, if any, shall be included at the end of the record with the date the same was printed or otherwise reproduced.

The clerk shall have the record printed or reproduced when the party obtaining the appeal, writ of error or supersedeas shall deposit with him a sufficient sum to pay for same. The clerk shall deliver one copy of such record to the judge and clerk of the trial court, two copies to counsel on each side, and retain the remaining copies in his office. He shall cause all copies of the record remaining in his office to be compared with the typewritten transcript certified to the supreme court of appeals and correct all errors that may appear therein. The cost of such printing or reproduction, unless otherwise ordered by the court, shall be taxed against the unsuccessful party, if the judgment, decree or order appealed from be reversed. And should the appellant or plaintiff in error fail for three months after his case has been docketed in the court of appeals to deposit with the clerk of the said court, the sum estimated by said clerk, to pay for the printing or other reproduction of the record, he shall be deemed to have abandoned his appeal or writ of error and the same shall be dismissed; but it may be renewed at any time within eight months from the date of the judgment, order or decree appealed from, unless such period be extended, according to the provisions of section four of this article. In every felony and misdemeanor case, the clerk shall have the usual number of records printed or otherwise reproduced at a cost not exceeding the amount fixed by the court, and dispose of the same as in other cases; and upon the certificate of the chief justice of the supreme court of appeals stating that such record has been printed or otherwise reproduced as required by the court, and the amount said clerk is entitled to, the cost of printing or reproducing the same shall be paid to said clerk out of the treasury of the state, and the auditor shall draw his warrant on the
treasury for the payment thereof out of the fund for criminal
charges.

Any increased rate for printing or reproducing records as
may be prescribed by order of the court shall apply to all
cases docketed in the supreme court of appeals on the ef-
cutive date of the order of the court, pending reproduction of
the record. Such latter cases, however, shall not be subject
to dismissal because of any increased rate, where statement
for estimated costs has been rendered and paid as provided
in this section, but they shall not be placed upon the argument
docket until the increased cost thereof shall have been paid
in full.

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

ARTICLE 1. FEES AND ALLOWANCES.

§59-1-16. Amount of allowance to witnesses for attendance; how and when
made.

§59-1-28. Use and disposition of fees of sheriffs, clerks and prosecuting
attorneys.

§59-1-29. Collection of such fees.

§59-1-31. Monthly payments; how credited; report required.

§59-1-16. Amount of allowance to witnesses for attendance; how
and when made.

A person attending any court or other tribunal, under a
summons or recognizance as a witness, shall receive not less
than ten nor more than twenty dollars, to be fixed by the
court or other tribunal, for each day's attendance and fifteen
cents per mile for each mile necessarily traveled to the place of
attendance, and the same for returning, plus all necessary
bridge, ferry and road tolls. On his oath, an entry of the
sum he is entitled to, and for what, and by what party it is
to be paid, shall be made. When the attendance is before either
house or a committee of the Legislature, such entry shall be
made by the clerk of such house or the chairman of such com-
mmittee, and in other cases by the clerk of the court or other tri-
bunal before which, or by the person before whom, the witness
attended. A witness summoned or recognized to attend in sev-
eral cases may have the entry made against any one of the
parties by whom he is summoned, or for whom he is sworn
as a witness, but no witness shall be allowed for his attendance in more than one case at the same time. But no compensation shall be allowed to a witness before a grand jury. This section shall not apply to witnesses before justices of the peace.


All fees, costs, percentages, penalties, commissions, allowances, compensation, income and all other perquisites of whatever kind which by law may now or hereafter be collected or received as compensation for services by any clerk of the county commission, sheriff, clerk of the circuit court and prosecuting attorney, shall be collected and received by such officer for the sole use of the treasury of the county in which he is an officer, and shall be held as public moneys belonging to the county fund, and shall be accounted for and paid over as such in the manner hereinafter provided. Fees are held to be earned at the time the service is rendered and not at the time the matter is finally adjudicated.

§59-1-29. Collection of such fees.

Each clerk of the county commission, sheriff, clerk of the circuit court and prosecuting attorney shall have charge of and collect the fees, costs, percentages, penalties, commissions, allowances, compensation, income and all other perquisites of whatever kind which are now or may hereafter be allowed by law. Whenever there remain due the county and unpaid, for a period of more than six months, any fees, costs, percentages, penalties, commissions, allowances, compensation, income or any other perquisites of any kind, it shall be the duty of the county commission, or other tribunal in lieu thereof, by the prosecuting attorney, to proceed to the collection thereof in the circuit court, upon motion whereof the defendant and the sureties on his bond shall have at least twenty days' notice, or in any other manner provided for by law, and the amount so collected shall be paid into the county treasury to the credit of the general county fund.

§59-1-31. Monthly payments; how credited; report required.

Each of the officers named in section twenty-nine of this article shall at the end of each month pay into the county trea-
sury all fees, costs, percentages, penalties, commissions, com-
pensation, income and all other perquisites of whatever kind
collected by his office during such month, which money shall
be credited to the general county fund. All such officers shall
cause to be made a quarterly report to the administrative di-
rector of the supreme court of appeals, which shall indicate
the money received by them during such quarter and the
source and nature of such money. Such report shall be made
within thirty days following the close of each quarter.

CHAPTER 62. CRIMINAL PROCEDURE.

Article 3. Trial of Criminal Cases.
Article 5. Costs in Criminal Cases.

ARTICLE 3. TRIAL OF CRIMINAL CASES.

§62-3-1. Time for trial; depositions of witnesses for accused; coun-
sel, copy of indictment, and list of jurors for accused; remuneration of appointed counsel.

When an indictment is found in any county, against a per-
son for a felony or misdemeanor, the accused, if in custody,
or if he appear in discharge of his recognizance, or voluntarily,
shall, unless good cause be shown for a continuance, be tried
at the same term. If any witness for the accused be a nonresi-
dent of the state, or absent therefrom in any service or em-
ployment, so that service of a subpoena cannot be had upon
him in this state, or is aged or infirm so that he cannot attend
upon the court at the trial, the accused may present to the
court in which the case is pending, or to the judge thereof in
vacation, an affidavit showing such facts, and stating therein
what he expects to prove by any such witness, his name, resi-
dence, or place of service or employment; and if such court
or judge be of the opinion that the evidence of any such wit-
ness, as stated in such affidavit, is necessary and material to
the defense of the accused on his trial, an order may be made
by such court or judge for the taking of the deposition of any
such witness upon such notice to the prosecuting attorney, of
the time and place of taking the same, as the court or judge
may prescribe; and in such order the court or judge may autho-
rize the employment of counsel, practicing at or near the
place where the deposition is to be taken, to cross-examine the
witness on behalf of the state, the reasonable expense whereof
shall be paid out of the treasury of the state, upon certificate
of the court wherein the case is pending. Every deposition so
taken may, on the motion of the defendant, so far as the evi-
dence therein contained is competent and proper, be read to
the jury on the trial of the case as evidence therein. A court of
record may appoint counsel to assist an accused in criminal
cases at any time upon request. A copy of the indictment and
of the list of the jurors selected or summoned for his trial, as
provided in section three of this article, shall be furnished him,
upon his request, at any time before the jury is impaneled. In
every case where the court appoints counsel for the accused
and the accused presents an affidavit showing that he cannot
pay therefor, the court shall, by order entered of record allow
an attorney so appointed a fee of not to exceed one hundred
dollars in any misdemeanor case, and a fee of not to exceed
two hundred dollars in any felony case. In misdemeanor and
felony cases, the fee so allowed shall be paid by the state
auditor as other fees in felony cases are paid. The amount so
paid, in the event the accused shall not prevail, shall be and
constitute a judgement of said court against the accused to be
recovered as any other judgment for costs.

ARTICLE 5. COSTS IN CRIMINAL CASES.

§62-5-1. Payment of witnesses.

1 Sections sixteen and seventeen of article one, and section
sixteen of article two, chapter fifty-nine of this code shall
apply to a person attending as a witness under a recognizance
or summons in a criminal case whether the same be a felony
or misdemeanor, as well as to a person attending under a
summons in a civil case, except that in a criminal case, a
person residing out of this state, who attends a court therein
as a witness, shall be allowed by such court a proper
compensation for attendance and travel to and from the
place of his abode; the amount of the same to be fixed by
such court. Such compensation and other allowances shall,
in all criminal cases be paid out of the treasury of the state.
ARTICLE 12. PROBATION AND PAROLE.

§62-12-1. Courts having authority to place offenders on probation.

Any circuit court of this state shall have authority as provided in this article to place on probation any person convicted of a crime.

§62-12-5. Probation officers and assistants.

Each circuit court, subject to the approval of the supreme court of appeals and in accordance with its rules, is authorized to appoint a probation officer and clerical assistants to serve during the pleasure of the appointing court, and in addition in counties having a population of more than forty thousand, such court also subject to the approval of the supreme court of appeals and in accordance with its rules, is authorized to appoint additional probation officers and clerical assistants.

The appointment of such probation officers, assistant probation officers and clerical assistants shall be in writing and entered on the order book of the court by the judge making such appointment and a copy of said order of appointment shall be delivered to the administrative director of the supreme court of appeals. The said order of appointment shall state the monthly salary fixed by said judge and approved by the supreme court of appeals, to be paid the probation officer, assistant probation officer, if any, or clerical assistants so appointed.

The salary of probation officers, assistant probation officers and clerical assistants shall be paid monthly or semimonthly, as the supreme court of appeals by rule may direct and they shall be reimbursed for all reasonable and necessary expenses actually incurred in the line of duty in the field. Such salary and expenses shall be paid by the state from the judicial accounts thereof. The county commission shall provide adequate office space for the probation officer and his assistants to be approved by the appointing court. Such equipment and supplies
as may be needed by the probation officer and his assistants shall be provided by the state and the cost thereof shall be charged against the judicial accounts of the state.

No judge shall appoint any probation officer, assistant probation officer or clerical assistant who is related to him either by consanguinity or affinity.

A judge of a circuit court whose circuit comprises more than one county may appoint a probation officer and a clerical assistant in each county of such circuit or may appoint the same person as a probation officer and also the same person as a clerical assistant in two or more such counties in such circuit.

In lieu of, or in addition to the probation officers, assistant probation officers and clerical assistants provided for in this section, any circuit judge may avail himself of the services of state probation and parole officers; and any such services which may be provided to the court or judge by said state probation and parole officers, shall be rendered at no additional cost to the state, county or judge so using them. The board of probation and parole may assist any probation officer, upon request, with information relative to procedure, printed forms, and technique applicable to probation methods.

Nothing contained in this section shall in any manner alter, modify, affect or supersede the appointment or tenure of any probation officer, medical assistant or psychiatric assistant appointed by any court under any special act of the Legislature heretofore enacted, and the salary or compensation of any such person shall remain as specified in the most recent amendment of any such special act until changed by such court, with approval of the supreme court of appeals, by order entered of record, and any such salary or compensation shall be paid out of the state treasury.


Each probation officer shall investigate all cases referred to him for investigation by the court and shall report in writing thereon. He shall furnish to each person released on probation under his supervision a written statement of the conditions of his probation together with a copy of the rules and regulations
prescribed by the court for the supervision of probationers. He shall keep himself informed concerning the conduct and condition of those under his supervision and shall report thereon in writing as often as the court may require. He shall use all practicable and suitable methods to aid and encourage them and to bring about improvement in their conduct and condition. He shall keep detailed records of his work, shall keep accurate and complete accounts of and give receipts for all money collected from persons under his supervision, and shall pay over the money to such person as the court may designate. He shall give bond with good security, to be approved by the court, in a penalty of not less than one thousand nor more than three thousand dollars, as the court may determine. He shall also perform such other duties as the court may require. He shall have authority, with or without an order or warrant, to arrest any probationer.

§62-12-22. Appointment of counsel for parole violators; authority to appoint; payment of counsel.

Any person accused of a violation of his parole, as set forth in this article, may be represented by counsel at any hearing held for the purpose of determining whether his parole should be revoked. In the event the person accused of a violation of his parole is unable to pay for counsel and desires to have counsel appointed for him, he shall present his application for the appointment of counsel and an affidavit reflecting his inability to pay for such counsel to the circuit court in the county in which such person is confined or in the county in which the hearing is to be held for the purpose of determining whether his parole should be revoked, or to the judge thereof in vacation. If it appears to the satisfaction of the court or judge that such person is in fact unable to pay for counsel, such court or judge may appoint counsel to represent such person. In every case where counsel is so appointed, the court, by order entered of record, shall allow such appointed counsel a fee not to exceed two hundred dollars, said fee to be paid from the fund allocated by the state for the payment of criminal charges in the same manner as is provided for the payment of fees in felony cases as set forth in section one, article three of this chapter.
AN ACT to amend and reenact sections one and eleven, article seventeen, chapter fifty of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to amend and reenact article nineteen of said chapter, all relating to the office of justice of the peace; increasing fees in civil cases and related matters and in criminal cases and proceedings; abolishing the office of county magistrate; relating to the transfer of matters pending before a county magistrate; specifying that all previous acts and decisions of a county magistrate shall continue in full force and effect; relating to accountings by county magistrates; relating to expenses of a county magistrate; prohibiting justices of the peace from collecting any fees for their own use and benefit; relating to the disposition of fees, costs, fines, forfeitures and penalties collected by justices of the peace; classifying the counties by population for the purpose of establishing maximum salaries for justices of the peace; relating to fixing the salaries of justices of the peace within such maximum limitations; specifying that only certain justices of the peace shall be entitled to receive a salary; providing that vacancies in office of justice of the peace need not be filled; creating a justice of the peace advisory board in each county; relating to the composition, function and duties of each such board; relating to expenses of a justice of the peace; authorizing rules and regulations by circuit court judges concerning the discharge of the duties of justices of the peace; relating to the powers of circuit court judges with respect to justices of the peace; relating to the distribution of judicial business among justices of the peace; relating to accounting and audit procedures concerning justices of the peace; requiring various reports by justices of the peace; relating to exercise of county-wide powers by justices of the peace; relating to the office of constable; relating to conflicting provisions; relating to the removal from office of a justice of the peace; and providing criminal offenses and penalties.
Be it enacted by the Legislature of West Virginia:

That sections one and eleven, article seventeen, chapter fifty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; and that article nineteen of said chapter be amended and reenacted, all to read as follows:

Article 17. Fees, Fines and Costs.

ARTICLE 17. FEES, FINES AND COSTS.
§50-17-1. Fees in civil cases.
§50-17-11. Fees in criminal cases.

§50-17-1. Fees in civil cases.

A justice of the peace shall charge and shall collect in advance from the party or parties requesting such services the following fees:

(1) For entering and trying any civil suit and the issuance of all papers including distress warrant and attachment orders and the performance of all other services in connection with any such civil suit whether the suit be contested or uncontested and whether or not the suit be completed or discontinued but excepting services in connection with executions or garnishments and suggestee executions $10.00

(2) For all services in connection with an execution on judgment, suggestion on judgment, execution and garnishment whether execution be without garnishment or there be both execution and garnishment or suggestee execution $ 2.50

(3) For each bond filed in a case, appeal bond, stay of execution bond, bail bond, civil order of arrest, detinue bond, except bond in attachment case and docketing same $ 1.00

(4) For taking depositions of witnesses if done in an hour or less $ 1.00
(5) If not completed in an hour, for additional time at the rate, per hour of $1.00

(6) For taking an inquest on a dead body, to be audited and paid from the treasury of the county $5.00

(7) Order of appraisement, appointing appraisers, swearing of the same and docketing same, to be paid by plaintiff $1.00

(8) For taking and certifying acknowledgment of deed or other instrument of writing .50

(9) For mailing each suggestee execution by registered and/or certified mail and return receipt requested .55

§50-17-11. Fees in criminal cases.

(1) A fee of ten dollars shall be assessable in each criminal case and proceeding before a justice of the peace, whether a hearing is held or not, which fee shall constitute the only fee to be charged for all official services performed in connection with any single case, including affidavit for warrant, search and seizure warrant, warrant for arrest, trial examination, issuing subpoenas and copies thereof, warrant summoning and swearing a jury when required, swearing and certifying attendance of witness, entering judgment and taxing costs, making and certifying a transcript of his docket in any particular case and transmitting the same to the clerk of the circuit court, the department of motor vehicles, or any other office to which he may be by law required to certify such transcript, and for executing any bond or recognizance. No other fees shall be taxed or charged by any justice in such cases and proceedings. The provisions of this section shall not apply to proceedings to require security to keep the peace, and the fees and costs incidental thereto shall be assessed and collected as in civil cases.

(2) For issuing sheep warrant, appointing and swearing appraisers and docketing same $2.50

ARTICLE 19. JUSTICES OF THE PEACE—GENERAL PROVISIONS.

§50-19-1. County magistrates abolished; transfer of matters pending.
§50-19-1. County magistrates abolished; transfer of matters pending.

The office of county magistrate, heretofore created, is hereby abolished. The judge of the circuit court of each county, or the chief judge thereof if there is more than one judge of the circuit court, shall order the transfer of all matters pending before any county magistrate to a justice of the peace for such county. All previous acts and decisions of a county magistrate shall continue in full force and effect and shall not in any manner be affected by the provisions of this article.

Each person heretofore serving as a county magistrate shall complete, within thirty days of the effective date of this article, all acts heretofore required of county magistrates in regard to the disposition of fees, costs, fines, forfeitures and penalties as well as all reports heretofore required. The chief inspector of public offices shall, as soon as practicable, conduct a final audit of the records of county magistrates, both civil and criminal.

Reasonable and necessary expenses heretofore incurred by a county magistrate may be reimbursed by the county commission in the matter heretofore provided.

§50-19-2. Fees and costs; limitations on justices of the peace; disposition.

Notwithstanding any provision of article seventeen of this chapter or any other provision of law to the contrary, no justice of the peace shall at any time collect or receive any sum of money or other emolument by virtue of his office for his own use and benefit except as is provided in this article.

Notwithstanding any provision of article seventeen of this
chapter or any other provision of law to the contrary, all fees, costs, fines, forfeitures and penalties collected by justices of the peace, both civil and criminal, together with an accounting of their source and the services for which rendered, shall be paid over to the sheriff of the county by the fifteenth day of the month following the month of their collection. All fees and costs shall be deposited into the general fund of the county.

§50-19-3. Compensation; advisory board; expenses.

For the purpose of establishing maximum limitations on the compensation for justices of the peace, the counties shall be classified according to population, as ascertained in the last preceding census taken under the authority of the United States, as follows: Counties with a population of two hundred thousand or more shall be designated Class I counties; counties with a population of one hundred thousand or more but less than two hundred thousand shall be designated Class II counties; counties with a population of seventy thousand or more but less than one hundred thousand shall be designated Class III counties; counties with a population of thirty thousand or more but less than seventy thousand shall be designated Class IV counties; counties with a population of twenty thousand or more but less than thirty thousand shall be designated Class V counties; counties with a population of ten thousand or more but less than twenty thousand shall be designated Class VI counties; and counties with a population of less than ten thousand shall be designated Class VII counties.

Salaries for justices of the peace shall be fixed by the county commissions within the following maximum limits: In Class I counties, not more than seventeen thousand five hundred dollars per year; in Class II counties, not more than fifteen thousand dollars per year; in Class III counties, not more than twelve thousand five hundred dollars per year; in Class IV counties, not more than ten thousand dollars per year; in Class V counties, not more than seven thousand five hundred dollars per year; in Class VI counties, not more than six thousand two hundred fifty dollars per year; and in Class VII counties, not more than five thousand dollars per year.

Within the maximum limitations above prescribed, the county commission may fix the same salary for all justices of
the peace within such county or it may establish a different salary for one or more of such justices of the peace: Provided, That in counties with a population of one hundred thousand or more every justice of the peace within such county who devotes full time to his public duties to the exclusion of any other employment shall be paid the same salary. In fixing the salaries within the maximum limitations above prescribed, the county commission shall consider the advice of the advisory board herein created and shall take into account the amount of time each justice of the peace shall be available to perform the duties of his office: Provided, That notwithstanding any other provision of this article or of this code to the contrary, no person shall be entitled to receive a salary as a justice of the peace under the provisions of this article unless (1) such person was elected to that office and thereafter was appointed and served as a county magistrate under the former provisions of this article, except that his successor shall be entitled to such salary in the event of a vacancy in that particular office of justice of the peace; or (2) such person was appointed and served as a county magistrate under the former provisions of this article and is, after the effective date of this act, appointed to fill a vacancy in the office of justice of the peace, except that his successor shall be entitled to such salary in the event of a vacancy in that particular office of justice of the peace: Provided, however, That notwithstanding the foregoing or any other provision of this article or this code to the contrary, a county commission shall not be required to fill any vacancy in any office of justice of the peace.

For the purpose of advising the county commission in the fixing of salaries of justices of the peace within the maximum limitations above prescribed, there is hereby created in each county the justice of the peace advisory board which shall be composed of the clerk of the county commission, the clerk of the circuit court, the judge of the circuit court, or the chief judge thereof if there is more than one judge of the circuit court, and two members to be appointed by the county commission, which two appointed members shall not both be members of the same political party. Justices of the peace or members of their immediate families shall be ineligible to
serve as members of the board by appointment of the county commission. The advisory board shall elect from its membership a chairman. The advisory board shall meet at such times and places as shall be directed by the chairman or by the county commission. It shall be the duty of the advisory board to advise the county commission on the fixing of salaries of justices of the peace within the maximum limitations above prescribed. No member of the justice of the peace advisory board shall be entitled to any pay or reimbursement for expenses incurred in the performance of his duties.

In addition to his salary, as specified by the county commission, each justice of the peace shall be reimbursed for all reasonable and necessary expenses actually incurred by him in providing office space, furnishing necessary clerical help and providing stationery and supplies and for all other incidental operating expenses, but the total of all such reimbursed expenses in any fiscal year may not exceed seventy-five percent of the salary of such justice of the peace for such fiscal year: Provided, That the county commission may, in its discretion, reimburse for such expenses in an amount not to exceed one hundred percent of the salary of such justice of the peace or seven thousand five hundred dollars, whichever is greater. Requisition for such reimbursement shall be accompanied by a sworn statement, detailed vouchers and documentation pertaining to such expenses.

The salary of each justice of the peace and all payments made to reimburse him for all reasonable and necessary expenses actually incurred in the performance of his duties as a justice of the peace shall be paid by the county commission from the county general fund. The salary shall be paid in equal monthly installments.

§50-19-4. Administration; rules and regulations; supervision by circuit court; inspection; reports; quarterly reports to joint committee on government and finance.

The judge of the circuit court, or the chief judge thereof if there be more than one judge of the circuit court, shall by order entered of record adopt rules and regulations establishing administrative requirements as to the discharge of the duties of justices of the peace, including, but not limited to, the specifi-
cation of a reasonable schedule of hours for each justice of the peace, requirements that the office of a justice of the peace be located in a place readily accessible to the public, and requirements that each justice of the peace maintain regular telephone service if such service is available. Such judge may direct a justice to sit at some place other than at his principal office. Each justice of the peace shall be subject to supervision by the judge of the circuit court, or the chief judge thereof if there is more than one judge of the circuit court, as to the performance of his judicial functions.

The judge of the circuit court, or the chief judge thereof if there be more than one judge of the circuit court, may by order entered of record adopt rules and regulations, with the full force and effect of law, concerning the distribution of judicial business among the various justices of the peace of the county.

Each justice of the peace shall be subject to audit of his records, both civil and criminal, and all materials relating to such records, by the chief inspector of public offices. For the purpose of uniformity, the chief inspector of public offices shall designate the form of records to be used by justices of the peace.

Each justice of the peace shall furnish to the county commission of his county monthly reports indicating the volume of judicial business handled by him, both civil and criminal, the total amount of moneys received, whether in the form of fees, costs, fines, forfeitures or penalties, the total amount of moneys remitted by him as required by law, the total amount of expenses incurred by such justice of the peace during such month for which reimbursement is claimed, and all such other detailed information as the county commission shall require. The county commission shall consolidate all such monthly reports and each quarter forward a copy of the consolidated report to the joint committee on government and finance.

§50-19-5. Where justice of the peace may exercise powers.

Notwithstanding the provisions of section five, article two, of this chapter or any other provision of law to the contrary, a justice of the peace may exercise the powers conferred upon him at any place in the county wherein he serves.
1 All constables elected in the year one thousand nine hundred
2 seventy-two or thereafter elected or appointed shall continue to
3 hold the office of constable until the first day of January,
4 one thousand nine hundred seventy-seven, and shall be subject
5 to all provisions of law relating to constables.

1 In the event the provisions of this article are clearly in
2 conflict with other provisions of this code, the provisions of
3 this article shall control.

1 Any person who shall violate any provision of this article
2 shall be guilty of a misdemeanor, and, upon conviction thereof,
3 shall be fined not more than one thousand dollars, or im-
4 prisoned in the county jail not more than one year, or both
5 fined and imprisoned.

1 A justice of the peace may be removed from office in the
2 manner provided in section seven, article six, chapter six of
3 this code. In addition to the grounds for removal enumerated
4 elsewhere by law, a justice of the peace may be removed
5 from office for conviction of a felony, for conviction of a mis-
6 demeanor involving moral turpitude or a duty of the office or
7 for a violation of this article or any rule, regulation or order
8 provided for in this article. In addition to other methods pro-
9 vided by law, removal proceedings may be initiated upon the
10 motion of the judge of the circuit court, or the chief judge
11 thereof if there be more than one judge of the circuit court.

CHAPTER 128
(Com. Sub. for H. B. 1396—By Mr. Sommerville)

[Passed March 8, 1975; in effect ninety days from passage. Approved by the Governor.]

AN ACT to amend chapter fifty of the code of West Virginia, one
 thousand nine hundred thirty one, as amended, by adding there-
to a new article, designated article twenty, creating a system of magistrate courts; providing for designation of location of magistrate courts within the counties; providing for temporary service by magistrates outside of county of residence; providing for election of magistrates; relating to filing fee; specifying the number of magistrate courts in each county, based upon population of county; relating to ascertainment of population; relating to procedures where voting machines are used for election of magistrates; specifying salary of magistrates, based upon population served; relating to payment of certain expenses; specifying qualifications for election as a magistrate; excepting certain persons from such qualifications; requiring oath and bond; requiring magistrate to devote full time to duties; relating to instructional courses for magistrates; providing for clerks of magistrate courts; relating to qualifications of clerks; specifying salary of clerks, based upon population served; and relating to duties of sheriff with respect to service of process and bailiff duties for magistrates.

Be it enacted by the Legislature of West Virginia:

That chapter fifty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, designated article twenty, to read as follows:

ARTICLE 20. MAGISTRATE COURTS.

§50-20-1. Magistrate courts created.
§50-20-2. Election of magistrates; number.
§50-20-5. Clerks of magistrate courts; salary.
§50-20-6. Duties of sheriff; service of process; bailiff.

§50-20-1. Magistrate courts created.

1 There is hereby created in this state a system of magistrate
2 courts. Magistrate courts shall have such jurisdiction as may
3 be provided by law. The judge of the circuit court of the
4 county in which a magistrate is elected, or the chief judge
5 thereof if there is more than one judge of the circuit court,
6 subject to the approval of the supreme court of appeals,
7 shall direct where each magistrate court shall be located
8 in the county. A magistrate shall sit at such other locations
9 within the county for such periods and for such purposes
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<td>as such judge may by order direct. Such judge may by</td>
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<td>order direct a magistrate to serve temporarily in any other</td>
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<td>county within such circuit for such purposes as the judge may</td>
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<td>direct, and such magistrate's authority, to the extent ordered</td>
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<td>by such judge, shall be equal to the jurisdiction and authority</td>
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<td>of a magistrate elected in the county in which such magistrate</td>
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<td>is ordered to serve.</td>
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<td>§50-20-2. Election of magistrates; number.</td>
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<td>There shall be elected by the voters of each county, at the</td>
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<td>general election to be held in the year one thousand nine</td>
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<td>hundred seventy-six, and in every fourth year thereafter, one</td>
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<td>magistrate for each magistrate court in each county. The filing</td>
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<td>fee for the office of magistrate shall be one percent of the an-</td>
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<td>nual salary. The term of magistrates shall begin on the first</td>
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<td>day of January of the year following the year of election.</td>
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<td>In each county which has less than ten thousand in popula-</td>
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<td>tion there shall be one magistrate court. In each county which</td>
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<td>10</td>
<td>has ten thousand or more in population but less than thirty thou-</td>
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<td>sand in population there shall be two magistrate courts. In each</td>
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<td>county which has thirty thousand or more in population but less</td>
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<td>than sixty thousand in population there shall be three magistrate</td>
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<td>courts. In each county which has sixty thousand or more in</td>
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<td>population but less than one hundred thousand in population</td>
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<td>there shall be four magistrate courts. In each county which has</td>
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<td>one hundred thousand or more in population but less than two</td>
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<td>18</td>
<td>hundred thousand in population there shall be seven magistrate</td>
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<td>19</td>
<td>courts. In each county which has two hundred thousand or</td>
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<td>20</td>
<td>more in population there shall be ten magistrate courts. For the</td>
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<td>21</td>
<td>purpose of this article, the population of each county shall be</td>
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<td>22</td>
<td>considered to be the population as determined by the last</td>
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<td>23</td>
<td>preceding census taken under the authority of the United</td>
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<td>24</td>
<td>States government. No change in the number of magistrate</td>
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<td>courts caused by the publication of more recent such census</td>
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<td>26</td>
<td>figures shall be effective until the next regular election for</td>
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<td>such office occurring after the year of such publication.</td>
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<td>28</td>
<td>In counties where voting machines are used, the procedures</td>
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<td>29</td>
<td>of section eleven, article four, chapter three of this code shall</td>
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<td>apply to the election of magistrates in the same way as they ap-</td>
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<td>ply to the election of members of the House of Delegates.</td>
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The salary of each magistrate shall be paid by the state. Magistrates who serve ten thousand or less in population shall be paid an annual salary of ten thousand dollars. Magistrates who serve more than ten thousand in population but less than fifteen thousand in population shall be paid an annual salary of fourteen thousand dollars. Magistrates who serve fifteen thousand or more in population shall be paid an annual salary of eighteen thousand dollars. For the purpose of determining the population served by each magistrate, the number of magistrates authorized for each county shall be divided into the population of each county. Magistrates shall be paid once a month.

In addition to the basic salary provided for herein, a magistrate shall be compensated in the amount of twenty-five dollars for basic living expenses for each day served outside of the county of his election, as provided for in section one of this article, and shall be reimbursed at the rate of fifteen cents per mile for travel expenses incurred in such service. Such amounts shall be paid by the state.


Each magistrate shall be at least twenty-one years of age, shall have a high school education or its equivalent, shall not have been convicted of any felony and shall reside in the county of his election. Notwithstanding the foregoing provisions of this section, each person who held the office of justice of the peace on the fifth day of November, one thousand nine hundred seventy-four, and who served in or performed the functions of such office for one year prior thereto shall be deemed qualified to run for the office of magistrate, in the county of his residence.

Each magistrate shall, before assuming the duties of office, take an oath of office to be administered by the circuit judge of the county, or the chief judge thereof if there is more than one judge of the circuit court. Each magistrate shall post a bond in the penalty of five thousand dollars with sufficient surety approved by such circuit judge, which such bond shall be conditioned upon the faithful performance of the duties of the office.
as such judge may by order direct. Such judge may by
order direct a magistrate to serve temporarily in any other
county within such circuit for such purposes as the judge may
direct, and such magistrate’s authority, to the extent ordered
by such judge, shall be equal to the jurisdiction and authority
of a magistrate elected in the county in which such magistrate
is ordered to serve.

§50-20-2. Election of magistrates; number.

There shall be elected by the voters of each county, at the
general election to be held in the year one thousand nine
hundred seventy-six, and in every fourth year thereafter, one
magistrate for each magistrate court in each county. The filing
fee for the office of magistrate shall be one percent of the an-
nual salary. The term of magistrates shall begin on the first
day of January of the year following the year of election.

In each county which has less than ten thousand in popula-
tion there shall be one magistrate court. In each county which
has ten thousand or more in population but less than thirty thou-
sand in population there shall be two magistrate courts. In each
county which has thirty thousand or more in population but less
than sixty thousand in population there shall be three magistrate
courts. In each county which has sixty thousand or more in
population but less than one hundred thousand in population
there shall be four magistrate courts. In each county which has
one hundred thousand or more in population but less than two
hundred thousand in population there shall be seven magistrate
courts. In each county which has two hundred thousand or
more in population there shall be ten magistrate courts. For the
purpose of this article, the population of each county shall be
considered to be the population as determined by the last
preceding census taken under the authority of the United
States government. No change in the number of magistrate
courts caused by the publication of more recent such census
figures shall be effective until the next regular election for
such office occurring after the year of such publication.

In counties where voting machines are used, the procedures
of section eleven, article four, chapter three of this code shall
apply to the election of magistrates in the same way as they ap-
ply to the election of members of the House of Delegates.

1 The salary of each magistrate shall be paid by the state.  
2 Magistrates who serve ten thousand or less in population shall  
3 be paid an annual salary of ten thousand dollars. Magistrates  
4 who serve more than ten thousand in population but less than  
5 fifteen thousand in population shall be paid an annual salary  
6 of fourteen thousand dollars. Magistrates who serve fifteen  
7 thousand or more in population shall be paid an annual salary  
8 of eighteen thousand dollars. For the purpose of determining  
9 the population served by each magistrate, the number of mag-  
10 istrates authorized for each county shall be divided into the  
11 population of each county. Magistrates shall be paid once a  
12 month.  
13 In addition to the basic salary provided for herein, a mag-  
14 istrate shall be compensated in the amount of twenty-five dol-  
15 lars for basic living expenses for each day served outside of  
16 the county of his election, as provided for in section one of  
17 this article, and shall be reimbursed at the rate of fifteen cents  
18 per mile for travel expenses incurred in such service. Such  
19 amounts shall be paid by the state.


1 Each magistrate shall be at least twenty-one years of age,  
2 shall have a high school education or its equivalent, shall not  
3 have been convicted of any felony and shall reside in the  
4 county of his election. Notwithstanding the foregoing pro-  
5 visions of this section, each person who held the office of  
6 justice of the peace on the fifth day of November, one thousand  
7 nine hundred seventy-four, and who served in or performed the  
8 functions of such office for one year prior thereto shall be  
9 deemed qualified to run for the office of magistrate, in the  
10 county of his residence.  
11 Each magistrate shall, before assuming the duties of office,  
12 take an oath of office to be administered by the circuit judge  
13 of the county, or the chief judge thereof if there is more than  
14 one judge of the circuit court. Each magistrate shall post a bond  
15 in the penalty of five thousand dollars with sufficient surety ap-  
16 proved by such circuit judge, which such bond shall be condi-  
17 tioned upon the faithful performance of the duties of the office.
Each magistrate shall maintain the qualifications for office at all times.

Each magistrate shall devote full time to his public duties to the exclusion of any other employment.

In addition to other qualifications and requirements herein contained, no person shall assume the duties of magistrate unless he shall have first attended and completed a course of instruction in rudimentary principles of law and procedure which shall be given between the date of election and the beginning of the magistrates' term in accordance with the supervisory rules of the supreme court of appeals. The provisions of this paragraph shall not apply to persons who held the office of justice of the peace on the fifth day of November, one thousand nine hundred seventy-four, and who served in or performed the functions of such office for one year prior thereto but such course of instruction shall be available to such persons.

Each magistrate shall be required to attend such courses of instruction as may be required by supervisory rule of the supreme court of appeals. Such courses shall be provided at least once every other year.

§50-20-5. Clerks of magistrate courts; salary.

Each magistrate court shall have a clerk to be appointed by the magistrate and who shall serve at the will and pleasure of the magistrate. Such clerk shall not be a member of the immediate family of the magistrate, shall not have been convicted of a felony and shall reside in the county where appointed. For the purpose of this section, immediate family shall mean the relationships of mother, father, sister, brother, child or spouse. Clerks shall perform such duties and shall exercise such authority as shall be provided by law.

Clerks shall be paid a monthly salary by the state. Clerks appointed by magistrates who serve ten thousand or less in population shall be paid three hundred fifty dollars per month. Clerks appointed by magistrates who serve more than ten thousand in population but less than fifteen thousand in population shall be paid four hundred fifty dollars per month. Clerks appointed by magistrates who serve fifteen thousand or more in population shall be paid five hundred fifty dollars per
For the purpose of determining the population served by each magistrate, the number of magistrates authorized for each county shall be divided into the population of each county.

§50-20-6. Duties of sheriff; service of process; bailiff.

It shall be the duty of each sheriff to execute all process from a magistrate court which may be directed to such sheriff, in the same manner as is provided by law for process from circuit courts.

Subject to the supervision of the judge of the circuit court, or the chief judge thereof if there is more than one judge of the circuit court, it shall be the duty of the sheriff, or his designated deputy, to serve as bailiff of a magistrate court upon the request of the magistrate.

AN ACT to amend and reenact section thirty, article three, chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to making breakdown, destruction, injury, defacement or removal of certain no trespassing signs a misdemeanor and to the penalty for such offense.

Be it enacted by the Legislature of West Virginia:

That section thirty, article three, chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 3. CRIMES AGAINST PROPERTY.

§61-3-30. Removal, Injury to or destruction of property, monuments designating land boundaries and of certain no trespassing signs; penalties.

If any person unlawfully, but not feloniously, take and
carry away, or destroy, injure or deface any property, real
or personal, not his own, he shall be guilty of a misdemeanor,
and, upon conviction thereof, shall be fined not more
than five hundred dollars, or imprisoned in the county
jail not more than one year, or both fined and impris-
oned.

If any person shall break down, destroy, injury, deface
or remove any monument erected for the purpose of desig-
nating the boundaries of a municipality, tract or lot of land,
or any tree marked for that purpose, or any sign or notice
upon private property designating no trespassing upon such
property, except signs or notices posted in accordance with
the provisions and purposes of sections seven, eight and ten,
article two, chapter twenty of this code, he shall be guilty of
a misdemeanor, and, upon conviction thereof, shall be fined
not less than twenty dollars nor more than two hundred dollars,
or imprisoned in the county jail not less than one nor more
than six months, or both fined and imprisoned. Justices of the
peace and magistrates shall have concurrent jurisdiction of all
offenses arising under the provisions of this section. The
provisions of this paragraph shall not apply to the owner, or
his agent, of the lands on which such signs or notices are
posted.

CHAPTER 130
(Com. Sub. for S. B. 97—By Mr. Williams and Mr. Hinkle)

[Passed March 8, 1975; in effect ninety days from passage. Approved by the Governor.]

AN ACT to amend and reenact section twenty, article one,
chapter three of the code of West Virginia, one thousand
nine hundred thirty-one, as amended; and to amend and
reenact sections twelve and thirteen, article five of said
chapter, all relating to elections; color of sample ballots; and
providing place on ballot for election of senators and dele-
gates.
Be it enacted by the Legislature of West Virginia:

That section twenty, article one, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; and that sections twelve and thirteen, article five of said chapter be amended and reenacted, all to read as follows:

Article
5. Primary Elections and Nominating Procedures.

ARTICLE 1. GENERAL PROVISIONS AND DEFINITIONS.

§3-1-20. Cards of instructions to voters; sample ballots; posting.

1 The board of ballot commissioners of each county shall cause to be printed in large, clear type, on cards, instructions for the guidance of voters in preparing their ballots. They shall furnish twelve of such cards to the commissioners of election at the same time they deliver to him the ballots for the precinct. The commissioners of election shall cause to be posted one of such cards in each place or compartment provided for the preparation of ballots, and the others in and about the polling place, and one or more of the cards outside of the sixty-foot limit provided for in this article, on the day of election. Such cards shall contain full instructions to the voters as to what shall be done:

(a) To obtain ballots for voting;
(b) To prepare the ballots for deposit in the ballot boxes;
(c) To obtain a new ballot in place of one accidentally spoiled.

Such cards shall contain a copy of the second paragraph of section two and a copy of all of sections five, six, eight and nine of article nine of this chapter.

The ballot commissioners shall also cause to be printed, on a different color paper than the official ballot, ten or more copies of the ballots provided for each voting place, at each election therein, which shall be designated sample
26 ballots, and shall be furnished and posted with the cards of instruction at each voting place.

ARTICLE 5. PRIMARY ELECTIONS AND NOMINATING PROCEEDURES.

§3-5-12. Official and sample ballots; color.

§3-5-13. Form and contents of ballots.

§3-5-12. Official and sample ballots; color.

1 There shall be a separate ballot printed on different colored paper, for each political party participating in the primary election, and the ballot of no two parties shall be of the same color or tint. The secretary of state shall select and determine the color of the paper of the ballot of each of the parties, and shall notify the clerk of the circuit court of each county thereof, at the time he certifies the names of the candidates of the various parties to said clerk, as herein provided.

10 A different color of paper shall be selected and designated by the secretary of state for each party and the sample ballots of each party shall be of a different color than the official ballot and of a different color from one another and there shall be printed across the face of such sample ballot in large letters the words “sample ballot,” and no sample ballot shall be voted or counted in any election.

§3-5-13. Form and contents of ballots.

1 The official primary ballot shall contain at the left of each column of names of candidates, a perpendicular column, and shall be so printed as to leave a square at the left of each name on the ballot.

5 On such primary ballot, the names of candidates for president of the United States, for United States senator and for representative in Congress, shall be placed in the first column of candidates; the names of candidates for all state offices, including the names of candidates for the state Senate and including the names of candidates for the House of Delegates, which shall immediately follow the names of candidates for the state Senate, and all other offices to be filled by the voters of a political division
greater than a county, including the state executive committee, shall be placed in the second column; the names of all candidates for county offices, congressional, senatorial and delegate district executive committees, shall be placed in the third column; the names of all candidates for office in the magisterial districts shall be placed in the fourth column; and the names of all candidates for delegates to the national convention of the party shall be placed in the fifth column and in counties using voting machines the names of all candidates for delegates to the national convention of the party shall be placed after the names of all other candidates for all of the other above specified offices.

The face of every primary election ballot shall conform as nearly as practicable to that used at the general election.

The secretary of state, or the circuit court clerk, as the case may be, shall arrange the names of the candidates to be printed on the ballot in alphabetical order, according to the surname, under the title of the respective offices upon the ballot.

A separate ballot, in connection with a primary election, for election of members of county board of education, shall be printed in bold type, under the caption, "Non-partisan Ballot for Election of Members of the County Board of Education." The names of the candidates for election to the county board of education, and the number of candidates for which each voter is entitled to vote shall be printed beneath the caption, without reference to political party affiliation, and without designation as to a particular term of office.

In printing each set of ballots the position of the names of the candidates shall be changed in each office division as many times as there are candidates in that office division. As nearly as possible an equal number of ballots shall be printed after each change. In making the change of position, the printer shall take the line of type containing the first name in the office division concerned and place it at the bottom of the list of names in that division and move up the column so that the name that
before was second shall be first after the change. After
the ballots are printed they shall be kept in separate piles,
one pile for each change in position, and shall then be
gathered by taking one from each pile. Sample ballots
shall be in the same form as the official ballots, but the
order of the names thereon need not be alternated.

All ballots used in primary elections shall be printed
on paper conforming as nearly as practicable in weight
and texture, to the samples furnished by the secretary of
state, but shall not be printed on the same color paper,
and the paper shall be sufficiently thick so that the print-
ing cannot be discernible from the back. On the back of
the ballot shall be printed in black ink, and in plain
legible, black face pica type, the name of the political
party as contained in the heading or “Nonpartisan Board
of Education,” as the case may be, followed by the word
“ballot.” Under this designation shall be printed two
blank lines followed by the words “poll clerks.”

CHAPTER 131
(S. B. 83—By Mr. Benson)

[Passed March 8, 1975; in effect ninety days from passage. Disapproved by the
Governor, and repassed notwithstanding his objections.]

AN ACT to amend article three, chapter three of the code of
West Virginia, one thousand nine hundred thirty-one, as
amended, by adding thereto a new section, designated
section two-b, relating to establishment of a special absent-
tee voting list for persons who are permanently physically
disabled.

Be it enacted by the Legislature of West Virginia:

That article three, chapter three of the code of West Virginia,
one thousand nine hundred thirty-one, as amended, be amended
by adding thereto a new section, designated section two-b, to
read as follows:
ARTICLE 3. VOTING BY ABSENTEES.

§3-3-2b. Special absentee voting list.

Notwithstanding the provisions contained in section twenty-five, article two of this chapter, any person who is registered and otherwise qualified to vote and who is permanently and totally physically disabled and who is unable to vote in person at the polls in an election, may apply to the office of the circuit clerk to have such person's name placed upon a special absentee voting list. The special absentee voting list shall be kept by the circuit clerk in a bound book maintained for such purpose.

An application shall be prescribed by the secretary of state and shall be in substantially the following form:

APPLICATION TO BE PLACED UPON SPECIAL ABSENTEE VOTING LIST.

Date

I, ______________, hereby declare that I am a permanent resident of the State of West Virginia and of the County of ______________, with permanent address as follows:

Street City State

in the magisterial district of ________________, in said County; that I am registered in the precinct of my residence as provided by law.

I declare further that I am permanently and totally disabled physically and am unable to vote in person at the polls in an election, and do hereby request that my name be placed upon the special absentee voting list.

Signature of Applicant
(or in case the applicant is illiterate he shall make his mark and have it witnessed on the following lines):

Mark of Applicant

____________________________________
Signature of Witness
STATEMENT OF PHYSICIAN

I, ________________________, hereby declare that I am a physician, duly licensed to practice in the State of _______________; that I examined ____________ the applicant, whose signature appears upon the above application on the ______ day of ________, 19___; and that in my opinion such person is permanently and totally disabled physically and would be unable to vote in person at the polls in an election.

Signature of Physician

Upon receipt of such application, properly completed, the circuit clerk shall enter the name of such person upon the special absentee voting list and the application shall be filed. The person's name shall remain on such list (1) until such person requests in writing that his name be removed, or (2) for a period covering two statewide and county general elections, or (3) until the death of such person, if such death sooner occurs.

Each person whose name is contained on the special absentee voting list may make application for voting an absent voter's ballot by mail as provided in section five of this article, but such person shall not be required to produce a statement of a physician at the time of such application so long as such person's name remains on the special absentee voting list.

CHAPTER 132

(Com. Sub. for H. B. 683—By Mr. Goodwin)

[Passed March 8, 1975; in effect ninety days from passage. Approved by the Governor.]

AN ACT to amend and reenact section five, article ten, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to imposing of mandatory time limits for filing of vacancies in state Legislature.
Be it enacted by the Legislature of West Virginia:

That section five, article ten, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 10. FILLING VACANCIES.

§3-10-5. Vacancies in state Legislature.

1 Any vacancy in the office of state senator or member of
2 the House of Delegates shall be filled by appointment by the
3 governor, in each instance from a list of three legally qualified
4 persons submitted by the party executive committee of the dele-
5 gate district in the case of a member of the House of Delegates,
6 and by the party executive committee of the state senatorial
7 district in the case of a state senator, of the party with which
8 the person holding the office immediately preceding the vacancy
9 was affiliated, and of the county or state senatorial district,
10 respectively, in which he resided at the time of his election or
11 appointment. If the vacating member of the House of Delegates
12 resided in a county only a portion of which is included in his
13 delegate district, all three of the qualified persons submitted
14 shall be residents of that portion of the county in which the
15 vacating delegate resided at the time of his election or appoint-
16 ment to the House of Delegates. The appointment to fill a
17 vacancy in the House of Delegates shall be for the unexpired
18 term. Such list of legally qualified persons to fill the vacancy
19 shall be submitted to the governor within fifteen days after such
20 vacancy occurs and the governor shall duly make his appoint-
21 ment to fill such vacancy from such list of legally qualified per-
22 sons within five days after same is received. If such list is not
23 submitted to the governor within the fifteen day period, the
24 governor shall appoint within five days thereafter a legally
25 qualified person of the political party of the person vacating the
26 office. If the unexpired term in the office of the state senator be
27 for less than two years and two months, the appointment shall
28 be for the unexpired term. If the unexpired term be for a period
29 longer than two years and two months, the appointment shall be
30 until the next general election and until the election and qualifi-
31 cation of a successor to the person appointed, at which general
32 election the vacancy shall be filled by election for the unex-
33 pired term. Notice of an election to fill a vacancy in the
office of Senate senator shall be given by the governor by proclamation and shall be published prior to such election as a Class II-0 legal advertisement in compliance with the provisions of article three, chapter fifty-nine of this code, and the publication area for such publication shall be each county in the senatorial district. Nominations for candidates to fill such vacancy shall be made in the manner prescribed for nominating a candidate to fill a vacancy in the office of governor to be voted for at a general election. The state senatorial district executive committee of the political party shall discharge the duties incident to state senator nominations devolving upon the party state executive committee in nominating a candidate for a state office.

CHAPTER 133
(S. B. 213—By Mr. Benson)

[Passed March 8, 1975; in effect from passage. Disapproved by the Governor, and repassed notwithstanding his objections.]

AN ACT to amend and reenact section fourteen, article two, chapter fifty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to eminent domain generally; and eliminating the right of the state or a political subdivision in an eminent domain proceeding to continue such proceeding until after a reasonable time has elapsed for completion of work upon the property in question; and changing the rate of interest.

Be it enacted by the Legislature of West Virginia:

That section fourteen, article two, chapter fifty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 2. PROCEDURE.
§54-2-14. Entry by state or its political subdivisions.

1 If the applicant be the state of West Virginia, or any political subdivision thereof, on filing its petition as au-
Authorized in this article, and if the court or judge is satisfied that the purpose for which the land or property is sought to be condemned is a public use for which private property may be appropriated on compensating the owner, the court or judge shall, at the request of the applicant, make an order permitting the applicant at once to enter upon, take possession, appropriate and use the land sought to be condemned for the purposes stated in the petition. The revenues applicable to the payment of any damages or compensation to which the owner is entitled, and which shall be awarded or assessed in his favor, shall be deemed sufficient security and to have been pledged for such payment, and no bond or further security shall be required of the applicant.

If the applicant shall enter upon or take possession of property under the authority of this section, and shall do any work thereon and injure such land or property, it shall not be entitled, without the consent of the defendant, to abandon the proceedings for the condemnation thereof, but such proceedings shall proceed to final award or judgment, and the applicant shall pay to the owner of the land the amount of compensation and damages as finally determined in such proceedings, with interest at eight percent from the date of the actual entry upon the land so taken.

CHAPTER 134
(H. B. 1298—By Mr. Seibert)

[Passed March 8, 1973; in effect ninety days from passage. Approved by the Governor.]

AN ACT to repeal sections eight, nine and ten, article seventeen, chapter five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, and to enact in lieu thereof new sections eight and nine; and to amend and reenact sections two and three of said article seventeen, continuing the West Virginia commission on energy, economy and environment; relating to the composition of such commission and the qualifi-
cations of the members thereof; relating to appointment of citizen members and their terms; relating to vacancies; requiring the commission to make reports to the joint committee on government and finance; and providing a rule of construction and severability clause.

Be it enacted by the Legislature of West Virginia:

That sections eight, nine and ten, article seventeen, chapter five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be repealed, and new sections eight and nine be enacted in lieu thereof; and that sections two and three of said article seventeen be amended and reenacted, to read as follows:

ARTICLE 17. WEST VIRGINIA COMMISSION ON ENERGY, ECONOMY AND ENVIRONMENT.

§5-17-2. Composition of commission.
§5-17-3. Terms of citizen advisory representatives; vacancies.
§5-17-8. Reports to joint committee on government and finance.
§5-17-9. Construction; severability.

§5-17-2. Composition of commission.

The “West Virginia Commission on Energy, Economy and Environment,” heretofore created and hereinafter referred to as the “commission,” is hereby continued. The commission shall consist of nineteen members, as follows: Eleven members, herein referred to as government representatives, who shall be the tax commissioner, the commissioner of commerce, the finance and administration commissioner, the oil and gas conservation commission, the director of the department of mines, the director of the department of natural resources, the director of the geological and economic survey commission, the director of the air pollution control commission, the chairman of the public service commission, a representative from the board of regents, and a representative of the governor; and eight additional citizens of the state, herein referred to as citizen advisory representatives, no more than four of whom shall belong to the same political party. The president of the Senate and the speaker of the House of Delegates shall appoint the eight citizen advisory representative members of the commission.
§5-17-3. Terms of citizen advisory representatives; vacancies.

1 The citizen advisory representatives shall be appointed for terms of one year each, and shall serve until their successors have been appointed and have qualified. Any vacancy as to a citizen advisory representative shall be filled by appointment by the President of the Senate and the Speaker of the House of Delegates for the unexpired term of such citizen advisory representative.

§5-17-8. Reports to joint committee on government and finance.

1 The commission shall, each six months, submit to the joint committee on government and finance a report of its activities, projects and accomplishments to the date of such report and of its planned future activities and projects.

§5-17-9. Construction; severability.

1 The provisions of this article shall be liberally construed to accomplish its objectives and purposes. If any section, subsection, subdivision, subparagraph, sentence, or clause of this article is adjudged to be unconstitutional or invalid such invalidity or unconstitutionality shall not affect the validity of the remaining portions of this article and, to this end, the provisions of this article are hereby declared to be severable.

CHAPTER 135
(H. B. 1127—By Mr. Seibert and Mr. Sommerville)

[Passed March 7, 1975; in effect ninety days from passage. Approved by the Governor.]

AN ACT to amend and reenact section two, article six, chapter forty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating generally to investments by fiduciaries; providing in what securities fiduciaries may invest trust funds; permitting fiduciaries to invest in bonds or negotiable notes secured by a first mortgage or first deed of trust if the interest rate on such bonds or negotiable notes does not exceed the maximum rate of interest which such bonds
or notes may bear under applicable law; authorizing fiduciaries to retain certain investments; and permitting fiduciaries who are authorized to retain bank stock to retain stock of a bank holding company received in exchange therefor.

Be it enacted by the Legislature of West Virginia:

That section two, article six, chapter forty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 6. INVESTMENTS BY FIDUCIARIES.

§44-6-2. In what securities fiduciaries may invest trust funds.

1 Any executor, administrator, guardian, curator, committee, trustee or other fiduciary whose duty it may be to loan or invest money entrusted to him as such, may, without any order of any court, invest the same or any part thereof in any of the following securities, and without liability for any loss resulting from investments therein: Provided, That such fiduciary shall exercise the judgment and care under the circumstances then prevailing which men of prudence, discretion and intelligence exercise in the management of their own affairs, not in regard to speculation, but in regard to the permanent disposition of their funds, considering the probable income as well as the probable safety of their capital:

(a) In bonds or interest-bearing notes or obligations of the United States, or those for which the faith of the United States is distinctly pledged to provide for the payment of the principal and interest thereof, including, but not by way of limitation, bonds or debentures issued under the "Federal Farm Loan Act," debentures issued by "Banks for Cooperatives" under the "Farm Credit Act of One Thousand Nine Hundred Thirty-Three," as amended, debentures issued by the federal national mortgage association, securities issued by the federal home loan bank system; and in bonds, interest-bearing notes and obligations issued, guaranteed or assumed by the "International Bank for Reconstruction and Development" or by the "Inter-American Development Bank" or by the "Asian Development Bank";
(b) In bonds or interest-bearing notes or obligations of this state;

(c) In bonds of any state of the United States which has not within ten years previous to the making of such investment defaulted in the payment of any part of either principal or interest on any of its bonds issued by authority of the legislature of such state;

(d) In the bonds or interest-bearing notes or obligations of any county, district, school district or independent school district, municipality or any other political division of this state that have been issued pursuant to the authority of any law of this state, since the ninth day of May of the year one thousand nine hundred seventeen;

(e) In bonds and negotiable notes secured by first mortgage or first trust deed upon improved real estate where the amount secured by such mortgage or trust deed shall not at the time of making the same exceed eighty percent of the assessed value, or sixty-six and two-thirds percent of the appraised value as determined by wholly disinterested and independent appraisers, whichever value shall be the higher, of the real estate covered by such mortgage or trust deed, and when such mortgage or trust deed is accompanied by a satisfactory abstract of title, certificate of title or title insurance policy, showing good title in the mortgagor when making such mortgage or trust deed, and by a fire insurance policy in an old line company with loss, if any, payable to the mortgagee or trustee as his interest may appear: Provided, That the rate of interest upon the above enumerated securities in this subdivision (e), in which such investments may be made, shall not be less than three and one-half percent per annum nor greater than the maximum rate of interest which such bonds or negotiable notes may bear under applicable law: Provided further, That the provisions herein establishing a minimum rate of interest shall not apply to investments in force as of the effective date of this section;

(f) In savings accounts and time deposits of bank or trust companies to the extent that such deposits are insured by the federal deposit insurance corporation, or by any other similar federal instrumentality that may be hereafter created, provided
there shall be such an instrumentality in existence and available for the purpose, or by bonds of solvent surety companies: Provided, That the rate of interest upon such savings accounts or time deposits shall not be less than the rate paid other depositors in such bank or trust company;

(g) In shares of state building and loan associations, or federal savings and loan associations, to the extent that such shares are insured by the federal savings and loan insurance corporation, or by any other similar federal instrumentality that may be hereafter created: Provided, That there shall be such an instrumentality in existence and available for the purpose, or by bonds of solvent surety companies: Provided, however, That the dividend rate upon such shares shall not be less than the rate paid to other shareholders in such associations;

(h) In other securities of corporations organized and existing under the laws of the United States, or of the District of Columbia or any state of the United States, including, but not by way of limitation, bonds, debentures, notes, equipment trust obligations or other evidences of indebtedness, and shares of common and preferred stocks of such corporations and securities of any open end or closed end management type investment company or investment trust registered under the "Federal Investment Company Act" of one thousand nine hundred forty, as from time to time amended, which men of prudence, discretion and intelligence acquire or retain for their own account, provided, and upon conditions, however, that:

(1) No investment shall be made pursuant to the provisions of this subdivision (h) which, at the time such investment shall be made, will cause the aggregate market value thereof to exceed fifty percent of the aggregate market value at that time of all of the property of the fund held by such fiduciary. Notwithstanding the aforesaid percentage limitation the cash proceeds of the sale of securities received or purchased by a fiduciary and made eligible by this subdivision (h) may be reinvested in any securities of the type described in this subdivision (h).

(2) No bonds, debentures, notes, equipment trust obligations or other evidence of indebtedness of such corporations shall be purchased under authority of this subdivision (h) unless such obligations, if other than issues of a common
carrier subject to the provisions of section twenty-a of the "Interstate Commerce Act," as amended, shall be obligations issued, guaranteed or assumed by corporations which have any securities currently registered with the securities and exchange commission.

(3) No common or preferred stocks, other than bank and insurance company stocks, shall be purchased under authority of this subdivision (h) unless currently fully listed and registered upon an exchange registered with the securities and exchange commission as a national securities exchange. No sale or other liquidation of any investment shall be required solely because of any change in the relative market value of those investments made eligible by this subdivision (h) and those made eligible by the preceding subdivisions of this section. In determining the aggregate market value of the property of a fund and the percentage of a fund to be invested under the provisions of this subdivision, a fiduciary may rely upon published market quotations as to those investments for which such quotations are available, and upon such valuations of other investments as in the fiduciary's best judgment seem fair and reasonable according to available information.

Trust funds received by executors, administrators, guardians, curators, committees, trustees and other fiduciaries may be kept invested in the securities originally received by them, or if the trust funds originally received were stock or securities of a bank, in shares of stock or other securities (and securities received as distributions in respect thereof) of a holding company subject to the Federal Bank Holding Company Act of 1956, as amended, received upon conversion of, or in exchange for, shares of stock or other securities of such bank; unless otherwise ordered by a court having jurisdiction of the matter, as hereinafter provided, or unless the instrument under which the trust was created shall direct that a change of investment be made, and any such fiduciary shall not be liable for any loss that may occur by depreciation of such securities.

This section shall not apply where the instrument creating the trust, or the last will and testament of any testator, or
any court having jurisdiction of the matter, specially directs
in what securities the trust funds shall be invested, and every
such court is hereby given power specially to direct by order
or orders, from time to time, additional securities in which
trust funds may be invested, and any investment thereof made
in accordance with any such special direction shall be legal,
and no executor, administrator, guardian, curator, committee,
trustee or other fiduciary shall be held for any loss resulting
in any such case.

CHAPTER 136

(H. B. 723—By Mr. Speaker, Mr. McManus, and Mr. Farley)

[Passed March 7, 1975; In effect July 1, 1975. Disapproved by the Governor,
and repassed notwithstanding his objections.]

AN ACT to amend and reenact section three, article one, chapter
five-a of the code of West Virginia, one thousand nine hundred
thirty-one, as amended, relating to the department of finance
and administration; the council on finance and administration;
and providing that such council hold at least four open public
meetings each year to be called by the chairman.

Be it enacted by the Legislature of West Virginia:

That section three, article one, chapter five-a of the code of
West Virginia, one thousand nine hundred thirty-one, as amended,
be amended and reenacted to read as follows:

ARTICLE 1. DEPARTMENT OF FINANCE AND ADMINISTRATION.


1 The council of finance and administration is hereby created
2 and shall be composed of ten members, four of whom shall
3 serve ex officio and six of whom shall be appointed as
4 herein provided. The ex officio members shall be the governor,
5 attorney general, the state treasurer and the state auditor.
6 From the membership of the Legislature, the president of the
7 Senate shall appoint three senators as members of the council,
8 not more than two of whom shall be members of the same
9 political party, and the speaker of the House shall appoint
three delegates as members of the council, not more than two
of whom shall be members of the same political party. Mem-
ers of the council appointed by the president of the Senate
and the speaker of the House shall serve at the will and plea-
sure of the officer making their appointment. The commis-
sioner of finance and administration shall serve as chairman
of the council. Meetings of the council shall be upon call of
the chairman or a majority of the members thereof. It shall be
the duty of the chairman to call at least four meetings each
year and all meetings shall be open to the public.

The council shall serve the department of finance and ad-
ministration in an advisory capacity for purposes of reviewing
the performance of the administrative and fiscal procedures of
the state, and shall have the following duties:

(1) To review and advise with the commissioner as to all
budget proposals to be submitted to the governor;

(2) At the time of the submission of the proposed budget
to the governor, to report to the governor its conclusions con-
cerning the proposed budget and any additions, modifications
or adjustments that it may care to suggest;

(3) To advise with the commissioner concerning such stud­
ies of government and administration as it may consider ap­
propriate;

(4) To advise with the commissioner in the preparation of
studies designed to provide long-term capital planning and fi-
nance for state institutions and agencies. Members of the
council shall be paid all necessary expenses incurred in the
discharge of their duties.

CHAPTER 137
(S. B. 463—By Mr. Rogerson)

[Passed March 8, 1975; in effect ninety days from passage. Approved by the Governor.]
dred thirty-one, as amended; to amend article eight of said chapter five-a, by adding thereto a new section, designated section three-a; and to amend and reenact section four of said article eight, all relating to the disposition of obsolete state commodities; application of proceeds from sale; power of the director to delegate authority; and bonding employees.

Be it enacted by the Legislature of West Virginia:

That section twenty-three, article three, chapter five-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be repealed; that article eight of said chapter five-a be amended by adding thereto a new section, designated section three-a; and that section four of said article eight, be amended and reenacted, all to read as follows:

ARTICLE 8. STATE AGENCY FOR SURPLUS PROPERTY.

§5A-8-3a. Disposition by director of obsolete, etc., state commodities; application of proceeds from sale.

§5A-8-4. Power of director to delegate authority; bonding employees.

§5A-8-3a. Disposition by director of obsolete, etc., state commodities; application of proceeds from sale.

1 The director shall have the exclusive power and authority to make disposition of commodities or expendable commodities now owned or in the future acquired by the state, when, in the opinion of the director, any such commodities are or shall become obsolete, unusable or are not being used, or should be replaced.

7 It shall be the duty of the director to determine what commodities or expendable commodities should be disposed of and he shall make such disposition in the manner which in his opinion will be most advantageous to the state, either by transferring the particular commodities or expendable commodities between departments, by trading in such commodities as a part payment on the purchase of new commodities, or by sale thereof to the highest bidder by means of public auctions or sealed bids after having first advertised the time, terms and place of such sale as a Class II legal advertisement in compliance with the provisions of article three, chapter fifty-nine of this code, and the publication area for such publication shall be the county wherein the sale is to be
conducted. The sale may also be advertised in such other advertising media as the director may deem advisable. The director shall have the authority to sell to the highest bidder or to any one or more of the highest bidders, if there be more than one, or, if in his opinion the best interest of the state will be served, to reject all bids. Upon the transfer of commodities or expendable commodities between departments, the director shall set the price to be paid by the receiving department with due consideration given to current market prices. The proceeds of such sales or transfers shall be deposited in the state treasury to the credit on a pro rata basis of the fund or funds out of which the purchase of the particular commodities or expendable commodities was made: Provided, That the director may charge and assess fees reasonably related to the costs of care and handling with respect to the transfer, warehousing, sale and distribution of state property disposed of or sold pursuant to the provisions of this section.

§5A-8-4. Power of director to delegate authority; bonding employees.

The commissioner of finance and administration, as director of the state agency for surplus property, may delegate to any employee of the agency such power and authority as he deems reasonable and proper for the effective administration of this article. The director of the agency may, in his discretion, bond any person in the employ of the state agency for surplus property, handling moneys, signing checks or receiving or distributing property from the United States of America or from this state under authority of this article.
nine hundred thirty-one, as amended; and to amend and reenact section twenty-eight, article three, chapter five-a of said code, relating to officers, boards and commissions; annual reports to the governor; providing uniform maximum standards for the printing of such reports; requiring all reports to the governor to be printed and bound in the printing shop maintained by the department of finance and administration.

Be it enacted by the Legislature of West Virginia:

That section twenty, article one, chapter five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; and that section twenty-eight, article three, chapter five-a of said code be amended and reenacted, all to read as follows:

Chapter 5. General Powers and Duties of the Governor, Secretary of State and Attorney General; Board of Public Works; State Building Commission; Social Security Agency; Public Records Management and Preservation Act; Department of Commerce; West Virginia Public Employees Retirement Act; Human Rights Commission; West Virginia Antiquities Commission; Public Employees' and Teachers' Reciprocal Service Credit Act; White Cane Law; West Virginia Public Employees Insurance Act.

5A. Department of Finance and Administration.

CHAPTER 5. GENERAL POWERS AND DUTIES OF THE GOVERNOR, SECRETARY OF STATE AND ATTORNEY GENERAL; BOARD OF PUBLIC WORKS; STATE BUILDING COMMISSION; SOCIAL SECURITY AGENCY; PUBLIC RECORDS MANAGEMENT AND PRESERVATION ACT; DEPARTMENT OF COMMERCE; WEST VIRGINIA PUBLIC EMPLOYEES RETIREMENT ACT; HUMAN RIGHTS COMMISSION; WEST VIRGINIA ANTIQUITIES COMMISSION; PUBLIC EMPLOYEES' AND TEACHERS' RECIPROCAL SERVICE CREDIT ACT; WHITE CANE LAW; WEST VIRGINIA PUBLIC EMPLOYEES INSURANCE ACT.
ARTICLE 1. THE GOVERNOR.

§5-1-20. Reports to the governor; form and contents; transmission to the Legislature; special reports.

The subordinate officers of the executive department and the officers of all public institutions of the state shall make an annual report to the governor as soon as possible after the close of each fiscal year, notwithstanding any other provision of law to the contrary. All state officers, boards, commissions, departments and institutions required by law to make reports to the governor, the Legislature, or any administrative board or state official, shall cover fiscal year periods, and such reports shall be submitted in typewritten form or any legible form produced by mechanical means.

The governor shall by executive order prescribe the general contents of the reports to be submitted to him. The form and format of such reports shall be as prescribed in section twenty-eight, article three, chapter five-a of this code.

The governor shall transmit copies of the report to the Legislature and lodge a copy of all such reports with the department of archives and history where the same shall be kept as permanent records.

The governor may at any time require information in writing under oath, from any officer, board, department or commission of the executive department or the principal officer or manager of any state institution, upon any subject relating to the condition, management and expense of their respective offices or institutions.

CHAPTER 5A. DEPARTMENT OF FINANCE AND ADMINISTRATION.

ARTICLE 3. PURCHASING DIVISION.

§5A-3-28. Publication of departmental reports; uniform standards; limiting number of publications; requiring department to perform printing and binding.

The director shall have charge and supervision of the printing and binding of all reports transmitted to the
governor as required by section twenty, article one, chapter five of this code. Said reports shall be printed annually as soon as possible after the close of the fiscal year.

The following uniform maximum standards as to form and format shall be used in the preparation and publication of annual reports by the various departments, agencies, boards, commissions and institutions:

- **Size—** 8½ by 11 inches.
- **Binding—** Spiral plastic, staples, or wrap-around.
- **Cover—** Embossed, ninety pound leatherette or antique or plate finish not to exceed eighty pound weight.
- **Flyleaf and Inside—** Twenty pound bond or comparable offset book paper.
- **Ink—** Blue or black, but two or more colors not permitted.
- **Printing—** Offset, duplicator or mimeograph.

No photographs or drawings shall be included in departmental reports and no funds shall be expended for any art work. Maps, charts, or other graphic illustrations are permitted.

The number of copies of such reports shall be limited to the minimum quantity necessary for office use of the reporting department and for legally required distribution and exchange, the exact number of copies of such reports to be expressly subject to the approval of the governor.

The director shall furnish to each department sufficient copies of its report to satisfy the above purposes within the limits set by the governor.

The printing and binding of all such reports shall be done by the department of finance and administration in the printing shop maintained by the department.

Subject to the approval of the commissioner and the governor, the director shall have authority to limit the number of any other report, bulletin and other publication ordered to be printed by each department.
Nothing herein shall be construed as preventing the director from utilizing less expensive methods of printing and binding than those prescribed above.

CHAPTER 139
(H. B. 623—By Mr. Shiflet)

[Passed February 4, 1975; in effect ninety days from passage. Approved by the Governor.]

AN ACT to amend and reenact section three, article one, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the powers and duties of the state board of health; authority to make rules and regulations; rural sewage and water systems.

Be in enacted by the Legislature of West Virginia:

That section three, article one, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 1. STATE DEPARTMENT OF HEALTH.

§16-1-3. Board of health—Powers and duties; rules and regulations.

1 The state board of health shall assume, carry on, and succeed to, all the duties, rights, powers, obligations and liabilities heretofore belonging to, exercised by, or assumed by the state department of health, the public health council, and the commissioner of health pursuant to statutory authority heretofore existing and as changed or modified by the provisions of this article: Provided, That the said board shall not succeed to, or exercise any of the powers heretofore exercised by the public health council with regard to the licensure of physicians, surgeons, chiropodists and chiropractors.

11 The state board of health shall have the power to acquire by condemnation or otherwise land or buildings and to hold title thereto, for the use and benefit of any state institution subject to its control and management, and, by and with the con-
sent of the governor, to sell, exchange or otherwise convey any
property title to which is acquired or held by it. Any con-
demnation proceeding instituted by the said board shall be
conducted pursuant to the provisions of chapter fifty-four of
this code.

The state board shall have supervision and control of the
business, fiscal, administrative and medical affairs of the de-
partment of health and shall have advisory medical supervision
of all of the state institutions set forth in section ten of this
article. It shall have authority to employ, fix the compensation
of, and discharge all persons necessary for the proper execu-
tion and enforcement of the laws of this state pertaining to
public health, and the efficient and proper discharge of the
duties imposed upon, and execution of the powers vested in,
the said board by law. It may place any or all of its em-
ployees under the merit system, provided that the same may be
done in conformity with the applicable laws of this state and
of the federal government.

The state board shall have the authority to enforce all of
the laws of this state concerning the public health, and shall
take care to protect the life and health of all of the inhabitants
of the state, and to that end shall make or cause to be
made sanitary investigations and inquiries respecting the cause
of disease, especially of epidemics and endemic conditions,
and the means of prevention, suppression or control of such
conditions; the source of mortality, and the effects of localities,
employment, habits and circumstances of life on the public
health. It shall gather information in respect to the said and
kindred subjects for diffusion among the people of the state.
It shall inspect and examine food, drink and drugs offered
for sale, or for public consumption, in such manner as it
shall deem necessary to protect the public health, and shall
report all violations of the laws of this state and the regulations
adopted thereunder relating to pure food, drink and drugs to
the prosecuting attorney of the county in which such violations
occur, and lay before such prosecuting attorney the evidence
in its knowledge of such violations. The board or its duly
designated employees may make complaint or cause proceed-
ings to be instituted against any person or persons, or corpo-
ration, for the violation of any of the health laws of this state. Such action may be taken by the board without the sanction of the prosecuting attorney of the county in which proceedings are instituted, if said officer fail or refuse to discharge his duty. In no such case shall the board or any person acting under its direction be required to give security for costs.

The state board of health shall provide for the efficient and accurate registration of births and deaths, and the recordation of cases of such diseases as may be required to be recorded by statute or regulation. It shall have the power to inspect, and to make and enforce, for the protection of the public health, reasonable rules and regulations to control the sanitary condition of all institutions and schools, whether public or private, public conveyances, dairies, creameries, slaughterhouses, workshops, factories, labor camps, places of entertainment, hotels, tourist camps, all other places open to the general public and inviting public patronage or public assembly, or tendering to the public any item for human consumption, and places where offensive trades or industries are conducted. It shall have the power to make and enforce reasonable rules and regulations to control occupational and industrial health hazards, and to make inspections and conduct hearings respecting the cause and control of such hazards. It shall have the power to inspect and to make reasonable rules and regulations to control the sanitary condition of streams, sources of water supply, and sewerage facilities.

The state board is empowered and directed to encourage and foster the cooperation of all physicians, volunteer health organizations and other interested persons and organizations in the improvement of public health, and to disseminate information to the general public in all matters pertaining to public health.

The state board shall promulgate and enforce regulations governing the design of all public water systems, plumbing systems, sewerage systems and sewage treatment plants, swimming pools and excreta disposal methods in this state, whether publicly or privately owned; the operation of all public chlorination and filtration plants, and the qualifications of operators, chemists, bacteriologists and superintendents of
filtration, or others, who are in actual charge of the plant
operation of all public water systems, sewage treatment plants
and swimming pools.

The state board shall have the power and authority to make
and promulgate, and from time to time amend such rules
and regulations as it may deem necessary and advisable to
properly put into effect the public health laws of this state,
and for the administration of the powers granted to it by
this article: Provided, That no rules or regulations shall be
promulgated or enforced restricting the subdivision or develop-
ment of any parcel of land within which the individual tracts,
lots, or parcels exceed five acres each in total surface area
and which individual tracts, lots or parcels have an average
frontage of not less than three hundred feet, even though the
total surface area of said tract, lot or parcel equals or ex-
ceeds five acres in total surface area, and which tracts are
sold, leased or utilized only as single family dwelling units.
The provisions next above notwithstanding, nothing in this
section shall be construed to abate the authority of the state
health department to restrict the subdivision or development
of such tract for any more intense or higher density occupancy
than such single family dwelling unit or to restrict any sub-
division or development which might endanger the public
health, the sanitary condition of streams, or sources of water
supply.

Every general regulation adopted by the state board of
health shall state the day on which it takes effect. A copy
of any such regulation, duly signed by the director of health,
shall be filed in the office of the secretary of state, and a copy
thereof shall be sent by the director of health to each health
officer within the state and shall be published in such manner
as the board may determine: Provided, That nothing herein
contained shall be construed to give the state department
of health or the state board of health power to regulate or
interfere with the drainage from any mine or manufacturing
plant unless the drainage from said mine or manufacturing
plant shall contain disease-producing bacteria in sufficient
numbers to endanger health, or organic or inorganic wastes of
such nature as to cause the water intended for public or private
water supplies to be unfit for use.
AN ACT to amend and reenact section two, article thirteen-a, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to permitting a territory to be included within the boundaries of one or more public service districts.

Be it enacted by the Legislature of West Virginia:

That section two, article thirteen-a, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 13A. PUBLIC SERVICE DISTRICTS FOR WATER AND SEWERAGE SERVICES.

§16-13A-2. Creation of districts by county commission; enlarging or reducing district; consolidation; agreements, etc., infringing upon powers of county commission.

1. The county commission of any county may on its own motion by order duly adopted propose the creation of such public service district within such county, setting forth in such order a description sufficient to identify the territory to be embraced therein and the name of such proposed district, or any one hundred legal voters resident within and owning real property within the limits of such proposed public service district within one or more counties may petition for the creation thereof, which petition shall contain a description sufficient to identify the territory to be embraced therein and the name of such proposed district. Any territory may be included regardless of whether or not such territory includes one or more cities, incorporated towns or other municipal corporations which own and operate any public service properties and regardless of whether or not it includes one or more cities, incorporated towns or other municipal corporations being served by privately owned public service properties: Provided, That the boundaries of
any public service district organized under this article shall conform to or follow magisterial district lines except where less than a whole of any magisterial district is to be included, in which latter case that part of any such boundary shall conform to other natural boundary lines, or the lines of a fixed survey: Provided, however, That the same territory shall not be included within the boundaries of more than one public service district except where such territory or part thereof is included within the boundaries of a separate public service district organized to supply water or sewerage services not being furnished within such territory or part thereof: Provided further, That no city, incorporated town or other municipal corporation shall be included within the boundaries of such proposed district except upon the adoption of a resolution of the governing body of such city, incorporated town or other municipal corporation consenting thereto.

Such petition shall be filed in the office of the clerk of the county commission of the county in which the territory to constitute the proposed district is situated, and if such territory is situated in more than one county then such petition shall be filed in the office of the clerk of the county commission of the county in which the major portion of such territory extends, and a copy thereof (omitting signatures) shall be filed with each of the clerks of the county commission of the other county or counties into which the territory extends. It shall be the duty of the clerk of the county commission receiving such petition to present same to the county commission of such county at the first regular meeting after such filing or at a special meeting called for the consideration thereof.

When the county clerk of any county enters an order on its own motion proposing the creation of a public service district, as aforesaid, or when a petition for such creation is presented, as aforesaid, the county commission shall at the same session fix a date of hearing in such county on the creation of the proposed public service district, which date so fixed shall be not more than forty days nor less than twenty days from the date of such action. If the territory proposed to be included is situated in more than one county, the county commission, when fixing a date of hearing, shall
provide for notifying the county commission and clerk thereof
of each of the other counties into which the territory extends
of the date so fixed. The clerk of the county commission of
each county in which any territory in the proposed public
service district is located shall cause notice of such hearing
and the time and place thereof, and setting forth a description
of all of the territory proposed to be included therein to be
given by publication as a Class I legal advertisement in com-
pliance with the provisions of article three, chapter fifty-nine
of this code, and the publication area for such publication shall
be each county in which any territory in the proposed public
service district is located. The publication shall be at least
ten days prior to such hearing. In all cases where proceedings
for the creation of such public service districts are initiated by
petition as aforesaid the person filing the petition shall
advance or satisfactorily indemnify the payment of the cost
and expenses of publishing the hearing notice, and otherwise
the costs and expenses of such notice shall be paid in the
first instance by the county commission out of contingent
funds or any other funds available or made available for
that purpose. In addition to the notice required herein to
be published, there shall also be posted in at least five
conspicuous places in the proposed public service district,
a notice containing the same information as is contained in
the published notice. The posted notices shall be posted
not less than ten days before said hearing.

All persons residing in or owning or having any interest
in property in such proposed public service district shall
have an opportunity to be heard for and against its creation.
At such hearing the county commission before which the
hearing is conducted shall consider and determine the feasibility
of the creation of the proposed district. When it shall have
been thus determined that the construction or acquisition by
purchase or otherwise, and maintenance, operation, improve-
ment, and extension of public service properties by such public
service district will be conducive to the preservation of
public health, comfort and convenience of such area, then
such county commission shall by order create such public
service district, and such order shall be conclusive and final in
that regard. If the court shall, after due consideration, deter-
mine that the proposed district will not be conducive to the pre-
servation of public health, comfort or convenience of such area,
or that the creation of the proposed district as set forth and
described in the petition or order is not feasible, it may refuse
to enter an order creating the same, or it may enter an order
amending the description of the proposed district, and create
said district as amended. The clerk of the county commission
of each county into which any part of such district extends
shall retain in his office an authentic copy of the order creating
the same: Provided, That if at such hearing written protest is
filed by thirty percent or more of the qualified voters registered
and residing within said district, then the county commission
shall not take any further action in creating such district un-
less the creation of such district shall be approved by a major-
ity vote of the qualified registered voters voting at a referendum
to be called by the county commission for such purpose. Such
referendum shall be called and held in the manner provided
in the general election laws of the state of West Virginia ap-
licable thereto and the funds therefor shall be supplied from
any county funds available for such purpose, or from funds
supplied from the persons who petitioned for the creation of
such district. If a majority of the qualified registered electors
participating in said election shall vote against the creation of
said district, then such district shall not be created. If, how-
ever, a majority of the qualified registered voters participating
in such referendum vote in favor of the creation of such dis-
trict, then the county commission shall duly enter its order
creating such district.

After the creation of such district the county commission
may, if in its discretion it deems it necessary, feasible and
proper, enlarge the said district to include additional areas, re-
duce the area of said district, where facilities, equipment, ser-
vice or materials have not been extended, or establish or con-
solidate two or more such districts: Provided, That where the
county commission determines on its own motion by order
entered of record, or there is a petition, to enlarge the district
or reduce the area of the district, all of the applicable provi-
sions of this article providing for hearing, notice of hearing and
protest shall apply with like effect as if a district were being
created. The districts may not enter into any agreement, con-
tract or covenant that infringes upon, impairs, abridges or
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140 usurps the duties, rights or powers of the county commission, 141 as set forth in this article, or conflicts with any provision of 142 this article.

CHAPTER 141

(H. B. 1356—Originating in the House Committee on Health and Welfare)

(Passed March 9, 1975; in effect ninety days from passage. Approved by the Governor.)

AN ACT to amend and reenact section one, article nineteen, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the definition of death.

Be it enacted by the Legislature of West Virginia:

That section one, article nineteen, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 19. UNIFORM ANATOMICAL GIFT ACT.

§16-19-1. Definitions.

1 (a) “Bank or storage facility” means a facility licensed, 2 accredited, or approved under the laws of any state for stor- 3 age or distribution of human bodies or parts thereof.

4 (b) “Death” means that a person will be considered dead if 5 in the announced opinion of the attending physician, based on 6 ordinary standards of medical practice, the patient has ex- 7 perienced an irreversible cessation of spontaneous respiratory 8 and circulatory functions; or, in the event that artificial means 9 of support preclude a determination that these functions have 10 ceased, a person will be considered dead if in the announced 11 opinion of a physician, based on ordinary standards of medi- 12 cal practice, the patient has experienced an irreversible cessa- 13 tion of spontaneous brain functions.

14 Death will have occurred at the time when the relevant 15 functions ceased.
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16 (c) "Decedent" means a deceased individual and includes a stillborn infant or fetus.

18 (d) "Donor" means an individual who makes a gift of all or part of his body.

20 (e) "Hospital" means a hospital licensed, accredited, or approved under the laws of any state; includes a hospital operated by the United States government, a state, or a subdivision thereof, although not required to be licensed under state laws.

25 (f) "Part" means organs, tissues, eyes, bones, arteries, blood, other fluids and any other portions of a human body.

27 (g) "Person" means an individual, corporation, government or governmental subdivision or agency, business trust, estate trust, partnership or association, or any other legal entity.

30 (h) "Physician" or "surgeon" means a physician or surgeon licensed or authorized to practice under the laws of any state.

33 (i) "State" includes any state, district, commonwealth, territory, insular possession, and any other area subject to the legislative authority of the United States of America.

CHAPTER 142
(H. B. 1392—By Mr. Moats and Mr. Dinsmore)

[Passed March 8, 1975; in effect from passage. Approved by the Governor.]

AN ACT to amend and reenact sections four, five, six, seven, eight, nine, twelve, thirteen, fifteen and twenty, article two-c, chapter thirteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the industrial development and commercial development bond act; conferring powers on counties and municipalities with respect to industrial projects and commercial projects and the issuance of revenue bonds therefor; relating to the location of industrial projects and commercial projects; relating to the joint establishment of
industrial projects or commercial projects or additions thereto; relating to revenue bonds issued to finance industrial projects or commercial projects; specifying that a debt of a county or municipality may not be created in connection with an industrial project or commercial project; providing details with respect to the provisions, issuance and execution of such revenue bonds; relating to the issuance of additional revenue bonds; providing a statutory mortgage lien and the pledging of revenues from such industrial project or commercial project as security for such revenue bonds; also authorizing a trust indenture, mortgage or deed of trust as security for such revenue bonds; relating to resolutions authorizing the issuance of such revenue bonds; relating to the provisions to be contained in any such trust indenture, mortgage or deed of trust; authorizing the appointment of a receiver; relating to foreclosure proceedings; establishing certain requirements respecting the agreement for the lease, sale or financing of an industrial project or commercial project and the contents of any such agreement; relating to the use of proceeds from the sale of all revenue bonds issued under said article two-c; prohibiting contributions by counties and municipalities from their general funds or otherwise in the establishment of an industrial project or commercial project; specifying that all such revenue bonds shall be paid solely from the revenue derived from the industrial project or commercial project; providing exemptions from taxation; and prohibiting any financial interest of public officials in any such industrial project or commercial project.

Be it enacted by the Legislature of West Virginia:

That sections four, five, six, seven, eight, nine, twelve, thirteen, fifteen and twenty, article two-c, chapter thirteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 2C. INDUSTRIAL DEVELOPMENT AND COMMERCIAL DEVELOPMENT BOND ACT.

§13-2C-5. Location of industrial projects or commercial projects.
§13-2C-6. Joint establishment by two or more governmental bodies.
§13-2C-7. Bonds issued to finance industrial project or commercial project.
§13-2C-9. Requirements respecting lease, sale or financing of an industrial project or commercial project.
§13-2C-12. Use of proceeds from sale of bonds.
§13-2C-13. No contribution by county or municipality.


In addition to any other powers which a county or municipality may now have, each county, by and through its county commission, and each municipality, by and through its council or other governing body in lieu thereof, shall have the following powers: (1) To acquire, whether by purchase, construction, gift, lease or otherwise, one or more industrial projects or commercial projects, or additions thereto, which shall be located within this state; (2) to lease, lease with an option to purchase, sell, by installment sale or otherwise, or otherwise dispose of, to others any or all of its industrial projects or commercial projects for such rentals or amounts and upon such terms and conditions as the governing body may deem advisable; (3) to finance one or more industrial projects or commercial projects by making secured or unsecured loans to others to provide funds for the acquisition, by purchase, construction, lease or otherwise, of any such project or projects; (4) to issue revenue bonds for the purpose of defraying the cost of acquisition, by construction, purchase, lease or otherwise, by the county, municipality or others, of an industrial project or commercial project or an addition, extension, or improvement thereto, and to secure the payment of such bonds, all as hereinafter provided; and (5) to issue and deliver revenue bonds in exchange for an industrial project or commercial project.

§13-2C-5. Location of industrial projects or commercial projects.

Any industrial project or commercial project acquired by construction and purchase, or by either, or financed by a county, shall be located within the county issuing such revenue bonds and any industrial project or commercial project acquired by construction and purchase, or by either, or financed by a municipality, may be situated without or within the corporate bounds of such municipality, but it shall be located within the county in which said municipality is situated, except where a part of such municipality is situated within two or more coun-
ties, then said industrial project or commercial project may be located within either county of which said municipality forms a part and when an industrial project or commercial project is so acquired or financed by a municipality the same shall not be located within the corporate bounds of another municipality without the consent of the governing body of such municipality.

§13-2C-6. Joint establishment by two or more governmental bodies.

Any two or more governmental bodies may jointly acquire by construction and purchase, or by either, or finance one or more industrial projects or commercial projects or additions thereto by the issuance and delivery of revenue bonds in which case such governmental bodies shall jointly exercise all the rights, authority, power and duties herein conferred upon a county commission or a municipality when acting singly and they shall also be subject to the same limitations, restrictions and conditions as are herein imposed on a single governmental body in connection with the acquisition or financing of an industrial project or commercial project. The respective governing bodies, acting jointly, may provide by agreement among themselves, the terms and conditions of such joint participation.

§13-2C-7. Bonds issued to finance industrial project or commercial project.

All bonds issued by a county commission or by a municipality under the authority of this article shall be limited obligations of the county, or of the municipality. The principal and interest on such bonds shall be payable out of the revenues derived from the lease, sale, financing or other disposition of the industrial project or commercial project for which the bonds are issued, or any other revenue derived from such industrial project or commercial project. The bonds and interest coupons issued under the authority of this article shall never constitute an indebtedness of the county, or of the municipality issuing the same, within the meaning of any constitutional provision or statutory limitation and shall never constitute or give rise to a pecuniary liability of the county, or of the municipality issuing the same. Neither shall such bond nor interest thereon be a charge against the general credit or taxing powers of the county, or the municipality and such fact shall be plainly stated on the face of each such bond. Such bonds may be executed, issued
and delivered at any time and from time to time; may be in such form and denomination; may be of such tenor, must be negotiable but may be registered as to the principal thereof or as to the principal and interest thereof; may be payable in such amounts and at such time or times; may be payable at such place or places; may bear interest at such rate or rates payable at such place or places and evidenced in such manner; and may contain such provisions therein not inconsistent herewith, all as shall be provided in the proceedings of the governing body whereunder the bonds shall be authorized to be issued. Said bonds may be sold by the governing body at public or private sale at, above or below par, as the governing body shall authorize. The said bonds may also be issued and delivered to the owner of an industrial project or commercial project in exchange therefor and in partial or complete payment of the purchase price thereof.

The bonds issued pursuant to this article by a county commission shall be signed by the president and attested by the clerk of the county commission under the seal of the commission and the bonds issued by a municipality shall be signed by the mayor or other chief officer thereof and attested by the clerk, recorder or other official custodian of the records of said municipality and under the seal of the municipality. The coupons attached thereto shall bear the facsimile signature of the president of the county commission or the mayor or other chief officer of the municipality. In case any of the officials whose signatures appear on the bonds or coupons shall cease to be such officers before the delivery of such bonds, such signatures shall, nevertheless, be valid and sufficient for all purposes to the same extent as if they had remained in office until such delivery.

If the proceeds of such bonds, by error of calculation or otherwise, shall be less than the cost of the industrial project or commercial project, or if additional real or personal property is to be added to the industrial project or commercial project, additional bonds may in like manner be issued to provide the amount of the deficiency, or to defray the cost of acquiring or financing such additional real or personal property, and unless otherwise provided for in the trust agreement, mortgage or deed of trust, shall be deemed to be of the same issue, and
shall be entitled to payment from the same fund, without preference or priority, and shall be of equal priority as to any security.


There is hereby created a statutory mortgage lien upon all real estate, buildings, structures, improvements and personal property included as a part of an industrial project or commercial project which was acquired, purchased, constructed, or built or improved, or financed with the proceeds of the bonds authorized to be issued under this article, for the purpose of securing the principal of said bonds and the interest thereon.
The principal of and interest on any bonds issued under the authority of this article shall be secured by a pledge of the income and revenues derived from the lease, sale, financing or other disposition of the industrial project or commercial project, and also be secured by a pledge of the proceeds of any sale thereof. In the discretion and at the option of the county commission or municipality, such revenue bonds may also be secured by a trust indenture by and between the county commission or the municipality and a corporate trustee, which may be a trust company or bank having trust powers, within or without the state of West Virginia. The governing body may authorize the issuance of such revenue bonds by resolution. The resolution authorizing the revenue bonds and fixing the details thereof may provide that such trust indenture may contain such provisions for the protection and enforcing the rights and remedies of the bondholders as may be reasonable and proper, not in violation of law, including covenants setting forth the duties of the county commission or the municipality in relation to the construction, acquisition or financing of an industrial project or commercial project, or part thereof, or an addition thereto, and the improvement, repair, maintenance and insurance thereof, and for the custody, safeguarding and application of all moneys, and may provide that the industrial project or commercial project shall be constructed and paid for under the supervision and approval of the consulting engineers or architects employed and designated by the governing body and satisfactory to the purchasers of the bonds, their successors, assigns or nominees, and the entity which leases, purchases or will own the project or either thereof, who may require the
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security given by any contractor or any depository of the pro-
ceeds of the bonds or the revenues received from the lease, sale,
financing or other disposition of the industrial project or com-
mercial project be satisfactory to such purchasers, their succe-
sors, assigns or nominees, or be satisfactory to the entity which
leases, purchases or will own the industrial project or commer-
cial project. Such indenture may set forth the rights and
remedies of the bondholders, the county or municipality or such
trustee, and said indenture may provide for accelerating the
maturity of the revenue bonds, at the option of the bond-
holders or the governmental body issuing the same, upon de-
default in the payment of rentals, or amounts due from the
entity which leases, purchases, or will own the project or for
other cause. The governing body may also provide by resolu-
tion and in such trust indenture for the payment of the proceeds
of the sale of the bonds and the revenues from the industrial
project or commercial project to such depository as it may
determine, for the custody and investment thereof and for the
method of distribution thereof, with such safeguards and restric-
tions as it may determine to be necessary or advisable for the
protection thereof and upon the filing of a certified copy of such
resolution or of the indenture for record in the office of the
clerk of the county commission of the county in which an in-
dustrial project or commercial project is located, the same shall
have the same effect, as to notice, as the recordation of a deed
of trust or other recordable instrument.

In lieu of the indenture provided for hereinabove the principal
of and interest on said bonds may be secured by a mortgage
or deed of trust covering all or any part of the industrial project
or commercial project from which the revenues so pledged
may be derived, and the same may be secured by an assign-
ment of the lease on or sale or financing agreement with
respect to said industrial project or commercial project and by
assignment or pledge of the income received by virtue of said
lease, sale or financing agreement. The proceedings under
which such bonds are authorized to be issued, when secured
by a mortgage or deed of trust, may contain the same terms,
conditions and provisions provided for herein when an in-
denture is entered into between the governing body and a
trustee and any such mortgage or deed of trust may contain
any agreements and provisions customarily contained in instruments securing bonds, including, without limiting the generality of the foregoing, provisions respecting the fixing and collection of rental, purchase or other payments for any industrial project or commercial project covered by such proceedings or mortgage, the terms to be incorporated in the lease, sale or financing agreement with respect to such industrial project or commercial project, the improvement, repair, maintenance and insurance of such industrial project or commercial project, the creation and maintenance of special funds from the revenues received from the lease, sale or financing of such industrial project or commercial project and the rights and remedies available in event of default to the bondholders, the governmental body, or to the trustee under an agreement, indenture, mortgage, or deed of trust, all as the governing body shall deem advisable and as shall not be in conflict with the provisions of this article or any existing law: Provided, That in making any such agreements or provisions a county or municipality shall not have the power to obligate itself by indenture, ordinance, resolution, mortgage or deed of trust, except with respect to the industrial project or commercial project and the application of the revenues therefrom, and shall not have the power to incur a pecuniary liability or a charge upon its general credit or against its taxing powers. The proceedings authorizing any bonds hereunder and any indenture, mortgage or deed of trust securing such bonds may provide that, in the event of default in payment of the principal of or the interest on such bonds or in the performance of any agreement contained in such proceedings, indenture, mortgage or deed of trust, such payment and performance may be enforced by the appointment of a receiver in equity with power to charge and collect rents or other amounts and to apply the revenues from the industrial project or commercial project in accordance with such proceedings or the provisions of such agreement, indenture, mortgage or deed of trust. Any such agreement, indenture, mortgage or deed of trust may provide also that, in the event of default in such payment or the violation of any agreement contained in the mortgage or deed of trust, the agreement, indenture, mortgage or deed of trust may be foreclosed either by sale at public outcry or by proceedings in equity and may provide that the holder or holders of any
of the bonds secured thereby may become the purchaser at any foreclosure sale, if the highest bidder therefor. No breach of any such agreement, indenture, mortgage or deed of trust shall impose any pecuniary liability upon a county or municipality or any charge upon its general credit or against its taxing powers.

§13-2C-9. Requirements respecting lease, sale or financing of an industrial project or commercial project.

Prior to the issuance of any bonds, the county commission or the municipality shall enter into an agreement to lease, sell or finance the industrial project or commercial project to a lessee, purchaser or owner, which agreement provides for payment to the county commission or municipality or designated depository of such rentals or amounts as will be sufficient (a) to pay the principal of and interest on the bonds issued to finance the project as such principal and interest respectively mature, (b) to build up and maintain any reserves deemed by the governing body to be advisable in connection therewith, and (c) unless the agreement obligates the lessee, purchaser or owner to pay for the cost of maintaining, repairing and insuring of the project, to pay the costs of maintaining the project in good repair and keeping it properly insured. The said agreement shall contain a provision for the revision thereof from time to time, so as to produce sufficient revenue to pay the interest and create a sinking fund sufficient to pay the principal of said bonds when due and to provide for the maintenance, repair and insurance of the industrial project or commercial project unless the latter be assumed by the lessee, purchaser or owner. The said agreement shall also contain such other provisions relating to the industrial project or commercial project and the operation, maintenance and improvement thereof and as to the rights of the parties to said agreement as shall be deemed necessary and advisable by the governmental body.

§13-2C-12. Use of proceeds from sale of bonds.

The proceeds from the sale of any bonds issued under authority of this article shall be applied only for the purpose for which the bonds were issued: Provided, That any accrued interest and premium received in any such sale shall be applied to the payment of the principal of or the interest on
the bonds sold: Provided, however, That if for any reason any portion of such proceeds shall not be needed for the purpose for which the bonds were issued, then such unneeded portion of said proceeds shall be applied to the purchase of bonds for cancellation or payment of the principal of or the interest on said bonds, or held in reserve for the payment thereof. The cost of acquiring any industrial project or commercial project shall be deemed to include the following: The cost of acquiring any real estate deemed necessary, the actual cost of the construction of any part of an industrial project or commercial project which may be constructed, including architects', engineers', financial or other consultants' and legal fees, the purchase price or rental of any part of a project that may be acquired by purchase or lease, all expense incurred in connection with the authorization, sale and issuance of the bonds to finance such acquisition, and the interest on such bonds for a reasonable time prior to construction, during construction, and for not exceeding twelve months after completion of construction and any other costs and expenses reasonable necessary in the establishment and acquisition of such industrial project or commercial project and the financing thereof.

§13-2C-13. No contribution by county or municipality.

No county commission or municipality shall have the power to pay out of its general funds, or otherwise contribute, any of the costs of acquiring, constructing or financing an industrial project or commercial project, to be acquired, constructed or financed out of the proceeds from the sale of revenue bonds issued under the authority of this article: Provided, That this provision shall not be construed to prevent a county or municipality from accepting donations of property to be used as a part of an industrial project or commercial project or to be used for defraying any part of the cost of any such project. The bonds issued pursuant to this article shall be payable solely from the revenue derived from the industrial project or commercial project or the financing thereof and shall not constitute an indebtedness of the county or of the municipality within the meaning of any constitutional provision and it shall be plainly stated on the face of each bond that it has been issued under the provisions of this article and that it does not consti-
tute an indebtedness of the county or municipality within the
meaning of the constitution of West Virginia.

No county commission or municipality shall have the
authority under this article to levy any taxes for the purpose
of paying any part of the cost of acquiring, constructing
or financing an industrial project or commercial project. How-
ever, all necessary preliminary expenses actually incurred by
a county commission or a municipality in the making of
surveys, taking options, preliminary planning, and all other
expenses necessary to be paid prior to the issuance, sale and
delivery of the revenue bonds, may be paid by such govern-
mental body out of any surplus contained in any item of
budgetary appropriation or any revenues collected in excess
of anticipated revenues, which shall be reimbursed and repaid
out of the proceeds of the sale of the revenue bonds.


1 The revenue bonds issued pursuant to this article and the
income therefrom shall be exempt from taxation except in-
heritance, estate and transfer taxes; and the real and personal
property which a county commission or a municipality may
acquire to be leased, sold or otherwise disposed of, according
to the provisions of this article, shall be exempt from taxa-
tion by the state, or any county, municipality, or other levying
body, as public property, so long as the same is owned by
such county or municipality.


1 No member of a county commission or the governing body
of a municipality issuing revenue bonds under the provisions
of this article shall have any financial interest, directly or
indirectly, in the leasing, sale or other disposition of an in-
dustrial project or commercial project acquired, constructed or
financed pursuant to this article.
AN ACT to amend and reenact section one, article twelve, chapter six of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to liability insurance acquired by state and local governments; and providing for acquisition of general liability insurance against risk engendered in proprietary functions.

Be it enacted by the Legislature of West Virginia:

That section one, article twelve, chapter six of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 12. GENERAL LIABILITY, BODILY INJURY AND PROPERTY DAMAGE INSURANCE BY STATE AND LOCAL GOVERNMENTS.

§6-12-1. General liability insurance for proprietary functions; bodily injury and property damage motor vehicle insurance at public expense; contractors to provide like insurance.

1 Officers, boards, commissions or agencies of the state or of any county, municipality or any other unit of local or state government, authorized to spend public funds, or to direct the expenditure of public funds, may provide at public expense for liability insurance against risks engendered in their proprietary functions, bodily injury liability and property damage liability insurance against the negligence of the drivers of motor vehicles operated by or for such officers, boards, commissions and agencies in such amount as such officers, boards, commissions and agencies may specify, and any such officer, board, commission or agency having the authority to contract for the use in the service of such officer, board, commission or agency, of any motor vehicle, may require the contractor to provide like insurance at his own expense
in such amount as such officer, board, commission or agency may specify.

CHAPTER 144
(H. B. 1339—Originating in the House Committee on the Judiciary)

[Passed March 8, 1975; in effect July 1, 1975. Approved by the Governor.]

AN ACT to amend and reenact sections twelve and thirteen, article four, chapter thirty-three; sections four and seventeen, article twelve, chapter thirty-three; section twelve, article twenty-one, chapter thirty-three; section three, article twenty-seven, chapter thirty-three; sections seven, eight and nine, article one-a, chapter thirty-eight; section one hundred thirty-seven, article two, chapter forty-six-a; sections eleven and sixteen, article three, chapter fifty; and section thirteen, article three, chapter fifty-six, all of the code of West Virginia, one thousand nine hundred thirty-one, as amended, transferring certain functions from the auditor of this state to the secretary of state of this state insofar as such functions relate to the designation, appointment or constituting of an attorney-in-fact, true and lawful attorney or agent for the service and acceptance of notice, orders or process for and upon behalf of certain persons, firms and corporations; and providing details with respect to the service of notice, orders and process upon such secretary of state as such attorney-in-fact, true and lawful attorney or agent for the service and acceptance of notice, orders or process and the acceptance of the same by such secretary of state.

Be it enacted by the Legislature of West Virginia:

That sections twelve and thirteen, article four, chapter thirty-three; sections four and seventeen, article twelve, chapter thirty-three; section twelve, article twenty-one, chapter thirty-three; section three, article twenty-seven, chapter thirty-three; sections seven, eight and nine, article one-a, chapter thirty-eight; section one hundred thirty-seven, article two, chapter forty-six-a; sections eleven and sixteen, article three, chapter fifty; and section thirteen, article three, chapter
fifty-six, all of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Chapter

33. Insurance.
38. Liens.
46A. West Virginia Consumer Credit and Protection Act.
50. Justices and Constables.
56. Pleading and Practice.

CHAPTER 33. INSURANCE.

Article

27. Insurance Holding Company Systems.

ARTICLE 4. GENERAL PROVISIONS.

§33-4-12. Service of process on licensed insurers.
§33-4-13. Service of process on unlicensed insurers.

§33-4-12. Service of process on licensed insurers.

1 The secretary of state shall be, and is hereby constituted, 2 the attorney-in-fact of every licensed insurer, domestic, foreign, 3 or alien, transacting insurance in this state, upon whom all 4 legal process in any action, suit or proceeding against it shall 5 be served, and he may accept service of such process. Such 6 process shall be served upon the secretary of state, or ac- 7 cepted by him, in the same manner as provided for service of 8 process upon unlicensed insurers under subdivisions (2) and 9 (3) of subsection (b) of section thirteen of this article. Each 10 licensed insurer shall pay to the secretary of state an annual 11 fee of ten dollars for services as authorized agent for service 12 of process.

§33-4-13. Service of process on unlicensed insurers.

1 (a) The purpose of this section is to subject certain insurers 2 to the jurisdiction of the courts of this state in suits by or on 3 behalf of insureds or beneficiaries under certain insurance 4 contracts and to subject said insurers to the jurisdiction of the 5 courts of this state in suits by or on behalf of the insurance 6 commissioner of West Virginia. The Legislature declares that it
is a subject of concern that certain insurers, while not licensed
to transact insurance in this state, are soliciting the sale of
insurance and selling insurance to residents of this state, thus
presenting the insurance commissioner with the problem of
resorting to courts of foreign jurisdictions for the purpose of
enforcing the insurance laws of this state for the protection of
our citizens. The Legislature declares that it is also a subject
of concern that many residents of this state hold policies of
insurance issued or delivered in this state by insurers while not
licensed to transact insurance in this state, thus presenting to
such residents the often insuperable obstacle of resorting to
distant forums for the purpose of asserting legal rights under
such policies. In furtherance of such state interest, the Legis-
lature herein provides a method of substituted service of pro-
cess upon such insurers and declares that in so doing it exer-
cises its powers to protect its residents and to define, for the
purpose of this section, what constitutes transacting insurance
in this state, and also exercises powers and privileges avail-
able to the state by virtue of public law number fifteen, seventy-ninth Congress of the United States, chapter twenty, first
session, senate number three hundred forty, as amended, which
declares that the business of insurance and every person en-
gaged therein shall be subject to the laws of the several states.

(b) (1) Any of the following acts in this state, effected by
mail or otherwise, by an unlicensed foreign or alien insurer:
(1) The issuance or delivery of contracts of insurance to resi-
dents of this state or to corporations authorized to do business
therein, (2) the solicitation of applications for such contracts,
(3) the collection of premiums, membership fees, assessments
or other considerations for such contracts, or (4) any other
transaction of business, is equivalent to and shall constitute an
appointment by such insurer of the secretary of state and his
successor in office, to be its true and lawful attorney, upon
whom may be served all lawful process in any action, suit, or
proceeding instituted by or on behalf of an insured or benefi-
ciary arising out of any such contract of insurance, and in any
action, suit, or proceeding which may be instituted by the in-
surance commissioner in the name of any such insured or bene-
ficiary or in the name of the state of West Virginia, and any
such act shall be signification of its agreement that such ser-
vice of process is of the same legal force and validity as personal service of process in this state upon such insurer.

(2) Such service of process upon any such insurer in any such action or proceeding in any court of competent jurisdiction of this state, may be made by serving the secretary of state or his chief clerk with two copies thereof and the payment to him of a fee of two dollars. The secretary of state shall forward a copy of such process by registered mail to the defendant at its last known principal place of business, and shall keep a record of all process so served upon him. Such service of process is sufficient, provided notice of such service and a copy of the process are sent within ten days thereafter by or on behalf of the plaintiff to the defendant at its last known principal place of business by registered mail with return receipt requested. The plaintiff shall file with the clerk of the court in which the action is pending, or with the judge or justice of such court, in case there be no clerk, an affidavit of compliance herewith, a copy of the process, and either a return receipt purporting to be signed by the defendant or a person qualified to receive its registered mail in accordance with the rules and customs of the post office department; or, if acceptance was refused by the defendant or its agent, the original envelope bearing a notation by the postal authorities that receipt was refused. Service of process so made shall be deemed to have been made within the territorial jurisdiction of any court in this state.

(3) Service of process in any such action, suit or proceeding shall in addition to the manner provided in subdivision (2) of this subsection (b) be valid if served upon any person within this state who, in this state on behalf of such insurer, is

A. Soliciting insurance, or

B. Making, issuing or delivering any contract of insurance, or

C. Collecting or receiving any premium, membership fee, assessment or other consideration for insurance; provided notice of such service and a copy of such process are sent within ten days thereafter, by or on behalf of the plaintiff
to the defendant at the last known principal place of business of the defendant, by registered mail with return receipt requested. The plaintiff shall file with the clerk of the court in which the action is pending, or with the judge or justice of such court in case there be no clerk, an affidavit of compliance herewith, a copy of the process, and either a return receipt purporting to be signed by the defendant or a person qualified to receive its registered mail in accordance with the rules and customs of the post office department; or, if acceptance was refused by the defendant or its agent the original envelope bearing a notation by the postal authorities that receipt was refused.

(4) The papers referred to in subdivisions (2) and (3) of this subsection (b) shall be filed within thirty days after the return receipt or other official proof of delivery or the original envelope bearing a notation of refusal, as the case may be, is received by the plaintiff. Service of process shall be complete ten days after such process and the accompanying papers are filed in accordance with this section.

(5) Nothing in this section contained shall limit or abridge the right to serve any process, notice or demand upon any insurer in any other manner now or hereafter permitted by law.

(c) (1) Before any unlicensed foreign or alien insurer shall file or cause to be filed any pleading in any action, suit or proceeding instituted against it, such unlicensed insurer shall either (1) deposit with the clerk of the court in which such action, suit or proceeding is pending, cash or securities or file with such clerk a bond with good and sufficient sureties, to be approved by the court, in an amount to be fixed by the court sufficient to secure the payment of any final judgment which may be rendered in such action: Provided, however, That the court may in its discretion make an order dispensing with such deposit or bond where the auditor of the state shall have certified to such court that such insurer maintains within this state funds or securities in trust or otherwise sufficient and available to satisfy any final judgment which may be entered in such action, suit or pro-
ceeding; or (2) procure a license to transact insurance in this state.

(2) The court in any action, suit or proceeding, in which service is made in the manner provided in subdivision (2) or (3) of subsection (b) of this section may, in its discretion, order such postponement as may be necessary to afford the defendant reasonable opportunity to comply with the provisions of subdivision (1) of this subsection (c) and to defend such action.

(3) Nothing in subdivision (1) of this subsection (c) is to be construed to prevent an unlicensed foreign or alien insurer from filing a motion to set aside service thereof made in the manner provided in subdivision (2) or (3) of subsection (b) of this section on the grounds either (1) that such unlicensed insurer has not done any of the acts enumerated in subdivision (1) of subsection (b) of this section, or (2) that the person on whom service was made pursuant to subdivision (3) of subsection (b) of this section was not doing any of the acts therein enumerated.

(d) In any action against an unlicensed foreign or alien insurer upon a contract of insurance issued or delivered in this state to a resident thereof or to a corporation authorized to do business therein, if the insurer has failed for thirty days after demand prior to the commencement of the action to make payment in accordance with the terms of the contract, and it appears to the court that such refusal was vexatious and without reasonable cause, the court may allow to the plaintiff a reasonable attorney's fee and include such fee in any judgment that may be rendered in such action. Such fee shall not exceed twelve and one-half percent of the amount which the court finds the plaintiff is entitled to recover against the insurer, but in no event shall such fee be less than twenty-five dollars. Failure of an insurer to defend any such action shall be deemed prima facie evidence that its failure to make payment was vexatious and without reasonable cause.

(e) The provisions of this section shall not apply to any suit, action or proceeding against any unlicensed foreign or alien insurer arising out of any contract of excess line insurance effected in accordance with article twelve of this chapter.
where any such contract contains a provision designating the
auditor or secretary of state its true and lawful attorney upon
whom may be served all lawful process in any action, suit or
proceeding instituted by or on behalf of an insured or
beneficiary arising out of such contract of insurance.

ARTICLE 12. AGENTS, BROKERS, SOLICITORS AND EXCESS LINE.

§33-12-4. Requirements and restrictions as to brokers.
§33-12-17. Service of process on excess line insurers and brokers.

§33-12-4. Requirements and restrictions as to brokers.

1 (a) Broker's licenses shall be issued only to nonresidents as
2 provided in section two of this article and only to such appli-
3 cants as are licensed agents or brokers in a state other than
4 West Virginia and furnish to the commissioner satisfactory
5 proof thereof.
6
(b) No license shall be issued to any such broker unless he
7 shall file with the commissioner a power of attorney appoint­
8 ing the secretary of state and his successors in office the agent
9 of such broker for the service of process in any suit or pro-
10 ceeding arising in this state out of or in connection with the
11 exercise of such license, and such service of process shall be
12 of the same legal force and validity as personal service of pro-
13 cess in this state upon such broker.
14
(c) No such license shall be issued to any person who is an
15 employer, employee or partner of a licensed agent of this
16 state, nor shall such license be issued to any person who is a
17 salaried employee of any insurer.
18
(d) No such broker shall solicit, negotiate, make or pro-
19 cure within this state, or aid in any manner in soliciting, negoti-
20 tiating, making or procuring within this state, any insurance
21 contracts covering subjects of insurance resident, located, or
22 to be performed in this state, either on account of any person
23 desiring to procure insurance or on account of any insurer.
24
(e) A licensed broker lawfully soliciting, negotiating, making
25 or procuring outside this state, or aiding in soliciting, negoti-
26 tiating, making or procuring outside this state, insurance con-
27 tracts covering subjects of insurance resident, located, or to be
28 performed in this state, shall place all such contracts only with
licensed resident agents of this state for insurers licensed in this state.

§33-12-17. Service of process on excess line insurers and brokers.

As to every unlicensed insurer issuing or delivering an excess line policy through an excess line broker in this state, the secretary of state shall be, and is hereby constituted the attorney-in-fact of each such insurer and broker for service of process in the same manner as for licensed insurers as provided in section twelve, article four of this chapter.

ARTICLE 21. RECIPROCAL INSURERS.

§33-21-12. Process and venue; annual fee.

(a) Concurrently with the filing of the application provided for by the terms of section six of this article, the attorney shall file with the commissioner an instrument in writing, executed by him for said subscribers, conditioned that upon the issuance of the license provided for in section seven of this article any action, suit or other proceeding arising out of any insurance contract or policy issued under such license, may be brought in the county of this state wherein the property insured was situated either at the date of the policy or at the time when the right of action accrued, or in the county of this state wherein the person insured had a legal residence at the date of his death or at the time the right of action accrued, and that service of any process or notice may be had upon the secretary of state in all actions, suits or other proceedings in this state arising out of such policies, contracts, agreements or other business of insurance transacted under such license, and that said secretary of state may accept service of any such process or notice.

(b) Such service or acceptance of service shall be valid and binding upon such attorney and upon all subscribers exchanging at any time reciprocal or interinsurance contracts through such attorney. Two copies of such process or notice, in addition to the original, shall be furnished the secretary of state, and he shall file one copy, forward one copy to said attorney and return the original with his acceptance of service or for return of service. But no process or notice shall be served on
the secretary of state or accepted by him less than ten days before the return day thereof. Where the principal office of the attorney is located in this state, service of process may be had upon all subscribers by serving same upon the attorney at said office. Service of process shall not be had upon said subscribers or any of them in any suit or other proceeding in this state except in the manner provided in this section, and any action, suit, or other proceeding may be begun and prosecuted against or defended by them under the name or designation adopted by them.

(c) The attorney shall pay to the secretary of state an annual fee of ten dollars.

ARTICLE 27. INSURANCE HOLDING COMPANY SYSTEMS.

§33-27-3. Acquisition of control of or merger with domestic insurer.

1 (a) Filing requirements.—No person other than the issuer shall make a tender offer for or a request or invitation for tenders of, or enter into any agreement to exchange securities for, seek to acquire or acquire, in the open market or otherwise, any voting security of a domestic insurer if, after the consummation thereof, such person would, directly or indirectly (or by conversion or by exercise of any right to acquire) be in control of such insurer, and no person shall enter into an agreement to merge with or otherwise to acquire control of a domestic insurer unless, at the time any such offer, request or invitation is made or any such agreement is entered into, or prior to the acquisition of such securities if no offer or agreement is involved, such person has filed with the commissioner and has sent to such insurer, and, to the extent permitted by applicable federal laws, rules and regulations, such insurer has sent to its shareholders a statement containing the information required by this section and such offer, request, invitation, agreement or acquisition has been approved by the commissioner in the manner hereinafter prescribed.

For purposes of this section: A domestic insurer shall include any other person controlling a domestic insurer unless such other person is either directly or through its affiliates primarily engaged in business other than the business of insurance.
(b) **Content of statement.**—The statement to be filed with the commissioner hereunder shall be made under oath or affirmation and shall contain the following information:

(1) The name and address of each person by whom or on whose behalf the merger or other acquisition of control referred to in subsection (a) is to be effected (hereinafter called "acquiring party"), and

(i) If such person is an individual, his principal occupation and all offices and positions held during the past five years, and any conviction of crimes other than minor traffic violations during the past ten years;

(ii) If such person is not an individual, a report of the nature of its business operations during the past five years or for such lesser period as such person and any predecessors thereof shall have been in existence; an informative description of the business intended to be done by such person and such person's subsidiaries; and a list of all individuals who are or who have been selected to become directors or executive officers of such person, or who perform or will perform functions appropriate to such positions. Such list shall include for each such individual the information required by paragraph, (i) of this subsection.

(2) The source, nature and amount of the consideration used or to be used in effecting the merger or other acquisition of control, a description of any transaction wherein funds were or are to be obtained for any such purpose, and the identity of persons furnishing such consideration: *Provided, That where a source of such consideration is a loan made in the lender's ordinary course of business, the identity of the lender shall remain confidential, if the person filing such statement so requests.*

(3) Fully audited financial information as to the earnings and financial condition of each acquiring party for the preceding five fiscal years of each such acquiring party (or for such lesser period as such acquiring party and any predecessors thereof shall have been in existence), and similar unaudited information as of a date not earlier than ninety days prior to the filing of the statement.
(4) Any plans or proposals which each acquiring party may have to liquidate such insurer, to sell its assets or merge or consolidate it with any person, or to make any other material change in its business or corporate structure or management.

(5) The number of shares of any security referred to in subsection (a) which each acquiring party proposes to acquire, and the terms of the offer, request, invitation, agreement or acquisition referred to in subsection (a), and a statement as to the method by which the fairness of the proposal was arrived at.

(6) The amount of each class of any security referred to in subsection (a) which is beneficially owned or concerning which there is a right to acquire beneficial ownership by each acquiring party.

(7) A full description of any contracts, arrangements or understanding with respect to any security referred to in subsection (a) in which any acquiring party is involved, including but not limited to transfer of any of the securities, joint ventures, loan or option arrangements, puts or calls, guarantees of loans, guarantees against loss or guarantees of profits, division of losses or profits, or the giving or withholding of proxies. Such description shall identify the persons with whom such contracts, arrangements or understandings have been entered into.

(8) A description of the purchase of any security referred to in subsection (a) during the twelve calendar months preceding the filing of the statement, by any acquiring party, including the dates of purchase, names of the purchasers, and consideration paid or agreed to be paid therefor.

(9) A description of any recommendations to purchase any security referred to in subsection (a) made during the twelve calendar months preceding the filing of the statement, by an acquiring party, or by anyone based upon interviews or at the suggestion of such acquiring party.

(10) Copies of all tender offers for, requests or invitations for tenders of, exchange offers for, and agreements to acquire or exchange any securities referred to in subsection (a), and (if distributed) of additional soliciting material relating thereto.
(11) The terms of any agreement, contract or understanding made with any broker-dealer as to solicitation of securities referred to in subsection (a) for tender, and the amount of any fees, commissions or other compensation to be paid to broker-dealers with regard thereto.

(12) Such additional information as the commissioner may by rule or regulation prescribe as necessary or appropriate for the protection of policyholders and security holders of the insurer or in the public interest.

If the person required to file the statement referred to in subsection (a) is a partnership, limited partnership, syndicate or other group, the commissioner may require that the information called for by subdivisions (1) through (12) of this subsection shall be given with respect to each partner of such partnership or limited partnership, each member of such syndicate or group, and each person who controls such partner or member. If any partner, member or person is a corporation or the person required to file the statement referred to in subsection (a) is a corporation, the commissioner may require that the information called for by subdivisions (1) through (12) shall be given with respect to such corporation, and each person who is directly or indirectly the beneficial owner of more than ten percent of the outstanding voting securities of such corporation.

If any material change occurs in the facts set forth in the statement filed with the commissioner and sent to such insurer pursuant to this section, an amendment setting forth such change, together with copies of all documents and other material relevant to such change, shall be filed with the commissioner and sent to such insurer within two business days after the person learns of such change. Such insurer shall send such amendment to its shareholders.

(c) Alternative filing materials.—If any offer, request, invitation, agreement or acquisition referred to in subsection (a) is proposed to be made by means of a registration statement under the Securities Act of 1933 or in circumstances requiring the disclosure of similar information under the Securities Exchange Act of 1934, or under a state law requiring similar registration or disclosure, the person required to file the state-
ment referred to in subsection (a) may utilize such documents in furnishing the information called for by that statement.

(d) Approval by commissioner; hearings.—(1) The commissioner shall approve any merger or other acquisition of control referred to in subsection (a) unless, after a public hearing thereon, he finds that any of the following conditions exist:

(i) After the change of control the domestic insurer referred to in subsection (a) would not be able to satisfy the requirements for the issuance of a license to write the line or lines of insurance for which it is presently authorized;

(ii) The effect of the merger or other acquisition of control would be substantially to lessen competition in insurance in this state or tend to create a monopoly therein;

(iii) The financial condition of any acquiring party is such as might jeopardize the financial stability of the insurer, or prejudice the interest of its policyholders or the interests of any remaining security holders who are unaffiliated with such acquiring party;

(iv) The terms of the offer, request, invitation, agreement or acquisition referred to in subsection (a) are unfair and unreasonable to the security holders of the insurer;

(v) The plans or proposals which the acquiring party has to liquidate the insurer, sell its assets or consolidate or merge it with any person, or to make any other material change in its business or corporate structure or management, are unfair and unreasonable to policyholders of the insurer and not in the public interest; or

(vi) The competence, experience and integrity of those persons who would control the operation of the insurer are such that it would not be in the interest of policyholders of the insurer and of the public to permit the merger or other acquisition of control.

(2) The public hearing referred to in subdivision (1), subsection (d) of this section shall be held within sixty days after the statement required by subsection (a) is filed, and at least fifteen days' notice thereof shall be given by the commissioner.
to the person filing the statement. Not less than seven days’ notice of such public hearing shall be given by the person filing the statement to the insurer and to such other persons as may be designated by the commissioner. The insurer shall give such notice to its security holders. The commissioner shall make a determination within forty-five days after the conclusion of such hearing.

(e) **Mailings to shareholders; payment of expenses.**—To the extent permitted by applicable federal laws, rules and regulations, all statements, amendments, or other material filed pursuant to subsection (a) or (b) of this section, and all notices of public hearings held pursuant to subsection (d) of this section, shall be mailed by the insurer to its shareholders within five business days after the insurer has received such statements, amendments, other material, or notices. The expenses of mailing shall be borne by the person making the filing. As security for the payment of such expenses, such person shall file with the commissioner an acceptable bond or other deposit in an amount to be determined by the commissioner.

(f) **Exemptions.**—The provisions of this section shall not apply to:

(i) Any offers, requests, invitations, agreements or acquisitions by the person referred to in subsection (a) of this section of any voting security referred to in said subsection (a) which, immediately prior to the consummation of such offer, request, invitation, agreement or acquisition, was not issued and outstanding;

(ii) Any offer, request, invitation, agreement or acquisition which the commissioner by order shall exempt therefrom as (1) not having been made or entered into for the purpose and not having the effect of changing or influencing the control of a domestic insurer, or (2) as otherwise not comprehended within the purposes of this section.

(g) **Violations.**—The following shall be violations of this section:

(i) The failure to file any statement, amendment or other material required to be filed pursuant to subsection (a) or (b) of this section; or
(ii) The effectuation or any attempt to effectuate an acquisition of control of, or merger with, a domestic insurer unless the commissioner has given his approval thereto.

(h) *Jurisdiction; consent to service of process.*—The courts of this state are hereby vested with jurisdiction over every person not resident, domiciled or authorized to do business in this state who files a statement with the commissioner under this section, and over all actions involving such person arising out of violations of this section, and each such person shall be deemed to have performed acts equivalent to and constituting an appointment by such a person of the secretary of state to be his true and lawful attorney upon whom may be served all lawful process in any action, suit or proceeding arising out of violations of this section. Copies of all such lawful process shall be served on the secretary of state and transmitted by registered or certified mail by the secretary of state to such person at his last known address.

CHAPTER 38. LIENS.

ARTICLE 1A. TRUSTEES OF SECURITY TRUSTS.

§38-1A-7. Secretary of state attorney-in-fact for service on nonresident trustees.

§38-1A-8. How service of process or notice made.

§38-1A-9. Action by secretary of state following service.

§38-1A-7. Secretary of state attorney-in-fact for service on nonresident trustees.

1 The naming in a security trust of a person not a resident of this state as a trustee, or as one of several trustees thereof, shall be deemed equivalent to an appointment by such nonresident of the secretary of state as attorney-in-fact of such nonresident trustee upon whom may be served all process and notices in any suit, action, motion or proceeding in any court of record in this state, and such service shall have the same effect as process or notice duly served in person upon such person in this state.

§38-1A-8. How service of process or notice made.

1 Service of such process or notice shall be made by mailing or delivering to the office of said secretary of state three copies
of such process or notice, with a notation thereon of the residence address of the trustee upon whom service is being had, as stated in the security trust; if the address of the trustee be not stated in the security trust, the notation shall state the address of the beneficiary of such trust as given in the security trust; and service thereof shall be complete upon the receipt in said office of such notice or process bearing such notation and accompanied by a fee of two dollars, which shall be taxed as costs in the suit, action or proceeding. The secretary of state shall pay into the state treasury all funds so coming into his hands, and shall keep one copy of all such process and notices, with a record of the day and hour of service thereof.

§38-1A-9. Action by secretary of state following service.

Forthwith upon such service, said secretary of state shall send to such trustee the second copy of such process or notice, by registered mail, return receipt requested, to the address stated in such notation. The third copy of such process or notice, bearing the acknowledgment of the secretary of state of the fact of service on him, with his notation of the mailing of the second copy as above provided, shall be transmitted by the secretary of state to the clerk of the court issuing the process or to the person giving the notice, as the case may be.

CHAPTER 46A. WEST VIRGINIA CONSUMER CREDIT AND PROTECTION ACT.

ARTICLE 2. CONSUMER CREDIT PROTECTION.

§46A-2-137. Service of process on certain nonresidents.

Any nonresident person, except a nonresident corporation authorized to do business in this state pursuant to the provisions of chapter thirty-one of this code, who takes or holds any negotiable instrument, nonnegotiable instrument, or contract or other writing, arising from a consumer credit sale or consumer lease which is subject to the provisions of this article, other than a sale or lease primarily for an agricultural purpose, or who is a lender subject to the provisions of section one hundred three of this article, shall be conclusively presumed to have appointed the secretary of state as his attorney-in-fact with authority to accept service of notice and process in
any action or proceeding brought against him arising out of
such consumer credit sale, consumer lease or consumer loan.
A person shall be considered a nonresident hereunder if he is
a nonresident at the time such service of notice and process
is sought. No act of such person appointing the secretary of
state shall be necessary. Immediately after being served with
or accepting any such process or notice, of which process or
notice two copies for each defendant shall be furnished the
secretary of state with the original notice or process, together
with a fee of two dollars, the secretary of state shall file in his
office a copy of such process or notice, with a note thereon
endorsed of the time of service or acceptance, as the case may
be, and transmit one copy of such process or notice by
registered mail, return receipt requested, to such person at
his address, which address shall be stated in such process or
notice: Provided, That such return receipt shall be signed by
such person or an agent or employee of such person if a
corporation, or the registered mail so sent by said secretary
of state is refused by the addressee and the registered mail is
returned to said secretary of state, or to his office, showing
thereon the stamp of the U. S. postal service that delivery
thereof has been refused, and such return receipt or registered
mail is appended to the original process or notice and filed
therewith in the clerk’s office of the court from which such
process or notice was issued. But no process or notice shall
be served on the secretary of state or accepted by him less than
ten days before the return date thereof. The court may order
such continuances as may be reasonable to afford each de-
fendant opportunity to defend the action or proceeding.
The provisions for service of process or notice herein are
cumulative and nothing herein contained shall be construed
as a bar to the plaintiff in any action from having process or
notice in such action served in any other mode and manner
provided by law.

CHAPTER 50. JUSTICES AND CONSTABLES.
ARTICLE 3. COMMENCEMENT OF ACTIONS AND PROCESS.
§50-3-16. Acceptance of service by secretary of state as statutory attorney-in-fact.
1 Unless otherwise specially provided, process against, or
notice to, a corporation created by virtue of the laws of this state may be served as follows:

(a) If a city, town or village, on its mayor, city manager, recorder, clerk, treasurer or any member of its council or board of commissioners;

(b) If a county commission of any county, on any commissioner or the clerk thereof, or if they be absent, on the prosecuting attorney of the county;

(c) If a board of education of any district or independent school district, on the president or any commissioner thereof, or if they be absent, on the prosecuting attorney of the county;

(d) If any other corporation, on the secretary of state as statutory attorney-in-fact of such corporation, as provided in section fifteen, article one, chapter thirty-one of this code, or on any person appointed by it to accept service of process in its behalf, or on its president or other chief officer, or its vice president, cashier, assistant cashier, treasurer, assistant treasurer, secretary, or any member of its board of directors, or, if no such officer or director be found, on any agent of such corporation (including in the case of a railroad company a depot or station agent in the actual employment of the company), if any such attorney, officer or agent, be found in the county in which the action, suit or proceeding is instituted.

§50-3-16. Acceptance of service by secretary of state as statutory attorney-in-fact.

The secretary of state of the state of West Virginia shall accept service of any process against, or any order or notice to, any corporation for which he is statutory attorney-in-fact, as provided in section fifteen, article one, chapter thirty-one of this code, when such process, order or notice is issued by any justice in this state, or in any proceeding pending in any justice's court of this state.

CHAPTER 56. PLEADING AND PRACTICE.

ARTICLE 3. WRITS, PROCESS AND ORDER OF PUBLICATION.

§56-3-13. Service of process or notice on domestic corporations.

Unless otherwise specially provided, process against, or
notice to, a corporation created by virtue of the laws of this state may be served as follows:

(a) If a city, town or village, on its mayor, city manager, recorder, clerk, treasurer, or any member of its council or board of commissioners;

(b) If a county commission of any county, on any commissioner or the clerk thereof, or if they be absent, on the prosecuting attorney of the county;

(c) If a board of education of any district or independent school district, on the president or any commissioner thereof, or if they be absent, on the prosecuting attorney of the county;

(d) If any other corporation, on the secretary of state as statutory attorney-in-fact of such corporation, as provided in section fifteen, article one, chapter thirty-one of this code, or on any person appointed by it to accept service of process in its behalf, or on its president or other chief officer, or its vice president, cashier, assistant cashier, treasurer, assistant treasurer, secretary, or any member of its board of directors, or, if no such officer or director be found, on any agent of such corporation, including in the case of a railroad company a depot or station agent in the actual employment of the company.

CHAPTER 145

(H. B. 625—By Mrs. Withrow and Mrs. Neal)

[Passed February 7, 1975; in effect ninety days from passage. Approved by the Governor.]

AN ACT to amend article six, chapter thirty-three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section thirty-two, relating to the coverage of newly born children in all individual and group health insurance policies.

Be it enacted by the Legislature of West Virginia:

That article six, chapter thirty-three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by
adding thereto a new section, designated section thirty-two, to read as follows:

ARTICLE 6. THE INSURANCE POLICY.

§33-6-32. Newly born children to be covered by all health insurance policies.

1 All individual and group health insurance policies providing coverage on an expense incurred basis and individual and group service or indemnity type contracts issued by a nonprofit corporation which provide coverage for a family member of the insured or subscriber shall, as to such family members' coverage, also provide that the health insurance benefits applicable for children shall be payable with respect to a newly born child of the insured or subscriber from the moment of birth.

2 The coverage for newly born children shall consist of coverage of injury or sickness including the necessary care and treatment of medically diagnosed congenital defects and birth abnormalities.

3 If payment of a specific premium or subscription fee is required to provide coverage for a child, the policy or contract may require that notification of birth of a newly born child and payment of the required premium or fees must be furnished to the insurer or nonprofit service or indemnity corporation within thirty-one days after the date of birth in order to have the coverage continue beyond such thirty-one day period.

4 The requirements of this section shall apply to all insurance policies and subscriber contracts now existing or hereafter delivered or issued for delivery in this state.

CHAPTER 146

(S. B. 138—By Mr. Susman)

[Passed February 11, 1975; in effect ninety days from passage. Approved by the Governor.]

AN ACT to repeal section six, article fourteen, chapter thirty-three of the code of West Virginia, one thousand
Be it enacted by the Legislature of West Virginia:

ARTICLE 14. GROUP LIFE INSURANCE.

§1. Repeal of section relating to limitations on amounts of group life insurance policies.

1 Section six, article fourteen, chapter thirty-three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, is hereby repealed.

CHAPTER 147
(Com. Sub. for S. B. 482—By Mr. Rogerson)

[Passed March 8, 1975; in effect ninety days from passage. Approved by the Governor.]

AN ACT to amend and reenact sections one, two, four and seven, article five, chapter twenty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to further amend said article by adding thereto six new sections, designated sections eight-a, nine, ten, eleven, twelve and thirteen, all relating to wages and their payment, definitions, separation of employees, payment of wages conceded to be due, contractor's responsibility for wage payments, deceased employees, withholding of wages, notification, posting and record keeping, no-waiver provisions, enforcement, and employees civil remedies for nonpayment of wages.

Be it enacted by the Legislature of West Virginia:

That sections one, two, four and seven, article five, chapter twenty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; and to further amend said article by adding thereto six new sections, designated sections eight-a, nine, ten, eleven, twelve and thirteen, all to read as follows:
ARTICLE 5. WAGE PAYMENT AND COLLECTION.

§21-5-1. Definitions.

As used in this article:

(a) The term "firm" includes any partnership, association, joint stock company, trust, division of a corporation, the administrator or executor of the estate of a deceased individual, or the receiver, trustee, or successor of any of the same, or officer thereof, employing any person.

(b) The term "employee" or "employees" includes any person suffered or permitted to work by a person, firm, or corporation.

(c) The term "wages" means compensation for labor or services rendered by an employee, whether the amount is determined on a time, task, piece, commission, or other basis of calculation.

(d) The term "commissioner" means commissioner of labor.

(e) The term "railroad company" includes any firm or corporation engaged primarily in the business of transportation by rail.

(f) The term "special agreement" means an arrangement filed with and approved by the commissioner where-by a person, firm or corporation is permitted upon a compelling showing of good cause to establish regular paydays less frequently than semimonthly, provided that in no event shall the employee be paid in full less frequently than once each calendar month on a regularly established schedule.
(g) The term "deductions" includes amounts required by law to be withheld, and amounts authorized for union or club dues, pension plans, payroll savings plans, credit unions, charities and hospitalization and medical insurance.

(h) The term "officer" shall include officers or agents in the management of a corporation or firm, who knowingly permits the corporation or firm to violate the provisions of this article.

(i) The term "amount due" shall include at least all wages earned up to and including the fifth day immediately preceding the regular payday.

§21-5-2. Semimonthly payment of wages by railroads.

Every railroad company, authorized to do business by the laws of this state shall, on or before the first day of each month, pay the employees thereof the wages earned by them during the first half of the preceding month, ending with the fifteenth day thereof; and on or before the fifteenth day of each month, pay the employees thereof the wages earned by them during the last half of the preceding calendar month: Provided, That if, at any time of payment, any employee shall be absent from his regular place of labor, and shall not receive his wages through a duly authorized representative, he shall be entitled to such payment at any time thereafter upon demand upon the proper paymaster at the place where such wages are usually paid and where the next pay is due, and the proper mailing in the United States post office of such payment in time to reach the usual post office of the employee by the time aforesaid, in the usual course of the mails, shall be a compliance with this section.

It shall not be lawful for any railroad company to enter into or make any agreement with any employee for the payment of wages of any such employee otherwise than as provided in this section, except to pay such wages at shorter intervals than herein provided. Every agreement made in violation of this section shall be deemed to be null and void.
§21-5-4. Cash orders; employees separated from payroll before paydays.

(a) In lieu of lawful money of the United States, any person, firm or corporation may compensate employees for services by cash order which may include checks or money orders on banks convenient to the place of employment where suitable arrangements have been made for the cashing of such checks by employees for the full amount of wages.

(b) Whenever a person, firm or corporation discharges an employee, such person, firm or corporation shall pay the employee's wages in full within seventy-two hours.

(c) Whenever an employee quits or resigns, the person, firm or corporation shall pay the employee's wages no later than the next regular payday, either through the regular pay channels or by mail if requested by the employee, except that if the employee gives at least one pay period's notice of intention to quit the person, firm or corporation shall pay all wages earned by the employee at the time of quitting.

(d) When work of any employee is suspended as a result of a labor dispute, or when an employee for any reason whatsoever is laid off, the person, firm or corporation shall pay in full to such employee not later than the next regular payday, either through the regular pay channels or by mail if requested by the employee, wages earned at the time of suspension or layoff.

(e) If a person, firm or corporation fails to pay an employee wages as required under this section, such person, firm or corporation shall, in addition to the amount due, be liable to the employee for liquidated damages in the amount of wages at his regular rate for each day the employer is in default, until he is paid in full, without rendering any service therefor: Provided, however, that he shall cease to draw such wages thirty days after such default. Every employee shall have such lien and all other rights and remedies for the protection and
enforcement of such salary or wages, as he would have
been entitled to had he rendered service therefor in the
manner as last employed; except that, for the purpose
of such liquidated damages, such failure shall not be
deemed to continue after the date of the filing of a peti-
tion in bankruptcy with respect to the employer if he
is adjudicated bankrupt upon such petition.

§21-5-7. Prime contractor's responsibility for wage payments.

1 Whenever any person shall contract with another for
the performance of any work which the prime con-
tracting person has undertaken to perform for another,
the prime contractor shall become civilly liable to em-
ployees engaged in the performance of work under such
contract for the payment of wages, exclusive of liquidated
damages as provided in section four (e) of this article,
to the extent that the employer of such employees fails
to pay such wages: Provided, That such employees have
exhausted all feasible remedies contained in this article
against such employer: Provided, however, That such
employer shall become civilly liable to such prime con-
tactor for any sum of money paid by him under this
section.

§21-5-8a. Deceased employees.

1 In the event of the death of any employee, wages due
him by a person, firm or corporation not in excess of
eight hundred dollars may upon proper demand be paid,
in the absence of actual notice of the pendency of pro-
bate proceedings, without requiring letters testamentary
or of administration in the following order of preference
to decedent's: (1) Surviving spouse, (2) children eight-
teen years of age and over in equal shares, (3) father
and mother, or survivor, (4) sisters and brothers, or to
the person who pays the funeral expenses. Payments
under this section shall release and discharge the person,
firm or corporation to the amount of such payment.


1 Every person, firm and corporation shall:

2 (1) Notify his employees in writing, at the time of
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3 hiring of the rate of pay, and of the day, hour, and place
4 of payment.

5 (2) Notify his employees in writing, or through a
6 posted notice maintained in a place accessible to his
7 employees of any changes in the arrangements specified
8 above prior to the time of such changes.

9 (3) Make available to his employees in writing or
10 through a posted notice maintained in a place accessible
11 to his employees, employment practices and policies with
12 regard to vacation pay, sick leave, and comparable mat-
13 ters.

14 (4) Furnish each employee with an itemized state-
15 ment of deductions made from his wages for each pay
16 period such deductions are made.

17 (5) Keep posted in a place accessible to his em-
18 ployees an abstract of this article furnished by the com-
19 missioner, and

20 (6) Make such records of the persons employed by
21 him, including wage and hour records, preserve such
22 records for such periods of time, and make such reports
23 therefrom to the commissioner, as the commissioner shall
24 prescribe by regulation as necessary or appropriate for
25 the enforcement of the provisions of this article.

§21-5-10. Provisions of law may not be waived by agreement.

1 Except as provided in section thirteen, no provision
2 of this article may in any way be contravened or set
3 aside by private agreement, and the acceptance by an
4 employee of a partial payment of wages shall not con-
5 stitute a release as to the balance of his claim and any
6 release required as a condition of such payment shall
7 be null and void.

§21-5-11. Administrative enforcement.

1 (a) The commissioner shall enforce and administer
2 the provisions of this article in accordance with chapter
3 twenty-nine-a of this code. The commissioner or his
4 authorized representatives are empowered to enter and
5 inspect such places, question such employees, and in-
vestigate such facts, conditions, or matters as they may deem appropriate, to determine whether any person, firm or corporation has violated any provision of this article, or any rule or regulation issued hereunder or which may aid in the enforcement of the provisions of this article.

(b) The commissioner or his authorized representatives shall have power to administer oaths and examine witnesses under oath, issue subpoenas, compel the attendance of witnesses, and the production of papers, books, accounts, records, payrolls, documents and testimony, and to take depositions and affidavits in any proceeding before said commissioner.

(c) In case of failure of any person to comply with any subpoena lawfully issued, or on the refusal of any witness to testify to any matter regarding which he may be lawfully interrogated, it shall be the duty of the circuit court, on application by the commissioner, to compel obedience by attachment proceedings for contempt, as in the case of disobedience of the requirements of a subpoena issued from such court or a refusal to testify therein.

§21-5-12. Employees' remedies.

(a) Any person whose wages have not been paid in accord with this article, or the commissioner or his designated representative, upon the request of such person, may bring any legal action necessary to collect a claim under this article. With the consent of the employee, the commissioner shall have the power to settle and adjust any claim to the same extent as might the employee.

(b) The court in any action brought under this article may, in the event that any judgment is awarded to the plaintiff or plaintiffs, assess costs of the action, including reasonable attorney fees against the defendant. Such attorney fees in the case of actions brought under this section by the commissioner shall be remitted by the commissioner to the treasurer of the state. The commissioner shall not be required to pay the filing fee or
other costs or fees of any nature or to file bond or other
security of any nature in connection with such action
or with proceedings supplementary thereto, or as a con-
dition precedent to the availability to the commissioner
of any process in aid of such action or proceedings. The
commissioner shall have power to join various claim-
ants in one claim or lien, and in case of suit to join them
in one cause of action.


1 The commissioner shall make rules and regulations
to the extent necessary to effectuate the purposes of this
article, in accordance with the provisions of chapter
twenty-nine-a of the code of West Virginia, as amended.

CHAPTER 148
(Com. Sub. for S. B. 541—By Mr. Rogerson)

[Passed March 8, 1975; in effect ninety days from passage. Approved by the Governor.]

AN ACT to amend and reenact sections six and eight, article
five-c, chapter twenty-one of the code of West Virginia,
one thousand nine hundred thirty-one, as amended, re-
lating to duties and powers of commissioner of labor and
civil remedy of employee; limitation of actions.

Be it enacted by the Legislature of West Virginia:

That sections six and eight, article five-c, chapter twenty-
one of the code of West Virginia, one thousand nine hundred
thirty-one, as amended, be amended and reenacted to read as
follows:

ARTICLE 5C. MINIMUM WAGE AND MAXIMUM HOURS STAN-
DARDS FOR EMPLOYEES.

§21-5C-6. Duties and powers of commissioner of labor.
§21-5C-8. Civil remedy of employee; limitation of actions.

§21-5C-6. Duties and powers of commissioner of labor.

1 (a) It shall be the duty of the commissioner to enforce
2 and administer the provisions of this article, and to
promulgate such rules and regulations, in accordance
with chapter twenty-nine-a of the code of West Virginia,
one thousand nine hundred thirty-one, as amended, as
shall be needful to give effect to the provisions of this
article.

(b) The commissioner is authorized at reasonable
times to enter the place of business of an employer sub-
ject to the provisions of this article, for purposes of:
(1) Inspecting and examining, and copying, photograph-
ing or otherwise reproducing all payroll records of the
employer directly relating to wages and hours of em-
ployment of persons employed by him; (2) questioning
or otherwise examining persons employed by the em-
ployer on the subject of wages and hours of their em-
ployment, and gratuities received or earned in such em-
ployment.

(c) The commissioner is authorized and empowered
to make investigations to determine whether there is
reasonable cause to believe that any person is an em-
ployer as defined in section one of this article, or whether
there is reasonable cause to believe that any provision
of this article is being or has been violated.

(d) The commissioner is authorized and empowered
to file criminal complaints against persons whom the
commissioner has reasonable cause to believe have com-
mitted any offense created or defined by the provisions
of this article.

(e) The commissioner is authorized and empowered
to institute civil actions seeking appropriate injunctive
relief to compel an employer subject to this article to
comply with the provisions of this article.

(f) The commissioner shall enforce and administer
the provisions of this article in accordance with chapter
twenty-nine-a of this code. The commissioner or his
authorized representatives are empowered to enter and
inspect such places, question such employees and in-
vestigate such facts, conditions, or matters as they may
deeem appropriate, to determine whether any person, firm
or corporation has violated any provision of this article,
or any rule or regulation issued hereunder or which may aid in the enforcement of the provisions of this article.

§21-5C-8. Civil remedy of employee; limitation of actions.

1 (a) Any employer who pays an employee less than the applicable wage rate to which such employee is entitled under or by virtue of this article shall be liable to such employee for the unpaid wages; an agreement by an employee to work for less than the applicable wage rate is hereby declared by the Legislature of West Virginia to be against public policy and unenforceable.

8 (b) Any person whose wages have not been paid in accord with this article, or the commissioner or his designated representative, upon the request of such person, may bring any legal action necessary to collect a claim under this article. With the consent of the employee, the commissioner shall have the power to settle and adjust any claim to the same extent as might the employee.

16 (c) The court in any action brought under this article may, in the event that any judgment is awarded to the plaintiff or plaintiffs, assess costs of the action, including reasonable attorney fees against the defendant. Such attorney fees in the case of action brought under this section by the commissioner shall be remitted by the commissioner to the treasurer of the state. The commissioner shall not be required to pay the filing fee or other costs or fees of any nature or to file a bond or other security of any nature in connection with such action or with proceedings supplementary thereto, or as a condition precedent to the availability to the commissioner of any process in aid of such action or proceedings. The commissioner shall have power to join various claimants in one claim or lien, and in case of suit to join them in one cause of action.

32 (d) In any such action the amount recoverable shall be limited to such unpaid wages as should have been paid by the employer within two years next preceding the commencement of such action. Nothing in this article shall be construed to limit the right of an employee to recover upon a contract of employment.
CHAPTER 149
(S. B. 487—By Mr. Rogerson)

[Passed March 8, 1975; in effect ninety days from passage. Approved by the Governor.]

AN ACT to amend and reenact sections two, three, four and seven, article six, chapter twenty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to further amend said article by adding thereto two new sections, designated sections eight-a and eleven, all relating to child labor, employment of minors in certain occupations, work permits, contents of permits, hours and days of labor by minors, blanket work permits, and rules and regulations.

Be it enacted by the Legislature of West Virginia:

That sections two, three, four and seven, article six, chapter twenty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto two new sections, designated sections eight-a and eleven, all to read as follows:

ARTICLE 6. CHILD LABOR.

§21-6-2. Employment of children under eighteen in certain occupations; determination as to other occupations; appeal to supreme court.

§21-6-3. Issuance of work permit.

§21-6-4. Contents of work permit; forms; filing; records; revocation.

§21-6-7. Hours and days of labor by minors.

§21-6-8a. Blanket work permits.

§21-6-11. Rules and regulations.

§21-6-2. Employment of children under eighteen in certain occupations; determination as to other occupations; appeal to supreme court.

1 No child under eighteen years of age shall be employed, permitted or suffered to work in any mine, quarry or tunnel; or in, about, or in connection with any of the following:

2 (1) Stone cutting or polishing;

3 (2) The manufacture or transportation of explosives or highly inflammable substances;
(3) Ore reduction works, smelters, hot rolling mills, furnaces, foundries, forging shops, or in any other place in which the heating, melting or heat treatment of metals is carried on;

(4) Machinery used in the cold rolling of heavy metal stock, metal plate bending machines, or power-driven metal planing machines.

No child under eighteen years of age shall be employed or permitted to work in a public poolroom or billiard room, or be permitted, employed or suffered to sell, dispense or serve beer, in any place or establishment where beer is served, sold or dispensed, if dancing is permitted or allowed in the same room in which such beer is served, sold or dispensed, or in any indecent, obscene or immoral exhibition or practice.

The state commissioner of labor, the state director of health, and the state superintendent of free schools may, from time to time, after hearing duly had, determine whether or not any particular trade, process of manufacturing, or occupation in which the employment of children under eighteen years of age is not already forbidden by law, or any particular method of carrying on such trade, process of manufacture, or occupation, is sufficiently dangerous to the lives or limbs, or injurious to the health or morals of children under eighteen years of age to justify their exclusion therefrom. No child under eighteen years of age shall be employed or permitted to work in any occupation thus determined to be dangerous or injurious to such children. There shall be a right of appeal to the supreme court of appeals from any such determination.

§21-6-3. Issuance of work permit.

No child under sixteen years of age shall be employed or permitted to work in any gainful occupation, except agriculture, horticulture, or domestic service, unless the person, firm or corporation by whom such child is employed or permitted to work, obtains and keeps on file and accessible to officers charged with the enforcement of this article, a work permit issued by the superintendent of schools of the county in which such child resides, or by some person authorized by him in writing. Before any such work
permit has been issued, it shall be necessary to obtain in
writing the consent of the parent or parents, guardian or
custodian of such child. Whenever such work permit has
been issued, or wherever an age certificate has been issued
under the provisions of section five of this article, it shall
be conclusive as to the age of the child on whose behalf
such work permit or age certificate was issued.

The superintendent of schools, or person authorized by
him in writing, shall issue such work permit only upon
receipt of the following documents:

(1) A written statement, signed by the person for
whom the child expects to work, that he intends legally
to employ such child.

(2) (a) A birth certificate, or attested transcript
thereof, issued by the registrar of vital statistics or other
officer charged with the duty of recording births; or

(b) A record of baptism, or a certificate or attested
transcript thereof, showing the date of birth and place of
baptism of the child; or

(c) A bona fide contemporary record of the date and
place of the child's birth kept in the Bible in which the
records of the births of the family of the child are pre-
served, or other documentary evidence approved by the
state commissioner of labor, such as a passport showing
the age of the child, a certificate of arrival in the United
States issued by the United States immigration officers and
showing the age of the child, or a life insurance policy:
Provided, That such other satisfactory documentary evi-
dence shall have been in existence at least one year prior
to the time it is offered in evidence: Provided further,
That a school record or parent's, guardian's or custodian's
affidavit, certificate or other written statement of age shall
not be accepted.

The issuing officer shall require first the proof of age
specified in subdivision (a) and shall not accept the proof
of age designated in a subsequent subdivision until he
shall be convinced that the proof specified in the pre-
ceding subdivision cannot be obtained.

(3) A certificate signed by the principal or a teacher
of the school last attended showing that the child is
attending school. In case such certificate cannot be ob-
tained, then the officer issuing the work permit shall ex-
amine such child to determine whether he can read and
write correctly simple sentences in the English language.

§21-6-4. Contents of work permit; forms; filing; records; revo-
cation.

A work permit issued under this article shall set forth
the full name and the date and place of birth of the child,
with the name and address of his parents or parent,
guardian or custodian. It shall certify that the child has
appeared before the officer issuing the permit and sub-
mitted the proofs of age, school and prospective employ-
ment required in section three.

Printed forms for such permits and certificates shall
be prepared and furnished by the state commissioner of
labor to the superintendents of schools in the counties of
the state. A copy of each permit issued shall be forwarded
to the state commissioner of labor within four days after
its issuance, and there shall be kept in the office of the
issuing officer a record of all permits granted and of all
applications denied as well as all certificates of age, scho-
ling, and prospective employment submitted by the
applicants for permits.

The state commissioner of labor may at any time revoke
a permit if in his judgment it was improperly issued, and
for this purpose he is authorized to investigate the true
age of any child employed, to hear evidence, and to re-
quire the production of relevant books and documents.
If a permit is revoked, the issuing officer shall be notified
of such action, and the child shall not thereafter be em-
ployed or permitted to labor until a new permit has
been legally obtained or until he is of such age as to be
outside the operation of this article.

§21-6-7. Hours and days of labor by minors.

No child under the age of sixteen shall be employed or
permitted to work in, about, or in connection with any
gainful occupation, except agriculture, horticulture or
domestic service in a private home, for more than six
days in any one week, nor more than forty hours in any
one week, nor more than eight hours in any one day; nor between the hours of eight o'clock in the evening and five o'clock in the morning of any day: Provided, That a child under sixteen years of age may be employed in a concert or in a theatrical performance up to the hour of eleven o'clock p.m.

No child under the age of sixteen years shall be employed or permitted to work for more than five hours continuously without an interval of at least thirty minutes for a lunch period, and no period of less than thirty minutes shall, for the purposes of this section, be deemed to interrupt a continuous period of work.

§21-6-8a. Blanket work permits.

Blanket work permits are required when a large number (twenty-five or more) of minors are employed for a short period of time (ninety days or less) by an employer.

The employer, or person authorized by him in writing, shall forward to the commissioner of labor the following information:

(1) A letter from the employer stating that he is familiar with the child labor law of West Virginia and will abide by the law.

(2) A list containing the names, birth dates, ages, and job classification of each minor.

The minors to be covered by the blanket work permit shall not be employed until the permit is received from the commissioner of labor.

The commissioner of labor shall acknowledge the receipt of the information with a letter which shall be retained on file for the duration of the minors' employment.

§21-6-11. Rules and regulations.

The commissioner shall make rules and regulations to the extent necessary to effectuate the purposes of this article in accordance with the provisions of chapter twenty-nine-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, and the provisions thereof.
AN ACT to amend and reenact sections two, three, four, five, six, seven, eight, nine and ten, article two-a, chapter four of the code of West Virginia, one thousand nine hundred thirty-one, as amended; to amend article ten, chapter five of said code, by adding thereto a new section, designated section fifty-two; and to amend article sixteen of said chapter five, by adding thereto a new section, designated section seventeen-a, all to implement the one thousand nine hundred seventy-four recommendations of the citizens legislative compensation commission created by section thirty-three, article six of the West Virginia constitution, and relating to compensation for and expenses of members of the Legislature, the West Virginia public employees' retirement system as it applies to certain members of the Legislature and certain service by members of the Legislature and the West Virginia public employees' insurance act as it applies to members of the Legislature.

Be it enacted by the Legislature of West Virginia:

That sections two, three, four, five, six, seven, eight, nine and ten, article two-a, chapter four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; that article ten, chapter five of said code be amended by adding thereto a new section, designated section fifty-two; and that article sixteen of said chapter five be amended by adding thereto a new section, designated section seventeen-a, all to read as follows:

Chapter

4. The Legislature.

5. General Powers and Duties of the Governor, Secretary of State and Attorney General; Board of Public Works; State Building Commission; Social Security Agency; Public Records Management and Preservation Act; Department of Commerce; West Virginia Public Em-
employees Retirement Act; Human Rights Commission; West Virginia Antiquities Commission; Public Employees' and Teachers' Reciprocal Service Credit Act; White Cane Law; West Virginia Public Employees Insurance Act.

CHAPTER 4. THE LEGISLATURE.

ARTICLE 2A. COMPENSATION FOR AND EXPENSES OF MEMBERS OF THE LEGISLATURE.

PART II. COMPENSATION.

§4-2A-2. Basic compensation for services; proration.

§4-2A-3. Compensation for members of the Legislature during any extraordinary session.

§4-2A-4. Additional compensation for president of Senate, speaker of House of Delegates and minority leaders of both houses.

§4-2A-5. Interim compensation for members of joint committee on government and finance and commission on interstate cooperation.

PART III. EXPENSES.

§4-2A-6. Travel expenses.

§4-2A-7. Reimbursement for expenses incurred during any session.

§4-2A-8. Interim expenses.


§4-2A-10. Affidavits required; approval by legislative auditor of vouchers; travel expenses within Charleston not reimbursable; rules authorized.

PART II. COMPENSATION.

§4-2A-2. Basic compensation for services; proration.

1 (a) Each member of the Legislature shall receive as compensation for his services the sum of four thousand eight hundred dollars per calendar year. For the year one thousand nine hundred seventy-five, said sum shall be payable to each member as soon as possible after the effective date of this section.

7 (b) Beginning in the year one thousand nine hundred seventy-six and each year thereafter, said sum shall be payable twice a month during each regular session of the Legislature, without regard to any extension of such regular session. In the event of the death, resignation or removal of a member of the Legislature during a regular session of the Legislature and the appointment and qualifi-
cation of his successor during any such regular session, the compensation provided for in this section shall be prorated between the original member and his successor on the basis of the number of days served (including Saturdays and Sundays) as a member of the Legislature by each during said regular session.

(c) In the event of the death, resignation or removal of a member of the Legislature and the appointment and qualification of his successor subsequent to the regular session of the Legislature held in the calendar year in which such successor was appointed and qualified, none of the compensation provided for in this section shall be paid to such successor.

§4-2A-3. Compensation for members of the Legislature during any extraordinary session.

Each member of the Legislature shall receive, in addition to the basic compensation provided for in section two of this article, additional compensation of thirty-five dollars per day for each day of his attendance in person upon any business of the Senate or House of Delegates, as the case may be, on any day upon which said Senate or House of Delegates is actually called to order during any extraordinary session of the Legislature. Such additional compensation shall be paid from time to time during any such extraordinary session, as may be prescribed by rules established by the legislative auditor.

§4-2A-4. Additional compensation for president of Senate, speaker of House of Delegates and minority leaders of both houses.

In addition to the basic and additional compensation provided for in sections two and three of this article, the president of the Senate and the speaker of the House of Delegates shall each receive additional compensation of twenty-five dollars per day for each day actually served during any regular or extraordinary session as presiding officer, including Saturdays and Sundays.

In addition to the basic and additional compensation provided for in sections two and three of this article, the minority leader of the Senate and the minority leader
9 of the House of Delegates shall each receive additional compensation of twelve dollars and fifty cents per day for each day actually served during any regular or extraordinary session as the elected legislative leaders of the minority party, including Saturdays and Sundays.

Such presiding officer and minority leader compensation shall be paid from time to time during any such session, as may be prescribed by rules established by the legislative auditor.

§4-2A-5. Interim compensation for members of joint committee on government and finance and commission on interstate cooperation.

In addition to the basic and any additional and presiding officer and minority leader compensation provided for in sections two, three and four of this article, each member of the joint committee on government and finance and the commission on interstate cooperation shall receive interim compensation of thirty-five dollars per day for each day actually engaged in the performance of interim duties as a member of either such committee or commission between regular sessions of the Legislature:

Provided, That not more than twenty-eight members combined of both such committee and commission shall be entitled to receive the interim compensation authorized in this section, and the total additional interim compensation payable to any such member and his replacement, if any, on such committee or commission under the provisions of this section shall not exceed the sum of one thousand fifty dollars per calendar year.

PART III. EXPENSES.

§4-2A-6. Travel expenses.

Each member of the Legislature shall be entitled to be reimbursed, upon submission of an expense voucher, for expenses incurred incident to travel in the performance of his duties as a member of the Legislature or any committee of the Legislature, whether such committee is operating under general law or resolution, including, but not limited to, attendance at party caucuses held in advance of the date of the assembly of the Legislature.
in regular session in odd-numbered years for the purpose
of selecting candidates for officers of the two houses, at
the rate of fifteen cents per mile for the most direct
usually traveled route, if travel is by private automobile,
or for actual transportation costs for direct route travel,
if travel is by public carrier, or for any combination of
such means of transportation actually used, plus the cost
of necessary taxi or limousine service, tolls and parking
fees in connection therewith, but during any regular or
extraordinary session, travel expenses shall not be paid
to any member for more than one round trip to and
from the seat of government and to and from his place
of residence for each week of any such session.

§4-2A-7. Reimbursement for expenses incurred during any
session.

In addition to reimbursement for any travel expenses,
as provided for in section six of this article, each member
of the Legislature shall also be entitled to be reimbursed,
upon submission of an expense voucher therefor, for all
reasonable and necessary expenses actually incurred in
connection with any regular or extraordinary session of
the Legislature, but the total of any and all such reim-
bursed expenses, exclusive of reimbursement for any
such travel expenses as aforesaid, shall not exceed lodg-
ing expenses of twenty-two dollars per day or one hun-
dred fifty-four dollars per week and meal and miscel-
laneous expenses of fifteen dollars per day or one hun-
dred five dollars per week. A receipt for the amount paid
for lodging shall be submitted with the expense voucher,
but a receipt shall not be required to be submitted with
any such expense voucher for meal and miscellaneous
expenses. In lieu of reimbursement for lodging expenses
pursuant to the provisions of this section, any member
of the Legislature shall be entitled to be reimbursed,
upon submission of an expense voucher, for expenses
incurred incident to daily travel to and from his place
of residence and to and from the seat of government at
a rate of fifteen cents per mile for the most direct usually
traveled route, but the total of such daily travel expenses
shall not exceed twenty-two dollars per day.
§4-2A-8. Interim expenses.

1 In addition to reimbursement for any travel expenses and any such reimbursements for any and all such session expenses as provided for in sections six and seven of this article, each member of the Legislature serving as a member of any committee of the Legislature established by and operating under general law and designated for the performance of interim assignments by the Legislature or otherwise duly authorized to perform interim assignments between regular sessions of the Legislature shall also be entitled to be reimbursed, upon submission of an expense voucher therefor, for all reasonable and necessary expenses actually incurred incident to the performance of duties as a member of any such committee, but the total of any and all such reimbursed interim expenses, exclusive of reimbursement for any such travel and session expenses as aforesaid, shall not under any circumstances exceed lodging expenses of twenty-two dollars per day or meal and miscellaneous expenses of fifteen dollars per day for each day actually engaged in the performance of interim duties as a member of any such committee. A receipt for the amount paid for lodging shall be submitted with the expense voucher, but a receipt shall not be required to be submitted with any such expense voucher for meal and miscellaneous expenses.


1 In addition to reimbursement for travel expenses as authorized in section six of this article, each member of the Legislature traveling from West Virginia to an out-of-state point or points and return incident to the performance of his duties as a member of the Legislature or any committee of the Legislature, whether such committee is operating under general law or resolution, which travel has been duly authorized, shall be entitled to be reimbursed, upon submission of an expense voucher therefor, for all reasonable and necessary expenses actually incurred incident thereto, but the total of any and all such reimbursed expenses, exclusive of reimburse-
ment for such travel expenses, shall not under any cir-
cumstances exceed lodging expenses of thirty dollars per
day or meal and miscellaneous expenses of twenty dol-
lars per day. A receipt for the amount paid for lodging
and for travel to and from West Virginia shall be sub-
mitted with the expense voucher, but a receipt shall not
be required to be submitted with any such expense vou-
cher for meal and miscellaneous expenses.

§4-2A-10. Affidavits required; approval by legislative auditor
of vouchers; travel expenses within Charleston
not reimbursable; rules authorized.

Any expense voucher submitted pursuant to the pro-
visions of section six, seven, eight or nine of this article
must be verified by the affidavit of the member incurring
such expense and all such expense vouchers shall be
approved by the legislative auditor prior to submission
for payment.

Notwithstanding any other provisions of this article to
the contrary, no member of the Legislature who resides
within the corporate limits of the city of Charleston may
be reimbursed under this article for any travel expenses
incurred within such corporate limits.

The legislative auditor is hereby authorized to adopt
such rules as may be necessary to implement or effectu-
ate the provisions of this article.

CHAPTER 5. GENERAL POWERS AND DUTIES OF
THE GOVERNOR, SECRETARY OF STATE AND
ATTORNEY GENERAL; BOARD OF PUBLIC
WORKS; STATE BUILDING COMMISSION; SOCIAL
SECURITY AGENCY; PUBLIC RECORDS MANAGE-
MENT AND PRESERVATION ACT; DEPARTMENT
OF COMMERCE; WEST VIRGINIA PUBLIC EMP-
LOYEES RETIREMENT ACT; HUMAN RIGHTS
COMMISSION; WEST VIRGINIA ANTIQUITIES
COMMISSION; PUBLIC EMPLOYEES’ AND TEACH-
ERS’ RECIPROCAL SERVICE CREDIT ACT;
WHITE CANE LAW; WEST VIRGINIA PUBLIC
EMPLOYEES INSURANCE ACT.
Article
10. West Virginia Public Employees Retirement Act.

ARTICLE 10. WEST VIRGINIA PUBLIC EMPLOYEES RETIREMENT ACT.

§5-10-52. Specific provisions relating to certain members of the Legislature and certain service by members of the Legislature.

1 The provisions of this article specifying that a legislator may be a member of the retirement system and at the same time also a member of another state or political subdivision retirement program and may receive credit in the retirement system from two or more public employments simultaneously and authorizing automatic increases in the annuities of retired legislators based upon increases in compensation paid to members of the Legislature shall not be applicable to any member of the Legislature who first becomes a member of the retirement system as a member of the Legislature during the year one thousand nine hundred seventy-one, or any year thereafter, nor shall such provisions be applicable to the computation of service, credited service or benefits for any period of service as a member of the Legislature for the year one thousand nine hundred seventy-one, or any year thereafter.

ARTICLE 16. WEST VIRGINIA PUBLIC EMPLOYEES INSURANCE ACT.

§5-16-17a. Members of Legislature may be covered, if cost of the entire coverage is paid by such members.

1 Notwithstanding the definition of the term "employee" contained in section two of this article and notwithstanding any other provision of this article to the contrary, members of the Legislature may participate in and be covered by any insurance plan or plans authorized hereunder for state officers and employees, except that all members of the Legislature who elect to participate in or to be covered by any such plan or plans shall pay their proportionate individual share of the full cost for all group coverage on themselves and their spouses and de-
pendents, so that there will be no cost to the state for the coverage of any such members, spouses and dependents.

CHAPTER 151
(H. B. 1316—Originating in the House Committee on the Judiciary)

[Passed March 9, 1975; in effect ninety days from passage. Approved by the Governor.]
Mentally Ill Persons

four and five, article seven; and section one, article eleven, all of chapter twenty-seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted, all to read as follows:

Article

4. Voluntary Hospitalization.
5. Involuntary Hospitalization.
6A. Commitment of Persons Charged or Convicted of a Crime.
7. Release, Discharge and Readmission of Patients; Escapees.
11. Committee; Disposition of Property.

ARTICLE 4. VOLUNTARY HOSPITALIZATION.

§27-4-1. Authority to receive voluntary patients.
§27-4-3. Right to release on application.

§27-4-1. Authority to receive voluntary patients.

1. The chief medical officer of a mental health facility, subject to the availability of suitable accommodations and to the rules and regulations promulgated by the director of mental health, shall admit for diagnosis, care and treatment any individual:

5. (a) Over eighteen years of age who is mentally ill, mentally retarded or addicted or who has manifested symptoms of mental illness, mental retardation or addiction and who makes application for hospitalization; or

9. (b) Under eighteen years of age who is mentally ill, mentally retarded or addicted or who has manifested symptoms of mental illness, mental retardation or addiction and there is application for hospitalization therefor in his behalf (1) by the parents of such person, or (2) if only one parent is living, then by such parent, or (3) if the parents are living separate and apart, by the one who has the custody of such person, or (4) if there is a guardian who has custody of such person, then by such guardian. Such admission shall be conditioned upon the consent of the prospective patient if the patient is twelve years of age or over.

20. (c) No person under eighteen years of age shall be admitted under this section to any state hospital unless said person has first been reviewed and evaluated by a local mental health facility and recommended for admission.
§27-4-3. Right to release on application.

A voluntary patient who requests his release or whose release is requested in writing, by his parents, parent, guardian, spouse or adult next of kin shall be released forthwith except that:

(a) If the patient was admitted on his own application, and request for release is made by a person other than the patient, release shall be conditioned upon the agreement of the patient thereto;

(b) If the patient is under twelve years of age, his release prior to becoming twelve years of age may be conditioned upon the consent of the person or persons who applied for his admission; or

(c) If, within ninety-six hours of the receipt of the request, the chief medical officer of the mental health facility in which the patient is hospitalized files with the clerk of the circuit court or mental hygiene commissioner of the county where the facility is situated, an application for involuntary hospitalization as provided in section four, article five of this chapter, release may be postponed for twenty days pending a finding in accordance with the legal proceedings prescribed therein.

Legal proceedings for involuntary hospitalization shall not be commenced with respect to a voluntary patient unless release of the patient has been requested by him or the individual or individuals who applied for his admission.

ARTICLE 5. INVOLUNTARY HOSPITALIZATION.

§27-5-1. Involuntary commitment; hearing; appointment of mental hygiene commissioner; caseworker defined.

§27-5-2. Involuntary hospitalization; admission by medical certification; emergency procedure; examination; hearing; release.

§27-5-4. Legal proceedings for involuntary hospitalization.

§27-5-1. Involuntary commitment; hearing; appointment of mental hygiene commissioner; caseworker defined.

No individual shall be involuntarily committed to a mental health facility except by order entered of record at any time by the circuit court of the county wherein such person resides or was found and then only after a full hearing on the issues relating to the necessity of committing an individual to a mental health facility. The circuit court of each county may appoint
a competent attorney in each county to preside over such hearings, who shall be designated “mental hygiene commis-

sioner.” He shall be a person of good moral character, of

standing in his profession and a resident of the county for

which he is appointed, and he shall, before assuming the duties

of such commissioner, take the oath required of other special

commissioners as provided in article one, chapter six of this

code. The mental hygiene commissioner may sign and issue

summons for the attendance, at any hearing held pursuant to

section four, article five of this code, of the individual sought

to be committed; may sign and issue subpoenas for witnesses,

including subpoenas duces tecum; may place any witness un-
der oath; and may make findings of fact on evidence and may

make conclusions of law, but such findings and conclusions

shall not be binding on the circuit court. The circuit court by

order entered of record shall allow the commissioner a reason-
able fee for each case heard. The mental hygiene commissioner

shall discharge his duties and hold his office at the pleasure of

the circuit court by which he is appointed and may be re-

moved at any time by the court. It shall be the duty of the

mental hygiene commissioner to conduct orderly inquiries into

the mental health of any individual brought before him con-
cerning the advisability of committing the individual to a men-

tal health facility. The mental hygiene commissioner shall safe-
guard, at all times, the rights and interests of the individual as

well as the interests of the state. The mental hygiene commis-
sioner shall make a written report of his findings to the cir-
cuit court. In any proceedings before any court of record as set

forth in this article, the court of record shall appoint an in-

terpreter for any individual who is deaf or cannot speak or

who speaks a foreign language and who may be subject to

involuntary commitment to a mental health facility.

In all proceedings under this article, it shall be the duty of

the prosecuting attorney or one of his assistants to represent

the applicants.

As used in this article, the term “caseworker” means a person

employed by a mental health facility, state hospital, county

health department or the state department of welfare, as an

agent for the providing of the social or medical services, or

both, of such facility, hospital or department.
§27-5-2. Involuntary hospitalization; admission by medical certification; emergency procedure; examination; hearing; release.

(a) Any individual may be admitted to a mental health facility upon:

1 (1) Written application under oath to the facility by his parents or parent, guardian, spouse, adult next of kin or friend, a health officer or caseworker familiar with the case of the individual, or the head of any institution where such individual may be and certification by two physicians or a physician and a psychologist that they have examined the individual and that they are of the opinion that he is mentally ill, mentally retarded or addicted and because of his mental illness, mental retardation or addiction he is likely to cause serious harm to himself or others if he is allowed to remain at liberty; admission to a mental health facility in accordance with the procedure set forth in this subdivision shall be referred to as a medical certification admission; or

2 (2) Written application under oath to the facility by a health officer, caseworker or law-enforcement officer stating his belief that the individual, because of symptoms of mental illness, mental retardation or addiction, is likely to cause serious harm to himself or others if not immediately restrained and the grounds for such belief and certification by at least one physician or one psychologist that he has examined the individual and that he is of the opinion the individual is mentally ill, mentally retarded or addicted and because of his mental illness, mental retardation or addiction he is likely to cause serious harm to himself or others if not immediately restrained. Admission to a mental health facility in accordance with the procedures set forth in this subdivision (2) shall be referred to as an emergency admission.

(b) Any individual with respect to whom such certification has been issued may not be admitted on the basis thereof at any time after the expiration of three days from the date of such examination in the case of emergency admission with one physician's or psychologist's certificate in accordance with subdivision (2), subsection (a) of this section or fifteen days from the first examination in the case of medical certification ad-
mission in accordance with subdivision (1) of subsection (a) of this section. A certification under this section must include findings and conclusions of the mental examination, the date, time and place thereof, and the facts upon which the conclusion of likelihood of causing serious harm is based. The chief medical officer may, with the approval of the director of mental health, transfer such individual to a state hospital or to another similar type of mental health facility after determining that no less restrictive treatment alternative is suitable or available. The chief medical officer of the mental health facility admitting the individual shall forthwith make a report thereof to the director of mental health.

When an individual is admitted to a mental health facility pursuant to the provisions of this section, the chief medical officer thereof shall immediately give notice of the individual's admission to the individual's spouse, if any, and the individual's parents or parent or guardian, or if there be no such spouse, parents, parent or guardian, to two of the individual's adult next of kin. The notice shall be in writing and shall be transmitted to such person or persons at his, her or their last known address by certified or registered mail, return receipt requested.

(c) After the individual's admission to a mental health facility, he shall not be detained more than three days unless, within such period, the individual is examined by two staff physicians or one staff psychologist and one staff physician and the likelihood that the individual will cause serious harm to himself or others is confirmed by such physicians, or psychologist and physician. The physicians, or psychologists and physician may jointly examine the individual but must make separate, independent and signed evaluations of his condition.

(d) If, on the basis of the examination by the two staff physicians, or one staff psychologist and one staff physician the chief medical officer determines that the individual should continue to be hospitalized, a written request for a hearing shall be sent to the clerk of the circuit court of the county of the individual's residence or to the clerk of the circuit court of the county where he was found within five days after the person's admission. Within a reasonable time after receipt of the re-
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quest, the circuit court or mental hygiene commissioner shall conduct a hearing pursuant to section four of this article on the question of the individual's mental health and the need for his further hospitalization, but in no event shall such hearing be held later than twenty days after the admission of the individual to a mental health facility: Provided, That on the verified motion of the individual, the hearing may be continued for a period of time not to exceed ten days.

(e) Unless he chooses to change his status to that of voluntary hospitalization, an individual hospitalized pursuant to this section shall be released without fail:

(1) Within three days after his admittance to a mental health facility, unless he has been examined by two staff physicians or one staff psychologist and one staff physician both of whom confirm in writing that the individual is likely to cause serious harm to himself or others if not immediately restrained; or

(2) Within five days after his admittance to a mental health facility, unless the chief medical officer has sent a written request within such time, to the clerk of the circuit court of the county of which the individual is a resident or where he was found for a hearing on the question of the individual's mental condition and the need for further hospitalization; or

(3) Within twenty days after his admittance to a mental health facility, unless a hearing has been conducted pursuant to the provisions regarding legal proceedings for involuntary hospitalization and a determination and order made as prescribed therein on the question of the individual's mental condition or unless the individual has moved for a continuance for a reasonable amount of time.

§27-5-4. Legal proceedings for involuntary hospitalization.

(a) Proceedings for the involuntary hospitalization of an individual may be commenced by the filing of a written application under oath and the certificate or affidavit as hereinafter provided with the clerk of the circuit court or mental hygiene commissioner of the county of which the individual is a resident or with the clerk of the circuit court
or mental hygiene commissioner of the county where he may be found, by his parents or parent, guardian, spouse, adult next of kin or friend, or by a physician, psychologist, a health officer or caseworker familiar with the case of the individual, or the head of any institution in which such individual may be.

Such application shall be made under oath and shall state the belief of the applicant that because of symptoms of mental illness, mental retardation or addiction, the individual is likely to cause serious harm to himself or others and the grounds for such belief. The written application, certificate, affidavit and any warrants issued pursuant thereto, including any papers and documents related thereto filed with any circuit court or mental hygiene commissioner for the involuntary hospitalization of any individual shall not be open to inspection by any person other than the individual, except upon authorization of the individual or his legal representative or by order of the circuit court and such records shall not be published except upon the authorization of the individual or his legal representative. Such applicant shall file with his application the certificate of a physician or a psychologist stating that in his opinion the individual is mentally ill, mentally retarded or addicted and that because of his mental illness, mental retardation or addiction, the individual is likely to cause serious harm to himself or others if he is allowed to remain at liberty and therefore he should be hospitalized or, in lieu of said certificate, an affidavit by the applicant showing facts that the individual has refused to submit to examination by a physician or a psychologist.

(b) Upon receipt of an application, the clerk of the circuit court shall give notice thereof to the individual and to the individual's spouse, parents or parent or guardian, or, if the individual does not have a spouse, parents or parent or guardian, to the individual's adult next of kin. Such notice shall be given within ten days after receipt of the application by the clerk of the circuit court and shall be served on such person or persons at his or their last known address by certified or registered mail, return receipt requested.

The notice served on the individual shall specify the nature
of the charges against him, the facts underlying and supporting
the application for his involuntary commitment, and shall ad-
vise him of his right to have counsel appointed for him and to
consult with counsel at every stage of the proceedings.

Within a reasonable time after notice of the commencement
of proceedings is given, the circuit court or mental hygiene
commissioner shall appoint two physicians or a physician and
psychologist, other than the physician or psychologist whose
certification may have accompanied the application under this
section to the circuit court or mental hygiene commissioner,
to examine the individual and report to the circuit court or
mental hygiene commissioner their findings as to the mental
condition of the individual and the likelihood of his causing
serious harm to himself or others. The physicians or physician
and psychologist may jointly examine the individual, but must
make separate, independent and signed evaluations of this
condition stating the facts upon which the conclusions therein
are based.

If the designated physicians or physician and psychologist
report to the circuit court or mental hygiene commissioner that
the individual has refused to submit to an examination, the
circuit court or mental hygiene commissioner shall order him
to submit to such examination. The circuit court may enter an
order directing the individual to be taken into custody, but
not incarcerated in a jail or penal institution, for the purpose
of an immediate examination by the designated physicians or
physician and psychologist. All such orders shall be directed
to the sheriff of the county or other appropriate law-enforce-
ment officer. After such examination has been completed, the
individual shall be released from custody unless such custody is
in a mental health facility pursuant to an emergency hospitaliz-
ation as provided for in section two of this article. If the re-
ports of the appointed physician or physicians and psycholo-
gists do not confirm that the individual is mentally ill, men-
tally retarded or addicted and might be harmful to himself
or others, then the proceedings for his involuntary hospitaliz-
ation shall be dismissed.

The circuit court or mental hygiene commissioner shall
forthwith fix a date for and have the clerk of the circuit court
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The individual shall be present at the hearing and he, the applicant and all persons entitled to notice of such hearing shall be afforded an opportunity to testify and to present and cross-examine witnesses. In the event that the individual has not retained counsel, the court or mental hygiene commissioner at least seven days prior to hearing shall appoint a competent attorney, who shall be present at the hearing and protect the interests of the individual, and the circuit court, by order of record, may allow the attorney a reasonable fee not to exceed the amount allowed for attorneys in felony cases by section one, article two, chapter sixty-two of this code. Any counsel representing an individual shall be entitled to copies of all medical reports, psychiatric or otherwise. The individual shall have the right to have an examination by an independent expert of his choice and testimony from such expert as a medical witness on his behalf. The cost of such independent expert shall be borne by the patient unless he is indigent. The circuit court or mental hygiene commissioner shall hear evidence from all interested parties in chambers, including testimony from representatives of the community mental health facility. The individual shall not be compelled to be a witness against himself. The circuit court or mental hygiene commissioner shall receive all relevant and material evidence which may be offered.
The circuit court or mental hygiene commissioner shall be bound by the rules of evidence except that statements made to physicians or psychologists by the individual may be admitted into evidence by the physician's or psychologist's testimony notwithstanding failure to inform the individual that this statement may be used against him. Any psychologist or physician testifying shall bring all records pertaining to said individual to said hearing. Such medical evidence obtained pursuant to an examination under this section, or section two, or section three of this article, is not privileged information for purposes of a hearing pursuant to this section. A transcript or recording shall be made of all proceedings, whether before the circuit court or mental hygiene commissioner, and a transcript made available to the individual or his counsel within thirty days, if the same is requested for the purpose of an appeal. In any case wherein an indigent person seeks an appeal, the circuit court shall, by order entered of record, authorize and direct the court reporter to furnish a transcript of the hearing and the costs of such transcript shall be paid by the county wherein the hearing was held.

(d) Upon completion of the hearing, and the evidence presented therein, the circuit court or mental hygiene commissioner shall make findings as to whether or not (1) the individual is mentally ill, mentally retarded or addicted and because of his illness, retardation or addiction is likely to cause serious harm to himself or to others if allowed to remain at liberty and (2) is a resident of the county in which the hearing is held or currently is a patient at a mental health facility in such county. The circuit court or mental hygiene commissioner shall also make a finding as to whether or not there is a less restrictive alternative than commitment appropriate for the individual. The burden of proof of the lack of a less restrictive alternative than commitment shall be on the person or persons seeking the commitment of the individual.

The findings of fact shall be incorporated into the order entered by the circuit court and must be based upon clear, cogent and convincing proof. Upon the requisite findings, the circuit court may order the individual to a mental health facility for an indeterminate period or for a temporary observatory period not exceeding six months. If the order is for a
temporary observation period, the circuit court or mental hygiene commissioner may, at any time prior to the expiration of such period on the basis of a report by the chief medical officer of the mental health facility in which the patient is confined and such further inquiry as may seem appropriate, order indeterminate hospitalization of the patient or dismissal of the proceedings. An order for an indeterminate period shall expire of its own terms at the expiration of two years from the date of the last order of commitment.

If the circuit court or mental hygiene commissioner finds that the individual is not mentally ill, mentally retarded or addicted, the proceeding shall be dismissed. If the circuit court or mental hygiene commissioner finds that the individual is mentally ill, mentally retarded or addicted but is not because of such illness, retardation or addiction likely to cause serious harm to himself or others if allowed to remain at liberty, the proceedings shall be dismissed.

(e) The clerk of the circuit court in which an order directing hospitalization is entered, if not in the county of the individual's residence, shall immediately upon entry thereof forward a certified copy of same to the clerk of the circuit court of the county of which the individual is a resident.

If the circuit court or mental hygiene commissioner is satisfied that hospitalization should be ordered but finds that the individual is not a resident of the county in which the hearing is held, and the individual is not currently a resident of a mental health facility, a transcript of the evidence adduced at the hearing of such individual, certified by the clerk of the circuit court, shall forthwith be forwarded to the clerk of the circuit court of the county of which such individual is a resident, who shall immediately present such transcript to the circuit court or mental hygiene commissioner of said county. If the circuit court or mental hygiene commissioner of the county of the residence of the individual is satisfied from the evidence contained in such transcript that such individual should be hospitalized as determined by the standards set forth above, the circuit court shall order the appropriate hospitalization as though the individual had been brought before the circuit court or its mental hygiene commissioner in the first instance.
This order shall be transmitted forthwith to the clerk of the circuit court of the county in which the hearing was held who shall execute said order promptly.

(f) In lieu of ordering the patient to a mental health facility, the circuit court may order the individual delivered to some responsible person who will agree to take care of the individual and the circuit court may take from such responsible person a bond in an amount to be determined by the circuit court, with condition to restrain and take proper care of such individual until further order of the court.

(g) If the individual found to be mentally ill, mentally retarded or addicted by the circuit court or mental hygiene commissioner is a resident of another state, this information shall be forthwith given to the director of mental health, who shall make appropriate arrangements for his transfer to the state of his residence conditioned on the agreement of the individual except as qualified by the interstate compact on mental health.

(h) The chief medical officer of a mental health facility admitting a patient pursuant to proceedings under this section shall forthwith make a report of such admission to the director of mental health.

(i) The state shall pay the attorney fees and commissioner fees out of a special fund to be established within the office of the state auditor to be known as the "mental hygiene fund." The county court shall pay out of the county treasury all other expenses incurred in the hearings conducted under the provisions of this article, whether or not hospitalization is ordered, including any fee allowed by the circuit court by order entered of record for any physician, psychologist and other witnesses.

ARTICLE 6A. COMMITMENT OF PERSONS CHARGED OR CONVICTED OF A CRIME.

§27-6A-1. Determination of competency of defendant to stand trial; examination; commitment.

(a) Whenever a court of record believes that a defendant in a felony case or a defendant in a misdemeanor case in which an indictment has been returned may be incompetent to
stand trial or is not criminally responsible by reason of mental illness, mental retardation or addiction, it may at any stage of the proceedings after the return of an indictment or the issuance of a warrant against the defendant, order an examination of such defendant to be conducted by one or more psychiatrists, or a psychiatrist and a psychologist.

(b) After the examination described in subsection (a) of this section, the court of record may order that the person be admitted to a mental health facility designated by the director of mental health for a period not to exceed twenty days for observation and further examination if the court has reason to believe that such further observation and examination are necessary in order to determine whether mental illness, mental retardation or addiction have so affected a person that he is not competent to stand trial or not criminally responsible for the crime or crimes with which he has been charged. If, before the expiration of such twenty-day period, the examining physician believes that observation for more than twenty days is necessary, he shall make a written request to the court of record for an extension of the twenty-day period specifying the reason or reasons for which such further observation is necessary. Upon the receipt of such request, the court of record may by order extend said observation period, but in no event shall the period exceed forty days from the date of the initial court order of observation.

(c) At the conclusion of each examination or observation period provided for herein, the examining psychiatrists, or psychiatrist and psychologist, shall forthwith give to the court of record a written signed report of their findings on the issue of competence to stand trial or criminal responsibility. Such report shall contain an opinion, supported by clinical findings, as to whether or not the defendant is in need of care and treatment.

(d) Within five days after the receipt of the report on the issue of competency to stand trial, or if no observation pursuant to subsection (b) of this section has been ordered, within five days after the report on said issue following an examination under subsection (a) of this section, the court
of record shall make a finding on the issue of whether the
defendant is competent for trial. A finding of incompetence
for trial shall require proof by a preponderance of the
evidence. Notice of such findings shall be sent to the
prosecuting attorney, the defendant and his counsel. If the
court of record orders or if the defendant or his counsel
on his behalf within a reasonable time requests a hearing on
such findings, a hearing in accordance with section two of
this article shall be held by the court of record within ten
days of the date such finding or such request has been made.

(e) After a conviction and prior to sentencing, the court of
record may order a psychiatric or other clinical examination
and, after such examination, may further order a period of
observation in a mental health facility designated by the
director of mental health. Such period of observation or
examination shall not exceed forty days.

If after hearing conducted pursuant to the procedures
prescribed in subsection (c), section four, article five of this
chapter, the court of record makes the findings specified in
section four, article five of this chapter or finds that the
convicted individual would benefit from treatment in a mental
health facility, the court may enter an order of commitment
in accord with section four, article five for treatment in a
mental health facility designated by the director of mental
health.

(f) In like manner, in accordance with procedures set
forth in subsections (a), (b) and (c) of this section, a juvenile
court may order a psychiatric examination or a period of
observation for an alleged delinquent or neglected juvenile
in a mental health facility to aid the court in its disposition.
The period of observation shall not exceed forty days.

ARTICLE 7. RELEASE, DISCHARGE AND READMISSION OF PA-
TIENTS; ESCAPEES.

§27-7-1. Discharge.
§27-7-2. Release of patients on convalescent status.
§27-7-3. Release as unimproved.
§27-7-4. Readmission of patients.
§27-7-5. Return of escapees; veterans.

§27-7-1. Discharge.

1 The chief medical officer of the mental health facility shall
continually review the case of each individual who is an involuntary patient at the facility pursuant to article five of this chapter and shall as frequently as practicable, in any event at least once every three months, cause a complete psychiatric examination of each patient, and whenever it is determined that the conditions justifying involuntary hospitalization no longer exist or that the individual can no longer benefit from hospitalization, the chief medical officer shall discharge the patient, and forward a copy of the patient's discharge to the clerk of the circuit court or mental hygiene commissioner of the county in which the involuntary hospitalization was ordered and to the circuit court or mental hygiene commissioner of the county wherein the individual is a resident. In the event that the individual was relieved of legal capacity pursuant to article eleven of this chapter, the discharge restores the individual to legal capacity.

§27-7-2. Release of patients on convalescent status.

The chief medical officer of a mental health facility may release an involuntary patient on convalescent status (trial visit) when the chief medical officer believes such release is in the best interest of the patient. Release on convalescent status shall include provisions for continuing responsibility to and by a mental health facility, not necessarily the facility in which the patient was previously hospitalized, including a plan of treatment on an outpatient basis to insure that the patient receives whatever care and treatment he might require. At the end of six months on convalescent status, the patient must be discharged from any involuntary commitment order that might have been entered against him and he cannot be involuntarily returned to any mental health facility unless a new commitment proceeding has been instituted against him. When a patient released on convalescent status is discharged from his involuntary commitment, it shall be the responsibility of the chief medical officer of the mental health facility of which the individual was a patient prior to being placed on convalescent status to immediately make a report of the discharge of the patient to the circuit court or mental hygiene commissioner of the county in which the involuntary hospitalization was ordered and to the circuit court or mental
§27-7-3. Release as unimproved.

The chief medical officer of a mental health facility may release an involuntary patient as unimproved when any person requests the patient's release and is willing and able to take proper care of the patient outside the mental health facility. In the event that a patient is released to a responsible person, a report shall be made by such person at least once every six months to the chief medical officer of the mental health facility. No discharge shall be given to said patient until he has returned to the mental health facility for examination by the chief medical officer and he has determined that said patient is no longer in need of hospitalization.

When a patient is released from a mental health facility as unimproved, it shall be the responsibility of the chief medical officer of the mental health facility of which the individual was a patient prior to being released as unimproved to immediately make a report of the discharge of the patient to the circuit court or mental hygiene commissioner of the county in which the involuntary hospitalization was ordered and to the circuit court or mental hygiene commissioner of the county wherein the individual is a resident.

§27-7-4. Readmission of patients.

While any involuntary patient is out of the mental health facility under the provisions of section two or section three of this article, he may be readmitted to the mental health facility on the basis of the original commitment. If there is reason to believe that it is in the best interest of the patient to be hospitalized, the chief medical officer of the mental health facility may issue a sworn notice for the immediate re-hospitalization of the patient which notice shall contain facts concerning the condition of the patient. This notice shall be sent to the circuit court or mental hygiene commissioner or to the clerk of the circuit court which ordered his admission as the case may be, and to the clerk of the circuit court of the county of the patient's residence. Upon receipt of such notice, the circuit court may, if satisfied that the condition of the patient warrants his return, authorize any health officer
or police officer to take the patient into custody and transport him to a mental health facility where the notice originated.

§27-7-5. Return of escapees; veterans.

If any person confined in a mental health facility, pursuant to article five or six-a of this chapter, escapes therefrom, the chief medical officer thereof may issue a notice, giving the name and description of the person escaping and requesting the patient's apprehension and return to the mental health facility. The chief medical officer may issue an order directed to the sheriff of the county in which the patient is a resident, commanding him to take into custody and transport such escaped person back to the mental health facility, which order the sheriff may execute in any part of the state. If such person goes to another state, the chief medical officer may notify the director of mental health and the director may take such action as he may deem proper for the return of such person to the mental health facility.

If any veteran duly committed to a veterans' hospital or other veterans' institution, either within or without the state, escapes therefrom and any person makes complaint, under oath, to the clerk of the circuit court of the county from which such veteran was so committed upon the order of the circuit court, giving such information and stating such facts therein as may be required, or if any veteran duly committed to a veterans' hospital or other veterans' institution, either within or without the state, escapes therefrom and the chief medical officer of such hospital or institution issues a notice to the clerk of the circuit court of the county from which such veteran was so committed upon the order of the circuit court, giving the name and description of such veteran and requesting his apprehension and return to such hospital or institution, the circuit court upon receipt of such complaint or of such notice, may issue an order directed to the sheriff of the county from which the veteran was so committed commanding him to take into custody and transport such veteran back to such hospital or institution, which order the sheriff may execute in any part of the state.

The sheriff or other person taking any person into custody
under this section shall be paid such compensation as is
provided for like services in other cases.
A person who is taken into custody under this section may
be detained, but not incarcerated in a jail or penal institution,
for a period not in excess of fourteen hours, pending return
to the appropriate mental health facility.

ARTICLE 11. COMMITTEE; DISPOSITION OF PROPERTY.

§27-11-1. Committees; appointment.

(a) The county commission of a person's residence may ap-
point a committee for a person found to be incompetent. Any
finding of incompetency under this article shall be made
separately and at a different proceeding from any finding of
mental illness, mental retardation or addiction under article four
or five of this chapter.

(b) Proceedings for the appointment of a committee for an
alleged incompetent may be commenced by the filing of a
verified petition of a person setting forth the facts showing the
incompetency of an individual with the county commission. Up-
on receipt of a petition, the clerk of the county commission shall
give notice of the hearing thereon to the individual and to the
individual's spouse, or if the individual does not have a spouse,
to the individual's adult next of kin. Such notice and petition
shall be served upon the individual at least ten days prior to
hearing thereon and shall state the purpose of the hearing
and advise the individual of his rights with respect thereto.
The individual shall appear at the hearing, to testify, to pre-
sent and cross-examine witnesses. In the event that the indi-
vidual cannot retain counsel, the county commission shall ap-
point a competent attorney for the individual. The individual
shall have the right to an examination by an independent expert
of his choice and testimony from such expert as a medical wit-
ness on his behalf. A transcript or recording shall be made of
all proceedings. A transcript shall be made available to the
individual or his counsel within thirty days, if the same is
requested for purposes of appeal. In any case wherein an indi-
gent person seeks an appeal, the circuit court shall, by order
entered of record, authorize and direct the court reporter to
furnish a transcript of the hearing and the costs of such tran-
script shall be paid by the county wherein the hearing was held.
(c) Upon completion of the hearing and upon the evidence presented therein the county commission may find that (i) the individual is unable to manage his business affairs, or (ii) the individual is unable to care for his physical well-being, or (iii) both, and is therefore incompetent; or (iv) that the person is competent. Evidence of mere poor judgment or of different life style shall not be competent evidence upon which to base a finding of incompetency.

(1) "Unable to manage one's business affairs" means the inability to know and appreciate the nature and effect of his business transactions, notwithstanding the fact that he may display poor judgment.

(2) "Unable to care for one's physical well-being" means the substantial risk of physical harm to himself as evidenced by conduct demonstrating that he is dangerous to himself, notwithstanding the fact that he may display poor judgment.

If the county commission finds the person to be competent, the proceedings shall be dismissed. No appointment of a committee shall be made on evidence which is uncorroborated by the testimony of a medical expert. If the individual refuses to submit to an examination by a physician, the circuit court may upon petition, issue a rule against the individual to show cause why the individual should not submit to an examination. A copy of the petition shall accompany service of the rule and such rule shall be returnable at a time to be fixed by the court.

(d) The extent of the committee's authority shall be specified in the order of the county commission. No authority of a committee shall extend beyond what is necessary for the protection of the individual. A finding of inability to care for one's physical well-being shall entitle the committee to custody of the individual, except when the individual is under a commitment order to a mental health facility, but only to the extent as is necessary for the protection of the individual.

(e) An individual found incompetent pursuant to subsection (c) of this section shall have the right to an appeal and hearing thereon in the circuit court of the county. The judge shall hear the matter on appeal as provided in article three, chapter fifty-eight of this code or order a hearing de novo on the matter.
(f) The individual or any person may apply to the county commission in the manner provided by subsection (b) of this section for termination of his committee at any time and appeal from a determination thereon in the manner provided by this section; or in the alternative, the individual may seek such termination by habeas corpus.

CHAPTER 152
(S. B. 199—By Mr. Williams)

[Passed February 17, 1975; in effect ninety days from passage. Approved by the Governor.]

AN ACT to authorize and empower the director of the department of mental health to transfer a certain parcel of real estate, located in Greenbrier county and owned by that department, to the county commission of Greenbrier county.

Be it enacted by the Legislature of West Virginia:

GREENBRIER COUNTY—“NORTH HOUSE.”

§1. Director of the department of mental health authorized to transfer certain department-owned land to the county of Greenbrier.

The director of mental health is hereby authorized and empowered to transfer to the county commission of Greenbrier county, a tract of land, together with the improvements thereon and the appurtenances thereunto belonging, owned by the department, consisting of three-fourths acres, more or less, known as “North House” situated and located in Greenbrier county.

CHAPTER 153
(S. B. 246—By Mr. Rogerson)

[Passed March 8, 1975; in effect July 1, 1975. Approved by the Governor.]

AN ACT to amend and reenact sections eight, ten, eleven and twenty-three, article one, chapter twenty-two of the code
of West Virginia, one thousand nine hundred thirty-one, as amended; to amend and reenact section five, article three of said chapter; relating to mine safety instructors; qualifications; employment; compensation; tenure; oath; bond; employment of electrical inspectors; qualifications; salary and expenses; tenure; oath; bond; eligibility for appointment as mine inspector; qualifications; salary and expenses; removal; mine foreman examiner for mine foremen fire bosses and assistant mine foremen-fire bosses; salary; employment of inspectors for open-pit mines, cement manufacturing plants and underground limestone and sandstone mines; qualifications; eligibility for appointment; tenure; salary and expenses.

Be it enacted by the Legislature of West Virginia:

That sections eight, ten, eleven and twenty-three, article one, chapter twenty-two, of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted, and that section five, article three, chapter twenty-two of said code be amended and reenacted, all to read as follows:

Article
1. Administration; Enforcement.

ARTICLE 1. ADMINISTRATION; ENFORCEMENT.

§22-1-8. Mine safety instructors; qualifications; employment; compensation; tenure; oath; bond.

§22-1-10. Employment of electrical inspectors; qualifications; salary and expenses; tenure; oath; bond.

§22-1-11. Eligibility for appointment as mine inspector; qualifications; salary and expenses; removal.

§22-1-23. Mine foreman examiner for mine foremen-fire bosses and assistant mine foremen-fire bosses; salary.

§22-1-8. Mine safety instructors; qualifications; employment; compensation; tenure; oath; bond.

1. The department shall employ eleven or more mine safety instructors. To be eligible for employment as a mine safety instructor, the applicant shall be (1) a citizen of West Virginia, in good health, not less than twenty-five nor more than sixty-five years of age, and of good character, reputation and temperate habits, and (2) a
person who has had at least five years' experience in first aid and mine rescue work and who has had practical experience with dangerous gases found in coal mines, and who has a practical knowledge of mines, mining methods, mine ventilation, sound safety practices, and applicable mining laws.

In order to qualify for appointment as a mine safety instructor, an eligible applicant shall submit to a written and oral examination, given by the mine inspectors' examining board. The examination shall relate to the duties to be performed by a safety instructor and may, subject to the approval of the mine inspectors' examining board, be prepared by the director of West Virginia department of mines.

If the board finds after investigation and examination that the applicant (1) is eligible for appointment, and (2) has passed all oral and written examinations with a grade of at least eighty percent, the board shall add such applicant's name and grade to a register of qualified eligible candidates and certify its action to the director of the department of mines. The director may then appoint one of the candidates from the three having the highest grades.

The salary for a mine safety instructor shall be not less than eleven thousand two hundred fifty dollars per year, with graduations of two hundred seventy dollars annually for a ten-year period and shall be fixed by the director of the department of mines, who shall take into consideration ability, performance of duty, and experience. Such instructor shall devote all of his time to the duties of his office. No reimbursement for traveling expenses shall be made except on an itemized accounting for such expenses submitted by the instructor, who shall verify upon oath that such expenses were actually incurred in the discharge of his official duties.

Except as expressly provided in this section to the contrary, all provisions of this article relating to the eligibility, qualification, appointment, tenure and re-
m o v a l of mine inspectors shall be applicable to mine
safety instructors.

§22-1-10. Employment of electrical inspectors; qualifications;
salary and expenses; tenure; oath; bond.

1 The department shall employ five or more electrical
inspectors. To be eligible for employment as an electric-
ical inspector, the applicant shall be: (1) A citizen and
resident of West Virginia, in good health, not less than
twenty-five nor more than fifty-five years of age, and
of good character, reputation and of temperate habits;
and (2) a person who has had seven years' practical
electrical experience in coal mines, or a degree in elec-
trical engineering from an accredited electrical engineer-
ing school and one year's practical experience in under-
ground coal mining.

2 In order to qualify for appointment as a mine elec-
trical inspector, an eligible applicant shall submit to a
written and oral examination given by the mine inspec-
tors' examining board. The examination shall relate to
the duties to be performed by an electrical inspector. If
the board finds after investigation and examination that
the applicant (1) is eligible for appointment and (2) has
passed all oral and written examinations with a grade
of at least ninety percent, the board shall add such
applicant's name and grade to a register of qualified
eligible candidates and certify its action to the director
of the department of mines. The director may then
appoint one of the candidates from the three having the
highest grade.

3 The salary of a mine electrical inspector shall be
not less than sixteen thousand three hundred twenty-
five dollars per year, with graduations of two hun-
dred seventy dollars annually for a ten-year period,
and shall be fixed by the director of the department
of mines, who shall take into consideration ability, per-
formance of duty, and experience. No reimbursement
for traveling expenses shall be made except on an item-
ized accounting for such expense submitted by the elec-
trical inspector, who shall verify upon oath that such
expenses were actually incurred in the discharge of his official duties.

Mine electrical inspectors, before entering upon the discharge of their duties, shall take and subscribe to the oath and shall execute a bond in the same penal sum, with surety approved by the director of the department of mines, all as is required by this article in the case of mine inspectors.

Except as expressly provided in this section to the contrary, all provisions of this article relating to the eligibility, qualifications, appointment, tenure and removal of mine inspectors shall be applicable to mine electrical inspectors.

§22-1-11. Eligibility for appointment as mine inspector; qualifications; salary and expenses; removal.

(a) No person shall be eligible for appointment as a mine inspector unless, at the time of his probationary appointment, he (1) is a citizen of West Virginia, in good health, not less than thirty nor more than fifty-five years of age, and of good character, reputation and temperate habits; (2) has had at least ten years' practical experience in coal mines, at least five years of which, immediately preceding his original appointment, shall have been in mines in this state: Provided, That graduation from any accredited college of mining engineering shall be considered the equivalent of two years' practical experience; (3) has had practical experience with dangerous gases found in coal mines; and (4) has a good theoretical and practical knowledge of mines, mining methods, mine ventilation, sound safety practices and applicable mining laws.

(b) In order to qualify for appointment as a mine inspector, an eligible applicant shall submit to a written and oral examination by the mine inspectors' examining board and furnish such evidence of good health, character and other facts establishing eligibility as the board may require. If the board finds after investigation and examination that an applicant: (1) Is eligible for
appointment and (2) has passed all written and oral examinations, with a grade of at least eighty percent, the board shall add such applicant's name and grade to the register of qualified eligible candidates and certify its action to the director of the department of mines. No candidate's name shall remain in the register for more than three years without requalifying.

(c) Salaries of district inspectors shall not be less than fifteen thousand three hundred dollars per year, with graduations of two hundred seventy dollars annually for a ten-year period; assistant inspector-at-large, not less than sixteen thousand eight hundred seventy-five dollars per year, with graduations of two hundred seventy dollars annually for a ten-year period; inspectors-at-large, not less than eighteen thousand dollars per year, with graduations of two hundred seventy dollars annually for a ten-year period, and they shall receive mileage at the rate of not less than ten cents for each mile actually traveled in the discharge of their official duties in a privately owned vehicle. Within the limits provided by law, the salary of each inspector shall be fixed by the director of the department of mines, subject to the approval of the mine inspectors' examining board. In fixing salaries of mine inspectors, the director of the department of mines shall consider ability, performance of duty and experience. No reimbursement for traveling expenses shall be made except upon an itemized account of such expenses submitted by the inspector, who shall verify upon oath, that such expenses were actually incurred in the discharge of his official duties.

(d) Any mine inspector who has fulfilled the requirements of this section with respect to employment and who has served satisfactorily as a mine inspector for a minimum period of one year and who has terminated his employment as a mine inspector, upon successfully passing a physical examination, may be reinstated as a mine inspector within two years after terminating his employment with
the approval of the examining board and the director of the department of mines.

(e) A mine inspector, after having received a permanent appointment, shall be removed from office only for physical or mental impairment, incompetency, neglect of duty, drunkenness, malfeasance in office, or other good cause.

Proceedings for the removal of a mine inspector may be initiated by the director of the department of mines whenever he has reasonable cause to believe and does believe that adequate cause exists, warranting removal. Such a proceeding shall be initiated by a verified petition, filed with the board by the director of the department of mines, setting forth with particularity the facts alleged. Not less than twenty reputable citizens, who are operators or employees in mines in the state, may petition the director of the department of mines for the removal of a mine inspector. If such petition is verified by at least one of the petitioners, based on actual knowledge of the affiant and alleged facts, which, if true, warrant the removal of the inspector, the director of the department of mines shall cause an investigation of the facts to be made. If, after such investigation, the director finds that there is substantial evidence, which, if true, warrants removal of the inspector, he shall file a petition with the board requesting removal of the inspector.

On receipt of a petition by the director of the department of mines seeking removal of a mine inspector, the board shall promptly notify the inspector to appear before it at a time and place designated in said notice, which time shall be not less than fifteen days thereafter. There shall be attached to the copy of the notice served upon the inspector a copy of the petition filed with the board.

At the time and place designated in said notice, the board shall hear all evidence offered in support of the petition and on behalf of the inspector. Each witness shall be sworn, and a transcript shall be
made of all evidence taken and proceedings had at any such hearing. No continuance shall be granted except for good cause shown. The chairman of the board and the director of the department of mines shall have power to administer oaths and subpoena witnesses.

Any mine inspector who shall willfully refuse or fail to appear before the board, or having appeared, shall refuse to answer under oath any relevant question on the ground that his testimony or answer might incriminate him, or shall refuse to waive immunity from prosecution on account of any relevant matter about which he may be asked to testify at any such hearing before the board, shall forfeit his position.

If, after hearing, the board finds that the inspector should be removed, it shall enter an order to that effect. The decision of the board shall be final and shall not be subject to judicial review.

§22-1-23. Mine foreman examiner for mine foremen-fire bosses and assistant mine foremen-fire bosses; salary.

The director of the department of mines shall appoint a mine foreman examiner to examine and certify mine foremen-fire bosses, assistant mine foremen-fire bosses and mine examiners or fire bosses. Such mine foremen examiners shall be paid a minimum salary of thirteen thousand five hundred dollars per year.

ARTICLE 3. OPEN-PIT MINES, CEMENT MANUFACTURING PLANTS AND UNDERGROUND LIMESTONE AND SANDSTONE MINES.

§22-3-5. Inspectors.

The director of the department of mines shall divide the state into not more than two mining districts and assign one inspector to each district. Such inspector shall be a citizen of West Virginia, in good health, of good character and reputation, temperate in habits, having a minimum of five years of practical experience in such mining operations and at the time of his appointment is not more than fifty-five years of age. To qualify for appointment as such an inspector, an eligible applicant
shall submit to a written and oral examination by the mine inspectors' examining board and furnish such evidence of good health, character and other facts establishing eligibility as the board may require. If the board finds after investigation and examination that an applicant: (1) Is eligible for appointment and (2) has passed all written and oral examinations, with a grade of at least ninety percent, the board shall add such applicant's name and grade to the register of qualified eligible candidates and certify its action to the director of the department of mines. No candidate's name shall remain in the register for more than three years without requalifying.

Such inspector shall have the same tenure accorded a mine inspector, as provided in subsection (d), section eight, article one of this chapter and shall be paid not less than eleven thousand one hundred dollars per year with graduations of two hundred seventy dollars annually for a ten-year period. Such inspector shall also receive reimbursement for traveling expenses at the rate of not less than fifteen cents for each mile actually traveled in the discharge of their official duties in a privately owned vehicle. Such inspector shall also be reimbursed for any expense incurred in maintaining an office in his or her home, which office is used in the discharge of official duties: Provided, That such reimbursement shall not exceed two hundred forty dollars per annum.

CHAPTER 154

(5. B. 443—By Mr. Rogerson)

[Passed March 7, 1975; in effect from passage. Approved by the Governor.]

AN ACT to amend and reenact section eleven, article twenty-four, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating
to disposal of junked and abandoned motor vehicles, old vehicle tires and inoperative and abandoned household appliances, collection of portion of fee on issuance of certificate of title to new motor vehicles for deposit in abandoned and junked property fund; establishment of such fund; audit.

Be it enacted by the Legislature of West Virginia:

That section eleven, article twenty-four, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE M. DISPOSAL OF ABANDONED MOTOR VEHICLES, JUNKED MOTOR VEHICLES, OLD VEHICLE TIRES AND ABANDONED OR INOPERATIVE HOUSEHOLD APPLIANCES.

§17-24-11. Collection of portion of fee on issuance of certificate of title to new motor vehicles for deposit in abandoned and junked property fund; establishment of such fund; audit.

One dollar of the fee collected by the department of motor vehicles for the issuance of a certificate of title to a new motor vehicle on and after the effective date of this article shall be transmitted by such department of motor vehicles to the state treasurer and deposited by him in the “Abandoned and Junked Property Fund,” hereinafter in this section established: Provided, That no further transmittals shall be made after a total of two hundred thousand dollars has been so collected and deposited in such fund.

There is hereby established a special fund in the state treasury which is hereby designated the “Abandoned and Junked Property Fund.” The state treasurer shall quarterly transfer to the account of the department of highways one fourth of all moneys appropriated by the Legislature for implementation of the provisions of this article, and shall quarterly transfer to such account all fees collected and deposited in such special fund, as aforesaid, to the date of such transfer, and the net proceeds deposited in such special fund, as provided in sec-
tion ten of this article, to the date of such transfer. The moneys, fees and net proceeds transferred to the department of highways and any federal moneys made available for such purpose shall be used to defray all costs incurred in the removal and disposal of property as authorized in this article. The legislative auditor shall quarterly conduct an audit of the funds available to the department of highways for implementation of the provisions of this article.

CHAPTER 155
(S. B. 307—By Mr. Rogerson)

[Passed March 7, 1975; in effect ninety days from passage. Approved by the Governor.]

AN ACT to amend and reenact section two, article seven, chapter seventeen-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to operation of motor vehicles and vehicles by dealers or other persons under special stickers; application and fees; expiration.

Be it enacted by the Legislature of West Virginia:

That section two, article seven, chapter seventeen-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 7. SPECIAL STICKERS.

§17A-7-2. Operation of motor vehicles by dealers or other persons under special stickers; application and fees; expiration.

1 A member of the department of public safety may at any detachment office, upon application therefor on a form prescribed by the commissioner, issue to a licensed dealer or any other person other than those specified in section one of this article a paper sticker or decal to be affixed to the left side of the rear window of a motor
vehicle or to the left rear of a vehicle which is not self-propelled. Such sticker or decal shall be of a size to be designated by the commissioner and shall be serially numbered and shall have provision thereon to indicate the date of issuance thereof. A fee of one dollar per sticker shall be charged and shall be deposited in the state road fund. Such sticker or decal shall be valid for forty-eight hours after its issuance for the operation of a vehicle, whether under its own power or while being towed, one time only over the streets or highways of this state, and upon being once affixed to a vehicle shall become invalid for subsequent use on that or any other vehicle.

CHAPTER 156
(H. B. 1085—By Mr. Seibert)

[Passed February 28, 1975; in effect ninety days from passage. Approved by the Governor.]

AN ACT to amend article eight, chapter seventeen-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section eleven, relating to special antitheft laws; setting forth that certain unlawful acts relating to certificates of title, blank certificates of title or blank registration forms are a felony; and providing a penalty for such offenses.

Be it enacted by the Legislature of West Virginia:

That article eight, chapter seven-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section eleven, to read as follows:

ARTICLE 8. SPECIAL ANTITHEFT LAWS.

\(^{17}\text{A-8-11. Unlawful acts relating to certificates of title, blank certificates of title and blank registration forms; penalty.}

1. Any person who obtains unlawfully or who steals any certificate of title, blank certificate of title or blank registration
form, or any person who knowingly buys, receives, disposes of, sells, offers for sale, or has in his possession any of the above which such person knows or has reason to know has been obtained unlawfully or stolen shall be guilty of a felony, and, upon conviction thereof, shall be confined in the penitentiary not less than one year nor more than ten years.

CHAPTER 157
(H. B. 771—By Mrs. Withrow and Mr. Lewis)

[Passed March 6, 1975; in effect July 1, 1975. Approved by the Governor.]

AN ACT to amend chapter seventeen-b of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article one-b, relating to operator's and chauffeur's licenses; and directing the commissioner to adopt and implement a program to identify anatomical organ donors by appropriate marking on drivers' or chauffeurs' license.

Be it enacted by the Legislature of West Virginia:

That chapter seventeen-b of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, designated article one-b, to read as follows:

ARTICLE 1B. DRIVERS' OR CHAUFFEURS' LICENSE IDENTIFICATION OF ANATOMICAL ORGAN DONORS.

§17B-1B-1. Commissioner to adopt and implement program.
§17B-1B-2. License application to contain space for donor.
§17B-1B-3. Commissioner to publish information and notify other states of program.
§17B-1B-4. Anatomical gift act not affected.

§17B-1B-1. Commissioner to adopt and implement program.

1 The commissioner is hereby directed to adopt and implement a program whereby anatomical organ donors and the anatomical organ or organs to be donated shall be so identified by an appropriate decal, sticker or other marking to be affixed to the drivers' or chauffeurs' license of such person.
§17B-1B-2. License application to contain space for donor.

The commission shall provide space on every application for a driver's or chauffeur's license or renewal thereof in which the applicant may indicate his desire to have such marking on his driver's or chauffeur's license. In addition, any person whose license has not expired or who has already obtained a license may have such marking affixed by the commissioner upon request.

§17B-1B-3. Commissioner to publish information and notify other states of program.

The commissioner shall publish the existence of such program along with information regarding the procedures for having such marking affixed to a license and shall notify his counterparts in each of the other states as to the existence of the program and the significance of the marking.

§17B-1B-4. Anatomical gift act not affected.

No provision of this article shall be construed to modify or repeal any provisions of the anatomical gift act and the actual donation of such anatomical organ shall be in conformity with and subject to all provisions of the anatomical gift act.

CHAPTER 158
(H. B. 682—By Mr. Childers and Mr. Payne)

[Passed February 14, 1975; in effect ninety days from passage. Approved by the Governor.]

AN ACT to amend and reenact section five, article three, chapter seventeen-c of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to traffic-control signal legend; permitting vehicular traffic to turn right after having stopped in obedience to a red or "stop" signal or to make a left turn at any such signal when the left turn is from a one-way street which intersects another one-way street on which traffic moves to the left; and empowering local authorities to
prohibit such right and left turns by ordinance and erection of a sign at any traffic control signal where such turns are prohibited.

*Be it enacted by the Legislature of West Virginia:*

That section five, article three, chapter seventeen-c of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

**ARTICLE 3. TRAFFIC SIGNS, SIGNALS AND MARKINGS.**

**§17C-3-5. Traffic-control signal legend.**

1 Whenever traffic is controlled by traffic-control signals exhibiting the words “go,” “caution” or “stop,” or exhibiting different colored lights successively one at a time, or with arrows, the following colors only shall be used and said terms and lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

(a) Green alone or “go”:

(1) Vehicular traffic facing the signal, except when prohibited under section two, article twelve of this chapter may proceed straight through or turn right or left unless a sign at such place prohibits either such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.

(2) Pedestrians facing the signal may proceed across the roadway within any marked or unmarked crosswalk.

(b) Yellow alone or “caution” when shown following the green or “go” signal:

(1) Vehicular traffic facing the signal is thereby warned that the red or “stop” signal will be exhibited immediately thereafter and such vehicular traffic shall not enter or be crossing the intersection when the red or “stop” signal is exhibited.

(2) Pedestrians facing such signal are thereby advised that there is insufficient time to cross the roadway, and any pedestrian then starting to cross shall yield the right-of-way to all vehicles.
(c) Red alone or "stop":

(1) Vehicular traffic facing the signal shall stop before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until green or "go" is shown alone except as provided in paragraphs (2) and (3) of this subdivision (c).

(2) A vehicle which is stopped in obedience to a red or "stop" signal as close as practicable at the entrance to the crosswalk on the near side of the intersection or, if none, then at the entrance to the intersection, may cautiously make a right turn but such vehicle shall yield the right-of-way to pedestrians lawfully within a crosswalk and to other vehicular traffic proceeding as directed by the signal at said intersection, except that local authorities in their respective jurisdictions may by ordinance prohibit any such right turn against a red or "stop" signal at any intersection within such jurisdiction, which ordinance shall be effective when a sign is erected at such intersection giving notice thereof.

(3) A vehicle which is stopped in obedience to a red or "stop" signal as close as practicable at the entrance to the crosswalk on the near side of the intersection or, if none, then at the entrance to the intersection on a one-way street which intersects another one-way street on which traffic moves to the left, may cautiously make a left turn into said one-way street but such vehicle shall yield the right-of-way to pedestrians lawfully within a crosswalk and to other vehicular traffic proceeding as directed by the signal at said intersection, except that local authorities in their respective jurisdictions may by ordinance prohibit any such left turn against a red or "stop" signal at any intersection within such jurisdiction, which ordinance shall be effective when a sign is erected at such intersection giving notice thereof.

(4) No pedestrian facing such signal shall enter the roadway unless he can do so safely and without interfering with any vehicular traffic.

(d) Red with green arrow:

(1) Vehicular traffic facing such signal may cautiously enter the intersection only to make the movement indicated by
such arrow but shall yield the right-of-way to pedestrians lawfully within a crosswalk and to other traffic lawfully using the intersection.

(2) No pedestrian facing such signal shall enter the roadway unless he can do so safely and without interfering with any vehicular traffic.

(e) In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made at the signal.

(f) The motorman of any streetcar shall obey the above signals as applicable to vehicles.

CHAPTER 159

(Com. Sub. for S. B. 485—By Mr. Williams)

[Passed March 6, 1975; in effect ninety days from passage. Approved by the Governor.]

AN ACT to amend article thirteen, chapter seventeen-c of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section seven, relating to signs on workers and church buses; warning lamps required and the use thereof, and making it lawful for such buses bearing proper signs to stop on highways and streets to load and discharge persons.

Be it enacted by the Legislature of West Virginia:

That article thirteen, chapter seventeen-c of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section seven, to read as follows:
ARTICLE 13. STOPPING, STANDING AND PARKING.

§17C-13-7. Signs on workers and church buses; when lawful for such buses to stop on highways and streets.

Any bus used primarily for the transportation of workers only and any bus operated by a church may bear upon the front and rear thereof a plainly visible sign, either painted or affixed on the body of the bus proper, or attached securely to the bus, containing the words "workers bus" or "church bus", respectively, in letters not less than eight inches in height. Any bus used primarily for the transportation of workers only and any bus operated by a church and bearing signs in that manner may lawfully stop upon the paved portion of any highway or street where there is no loading zone or pull-off adjacent to the highway or street to load or discharge persons: Provided, That such bus shall be equipped with warning lamps permitted under subsection (d), section nineteen, article fifteen of this chapter, and shall use such warning lamps when stopped on the highway or decreasing speed in order to stop, in order to warn the operators of other vehicles of a possible traffic hazard.

CHAPTER 160

(H. B. 894—By Mr. Caudle and Mr. Donley)

[Passed February 13, 1975; in effect ninety days from passage. Approved by the Governor.]

AN ACT to amend and reenact section two, article fifteen, chapter seventeen-c of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to when lighted lamps are required and requiring head lamps on motorcycles and motor driven cycles to be on when being operated on a highway.

Be it enacted by the Legislature of West Virginia:

That section two, article fifteen, chapter seventeen-c of the code
of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 15. EQUIPMENT.

§17C-15-2. When lighted lamps are required.

Every vehicle other than a motorcycle or motor driven cycle upon a highway within this state at any time from a half hour after sunset to a half hour before sunrise and at any other time when there is not sufficient light to render clearly discernible persons and vehicles on the highway at a distance of five hundred feet ahead shall display lighted lamps and illuminating devices as hereinafter respectively required for different classes of vehicles, subject to exceptions with respect to parked vehicles as hereinafter stated. Every motorcycle or motor driven cycle shall display lighted head lamps at all times when upon the highway.

CHAPTER 161

(Com. Sub. for H. B. 688—By Mr. Goodwin and Mr. Chafin)

[Passed February 26, 1975; in effect ninety days from passage. Approved by the Governor.]

AN ACT to amend and reenact section nineteen, article fifteen, chapter seventeen-c of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to additional lighting equipment on motor vehicles; providing amber flashing lights are permissible on rural mail carrying vehicles; and specifying the placement of such lights.

Be it enacted by the Legislature of West Virginia:

That section nineteen, article fifteen, chapter seventeen-c of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 15. EQUIPMENT.

§17C-15-19. Additional lighting equipment.

(a) Any motor vehicle may be equipped with not more than
two side cowl or fender lamps which shall emit an amber or white light without glare.

(b) Any motor vehicle may be equipped with not more than one running-board courtesy lamp on each side thereof which shall emit a white or amber light without glare.

(c) Any motor vehicle may be equipped with not more than two back-up lamps either separately or in combination with other lamps, but any such back-up lamp shall not be lighted when the motor vehicle is in forward motion.

(d) Any vehicle may be equipped with lamps which may be used for the purpose of warning the operators of other vehicles of the presence of a vehicular traffic hazard requiring the exercise of unusual care in approaching, overtaking or passing, and when so equipped may display such warning in addition to any other warning signals required by this article. The lamps used to display such warning to the front shall be mounted at the same level and as widely spaced laterally as practicable and shall display simultaneously flashing white or amber lights, or any shade of color between white and amber. The lamps used to display such warning to the rear shall be mounted at the same level and as widely spaced laterally as practicable, and shall show simultaneously flashing amber or red lights, or any shade of color between amber and red.

(e) Vehicles used by "rural mail carriers" in carrying or delivering mail in rural areas may be equipped with amber flashing lights. Such lights shall be on the front and rear of the vehicle and may be activated when the vehicle is stopped or decreasing speed in order to stop in the course of carrying, delivering or picking up mail along the route.

CHAPTER 162

(Com. Sub. for H. B. 698—By Mr. Teets)

[Passed February 4, 1975; in effect ninety days from passage. Approved by the Governor.]

AN ACT to amend and reenact section thirty-seven, article fifteen, chapter seventeen-c of the code of West Virginia, one thousand
nine hundred thirty-one, as amended, relating to the use of studded tires during the period from November first of each year until April first of the following year; rules and regulations as to certain tires.

Be it enacted by the Legislature of West Virginia:

That section thirty-seven, article fifteen, chapter seventeen-c of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 15. EQUIPMENT.

§17C-15-37. Tire equipment restriction; rules and regulations as to certain tires.

(a) Every solid rubber tire on a vehicle shall have rubber on its entire traction surface at least one inch thick above the edge of the flange of the entire periphery.

(b) No person shall operate or move on any highway any motor vehicle, trailer or semitrailer having any metal tire in contact with the roadway.

(c) No tire on a vehicle moved on a highway shall have on its periphery any block, stud, flange, cleat or spike or any other protuberance of any material other than rubber which projects beyond the tread of the traction surface of the tire, except that (1) it shall be permissible to use farm machinery with tires having protuberances which will not injure the highway, (2) it shall be permissible to use tire chains of reasonable proportions upon any vehicle when required for safety because of snow, ice or other conditions tending to cause a vehicle to skid, and (3) it shall be permissible to use studded tires during the period from November first of each year until April first of the following year: Provided, That in the interest of highway maintenance, no vehicle moved on a highway, other than school buses, shall be equipped with studded tires which are operational with a recommended air pressure greater than forty pounds per square inch.

(d) No studded tires or chains shall be sold or used within the state of West Virginia which do not meet the specifications established by the rules and regulations which the commis-
sioner of highways shall promulgate, but the commissioner may not by those rules and regulations prohibit the use of studded tires or chains within the state.

(e) The commissioner of highways and local authorities in their respective jurisdictions may in their discretion issue special permits authorizing the operation upon the highway of traction engines or tractors having movable tracks with transverse corrugations upon the periphery of such movable tracks or farm tractors or other farm machinery, the operation of which upon a highway would otherwise be prohibited under this chapter.

CHAPTER 163
(5. B. 289—By Mr. Brotherton, Mr. President, and Mr. Rogerson)

[Passed March 8, 1975; in effect ninety days from passage. Approved by the Governor.]

AN ACT to amend and reenact sections eight, nine, eleven-a and fourteen, article seventeen, chapter seventeen-c of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to further amend said article by adding thereto a new section, designated section eight-a, all relating to weight and axle load limit of vehicles; the amount of allowable gross weight of vehicles, combination of vehicles and loads, authority of commissioner to increase weight limitations upon designated highways; and violation of the motor vehicle weight laws and the imposition of penalties therefor.

Be it enacted by the Legislature of West Virginia:

That sections eight, nine, eleven-a and fourteen, article seventeen, chapter seventeen-c of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; and that said article be further amended by adding thereto a new section, designated section eight-a, all to read as follows:
ARTICLE 17. SIZE, WEIGHT AND LOAD.
(a) The gross weight imposed on the highway by the wheels of any one axle of a vehicle shall not exceed twenty thousand pounds.
(b) For the purpose of this article an axle load shall be defined as the total load transmitted to the road by all wheels whose centers are included between two parallel transverse vertical planes forty inches apart, extending across the full width of the vehicle.
§17C-17-8a. Tandem-axle load limit.
(a) The gross weight imposed on the highway by the wheels of a tandem-axle of a vehicle shall not exceed thirty-four thousand pounds.
(b) For the purpose of this article a tandem-axle load shall be defined as the total load transmitted to the road by two or more consecutive axles whose centers may be included between parallel transverse vertical planes spaced more than forty inches and not more than ninety-six inches apart, extending the full width of the vehicle.
(a) It shall be unlawful for any owner, lessee or borrower of a vehicle or combination of vehicles to operate on any highway such vehicle or combination of vehicles with a gross weight in excess of the gross weight for which such vehicle or combination of vehicles is registered or in excess of any weight limitation set forth in this chapter, whether such limitation be specifically stated in this chapter or set by express authority granted in this chapter.
(b) Subject to the limit upon the weight imposed upon the highway through any one axle as set forth in section
eight of this article, or the limit imposed upon the highway through any tandem-axle as set forth in section eight-a of this article, the total gross weight with load imposed upon the highway by any one group of two or more consecutive axles of a vehicle or combination of vehicles shall not exceed the gross weight given for the respective distance between the first and last axle of the total group of axles measured longitudinally to the nearest foot as set forth in the following table:

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<th>Distance in feet between the extremes of any group of two or more consecutive axles</th>
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Provided, That no vehicle or combination of vehicles shall have a gross weight, including the load, in excess of sixty-five thousand pounds, except as otherwise provided in this article. Notwithstanding the limits prescribed in subsection (b) of this section, two consecutive sets of tandem-axles may carry a gross load of thirty-four thousand pounds each providing the overall distance between the first and last axles of such consecutive sets of tandem-axles is thirty-six feet or more: Provided, however, That the limits prescribed in subsection (b) of this section shall not prohibit the operation of any vehicle
or combination of vehicles of a type which could be lawfully operated in accordance with gross vehicle weights in effect on the first day of January, one thousand nine hundred seventy-five: *Provided further*, That no maximum weight in excess of or in conflict with any weight limitations prescribed by or pursuant to any act of Congress shall be permitted on the national system of interstate and defense highways.

§17C-17-11a. Authority of commissioner of the department of highways to increase weight limitations upon highways designated by him.

If, in the opinion of the commissioner of the department of highways, the design, construction and safety of any highway, or portion thereof, are such that the gross weight limitations prescribed in section nine of this article can be increased without undue damage to any such highway, the commissioner may, by order, increase the gross weight limitations of vehicles which may be operated upon any such highway, or portion thereof, designated by him in such order and may establish therein the gross weight limitations which shall thereafter be applicable to the highway or portion thereof so designated by him: *Provided, That* the maximum gross weight, including the load established by the commissioner for any such designated highway or portion thereof, shall not exceed eighty thousand pounds, except as otherwise provided in this article: *Provided, however, That* no such order of the commissioner shall establish any weight limitation in excess of or in conflict with any weight limitation prescribed by or pursuant to acts of Congress with respect to the national system of interstate and defense highways.

§17C-17-14. Penalties for violation of weight laws; impounding vehicles.

Any owner, lessee or borrower of a vehicle or combination of vehicles who operates or permits to be operated on any highway such vehicle or combination of vehicles with any axle load in excess of that permitted by sections eight and eight-a of this article, or with a total gross weight with load imposed upon the highway by any one
7 group of two or more consecutive axles in excess of that permitted by section nine or eleven-a of this article, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine scheduled in proportion to the amount of pounds in excess of the registered weight, or in excess of allowable weights for single axle, or in excess of allowable weights for groups of two or more consecutive axles, in accordance with the schedule in words and figures as follows:

Pounds in excess of registered weight, or in excess of allowable weights for single axle, or in excess of allowable weights for groups of two or more consecutive axles.

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or combination of vehicles of a type which could be law-
fully operated in accordance with gross vehicle weights in
effect on the first day of January, one thousand nine hun-
dred seventy-five: Provided further, That no maximum
weight in excess of or in conflict with any weight limita-
tions prescribed by or pursuant to any act of Congress
shall be permitted on the national system of interstate
and defense highways.

§17C-17-11a. Authority of commissioner of the department of
highways to increase weight limitations upon
highways designated by him.

If, in the opinion of the commissioner of the department
of highways, the design, construction and safety of any
highway, or portion thereof, are such that the gross weight
limitations prescribed in section nine of this article can
be increased without undue damage to any such highway,
the commissioner may, by order, increase the gross weight
limitations of vehicles which may be operated upon any
such highway, or portion thereof, designated by him in
such order and may establish therein the gross weight
limitations which shall thereafter be applicable to the
highway or portion thereof so designated by him: Pro-
vided, That the maximum gross weight, including the
load established by the commissioner for any such
designated highway or portion thereof, shall not exceed
eighty thousand pounds, except as otherwise provided
in this article: Provided, however, That no such order
of the commissioner shall establish any weight limitation
in excess of or in conflict with any weight limitation
prescribed by or pursuant to acts of Congress with respect
to the national system of interstate and defense highways.

§17C-17-14. Penalties for violation of weight laws; impound-
ing vehicles.

Any owner, lessee or borrower of a vehicle or combi-
nation of vehicles who operates or permits to be operated
on any highway such vehicle or combination of vehicles
with any axle load in excess of that permitted by sections
eight and eight-a of this article, or with a total gross
weight with load imposed upon the highway by any one
Group of two or more consecutive axles in excess of that permitted by section nine or eleven-a of this article, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine scheduled in proportion to the amount of pounds in excess of the registered weight, or in excess of allowable weights for single axle, or in excess of allowable weights for groups of two or more consecutive axles, in accordance with the schedule in words and figures as follows:

Pounds in excess of registered weight, or in excess of allowable weights for single axle, or in excess of allowable weights for groups of two or more consecutive axles.

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In the event any owner, lessee or borrower of a vehicle is charged with violating this section, the vehicle which is charged to be overloaded shall be impounded by the arresting officer and shall not be released to such owner, lessee or borrower unless and until such owner, lessee or borrower either shall have been found guilty and paid any fine assessed against such owner, lessee or borrower, or shall have furnished cash or surety bond in at least double the amount of the fine which may be assessed against such owner, lessee or borrower for such violation of this section and conditioned upon the payment of any such fine and costs assessed for such violation, or shall have been acquitted of such charge. Such owner, lessee or borrower shall be liable for any reasonable storage costs incurred in storing such vehicles: Provided, That if the owner of such vehicle is a resident of or has a principal place of business located in this state, and said vehicle has been duly licensed in the state, then said vehicle shall not be impounded but the arresting officer shall deliver to the driver a written notice stating such violation; the place, date and time; the license number of said vehicle; the title number and name and address of the owner; the driver's name, address, and the number of his operator's or chauffeur's card or permit; and the court, place, date and time for hearing, which shall be within five days of such violation (Saturdays, Sundays, and holidays, excluded). A copy of such notice shall within forty-eight hours be mailed to the owner of said vehicle. Upon the failure by such owner or his or its agent to appear at the designated place and time, or upon failure to pay the fine and costs assessed for such violation, unless such owner shall have been acquitted of such charge, the court shall order a bond or the impounding of said vehicle as provided in this section.
AN ACT to amend and reenact section eleven, article seventeen, chapter seventeen-c of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to special permits for vehicles of excess size, weight or load; giving the commissioner of highways discretion to specify escort vehicles for such vehicles; and permitting the commissioner to charge a fee for the issuance of such special permits to pay the administrative cost thereof.

Be it enacted by the Legislature of West Virginia:

That section eleven, article seventeen, chapter seventeen-c of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 17. SIZE, WEIGHT AND LOAD.

§17C-17-11. Permits for excess size and weight.

1 (a) The commissioner of highways may, in his discretion, upon application in writing and good cause being shown therefor issue a special permit in writing authorizing, (1) the applicant, in crossing any highway of this state, to operate or move a vehicle or combination of vehicles of a size or weight or load exceeding the maximum specified in this chapter or otherwise not in conformity with the provisions of this chapter, whether such operation be continuous or not, provided such applicant shall agree to compensate the commissioner of highways for all damages or expenses incurred in connection with such crossing; and (2) the applicant to operate or move a vehicle or combination of vehicles of a size or weight of vehicles or load exceeding the maximum specified in this chapter or otherwise not in conformity with the provi-
sions of this chapter, except that a permit shall not be
issued for continuous operation of a vehicle not in con-
formity with the provisions of this article relating to
weight limitations.

(b) The application for any such permit shall
specifically describe the vehicle or vehicles and load to be
operated or moved along or across such highway and the
particular highway or crossing of the highway for which
permit to operate is requested, and whether such permit
is requested for a single trip or for a continuous opera-
tion.

(c) The commissioner of highways is authorized to
issue or withhold such permit at his discretion; or, if such
permit is issued, to limit the number of trips, or to
establish seasonal or other time limitations within which
the vehicles described may be operated on or across the
highways indicated, or otherwise to limit or prescribe
conditions of operation of such vehicle or vehicles, when
necessary to assure against undue damage to the road
foundations, surface, or structures, and may require such
undertaking, bond or other security as may be deemed
necessary to compensate for any injury to any roadway
structure and to specify the type, number and the loca-
tion for escort vehicles for any such vehicle.

The commissioner may charge a fee not to exceed five
dollars for the issuance of a permit for a mobile home
and a reasonable fee for the issuance of a permit for any
other vehicle under the provisions of this section to pay
the administrative costs thereof.

(d) Every such permit shall be carried in the vehicle
or combination of vehicles to which it refers and shall be
open to inspection by any police officer or authorized
agent of the commissioner of highways granting such
permit, and no person shall violate any of the terms or
conditions of such special permit.
AN ACT to amend article thirteen, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section three, authorizing Class I cities to levy and collect a hotel occupancy tax; limiting the rate of any such tax to three percent of the room rental; providing that any such tax shall be imposed on the occupant and collected by the hotel as part of the consideration paid for the room; defining the term “hotel” for the purpose of the levy and collection of such tax; specifying the use to be made of revenues derived from such tax; and specifying provisions which must be set forth in any municipal ordinance imposing such tax.

Be it enacted by the Legislature of West Virginia:

That article thirteen, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section three, to read as follows:

ARTICLE 13. TAXATION AND FINANCE.

§8-13-3. Hotel occupancy tax.

1 Each Class I city shall have plenary power and authority to levy and collect an excise tax upon the occupancy of hotel rooms within the corporate limits of such city; but the rate of such tax shall not exceed three percent of the cost of the hotel room or rooms. The tax shall be levied on the person paying the consideration for the occupancy of the hotel room and shall be collected by the hotel as part of the consideration paid for the use of the hotel room. The tax shall not be levied on any person paying the consideration for the occupancy of a hotel room for ninety or more consecutive days.

11 For the purpose of this section and any ordinance enacted pursuant thereto, the term “hotel” means any building or buildings in which the public may, for a consideration, obtain
sleeping accommodations, including, but not limited to, hotels, motels, inns or courts. The term “hotel” shall not be construed to mean any hospital, sanitarium, extended care facility, nursing home or university or college housing unit.

All revenues collected by a Class I city from any such hotel occupancy tax shall be deposited in the general revenue fund of such city and expended for the following purposes and none other: (1) Planning, construction, reconstruction, establishment, acquisition, improvement, renovation, extension, enlargement, equipment, maintenance, repair and operation of convention facilities including, but not limited to, arenas, auditoriums, civic centers and convention centers; (2) the payment of principal or interest or both on municipal bonds issued pursuant to the provisions of article sixteen of this chapter, the proceeds from the sale of which were used to finance convention facilities; (3) the promotion of conventions; or any combination of the foregoing.

The ordinance of any Class I city imposing any such hotel occupancy tax shall (1) specify the minimum number of hotel rooms which a hotel must have in order for the occupancy of such hotel to be subject to the tax herein authorized; (2) specify the rate of tax, which shall not exceed three percent of the cost of the hotel room or rooms; (3) provide the manner in which the occupancy tax shall be collected and remitted to such Class I city; and (4) provide such other provisions as are necessary for the proper administration and enforcement of the tax.

CHAPTER 166
(H. B. 850—By Mr. Kopp)
[Passed February 21, 1975; in effect ninety days from passage. Approved by the Governor.]

AN ACT to amend and reenact section twenty-five, article twenty-two, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to retirement;
Be it enacted by the Legislature of West Virginia:

That section twenty-five, article twenty-two, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 22. RETIREMENT BENEFITS GENERALLY; POLICEMEN'S PENSION AND RELIEF FUND; FIREMEN'S PENSION AND RELIEF FUND; PENSION PLANS FOR EMPLOYEES OF WATERWORKS SYSTEM, SEWERAGE SYSTEM OR COMBINED WATERWORKS AND SEWERAGE SYSTEM.


(a) Any member of a paid police or fire department who is entitled to a retirement pension hereunder, and who has been in the honorable service of such department for twenty years, may, upon written application to the board of trustees, be retired from all service in such department without medical examination or disability; and on such retirement the board of trustees shall authorize the payment of annual retirement pension benefits commencing upon his retirement or upon his attaining the age of fifty years, whichever is later, payable in twelve monthly installments for each year of the remainder of his life, in an amount equal to sixty percent of such member's average annual salary or compensation received during the three fiscal years, not necessarily consecutive, in which such member received his highest salary or compensation while a member of the department, or an amount of two hundred dollars per month, whichever shall be greater.

(b) Any member of any such department who is entitled to a retirement pension under the provisions of subsection (a) of this section and who has been in the honorable service of such department for more than twenty years at the time of his retirement, as herein provided, shall, in addition to the sixty percent authorized in said subsection (a), receive one additional percent, to be added to the sixty percent, per each year served in excess of said twenty years, up to a maximum of five additional percent.
(c) Any member of any such department whose service has been interrupted by duty with the armed forces of the United States as provided in section twenty-seven of this article, shall be eligible for retirement pension benefits immediately upon retirement, regardless of his age, if he shall otherwise be eligible for such retirement pension benefits.

(d) Any member of a paid police or fire department shall be retired at the age of sixty-five years in the manner provided in this subsection. When a member of the paid police or fire department shall have reached the age of sixty-five years, the said board of trustees shall notify the mayor of this fact, within thirty days of such member's sixty-fifth birthday; and the mayor shall cause such sixty-five-year-old member of the paid police or fire department to be retired within a period of not more than thirty additional days. Upon retirement under the provisions of this subsection (d), such member, whether he has been employed in said department for twenty years or not, shall receive retirement pension benefits payable in twelve monthly installments for each year of the remainder of his life, in an amount equal to sixty percent of such member's average annual salary or compensation received during the three fiscal years, not necessarily consecutive, in which such member received his highest salary or compensation while a member of the department, or an amount of two hundred dollars per month, whichever shall be greater, and if such member has been employed in said department for more than twenty years, the provisions of subsection (b) of this section shall apply.

(e) It shall be the duty of each member of a paid police or fire department at the time a fund is hereafter established to furnish the necessary proof of his date of birth to the said board of trustees, as specified in section twenty-three of this article, within a reasonable length of time, said length of time to be determined by the said board of trustees; and then the board of trustees and the mayor shall proceed to act in the manner provided in subsection (d) of this section and shall cause all members of the paid police or fire department who are over the age of sixty-five years to be retired in not less than sixty days from the date the fund is established. Upon retirement under the provisions of this subsection (e),
such member, whether he has been employed in said depart-
ment for twenty years or not, shall receive retirement pension
benefits payable in twelve monthly installments for each year
of the remainder of his life, in an amount equal to sixty
percent of such member's average annual salary or com-
pensation received during the three fiscal years, not neces-
sarily consecutive, in which such member received his highest
salary or compensation while a member of the department, or
an amount of two hundred dollars per month, whichever
shall be greater, and if such member has been employed in
said department for more than twenty years, the provisions
of subsection (b) of this section shall apply.

CHAPTER 167
(S. B. 32—By Mr. Huffman)

[Passed February 10, 1975; in effect from passage. Approved by the Governor.]

AN ACT to amend and reenact sections one, four and five,
article thirty-three, chapter eight of the code of West Vir-
ginia, one thousand nine hundred thirty-one, as amended,
relating to municipal, county and municipal-county build-
ing commissions and to the powers and indebtedness of
such commissions.

Be it enacted by the Legislature of West Virginia:

That sections one, four and five, article thirty-three, chapter
eight of the code of West Virginia, one thousand nine hun-
dred thirty-one, as amended, be amended and reenacted, all
to read as follows:

ARTICLE 33. INTERGOVERNMENTAL RELATIONS—BUILDING COM-
MISSIONS.

PART I. COMMISSIONS AUTHORIZED; ORGANIZATION OF
COMMISSIONS.

§8-33-1. Municipal, county and municipal-county building commissions
authorized; reference to county courts and county commissions.
PART II. POWERS OF COMMISSIONS.

§8-33-4. Powers.

PART III. INDEBTEDNESS; SURPLUSES; EXEMPTION FROM TAXATION; FUNDS; PROPERTY.

§8-33-5. Indebtedness of commission.

PART I. COMMISSIONS AUTHORIZED; ORGANIZATION OF COMMISSIONS.

§8-33-1. Municipal, county and municipal-county building commissions authorized; reference to county courts and county commissions.

1 Any municipality or county, or one or more municipalities and any county, or any two or more municipalities within any county or counties, or any combination thereof, may create and establish a municipal building commission, a county building commission, or a municipal-county building commission, as the case may be (hereinafter in this article referred to as commission or commissions). Such commissions shall be formed by an ordinance or order, as appropriate, by each governmental body establishing the same. The governing body of a county is hereinafter in this article referred to either as a county court or county commission.

PART II. POWERS OF COMMISSIONS.

§8-33-4. Powers.

1 Each commission shall have plenary power and authority to:

3 (a) Sue and be sued;

4 (b) Contract and be contracted with;

5 (c) Adopt, use and alter a common seal;

6 (d) Make and adopt all necessary, appropriate and lawful bylaws and rules and regulations pertaining to its affairs;

9 (e) Elect such officers, appoint such committees and agents and employ and fix the compensation of such employees and contractors as may be necessary for the
conduct of the affairs and operations of the commission;

(f) (1) Acquire, purchase, own and hold any property, real or personal, and (2) acquire, construct, equip, maintain and operate public buildings, structures, projects and appurtenant facilities, of any type or types for which the governmental body or bodies creating such commission are permitted by law to expend public funds (all hereinafter in this article referred to as facilities);

(g) Apply for, receive and use grants-in-aid, donations and contributions from any source or sources, including but not limited to the United States of America, or any department or agency thereof, and accept and use bequests, devises, gifts and donations from any source whatsoever;

(h) Sell, encumber or dispose of any property, real or personal;

(i) Issue negotiable bonds, notes, debentures or other evidences of indebtedness and provide for the rights of the holders thereof, incur any proper indebtedness and issue any obligations and give any security therefor which it may deem necessary or advisable in connection with exercising powers as provided herein;

(j) Raise funds by the issuance and sale of revenue bonds in the manner provided by the applicable provisions of article sixteen of this chapter, without regard to the extent provided in section five of this article, to the limitations specified in said article sixteen, it being hereby expressly provided that for the purpose of the issuance and sale of revenue bonds, each commission is a “governing body” as that term is used in said article sixteen only;

(k) Exercise the power of eminent domain in the manner provided in chapter fifty-four of this code for business corporations, for the purposes set forth in subdivision (f) of this section, which purposes are hereby declared public purposes for which private property may be taken or damaged;

(1) Lease its property or any part thereof, for public
purposes, to such persons and upon such terms as the
commission deems proper, but when any municipality
or county commission is a lessee under any such lease,
such lease must contain a provision granting to such
municipality or county commission the option to ter-
minate such lease during any fiscal year covered there-
by; and

(m) Do all things reasonable and necessary to carry
out the foregoing powers.

PART III. INDEBTEDNESS; SURPLUSES; EXEMPTION
FROM TAXATION; FUNDS; PROPERTY.

§8-33-5. Indebtedness of commission.

No constitutional or statutory limitation with respect
to the nature or amount of or rate of interest on in-
debtedness which may be incurred by municipalities,
counties or other public or governmental bodies shall ap-
ply to the indebtedness of a commission. No indebtedness
of any nature of a commission shall constitute an indebted-
ness of any municipality or county creating and estab-
lishing such commission or a charge against any prop-
erty of said municipalities or counties. No indebtedness
or obligation incurred by any commission shall give any
right against any member of the governing body of any
municipality or any member of the county commission
of any county or any member of the board of any com-
mmission. The rights of creditors of any commission shall
be solely against the commission as a corporate body
and shall be satisfied only out of property held by it
in its corporate capacity.

CHAPTER 168

(S. B. 65—By Mr. Galperin)

[Passed March 8, 1975; in effect ninety days from passage. Approved by the Governor.]
hundred thirty-one, as amended, relating to changing the definitions of the terms "nonresident" and "resident" for the purposes of chapter twenty of the code and reducing the residency requirement for licenses and permits issued by the department of natural resources from six months to thirty days.

Be it enacted by the Legislature of West Virginia:

That section two, article one, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE I. ORGANIZATION AND ADMINISTRATION.

§20-1-2. Definitions.

1 As used in this chapter, unless the context clearly requires a different meaning:
2 "Agency" means any branch, department or unit of the state government, however designated or constituted.
3 "Alien" means any person not a citizen of the United States.
4 "Bag limit" or "creel limit" means the maximum number of wildlife which may be taken, caught, killed or possessed by any licensee.
5 "Board" means the water resources board of the department of natural resources.
6 "Citizen" means any native born citizen of the United States, and foreign born persons who have procured their final naturalization papers.
7 "Closed season" means the time or period during which it shall be unlawful to take any wildlife as specified and limited by the provisions of this chapter.
8 "Commission" means the natural resources commission.
9 "Commissioner" means a member of the advisory commission of the natural resources commission.
10 "Director" means the director of the department of natural resources.
“Fishing” or “to fish” means the taking, by any means, of fish, minnows, frogs, or other amphibians, aquatic turtles, and other forms of aquatic life used as fish bait.

“Fur-bearing animals” shall include (a) the mink, (b) the weasel, (c) the muskrat, (d) the beaver, (e) the opossum, (f) the skunk, and civet cat, commonly called polecat, (g) the otter, (h) the red fox, (i) the gray fox, (j) the wildcat, bobcat or bay lynx, (k) the raccoon and (l) the fisher.

“Game” means game animals, game birds and game fish as herein defined.

“Game animals” shall include (a) the elk, (b) the deer, (c) the cottontail rabbits and hares, (d) the fox squirrels, commonly called red squirrels, and gray squirrels, and all their color phases—red, gray, black or albino, (e) the raccoon, and (f) the black bear.

“Game birds” shall include (a) the Anatidae, commonly known as swan, geese, brants and river and sea ducks, (b) the Rallidae, commonly known as rails, sora, coots, mudhens, and gallinules, (c) the Limicolae, commonly known as shorebirds, plover, snipe, woodcock, sandpipers, yellow legs, and curlews, (d) the Galli, commonly known as wild turkey, grouse, pheasants, quails and partridges (both native and foreign species), and (e) the Columbidae, commonly known as doves and the Icteridae, commonly known as blackbirds, redwings and grackle.

“Game fish” shall include (a) brook trout, (b) brown trout, (c) rainbow trout, (d) golden rainbow trout, (e) Kokanee salmon, (f) largemouth bass, (g) smallmouth bass, (h) Kentucky or spotted bass, (i) striped bass, (j) pickerel, (k) muskellunge, (l) walleye pike, or pike perch, (m) northern pike, (n) rock bass, (o) white bass, (p) white and black crappie, (q) all sunfish and (r) channel and flathead catfish.

“Hunt” means to pursue, chase, catch or take any wild birds or wild animals.

“Lands” means land, waters, and all other appurtenances connected therewith.
"Migratory birds" means any migratory game or non-game birds included in the terms of conventions between the United States and Great Britain and between the United States and United Mexican States, known as the "Migratory Bird Treaty Act," for the protection of migratory birds and game mammals concluded, respectively, August sixteen, one thousand nine hundred sixteen, and February seven, one thousand nine hundred thirty-six.

"Nonresident" means any person who is a citizen of the United States and who has not been a domiciled resident of the state of West Virginia for a period of thirty consecutive days immediately prior to the date of his application for a license or permit except any full-time student of any college or university of this state, even though he be paying a nonresident tuition.

"Open season" means the time during which the various species of wildlife may be legally caught, taken, killed or chased in a specified manner, and shall include both the first and the last day of the season or period designated by the director.

"Person," except as otherwise defined elsewhere in this chapter, means the plural "persons," and shall include individuals, partnerships, corporations, or other legal entity.

"Preserve" means all duly licensed private game farm-lands, or private plants, ponds or areas, where hunting or fishing is permitted under special licenses or seasons other than the regular public hunting or fishing seasons.

"Protected birds" means all wild birds not included within the definition of "game birds" and "unprotected birds."

"Resident" means any person who is a citizen of the United States and who has been a domiciled resident of the state of West Virginia for a period of thirty consecutive days or more immediately prior to the date of his application for a license or permit: Provided, That a member of the armed forces of the United States who is stationed beyond the territorial limits of this state, but who was a
resident of this state at the time of his entry into such
service, and any full-time student of any college or uni-
versity of this state, even though he be paying a nonresi-
dent tuition, shall be considered a resident under the pro-
visions of this chapter.

"Roadside menagerie" means any place of business,
other than a commercial game farm, commercial fish pre-
serve, place or pond, where any wild bird, game bird, un-
protected bird, game animal or fur-bearing animal is kept
in confinement for the attraction and amusement of the
people for commercial purposes.

"Take" means to hunt, shoot, pursue, lure, kill, destroy,
catch, capture, keep in captivity, gig, spear, trap, ensnare,
wound or injure any wildlife, or attempt to do so.

"Unprotected birds" shall include (a) the English spar-
row, (b) the European starling, (c) the cowbird, and (d)
the crow.

"Wild animals" means all mammals native to the state
of West Virginia occurring either in a natural state or in
captivity, except house mice or rats.

"Wild birds" shall include all birds other than (a) do-
mestic poultry—chickens, ducks, geese, guinea fowl,
peafowls and turkeys, (b) Psittacidae, commonly called
parrots and parakeets, and (c) other foreign cage birds
such as the common canary, exotic finches and ring dove.
All wild birds, either (a) those occurring in a natural state
in West Virginia or (b) those imported foreign game
birds, such as waterfowl, pheasants, partridges, quail and
grouse, regardless of how long raised or held in captivity,
shall remain wild birds under the meaning of this
chapter.

"Wildlife" means wild birds, wild animals, game and
fur-bearing animals, fish (including minnows), frogs and
other amphibians, aquatic turtles and all forms of aquatic
life used as fish bait, whether dead or alive.

"Wildlife refuge" means any land set aside by action of
the director as an inviolate refuge or sanctuary for the
protection of designated forms of wildlife.
CHAPTER 169
(S. B. 36—By Mr. Gainer)

[Passed February 14, 1975; in effect July 1, 1975. Approved by the Governor.]

AN ACT to amend and reenact sections seven and seventeen, article one, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to transferring from the director of the department of natural resources to the natural resources commission the authority to fix by regulation the open hunting, trapping and fishing seasons and the bag, creel, size, age, weight and sex limits of wildlife which may be taken in this state.

Be it enacted by the Legislature of West Virginia:

That sections seven and seventeen, article one, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 1. ORGANIZATION AND ADMINISTRATION.
§20-1-7. Additional powers, duties and services of director.
§20-1-17. Natural resources commission—Organization and services.

§20-1-7. Additional powers, duties and services of director.

1 In addition to all other powers, duties and responsibilities granted and assigned to the director in this chapter and elsewhere by law, the director is hereby authorized and empowered to:

5 (1) With the advice of the commission, prepare and administer, through the various divisions created by this chapter, a long-range comprehensive program for the conservation of the natural resources of the state which best effectuates the purpose of this chapter and which makes adequate provisions for the natural resources laws of the state;

12 (2) Sign and execute in the name of the state by the "department of natural resources" any contract or agreement with the federal government or its departments
or agencies, subdivisions of the state, corporations, associations, partnerships or individuals;

(3) Conduct research in improved conservation methods and disseminate information matters to the residents of the state;

(4) Conduct a continuous study and investigation of the habits of wildlife, and for purposes of control and protection to classify by regulation the various species into such categories as may be established as necessary;

(5) Prescribe the locality in which the manner and method by which the various species of wildlife may be taken, or chased, unless otherwise specified by this chapter;

(6) Hold at least six meetings each year at such time and at such points within the state, as in the discretion of the natural resources commission may appear to be necessary and proper for the purpose of giving interested persons in the various sections of the state an opportunity to be heard concerning open season for their respective areas, and report the results of the meetings to the natural resources commission before such season and bag limits are fixed by it;

(7) Suspend open hunting season upon any or all wildlife in any or all counties of the state with the prior approval of the governor in case of an emergency such as a drought, forest fire hazard or epizootic of disease among wildlife. The suspension shall continue during the existence of the emergency and until rescinded by the director. Suspension, or reopening after such suspension, of open seasons may be made upon twenty-four hours' notice by delivery of a copy of the order of suspension or reopening to the wire press agencies at the state capitol;

(8) Supervise the fiscal affairs and responsibilities of the department;

(9) Designate such localities as he shall determine to be necessary and desirable for the perpetuation of any species of wildlife;
(10) Enter private lands to make surveys or inspections for conservation purposes, to investigate for violations of provisions of this chapter, to serve and execute warrants and processes, to make arrests and to otherwise effectively enforce the provisions of this chapter;

(11) Acquire for the state in the name of the "department of natural resources" by purchase, condemnation, lease or agreement, or accept or reject for the state, in the name of the department of natural resources, gifts, donations, contributions, bequests or devises of money, security or property, both real and personal, and any interest in such property, including lands and waters, which he deems suitable for the following purposes:

(a) For state forests for the purpose of growing timber, demonstrating forestry, furnishing or protecting watersheds or providing public recreation;

(b) For state parks or recreation areas for the purpose of preserving scenic, esthetic, scientific, cultural, archaeological or historical values or natural wonders, or providing public recreation;

(c) For public hunting, trapping, or fishing grounds or waters for the purpose of providing areas in which the public may hunt, trap or fish, as permitted by the provisions of this chapter, and the rules and regulations issued hereunder;

(d) For fish hatcheries, game farms, wildlife research areas and feeding stations;

(e) For the extension and consolidation of lands or waters suitable for the above purposes by exchange of other lands or waters under his supervision;

(f) For such other purposes as may be necessary to carry out the provisions of this chapter;

(12) Capture, propagate, transport, sell or exchange any species of wildlife as may be necessary to carry out the provisions of this chapter;

(13) Sell, with the approval in writing of the gov-
error, timber for not less than the value thereof, as
appraised by a qualified appraiser appointed by the di-
rector, from all lands under the jurisdiction and control
of the director, except those lands that are designated
as state parks. The appraisal shall be made within a
reasonable time prior to any sale, reduced to writing,
filed in the office of the director and shall be available
for public inspection. When the appraised value of the
timber to be sold is more than five hundred dollars, the
director, before making sale thereof, shall receive sealed
bids therefor, after notice by publication as a Class II
legal advertisement in compliance with the provisions
of article three, chapter fifty-nine of this code, and the
publication area for such publication shall be each county
in which the timber is located. The timber so ad-
vertised shall be sold at not less than the appraised
value to the highest responsible bidder, who shall give
bond for the proper performance of the sales contract
as the director shall designate; but the director shall
have the right to reject any and all bids and to read-
vertise for bids. If the foregoing provisions of this sec-
tion have been complied with, and no bid equal to or
in excess of the appraised value of the timber is re-
ceived, the director may, at any time, during a period
of six months after the opening of the bids, sell the tim-
ber in such manner as he deems appropriate, but the
sale price shall not be less than the appraised value of
the timber advertised. No contract for sale of timber
made pursuant to this section shall extend for a period
of more than ten years. And all contracts heretofore
entered into by the state for the sale of timber shall not
be validated by this section if the same be otherwise
invalid. The proceeds arising from the sale of the tim-
ber so sold, shall be paid to the treasurer of the state
of West Virginia, and shall be credited to the de-
partment and used exclusively for the purposes of
this chapter;

(14) Sell or lease, with the approval in writing of
the governor, coal, oil, gas, sand, gravel and any other
minerals that may be found in the lands under the juris-
diction and control of the director, except those lands
that are designated as state parks. The director, before
making sale or lease thereof, shall receive sealed bids
therefor, after notice by publication as a Class II legal
advertisement in compliance with the provisions of ar-
ticle three, chapter fifty-nine of this code, and the pub-
lication area for such publication shall be each county
in which such lands are located. The minerals so ad-
vertised shall be sold or leased to the highest respon-
sible bidder, who shall give bond for the proper per-
formance of the sales contract or lease as the director
shall designate; but the director shall have the right
to reject any and all bids and to readvertise the bids.
The proceeds arising from any such sale or lease shall
be paid to the treasurer of the state of West Virginia
and shall be credited to the department and used exclu-
sively for the purposes of this chapter;

(15) Exercise the powers granted by this chapter for
the protection of forests, and regulate fires and smoking
in the woods or in their proximity at such times and in
such localities as may be necessary to reduce the
danger of forest fires;

(16) Cooperate with departments and agencies of
state, local and federal governments in the conserva-
tion of natural resources and the beautification of the
state;

(17) Report to the governor each year all informa-
tion relative to the operation and functions of his de-
partment and he shall make such other reports and
recommendations as may be required by the governor,
including an annual financial report covering all receipts
and disbursements of the department of each fiscal year,
and he shall deliver such report to the governor on or
before the first day of December next after the end of
the fiscal year so covered. A copy of such report shall
be delivered to each house of the Legislature when con-
vened in January next following;

(18) Keep a complete and accurate record of all pro-
ceedings, record and file all bonds and contracts taken
or entered into, and assume responsibility for the cus-
(19) Offer and pay, in his discretion, rewards for information respecting the violation, or for the apprehension and conviction of any violators, of any of the provisions of this chapter;

(20) Require such reports as he may deem to be necessary from any person issued a license or permit under the provisions of this chapter, but no person shall be required to disclose secret processes or confidential data of competitive significance;

(21) Purchase as provided by law all equipment necessary for the conduct of his department;

(22) Conduct and encourage research designed to further new and more extensive uses of the natural resources of this state and to publicize the findings of such research;

(23) Encourage and cooperate with other public and private organizations or groups in their efforts to publicize the attractions of the state;

(24) Accept and expend, without the necessity of appropriation by the Legislature, any gift or grant of money made to the department for any and all purposes specified in this chapter, and he shall account for and report on all such receipts and expenditures to the governor;

(25) Cooperate with the state historian and other appropriate state agencies in conducting research with reference to the establishment of state parks and monuments of historic, scenic and recreational value, and to take such steps as may be necessary in establishing such monuments or parks as he deems advisable;

(26) Maintain in his office at all times, properly indexed by subject matter, and also, in chronological sequence, all rules and regulations made or issued under the authority of this chapter. Such records shall be
available for public inspection on all business days during the business hours of working days;

Delegate the powers and duties of his office, except the power to execute contracts, to appointees and employees of the department, who shall act under the direction and supervision of the director and for whose acts he shall be responsible;

Conduct schools, institutes and other educational programs, apart from or in cooperation with other governmental agencies, for instruction and training in all phases of the natural resources programs of the state;

Authorize the payment of all or any part of the reasonable expenses incurred by an employee of the department in moving his household furniture and effects as a result of a reassignment of the employee: Provided, That no part of the moving expenses of any one such employee shall be paid more frequently than once in twelve months; and

Promulgate rules and regulations, in accordance with the provisions of chapter twenty-nine-a of this code, to implement and make effective the powers and duties vested in him by the provisions of this chapter and take such other steps as may be necessary in his discretion for the proper and effective enforcement of the provisions of this chapter: Provided, however, That all rules and regulations relating to articles five and five-a of this chapter shall be promulgated by the water resources board.

§20-1-17. Natural resources commission—Organization and services.

Members of the natural resources commission shall take and subscribe to the public officer's oath prescribed by the constitution before entering upon the duties of their office. All such executed oaths shall be filed in the office of the secretary of state. Members of the commission shall receive no compensation as such, but each shall be reimbursed for his actual and necessary traveling expenses incurred in the performance of his official duties.
The director of the department shall be ex officio a member of the commission and its presiding officer. A majority of the commission shall constitute a quorum for transaction of business. Four regular meetings of the commission shall be held each year commencing on the first Monday in the months of July, October, January and April. Special meetings may be convened by the governor, the director or by a majority of the commission. The meetings of the commission shall be regularly held at the office of the director, but may be held at other points within the state when need therefor exists as explained in the call setting forth the time and place of the meeting. The director shall furnish all articles and supplies required by the commission in the performance of its duties and shall provide necessary stenographic, secretarial and clerical assistance therefor. All such materials and services shall be paid for from department funds.

The director, at any regular or special meeting of the commission, may submit to the commission any program or policy matters on which he wishes to obtain the advice, counsel and opinion of the commission and may consult with members of the commission on functions, services, policies and practices of the department at any time. The commission shall serve as a body advisory to the director and shall perform all other duties assigned to it by law. It shall have the following powers and duties:

(1) To consider and study the entire field of legislation and administrative methods concerning the forests and their maintenance and development, the protection of fish and game, the beautification of the state and its highways, and the development of lands, minerals, waters and other natural resources;

(2) To advise with the director concerning the conservation problems of particular localities or districts of the state;

(3) To recommend policies and practices to the director relative to any duties imposed upon him by law;
(4) To investigate the work of the director, and for this purpose to have access at reasonable times to all official books, papers, documents and records;

(5) To advise or make recommendations to the governor relative to natural resources of the state;

(6) To keep minutes of the transactions of each session, regular or special, which shall be public records and filed with the director; and

(7) To fix by regulation which it is hereby empowered to promulgate, in accordance with the provisions of chapter twenty-nine-a of this code, the open seasons and the bag, creel, size, age, weight and sex limits with respect to wildlife in this state.

CHAPTER 170
(H. B. 1134—By Mr. Chafin and Mr. Goodwin)

[Passed March 7, 1975; in effect July 1, 1976. Approved by the Governor.]

AN ACT to amend and reenact section fourteen, article one, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to establishing a division of law enforcement within the department of natural resources.

Be it enacted by the Legislature of West Virginia:

That section fourteen, article one, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 1. ORGANIZATION AND ADMINISTRATION.

§20-1-14. Divisions within department.

1 Divisions of game and fish, of forestry, of parks and recreation, of water resources, of law enforcement and of reclamation are hereby created and established within the department. Subject to provisions of law, the director shall allocate the functions and services of the department to the
divisions, offices and activities thereof and may from time
to time establish and abolish other divisions, offices and
activities within the department in order to carry out fully
and in an orderly manner the powers, duties and respon-
sibilities of his office as director. The director shall select
and designate a competent and qualified person to be chief
of each division. The chief shall be the principal administrative
officer of his division and shall be accountable and responsible
for the orderly and efficient performance of the duties, func-
tions and services thereof.

CHAPTER 171
(H. B. 704—By Mr. Chafin)

[Passed March 5, 1975; in effect ninety days from passage. Approved by the Governor.]

AN ACT to amend and reenact sections thirty-nine, forty-a and
forty-three, article two, chapter twenty of the code of West
Virginia, one thousand nine hundred thirty-one, as amended;
and to amend and reenact sections one, three, eight and nine,
article seven, chapter sixty-one of said code, all relating to the
issuance by the department of natural resources of various
types of hunting and combination licenses to unnaturalized
persons; providing that any unnaturalized person may lawfully
possess, transport, carry and use any firearm he is permitted
to use for hunting under a valid license issued by the depart-
ment of natural resources if he obeys all of the laws, rules
and regulations pertaining thereto; allowing unnaturalized per-
sons to own, keep, possess, transport, carry and use firearms
for hunting and permitting the sale, rental, gift or loan of any
firearm which may be lawfully used for hunting to any un-
naturalized person who has been issued and holds a valid
permit from the department of natural resources allowing him
to apply for a hunting license.

Be it enacted by the Legislature of West Virginia:

That sections thirty-nine, forty-a and forty-three, article two,
chapter twenty of the code of West Virginia, one thousand nine
hundred thirty-one, as amended, be amended and reenacted; and that sections one, three, eight and nine, article seven, chapter sixty-one of said code be amended and reenacted, all to read as follows:

Chapter
20. Natural Resources.
61. Crimes and Their Punishment.

CHAPTER 20. NATURAL RESOURCES.

ARTICLE 2. WILDLIFE RESOURCES.

§20-2-39. Class A resident statewide hunting and trapping license.
§20-2-40a. Class AB combination resident statewide hunting, trapping and fishing license.
§20-2-43. Class E, Class F and Class G licenses for nonresidents.

§20-2-39. Class A resident statewide hunting and trapping license.

1 A Class A license shall be a resident statewide hunting and trapping license and shall entitle the licensee to hunt and trap all legal species of game in all counties of the state, except as prohibited by rules or regulations of the director. It shall be issued only to citizens of the United States and to unnaturalized persons who possess the permit referred to in section twenty-nine of this article who are residents of this state. The fee therefor shall be five dollars.

§20-2-40a. Class AB combination resident statewide hunting, trapping and fishing license.

1 A class AB combination license shall be a resident statewide hunting, trapping and fishing license and shall entitle the licensee to hunt and trap for all legal species of game, and fish for all legal species of fish and frogs in all counties of the state, except as prohibited by rules or regulations of the director. It shall be issued only to citizens of the United States and to unnaturalized persons who possess the permit referred to in section twenty-nine of this article who are residents of this state. The fee therefor shall be eight dollars.

§20-2-43. Class E, Class F and Class G licenses for nonresidents.

1 A Class E license shall be a nonresident hunting license and shall entitle the licensee to hunt all game in all counties of the state. It shall be issued only to citizens of the United
States and to unnaturalized persons who possess the permit referred to in section twenty-nine of this article who are not residents of this state. The fee therefor shall be thirty dollars.

A Class F license shall be a nonresident fishing license and shall entitle the licensee to fish for all fish in all counties of the state. It shall be issued only to citizens of the United States and to unnaturalized persons who possess the permit referred to in section twenty-nine of this article who are not residents of this state. The fee therefor shall be twenty dollars.

A Class G license shall be a nonresident family fishing license and shall entitle the licensee and members of his family to fish within the territorial limits of state parks and state forests and in the waters of streams bounding same, for a distance of not to exceed one hundred yards from the exterior boundary of any state park or state forest, for a period not to exceed one week. It may be issued to any adult nonresident who is temporarily residing in any state park or forest as tenant or lessee of the state. The fee therefor shall be three dollars for the head of the family, plus fifty cents additional for each member of his family to whom the privileges of such license are extended. Class G licenses may be issued in such manner and under such regulations as the director may see fit to prescribe.

CHAPTER 61. CRIMES AND THEIR PUNISHMENT.

ARTICLE 7. DANGEROUS WEAPONS.

§61-7-1. Carrying dangerous or deadly weapon without license or other authorization; penalties; second offense a felony.

§61-7-3. Exceptions as to prohibition against carrying deadly weapons.

§61-7-8. Possession of machine guns, high-powered rifles, or ammunition therefor; permits; unnaturalized persons may not possess firearms; exception.

§61-7-9. Display of dangerous weapons for sale or hire; sale to unnaturalized person; penalties for violation of this section or §61-7-8.

§61-7-1. Carrying dangerous or deadly weapon without license or other authorization; penalties; second offense a felony.

If any person, without a state license therefor or except as provided elsewhere in this article and other provisions of this code, carry about his person any revolver or pistol, dirk, bowie knife, slung shot, razor, billy, metallic or other false
knuckles, or other dangerous or deadly weapon of like kind or
character, he shall be guilty of a misdemeanor, and, upon
conviction thereof, shall be imprisoned in the county jail
not less than six nor more than twelve months for the first
offense; but upon the conviction of the same person for the
second offense in this state, he shall be guilty of a felony,
and, upon conviction thereof, shall be imprisoned in the peni-
tentiary not less than one nor more than five years, and, in
either case, shall be fined not less than fifty dollars nor more
than two hundred dollars; and it shall be the duty of the
prosecuting attorney in all cases to ascertain whether or not
the charge made by the grand jury is the first or second offense,
and if it shall be the second offense, it shall be so stated in
the indictment returned, and the prosecuting attorney shall in-
roduce the record evidence before the trial court of such
second offense, and shall not be permitted to use his dis-
cretion in charging such second offense nor in introducing
evidence to prove the same on the trial: Provided, That boys
or girls under the age of eighteen years, upon the second con-
viction, may, in the discretion of the court, be sent to the
industrial school for boys or the industrial home for girls,
respectively, of this state.

§61-7-3. Exceptions as to prohibition against carrying deadly
weapons.

Nothing in this article shall prevent any person from carry-
ing any such weapon as is mentioned in the first section of
this article, in good faith and not having felonious purposes,
upon his own premises; nor shall anything herein prevent a
person from carrying any such weapon, unloaded, from the
place of purchase to his home or residence, or to a place of
repair and back to his home or residence; nor shall anything
herein prevent a guard at the West Virginia penitentiary duly
appointed in conformity with section five, article five, chapter
twenty-eight of the code of West Virginia, from carrying
any such weapon while on duty; nor shall anything herein
prevent a bona fide member of the national guard of West
Virginia, or of the reserve officers component of the United
States army, while in performance of his official duties as
such or any properly organized target-shooting club authorized
by law to obtain firearms by purchase or requisition from
this state, or from the United States for the purpose of target
practice, from carrying any revolver or pistol mentioned in
this article, unloaded, from his home or place of residence
to a place of target practice, and from any such place of
target practice back to his home or residence, or using any
such weapon at such place of target practice in training and
improving his skill in the use of such weapons; but nothing
herein shall be construed to authorize any employee of any
person, firm or corporation doing business in this state to
carry, on or about the premises of such employer, any such
pistol, or other weapon mentioned in this article, for which a
license is herein required, without having first obtained the
license and given the bond as herein provided.

Notwithstanding any other provision of this article or any
other provision of this code, any resident, nonresident or
unnaturalized person may lawfully possess, transport, carry
and use any firearm he is permitted to use for hunting under
any valid license he has been issued by the department of
natural resources and which he holds in his possession. At
all times such person shall comply with all of the requirements
of law set forth in this code and the rules and regulations
promulgated thereunder pertaining to possessing, transporting,
carrying and using firearms for hunting.

§61-7-8. Possession of machine guns, high-powered rifles, or am-
munition therefor; permits; unnaturalized persons may
not possess firearms; exception.

It shall be unlawful for any person to carry, transport, or
have in his possession, any machine gun, sub-machine gun, or
what is commonly known as a high-powered rifle, or any
gun of similar kind or character, or any ammunition therefor,
except on his own premises or premises leased to him for a
fixed term, until such person shall have first obtained a permit
from the superintendent of the department of public safety of
this state, and approved by the governor, or until a license
therefor shall have been obtained from the circuit court as in
the case of revolvers and pistols, and all such licenses, together
with the numbers identifying such firearms, shall be certified to
the superintendent of the department of public safety: Provided,
That nothing herein contained shall prevent the use of rifles by
14 bona fide rifle club members who are freeholders or tenants for 
15 a fixed term in this state, at their usual or customary place of 
16 practice, and: Provided, however, That notwithstanding any 
17 other provision of this article or any other provision of this 
18 code, any resident, nonresident and unnaturalized person may 
19 lawfully possess, transport, carry and use any firearm he is per-
20 mitted to use for hunting under any valid license he has been 
21 issued by the department of natural resources and which he 
22 holds in his possession. At all times such person shall comply 
23 with all of the requirements of law set forth in this code and the 
24 rules and regulations promulgated thereunder pertaining to pos-
25 sessing, transporting, carrying and using firearms for hunting.
26
27 No such permit shall be granted by the superintendent except 
28 in cases of riot, public danger and emergency until such 
29 applicant shall have filed his written application with the 
30 superintendent in accordance with the rules and regulations 
31 that may be from time to time prescribed by the department 
32 of public safety relative thereto, which application shall be 
33 accompanied by a fee of two dollars to be used in defraying 
34 the expense of issuing such permit, and such application shall 
35 contain the same provisions as are required to be shown under 
36 the provisions of section two of this article by applicants for 
37 a state license to carry a weapon, and shall be duly verified 
38 by such applicant and at least one other reputable citizen of 
39 this state. Any such permit as granted under the provisions of 
40 this section may be revoked by the governor at his pleasure, and 
41 upon the revocation of any such permit, the department of 
42 public safety shall immediately seize and take possession of 
43 any machine gun, sub-machine gun, high-powered rifle, or gun 
44 of similar kind and character, held by reason of such permit, 
45 and all ammunition therefor; and the department of public 
46 safety shall also confiscate any such machine gun, sub-machine 
47 gun, high-powered rifle, or any gun of similar kind and charac-
48 ter, and all ammunition therefor, so owned, carried, transported 
49 or possessed contrary to the provisions of this section, and shall 
50 safely store and keep the same, subject to the order of the 
51 governor.
52
53 No unnaturalized person may own, keep, possess, transport, 
54 carry or use any firearm of any kind or character, except for
hunting as provided in sections three and eight of this article and article two, chapter twenty of this code.

§61-7-9. Display of dangerous weapons for sale or hire; sale to unnaturalized person; penalties for violation of this section or §61-7-8.

It shall be unlawful for any person, firm or corporation to place or keep on public display to passersby on the streets, roads or alleys, for rent or sale, any revolver, pistol, dirk, bowie knife, slung shot, or other dangerous weapons of like kind or character, or any machine gun, sub-machine gun or high-powered rifle, or any gun of similar kind or character, or any ammunition for the same. All dealers licensed to sell any of the foregoing arms or weapons shall take the name, address, age and general appearance of the purchaser, as well as the maker of the gun, manufacturer's serial number and the caliber, and report the same at once in writing to the superintendent of the department of public safety. It shall be unlawful for any person to sell, rent, give or lend any of the arms mentioned in this article to an unnaturalized person: Provided, That a person may lawfully sell, rent, give or lend any firearm which may lawfully be used for hunting to any unnaturalized person who has been issued and holds a valid permit in accordance with the provisions of section twenty-nine, article two, chapter twenty of this code and the unnaturalized person shows such permit to such person when the sale, rental, gift or loan is made.

Any person violating the provisions of this or the preceding section shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than fifty dollars nor more than three hundred dollars, or imprisoned in the county jail not less than thirty days nor more than six months, or both fined and imprisoned.
AN ACT to amend and reenact section fifty, article two, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to prohibiting the director of the department of natural resources from issuing permits to kill deer and bear for scientific or propagation purposes.

Be it enacted by the Legislature of West Virginia:

That section fifty, article two, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 2. WILDLIFE RESOURCES.

§20-2-50. Permit to hunt, kill, etc., wildlife for scientific or propagation purposes.

1 The director may issue a permit to a person to hunt, kill, take, capture or maintain in captivity wildlife or reptiles exclusively for scientific or propagation purposes, but not for any commercial purposes. A permit may be issued only upon written application to the director setting forth at least:

7 (1) The number and kind of wildlife or reptiles to be taken;

9 (2) The purpose and manner of taking; and

10 (3) The name, residence and profession of the person applying for the permit.

12 No charge shall be made for this permit: Provided, That no permit shall be issued for the purpose of killing deer and bear.
AN ACT to amend and reenact section two, article three, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to acquisition of areas and lands for forest culture, state forests, wildlife refuges, public hunting and fishing areas and other similar areas and lands by the director of the department of natural resources, with the approval of the governor, and removing the prohibition that the director cannot acquire such areas and lands which cost more than twenty-five dollars per acre without the governor's approval.

Be it enacted by the Legislature of West Virginia:

That section two, article three, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 3. FORESTS AND WILDLIFE AREAS.

§ 20-3-2. Acquisition of suitable lands by director; maintenance thereof as state forests or wildlife areas; relinquishment of construction and maintenance of roads to the commissioner of highways.

The director may with the consent of the governor purchase, in the name of the state, out of funds set aside for the purpose, or out of any unused funds in his hands, lands suitable for forest culture, state forests or wildlife refuges, public hunting areas, public fishing areas, public hunting and fishing areas, public access sites and other lands for the purposes set forth in this article. Such funds may also be used for the construction of dams for fish refuges on lands so acquired. Purchase may be made on terms requiring not less than one third of the purchase price to be paid at the time of the conveyance with the residue to be paid in not less than one or two years after
date. The director may also receive the gift, in the name of the state, of such lands by deed or bequest. In all cases of transfer to the state, the fee simple title shall pass to the state, except minerals and mining rights to remove such minerals may be excepted or reserved.

The director shall protect, preserve and maintain lands so acquired as forest culture areas, state forests, wildlife areas, public hunting areas, public fishing areas, public hunting and fishing areas, public access sites and other such lands for the propagation and distribution of forest trees and for the protection, management, propagation and distribution of the fish, wild animals and birds thereon. He may prescribe and enforce rules and regulations consistent with the laws of the state to carry out that objective. The director may prescribe and enforce rules prohibiting all hunting and fishing, pursuing, catching, trapping, capturing and killing of fish, wild animals and birds upon such areas and lands for such length of time as he may deem proper.

The director may provide special regulations and open seasons for the taking of any wild birds, wild animals or fish upon such areas and lands in the manner provided in this chapter.

Except for the authority and responsibility to do the necessary cutting and planting of vegetation along road rights-of-way in state parks, state forests and public hunting and fishing areas, the director of the department of natural resources shall, upon the effective date of this section, relinquish to the commissioner of highways his authority over publicly owned roads in state parks, state forests and public hunting and fishing areas, and shall thereafter neither construct, reconstruct nor maintain any road or vehicular bridge for public usage in such areas except as is specifically authorized by this chapter. This relinquishment shall not be construed to alter the responsibilities assigned to the director of the department of natural resources in section eleven, article four, chapter twenty of the code of West Virginia.
AN ACT to amend and reenact section four, article five-b, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the natural streams preservation act and adding to said act the Birch river and the New river to be designated as protected streams.

Be it enacted by the Legislature of West Virginia:

That section four, article five-b, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 5B. NATURAL STREAMS PRESERVATION ACT.

§20-5B-4. Designation of protected streams.

1 The following streams are hereby designated as protected streams within the natural streams preservation system, namely:

2 (a) Greenbrier river from its confluence with Knapps creek to its confluence with the New river.

3 (b) Anthony creek from its headwaters to its confluence with the Greenbrier river.

4 (c) Cranberry river from its headwaters to its confluence with the Gauley river.

5 (d) Birch river from the Cora Brown bridge in Nicholas county to the confluence of the river with the Elk river.

6 (e) New river from its confluence with the Gauley river to its confluence with the Greenbrier river.
CHAPTER 175
(H. B. 649—By Mr. Speaker, Mr. McManus, and Mr. Gilliam)

[Passed February 24, 1975; in effect from passage. Approved by the Governor.]

AN ACT to amend and reenact section one, article six-a, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to limitation on the issuance of new permits for surface mining.

Be it enacted by the Legislature of West Virginia:

That section one, article six-a, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 6A. LIMITATIONS ON SURFACE MINING.

§20-6A-1. Limitation on the issuance of new permits for surface mining.

Commencing on the thirteenth day of March, one thousand two thousand nine hundred seventy-five, and ending on the twelfth day of March, one thousand nine hundred seventy-seven, no new permits, including prospecting permits, shall be issued under the provisions of article six of this chapter for the surface mining of coal in any county where no surface mining of coal existed under lawful permit during the calendar year one thousand nine hundred seventy.

CHAPTER 176
(S. B. 126—By Mr. Sharpe, Mr. Jones and Mr. Darby)

[Passed March 9, 1975; in effect from passage. Approved by the Governor.]

AN ACT to amend and reenact article two, chapter sixty-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the uniform controlled substances act generally and standards and schedules
specifically; removing the authority of the state board of pharmacy to add, reschedule and delete certain controlled substances to and from certain schedules; providing that said state board of pharmacy shall make certain recommendations to the Legislature with regard to the addition, rescheduling and deletion of controlled substances to and from certain statutory schedules; authorizing said state board of pharmacy to administer the regulatory provisions of the uniform controlled substances act; relating to nomenclature; providing certain criteria relative to making recommendations with regard to substances in Schedules I, II, III, IV and V; listing certain controlled substances in Schedules I, II, III, IV and V; relating to a publication of the aforesaid schedules by the state board of pharmacy; prescribing that certain recommendations made by said board of pharmacy to the Legislature shall be public information; and relating to criminal offenses and penalties.

Be it enacted by the Legislature of West Virginia:

That article two, chapter sixty-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted, all to read as follows:

ARTICLE 2. STANDARDS AND SCHEDULES.

§60A-2-201. Authority of state board of pharmacy; recommendations to Legislature.


§60A-2-203. Schedule I criteria.

§60A-2-204. Schedule I.

§60A-2-205. Schedule II criteria.

§60A-2-206. Schedule II.

§60A-2-207. Schedule III criteria.

§60A-2-208. Schedule III.

§60A-2-209. Schedule IV criteria.

§60A-2-210. Schedule IV.

§60A-2-211. Schedule V criteria.

§60A-2-212. Schedule V.

§60A-2-213. Review and printing of schedules by board; public information.

§60A-2-201. Authority of state board of pharmacy; recommendations to Legislature.

1 (a) The state board of pharmacy shall administer the provisions of this chapter. It shall also, on the first day of each regular legislative session, recommend to the Legis-
lature which substances should be added to or deleted from the schedules of controlled substances contained in this article or reschedule therein.

In making any such recommendation regarding a substance, the state board of pharmacy shall consider the following factors:

1. The actual or relative potential for abuse;
2. The scientific evidence of its pharmacological effect, if known;
3. The state of current scientific knowledge regarding the substance;
4. The history and current pattern of abuse;
5. The scope, duration, and significance of abuse;
6. The potential of the substance to produce psychic or physiological dependence liability; and
7. Whether the substance is an immediate precursor of a substance already controlled under this article.

(b) After considering the factors enumerated in subsection (a), the state board of pharmacy shall make findings with respect to the substance under consideration. If it finds that any substance not already controlled under any schedule has a potential for abuse, it shall recommend to the Legislature that the substance be added to the appropriate schedule. If it finds that any substance already controlled under any schedule should be rescheduled or deleted, it shall so recommend to the Legislature.

(c) If the state board of pharmacy designates a substance as an immediate precursor, substances which are precursors of the controlled precursor shall not be subject to control solely because they are precursors of the controlled precursor.

(d) If any substance is designated, rescheduled, or deleted as a controlled substance under federal laws and notice thereof is given to the state board of pharmacy, the board shall recommend similar control of such substance.
to the Legislature, specifically stating that such recom-
mendation is based on federal action and the reasons why
the federal government deemed such action necessary
and proper.

(e) The authority vested in the board by subsection (a)
of this section shall not extend to distilled spirits, wine,
malt beverages or tobacco as those terms are defined or
used in other chapters of this code nor to any nonnarcotic
substance if such substance may under the “Federal Food,
Drug and Cosmetic Act” and the law of this state law-
fully be sold over the counter without a prescription.


The controlled substances listed in the schedules in
this article are included by whatever official, common,
usual, chemical or trade name designated.

§60A-2-203. Schedule I criteria.

The state board of pharmacy shall recommend to the
Legislature that a substance be included in Schedule I if
it finds that the substance:

(1) Has high potential for abuse; and

(2) Has no accepted medical use in treatment in the
United States or lacks accepted safety for use in treat-
ment under medical supervision.

§60A-2-204. Schedule I.

(a) The controlled substances listed in this section
are included in Schedule I.

(b) Unless specifically excepted or unless listed in
another schedule, any of the following opiates, including
its isomers, esters, ethers, salts, and salts of isomers, esters,
and ethers whenever the existence of such isomers, es-
ters, ethers, and salts is possible within the specific chem-
ical designation:

(1) Acetylmethadol;
(2) Allylprodine;
(3) Alphacetylmethadol;
12 (4) Alphameprodine;
13 (5) Alphamethadol;
14 (6) Benzethidine;
15 (7) Betacetylmethadol;
16 (8) Betameprodine;
17 (9) Betamethadol;
18 (10) Betaprodine;
19 (11) Clonitazene;
20 (12) Dextromoramide;
21 (13) Dextrorphan;
22 (14) Diampropide;
23 (15) Diethylthiambutene;
24 (16) Dimenoxadol;
25 (17) Dimpeptanol;
26 (18) Dimethylthiambutene;
27 (19) Dioxaphetyl butyrate;
28 (20) Dipipanone;
29 (21) Ethylmethylthiambutene;
30 (22) Etonitazene;
31 (23) Etoxeridine;
32 (24) Furethidine;
33 (25) Hydroxypethidine;
34 (26) Ketobemidone;
35 (27) Levomoramide;
36 (28) Levophenacylmorphan;
37 (29) Morpheridine;
38 (30) Noracymethadol;
39 (31) Norlevorphanol;
40 (32) Normethadone;
41 (33) Norpipanone;
42 (34) Phenadoxone;
43 (35) Phenampromide;
44 (36) Phenomorphan;
45 (37) Phenoperidine;
46 (38) Piritramide;
47 (39) Proheptazine;
48 (40) Properidine;
49 (41) Racemoramide;
50 (42) Trimeperidine.

51 (c) Unless specifically excepted or unless listed in another schedule, any of the following opium de-
derivatives, its salts, isomers and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

1. Acetorphine;
2. Acetyldihydrocodeine;
3. Benzylmorphine;
4. Codeine methylbromide;
5. Codeine-N-Oxide;
6. Cyprenorphine;
7. Desomorphine;
8. Dihydromorphone;
9. Etorphine;
10. Heroin;
11. Hydromorphinol;
12. Methyldesomorphine;
13. Methyldihydromorphine;
14. Morphine methylbromide;
15. Morphine methylsulfonate;
16. Morphine-N-Oxide;
17. Myrophine;
18. Nicocodeine;
19. Nicomorphine;
20. Normorphine;
21. Phoclodine;
22. Thebacon.

(d) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation, which contains any quantity of the following hallucinogenic substances, or which contains any of the salts, isomers and salts of isomers of any thereof whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation and for the purposes of this subsection only, "isomer" includes the optical position and geometric isomers:

1. 3,4-methylenedioxy amphetamine;
2. 5-methoxy-3, 4-methylenedioxy amphetamine;
3. 3,4,5-trimethoxy amphetamine;
4. Bufotenine; known also by these trade and other
names: 3-(S-Dimethylaminoethyl)-5-hydroxyindole; 3-(2-
dimethylamino-ethyl)-5) indolol; N-N-dimethylserotonin; 5-hydroxy-N-dimethyltryptamine; mappine;
(5) Diethyltryptamine; known also by these trade and other names: N,N-Diethyltryptamine; “DET”;
(6) Dimethyltryptamine; known also by the name “DMT”;
(7) 4-methyl-2,5-dimethoxy amphetamine; known also by these trade and other names; 4-methyl-2,5-dimethoxy-
a-methylphenethylamine; “DOM”; “STP”;
(8) Ibogaline; known also by these trade and other names: 7-Ethyl-6, 6a, 7, 8, 9, 10, 12, 13-octahydro-2-meth-
9-oxy-6, 9-methano-5H-pyrido (1', 2': 1, 2 adenine 4,5b) indole; tabernanthe iboga;
(9) Lysergic acid diethylamide;
(10) Marihuana;
(12) Peyote;
(11) Mescaline;
(13) N-ethyl-3-piperidyl benzilate;
(14) N-methyl-3-piperidyl benzilate;
(15) Psilocybin;
(16) Psilocyn;
(17) Tetrahydrocannabinols; including synthetic equivalents of the substances contained in the plant or in the resinous extractives of Cannabis or synthetic substances, derivatives and their isomers with similar chemical structure and pharmacological activity such as the following:

\[1\] Cis or trans tetrahydrocannabinol, and their optical isomers;

\[6\] Cis or trans tetrahydrocannabinol, and their optical isomers;

\[3,4\] Cis or trans tetrahydrocannabinil tetrahydrocannabinol, and their optical isomers.
§60A-2-205. Schedule II criteria.

1 The state board of pharmacy shall recommend to the
2 Legislature that a substance be placed in Schedule II if
3 it finds that:

4 (1) The substance has high potential for abuse;
5 (2) The substance has currently accepted medical use
6 in treatment in the United States or currently accepted
7 medical use with severe restrictions;
8 (3) Abuse of the substance may lead to severe psychic
9 or physical dependence.

§60A-2-206. Schedule II.

1 (a) The controlled substances listed in this section
2 are included in Schedule II.
3 (b) Unless specifically excepted or unless listed in
4 another schedule, any of the following substances whether
5 produced directly or indirectly by extraction from sub-
6 stances of vegetable origin, or independently by means
7 of chemical synthesis, or by a combination of extraction
8 and chemical synthesis:

9 (1) Opium and opiate, and any salt, compound, deriva-
10 tive or preparation of opium or opiate, including the fol-
11 lowing:

12 (A) Raw opium;
13 (B) Opium extracts;
14 (C) Opium fluid extracts;
15 (D) Powdered opium;
16 (E) Granulated opium;
17 (F) Tincture of opium;
18 (G) Apomorphine;
19 (H) Codeine;
20 (I) Ethylmorphine;
21 (J) Hydrocodone;
22 (K) Hydromorphone;
23 (L) Metopon;
24 (M) Morphine;
25 (N) Oxycodone;
(O) Oxymorphone;

(P) Thebaine;

(2) Any salt, compound, isomer derivative or preparation thereof which is chemically equivalent or identical with any of the substances referred to in subdivision (1) of this subsection, except that these substances shall not include the isoquinoline alkaloids of opium;

(3) Opium poppy and poppy straw;

(4) Coca leaves and any salt, compound, derivative or preparation of coca leaves, and any salt, compound, derivative or preparation thereof which is chemically equivalent or identical with any of these substances, except that the substances shall not include decocainized coca leaves or extractions of coca leaves, which extractions do not contain cocaine or ecgonine.

(c) Unless specifically excepted or unless in another schedule, any of the following opiates, including its isomers, esters, ethers, salts and salts of isomers, esters and ethers whenever the existence of such isomers, esters, ethers and salts is possible within the specific chemical designation:

(1) Alphaprodine;

(2) Anileridine;

(3) Bezitramide;

(4) Dihydrocodeine;

(5) Diphenoxylate;

(6) Fentanyl;

(7) Isomethadone;

(8) Levomethorphan;

(9) Levorphanol;

(10) Metazocine;

(11) Methadone;

(12) Methadone-Intermediate, 4-cyano-2-dimethylamino-4,4-diphenyl butane;

(13) Moramide-Intermediate, 2-methyl-3-morpholino-1-diphenyl-propane-carboxylic acid;
62  (14) Pethidine;
63  (15) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-
64  phenylpiperidine;
65  (16) Pethidine-Intermediate-B, ethyl-4-phenylpiperi-
66  dine-4-carboxylate;
67  (17) Pethidine-Intermediate-C, 1-methyl-4-phenylpi-
68  peridine-4-carboxylic acid;
69  (18) Phenazocine;
70  (19) Piminodine;
71  (20) Racemethorphan;
72  (21) Racemorphan.

§60A-2-207. Schedule III criteria.
1 The state board of pharmacy shall recommend to the
2 Legislature that a substance be placed in Schedule III
3 if it finds that:
4  (1) The substance has a potential for abuse less than
5  the substances listed in Schedules I and II;
6  (2) The substance has currently accepted medical use
7  in treatment in the United States; and
8  (3) Abuse of the substance may lead to moderate or
9  low physical dependence or high psychological depend-
10  ence.

§60A-2-208. Schedule III.
1  (a) The controlled substances listed in this section
2  are included in Schedule III.
3  (b) Unless specifically excepted or unless listed in
4  another schedule, any material, compound, mixture or
5  preparation which contains any quantity of the following
6  substances having a stimulant effect on the central ner-
7  vous system:
8  (1) Methamphetamine, including its salts, isomers and
9  salts of isomers;
10  (2) Amphetamine, its salts, optical isomers and salts
11  of its optical isomers;
12  (3) Phenmetrazine (Preludin);
13  (4) Methylphenidate (Ritalin) and any compound,
mixture or preparation which contains any quantity of
phenmetrazine or methlpenidate.

(c) Unless specifically excepted or unless listed in
another schedule, any material, compound, mixture or
preparation which contains any quantity of the following
substances having a depressant effect on the central ner-
vous system:

1. Any substance which contains any quantity of a
derivative of barbituric acid or any salt of a derivative of
barbituric acid;

2. Chlorhexadol;

3. Glutethimide;

4. Lysergic acid;

5. Lysergic acid amide;

6. Methyprylon;

7. Phencyclidine;

8. Sulfondiethylmethane;

9. Sulfonethylmethane;

10. Sulfonmethane.

(d) Nalorphine (narcotic drug).

(e) Unless specifically excepted or unless listed in
another schedule, any material, compound, mixture or
preparation containing limited quantities of any of the
following narcotic drugs or any salts thereof:

1. Not more than 1.8 grams of codeine per 100 millili-
ters and not more than 90 milligrams per dosage unit,
with an equal or greater quantity of an isoquinolin alkal-
loid of opium;

2. Not more than 1.8 grams of codeine per 100 millili-
ters and not more than 90 milligrams per dosage unit,
with one or more active, nonnarcotic ingredients in recog-
nized therapeutic amounts;

3. Not more than 300 milligrams of dihydrocodeinone
per 100 milliliters and not more than 15 milligrams per
dosage unit, with a fourfold or greater quantity of an
isoquinoline alkaloid of opium;

4. Not more than 300 milligrams of dihydrocodeinone
§60A-2-209. Schedule IV criteria.

1. The state board of pharmacy shall recommend to the Legislature that a substance be placed in Schedule IV if it finds that:

   (1) The substance has a low potential for abuse relative to substances in Schedule III;

   (2) The substance has currently accepted medical use in treatment in the United States; and

   (3) Abuse of the substance may lead to limited physical dependence or psychological dependence relative to the substances in Schedule III.

§60A-2-210. Schedule IV.

1. (a) The controlled substances listed in this section are included in Schedule IV.

2. (b) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances, including its salts, isomers and salts of isomers...
7 whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:

10 (1) Barbital;
11 (2) Chloral betaine;
12 (3) Chloral hydrate;
13 (4) Ethchlorvynol;
14 (5) Ethinamate;
15 (6) Methohexital;
16 (7) Meprobamate;
17 (8) Methylphenobarbital;
18 (9) Paraldehyde;
19 (10) Petrichloral;
20 (11) Phenobarbital.

21 (c) Any material, compound, mixture or preparation which contains any quantity of the following substance, including its salts, isomers (whether optical position or geometric), and salts of such isomers whenever the existence of such salts, isomers and salts of isomers is possible: Fenfluramine.

§60A-2-211. Schedule V criteria.

1 The state board of pharmacy shall recommend to the Legislature that a substance be placed in Schedule V if it finds that:

4 (1) The substance has a low potential for abuse relative to the controlled substances listed in Schedule IV;

6 (2) The substance has currently accepted medical use in treatment in the United States; and

8 (3) The substance has limited physical dependence or psychological dependence liability relative to the controlled substances listed in Schedule IV.

§60A-2-212. Schedule V.

1 (a) The controlled substances listed in this section are included in Schedule V.

3 (b) Narcotic drugs containing nonnarcotic active medicinal ingredients. Any compound, mixture or preparation containing any of the following limited quanti-
ties of narcotic drugs or salts thereof, which shall in-
clude one or more nonnarcotic active medicinal ingredi-
ents in sufficient proportion to confer upon the compound,
mixture or preparation valuable medicinal qualities
other than those possessed by the narcotic drug alone:

(1) Not more than 200 milligrams of codeine per 100
milliliters or per 100 grams and not more than 10 milli-
grams per dosage unit;

(2) Not more than 100 milligrams of dihydrocodeine
per 100 milliliters or per 100 grams and not more than 5
milligrams per dosage unit;

(3) Not more than 100 milligrams of ethylmorphine
per 100 milliliters or per 100 grams and not more than 5
milligrams per dosage unit;

(4) Not more than 2.5 milligrams of diphenoxylate and
not less than 25 micrograms of atropine sulfate per
dosage unit;

(5) Not more than 100 milligrams of opium per 100
milliliters or per 100 grams.

§60A-2-213. Review and printing of schedules by board; public
information.

The state board of pharmacy shall annually review and
cause to be printed the schedules contained in this article,
which printed schedules shall be made available to the
public.

CHAPTER 177
(Com. Sub. for S. B. 16—By Mr. Galperin and Mr. Nelson)

[Passed March 8, 1975; in effect ninety days from passage. Approved by the Governor.]

AN ACT to amend chapter six of the code of West Virginia,
one thousand nine hundred thirty-one, as amended, by
adding thereto a new article, designated article nine-a, re-
lating to open governmental proceedings; setting forth a declaration of legislative policy; defining terms; providing for open meetings; relating to the holding of such meetings; providing exceptions; relating to minutes of such meetings; and relating to enforcement.

Be it enacted by the Legislature of West Virginia:

That chapter six of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, designated article nine-a, to read as follows:

ARTICLE 9A. OPEN GOVERNMENTAL PROCEEDINGS.

§6-9A-1. Declaration of legislative policy.

The Legislature hereby finds and declares that public agencies, boards, commissions, governing bodies, councils and all other public bodies in this state exist for the singular purpose of representing citizens of this state in governmental affairs, and it is, therefore, in the best interests of the people of this state for all proceedings of all public bodies to be conducted in an open and public manner. The Legislature hereby further finds and declares that the citizens of this state do not yield their sovereignty to the governmental agencies which serve them. The people in delegating authority do not give their public servants the right to decide what is good for them to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments of government created by them.


As used in this article:

(1) "Decision" means any determination, action, vote or final disposition of a motion, proposal, resolution, order,
ordinance or measure on which a vote of the governing
body is required, at any meeting at which a quorum is
present;

(2) "Executive session" means any meeting or part
of a meeting of a governing body which is closed to the
public;

(3) "Governing body" means the members of any
public body having the authority to make decisions for
or recommendations to a public body on policy or adminis-
tration, the membership of which governing body con-
sists of two or more members;

(4) "Meeting" means the convening of a governing
body of a public body for which a quorum is required in
order to make a decision or to deliberate toward a decision
on any matter, but such term does not include (a) any
meeting for the purpose of making an adjudicatory deci-
sion in any quasi-judicial, administrative or court of
claims proceeding, (b) any on-site inspection of any
project or program, or (c) any political party caucus;

(5) "Political subdivision" means any county, county
board of education or municipality in or any other politi-
cal subdivision of this state;

(6) "Public body" means any executive, legislative or
administrative body or agency of this state or any political
subdivision, or any commission, board, council, bureau,
committee or subcommittee or any other agency of any
of the foregoing, and such term shall not be construed
to include the judicial branch of government, state or
local, or any political party executive committee; and

(7) "Quorum" means, unless otherwise defined by
applicable law, a simple majority of the constituent mem-
bership of a governing body.


Except as expressly and specifically otherwise pro-
vided by law, whether heretofore or hereinafter enacted,
and except as provided in section four of this article, all
meetings of any governing body shall be open to the
5 public. Any governing body may make and enforce
6 reasonable rules and regulations for attendance at any
7 meeting where there is not room enough for all members
8 of the public who wish to attend, and this article shall
9 not be construed to prohibit the removal from a meeting
10 of any member of the public who is disrupting the meet-
11 ing to the extent that orderly conduct of the meeting is
12 compromised.

§6-9A-4. Exceptions.

1 (a) Notwithstanding the provisions of section three
2 of this article, a governing body may hold an executive
3 session concerning and may make a decision in such
4 executive session concerning:

5 (1) Matters of war, threatened attack from a foreign
6 power, civil insurrection or riot; or

7 (2) The appointment, employment, retirement, pro-
8 motion, demotion, disciplining, resignation, discharge,
9 dismissal or compensation of any public officer or em-
10 ployee, or other personnel matters, or for the purpose of
11 conducting a hearing on a complaint against a public
12 officer or employee, unless such public officer or employee
13 requests an open meeting; or

14 (3) The disciplining, suspension or expulsion of any
15 student in any public school or public college or univer-
16 sity, unless such student requests an open meeting; or

17 (4) The issuance, effecting, denial, suspension or
18 revocation of a license, certificate or registration under
19 the laws of this state or any political subdivision, unless
20 the person seeking such license, certificate or registration
21 or whose license, certificate or registration was denied,
22 suspended or revoked requests an open meeting; or

23 (5) The physical or mental health of any person,
24 unless such person requests an open meeting; or

25 (6) Matters which if discussed in public would be
26 likely to affect adversely the reputation of any person; or

27 (7) Any official investigation or matters relating to
28 crime prevention or law enforcement; or
(8) The deployment of security personnel or devices;

or

(9) Matters involving or affecting the purchase, sale
or lease of property, advance construction planning, the
investment of public funds or other matters involving
competition which, if made public, might adversely affect
the financial or other interest of the state or any political
subdivision.

(b) Notwithstanding the provisions of section three
of this article, and in addition to the exceptions provided
in subsection (a) of this section four, a governing body
may, after convening a meeting open to the public, go
into executive session upon a vote of a majority of the
members of the governing body present, but no decision
shall be made in such an executive session but shall be
made only in a meeting open to the public. Notwith-
standing any other provision of law or of this article to
the contrary, all meetings of the West Virginia board of
probation and parole held to discuss whether to parole
any person shall be open to the public.


1 Each governing body shall provide for the preparation
of written minutes of all of its meetings. All such minutes,
other than the minutes of an executive session, shall be
available to the public within a reasonable time after
the meeting and shall include, at least, the following in-
formation:

(1) The date, time and place of the meeting;

(2) The name of each member of the governing body
present and absent;

(3) All motions, proposals, resolutions, orders, ordi-
nances and measures proposed, the name of the person
proposing the same and their disposition; and

(4) The results of all votes and, upon the request of
a member, the vote of each member, by name.


1 Any action taken or decision made at a meeting held
in violation of the provisions of this article shall not be void or voidable, but the circuit court of the county wherein a governing body regularly meets, or the judge thereof in vacation, shall have jurisdiction to enforce the provisions of this article by mandamus or by injunction on petition by any citizen of this state, and no injunction bond shall be required.

CHAPTER 178
(Com. Sub. for H. B. 1186—By Mr. Tompkins)

[Passed March 8, 1975; in effect July 1, 1975. Approved by the Governor.]

AN ACT to amend and reenact section thirty-one, article three, chapter fifty-six of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to appointment of secretary of state of this state as true and lawful attorney for a nonresident motorist or if a natural person for his administrator, administratrix, executor or executrix for the service of process in any action or proceeding arising out of a motor vehicle accident in this state; requiring a bond and fee in connection therewith; specifying procedural details with respect to service under such section; relating to disposition of fee; defining words and phrases; and specifying that the provisions of such section are cumulative.

Be it enacted by the Legislature of West Virginia:

That section thirty-one, article three, chapter fifty-six of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 3. WRITS, PROCESS AND ORDER OF PUBLICATION.

§56-3-31. Actions by or against nonresident operators of motor vehicles involved in highway accidents or their administrators, etc.

1 The operation by a nonresident, or by his duly authorized agent, of a motor vehicle upon a public street, road or highway
of this state, shall be deemed equivalent to an appointment by
such nonresident of the secretary of state, or his successor in
office, to be his true and lawful attorney, or the true and law-
ful attorney of his administrator, administratrix, executor or
executrix in the event said nonresident is a natural person and
dies, upon whom may be served all lawful process in any action
or proceeding against him or if a natural person against his ad-
ministrator, administratrix, executor or executrix, in any court
of record in this state, including an action or proceeding brought
by a nonresident plaintiff or plaintiffs, growing out of any acci-
dent or collision in which such nonresident may be involved
while so operating or so permitting to be operated a motor
vehicle on any such street, road or highway, and such operation
shall be a signification of his agreement that any such process
against him, or if a natural person against his administrator, ad-
ministratrix, executor or executrix, which is served in the man-
er hereinafter provided, shall be of the same legal force and
validity as though said nonresident or if a natural person his ad-
ministrator, administratrix, executor or executrix were personal-
ly served with a summons and complaint within this state.

Any such action or proceeding may be instituted, continued
or maintained on behalf of or against the administrator,
administratrix, executor or executrix of said nonresident who
dies during or subsequent to said operation of a motor vehicle
by such nonresident or his duly authorized agent.

(a) At the time of filing a complaint and before a sum-
mons is issued thereon, the plaintiff, or someone for him,
shall execute a bond in the sum of one hundred dollars before
the clerk of the court, with surety to be approved by said
clerk, conditioned that on failure of the plaintiff to prevail in
the action that he will reimburse the defendant, or cause
him to be reimbursed, the necessary expense incurred by
him in and about the defense of the action in this state,
and upon the issue of a summons the clerk will certify
thereon that said bond has been given and approved. Service
shall be made by leaving the original and two copies of
both the summons and complaint with the certificate afore-
said of the clerk thereon, and a fee of two dollars with said
secretary of state, or in his office, and said service shall be
sufficient upon said nonresident or if a natural person his ad-
ministrator, administratrix, executor or executrix: *Provided*,

That notice of such service and a copy of the summons and
complaint shall forthwith be sent by registered mail, return re-
ceipt requested, by said secretary of state to the defendant, and
the defendant's return receipt signed by himself or his duly
authorized agent or the registered mail so sent by said secretary
of state is refused by the addressee and the registered mail is re-
turned to said secretary of state, or to his office, showing there-
on the stamp of the post-office department that delivery has
been refused, is appended to the original summons and com-
plaint, and filed therewith in the clerk's office of the court from
which process issued. The court may order such continuances
as may be reasonable to afford the defendant opportunity to de-
 fend the action.

(b) The fee of two dollars, remitted to the said secretary of
state at the time of service, shall be taxed in the costs of the
proceeding and said secretary of state shall pay into the state
treasury all funds so coming into his hands from such service.
The secretary of state shall keep a record in his office of all
such process and the day and hour of service thereof.

(c) The following words and phrases, when used in this
article, shall, for the purpose of this article and unless a differ-
ent intent on the part of the Legislature be apparent from the
context, have the following meanings:

(1) "Duly authorized agent" means and includes among
others a person who operates a motor vehicle in this state for a
nonresident as defined in this section and chapter, in pursuit of
business, pleasure, or otherwise, or who comes into this state
and operates a motor vehicle therein for, or with the knowledge
or acquiescence of, such nonresident; and shall include among
others a member of the family of such nonresident or a person
who, at the residence, place of business or post office of such
nonresident, usually receives and receipts for mail addressed to
such nonresident.

(2) "Motor vehicle" means and includes any self-propelled
vehicle, including motorcycle, tractor, and trailer, not operated
exclusively upon stationary tracks.

(3) "Nonresident" means any person who is not a resident
of this state or resident who has moved from the state subse-
quently to said accident or collision, and among others includes a nonresident firm, partnership, corporation or voluntary associa-
tion, or a firm, partnership, corporation or voluntary associa-
tion that has moved from the state subsequent to said accident or collision.

(4) "Nonresident plaintiff or plaintiffs" means a nonresident who institutes an action in a court in this state having jurisdic-
tion against a nonresident in pursuance of the provisions of this article.

(5) "Street," "road" or "highway" means the entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of right, for purposes of vehicular traffic.

(d) The provision for service of process herein is cumula-
tive and nothing herein contained shall be construed as a bar to the plaintiff in any action from having process in such action served in any other mode and manner provided by law.

CHAPTER 179
(S. B. 332—By Mr. Jones and Mr. Darby)

[Passed March 7, 1975; in effect July 1, 1975. Approved by the Governor.]

AN ACT to amend and reenact section four, article three, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to persons permitted to practice medicine and surgery; certain physi-
cians not to be ineligible to practice under temporary license permit in certain facilities; additional facilities wherein certain physicians may be eligible to practice under temporary license permit; certain physicians not to be ineligible to practice under temporary license permit for failure to pass medical examination.

Be it enacted by the Legislature of West Virginia:

That section four, article three, chapter thirty of the code of
West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 3. PHYSICIANS AND SURGEONS.

§30-3-4. Who permitted to practice medicine and surgery in this state; licensing of licensed practitioners from other states; permits to practice in prescribed areas.

The following persons and no others shall hereafter be permitted to practice medicine and surgery in this state:

(a) All such persons as shall be legally entitled to practice medicine and surgery in this state including those persons holding temporary permits to practice in prescribed areas as of the effective date of this section; (b) all such persons as shall be graduates of medical schools, as approved by the medical licensing board of West Virginia, and who provide their original diplomas or evidence thereof for authentication by the medical licensing board, and who shall pass an examination before the medical licensing board and shall receive a certificate therefrom as hereinafter provided: Provided, That the said board, or a majority of them, may accept in lieu of an examination of applicants, the certificate of the national board of medical examiners, or diplomat certificate from an American specialty board, such certification shall be limited to that specific specialty in the practice of medicine and surgery in this state, or the certificate of license to practice medicine and surgery legally granted by the state board of registration or examination or licensing board of another state or territory, whose standard of qualification for the practice of medicine and surgery is equivalent to that of this state, and grant to such applicant a certificate of license to practice medicine and surgery in this state: Provided, however, That any physician who has been certified by the Educational Council for Foreign Medical Graduates or who, as of the effective date of this section, holds a temporary permit to practice in a prescribed area, shall not be ineligible for a temporary license permit to practice in any mental health or state owned facility and, when under the supervision of a licensed physician, in any hospital, clinic, physician's office and any other approved health care facility until
July one, one thousand nine hundred eighty, by virtue of his failure to pass the medical examination prescribed by the board, so long as such physician shall take said examination at least once each year: Provided, That the board shall not limit the number of times a physician may take the medical examination. Whenever in the judgment of the medical licensing board a condition exists in which medical service may be required, the said board is authorized to grant permits for the practice of medicine to qualified physicians in prescribed areas, and such permits shall be subject to revocation when the agreement, under which they were issued, has been violated.

A fee of one hundred dollars shall accompany each application for licensure by examination, reexamination, or reciprocity, twenty-five dollars of which shall be retained by the board in the event an application is withdrawn or rejected. A fee of twenty-five dollars shall accompany each application for temporary permits and a fee of ten dollars shall accompany each application for an extension thereof.

CHAPTER 180

(S. B. 510—By Mr. Darby)

[Passed March 8, 1975; in effect ninety days from passage. Approved by the Governor.]

AN ACT to amend chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article three-c, relating to health care peer review organizations; defining terms; and providing immunity from civil liability, with certain exceptions, to persons who provide information to, or who are members or employees of, such organizations.

Be it enacted by the Legislature of West Virginia:

That chapter thirty of the code of West Virginia, one thou-
sand nine hundred thirty-one, as amended, be amended by adding thereto a new article, designated article three-c, to read as follows:

ARTICLE 3C. HEALTH CARE PEER REVIEW ORGANIZATIONS.
§30-3C-1. Definitions.
§30-3C-2. Immunity from liability.

§30-3C-1. Definitions.

1 As used in this article:

2 "Health care professionals" means individuals who are licensed to practice in any health care field under the laws of this state.

3 "Peer review" means the procedure for evaluation by health care professionals of the quality and efficiency of services ordered or performed by other health care professionals, including practice analysis, inpatient hospital and extended care facility utilization review, medical audit, ambulatory care review, and claims review.

4 "Professional society" includes medical, psychological, nursing, dental, optometric, pharmaceutical, chiropractic and podiatric organizations having as members at least a majority of the eligible licentiates in the area or health care facility or agency served by the particular organization.

5 "Review organization" means any committee or organization engaging in peer review, including a hospital utilization review committee, a hospital tissue committee, a medical audit committee, a health insurance review committee, a hospital plan corporation review committee, a professional health service plan review committee or organization, a dental review committee, a physicians' advisory committee, a podiatry advisory committee, a nursing advisory committee, any committee or organization established pursuant to a medical assistance program, and any committee established by one or more state or local professional societies or institutes, to gather and review information relating to the care and treatment of patients for the purposes of (i) evaluating and improving the quality of health care rendered; (ii) reducing
morbidity or mortality; or (iii) establishing and enforcing guidelines designed to keep within reasonable bounds the cost of health care. It shall also mean any hospital board committee, or organization reviewing the professional qualifications or activities of its medical staff or applicants for admission thereto, and any professional standards review organizations established or required under state or federal statutes or regulations.

§30-3C-2. Immunity from liability.

(a) Notwithstanding any other provision of law, no person providing information to any review organization shall be held, by reason of having provided such information, to be civilly liable under any law, unless:

1. Such information is unrelated to the performance of the duties and functions of such review organization, or
2. Such information is false and the person providing such information knew, or had reason to believe, that such information was false.

(b) No member or employee of any review organization who furnishes professional counsel or services to such organization shall be held by reason of the performance by him of any duty, function or activity authorized or required of review organizations to be civilly liable, if he has exercised due care in such performance. The foregoing provisions of this subsection shall not apply with respect to any action taken by any individual if such individual, in taking such action, was motivated by malice toward any person affected by such action.

CHAPTER 181

(S. B. 168—By Mr. Gilligan and Mr. Harman)

[Passed February 19, 1975; in effect ninety days from passage. Approved by the Governor.]

AN ACT to amend and reenact section five, article five, chapter thirty of the code of West Virginia, one thousand nine
hundred thirty-one, as amended, relating to reducing from one year to nine months the period of time of practical experience which a person seeking to be registered as a pharmacist must serve under the instruction and supervision of a registered pharmacist before such person can be so registered; prescribing certain other qualifications for registration as a pharmacist; and relating to certain certificates of registration.

Be it enacted by the Legislature of West Virginia:

That section five, article five, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 5. PHARMACISTS, ASSISTANT PHARMACISTS AND DRUGSTORES.

§30-5-5. Qualifications for registration as pharmacist; certificates of registration.

1 In order to be registered as a pharmacist within the meaning of this article, a person shall be a citizen of the United States, not less than eighteen years of age, shall present to the board of pharmacy satisfactory evidence that he is a graduate of a recognized school of pharmacy as defined by the board of pharmacy. In addition thereto, he shall have had at least nine months of practical experience in a pharmacy or drugstore under the instruction and supervision of a registered pharmacist and shall pass satisfactorily an examination by or under the direction of the board of pharmacy. Each application for examination must be accompanied by a fee of fifty dollars, which shall be forwarded to the secretary according to law.

Every applicant for registration as a pharmacist shall present to the board of pharmacy satisfactory evidence that he is a person of good moral character and not addicted to drunkenness or the use of controlled substances. The board shall issue certificates of registration to all persons who successfully pass the required examination and are otherwise qualified and to all those whose certificates or licenses the board shall accept in lieu of an examination as provided in section six of this article.
AN ACT to amend and reenact section six, article six, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to disposition of fees and other moneys remaining with the West Virginia board of embalmers and funeral directors after payment of expenses.

Be it enacted by the Legislature of West Virginia:

That section six, article six, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 6. EMBALMERS AND FUNERAL DIRECTORS.

§30-6-6. Examination, registration and renewal fees; disposition of fees; report to governor.

The examination fee for a funeral director's license shall be fifty dollars and shall be remitted at the time the application for a funeral director's license is submitted to the board.

The examination fee for an embalmer's license shall be fifty dollars and shall be remitted at the time the application for an embalmer's license is submitted to the board.

All the licenses and certificates of registration shall expire on the thirtieth day of June of each calendar year and the renewal date for all licenses and certificates shall be the first day of July of each calendar year.

The annual renewal fee for embalmer's license, funeral director's license, assistant funeral director's license, or apprentice registration shall be five dollars and shall be paid on or before the first day of July of each calendar year.

Any person who has been duly licensed as a funeral director or as an embalmer under the laws of this state but who fails to renew his license within ninety days after the
expiration date for renewals, may file an application for a renewal of his license, without examination, upon payment of a penalty of ten dollars and the required renewal fee.

Any person who has been duly licensed as a funeral director or as an embalmer under the laws of this state but who fails to renew his license within one year after the expiration date for renewals, may file an application for a renewal of his license, without examination, upon payment of a penalty of twenty-five dollars and the required renewal fee.

A funeral director or an embalmer whose license has lapsed one year or more shall make application to the board for a new license in compliance with the provisions of this article relating to unlicensed persons.

Any person who has been duly licensed as an assistant funeral director and fails to renew his license within ninety days after the expiration date for renewal may file an application for renewal of his license upon payment of a penalty of ten dollars and the required renewal fee. Otherwise, after the said period of ninety days, his license will automatically be canceled.

Any person who has been duly registered as an apprentice embalmer or apprentice funeral director and fails to renew his registration within ninety days after the expiration date for renewals may file an application for such renewal upon payment of a penalty of two dollars and the required renewal fee. Otherwise, after the said period of ninety days, his registration will automatically be canceled.

All fees and other moneys received by the board pursuant to the provisions of this article shall be kept in a separate fund and expended solely for the purposes of this article. After expenditures for the fiscal year, of the remaining moneys, all sums in excess of ten thousand dollars in the separate fund shall revert to the general fund of the state. The compensation provided by this article and all expenses incurred the payment of which is authorized under this article shall be paid from this separate fund. No compensation or expense incurred under this article shall be a charge against the general funds of the state.
AN ACT to amend and reenact section two, article ten, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the practice of veterinary medicine and deleting the provision allowing any person with ten years' experience to practice veterinary medicine if the services of a veterinarian are not available within a reasonable time or at a reasonable cost.

Be it enacted by the Legislature of West Virginia:

That section two, article ten, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 10. VETERINARIANS.

§30-10-2. License or permit required; exceptions.

1 No person may, for a fee or other compensation, practice veterinary medicine in this state without a license or a temporary permit issued by the board in accordance with the provisions of this article, which license or permit remains unexpired, unsuspended and unrevoked. This article shall, however, not be construed to prohibit:

(a) Any employee of the federal, state or local government from performing his official duties, as defined by his employing agency;

(b) Any person who is a regular student in a veterinary school from performing research assigned by his instructors, or from working under the direct supervision of a licensed veterinarian during a school vacation period;

(c) Any person from advising with respect to or performing acts which the board has prescribed as accepted livestock management practices;

(d) Any veterinarian regularly licensed in another state from consulting with a licensed veterinarian in this state;
(e) The owner of an animal, the owner’s employees, or persons assisting the owner without any fee or compensation, from caring for and treating such animal, except where the ownership of such animal was transferred for the purpose of circumventing the provisions of this article;

(f) Any member of the faculty of a veterinary school from performing his regular functions, or any person from lecturing, or giving instructions or demonstrations, at a veterinary school or in connection with a continuing education course or seminar;

(g) Any person from selling or applying any pesticide, insecticide or herbicide;

(h) Any person from engaging in bona fide scientific research which reasonably requires experimentation involving animals;

(i) Any person from engaging in bona fide scientific research in consultation with a licensed veterinarian in this state;

(j) The treatment or relief of any living animal in the case of an emergency or the disposal of the carcass of a dead animal;

(k) Any person, with reference to domestic animals, from performing care and treatment of such animals, provided that such person other than those not prohibited otherwise in this section shall be allowed to continue after the first day of January, one thousand nine hundred seventy-six, only if such person meets the minimum requirements set out by the veterinary licensing board for certification of licensing as veterinarians, veterinary assistants or veterinary technicians;

(l) The practice of veterinary medicine by those certain persons who were licensed to practice under the laws of this state on the effective date of this section or the practice of veterinary medicine by those certain persons who were permitted to practice by the provisions of chapter thirty-three, acts of the Legislature, regular session, one thousand nine hundred fifteen, notwithstanding any of the provisions contained in section six, article ten, chapter thirty of this code to the contrary; or
57 (m) The veterinary licensing board from certifying and
58 licensing veterinary assistants or technicians to work under
59 the direct supervision of a licensed veterinarian.

CHAPTER 184
(H. B. 938—By Mr. Speaker, Mr. McManus, and Mr. Seibert)

[Passed March 8, 1975; in effect ninety days from passage. Approved by the Governor.]

AN ACT to amend and reenact article thirteen, chapter thirty of the
code of West Virginia, one thousand nine hundred thirty-one,
as amended, relating generally to the practice of professional
engineering and the registration of persons engaging in the prac­
tice of professional engineering; providing legislative findings,
intent and declaration of public policy; defining terms; requir­
ing registration of persons engaging in the practice of profession­
al engineering; providing prohibitions and restrictions on cer­
tain activities; continuing the West Virginia state board of
registration for professional engineers; providing for the ap­
pointment, qualifications, terms of office, oath, removal and
payment of compensation and expenses of members of the
board; relating to the election of officers, meetings and quorum
of the board; specifying powers and duties of the board;
relating to the receipt and disbursement of funds by the board;
establishing qualifications of applicants for registration; pro­
viding for reciprocal registration of certain professional en­
gineers; providing for applications and fees for examinations and
certificates of registration; providing for the issuance of certifi­
cates of registration, renewal thereof and fees in connection
therewith; relating to the certificate of registration and the re­
quirement and use of a seal for professional engineers; providing
for various exemptions from said article thirteen; relating to
partnerships, corporations and other business entities and the
practice of professional engineering; authorizing board to sus­
pend or revoke certificate of registration and establishing the
grounds therefor; relating to resignation of registrant; authorizing
said board to hold hearings; providing a time and place
for such hearings; specifying that provisions of chapter twenty-
nine-a of the code shall govern the hearings; authorizing the board to issue subpoenas and subpoenas duces tecum in connection with such hearings; providing automatic stay or suspension of certain orders of board pending such hearing; relating to the cost of such hearing; providing for judicial review of decisions of the board entered following such hearing; providing for appeals to the supreme court of appeals; providing legal representation for the board; providing for injunctive relief; and providing criminal offenses and penalties.

Be it enacted by the Legislature of West Virginia:

That article thirteen, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 13. ENGIN EERS.

§30-13-1. Legislative findings; intent.


§30-13-3. Registration required to practice professional engineering; prohibitions and restrictions.

§30-13-4. Continuation of board of registration for professional engineers; members, terms, meetings, officers, oath and expenses; general provisions.

§30-13-5. Powers and duties of board; funds of board.

§30-13-6. Qualifications of applicants; reciprocity; applications; fees.

§30-13-7. Registration; certificate of registration; renewal; renewal fee; expiration; seal.


§30-13-9. Application of article to partnerships, corporations and other business entities.

§30-13-10. Suspension or revocation of certificate of registration; resignation.

§30-13-11. Order denying application or suspending or revoking certificate; procedures for hearing.


§30-13-14. Offenses and penalties.

§30-13-1. Legislative findings; intent.

1 The Legislature of the state of West Virginia hereby determines and finds that the advancing state of knowledge in mathematical, physical, and engineering sciences as applied in the practice of professional engineering has a critical impact on the lives, property, economy, security and the general health and welfare of our state and our citizens. Therefore, the Legislature declares that in order to protect public health, safety,
welfare, property and the general public interest, the practice of professional engineering must be regulated and controlled in accordance with this article in order to insure that the privilege of practicing professional engineering shall only be entrusted to persons with necessary qualifications, good character, education, training and experience. In furtherance of such intent and purpose of the Legislature, the practice of engineering is hereby declared a learned profession to be practiced and regulated as such and its practitioners in this state shall be held accountable to the state and members of the public by high professional standards in keeping with the ethics and practices of other learned professions in this state.


(a) Unless the context in which used clearly requires a different meaning as used in this article:

(1) "Applicant" means any person making application for registration, whether original or renewal, under the provisions of this article.

(2) "Board" means the West Virginia state board of registration for professional engineers as provided for in this article.

(3) "Certificate of registration" means a license issued by the state granting its licensee the privilege of practicing professional engineering in accordance with the provisions of this article.

(4) "Current certificate of registration" means a certificate of registration issued pursuant to the provisions of this article or under the prior provisions of this article which certificate is and remains unexpired, unsuspended or unrevoked.

(5) "Practice of professional engineering" means performing or doing, or offering or attempting to do or perform any professional service or creative work such as consultation, investigation, evaluation, planning, design or inspection of construction for the purpose of assuring compliance with drawings and specifications, in connection with any public or private utilities, structures, buildings, machines, equipment, processes, work or projects, wherein the public welfare, or the safeguarding of
life, health or property is concerned or involved, when such
professional service requires engineering education, training
and experience in the application of special knowledge of the
mathematical, physical, or engineering sciences to such ser-
vices or creative work.

(6) "Professional engineer" means any person who by rea-
son of his knowledge of mathematics, the physical sciences,
and the principles of engineering, acquired by professional
education and practical experience, is qualified to engage in
the practice of professional engineering and holds a current
certificate of registration.

(7) "Registrant" means any person registered under the
provisions of this article.

§30-13-3. Registration required to practice professional engineer-
ing; prohibitions and restrictions.

(a) From and after the effective date of this article, no
person in this state who does not hold a current certificate
of registration shall:

(1) Practice, continue to practice, offer or attempt to prac-
tice professional engineering or any branch or part thereof;

(2) Directly or indirectly, employ, use, cause to be used
or make use of any of the following terms or any combinations,
variations or abbreviations thereof as a professional, business
or commercial identification, title, name, representation, claim,
asset or means of advantage or benefit: "professional engi-
neer," "licensed engineer," "registered professional engineer.
" "licensed professional engineer";

(3) Directly or indirectly, employ, use, cause to be used or
make use of any letter, abbreviation, word, symbol, slogan,
sign or any combinations or variations thereof, which in any
manner whatsoever tends or is likely to create any impression
with the public or any member thereof that any person is quali-
fied or authorized to practice professional engineering; or

(4) Receive any fee or compensation or the promise of any
fee or compensation for performing, offering or attempting to
perform any service, work, act or thing which is any part of
the practice of professional engineering as defined by this article.

(b) Nothing contained in this article shall under any circumstances whatever be construed as in any way affecting the laws relating to the practicing, licensing, certification or registration of architects, landscape architects and land surveyors.

§30-13-4. Continuation of board of registration for professional engineers; members, terms, meetings, officers, oath and expenses; general provisions.

There is hereby continued the West Virginia state board of registration for professional engineers created under prior provisions of this article. The board shall be composed of five professional engineers appointed by the governor by and with the advice and consent of the Senate. The members of the board as constituted under prior provisions of this article shall continue in office until the expiration of the term for which each was appointed, and as the terms of the present members shall expire appointments shall be made for terms of five years so as to have the term of one member expire each year. Each member shall hold office until the expiration of the term for which such member is appointed or until a successor shall have been duly appointed and shall have qualified. No person may serve on the board for more than three consecutive full terms. Before entering upon the performance of his duty, each member shall take and subscribe to the oath prescribed by section five, article four of the constitution of this state. Vacancies shall be filled by appointment by the governor for the unexpired term of the member whose office shall be vacant and such appointment shall be made within sixty days of the occurrence of such vacancy. Any member may be removed by the governor in case of incompetency, neglect of duty, gross immorality or malfeasance in office.

Each member of the board shall be a citizen of the United States and a resident of this state, and shall have been engaged in the practice of professional engineering for at least ten years, and shall have been in responsible charge of engineering work for at least five years. Each member of the board shall hold a current certificate of registration.
The board shall elect from its membership a president and a secretary who shall serve at the will and pleasure of the board. A majority of the board shall constitute a quorum and meetings shall be held at the call of the president or upon request of two members at such time and place as designated in such call or request. In any event, the board shall meet at least once annually to conduct the examination hereinafter provided for and to transact such other business as may come before it. Members may be paid such reasonable compensation as the board may from time to time determine, and in addition may be reimbursed for all reasonable and necessary expenses actually incurred in the performance of their duties, which compensation and expenses shall be paid in accordance with the provisions of subsection (b), section five of this article.

§30-13-5. Powers and duties of board; funds of board.

(a) The board shall:

(1) Examine applicants and determine their eligibility to be registered as a professional engineer;

(2) Prepare or approve, administer, and grade appropriate written or written and oral examinations for applicants to ascertain whether an applicant is qualified as to the theory and practice of professional engineering;

(3) Determine the time and place for any examination and the passing score of such examination;

(4) Promulgate reasonable rules and regulations implementing the provisions of this article and the powers and duties conferred upon the board hereby, all of which reasonable rules and regulations shall be promulgated in accordance with the provisions of article three, chapter twenty-nine-a of this code;

(5) Establish and promulgate, as a part of the rules and regulations, reasonable standards of conduct and ethics for professional engineers in keeping with the purposes and intent of this article;

(6) Issue, renew, deny, suspend or revoke a certificate of registration in accordance with the provisions of this article.
and, in accordance with the administrative procedures herein-
22 after provided, may review, affirm, reverse or modify its order
23 with respect to any such issuance, renewal, denial, suspension
24 or revocation;
25
26 (7) Investigate alleged violations of the provisions of this
27 article, reasonable rules and regulations promulgated here-
28 under and final decisions of the board and take appropriate
29 disciplinary action, including a written public or private repri-
30 mand, against any registrant for the violation thereof or insti-
31 tute appropriate legal action for the enforcement of the pro-
32 visions of this article, reasonable rules and regulations promul-
33 gated hereunder and orders and final decisions of the board
34 or take such disciplinary action and institute such legal action;
35
36 (8) Purchase or rent necessary office space, equipment and
37 supplies and employ, direct, discharge and define the duties
38 of full-time or part-time professional, clerical or other per-
39 sonnel as may be necessary to effectuate the provisions of this
40 article;
41
42 (9) Keep accurate and complete records of its proceedings,
43 certify the same as may be appropriate, prepare from time to
44 time, a list showing the names and addresses of all registrants,
45 and submit to the governor a report on the transactions of the
46 board, including an accounting of all moneys received and
47 disbursed;
48
49 (10) Take such other action as may be reasonably neces-
50 sary or appropriate to effectuate the provisions of this article.
51
52 (b) All moneys paid to the board shall be accepted by a
53 person designated by the board and deposited by him with the
54 treasurer of the state and credited to an account to be known
55 as the "board of professional engineers." The compensation of
56 and the reimbursement of all reasonable and necessary expens-
57 es actually incurred by the members of the board and all
58 other costs and expenses incurred by the board in the ad-
59 ministration of this article shall be paid from such fund, and
60 no part of the state's general revenue fund shall be expended
61 for this purpose.
§30-13-6. Qualifications of applicants; reciprocity; applications; fees.

(a) To be eligible for registration as a professional engineer, the applicant must:

(1) Be at least eighteen years of age;

(2) Be of good moral character;

(3) Not have been convicted of a felony in any court in this state or any federal court in this or any other state within ten years preceding the date of application for registration, which conviction remains unreversed; and not have been convicted of a felony in any court in this state or any federal court in this or any other state at any time if the offense for which he was convicted related to the practice of professional engineering, which conviction remains unreversed;

(4) Either (i) be a graduate of a school or college in an engineering curriculum approved by the board and have a specific record of an additional four years or more of experience in engineering work of a character satisfactory to the board indicating that the applicant is competent to practice engineering; or (ii) be a graduate of a school or college in a science curriculum approved by the board and have a specific record of an additional six years or more of experience in engineering work of a character satisfactory to the board indicating that the applicant is competent to practice engineering; or (iii) have a record of at least ten years of education and experience in engineering which in the opinion of the board is substantially equivalent to (i) or (ii) as set forth hereinabove; and

(5) Have passed the examination prescribed and administered by the board in accordance with the provisions of this article.

(b) The board may issue a certificate of registration as a professional engineer to any person who holds an unrevoked license or a certificate of registration issued to him by any state, territory, or possession of the United States: Provided, That the applicant's qualifications are in the opinion of the board equal to or greater than the requirements of this article and the rules and regulations established by the board.
(c) Any applicant for registration under the provisions of subsection (a) or (b) of this section shall submit an application therefor at such time, in such manner, on such forms and containing such information as the board may from time to time by reasonable rule and regulation prescribe. The registration fee for professional engineers shall be fifty dollars, twenty-five dollars of which shall accompany the application, the remaining twenty-five dollars to be paid upon issuance of certificate. Should the board deny the issuance of a certificate to any applicant, the initial fee deposited shall be retained. Applicants failing any portion of the examinations will be required to pay a fee not to exceed twenty-five dollars for each subsequent examination period for which he must appear.

§30-13-7. Registration; certificate of registration; renewal; renewal fee; expiration; seal.

Whenever the board finds that an applicant is eligible for registration under the requirements of this article, it shall forthwith issue to him a certificate of registration; and otherwise the board shall deny the same. The board shall prescribe the form of the certificate of registration. Certificates of registration shall expire on the thirtieth day of June of each year, but shall be renewable each year without examination upon application for renewal on a form prescribed by and filed with the board and payment to the board of an annual renewal fee in such amount as may be prescribed by the board not to exceed thirty dollars. The secretary of the board shall notify every registrant of the expiration date and the amount of the renewal fee for one year.

All certificates of registration not renewed are null and void but may be renewed within two years after expiration date for a maximum fee of fifty dollars. Any person who does not renew his certificate of registration during the two years after its expiration date shall not be eligible for renewal as provided in this section but may submit an original application to the board as provided in this article.

Each registrant shall obtain a seal or stamp of a design authorized by the board, bearing his name and the legend "registered professional engineer, state of West Virginia," and such other words or figures as the board may prescribe.
Plans, specifications, plats and reports issued by a registrant shall be stamped or sealed. It shall be unlawful for anyone to stamp or seal any document unless the registrant named thereon holds a current certificate of registration.


(a) The following persons shall be exempt from registration under the provisions of this article:

(1) Any employee of a person, partnership, corporation or other business entity which is engaged in the practice of professional engineering in conformity with the provisions of this article and any employee of a person exempted from registration by subsection (b) of this section: Provided, That such employee does not have final authority for the approval of, and the ultimate responsibility for, engineering designs, plans or specifications.

(2) Any regular full-time employee of a person, partnership, corporation or other business entity who is engaged solely and exclusively in performing services for such person, partnership, corporation, or other business entity, who is not required by any provision of law other than this article thirteen to be a registered professional engineer and whose services are performed on, or in connection with, property owned or leased by such person, partnership, corporation or other business entity, or in which such person, partnership, corporation or other business entity has an interest, estate or possessory right, and are not offered or made available to the public. This exemption includes the use of job title and personnel classifications by such persons, but no name, title or words may be used which tend to convey the impression that an unlicensed person is offering professional engineering services to the public.

(3) Officers and employees of the government of the United States while engaged within this state in the practice of professional engineering for such government.

(4) Any regular full-time employee of any investor-owned public utility, its affiliates or associated companies, while engaged solely in performing services which are not offered
directly to the public, and which are performed in connection
with or incidental to the products, systems or services of such
investor-owned public utility, its affiliates or associated com-
panies.

(b) A person who is not a resident of this state or who
does not have an established place of business in this state
and is currently registered or licensed as a professional
ingineer in his state of residency or in the state of his principal
place of practice, may, without registration in this state, be
granted permission by the board to practice professional
engineering in this state on a specific project for the dura-
tion of such specific project. Such person seeking per-
mission shall apply to the board in writing and pay a
fee of fifty dollars: *Provided,* That such privilege to practice
professional engineering in this state shall be confined to
the terms of the written permit granted by the board and no
other practice of professional engineering shall be allowed.

§30-13-9. Application of article to partnerships, corporations and
other business entities.

Partnerships, corporations or other business entities may
engage in the practice of professional engineering in this state
provided such practice is carried on by professional engineers
registered in accordance with this article.

§30-13-10. Suspension or revocation of certificate of registration;
resignation.

(a) The board may at any time upon its own motion, and
shall upon the verified written complaint of any person filed
with the board, conduct an investigation to determine whether
there are any grounds for the suspension or revocation of a
certificate of registration issued under the provisions of this
article or under the prior provisions of this article.

(b) The board may suspend or revoke any certificate of
registration when it finds that the registrant has:

(1) Been convicted of a felony in any court in this state or
any federal court in this or any other state within ten years pre-
ceding the effective date of such suspension or revocation,
which conviction remains unreversed; or been convicted of a
felony in any court in this state or any federal court in this or any other state at any time if the offense for which he was convicted related to the practice of professional engineering, which conviction remains unreversed;

(2) Obtained such certificate of registration by means of fraud or deceit;

(3) Been incompetent, grossly negligent or guilty of other malpractice or misconduct as defined by the board by reasonable rules and regulations;

(4) Failed or refused to comply with any provision of this article or any reasonable rule or regulation promulgated by the board hereunder or any order or final decision of the board; or

(5) Affixed his seal or stamp to any plans, plats, drawings, specifications, reports or other instruments of service which were not prepared by him or under his immediate and responsible supervision, or permitted his name to be used for the purpose of assisting any person to evade the provisions of this article.

(c) The board may also suspend or revoke any certificate of registration if it finds the existence of any grounds which would have justified the denial of the application for such certificate of registration at the time the original certificate of registration was granted.

(d) Any such suspension or revocation of a certificate of registration shall be for the period prescribed by the board in a written order of suspension or revocation.

(e) A person holding a certificate of registration issued by the board may voluntarily resign his registration by filing a verified petition with the board stating his desire to do so, and by surrendering therewith his certificate of registration; whereupon his name shall be deleted from the official roster.

§30-13-11. Order denying application or suspending or revoking certificate; procedures for bearing.

(a) Whenever the board shall deny an application for any original or renewal certificate of registration or shall suspend or revoke any such certificate of registration, it shall make and
enter an order to that effect and serve a copy thereof on the applicant or registrant, as the case may be, by certified mail, return receipt requested. Such order shall state the grounds for the action taken and shall require that any certificate of registration suspended or revoked thereby shall be returned to the board by the holder thereof within twenty days after receipt of said copy of said order.

(b) Any person adversely affected by any such order shall be entitled to a hearing thereon (as to all issues not excluded from the definition of a "contested case" as set forth in article one, chapter twenty-nine-a of this code) if, within twenty days after receipt of a copy thereof, he files with the board a written demand for such hearing. A demand for hearing shall operate automatically to stay or suspend the execution of any order suspending or revoking a certificate of registration or denying an application for a renewal certificate of registration. The board may require the person demanding such hearing to give reasonable security for the costs thereof and if such person does not substantially prevail at such hearing such costs shall be assessed against him and may be collected by a civil action or other proper remedy.

(c) Upon receipt of a written demand for such hearing, the board shall set a time and place therefor not less than ten and not more than thirty days thereafter. Any scheduled hearing may be continued by the board upon its own motion or for good cause shown by the person demanding the hearing.

(d) All of the pertinent provisions of article five, chapter twenty-nine-a of this code shall apply to and govern the hearing and the administrative procedures in connection with and following such hearing, with like effect as if the provisions of said article five were set forth in this subsection.

(e) Any such hearing shall be conducted by a quorum of the board. For the purpose of conducting any such hearing, any member of the board shall have the power and authority to issue subpoenas and subpoenas duces tecum which shall be issued and served within the time, for the fees and shall be enforced, as specified in section one, article five of said chapter twenty-nine-a, and all of the said section one provisions dealing with subpoenas and subpoenas duces tecum shall ap-
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43 ply to subpoenas and subpoenas duces tecum issued for the
44 purpose of a hearing hereunder.

45 (f) At any such hearing the person who demanded the same
46 may represent himself or be represented by an attorney at law
47 admitted to practice before any circuit court of this state.
48 Upon request by the board, it shall be represented at any such
49 hearing by the attorney general or his assistants without addi-
50 tional compensation.

51 (g) After any such hearing and consideration of all of the
52 testimony, evidence and record in the case, the board shall
53 render its decision in writing. The written decision of the
54 board shall be accompanied by findings of fact and conclusions
55 of law as specified in section three, article five, chapter twenty-
56 nine-a of this code, and a copy of such decision and accom-
57 panying findings and conclusions shall be served by certified
58 mail, return receipt requested, upon the person demanding such
59 hearing, and his attorney of record, if any.

60 (h) The decision of the board shall be final unless reversed,
61 vacated or modified upon judicial review thereof in accordance
62 with the provisions of section twelve of this article.


1 Any person adversely affected by a decision of the board
2 rendered after a hearing held in accordance with the pro-
3 visions of section eleven of this article shall be entitled to
4 judicial review thereof. All of the pertinent provisions of
5 section four, article five, chapter twenty-nine-a of this code
6 shall apply to and govern such judicial review with like
7 effect as if the provisions of said section four were set forth
8 in this section.

9 The judgment of the circuit court shall be final unless
10 reversed, vacated or modified on appeal to the supreme court
11 of appeals in accordance with the provisions of section one,
12 article six, chapter twenty-nine-a of this code.

13 Legal counsel and services for the board in all appeal pro-
14 ceedings in any circuit court and the supreme court of appeals
15 shall be provided by the attorney general or his assistants
and in any circuit court by the prosecuting attorney of the county as well, all without additional compensation.


Whenever it appears to the board that any person has been or is violating or is about to violate any provision of this article, any reasonable rule and regulation promulgated hereunder or any order or final decision of the board, the board may apply in the name of the state to the circuit court of the county in which the violation or violations or any part thereof has occurred, is occurring or is about to occur, or the judge thereof in vacation, for an injunction against such person and any other persons who have been, are or are about to be, involved in any practices, acts or omissions, so in violation, enjoining such person or persons from any such violation or violations. Such application may be made and prosecuted to conclusion whether or not any such violation or violations have resulted or shall result in prosecution or conviction under the provisions of section fourteen of this article.

Upon application by the board, the circuit courts of this state may by mandatory or prohibitory injunction compel compliance with the provisions of this article, the reasonable rules and regulations promulgated hereunder and all orders and final decisions of the board. The court may issue a preliminary injunction in any case pending a decision on the merits of any application filed.

The judgment of the circuit court upon any application permitted by the provisions of this section shall be final unless reversed, vacated or modified on appeal to the supreme court of appeals. Any such appeal shall be sought in the manner and within the time provided by law for appeals from circuit courts in other civil actions.

The board shall be represented in all such proceedings by the attorney general or his assistants and in such proceedings in the circuit court by the prosecuting attorneys of the several counties as well, all without additional compensation.
§30-13-14. Offenses and penalties.

Any person who violates any provision of this article, any of the reasonable rules and regulations promulgated hereunder or any order or any final decision of the board shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than one hundred nor more than five hundred dollars, or imprisoned in the county jail not more than three months, or both fined and imprisoned.

CHAPTER 185
(H. B. 738—By Mrs. Withrow and Mr. Harman)

[Passed February 4, 1975; in effect ninety days from passage. Approved by the Governor.]

AN ACT to amend and reenact section three, article one; and sections two, three, four, five, seven, eight, nine, ten, eleven and twelve, article four, all of chapter twenty-five of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to amend and reenact sections two and six-a, article thirteen, chapter sixty-two of said code, all relating to changing the name of the West Virginia forestry camp for boys at Davis, West Virginia, to Davis center; changing the name of the West Virginia forestry camp for boys at Leckie, West Virginia, to Leckie center and changing the name of Anthony correctional center to Anthony center.

Be it enacted by the Legislature of West Virginia:

That section three, article one; and sections two, three, four, five, seven, eight, nine, ten, eleven and twelve, article four, all of chapter twenty-five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; and that sections two and six-a, article thirteen, chapter sixty-two of said code be amended and reenacted, all to read as follows:

Chapter
25. Commissioner of Public Institutions.
CHAPTER 25. COMMISSIONER OF PUBLIC INSTITUTIONS.

Article

1. Supervision and Control of State Institutions.


ARTICLE 1. SUPERVISION AND CONTROL OF STATE INSTITUTIONS.

§25-1-3. Institutions managed by commissioner of public institutions.

The state commissioner of public institutions shall manage, direct, control and govern the West Virginia penitentiary, Huntingtonsville correctional center, West Virginia state prison for women, West Virginia industrial home for girls, West Virginia Industrial school for boys, the correctional institution heretofore established as the West Virginia forestry camp for boys at Davis which is hereby continued as "Davis center," the correctional institution heretofore established as the West Virginia forestry camp for boys at Leckie which is hereby continued as "Leckie center," the correctional institution heretofore established as Anthony correctional center which is hereby continued as "Anthony center," Andrew S. Rowan memorial home, West Virginia children's home, Denmar state hospital, Hopemont state hospital, Pinecrest hospital, Fairmont emergency hospital, Welch emergency hospital and such other state institutions, other than mental or educational, as now are or may hereafter be created by law.

The commissioner is hereby authorized to establish work and study release units as extensions and subsidiaries of those state institutions under his control and authority. Such work and study release units shall be managed, directed and controlled as provided for in this article.

ARTICLE 4. CENTERS FOR HOUSING YOUTHFUL MALE LAW OFFENDERS.

§25-4-2. Establishment of centers.

§25-4-3. Authority of commissioner of public institutions.

§25-4-4. Superintendent.

§25-4-5. Education instructor; physical education director; probation officer; compensation.

§25-4-7. Physical and mental examination of offenders.

§25-4-8. Labor, study or activities may be required.

§25-4-9. Wages of offenders.
§25-4-10. Authority to arrest inmates.
§25-4-11. Escape; aiding escape.
§25-4-12. Independent or cooperative establishment of centers.

§25-4-2. Establishment of centers.

The West Virginia commissioner of public institutions is authorized to establish, operate and maintain centers to be operated in connection with the state penal system as herein provided.

§25-4-3. Authority of commissioner of public institutions.

The West Virginia commissioner of public institutions is hereby given authority to acquire land and other property by purchase, grant, gift or otherwise in connection with the establishment of centers and to construct such buildings, fences and other facilities, and to acquire such personal property as is necessary for the maintenance and operation of such centers; to direct all needed improvements and repairs necessary for the proper upkeep of such centers, and to provide for the necessary food, medical treatment and safekeeping of persons confined therein; to employ personnel to operate the centers and to provide the necessary work and other programs for the offenders assigned to the centers.

§25-4-4. Superintendent.

Each center shall be under the direction of a superintendent, who shall have the minimum qualification of a college degree with a major in sociology or a kindred field and be trained and experienced in dealing with youths. He shall be paid an annual salary to be fixed by the commissioner of public institutions.

The superintendent shall provide a training program which shall include four separate, yet well-integrated, sections, embracing the following: (1) Work program; (2) educational program; (3) recreational program; and (4) individual and group counseling.

§25-4-5. Education instructor; physical education director; probation officer; compensation.

In addition to the superintendents and other employees who may be needed, the center staff shall include a minimum of one
education instructor qualified to teach in the secondary schools of this state, one physical education director qualified to teach in the secondary schools of this state, one trained probation officer who has the minimum qualification of a college degree with a major in sociology or a kindred field.

The annual salaries of the education instructor, the physical director and the probation officer shall be fixed by the commissioner of public institutions.

§25-4-7. Physical and mental examination of offenders.

Before the judge of any court of original or competent jurisdiction can transfer a youthful offender to the custody of the commissioner of public institutions to be assigned to a center, such offender shall be given a complete medical examination by a doctor designated by the commissioner of public institutions, and the offender must be free of any communicable disease or other physical defects which would prohibit him from participating in the program of the center. In the event there is a question concerning the mental status of an offender, he shall be given an examination by a competent psychiatrist designated by the commissioner of public institutions to determine whether he is fit to participate in the program of the center.

Any offender who is found to have a communicable disease, is feeble-minded, psychotic, mentally ill, or has a history of homosexual activities or arsonist tendencies, shall not be eligible for assignment to a center.

Nothing contained in this section shall prohibit the free transfer of any male youth from one youth facility to another youth facility in the manner provided in article one, chapter twenty-eight of this code.

§25-4-8. Labor, study or activities may be required.

Offenders assigned to centers may be required to labor on the buildings and grounds of the center, in the making of forest roads, for fire prevention and fire fighting, on reforestation and reforestation of public lands, on the making of fire trails and firebreaks, on fire suppression, on building or improving public parks or lands, or engage in any studies or activities
prescribed or permitted by the superintendent, subject to the
approval of the commissioner of public institutions.

§25-4-9. Wages of offenders.
1 The West Virginia commissioner of public institutions may
2 provide for the payment of wages to the offenders assigned to
3 centers for the work they perform, which amounts shall not
4 exceed fifty cents for each day's work performed, the sums
5 earned to be paid to the parents or dependents of the offend-
er, or to the offender himself, in such manner and in such
7 proportions as the superintendent directs.

§25-4-10. Authority to arrest inmates.
1 All officers and employees of a center shall have the power
2 of peace officers so far as necessary to arrest center inmates.

§25-4-11. Escape; aiding escape.
1 Should any inmate of a center escape therefrom or from the
2 custody of an officer or employee of the center, he shall be
3 guilty of a misdemeanor, and, upon conviction thereof, shall
4 be fined not more than five hundred dollars, or imprisoned
5 in the county jail for not more than six months, or by both
6 such fine and imprisonment. Any person who knowingly per-
7 mits or aids any inmate of such center to escape therefrom
8 or conceals him with the intent of enabling him to elude pur-
9 suit is guilty of a misdemeanor, and, on conviction, shall be
10 punished in a like manner as provided in this section for an
11 inmate who escapes.

§25-4-12. Independent or cooperative establishment of centers.
1 The West Virginia commissioner of public institutions may
2 establish centers independently or in cooperation with the na-
3 tural resources commission of West Virginia on such terms as
4 may be agreed upon by the commissioner of public institutions
5 and the director of the department of natural resources.

CHAPTER 62. CRIMINAL PROCEDURE.

ARTICLE 13. DIVISION OF CORRECTION.

§62-13-2. Establishment of division; responsibility for correctional insti-
tutions; appointment of wardens; supervision of probationers
and parolees; final determinations remaining with board of
probation and parole.

§62-13-6a. Payment of jail fees to county courts.
§62-13-2. Establishment of division; responsibility for correctional institutions; appointment of wardens; supervision of probationers and parolees; final determinations remaining with board of probation and parole.

1 The commissioner of public institutions is hereby directed to establish within his department a separate division of correction, which shall consist of a director of correction, such deputy directors as herein provided, and the officers, employees and institutions of such division.

2 a. The director of the division of correction shall be directly responsible to the commissioner of public institutions for the custody and care of all persons committed for the conviction of a felony and such other persons as may be committed to the commissioner of public institutions or penal or correctional institutions under his jurisdiction and control including the following institutions, and such other institutions as now or may hereafter be established by law:

3 West Virginia penitentiary at Moundsville, West Virginia;
4 West Virginia state prison for women at Pence Springs, West Virginia;
5 West Virginia medium security prison, Huttonsville, West Virginia;
6 West Virginia industrial home for girls, Salem, West Virginia;
7 West Virginia industrial home for boys, Grafton, West Virginia;
8 The correctional institution heretofore established as the West Virginia forestry camp for boys at Davis which is hereby continued as "Davis center";
9 The correctional institution heretofore established as the West Virginia forestry camp for boys at Leckie which is hereby continued as "Leckie center"; and
10 The correctional institution heretofore established as Anthony correctional center which is hereby continued as "Anthony center."
11 The warden or superintendent of each of the aforementioned
33 institutions shall be appointed by the governor by and with
34 the advice and consent of the Senate.

35 b. The director of the division of correction shall also be
36 charged with the duty of supervising all persons released on
37 probation and placed in the charge of a state probation and
38 parole officer and all persons released on parole under any
39 law of this state. He shall also be charged with the duty of
40 supervising all probationers and parolees whose supervision
41 may have been undertaken by this state by reason of any in-
42 terstate compact entered into pursuant to the uniform act for
43 out-of-state parolee supervision. The director of the division
44 of correction shall prescribe rules and regulations for the su-
45 pervision of probationers and parolees under his supervision
46 and control. The director of the division of correction shall
47 succeed to all administrative and supervisory powers of the
48 board of probation and parole and the authority of said board
49 of probation and parole in such matters only.

50 c. The director of the division of correction, with the ap-
51 proval and consent of the commissioner of public institutions,
52 shall administer all other laws affecting the custody, control,
53 treatment and employment of persons sentenced or committed
54 to institutions under the supervision of the commissioner of
55 public institutions or affecting the operation and administration
56 of institutions or functions of the division of correction or ac-
57 tivities therein.

58 d. The final determination regarding the release of in-
59 mates from penal institutions and the final determination re-
60 garding the revocation of paroles from such institutions pur-
61 suant to the provisions of article twelve, chapter sixty-two of
62 the code of West Virginia, one thousand nine hundred thirty-
63 one, as amended, shall remain within the exclusive jurisdiction
64 of the board of probation and parole.

§62-13-6a. Payment of jail fees to county courts.

1 The commissioner of public institutions is hereby authorized
2 and directed to pay to the county court of any county jail fees
3 incurred by escapees of any West Virginia center for boys, the
4 West Virginia industrial home for girls or the West Virginia
industrial school for boys when said escapees are confined in
said county jails. Said jail fee shall not exceed the sum of four
dollars per diem per prisoner.

CHAPTER 186
(Com. Sub. for H. B. 739—By Mrs. Withrow and Mr. Seibert)

[Passed March 5, 1975; in effect ninety days from passage. Approved by the Governor.]

AN ACT to amend and reenact section six, article four, chapter twenty-five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to centers for housing youthful male law offenders; relating to the assignment of such offenders to such a center; providing minimum and maximum terms of confinement in such a center; relating to the return of any such youth from such a center to the court and disposition of such offender thereafter; relating to satisfactory completion of center training program and subsequent probation; relating to revocation of probation and consequences thereof; and relating to placement or transfer in, to or from such a center.

Be it enacted by the Legislature of West Virginia:

That section six, article four, chapter twenty-five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 4. CENTERS FOR HOUSING YOUTHFUL MALE LAW OFFENDERS.

§25-4-6. Assignment of offenders to center; period of center confinement; return to court; sentence or probation; revocation of probation; transfer of youths by commissioner of public institutions.

1 The judge of any court with original criminal jurisdiction
2 may suspend the imposition of sentence of any male youth convicted of or pleading guilty to a criminal offense, other than
an offense punishable by life imprisonment, who has attained
his sixteenth birthday but has not reached his twenty-first
birthday at the time of the commission of the crime, and com-
mit him to the custody of the West Virginia commissioner of
public institutions to be assigned to a center. The peri-
od of confinement in the center shall be for a period
of six months, or longer if it is deemed advisable by the center
superintendent, but in any event such period of confinement
shall not exceed two years. If, in the opinion of the superin-
tendent, such male offender proves to be an unfit person to
remain in such a center, he shall be returned to the court
which committed him to be dealt with further according to
law. In such event, the court may place him on probation or
sentence him for the crime for which he has been convicted.
In his discretion, the judge may allow the defendant credit on
his sentence for time he has spent in the center.

When, in the opinion of the superintendent, any boy has
satisfactorily completed the center training program, such male
offender shall be returned to the jurisdiction of the court which
originally committed him. He shall be eligible for probation for
the offense with which he is charged, and the judge of the
court shall immediately place him on probation. In the event
his probation is subsequently revoked by the judge, he shall
be given the sentence he would have originally received had
he not been committed to the center and subsequently placed
on probation. The court shall, however, give the defendant
credit on his sentence for the time he spent in the center.

Any male youth between the ages of ten and eighteen com-
mited by the judge of any court of competent jurisdiction for
any of the causes, and in the manner prescribed in article
five, chapter forty-nine of this code, may, if such youth is or
has attained the age of sixteen, be placed in a center or
transferred from the industrial school or like facility to a center
and back to such facility by the commissioner of public in-
stitutions, if he deems it proper for the youth’s detention and
rehabilitation.
CHAPTER 187
(Com. Sub. for H. B. 799—By Mr. Dinsmore and Mrs. Neal)

[Passed March 9, 1975; in effect July 1, 1975. Approved by the Governor.]

AN ACT to amend and reenact section three, article two, chapter fifteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to public safety; department of public safety; and increasing the salaries of employees of such department.

Be it enacted by the Legislature of West Virginia:

That section three, article two, chapter fifteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 2. DEPARTMENT OF PUBLIC SAFETY.

§15-2-3. Companies and platoons; how constituted; training of members and other peace officers; salaries and bonds of members.

1 The superintendent shall create, appoint and equip a department of public safety, which shall, in addition to the personnel provided for in section two of this article, consist of four companies or platoons. They shall be designated as companies “A,” “B,” “C” and “D.” Each company or platoon shall be composed of one captain, one lieutenant, one first sergeant, seven sergeants, not more than seventeen corporals and such number of troopers and troopers first class as the superintendent may decide best, but such number of troopers and troopers first class in any company or platoon shall not at any time be less than twenty-five.

12 The superintendent shall provide adequate facilities for the training of all members of the department and shall prescribe a basic training course for newly enlisted members. He shall also provide advanced or in-service training from time to time for all members of the department. The superintendent shall hold training classes for other peace officers
in the state without cost to such officers, except actual expenses for food, lodging and school supplies.

Members of the department shall receive salaries, as follows:

The inspector shall receive an annual salary of fourteen thousand nine hundred sixty-four dollars; the major shall receive an annual salary of thirteen thousand five hundred ninety-one dollars; captains shall each receive an annual salary of twelve thousand three hundred twenty-four dollars; lieutenants shall each receive an annual salary of eleven thousand seven hundred seventeen dollars; the master sergeants and first sergeants shall each receive an annual salary of ten thousand seven hundred forty dollars; sergeants shall each receive an annual salary of ten thousand three hundred thirty-one dollars; troopers first class shall each receive an annual salary of ten thousand forty dollars; and each newly enlisted trooper shall receive a salary of seven hundred twelve dollars during the period of his basic training, and upon the satisfactory completion of such training and assignment to active duty each trooper shall receive, during the remainder of his first year's service, a salary of seven hundred eighty-three dollars monthly. During the second year of his service in the department each trooper shall receive an annual salary of nine thousand five hundred sixty-five dollars; during the third year of his service each trooper shall receive an annual salary of nine thousand seven hundred thirty-seven dollars; and during the fourth year and fifth year of his service and for each year thereafter each trooper shall receive an annual salary of nine thousand eight hundred ninety-five dollars. Each member of the department entitled thereto by the provisions hereof shall receive an increase in salary over that hereinbefore set forth in this section, for grade and rank, based on length of service, including that heretofore and hereafter served, with the department, as follows: At the end of five years of service with the department, such member of the department shall receive a salary increase of three hundred dollars per year to be effective during his next three years of service and like increases at three-year intervals thereafter, until a total of
six such increases shall be received and such increases shall be cumulative.

In applying the foregoing salary schedule where salary increases are provided for length of service, members of the department in service at the time this article becomes effective shall be given credit for prior service and shall be paid such salaries as the same length of service will entitle them to receive under the provisions hereof.

Each member of the department of public safety, except the superintendent and civilian employees, shall, before entering upon the discharge of his duties, execute a bond with security in the sum of three thousand five hundred dollars payable to the state of West Virginia, conditioned for the faithful performance of his duties as such, and such bond shall be approved as to form by the attorney general, and as to sufficiency by the governor, and the same shall be filed with the secretary of state and preserved in his office.

CHAPTER 188
(H. B. 800—By Mr. Dinsmore and Mrs. Neal)

[Passed March 8, 1975; in effect July 1, 1975. Approved by the Governor.]

AN ACT to amend and reenact sections nine and nineteen, article two, chapter fifteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to further amend said article by adding thereto a new section, designated section twenty-one, all relating to the department of public safety, and to the uniform, arms and weapons of and equipment for members of such department; relating to group life insurance and medical and hospital services for members of such department; relating to establishment and maintenance of local headquarters of such department; relating to housing and quarters for the accommodation of the members of such department; requiring notice before a member of such department may be transferred, with certain exceptions; authorizing the payment of all reasonable and necessary moving expenses actually in-
curred in the transfer of a member of such department and his family from one station to another; authorizing a certain relocation expense in the event of a transfer; and relating to restriction of a member's residence.

*Be it enacted by the Legislature of West Virginia:*

That sections nine and nineteen, article two, chapter fifteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; and that said article be further amended by adding thereto a new section, designated section twenty-one, all to read as follows:

**ARTICLE 2. DEPARTMENT OF PUBLIC SAFETY.**

§15-2-9. Uniforms, equipment and supplies; local headquarters; quarters for members; life insurance; medical and hospital fees for injuries and illnesses of members incurred in line of duty.

§15-2-19. Suspension, demotion or discharge of members.

§15-2-21. Transfer notice required under certain circumstances; relocation expense; regulation of member's residence.

§15-2-9. Uniforms, equipment and supplies; local headquarters; quarters for members; life insurance; medical and hospital fees for injuries and illnesses of members incurred in line of duty.

The standard uniform to be used by the department of public safety on and after the first day of July, one thousand nine hundred thirty-five, shall be as follows: Forestry green blouse with West Virginia state police emblem on sleeve; black shoulder strap; one-inch black stripe around sleeve, four inches from end of sleeve; forestry green breeches with one-inch black stripe down the side; trousers (slacks) with one-inch black stripe down the side for officers and clerks regularly enlisted in the department; forestry green shirts with West Virginia state police emblem on sleeve; black shoulder straps; forestry green mackinaw with West Virginia state police emblem on sleeve; black shoulder straps; one-inch black stripe around sleeve four inches from end of sleeve; campaign hat of olive drab color; cordovan Sam Browne belt with holster; cordovan leggings and shoes; the officers' uniform will have one and one-quarter inch black stripe around the sleeve of blouse and mackinaw four inches from end of sleeve circumposed with one-half inch gold
braid, also black collars on blouse, with two silver shoulder bars for captains, one silver shoulder bar for first lieutenant and one gold shoulder bar for second lieutenant. For non-commissioned officers the uniform blouse and shirt will have thereon black chevrons of the appropriate rank.

The superintendent shall provide the members of the department of public safety with suitable arms and weapons, and, when and where he shall deem it necessary, with suitably equipped horses, automobiles, motorcycles, watercraft, airplanes and other means of conveyance, to be used by the department of public safety, the governor, and other officers and executives in the discretion of the governor, in times of flood, disaster, and other emergencies, for traffic study and control, criminal and safety work, and in other matters of official business. He shall also provide the standard uniforms for all members of the department, for officers, noncommissioned officers and troopers herein provided for. All uniforms and all arms, weapons and other property furnished the members of the department of public safety by the state of West Virginia shall be and remain the property of the state.

The superintendent is authorized to purchase and maintain on behalf of members group life insurance not to exceed the amount of five thousand dollars on behalf of each of the commissioned officers and not to exceed four thousand dollars on behalf of each of the noncommissioned officers and troopers.

The superintendent is authorized to contract and furnish at department expense medical and hospital services for treatment of illness and/or injury of a member which shall be determined by the superintendent to have been incurred by such member while engaged in the performance of duty and from causes beyond control of such member.

The superintendent shall establish and maintain local headquarters at such places in West Virginia as are in his judgment suitable and proper to render the department of public safety most efficient for the purpose of preserving the peace, protecting property, preventing crime, apprehending criminals and carrying into effect all other provisions of this article.

The superintendent shall provide, by lease or otherwise, for
housing and quarters for the accommodation of the members of the department of public safety, and shall provide all equipment and supplies necessary for them in the performance of the duties of their office.

§15-2-19. Suspension, demotion or discharge of members.

The superintendent may suspend, demote in rank or discharge from the service any member of the department of public safety for any of the following causes: Refusing to obey the orders of his superior officer, neglect of duty, drunkenness, immorality, inefficiency, abuse of his authority, interference with the lawful right of any person, participation in political activities, primaries, conventions or elections, or any other cause which may in the opinion of the superintendent be necessary for the good of the service. The superintendent shall cause an investigation to be made when notice of any one or more of such causes is brought to his attention and shall determine whether or not the member should be suspended, demoted in rank or discharged. If the superintendent orders the member suspended, demoted in rank or discharged, a written statement of the charges and a written order of suspension, demotion in rank or discharge shall be delivered personally to the member by his commanding officer, or next in command in the absence of his commanding officer. The superintendent shall explicitly set forth in any such written statement of charges the details giving rise to the cause or causes upon which he ordered such suspension, demotion in rank or discharge. The member may appeal the superintendent's order to the board of appeals created for such purpose, and all of the original papers in such cases shall be delivered by the superintendent to such board, which shall decide such cases in the manner hereinafter provided.

Any person who shall by the superintendent be appointed to membership in said department as a replacement appointee, pursuant to section two, article eleven, chapter six of this code, may at any time be discharged at the will and pleasure of the superintendent without the assignment of cause and without right of appeal to the board of appeals.

The right of a member to appeal a suspension or discharge
shall not apply to members until they have completed their probationary period with said department of public safety.

§15-2-21. Transfer notice required under certain circumstances; relocation expense; regulation of member's residence.

Whenever any member of the department is to be transferred from one station to another station, for a period of time in excess of sixty days, the superintendent shall give notice of such proposed transfer to such member at least thirty days in advance of such transfer. The superintendent shall not, however, be required to give such notice in the event the transfer is at the request of the member who is to be transferred.

Whenever any member of the department is transferred from one station to another station, for a period of time in excess of sixty days, all reasonable and necessary transportation expenses actually incurred in moving the household furniture and effects of such member and his immediate family from his former station to his new station shall be paid by the department: Provided, That if any such member owns and resides in a single width mobile home, the department shall pay all reasonable and necessary transportation expenses actually incurred in moving such mobile home from such member's former station to his new station, but the department may not pay transportation expenses for moving such mobile home in excess of the amount which would have been paid for moving an equivalent amount of household furniture and effects had such member not owned such mobile home.

A member transferred may also be given a relocation expense not to exceed three hundred dollars.

The superintendent shall not restrict a member from residing in a county other than that in which the member is stationed, except that the superintendent may promulgate by appropriate written regulation to be applied uniformly throughout the department a restriction as to either: (1) The number of miles distant from his station which a member may reside, or (2) the time necessary under ordinary traffic conditions for a member to travel between his residence and station.
AN ACT to amend and reenact section twenty-two, article five, chapter fifteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the interstate civil defense and disaster compact; amending such compact so as to make the same and the authorizations, entitlements and procedures thereof applicable to searches for and rescue of persons who are lost, marooned or otherwise in danger, action useful in coping with disasters arising from any cause or designed to increase the capability to cope with any such disasters, incidents or the imminence thereof which endanger the health or safety of the public and which require the use of special equipment, trained personnel or personnel in larger numbers than are locally available, the giving and receiving of aid by subdivisions of party states, and exercises, drills or other training or practice activities designed to aid personnel to prepare for, cope with or prevent any such disaster or other emergency; relating to adoption of amendment; authorizing any agency of a party state, a subdivision of a party state or a joint agency to render aid under such compact or any supplementary agreement and reimbursement for such aid; relating to the rights, authority and immunity of the personnel of a joint agency; and relating to other articles or provisions of compact or supplementary agreements and obligations thereunder.

Be it enacted by the Legislature of West Virginia:

That section twenty-two, article five, chapter fifteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 5. EMERGENCY SERVICES.

§15-5-22. Interstate civil defense and disaster compact.

1 (a) The "Interstate Civil Defense and Disaster Compact"
2 is hereby approved, ratified, adopted, enacted into law and
3 entered into by the state of West Virginia with all other
jurisdictions legally joining therein in accordance with its terms, in a form substantially as follows:

**INTERSTATE CIVIL DEFENSE AND DISASTER COMPACT**

**Article I.**

The purpose of this compact is to provide mutual aid among the states in meeting any emergency or disaster from enemy attack or other cause (natural or otherwise) including sabotage and subversive acts and direct attacks by bombs, shellfire and atomic, radiological, chemical, bacteriological means and other weapons. The prompt, full and effective utilization of the resources of the respective states, including such resources as may be available from the United States government or any other source, are essential to the safety, care and welfare of the people thereof in the event of enemy action or other emergency and any other resources, including personnel, equipment or supplies, shall be incorporated into a plan or plans of mutual aid to be developed among the civil defense agencies or similar bodies of the states that are parties hereto. The directors of civil defense of all party states shall constitute a committee to formulate plans and take all necessary steps for the implementation of this compact.

**Article II.**

It shall be the duty of each party state to formulate civil defense plans and programs for application within such state. There shall be frequent consultation between the representatives of the states and with the United States government and the free exchange of information and plans, including inventories of any materials and equipment available for civil defense. In carrying out such civil defense plans and programs the party states shall so far as possible provide and follow uniform standards, practices and rules and regulations including:

(a) Insignia, armbands and any other distinctive articles to designate and distinguish the different civil defense services;

(b) Blackouts and practice blackouts, air raid drills, mobilization of civil defense forces and other tests and exercises;
(c) Warnings and signals for drills or attacks and the mechanical devices to be used in connection therewith;

(d) The effective screening or extinguishing of all lights and lighting devices and appliances;

(e) Shutting off water mains, gas mains, electric power connections and the suspension of all other utility services;

(f) All materials or equipment used or to be used for civil defense purposes in order to assure that such materials and equipment will be easily and freely interchangeable when used in or by any other party state;

(g) The conduct of civilians and the movement and cessation of movement of pedestrians and vehicular traffic, prior, during and subsequent to drills or attacks;

(h) The safety of public meetings or gatherings; and

(i) Mobile support units.

Article III.

Any party state requested to render mutual aid shall take such action as is necessary to provide and make available the resources covered by this compact in accordance with the terms hereof: Provided, That it is understood that the state rendering aid may withhold resources to the extent necessary to provide reasonable protection for such state. Each party state shall extend to the civil defense forces of any other party state, while operating within its state limits under the terms and conditions of this compact, the same powers (except that of arrest unless specifically authorized by the receiving state), duties, rights, privileges and immunities as are extended to the civil defense forces of such state. Civil defense forces will continue under the command and control of their regular leaders but the organizational units will come under the operational control of the civil defense authorities of the state receiving assistance.

Article IV.

Whenever any person holds a license, certificate or other permit issued by any state evidencing the meeting of qualifications for professional, mechanical or other skills, such
person may render aid involving such skill in any party
state to meet an emergency or disaster and such state shall
give due recognition to such license, certificate or other
permit as if issued in the state in which aid is rendered.

Article V.

No party state or its officers or employees rendering
aid in another state pursuant to this compact shall be liable
on account of any act or omission in good faith on the
part of such forces while so engaged or on account of
the maintenance or use of any equipment or supplies in
connection therewith.

Article VI.

Inasmuch as it is probable that the pattern and detail of
the machinery for mutual aid among two or more states may
derive from that appropriate among other states party hereto,
this instrument contains elements of a broad base common
to all states and nothing herein contained shall preclude any
state from entering into supplementary agreements with another
state or states. Such supplementary agreements may compre-
hend, but shall not be limited to, provisions for evacuation and
reception of injured and other persons and the exchange of
medical, fire, police, public utility, reconnaissance, welfare,
transportation and communications personnel, equipment and
supplies.

Article VII.

Each party state shall provide for the payment of compen-
sation and death benefits to injured members of the civil
defense forces of that state and the representatives of de-
ceased members of such forces in case such members sustain
injuries or are killed while rendering aid pursuant to this
compact, in the same manner and on the same terms as if
the injury or death were sustained within such state.

Article VIII.

Any party state rendering aid in another state pursuant
to this compact shall be reimbursed by the party state re-
ceiving such aid for any loss or damage to or expense in-
curred in the operation of any equipment answering a request
for aid and for the cost incurred in connection with such requests: Provided, That any aiding party state may assume in whole or in part such loss, damage, expense or other cost or may loan such equipment or donate such services to the receiving party state without charge or cost: And provided further, That any two or more party states may enter into supplementary agreements establishing a different allocation of costs among those states. The United States government may relieve the party state receiving aid from any liability and reimburse the party state supplying civil defense forces for the compensation paid to and the transpor-tation, subsistence and maintenance expenses of such forces during the time of the rendition of such aid or assistance outside the state and may also pay fair and reasonable com-\[\text{pensation for the use or utilization of the supplies, materials, equipment or facilities so utilized or consumed.}]

**Article IX.**

Plans for the orderly evacuation and reception of the civilian population as the result of an emergency or disaster shall be worked out from time to time between representa-tives of the party states and the various local civil defense areas thereof. Such plans shall include the manner of trans-porting such evacuees, the number of evacuees to be received in different areas, the manner in which food, clothing, housing and medical care will be provided, the registration of the evacuees, the providing of facilities for the notification of relatives or friends and the forwarding of such evacuees to other areas or the bringing in of additional materials, supplies and all other relevant factors. Such plans shall provide that the party states receiving evacuees shall be reimbursed generally for the out-of-pocket expenses incurred in receiving and caring for such evacuees, for expenditures for transportation, food, clothing, medicines and medical care and like items. Such expenditures shall be reimbursed by the party state of which the evacuees are residents or by the United States government under plans approved by it. After the termination of the emergency or disaster the party state of which the evacuees are resident shall assume the responsibility for the ultimate support or repatriation of such evacuees.
Article X.

This compact shall be available to any state, territory or possession of the United States and the District of Columbia. The term “state” may also include any neighboring foreign country or province or state thereof.

Article XI.

The committee established pursuant to article one of this compact may request the civil defense agency of the United States government to act as an informational and coordinating body under this compact and representatives of such agency of the United States government may attend meetings of such committee.

Article XII.

This compact shall become operative immediately upon its ratification by any state as between it and any other state or states so ratifying and shall be subject to approval by Congress unless prior congressional approval has been given. Duly authenticated copies of this compact and of such supplementary agreements as may be entered into shall, at the time of their approval, be deposited with each of the party states and with the civil defense agency and other appropriate agencies of the United States government.

Article XIII.

This compact shall continue in force and remain binding on each party state until the Legislature or the governor of such party state takes action to withdraw therefrom. Such action shall not be effective until thirty days after notice thereof has been sent by the governor of the party state desiring to withdraw to the governors of all other party states.

Article XIV.

This compact shall be construed to effectuate the purposes stated in article one hereof. If any provision of this compact is declared unconstitutional or the applicability thereof to any person or circumstance is held invalid, the constitutionality of the remainder of this compact and the applicability thereof
to other persons and circumstances shall not be affected thereby.

Article XV.

(a) This article shall be in effect only as among those states which have enacted it into law or in which the governors have adopted it pursuant to constitutional or statutory authority sufficient to give it the force of law as part of this compact. Nothing contained in this article or in any supplementary agreement made in implementation thereof shall be construed to abridge, impair or supersede any other provision of this compact or any obligation undertaken by a state pursuant thereto, except that if its terms so provide, a supplementary agreement in implementation of this article may modify, expand or add to any such obligation as among the parties to the supplementary agreement.

(b) In addition to the occurrences, circumstances and subject matters to which preceding articles of this compact make it applicable, this compact and the authorizations, entitlements and procedures thereof shall apply to:

(1) Searches for and rescue of persons who are lost, marooned or otherwise in danger;

(2) Action useful in coping with disasters arising from any cause or designed to increase the capability to cope with any such disasters;

(3) Incidents, or the imminence thereof, which endanger the health or safety of the public and which require the use of special equipment, trained personnel or personnel in larger numbers than are locally available in order to reduce, counteract or remove the danger;

(4) The giving and receiving of aid by subdivisions of party states; and

(5) Exercises, drills or other training or practice activities designed to aid personnel to prepare for, cope with or prevent any disaster or other emergency to which this compact applies.

(c) Except as expressly limited by this compact or a supplementary agreement in force pursuant thereto, any aid
authorized by this compact or such supplementary agreement
may be furnished by any agency of a party state, a subdivision
of such state, or by a joint agency: Provided, That such agency,
subdivision or joint agency providing such aid shall be entitled
to reimbursement therefor to the same extent and in the same
manner as a state: Provided, however, That the personnel of
such a joint agency, when rendering aid pursuant to this com­
pact, shall have the same rights, authority and immunity as
personnel of party states.

(d) Nothing in this article shall be construed to exclude
from the coverage of articles one through fourteen of this com­
pact any matter which, in the absence of this article, could
reasonably be construed to be covered thereby.

CHAPTER 190
(Com. Sub. for H. B. 966—By Mr. Shaffer and Mr. Sonis)

[Passed March 8, 1975; in effect from passage. Disapproved by the Governor,
and repassed notwithstanding his objections.]

AN ACT to amend article two, chapter twenty-four of the code of
West Virginia, one thousand nine hundred thirty-one, as amend­
ed, by adding thereto two new sections, designated sections four­
teen and fifteen, all relating to the powers and duties of the pub­
lic service commission; procedures for changing certain electric
utility rates and other charges; requiring electric utilities to file
with such commission monthly reports as to coal purchases, dis­
closure of affiliations with or of such electric utilities and certain
other information; specifying the contents of such reports; re­
lating to commission’s duties with respect to coal purchases, and
authorizing release of such reports to the public; authorizing
the commission to obtain certain information outside the state
in certain instances; requiring the commission, in certain cases,
to hold a full public hearing before allowing an electric utility to
increase, directly or indirectly, the price charged for electricity
due to certain increased fuel costs; limiting the application of
such requirement to the happening of certain contingencies;
authorizing the commission to permit such increases in the cost of electric energy because of an increase in the fuel costs only after making a written determination that such increases are fair, just and reasonable and reflect certain good faith management and certain sound business policy decisions; limiting such increases in certain instances; permitting certain requested increases to go into effect under bond pending a certain hearing and decision; giving certain criteria and rules which the commission must apply in determining whether certain requested increases in allowable fuel costs are fair, just and reasonable; providing for a certain notice of hearing to the general public; defining certain terms; requiring the commission to conduct annual audits of such utilities and to obtain and use certain information on fuel and fuel costs; limiting effect of section in certain cases; rendering the section inoperative in certain cases; and providing for the severability of its provisions.

Be it enacted by the Legislature of West Virginia:

That article two, chapter twenty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto two new sections, designated sections fourteen and fifteen, all to read as follows:

ARTICLE 2. POWERS AND DUTIES OF PUBLIC SERVICE COMMISSION.

§24-2-14. Reports required to be filed by generating electric utilities; contents; powers of commission to obtain information; availability to the public; certain studies required.

§24-2-15. Hearings required for certain fuel cost adjustments; notice and conduct of hearings; criteria for decision; certain information to be obtained and used by public service commission; public information; limitation and expiration of section.

§24-2-14. Reports required to be filed by generating electric utilities; contents; powers of commission to obtain information; availability to the public; certain studies required.

(a) On a monthly basis and within thirty days of the last day of the month for which the information is required, each electric utility shall submit to the commission, on an individual basis for each power plant it owns or operates, a list of each purchase or other acquisition of coal or other fuel at the plant, the tonnage or other amount of each purchase or acquisi-
tion, the fuel's cost at the mine or other source, fuel handling
costs (including but not limited to costs of loading and un-
loading such fuel and the cost of storage thereof), fuel
transportation costs and the method or mode of such trans­
portation, the name of the person, firm or corporation from
which the fuel was purchased or otherwise acquired, the
mine or other source of the fuel, the heat value of the fuel
expressed in British Thermal Units, the sulfur and ash content
of the fuel, the fuel's actual cost per one million British Ther­
mal Units; the terms of purchase of such fuel; whether the
fuel was purchased under a long-term or short-term agree­
ment or was a spot market purchase; the terms of purchase
of such fuel; the date of execution of any contract pertaining
to the purchase of such fuel and the expiration date of such
contract; if the fuel is coal, the amount mined underground
and on the surface; and whether the source of the fuel was an
affiliated or nonaffiliated person, firm or corporation.

In addition, at the same time and on a similar basis, such
electric utility shall submit to the commission a list of all
persons, firms and corporations in this state with which it or
its parent corporation is affiliated and which produce coal
or some other fuel which can be used at a power plant. Such
list shall state the name of each affiliate, its principal place of
business, the nature of the affiliation; each mine or other source
of fuel which the affiliate owns or operates, whether within or
outside the state; the amount of fuel produced each month at
each mine or other source of fuel; the name of each person,
firm or corporation to whom the fuel is sold or otherwise
disposed of, a breakdown of the amount of fuel sold or other­
wise disposed of under long-term or short-term agreements,
the final location at which the fuel will actually be used and
a breakdown of related handling costs and transportation costs,
the heat value of the fuel expressed in British Thermal Units,
the sulfur and ash content of the fuel; if the fuel is coal, the
amount mined underground and on the surface; and the fuel's
cost per one million British Thermal Units.

The commission shall require the electric utility to submit a
list of all persons, firms and corporations, within and outside
this state, with which it or its parent corporation is affiliated
and which provide transportation or are a part of a network
providing transportation of fuel to a power plant. It shall obtain and use all available pertinent information on trans-
portation and transportation costs from each such electric utility and its affiliated persons, firms and corporations, in-
cluding its parent corporation. The commission may require the electric utility or any affiliated person, firm or corporation, including its parent corporation, to submit such other informa-
tion as it considers necessary or advisable.

(b) If any information required under any provision of this section is located outside this state, the electric utility shall, at the option of the commission, either make the information available to the commission at the commission's offices or pay all reasonable and necessary expenses actually incurred by the commission or its designated representative in obtaining the information at the place where such information is maintained. The commission may designate representatives, including compara-
ble officials of the state in which the information is located, to obtain such information on its behalf.

(c) If he makes a written request therefor and pays the actual cost thereof, any member of the general public shall receive a copy of any information obtained by the commission under any provision of this section. Upon request, the Legisla-
ture or its designated staff shall receive any such information without delay and at no cost.

(d) The commission is hereby directed from time to time to investigate, study, and if necessary, conduct public hearings with respect to, new systems and policies for the pricing of electrical power to consumers taking into consideration the following: (1) Daily peak load pricing; (2) time of day metering system; (3) the lifeline service rate system; (4) the progressive or inverted rate system; (5) any other rate system designed or which may be designed to save energy and to lower consumer charges and in addition thereto the commission shall investigate and study with respect to the propriety and feasibility of including automatic adjust-
ment clauses or fuel adjustment clauses in any electric utility tariff, rate, joint rate, charge, toll or schedule.

The commission, no later than January first, one thousand nine hundred seventy-six, shall prepare its first report with
recommendations and shall submit the same to the governor and both houses of the Legislature, and shall thereafter, from time to time, submit such updates and periodic reports as may be deemed appropriate to keep the governor and the Legislature fully advised of systems and policies for the pricing of electrical power.

§24-2-15. Hearings required for certain fuel cost adjustments; notice and conduct of hearings; criteria for decision; certain information to be obtained and used by public service commission; public information; limitation and expiration of section.

(a) The commission shall not enforce, originate, continue, establish, change or otherwise authorize or permit an increase in the charge or charges for electric energy over and above the established and published tariff, rate, joint rate, charge, toll or schedule through any automatic adjustment clause or fuel adjustment clause contained in any such tariff, rate, joint rate, charge, toll or schedule, or through any other automatic device or practice until it has held a full public hearing on the propriety of such increase.

Any such hearing shall be held within thirty days of a request therefor by the concerned public utility. Within ten days after receiving such request, the same shall be filed and the commission shall give the general public notice of the hearing date, time and place and other necessary details pertaining thereto by causing the notice to be published as a Class II-0 legal advertisement in accordance with the provisions of article three, chapter fifty-nine of this code. The publication area for the notice shall be the county or counties in which the public utility requesting the increase provides electric energy.

When a hearing has been requested, the commission shall, by order duly entered, allow the proposed increase to go into effect under bond and subject to refund in a manner consistent with the provisions of section four of this article, except that the proposed increase shall go into effect immediately and shall continue until the commission renders its final decision on the propriety of the increase.

In conducting the hearing, the commission may exercise any power given to it under the provisions of section ten of this
article. Any member of the general public affected by such requested increase shall have the right to participate in the hearing as a proponent or opponent of the requested increase. Within fifteen days after completion of the hearing, the commission shall render a final written decision on whether or not the requested increase will be permitted or modified, but in no event and irrespective of any continuances shall the final decision of the commission with respect to such requested increase be rendered later than sixty days from the date of the filing of such requested increase. After such sixty-day period, any electric utility or user of electric energy affected by a proposed increase may petition any circuit court in the area served by such electric utility to require the commission to render its final decision.

The increase shall be approved only to the extent that such increase does not violate subsection (b) of this section and only if the commission makes a written determination that the increase is fair, just and reasonable and reflects good-faith management and sound business policy decisions by the public utility. The commission shall specify in sufficient detail the reasons for its decision.

(b) In determining whether a request made pursuant to this section for an increase is fair, just and reasonable, the following rules shall apply:

(1) For the purpose of determining fuel costs, the price paid for the fuel shall be computed at the actual cost of fuel purchased from nonaffiliated persons, firms and corporations and the actual cost of the production of fuel received from affiliated persons, firms and corporations and, in no event, shall the cost of fuel purchased through short-term contract purchases or spot market purchases be permitted to exceed by fifteen percent the average cost of fuel purchased from nonaffiliated persons under long-term contracts for similar quality fuel for the twelve months period next preceding the filing of the requested increase.

(2) The cost of fuel shall be considered as purchased free-on-board at its site of production and such requested increase shall not include the cost of transportation of fuel beyond its site of production.
(3) For the purpose of determining the propriety of the requested increase, only a variable efficiency formula shall be used. Such formula shall, in addition to other factors permitted by the commission, be computed on the basis of the average heat rate and the average losses in the delivery system of such utility of all fossil fuel steam generating plants of the utility requesting the increase computed for the six-months' period next preceding the period for which the requested increase is made. The same variable efficiency formula shall be used by and applied to all steam generating electric utilities.

(4) The amount of electric energy produced by hydroelectric or other nonfossil fuel steam generating plants of the public utility requesting the increase shall be deducted from the amount of electric energy to which any fuel cost applies.

(5) Such increase shall not include, directly or indirectly, taxes imposed against or paid by the utility pursuant to the provisions of article thirteen, chapter eleven of this code.

(c) The commission shall, on its own initiative hold a hearing in the same manner as provided in subsection (a) of this section, and may order a decrease in any tariff, rate, joint rate, charge, toll or schedule when it believes such action to be appropriate based upon the information obtained by the commission pursuant to section fourteen of this article and pursuant to subsections (d) and (e) of this section.

(d) In order to have the information necessary to make a fair determination in any hearing which is held under the provisions of this section or in determining whether to permit an increase or a decrease in any tariff, rate, joint rate, charge, toll or schedule, the commission shall obtain and use all available pertinent information on fuel and fuel costs. Such information shall include, but not be limited to, the information required to be reported pursuant to section fourteen of this article, data contained in forms, reports and other documents required by the Federal Power Commission, Securities and Exchange Commission and other federal agencies, publications by other agencies of this state and private publications relating to the coal industry and the electric power industry. The commission shall make a special effort to obtain all available information on coal costs, coal contract terms and
conditions, coal quality, coal availability and coal purchases
and production.

(e) It shall be the duty of the commission to conduct
annual audits of all books, records and accounts of all utilities
whose tariffs, rates, joint rates, charges, tolls or schedules have
been increased or decreased pursuant to this section or
pursuant to any automatic adjustment clause or fuel adjustment
clause prior to the effective date of this section.

(f) Any costs which are excluded from an increase re-
quested pursuant to this section may be included by the utility
as a cost of operation in an application for a rate order there-
after made and the commission may allow all or any part of
such excluded costs as costs of operation if and only to the ex-
tent that the commission finds in its hearings on such later
application on the record made therein that such costs are
fair, just, reasonable and necessary and arrived at by bona fide
negotiations in accord with sound management and business
practices.

(g) No increase in charges for electric energy granted
pursuant to this section shall become thereby a part of or
considered to be an amendment to such charges permitted by
the last rates or tariffs filed with or established by order of
the commission with respect to the applicant for such in-
crease.

(h) No public utility shall have pending before the com-
mission more than one application for increase pursuant to this
section at any one time, except that if the commission has
not made a final decision within the sixty-day period required
under the provisions of subsection (a) of this section or if,
having made such decision, the same is appealed to any
court of competent jurisdiction, then, and in either event, such
electric utility may apply for an additional increase pursuant to
this section.

(i) As used in this section the term:

(1) "Long term contract" shall mean any contract or agree-
ment of more than twenty-four months duration by which
agreed quantities of fuel is purchased at an agreed price in-
volving more than one delivery of such fuel.
"Short term contract" shall mean any contract or agreement of less than twenty-four months duration by which agreed quantities of fuel is purchased at an agreed price involving more than one delivery of such fuel.

"Spot market purchases" shall mean all purchases of fuel not made pursuant to either a long term contract or a short term contract nor shall the term include purchases of fuel from an affiliate.

The Legislature recognizes that on the effective date of this section that the commission has, by order entered the twentieth day of February, in the year one thousand nine hundred seventy-five, declared automatic adjustment clauses or fuel adjustment clauses contained in tariffs, rates, joint rates, charges, tolls or schedules to be canceled and stricken and that such clauses are of no further force and effect. To the extent that such order remains in effect the provisions of this section shall be inoperative. To the extent that such order of the commission is changed, modified or reversed whereby such automatic adjustment clauses or fuel adjustment clauses are reinstated, in whole or in part, the provisions of this section are hereby declared to be operable. Nothing contained in this section shall be construed as authorization for the inclusion in any tariff, rate, joint rate, charge, toll or schedule of any automatic adjustment clause or fuel adjustment clause.

The provisions of this section shall apply only to electric utilities.

Unless hereafter extended by the Legislature, the provisions of this section shall expire on and be of no further force and effect on and after the first day of July, one thousand nine hundred seventy-six.

If any subsection, subdivision, provision, clause or phrase of this section or the application thereof to any person or circumstance is held unconstitutional or invalid, such unconstitutionality or invalidity shall not affect other subsections, subdivisions, provisions, clauses or phrases or applications of the article, and to this end each and every subsection, subdivision, provision, clause and phrase of this article are declared to be severable. The Legislature hereby declares that
it would have enacted the remaining subsections, subdivisions, provisions, clauses and phrases of this section even if it had known that any subsections, subdivisions, provisions, clauses and phrases thereof would be declared to be unconstitutional or invalid.

CHAPTER 191
(Com. Sub. for S. B. 388—By Mr. Hatfield and Mr. Jones)

[Passed March 8, 1975; in effect ninety days from passage. Approved by the Governor.]

AN ACT to amend chapter twenty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article eighteen, relating to creating a West Virginia railroad maintenance authority; setting forth purpose and duty of the authority, membership and term of authority members; granting power to issue bonds; prescribing function, duty, power and obligation of authority; establishment of railroad maintenance authority fund; authorizing collection of rates and rentals from railroad projects; setting forth unlawful acts and penalty.

Be it enacted by the Legislature of West Virginia:

That chapter twenty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, designated article eighteen, to read as follows:

ARTICLE 18. WEST VIRGINIA RAILROAD MAINTENANCE AUTHORITY.

§29-18-2. Declaration of policy and responsibility; purpose and intent of article; findings.
§29-18-4. West Virginia railroad maintenance authority created; organization of authority; appointment of members; term of office, compensation and expenses; director of authority.
§29-18-5. Authority may construct, maintain, etc., railroad maintenance projects.
§29-18-10. Authority empowered to issue bonds, renewal notes and refunding bonds; requirements and manner of such issuance.
§29-18-11. Trustee for bondholders; contents of trust agreement.
§29-18-12. Legal remedies of bondholders and trustees.
§29-18-13. Bonds and notes not debt of state, county, municipality or of any political subdivision; expenses incurred pursuant to article.
§29-18-14. Use of funds by authority; restrictions thereon.
§29-18-16. Rentals and other revenues from railroad projects; contracts and leases of authority; cooperation of other governmental agencies; bonds of such agencies.
§29-18-17. Maintenance, operation and repair of projects; reports by authority to governor and Legislature.
§29-18-20. Acquisition of property by authority; governmental agencies authorized to convey, etc., property.
§29-18-22. Financial interest in contracts prohibited; penalty.
§29-18-23. Meetings and records of authority to be kept public.


1 This article shall be known and cited as the “West Virginia Railroad Maintenance Authority Act.”

§29-18-2. Declaration of policy and responsibility; purpose and intent of article; findings.

1 It is hereby declared to be the public policy of the state of West Virginia and a responsibility of the state of West Virginia, to facilitate railroad transportation and commerce within the state by exercising those powers of the state necessary to qualify for rail services continuation subsidies pursuant to the provisions of the federal Regional Rail Reorganization Act of one thousand nine hundred seventy-three and any amendment thereto and any rules or regulations promulgated thereunder.

10 The Legislature finds and hereby declares that this responsibility of the state cannot be effectively met without the establishment, funding, construction, reconstruction, acquisition, repair, replacement, operation and maintenance of railroads and railroad projects.

1. As used in this article unless the context clearly requires a different meaning:

2. (1) "Authority" means the West Virginia railroad maintenance authority created by this article, the duties, powers, responsibilities and functions of which are specified in this article.

3. (2) "Bond" or "railroad maintenance authority bond" means a revenue bond or rate issued by the railroad maintenance authority to effectuate the intents and purposes of this article.

4. (3) "Railroad" means a common carrier by railroad as defined in section 1 (3) of Part I of the Interstate Commerce Act (49 U.S.C. 1).

5. (4) "Owner" means and includes all individuals, partnerships, associations, corporations, companies, transportation companies, public service corporations, the United States or any agency or instrumentality thereof, common carriers by rail and railroad companies having any title or interest in any rail properties authorized to be acquired, leased or used by this article.

6. (5) "Income" means and includes all money accruing to the authority from any source.

7. (6) "Person" means individuals, corporations, partnerships or foreign and domestic associations, including railroads.

8. (7) "Rail properties" means assets or rights owned, leased, or otherwise controlled by a railroad or other person which are used, or useful, in rail transportation service: Provided, That rail properties does not include any properties owned, leased, or otherwise controlled by a railroad not in reorganization, unless it consents to such properties' inclusion in the particular transaction.

9. (8) "Rail service" means both freight and passenger service.

10. (9) "Railroad project" means the initiation, acquisi-
§29-18-4. West Virginia railroad maintenance authority created; organization of authority; appointment of members; term of office, compensation and expenses; director of authority.

There is hereby created the West Virginia railroad maintenance authority. The authority is a governmental instrumentality of the state and a body corporate. The exercise by the authority of the powers conferred by this article and the carrying out of its purposes and duties shall be deemed and held to be, and are hereby determined to be, essential governmental functions and for a public purpose.

The authority shall consist of seven members. The governor shall be a member ex officio. The other six members shall be appointed by the governor, by and with the advice and consent of the Senate, for a term of six years. Of the members of the authority first appointed, two shall be appointed for a term ending on the thirtieth day of June, one thousand nine hundred seventy-seven, two shall be appointed for a term ending two years thereafter and two shall be appointed for a term ending four years thereafter. A person appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. Each authority member shall serve until the appointment and qualification of his successor. No more than three of the appointed authority members shall at any one time belong to the same political party. Appointed authority members may be reappointed to serve additional terms.

All members of the authority shall be citizens of the state. Each appointed member of the board, before entering upon his duties, shall comply with the requirements of article one, chapter six of this code and give bond in the sum of twenty-five thousand dollars in the manner
provided in article two, chapter six of this code. The governor may remove any authority member for cause as provided in article six, chapter six of this code.

Annually the authority shall elect one of its appointed members as chairman and another as vice chairman, and shall appoint a secretary-treasurer, who need not be a member of the authority. Four members of the authority shall constitute a quorum and the affirmative vote of four members shall be necessary for any action taken by vote of the authority. No vacancy in the membership of the authority shall impair the rights of a quorum by such vote to exercise all the rights and perform all the duties of the authority. The person appointed as secretary-treasurer, including an authority member if he is so appointed, shall give bond in the sum of fifty thousand dollars in the manner provided in article two, chapter six of this code.

The governor shall not receive any compensation for serving as an authority member. Each of the six appointed members of the authority shall receive fifty dollars for each day or substantial part thereof actually spent in attending meetings of the board or in discharging or carrying out his duties and work as a member of the board. Each of the six appointed members shall be reimbursed for all reasonable and necessary expenses actually incurred in the performance of his duties as a member of such authority. All such compensation and expenses incurred shall be payable solely from funds of the authority or from funds appropriated for such purpose by the Legislature and no liability or obligation shall be incurred by the authority beyond the extent to which moneys are available from funds of the authority or from such appropriations.

There shall also be a director of the authority appointed by the authority.

§29-18-5. Authority may construct, maintain, etc., railroad maintenance projects.

To accomplish the public policies and purposes and to meet the responsibility of the state as set forth in this
article, the West Virginia railroad maintenance authority may carry out railroad projects or cause railroad projects to be carried out pursuant to a lease, sublease or agreement with any person or governmental agency; may make loans and grants to or with governmental agencies or to persons for railroad projects; and may issue railroad authority bonds of this state; payable solely from revenues, to pay the cost of such projects. A railroad project shall not be undertaken unless it has been determined by the authority to be consistent with any applicable comprehensive plan for railroad projects approved by the authority. Any resolution of the authority authorizing a railroad project shall include a finding by the authority that such determinations have been made.


1 The West Virginia railroad maintenance authority is hereby granted, has and may exercise all powers necessary or appropriate to carry out and effectuate its corporate purpose.

(a) The authority shall have the power and capacity to:

(1) Adopt, and from time to time, amend and repeal bylaws necessary and proper for the regulation of its affairs and the conduct of its business and rules and regulations to implement and make effective its powers and duties, such rules and regulations to be promulgated in accordance with the provisions of chapter twenty-nine-a of this code.

(2) Adopt an official seal.

(3) Maintain a principal office and, if necessary, regional suboffices at locations properly designated or provided.

(4) Sue and be sued in its own name and plead and be impleaded in its own name, and particularly to enforce the obligations and covenants made under sections ten, eleven and sixteen of this article. Any actions against the authority shall be brought in the circuit
court of Kanawha County in which the principal office
of the authority shall be located.

(5) Make loans and grants to governmental agencies
and persons for carrying out railroad projects by
any such governmental agency or person and, in ac-
cordance with chapter twenty-nine-a of this code, adopt
rules and procedures for making such loans and
grants.

(6) Acquire, construct, reconstruct, enlarge, improve,
furnish, equip, maintain, repair, operate, lease or rent
to, or contract for operation by a governmental agency
or person, railroad projects, and, in accordance with
chapter twenty-nine-a of this code, adopt rules and reg-
ulations for the use of such projects.

(7) Make available the use or services of any rail-
road project to one or more persons, one or more gov-
ernmental agencies, or any combination thereof.

(8) Issue railroad maintenance authority bonds and
notes and refunding bonds of the state, payable solely
from revenues as provided in section ten of this article
unless the bonds are refunded by refunding bonds,
for the purpose of paying any part of the cost of
one or more railroad projects or parts thereof.

(9) Acquire by gift or purchase, hold and dispose
of real and personal property in the exercise of its
powers and the performance of its duties as set forth
in this article.

(10) Acquire in the name of the state, by purchase or
otherwise, on such terms and in such manner as it deems
proper, or by the exercise of the right of eminent do-
main in the manner provided in chapter fifty-four of
this code, rail properties and appurtenant rights and
interests necessary for carrying out railroad projects.

(11) Make and enter into all contracts and agree-
ments and execute all instruments necessary or inci-
dental to the performance of its duties and the execution
of its powers. When the cost under any such contract
or agreement, other than compensation for personal ser-
vices, involves an expenditure of more than two thousand
duties, the authority shall make a written contract with the lowest responsible bidder after public notice published as a Class II legal advertisement in compliance with the provisions of article three, chapter fifty-nine of this code, the publication area for such publication to be the county wherein the work is to be performed or which is affected by the contract, which notice shall state the general character of the work and the general character of the materials to be furnished, the place where plans and specifications therefor may be examined and the time and place of receiving bids, but a contract or lease for the operation of a railroad project constructed and owned by the authority or an agreement for cooperation in the acquisition or construction of a railroad project pursuant to section sixteen of this article is not subject to the foregoing requirements and the authority may enter into such contract or lease or such agreement pursuant to negotiation and upon such terms and conditions and for such period as it finds to be reasonable and proper under the circumstances and in the best interests of proper operation or of efficient acquisition or construction of such railroad project. The authority may reject any and all bids. A bond with good and sufficient surety, approved by the authority, shall be required of all contractors in an amount equal to at least fifty percent of the contract price, conditioned upon the faithful performance of the contract.

(12) Appoint a director and employ managers, superintendents and other employees and retain or contract with consulting engineers, financial consultants, accountants, attorneys and such other consultants and independent contractors as are necessary in its judgment to carry out the provisions of this article, and fix the compensation or fees thereof. All expenses thereof shall be payable from the proceeds of railroad maintenance authority revenue bonds or notes issued by the authority, from revenues and funds appropriated for such purpose by the Legislature or from grants from the federal government which may be used for such purpose.

(13) Receive and accept from any state or federal
agency, grants for or in aid of the construction of any
railroad project or for research and development with
respect to railroads and receive and accept aid or con-
tributions from any source of money, property, labor
or other things of value, to be held, used and applied
only for the purposes for which such grants and contri-
butions are made.

(14) Engage in research and development with respect
to railroads.

(15) Purchase fire and extended coverage and lia-
ability insurance for any railroad project and for the
principal office and suboffices of the authority, insurance
protecting the authority and its officers and employees
against liability, if any, for damage to property or in-
jury to or death of persons arising from its operations
and be a member of, and to participate in, the state
workmen's compensation program.

(16) Charge, alter and collect rates, rentals and other
charges for the use or services of any railroad project as
provided in this article.

(17) Do all acts necessary and proper to carry out
the powers expressly granted to the authority in this
article.

(b) In addition, the authority shall have the power
to:

(1) Acquire rail properties both within and not with-
in the jurisdiction of the interstate commerce com-
mision and rail properties within the purview of the
federal Regional Rail Reorganization Act of 1973, any
amendments to it and any other relevant federal legis-
lation.

(2) Enter into agreements with owners of rail prop-
erties for the acquisition of rail properties or use or both
of rail properties upon such terms, conditions, rates or
rentals as can best effectuate the purposes of this ar-
ticle.

(3) Acquire rail properties and other property of a
railroad in concert with another state or states as is
necessary to insure continued rail service in this state.
(4) Establish a state plan for rail transportation and local rail services.

(5) Administer and coordinate such state plan.

(6) Provide in such state plan for the equitable distribution of federal rail service continuation subsidies among state, local and regional transportation authorities.

(7) Promote, supervise and support safe, adequate and efficient rail services.

(8) Employ sufficient trained and qualified personnel for these purposes.

(9) Maintain adequate programs of investigation, research, promotion and development in connection with such purposes and to provide for public participation therein.

(10) Provide satisfactory assurances on behalf of the state that fiscal control and fund accounting procedures will be adopted by the state necessary to assure proper disbursement of and accounting for federal funds paid to the state as rail service continuation subsidies.

(11) Comply with the regulations of the secretary of transportation of the United States department of transportation affecting federal rail service continuation programs.

(12) Do all things otherwise necessary to maximize federal assistance to the state under Title IV of the federal Regional Rail Reorganization Act of 1973 and to qualify for rail service continuation subsidies pursuant to the federal Regional Rail Reorganization Act of 1973.


(a) The authority may sell, transfer or lease all, or any part, of the rail properties and other property acquired under the provisions of this article to any responsible person, firm or corporation for continued operation of a railroad or other public purpose: Provided, That approval for the continued operation or other public purpose, is granted by the interstate commerce commission of the United States, whenever approval is required. The sale, transfer or lease shall be for a price and subject
to any further terms and conditions which the authority
feels are necessary and appropriate to effectuate the pur-
poses of this article.

(b) After acquiring any railroad lines within the state,
the authority shall assist any responsible person, firm or
corporation to secure, as promptly as possible, any order
or certificate required by the interstate commerce com-
mission for the performance of railroad service. The
authority shall also give any assurances or guarantees
which are necessary or desirable to carry out the purposes
of this article.

(c) The authority may take whatever steps are neces-
sary in order to determine the absolute fee simple title
ownership of all rail properties of any railroad within
the state. The determination may include the status of
the rail properties with respect to easements, rights-
of-way, leases, reversionary rights, fee simple title owner-
ship and any and all related title matters. The authority
may retain attorneys, experts or other assistants, and
issue any contracts as are necessary to make the title
determination.

(d) All rail properties within the state offered for
sale by any railway corporation after the date of enact-
ment of this article shall be offered for sale to the state
in the first instance.

(e) The authority may cooperate with other states
in connection with the purchase of any rail properties
within this state. The authority may also acquire rail-
road rights in other states and rail properties lying in
other states in order to carry out the intentions and pur-
poses of this article. In carrying out the powers and
duties conferred by this article, the authority may enter
into general contractual arrangements, including joint
purchasing and leasing of rail properties with other states.

(f) In weighing the varied interests of the residents
of this state, the authority shall give consideration to
the individual interest of any county or municipality
expressing a desire to acquire a portion, or all, of the
abandoned real estate located within its jurisdiction. The
authority may exercise its powers under this article to
acquire the abandoned property for subsequent conveyance to the county or municipality.

(g) The authority may utilize federal funds, grants, gifts or donations which are available and any sums that are appropriated in carrying out the purposes of this article. The authority may also apply for discretionary or other funds available under the provisions of the federal Regional Rail Reorganization Act of 1973 or other federal programs.

(h) The authority may apply for an acquisition and modernization loan, or a guarantee of a loan, pursuant to Section 403 of the federal Regional Rail Reorganization Act of 1973 or any other federal programs, within the limit of funds appropriated for those purposes.

(i) The authority is authorized to purchase any railroad rolling stock, equipment and machinery necessary for the operation and maintenance of any rail properties purchased by it on behalf of the state, with any funds made available for this purpose. The authority may also acquire and have available, a pool of equipment and machinery which may be utilized by the operators of the rail properties for the purpose of track maintenance and other related railroad activities, upon terms and conditions determined by the authority.

(j) The authority may contract for the rebuilding or relocation of any rail properties acquired pursuant to this article, within the provisions of the federal Regional Rail Reorganization Act of 1973 or any other applicable legislation. The authority may also spend any sums appropriated, as well as any other available funds, for the modernization, rebuilding and relocation of any rail properties owned by the state or by a private carrier. The authority may do any maintenance on any rail properties owned by the state as is necessary in the public interest.

(k) The authority may contract with any domestic or foreign person, firm, corporation, agency or government to provide, maintain or improve rail transportation service on the rail properties acquired by the state under this article.
(l) Whenever the authority determines that any rail properties acquired by the state are no longer needed for railroad purposes, it may, with the permission of the governor, permanently or temporarily transfer the rail properties to any other state department or agency or political subdivision of the state, which shall utilize the properties for a public purpose. Whenever more than one department or agency or political subdivision wishes to utilize the property, the authority shall resolve such a conflict and make a prompt determination of the reasonable and proper order of priority, taking into consideration any applicable state plans, policies or objectives. If no state department or agency or political subdivision wants the properties, the authority may sell them, with the proceeds deposited to the special railroad fund established by this article. A public hearing is required prior to the transfer or sale of any rail properties by the authority.


There is hereby created in the state treasury a West Virginia railroad maintenance authority fund. The authority shall deposit proceeds derived from action taken pursuant to this article and shall be the authority to use moneys in such fund to effectuate the provisions and purposes of this article.


The authority may expend, out of any funds available for the purpose, such moneys as are necessary for the study of any proposed railroad project and may use its engineering and other forces, including consulting engineers for the purpose of effecting such study. All such expenses incurred by such study and engineering shall be paid from the funds established in section eight of this article.

§29-18-10. Authority empowered to issue bonds, renewal notes and refunding bonds; requirements and manner of such issuance.

The authority is hereby empowered to raise the cost of
The authority may, from time to time, issue renewal notes, issue bonds to pay such notes and whenever it deems refunding expedient, refund any bonds by the issuance of railroad maintenance revenue refunding bonds of the state, whether the bonds to be refunded have or have not matured, and issue bonds partly to refund bonds then outstanding and partly for any other authorized purpose. The refunding bonds shall be sold and the proceeds applied to the purchase, redemption or payment of the bonds to be refunded. Except as may otherwise be expressly provided by the authority, every issue of its bonds or notes shall be obligations of the authority payable out of the revenues of the authority, which are pledged for such payment, without preference or priority of the first bonds issued, subject only to any agreements with the holders of particular bonds or notes pledging any particular revenues. Such pledge shall be valid and binding from the time the pledge is made and the revenue so pledged and thereafter received by the authority shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act and the lien of any such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the authority irrespective of whether such parties have notice thereof.

All such bonds and notes shall have and are hereby declared to have all the qualities of negotiable instruments.

The bonds and notes shall be authorized by resolution of the authority, shall bear such date and shall mature at such time, in the case of any such note or any renewals thereof not exceeding five years from the date of issue of
such original note, and in the case of any such bond not exceeding fifty years from the date of issue, as such resolution may provide. The bonds and notes shall bear interest at such rate, be in such denominations, be in such form, either coupon or registered, carry such registration privileges, be payable in such medium of payment, at such place and be subject to such terms of redemption as the authority may authorize. The bonds and notes of the authority may be sold by the authority, at public or private sale, at or not less than the price the authority determines. The bonds and notes shall be executed by the chairman and vice chairman of the authority, both of whom may use facsimile signatures. The official seal of the authority or a facsimile thereof shall be affixed there to or printed thereon and attested, manually or by fac simile signature, by the secretary-treasurer of the authority, and any coupons attached thereto shall bear the signature or facsimile signature of the chairman of the authority. In case any officer whose signature, or a fac simile of whose signature, appears on any bonds, notes or coupons ceases to be such officer before delivery of such bonds or notes, such signature or facsimile is nevertheless sufficient for all purposes the same as if he had remained in office until such delivery and in case the seal of the authority has been changed after a facsimile has been imprinted on such bonds or notes such facsimile seal will continue to be sufficient for all purposes.

Any resolution authorizing any bonds or notes or any issue thereof may contain provisions, subject to such agreements with bondholders or noteholders as may then exist, which provisions shall be a part of the contract with the holders thereof, as to pledging all or any part of the revenues of the authority to secure the payment of the bonds or notes or of any issue thereof; the use and disposition of revenues of the authority; a covenant to fix, alter and collect rates, rentals and other charges so that pledged revenues will be sufficient to pay the costs of operation, maintenance and repairs, pay principal of and interest on bonds or notes secured by the pledge of such revenues and provide such reserves as may be required by the applicable resolution or trust agreement; the set-
ting aside of reserve funds, sinking funds or replacement
and improvement funds and the regulation and disposition
thereof; the crediting of the proceeds of the sale of bonds
or notes to and among the funds referred to or provided
for in the resolution authorizing the issuance of the bonds
or notes; the use, lease, sale or other disposition of any
railroad project or any other assets of the authority;
limitations on the purpose to which the proceeds of sale
of bonds or notes may be applied and pledging such pro-
ceeds to secure the payment of the bonds or notes or of
any issue thereof; notes issued in anticipation of the
issuance of bonds, the agreement of the authority to do
all things necessary for the authorization, issuance and
sale of such bonds in such amounts as may be necessary
for the timely retirement of such notes; limitations on
the issuance of additional bonds or notes; the terms upon
which additional bonds or notes may be issued and se-
cured; the refunding of outstanding bonds or notes; the
procedure, if any, by which the terms of any contract
with bondholders or noteholders may be amended or
abrogated, the amount of bonds or notes the holders of
which must consent thereto and the manner in which
such consent may be given; limitations on the amount of
moneys to be expended by the authority for operating,
administrative or other expenses of the authority; secur-
ing any bonds or notes by a trust agreement; and any
other matters, of like or different character, which in any
way affect the security or protection of the bonds or notes.

Neither the members of the authority nor any person
executing the bonds or notes shall be liable personally on
the bonds or notes or be subject to any personal liability
or accountability by reason of the issuance thereof.

§29-18-11. Trustee for bondholders; contents of trust agree-
ment.

In the discretion of the authority, any railroad mainte-
nance bonds or notes or railroad maintenance refunding
bonds issued by the authority under this article may
be secured by a trust agreement between the authority
and a corporate trustee, which trustee may be any trust
company or banking institution having the powers of
a trust company within or without this state.

Any such trust agreement may pledge or assign reve-
uues of the authority to be received, but shall not convey
or mortgage any railroad project or any part thereof.

Any such trust agreement or any resolution providing
for the issuance of such bonds or notes may contain such
provisions for protecting and enforcing the rights and
remedies of the bondholders or noteholders as are reason-
able and proper and not in violation of law, including
covenants setting forth the duties of the authority in
relation to the acquisition of property, the construction,
improvement, maintenance, repair, operation and insur-
ance of the railroad project in connection with which
such bonds or notes are authorized, the rentals or other
charges to be imposed for the use or services of any
railroad project, the custody, safeguarding, and applica-
tion of all moneys and provisions for the employment
of consulting engineers in connection with the construc-
tion or operation of such railroad project. Any banking
institution or trust company incorporated under the laws
of this state which may act as depository of the proceeds
of bonds or notes or of revenues shall furnish such
indemnifying bonds or pledge such securities as are re-
quired by the authority. Any such trust agreement may
set forth the rights and remedies of the bondholders
and noteholders and of the trustee and may restrict in-
dividual rights of action by bondholders and noteholders
as customarily provided in trust agreements or trust
indentures securing similar bonds. Such trust agreement
may contain such other provisions as the authority deems
reasonable and proper for the security of the bondholders
or noteholders. All expenses incurred in carrying out
the provisions of any such trust agreement may be treated
as a part of the cost of the operation of the railroad
project. Any such trust agreement or resolution au-
thorizing the issuance of railroad maintenance revenue
bonds may provide the method whereby the general
administrative overhead expenses of the authority shall
be allocated among the several projects acquired or con-
structed by it as a factor of the operating expenses of
each such project.
§29-18-12. Legal remedies of bondholders and trustees.

Any holder of railroad maintenance revenue bonds issued under the authority of this article or any of the coupons appertaining thereto and the trustee under any trust agreement, except to the extent the rights given by this article may be restricted by the applicable resolution or such trust agreement, may by civil action, mandamus or other proceedings, protect and enforce any rights granted under the laws of this state or granted under this article, by the trust agreement or by the resolution authorizing the issuance of such bonds, and may enforce and compel the performance of all duties required by this article, or by the trust agreement or resolution, to be performed by the authority or any officer thereof, including the fixing, charging and collecting of sufficient rentals or other charges.

§29-18-13. Bonds and notes not debt of state, county, municipality or of any political subdivision; expenses incurred pursuant to article.

Railroad maintenance revenue bonds and notes and railroad maintenance revenue refunding bonds issued under authority of this article and any coupons in connection therewith shall not constitute a debt or a pledge of the faith and credit or taxing power of this state or of any county, municipality or any other political subdivision of this state, and the holders or owners thereof shall have no right to have taxes levied by the Legislature or taxing authority of any county, municipality or any other political subdivision of this state for the payment of the principal thereof or interest thereon, but such bonds and notes shall be payable solely from the revenues and funds pledged for their payment as authorized by this article unless the notes are issued in anticipation of the issuance of bonds or the bonds are refunded by refunding bonds issued under authority of this article, which bonds or refunding bonds shall be payable solely from revenues and funds pledged for their payment as authorized by this article. All such bonds and notes shall contain on the face thereof a statement to the effect that the bonds or notes, as to both principal and interest, are not debts of the state or any county,
municipality or political subdivision thereof, but are payable solely from revenues and funds pledged for their payment.

All expenses incurred in carrying out the provisions of this article shall be payable solely from funds provided under authority of this article. Such article does not authorize the authority to incur indebtedness or liability on behalf of or payable by the state or any county, municipality or political subdivision thereof.

§29-18-14. Use of funds by authority; restrictions thereon.

All moneys, properties and assets acquired by the authority, whether as proceeds from the sale of railroad maintenance revenue bonds or as revenues or otherwise, shall be held by it in trust for the purposes of carrying out its powers and duties, and shall be used and reused in accordance with the purposes and provisions of this article. Such moneys shall at no time be commingled with other public funds. Such moneys, except as otherwise provided in any resolution authorizing the issuance of railroad maintenance revenue bonds or in any trust agreement securing the same, or except when invested pursuant to section thirteen of this article, shall be kept in appropriate depositories and secured as provided and required by law. The resolution authorizing the issuance of such bonds of any issue or the trust agreement securing such bonds shall provide that any officer to whom, or any banking institution or trust company to which, such moneys are paid shall act as trustee of such moneys and hold and apply them for the purposes hereof, subject to the conditions this article and such resolution or trust agreement provide.


Funds of the authority in excess of current needs, except as otherwise provided in any resolution authorizing the issuance of its railroad maintenance revenue bonds or in any trust agreement securing the same, may be invested by the authority in any security or securities in which the “West Virginia State Board of Investments” is authorized to invest under sections nine and ten, article six, chapter twelve of this code, except those securi-
ties specified in subdivisions (f) and (g) of said section nine. Income from all such investments of moneys in any fund shall be credited to such funds as the authority determines, subject to the provisions of any such resolution or trust agreement and such investments may be sold at such times as the authority determines.

§29-18-16. Rentals and other revenues from railroad projects; contracts and leases of authority; cooperation of other governmental agencies; bonds of such agencies.

The authority may charge, alter and collect rates, rentals or other charges for the use or services of any project, and contract in the manner provided by this section with one or more persons, one or more governmental agencies, or any combination thereof, desiring the use or services thereof, and fix the terms, conditions, rates, rentals or other charges for such use or services. Such rentals or other charges shall not be subject to supervision or regulation by any other authority, department, commission, board, bureau or agency of the state, and such contract may provide for acquisition by such person or governmental agency of all or any part of such railroad project for such consideration payable over the period of the contract or otherwise as the authority in its sole discretion determines to be appropriate, but subject to the provisions of any resolution authorizing the issuance of railroad maintenance revenue bonds or notes or railroad maintenance revenue refunding bonds of the authority or any trust agreement securing the same. Any governmental agency which has power to construct, operate and maintain railroad projects may enter into a contract or lease with the authority whereby the use or services of any railroad project of the authority will be made available to such governmental agency and pay for such use or services such rentals or other charges as may be agreed to by such governmental agency and the authority.

Any governmental agency or agencies or combination thereof may cooperate with the authority in the acquisition or construction of a railroad project and shall
enter into such agreements with the authority as are
necessary, with a view to effective cooperative action
and safeguarding of the respective interests of the
parties thereto, which agreements shall provide for such
contributions by the parties thereto in such proportion
as may be agreed upon and such other terms as may
be mutually satisfactory to the parties, including with-
out limitation the authorization of the construction of
the project by one of the parties acting as agent for all
of the parties and the ownership and control of the pro-
ject by the authority to the extent necessary or appro-
priate for purposes of the issuance of railroad main-
tenance revenue bonds by the authority. Any gov-
ernmental agency may provide such contribution as is
required under such agreements by the appropriation
of money or, if authorized by a favorable vote of the
electors to issue bonds or notes or levy taxes or assess-
ments and issue notes or bonds in anticipation of the
collection thereof, by the issuance of bonds or notes or
by the levying of taxes or assessments and the issu-
ance of bonds or notes in anticipation of the collection
thereof, and by the payment of such appropriated money
or the proceeds of such bonds or notes to the au-
thority pursuant to such agreements.

Any governmental agency, pursuant to a favorable
vote of the electors in an election held before or
after the effective date of this section for the purpose
of issuing bonds to provide funds to acquire, construct
or equip, or provide real estate and interests in real
estate for a railroad project, whether or not the gov-
ernmental agency at the time of such election had the
authority to pay the proceeds from such bonds or notes
issued in anticipation thereof to the authority as pro-
vided in this section, may issue such bonds or notes in
anticipation of the issuance thereof and pay the pro-
ceeds thereof to the authority in accordance with an
agreement between such governmental agency and the
authority: Provided, That the legislative authority of
the governmental agency finds and determines that the
railroad project to be acquired or constructed by the
authority in cooperation with such governmental agency
§29-18-17. Maintenance, operation and repair of projects; reports by authority to governor and Legislature.

Each railroad project, when constructed and placed in operation, shall be maintained and kept in good condition and repair by the authority or the authority shall cause the same to be maintained and kept in good condition and repair. Each such project shall be operated by such operating employees as the authority employs or pursuant to a contract or lease with a governmental agency or person. All public or private property damaged or destroyed in carrying out the provisions of this article and in the exercise of the powers granted hereunder with regard to any project shall be restored or repaired and placed in its original condition, as nearly as practicable, or adequate compensation made therefor out of funds provided in accordance with the provisions of this article.

As soon as possible after the close of each fiscal year, the authority shall make an annual report of its activities for the preceding fiscal year to the governor and the Legislature. Each such report shall set forth a complete operating and financial statement covering the authority’s operations during the preceding fiscal year. The authority shall cause an audit of its books and accounts to be made at least once each fiscal year by certified public accountants and the cost thereof may be treated as a part of the cost of construction or of operations of its projects.


The provisions of sections nine and ten, article six, chapter twelve of this code to the contrary notwithstanding, all railroad maintenance revenue bonds issued pursuant to this article shall be lawful investments for the West Virginia state board of investments and shall also be lawful investments for banking institutions, societies for savings, building and loan associations, savings and

The exercise of the powers granted to the authority by this article will be in all respects for the benefit of the people of the state, for the improvement of their health, safety, convenience, well-being and for the enhancement of their residential, agricultural, recreational, economic, commercial and industrial opportunities and is a public purpose. As the operation and maintenance of railroad projects will constitute the performance of essential governmental functions, the authority shall not be required to pay any taxes or assessments upon any railroad project or upon any property acquired or used by the authority or upon the income therefrom. Such bonds and notes and all interest and income thereon shall be exempt from all taxation by this state, or any county, municipality, political subdivision or agency thereof, except inheritance taxes.

§29-18-20. Acquisition of property by authority; governmental agencies authorized to convey, etc., property.

The authority may acquire by purchase, whenever it deems such purchase expedient, any land, property, rights, rights-of-way, franchises, easements and other interests in lands it deems necessary or convenient for the construction and operation of any railroad project upon such terms and at such prices it considers reasonable and can be agreed upon between the authority and the owner thereof, and take title thereto in the name of the state.

All governmental agencies, notwithstanding any contrary provision of law, may lease, lend, grant or convey to the authority, at its request, upon such terms as the proper authorities of such governmental agencies deem reasonable and fair and without the necessity for an advertisement, auction, order of court or other action or formality, other than the regular and formal action of the governmental agency concerned, any real property or interests therein, including improvements thereto or per-
sonal property which is necessary or convenient to the
effectuation of the authorized purposes of the authority,
including public roads and other real property or interests
therein, including improvements thereto or personal prop-
erty already devoted to public use.


This section authorizes the authority to take or disturb
property or facilities belonging to any public utility or to
a common carrier, which property or facilities are re-
quired for the proper and convenient operation of such
public utility or common carrier, if provision is made for
the restoration, relocation or duplication of such property
or facilities elsewhere at the sole cost of the authority.

When the authority finds it necessary to change the lo-
cation of any portion of any public road, state highway,
railroad or public utility facility in connection with the
construction of a railroad project, it shall cause the same
to be reconstructed at such location as the unit or division
of government having jurisdiction over such road, high-
way, railroad or public utility facility deems most favor-
able. Such construction shall be of substantially the same
type and in as good condition as the original road, high-
way, railroad or public utility facility. The cost of such
reconstruction, relocation or removal and any damage
incurred in changing the location of any such road, high-
way, railroad or public utility facility shall be paid by
the authority as a part of the cost of such railroad project.

When the authority finds it necessary that any public
highway or portion thereof be vacated by reason of the
acquisition or construction of a railroad project, the au-
thority shall request the West Virginia commissioner of
highways, in writing, to vacate such highway or portion
thereof if the highway or portion thereof to be vacated is
part of the state road system, or, if the highway or portion
thereof to be vacated is under the jurisdiction of a county
or a municipality, the authority shall request the govern-
ning body of such county or municipality to vacate such
public road or portion thereof. The authority shall pay to
the West Virginia commissioner of highways or to the
county or municipality, as the case may be, as part of the
cost of such railroad project, any amounts required to be
deposited with any court in connection with proceedings
for the determination of compensation and damages and
all amounts of compensation and damages finally de-
termined to be payable as a result of such vacation.

The authority may make reasonable rules and regula-
tions for the installation, construction, maintenance, re-
pair, renewal, relocation and removal of railroad or public
utility facilities in, on, over or under any railroad project.
Whenever the authority determines that it is necessary
that any such facilities installed or constructed in, on,
over or under property of the authority pursuant to such
rules and regulations be relocated, the railroad or public
utility owning or operating such facilities shall relocate
or remove them in accordance with the order of the au-
thority. The cost and expenses of such relocation or re-
moval, including the cost of installing such facilities in a
new location, the cost of any lands or any rights or in-
terests in lands and the cost of any other rights acquired
to accomplish such relocation or removal, may be paid by
the authority as a part of the cost of such railroad project.
In case of any such relocation or removal of facilities, the
railroad or public utility owning or operating them, and
its successors or assigns, may maintain and operate such
facilities, with the necessary appurtenances in the new
location in, on, over or under the property of the author-
ity for as long a period and upon the same terms as it had
the right to maintain and operate such facilities in their
former location.

§29-18-22. Financial interest in contracts prohibited; penalty.

1 No officer, member or employee of the authority shall
be financially interested, directly or indirectly, in any
contract of any person with the authority, or in the sale
of any property, real or personal, to or from the authority.
This section does not apply to contracts or purchases of
property, real or personal, between the authority and any
governmental agency. If any officer, member or employee
of the authority has such financial interest in a contract or
sale of property prohibited hereby, he shall be guilty of a
misdemeanor, and, upon conviction thereof, shall be fined
not more than one thousand dollars, or imprisoned in the
§29-18-23. Meetings and records of authority to be kept public.

All meetings of the authority shall be open to the public and the records of the authority shall be open to public inspection at all reasonable times, except as otherwise provided in this section. All final actions of the authority shall be journalized and such journal shall also be open to the inspection of the public at all reasonable times.


The provisions of this article are hereby declared to be remedial and shall be liberally construed to effectuate its purposes and intents.

CHAPTER 192

(H. B. 958—By Mr. Speaker, Mr. McManus, and Mr. Seibert)

[Passed February 17, 1975; in effect ninety days from passage. Approved by the Governor.]

AN ACT to amend and reenact section twenty, article two-a, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to relocation assistance to and replacement housing costs for persons dislocated by highway construction.

Be it enacted by the Legislature of West Virginia:

That section twenty, article two-a, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 2A. WEST VIRGINIA COMMISSIONER OF HIGHWAYS.

§17-2A-20. Relocation assistance to and replacement housing costs for persons dislocated by highway construction.

The payment of relocation costs and replacement housing costs to persons dislocated by highway construction is hereby declared to be a cost of highway construction and may be paid
from the state road fund, subject to the provisions of this sec-

tion. The commissioner of highways shall make the payments

authorized by this section to reduce hardships to persons so

dislocated. In addition, the commissioner shall render advisory

assistance to persons affected and shall call upon and coordi-
nate the services of such other agencies of state and local gov-

ernment as may be capable of rendering such assistance to re-

duce hardships to persons affected and to reduce delays in

highway construction. In rendering such advisory assistance,

the commissioner may accumulate and maintain lists of various

kinds of properties available to which persons affected may be

relocated, and acquire and file such other information and take

such other action as may be necessary to render such advisory

assistance. With respect to persons dislocated by federal-aid

highway projects, the commissioner shall provide a relocation

assistance program which will comply with and implement the

federal laws and regulations relating to relocation assistance to

displaced persons.

Any individual, family, business concern (including the

operation of a farm) or nonprofit organization to be displaced

by a highway construction project shall be compensated con-
sistent with the provisions and limitations of this section for

reasonable and necessary costs to be incurred in consequence

of being so displaced. When a family is displaced, no addi-
tional payment shall be made to individuals who are members

of such family; but, if two or more displaced families occupy

the same dwelling or comprise a single household, each family

within such dwelling or household may receive relocation costs

as provided in this section. Payments under this section are

subject to the limitations provided herein and to any rules and

regulations made by the commissioner as herein provided.

With respect to state highway projects and federal-aid high-

way projects, the commissioner shall have authority to make

such payments for relocation costs, replacement housing costs,

including the increased interest costs which the displaced per-

son is required to pay for financing the acquisition of a com-

parable replacement dwelling, and reasonable expenses in-
curred by such displaced person for evidence of title, record-
ing fees, and other closing costs incident to the purchase of the

replacement dwelling, and expenses incidental to the transfer
of property as are authorized by the federal laws and regulations relating to relocation payments to displaced persons.

The commissioner shall establish by rules and regulations a procedure for the payment of relocation costs within the limits of and consistent with the policies of this section. Such rules and regulations may authorize lump sum payments to individuals or families, in lieu of their respective provable costs, based upon the size of the dwelling being vacated or the number of persons being affected or any other reasonable basis. The commissioner may authorize the obligations of or payment of relocation costs in advance of expenditure for relocation by any person, firm or organization eligible to receive such payment where such advance obligation or payment would speed the clearance of highway construction sites or reduce hardships.

With respect to state highway projects and federal-aid highway projects, the commissioner shall also have authority to comply with the federal laws and regulations relating to providing last resort replacement housing.

Nothing contained in this section or in the federal laws and regulations relating to relocation assistance and payments to displaced persons shall be construed as creating in any condemnation proceedings brought under the power of eminent domain, any element of damages not in existence on the effective date of this section or of the federal laws and regulations relating to relocation assistance and payments to displaced persons.

CHAPTER 193
(Com. Sub. for H. B. 1163—By Mr. Seibert)

[Passed April 14, 1975; in effect from passage. Approved by the Governor.]

AN ACT authorizing the issuance and sale by the governor of bonds of the state of West Virginia, under authority of the Better Highways Amendment of 1973, in a total amount not to exceed
one hundred million dollars, and in several issuances, none of which may exceed fifty million dollars, and with a specified ninety-day waiting period being applicable to any issuance and sale of the second fifty million dollars of bonds, for the sole purpose of raising funds for bridge replacement and improvement program, completion of the Appalachian highway system, upgrading sections of trunkline and feeder systems, upgrading West Virginia State Route 2, upgrading state and local service roads, and the construction, reconstruction, improving and upgrading of U. S. Route 52 between Huntington and Bluefield, West Virginia, as provided for by the constitution and the laws enacted thereunder; specifying the powers of and limitations upon the governor in the issuance and sale of such bonds; permitting the commissioner of the department of highways to determine the distribution of the total proceeds from the first fifty million dollars of bonds issued to subaccounts, after deposit of the total proceeds of each bond sale in the separate and distinct account in the state road fund; requiring notification to be given by the commissioner of the department of highways to the president of the Senate and speaker of the House of Delegates of such distribution; requiring the total proceeds from the second fifty million dollars of bonds to be distributed on a percentage basis; requiring the commissioner of the department of highways to make monthly reports of specific projects for which all proceeds have been obligated or expended; prescribing the duties of the auditor and treasurer with respect to such bonds; providing for transfer and registration fees with respect to registered bonds and the disposition of such fees; providing for places of payment of principal and interest on such bonds; exempting such bonds from taxation by the state, or by any county, district or municipality thereof; setting forth the form of coupon and registered bonds and coupons; stating what moneys shall be paid into the state road fund; providing for the disposition and investment of the state road fund; providing a covenant between the state and the bondholders; providing that the proceeds from the sale of the bonds shall be paid into a separate and distinct account within the state road fund and providing that said account shall contain six (6) subaccounts, their purposes and the amount of the total proceeds of such bond sale to be deposited therein and for expenditures from said
account; providing for annual accountability status report; pro-
viding that the plates, etc., from which the bonds are produced
or made shall be the property of the state; providing for the
state treasurer to be financial advisor; providing for the attorney
general or his duly appointed legal representative to serve as
bond counsel; and providing that all necessary expenses, includ-
ing legal expenses approved by the attorney general, incurred in
the execution of this act shall be paid out of the state road fund
on warrants of the auditor of the state drawn on the state trea-
surer.

Be it enacted by the Legislature of West Virginia:

ISSUANCE AND SALE OF ROAD BONDS.

§1. Road bonds; amount; purposes; distribution of bond proceeds; notifica-
tion and report; when may issue.
§2. Transfer fee; registration fee; where payable; interest rate; tax exempt.
§3. Form of bond.
§4. Form of coupon.
§5. Listing by auditor.
§6. State road fund sources used to pay bonds and interest; investment of
remainder.
§7. Covenants of state.
§8. Sale by governor; minimum price.
§9. Proceeds paid into a separate and distinct account within the state road
fund; subaccounts and restriction on transfer of funds; expenditures;
investment; annual accountability status report.
§10. Plates, etc., property of state.
§11. Auditor to be custodian of unsold bonds.
§12. State treasurer to be financial advisor.
§13. Attorney general or his duly appointed legal representative to serve as
bond counsel.
§14. Approval and payment of all necessary expenses.

§1. Road bonds; amount; purposes; distribution of bond proceeds;
notification and report; when may issue.

1 Bonds of the state of West Virginia, under authority of the
2 Better Highways Amendment of 1973, of the par value not to
3 exceed one hundred million dollars are hereby authorized to be
4 issued and sold for the sole purpose of raising funds for the
5 building, construction, reconstruction, improving, upgrading
6 and completion of state roads and highways and for bridge re-
7 placement and improvement as provided for by the con-
8 stitution and the laws enacted thereunder.
(a) The total proceeds from the first fifty million dollars of bonds issued and sold hereunder shall be deposited in the separate and distinct account, hereinafter provided for in section nine of this act, and shall be distributed to subaccounts of such account as determined necessary by the commissioner of the department of highways. The commissioner of the department of highways shall, within fifteen days after the sale of such bonds, notify the president of the Senate and the speaker of the House of Delegates of the Legislature of West Virginia of his distribution determination, with the amount distributed to any subaccount to not exceed the total aggregate amount allowable for the designated purpose or program as specified in the constitutional amendment.

(b) The total proceeds of the second fifty million dollars of bonds issued and sold hereunder shall be deposited in the separate and distinct account, hereinafter provided for in section nine of this section, and shall be distributed to subaccounts of such account in the following percentages:

1. Twenty-four percent for bridge replacement and improvement program;
2. Twenty-six percent for completion of the Appalachian highway system;
3. Ten percent for upgrading sections of trunkline and feeder systems;
4. Ten percent for upgrading West Virginia State Route 2;
5. Twenty percent for upgrading state and local service roads; and
6. Ten percent for construction, reconstruction, improving and upgrading of U.S. Route 52 between Huntington and Bluefield, West Virginia.

(c) No later than ten days after the close of each month, the commissioner of the department of highways shall submit to the president of the Senate and the speaker of the House of Delegates of the Legislature of West Virginia a report of the specific projects and amount thereof awarded by the
department of highways and for which such bond proceed
moneys have been obligated or expended.

All such bonds may be issued by the governor in such
amounts, in coupon or registered form, in such denominations,
at such time, bearing such date or dates, as the governor may
determine, based upon an examination of the West Virginia
department of highways' yearly program which justifies the
issuance by the governor of said bonds, and shall become due
and payable serially, annually or semiannually, in such amounts
and mature in such years as the governor may determine:
Provided, That such bonds shall be sold in increments not to
exceed fifty million dollars: Provided, however, That no bonds
of the second fifty million dollars authorized hereunder shall
be issued or sold until ninety days shall have elapsed after
the sale of the final increment of road bonds as authorized by
the Legislature in chapter thirteen, acts of the Legislature,
second extraordinary session, one thousand nine hundred
seventy-four: Provided further, That all bonds authorized to
be issued and sold under this act shall mature within and not
exceeding twenty-five years from their date: And Provided
further, That the governor must offer all of said bonds for
competitive bids from recognized financial investment institu-
tions before said bonds may be sold.

§2. Transfer fee; registration fee; where payable; interest rate;
tax exempt.

The auditor and the treasurer are hereby authorized to
arrange for the transfer of registered bonds and for each
such transfer a fee of one dollar shall be charged by and
paid to the state of West Virginia, to the credit of the state
road fund. Bonds taken in exchange shall be canceled by
the auditor and treasurer and be carefully preserved by the
treasurer. The treasurer shall make provisions for registering
"payable to bearer" bonds, and for each bond registered a
fee of one dollar shall likewise be charged by and paid to the
state of West Virginia, to the credit of the state road fund. All
such bonds shall be payable at the office of the treasurer of the
state of West Virginia, or, at the option of the holder, at a
bank in the city of New York to be designated by the governor,
or, at the option of the holder at such other bank or banks,
within the state as may be designated or approved by the governor. The bonds shall bear interest, payable semiannually, to bearer, at the office of the treasurer of the state of West Virginia, at the capitol of the state, or at the banks designated and approved by the governor, upon presentation and surrender of interest coupons then due, in the case of coupon bonds. For the payment of interest on registered bonds, the treasurer of the state of West Virginia shall requisition a warrant from the auditor of the state to be drawn on the state treasurer, and shall mail the check to the registered owner at the address as shown by the record of registration. Both the principal and interest of the bonds shall be made payable in lawful money of the United States of America and the bonds shall be exempt from taxation by the state of West Virginia, or by any county, district or municipality thereof, which facts shall appear on the face of the bonds as part of the contract with the holder thereof.

§3. Form of bond.

The bonds shall be executed on behalf of the state of West Virginia, by the manual or facsimile signature of the treasurer thereof, under the great seal of the state or a facsimile thereof, and countersigned by the manual or facsimile signature of the auditor of the state: Provided, That one of said signatures on said bonds shall be a manual signature and said bonds shall be in the following form or to the following effect, as nearly as may be, namely:

COUPON ROAD BOND

(Or registered road bond, as the case may be)

OF THE

STATE OF WEST VIRGINIA

$____

No.____

The state of West Virginia, under and by virtue of authority of an amendment to the constitution, which was proposed by Senate Joint Resolution No. 17 adopted the thirteenth day of April, one thousand nine hundred seventy-three, and was ratified by a vote of the people at the special election on the sixth day of November, one thousand nine hundred seventy-three,
which is hereby made a part hereof as fully as if set forth at
length herein, acknowledges itself to be indebted to and here-
by promises to pay to the bearer hereof (in case of a coupon
bond) or to ___________________ or assigns (the owner
of record, in case of registered bonds) on the ______ day
of ______________________ 19__, in lawful money of
the United States of America at the office of the treasurer
of the state of West Virginia at the capitol, of said state,
or, at ________________________________ bank in the
city of New York, or, at __________________________ bank, at the
option of the holder, the sum of _____________________
dollars, with interest thereon at ____________________ percent a year from the date, payable semiannually in
like lawful money of the United States of America at the
treasurer's office or banks aforesaid, on the first day of
_______________________________ and the first day of
_______________________________ of each year (and in the case of
coupon bonds) according to the tenor of the annexed coupons
bearing the facsimile signature of the treasurer of the state
of West Virginia upon surrender of such coupons. This bond
(in case of a coupon bond) may be exchanged for a regis-
tered bond of like tenor upon application to the treasurer
of the state of West Virginia. (Redemption provisions, if
any, to be inserted here.)

To secure the payment of the principal and interest of
this bond, the state of West Virginia covenants and agrees
with the holder as follows: (1) That this bond shall constitute
a direct and general obligation of the state of West Virginia;
(2) that the full faith and credit of the state is pledged to
secure the payment of the principal and interest of this bond;
(3) that an annual state tax shall be collected in an amount
sufficient to pay as it may accrue the interest on this bond and
the principal thereof; and (4) that such tax shall be levied
in any year only to the extent that the moneys in the
state road fund irrevocably set aside and appropriated for
and applied to the payment of the interest on and principal
of this bond becoming due and payable in such year are
insufficient therefor.

This bond is hereby made exempt from any taxation by
the state of West Virginia, or by any county, district or
municipal corporation thereof.

In testimony whereof, witness the manual or facsimile
signature of the treasurer of the state of West Virginia, and
the manual or facsimile countersignature of the auditor of
the state, hereto affixed according to law, dated the ________
day of ____________________________, one thousand nine
hundred ____________________________, and the seal of
the state of West Virginia or a facsimile thereof.

Treasurer of the State of West Virginia

(SEAL)

Countersigned:

____

Auditor of the State of West Virginia.

§4. Form of coupon.

1. The form of coupon shall be substantially as follows, to

2. wit:

STATE OF WEST VIRGINIA

3. Bond No. ___________ Coupon No. ___________

4. On the first day of ____________________________, 19______,

5. the state of West Virginia will pay to the bearer, in lawful

6. money of the United States of America, at the office of the

7. treasurer of the state, or, at ___________________________

8. bank in the city of New York, or, at ___________________________

9. ___________________________ bank, at the option of the holder

10. the sum of ___________________________ dollars, the same being

11. semiannual interest on Road Bond No. ___________________________

12. ___________________________

Treasurer of the State of West Virginia

13. The signature of the treasurer to such coupon shall be

14. by his facsimile signature and the coupons shall be num-

15. bered in the order of their maturity, from number one

16. consecutively. The bonds and coupons may be signed,

17. as provided in this act, by the present treasurer and audi-
tor, or by any of their respective successors in office, and the bonds signed by the persons now in the office may be sold by the governor or his successor in office without being signed by the successor in office of the present treasurer or auditor.

§5. Listing by auditor.

All coupons and registered bonds issued under this act shall be separately listed by the auditor of the state in books provided for the purpose, in each case giving the date, number, character and amount of obligations issued, and in case of registered bonds, the name and post-office address of the person, firm or corporation registered as the owner thereof.

§6. State road fund sources used to pay bonds and interest; investment of remainder.

Into the state road fund there shall be paid all money from any and all appropriations made by the state from the state road fund for the purpose of paying the interest on such bonds or paying off and retiring the bonds, from transfer and registration fees as herein provided, and from any other source whatsoever which is made liable by law for the payment of the principal of such bonds or the interest thereon.

All such funds shall be kept by the treasurer in a separate account, under the designation aforesaid, and all moneys belonging to the fund shall be deposited in the state treasury to the credit thereof.

Such fund shall be applied by the treasurer of the state first to the payment of the semiannual interest on such bonds as it shall become due as herein provided. The remainder of the fund shall be invested by the state treasurer in obligations of the government of the United States, bonds of the state of West Virginia, or any political subdivision thereof: Provided, That bonds or other obligations so purchased by the state treasurer shall mature so as to provide sufficient money to pay off all bonds herein provided to be issued as they become due; and the money so paid into the state road fund under the provisions of this act shall be expended for the purpose of paying the interest and principal of the bonds hereby provided for as they severally become due and payable.
§7. **Covenants of state.**

1. The state of West Virginia covenants and agrees with the holders of the bonds issued pursuant hereto as follows:
   1. That such bonds shall constitute a direct and general obligation of the state of West Virginia;
   2. That the full faith and credit of the state is hereby pledged to secure the payment of the principal and interest of such bonds;
   3. That an annual state tax shall be collected in an amount sufficient to pay as it may accrue the interest on such bonds and the principal thereof; and
   4. That such tax shall be levied in any year only to the extent that the moneys in the state road fund irrevocably set aside and appropriated for and applied to the payment of the interest on and principal of said bonds becoming due and payable in such year are insufficient therefor.

§8. **Sale by governor; minimum price.**

1. The governor shall sell the bonds herein authorized at such time or times, within the specified periods and limitations, as he may determine necessary to provide funds for the building, construction, reconstruction, improving, upgrading and completion of state roads and highways, and for bridge replacement and improvement as herein provided, upon the recommendation of the West Virginia commissioner of highways, and after reviewing the program of the West Virginia department of highways and subject to the limitations contained in this act. All sales shall be at not less than par and accrued interest. All interest coupons becoming payable prior to the sale date shall be canceled by the treasurer and rendered ineffective before the delivery of the bonds so sold.

§9. **Proceeds paid into a separate and distinct account within the state road fund; subaccounts and restriction on transfer of funds; expenditures; investment; annual accountability status report.**

1. The proceeds of the sale of each issue of bonds herein authorized shall be paid into a separate and distinct account within the state road fund, and in order to control expenditures, said account shall contain six subaccounts to be
designated as follows; bridge replacement and improvement subaccount; Appalachian highway system completion subaccount; trunkline and feeder system upgrading subaccount; state Route 2 upgrading subaccount; state and local service roads upgrading subaccount; construction, reconstruction, improving, and upgrading of U. S. Route 52 between Huntington and Bluefield, West Virginia, subaccount.

It is the express intent of the Legislature that when the proceeds of each issue of bonds sold have been deposited, as aforesaid, and distributed to each subaccount in the manner provided for in section one of this bill, there shall be no transfer of funds thereafter among the six subaccounts. The proceeds of each sale of bonds shall be allocated to the subaccounts, as designated above, and used and appropriated solely for expenditure in the manner as hereinbefore directed.

Except for such sums necessary for current operating balances, any excess cash in any one or more of said subaccounts may be combined and shall be invested by the state treasurer in obligations of the government of the United States, bonds of the state of West Virginia, or any political subdivision thereof: Provided, That no such investment may adversely offset the current operating balances of such fund: Provided, however, That all interest accruing from such investment shall be paid into the state road fund for debt service on the bonds issued.

On or before the thirty-first day of January of each year, the commissioner of the department of highways shall submit to the legislative auditor an accountability status report of all moneys received or expended within the state road fund, and the six separate subaccounts herein provided and any other information required to fully account in respect to the handling of bonds issued and moneys expended under the authority of the Better Highways Amendment of 1973. No moneys shall be expended by the commissioner other than as authorized in said amendment.

§10. Plates, etc., property of state.

The plates, casts, dies or other forms from which the
bonds authorized by this bill are produced or made shall be the property of the state of West Virginia.

§ 11. Auditor to be custodian of unsold bonds.

The state auditor shall be the custodian of all unsold bonds issued pursuant to the provisions of this act.

§ 12. State treasurer to be financial advisor.

The state treasurer shall serve as financial advisor to the governor for the issuance and sale of such bonds.

§ 13. Attorney general or his duly appointed legal representative to serve as bond counsel.

The attorney general, or his duly appointed legal representative, shall serve as bond counsel and shall be responsible for the issuance of a final approving opinion regarding the legality of the sale of such bonds.

§ 14. Approval and payment of all necessary expenses.

All necessary expenses, including legal expenses approved by the attorney general, incurred in the execution of this act shall be paid out of the state road fund on warrants of the auditor of the state drawn on the state treasurer.

CHAPTER 194

(H. B. 1219—By Mr. Lohr and Mr. Shaffer)

[Passed March 7, 1975; in effect ninety days from passage. Approved by the Governor.]

AN ACT to repeal section six, article two-b, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to area vocational program; qualifications of applicants to participate as students; rules and regulations governing eligibility of applicants; and fee students.
Be it enacted by the Legislature of West Virginia:

ARTICLE 2B. AREA VOCATIONAL PROGRAM.

§ 1. Repeal of statute relating to area vocational program.

1 Section six, article two-b, chapter eighteen of the code of
2 West Virginia, one thousand nine hundred thirty-one, as
3 amended, is hereby repealed.

CHAPTER 195

(Com. Sub. for H. B. 695—By Mrs. Spears and Mr. Lohr)

[Passed March 8, 1975; In effect ninety days from passage. Approved by the Governor.]

AN ACT to amend and reenact sections one-b, one-c and four,
article five, chapter eighteen of the code of West Virginia, one
thousand nine hundred thirty-one, as amended, relating to
county boards of education; election; terms of office; organization
of board; meetings.

Be it enacted by the Legislature of West Virginia:

That sections one-b, one-c and four, article five, chapter eighteen
of the code of West Virginia, one thousand nine hundred thirty-one,
as amended, be amended and reenacted to read as follows:

ARTICLE 5. COUNTY BOARD OF EDUCATION.

§18-5-1b. Election; terms of office.
§18-5-1c. Organization of board.
§18-5-4. Meetings; quorum; employment and assignment of teachers; compensation of members; affiliation with state and national associations; dues and traveling expenses.

§18-5-1b. Election; terms of office.

1 At the primary election in the year one thousand nine
2 hundred seventy-six, one member shall be elected for a term
3 of five and one-half years; at the primary election in the year
4 one thousand nine hundred seventy-eight, two members shall
5 be elected for a term of five and one-half years; and at the
6 primary election in the year one thousand nine hundred eighty,
7 two members shall be elected for a term of five and one-half
years. The terms of the members so elected shall begin on the
first day of January of the year subsequent to their election.

As the terms provided above expire, members shall be
elected for six-year terms at the time of each regular primary
election thereafter. The terms of such members shall begin
on the first day of July next following the primary election at
which they were elected.

The term of office of any member of any county board of
education shall immediately cease, and a vacancy shall exist,
upon occurrence of ineligibility as prescribed in section one-a
of this article.

This section shall in no manner be construed so as to affect
the unexpired terms of county school board members who hold
office or were elected under prior existing law, except that the
term of office for which they were elected shall expire on the
thirty-first day of December next following the primary election
at which their successors in office were elected.

§ 18-5-1c. Organization of board.

On the first Monday of January, following each biennial
primary election, each respective board of education shall
organize and elect for a two-year term, a president from its
own membership and report same promptly to the state
superintendent of schools: Provided, That on the first Mon-
day of January, one thousand nine hundred eighty-one, each
respective board of education shall elect a president for
a term to expire the thirtieth day of June, one thousand
nine hundred eighty-two: Provided, however, That on the
first Monday of July, following the primary election in the
year one thousand nine hundred eighty-two and each biennial
primary election thereafter, each respective board of edu-
cation shall organize and elect for a two year term, a president
from its own membership and report same promptly to the
state superintendent of schools.

§ 18-5-4. Meetings; quorum; employment and assignment of teach-
ers; compensation of members; affiliation with state and
national associations; dues and traveling expenses.

The board shall meet on the first Monday of January,
except that in the year one thousand nine hundred eighty-two
and every year thereafter, the board shall meet on the first
Monday of July, and upon the dates provided by law for the
laying of levies, and at such other times as the board may
fix upon its records. At any meeting as authorized above
and in compliance with the provisions of article four of
this chapter, the board may employ such qualified teachers,
or those who will qualify by the time of entering upon their
duties, necessary to fill existing or anticipated vacancies
for the current or next ensuing school year. At a meeting
of the board, on or before the first Monday of May, the
superintendent shall furnish in writing to the board a list
of those teachers to be considered for transfer and subsequent
assignment for the next ensuing school year; all other teachers
not so listed shall be considered as reassigned to the positions
held at the time of this meeting. Such list of those recom-
mended for transfer shall be included in the minute record and
the teachers so listed shall be notified in writing, which notice
shall be delivered in writing, by certified mail, return receipt
requested, to such teachers’ last-known addresses within ten
days following said board meeting, of their having been so
recommended for transfer and subsequent assignment.

Special meetings may be called by the president or any
three members, but no business shall be transacted other
than that designated in the call.

A majority of the members shall constitute the quorum
necessary for the transaction of official business.

Board members may receive compensation at a rate not to
exceed forty dollars per meeting attended. But they shall
not receive pay for more than thirty-six meetings in any one
fiscal year.

Members shall also be paid, upon the presentation of an
itemized sworn statement, for all necessary traveling expenses,
including all authorized meetings, incurred on official business,
at the order of the board.

When, by a majority vote of its members, a county board
of education deems it a matter of public interest, such board
may join the West Virginia school board association and
the national school board association, and may pay such
dues as may be prescribed by said associations and approved
by action of the respective county boards. Membership dues
and actual traveling expenses of board members for attending
meetings of the West Virginia school board association may
be paid by their respective county boards of education out
of funds available to meet actual expenses of the members,
but no allowance shall be made except upon sworn itemized
statements.

CHAPTER 196
(S. B. 173—By Mr. Nelson and Mr. Fanning)

[Passed March 9, 1975; in effect July 1, 1975. Approved by the Governor.]

AN ACT to amend and reenact sections three, twenty-six and
thirty-five, article seven-a, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as
amended; and to further amend said article by adding thereto a new section, designated section thirty-five-a, all relating to general definitions, definitions of average salary
and to prior service credit for nonteaching members and
former members of the state teachers retirement system
and computation of annuities.

Be it enacted by the Legislature of West Virginia:

That sections three, twenty-six and thirty-five, article
seven-a, chapter eighteen of the code of West Virginia, one
thousand nine hundred thirty-one, as amended, be amended
and reenacted; and that said article be further amended by
adding thereto a new section, designated section thirty-five-a,
all to read as follows:

ARTICLE 7A. STATE TEACHERS RETIREMENT SYSTEM.
§18-7A-35. Coverage for nonteaching employees; prior service credit.
§18-7A-35a. Prior service credit for former members of the state teachers
retirement system employed in a nonteaching capacity.


1 “Teacher” shall include the following persons, if regu-
larly employed for at least half-time service: (a) Any person employed for instructional service in the public schools of West Virginia; (b) principals; (c) public school librarians; (d) superintendents of schools and assistant county superintendents of schools; (e) any county school attendance director holding a West Virginia teacher's certificate; (f) the executive secretary of the retirement board; (g) members of the research, extension, administrative or library staffs of the public schools; (h) the state superintendent of schools, heads and assistant heads of the divisions under his supervision, or any other employee thereunder performing services of an educational nature; (i) employees of the state board of education who are performing services of an educational nature; (j) any person employed in a nonteaching capacity by the state board of education, the West Virginia board of regents, any county board of education, the state department of education or the teachers retirement board, if such person was formerly employed as a teacher in the public schools; (k) all classroom teachers, principals and educational administrators in schools under the supervision of the state commissioner of public institutions; (l) employees of the state board of school finance if such person was formerly employed as a teacher in the public schools.

“Members of the administrative staff of the public school” shall include deans of instruction, deans of men, deans of women, and financial and administrative secretaries.

“Members of the extension staff” of the public schools shall include every agricultural agent, boys' and girls' club agent, and every member of the agricultural extension staff whose work is not primarily stenographic, clerical or secretarial.

“Retirement system” shall mean the state teachers retirement system provided for in this article.

“Present teacher” means any person who was a teacher within the thirty-five years beginning July one, one thousand nine hundred thirty-four, and whose membership in the retirement system has been continuous.
"New entrant" shall mean a teacher who is not a present teacher.

"Present member" shall mean a present teacher who is a member of the retirement system.

"Total service" shall mean all service as a teacher while a member of the retirement system since last becoming a member and, in addition thereto, his credit for prior service, if any.

"Prior service" shall mean all service as a teacher completed prior to July first, one thousand nine hundred forty-one, and all service of a present member who was employed as a teacher, and did not contribute to retirement account because he was legally ineligible for membership during such service.

"Average final salary" shall mean the average annual salary earned as a teacher during the last fifteen years of prior service, including military service, as provided herein, or if prior service is less than fifteen years, the average annual salary for that period. If the records for determining each annual salary need cannot reasonably be established by the retirement board, then the term shall mean the average annual salary of the teacher for years for which records are available.

"Accumulated contributions" shall mean all deposits and all deductions from the earnable compensation of a contributor minus the total of all supplemental fees deducted from his compensation.

"Regular interest" shall mean interest at three percent compounded annually, or a higher earnable rate if approved by the retirement board.

"Refund interest" shall mean interest compounded annually at a rate of three percent.

"Employer" shall mean the agency of and within the state which has employed or employs a member.

"Contributor" shall mean a member of the retirement system who has an account in the teachers accumulation fund.
"Beneficiary" shall mean the recipient of annuity payments made under the retirement system.

"Refund beneficiary" shall mean the estate of a deceased contributor, or such person as he shall have nominated as beneficiary of his contributions by written designation duly executed and filed with the retirement board.

"Earnable compensation" shall mean the full compensation actually received by members for service as teachers whether or not a part of such compensation is received from other funds, federal or otherwise, than those provided by the state or its subdivisions. Allowances from employers for maintenance of members shall be deemed a part of earnable compensation of such members.

"Annuities" shall mean the annual retirement payments for life granted beneficiaries in accordance with this article.

"Member" shall mean a member of the retirement system.

"Public schools" shall mean all publicly supported schools, including normal schools, colleges, and universities in this state.

"Deposit" shall mean a voluntary payment to his account by a member.

The masculine gender shall be construed so as to include the feminine.

Age in excess of seventy years shall be deemed to be seventy years.


1 Annuitants whose annuities were approved by the retirement board effective before July first, one thousand nine hundred seventy, shall be paid the annuities which were approved by the retirement board, subject to the supplemental benefits authorized in this article.

6 Annuities approved by the board effective after June thirty, one thousand nine hundred seventy, shall be computed as provided herein.
Upon establishment of eligibility for a retirement allowance, a member shall be granted an annuity which shall be the sum of either Plan A or Plan B, whichever provides the larger annuity.

Plan A shall be computed as follows:

(a) The actuarial equivalent of the contributions and deposits of the member in his individual account up to the time of his retirement, with regular interest;

(b) The actuarial equivalent of the contributions of the employer up to the time of the member's retirement, which shall equal the sum in subdivision (a) of Plan A minus deposits with regular interest on such deposits;

(c) Where prior service credit has been granted, an allowance of one and one-half percent of the member's average final salary multiplied by the number of years of prior service credited to him;

(d) The actuarial equivalent of the amounts that would have accumulated under subdivisions (a) and (b) of Plan A, if the member had contributed to his individual account until he was fifty years old, at the annual rate of his past actual contributions, but this subdivision shall apply only as additional income to members who qualify for disability retirement before they are fifty years old;

(e) Twelve dollars multiplied by his total service credit as a teacher;

(f) The member shall receive in addition to the allowances under subdivisions (c) and (d) an amount equal to six dollars multiplied by his total service credit: Provided, That the maximum allowance under this subdivision shall be one hundred ninety-two dollars: Provided, however, That this subdivision shall be effective on and after July first, one thousand nine hundred fifty-seven;

(g) Twelve dollars multiplied by the member's total service credit as a teacher.

For the purpose of subdivision (c) in Plan A:
(1) An allowance for prior service shall in no case exceed three fifths of the member's average final salary;

(2) Average final salary for this purpose shall in no case exceed two thousand five hundred dollars, nor shall it be less than twelve hundred dollars.

Plan B shall be computed as follows:

(a) Two percent of the member's average salary multiplied by his total service credit as a teacher. In this paragraph "average salary" shall mean the average of the highest annual salaries received by the member during any five years contained within his last fifteen years of total service credit; and any teacher who retired before July one, one thousand nine hundred seventy-four and who was employed for fifteen years or more by a county board of education and who, though a regular full-time employee as defined in this article, shall have performed part-time services as a teacher and shall have received less than a full salary for such part-time services, over a period of two or more years, during which said teacher was employed by the board of education for more than one hundred eighty days each year and was not otherwise employed, shall be permitted to combine the salaries into increments of two years, for the purpose of determining average salary, but such increment shall not exceed the amount which would have been payable for one year had the teacher been employed on a full-time basis, and no more than three such combinations may be used in computing the average salary: Provided, That the highest annual salary used in this calculation for members employed by the West Virginia board of regents at institutions of higher education under its control shall be four thousand eight hundred dollars;

(b) The actuarial equivalent of the deposits of the member in his individual account up to the time of his retirement, with regular interest.

The disability annuities of all teachers retired for disability shall be based upon a disability table prepared by a competent actuary approved by the retirement board.
Upon the death of an annuitant who qualified for an annuity as a surviving spouse or because of permanent disability, the estate of the deceased or beneficiary designated for such purpose, shall be paid the difference, if any, between the member's contributions with regular interest thereon, and the sum of the annuity payments.

All annuities shall be paid in twelve monthly payments. In computing such monthly payments, fractions of a cent shall be deemed a cent. Such monthly payments shall cease with the payment for the month within which the beneficiary dies, and shall begin with the payment for the month succeeding the month within which the annuitant became eligible under this article for the annuity granted; in no case, however, shall an annuitant receive more than four monthly payments which are retroactive after the board receives his application for annuity.

In case the retirement board receives data affecting the approved annuity of a retired teacher, the annuity shall be changed in accordance with such data, the change being effective with the payment for the month within which the board received the new data.

Any person who has attained the age of sixty-five and who has served at least twenty-five years as a teacher prior to July one, one thousand nine hundred forty-one, shall be eligible for prior service credit and for prior service pensions as prescribed in this section.

§18-7A-35. Coverage for nonteaching employees; prior service credit.

Nonteaching employees shall mean all persons, except teachers, regularly employed for full-time service by the following educational agencies: (a) Any county board of education, (b) the state board of education, (c) the West Virginia board of regents; (d) and the teachers' retirement board.

Such nonteaching employees shall be entitled to all the rights, privileges and benefits provided for teachers by this article, upon the same terms and conditions as are
herein prescribed for teachers. Any member who was
employed as a regular full-time employee in a nonteach-
ing capacity by a board of education, school principal or
school administrator, prior to the time he became eligible
for membership in the state teachers retirement system,
shall be granted prior service credit for such service upon
making application to the retirement board and pro-
viding satisfactory evidence of such service.

§18-7A-35a. Prior service credit for former members of the
state teachers retirement system employed in a
nonteaching capacity.

Any former member of the state teachers retirement sys-
tem who was employed as a regular full-time employee
in a nonteaching capacity by a board of education, school
principal or school administrator, prior to the time he
became eligible for membership in the state teachers re-
tirement system, shall be eligible for prior service credit
for such service. Upon making application to the retire-
ment board and providing satisfactory evidence, prior
service credit shall be granted and his retirement allow-
ance shall be recomputed and adjusted to include such
prior service credit. Any increased retirement allowance
resulting from the provisions of this section shall not be
retroactive.

CHAPTER 197
(S. B. 253—By Mr. Rogerson)

[Passed March 9, 1975; in effect July 1, 1975. Approved by the Governor.]
of the increased fixed charges payments required thereby; and relating to certain definitions and a certain rule of construction with respect to the West Virginia public school support plan.

Be it enacted by the Legislature of West Virginia:

That section two, article nine-a, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended; be amended and reenacted; and that article four, chapter eighteen-a of said code be amended by adding thereto a new section, designated section two-a, all to read as follows:

Chapter

18. Education.

18A. School Personnel.

CHAPTER 18. EDUCATION.

ARTICLE 9A. PUBLIC SCHOOL SUPPORT.

§18-9A-2. Definitions; affect of increases given in §18-4-2a.

1 (a) For the purpose of this article:

2 "State board" means the West Virginia board of education.

3 "County board" or "board" means a county board of education.

4 "Professional salaries" means the state legal-mandated salaries of the professional educators as provided in article four, chapter eighteen-a of this code.

5 "Professional educator" shall be synonymous with and shall have the same meaning as "teacher" as defined in section one, article one, chapter eighteen of this code.

6 "Employment term" means the months of employment as defined in section fifteen, article five of this chapter.

7 "Net enrollment" means the number of pupils enrolled in special education programs, early childhood programs and grades one to twelve, inclusive, of the public schools of the county.
“Adjusted enrollment” means the net enrollment plus twice the number of pupils enrolled for special education, all adjusted to the equivalent of the instructional term and in accordance with such eligibility requirements and regulations as established by the state board, but no pupil shall be counted more than once by reason of transfer within the county or from another county within the state, and no pupil shall be counted who attends school in this state from another state.

“Levies for general current expense purposes” means on each hundred dollars of valuation, nineteen and six-tenths cents on Class I property, thirty-nine and two-tenths cents on Class II property, and seventy-eight and four-tenths cents on Classes III and IV property.

(b) Notwithstanding any other provision of this article to the contrary, the salary increase given in section two-a, article four, chapter eighteen-a of this code and the increased fixed charges payments required thereby shall not cause an increase in any of the amounts computed in the total state basic foundation program hereinafter provided for. The salary increase and increased fixed charges payments shall be paid for outside the West Virginia public school support plan.

CHAPTER 18A. SCHOOL PERSONNEL.

ARTICLE 4. SALARIES, WAGES AND OTHER BENEFITS.

§18A-4-2a. Salary increase for teachers.

In addition to the amount of state minimum salary he would receive pursuant to the provisions of section two of this article, each teacher shall receive as a salary increase an amount of five hundred dollars. This salary increase and the increased fixed charges payments required thereby shall be paid for outside the West Virginia public school support plan provided for in article nine-a, chapter eighteen of this code.
AN ACT to amend and reenact section nine-a, article eleven, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the coal research bureau; investigations and research concerning uses of coal; mine safety and development of the mineral industry.

Be it enacted by the Legislature of West Virginia:

That section nine-a, article eleven, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 11. WEST VIRGINIA UNIVERSITY.

§18-11-9a. Coal research bureau; advisory committee on coal research.

1 The coal research bureau, heretofore established in the school of mines at West Virginia University, shall be continued. Subject to such rules and regulations as may be prescribed by the board of regents, it shall conduct investigations and research into the development of new, safer and more economical ways to mine coal, consider environmental problems created through the use of coal, develop new uses and markets for coal, other energy fuels and allied minerals, develop new methods of combustion of coal and new uses of coal in the chemical industry, develop greater efficiency and conservation in the mining and mineral industries, and make such tests and investigations as may be required by the department of mines in the prosecution of its work. It shall conduct such experiments and tests as will promote the development of the mineral industries in the state, and shall cooperate with the department of mines in the investigation of the causes of mine disasters and common mine
accidents. It shall also initiate and carry on a program of research designed to discover and develop new uses and new processes for the utilization of West Virginia coal and other mineral resources.

The costs of financing the research program shall be paid from any funds appropriated by the Legislature for the purpose, from any grants or gifts received by the bureau, and from any income received for research carried on by the bureau under contract with any federal or state agency, or with any private corporation, association or individual. Within the limits of available funds, research activities may be conducted by the bureau itself, or under contract with some other research group, corporation or individual whenever this is deemed advisable.

In order to avoid wasteful duplication, the research program shall be carried on in close cooperation with the federal bureau of mines, the state department of mines, the planning and research division of the state department of commerce, and other appropriate agencies, research organizations and establishments. The bureau shall from time to time publish and distribute to the governor, the Legislature and to interested persons and agencies reports of its activities, findings and recommendations.

The "advisory committee on coal research," heretofore existing is abolished and a new "advisory committee on coal research," is hereby created to advise and counsel with the university concerning the programs of the coal research bureau and to make recommendations to the board of regents, the governor and the Legislature concerning the support of the programs of the coal research bureau.

The advisory committee on coal research shall consist of nine members. Members shall be specialists or experts in the various areas of coal production, conversion and utilization. Three members shall be appointed by the president of the Senate, three members shall be ap-
pointed by the speaker of the House of Delegates and three members shall be appointed by the governor. Ex-
cept for the original appointments, each official shall make his appointments for overlapping terms of three years and until such members' respective successors have been appointed and qualified. For the purpose of the original appointments, the president of the Senate, the speaker of the House of Delegates and the governor shall appoint one member each for a term of one year and until his successor has been appointed and qualified; one member each for a term of two years and until his successor has been appointed and qualified; and one member each for a term of three years and until his successor has been appointed and qualified. Members may be reappointed for any number of terms. Vacancies shall be filled by appointment for the unexpired term by the official who appointed such member for the term vacated.

The advisory committee on coal research shall meet upon call of the dean of the college of mineral and energy resources of West Virginia University, which college was previously known and designated as the school of mines. From its membership, the committee shall select a chairman and secretary and such other officers as it shall deem appropriate. After its first meeting, the committee shall meet at least semiannually upon the call of the dean or chairman. The committee may add additional members who have expertise not held by other members of the committee and who have the potential of giving guidance to coal production and utilization in this state.

The members shall be entitled to be reimbursed for all reasonable and necessary expenses actually incurred in the performance of their duties as such members.
AN ACT to amend and reenact section four, article twenty-four, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the collection, disposition and use of an additional registration fee from all students enrolled in state colleges, universities and community colleges for creation of the special capital improvements fund, and the issuance of revenue bonds.

Be it enacted by the Legislature of West Virginia:

That section four, article twenty-four, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 24. FEES AND OTHER MONEY COLLECTED AT STATE INSTITUTIONS OF HIGHER EDUCATION.

§18-24-4. Collection; disposition and use of additional registration fee; creation of special capital improvements funds; revenue bonds.

1 In addition to all other fees imposed by the West Virginia board of regents, there is hereby imposed and the board of regents is hereby directed to provide for the collection of an additional registration fee from all students enrolled in any college, university or community college under its supervision, management and control, in the amounts hereinafter provided.

2 For full-time students at each state institution of higher education, the additional registration fee shall be fifty dollars per semester. The board of regents shall have authority to increase such additional registration fee at any institution of higher education for students who are nonresidents of this state. For all part-time students and for all summer school students, the board of regents shall impose and collect such fee in proportion to, but not exceeding, that paid by full-time students.

The fee imposed by this section shall be in addition to the maximum fees allowed to be collected under the provision of
section one of this article and shall not be limited thereby. Refunds of such fee may be made in the same manner as any other fee collected at state institutions of higher education.

There is hereby created in the state treasury a special capital improvements fund into which shall be paid on and after the first day of July, one thousand nine hundred sixty-three, all proceeds of the additional registration fees collected from students at West Virginia University and at Potomac State College. Subject to any lien created by a pledge of the moneys in said special capital improvements fund for the payment of the principal of and interest on any revenue bonds issued pursuant to this section prior to the first day of July, one thousand nine hundred seventy-one, to finance capital improvements at West Virginia University and at Potomac State College, the board of regents is empowered to expend moneys from this fund for the benefit of any state institution of higher education as provided in this section.

There is hereby created in the state treasury a second special capital improvements fund into which shall be paid on and after the first day of July, one thousand nine hundred sixty-three, all proceeds of the additional registration fees collected from students at all state institutions of higher education other than West Virginia University and Potomac State College. Subject to any lien created by a pledge of the moneys in said capital improvements fund for the payment of the principal of and interest on any revenue bonds issued pursuant to this section prior to the first day of July, one thousand nine hundred seventy-one, to finance capital improvements at state institutions of higher education other than West Virginia University and Potomac State College, the board of regents is empowered to expend moneys from this fund for the benefit of any state institution of higher education as provided in this section.

There is created in the state treasury a state system special capital improvements fund to be expended by the board of regents for the benefit of any and all state institutions of higher education, which shall include any college, university or community college under its supervision, management and control. On and after the first day of July, one
thousand nine hundred seventy-one, the board of regents may periodically transfer from each of the two special capital improvements funds previously established by this section into the state system special capital improvements fund moneys in excess of the amount pledged for the payment of the principal of and interest on any revenue bonds issued pursuant to this section prior to the first day of July, one thousand nine hundred seventy-one.

The board of regents may make expenditures from any of the special capital improvements funds established in this section to finance in whole or in part, together with any federal, state or other grants or contributions, any one or more of the following purposes: (1) The acquisition of land or any rights or interest therein, (2) the construction or acquisition of new buildings, (3) the renovation or construction of additions to existing buildings, (4) the acquisition of furnishings and equipment for any such buildings, and (5) the construction or acquisition of any other capital improvements or capital educational facilities at such state institutions of higher education, including any roads, utilities or other properties, real or personal, or for other purposes necessary, appurtenant or incidental to the construction, acquisition, financing and placing in operation of such buildings, capital improvements or capital educational facilities.

The board of regents, in its discretion, may use the moneys in such special capital improvements funds to finance the costs of the above purposes on a cash basis, or may from time to time issue revenue bonds of the state as provided in this section to finance all or part of such purposes and pledge all or any part of the moneys in such special funds for the payment of the principal of and interest on such revenue bonds, and for reserves therefor. Any pledge of such special funds for such revenue bonds shall be a prior and superior charge on such special funds over the use of any of the moneys in such funds to pay for the cost of any of such purposes on a cash basis: Provided, That any expenditures from such special funds, other than for the retirement of revenue bonds, may only be made by the board of regents to meet the cost of a predetermined capital improvements program for one or more of the state institutions of higher education, in such order of
priority as shall have been agreed upon by the board of regents and presented to the governor for inclusion in the annual budget bill, and only with the approval of the Legislature as indicated by direct appropriation for the purpose.

Such revenue bonds may be authorized and issued from time to time by the board of regents to finance in whole or in part the purposes provided in this section in an aggregate principal amount not exceeding the amount which the board of regents shall determine can be paid as to both principal and interest and reasonable margins for a reserve therefor from the moneys in such special funds.

The issuance of such revenue bonds shall be authorized by a resolution adopted by the board of regents, and such revenue bonds shall bear such date or dates, mature at such time or times not exceeding forty years from their respective dates; be in such form either coupon or registered, with such exchangeability and interchangeability privileges; be payable in such medium of payment and at such place or places, within or without the state; be subject to such terms of prior redemption at such prices not exceeding one hundred five per centum of the principal amount thereof; and shall have such other terms and provisions as the board of regents shall determine. Such revenue bonds shall be signed by the governor and by the president of the board of regents authorizing the issuance thereof, under the great seal of the state, attested by the secretary of state, and the coupons attached thereto shall bear the facsimile signature of the president of the board of regents. Such revenue bonds shall be sold in such manner as the board of regents may determine to be for the best interests of the state.

The board of regents may enter into trust agreements with banks or trust companies, within or without the state, and in such trust agreements or the resolutions authorizing the issuance of such bonds may enter into valid and legally binding covenants with the holders of such revenue bonds as to the custody, safeguarding and disposition of the proceeds of such revenue bonds, the moneys in such special funds, sinking funds, reserve funds, or any other moneys or funds; as to the rank and priority, if any, of different issues of revenue bonds
by the board of regents under the provisions of this section; as to the maintenance or revision of the amounts of such additional registration fees, and the terms and conditions, if any, under which such additional registration fees may be reduced; and as to any other matters or provisions which are deemed necessary and advisable by the board of regents in the best interests of the state and to enhance the marketability of such revenue bonds.

After the issuance of any of such revenue bonds, the additional registration fees at the state institutions of higher education shall not be reduced as long as any of such revenue bonds are outstanding and unpaid except under such terms, provisions and conditions as shall be contained in the resolution, trust agreement or other proceedings under which such revenue bonds were issued.

Such revenue bonds shall be and constitute negotiable instruments under the uniform commercial code of this state; shall, together with the interest thereon, be exempt from all taxation by the state of West Virginia, or by any county, school district, municipality or political subdivision thereof; and such revenue bonds shall not be deemed to be obligations or debts of the state, and the credit or taxing power of the state shall not be pledged therefor, but such revenue bonds shall be payable only from the revenue pledged therefor as provided in this section.

CHAPTER 200

(5. B. 155—By Mr. Rogerson and Mr. Hamilton)

[Passed February 25, 1975; in effect ninety days from passage. Approved by the Governor.]

AN ACT to amend and reenact section two, article twenty-six, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to education, West Virginia board of regents, definitions.
Be it enacted by the Legislature of West Virginia:

That section two, article twenty-six, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 26. WEST VIRGINIA BOARD OF REGENTS.

§18-26-2. Definitions.

1 Notwithstanding the provisions of section one, article one of this chapter, the following words when used in this article shall have the meaning hereafter ascribed to them unless the context clearly indicates a different meaning:

(a) The term “board” shall mean the West Virginia board of regents.

(b) The term “state colleges” shall mean Bluefield State College, Concord College, Fairmont State College, Glenville State College, Shepherd College, West Liberty State College, West Virginia Institute of Technology, West Virginia State College, West Virginia School of Osteopathic Medicine and any state community college or other state institution of higher education which may hereafter be established and not designated as a “university.”

(c) The term “state college” shall mean one of the state colleges.

(d) The terms “state universities” and “universities” shall mean Marshall University and West Virginia University and any other state institution of higher education which may hereafter be established and designated as a “university.”

(e) The terms “state university” and “university” shall mean one of the state universities.

(f) The term “community college” shall mean any institution of higher education which has been designated as a community college by the West Virginia board of regents under the provisions of section thirteen-b, article twenty-six, chapter eighteen of this code.
The term "higher educational institution" shall mean any institution as defined by sections 401 (f), (g), (h) of the Federal Higher Education Facilities Act of 1963, as amended.

CHAPTER 201
(H. B. 1136—By Mr. Dalton and Mr. Damron, 10th Dist.)

[Passed March 8, 1975; in effect ninety days from passage. Approved by the Governor.]

AN ACT to amend and reenact section one, article one, chapter eighteen-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to definitions; and to amend article two, chapter eighteen-a of said code, by adding thereto a new section, designated section nine, relating to duties and responsibilities of school principals.

Be it enacted by the Legislature of West Virginia:

That section one, article one, chapter eighteen-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; and that article two of said chapter, be amended by adding thereto a new section, designated section nine, to read as follows:

Article

ARTICLE 1. GENERAL PROVISIONS.

§18A-1-1. Definitions.

1 The definitions contained in section one, article one of chapter eighteen shall be applicable to this chapter. In addition, the following words used in this chapter and in any proceedings pursuant thereto shall, unless the context clearly indicates a different meaning, be construed as follows:

a. "School personnel" shall mean all personnel employed by a county board of education whether employed on a regular full-time basis, an hourly basis or otherwise. School personnel
shall be comprised of three categories: Professional personnel, auxiliary personnel and service personnel.

b. “Professional personnel” shall mean persons who meet the certification and/or licensing requirements of the state, and shall include the professional educator and other professional employees.

c. “Professional educator” shall be synonymous with and shall have the same meaning as “teacher” as defined in section one, article one, chapter eighteen of this code. Professional educators shall be classified as:

(1) “Classroom teacher”: The professional educator who has direct instructional or counseling relationship with pupils, spending the majority of his time in this capacity.

(2) “Principal”: The professional educator who as agent of the board has responsibility for the supervision, management and control of a school or schools within the guidelines established by said board. The major area of such responsibility shall be the general supervision of all the school and all school activities involving pupils, teachers and other school personnel.

(3) “Supervisor”: The professional educator who, whether by this or other appropriate title, is responsible for working primarily in the field with professional and/or other personnel in instructional and other school improvement.

(4) “Central office administrator”: The superintendent, associate superintendent, assistant superintendent, and other professional educators, whether by these or other appropriate titles, who are charged with the administering and supervising of the whole or some assigned part of the total program of the county-wide school system.

d. “Other professional employee” shall mean that person from another profession who is properly licensed and is employed to serve the public schools.

e. “Auxiliary personnel” shall mean those persons selected and trained for teacher-aide classifications such as monitor aide, clerical aide, classroom aide, general aide.
f. "Service personnel" shall mean those who serve the school or schools as a whole, in a nonprofessional capacity, including such areas as secretarial, custodial, maintenance, transportation, school lunch.

ARTICLE 2. SCHOOL PERSONNEL.


Upon the recommendation of the county superintendent of schools, the county board of education shall employ and assign, through written contract, public school principals who shall supervise the management and the operation of the school or schools to which they are assigned. Such principals shall hold valid administrative certificates appropriate for their assignments.

Under the supervision of the superintendent and in accordance with the rules and regulations of the county board of education, the principal shall assume administrative and instructional supervisory responsibility for the planning, management, operation and evaluation of the total educational program of the school or schools to which he is assigned.

The principal may submit recommendations to the superintendent regarding the appointment, assignment, promotion, transfer and dismissal of all personnel assigned to the school or schools under said principal's control. Such recommendation shall be submitted in writing as prescribed by the superintendent.

The principal shall perform such other duties as may be assigned by the superintendent pursuant to the rules and regulations of the county board of education.

Nothing contained in this section shall be construed to reduce or limit the rights and privileges of principals as teachers under the provisions of section one, article one, chapter eighteen of the code of West Virginia as amended; section one, article one, chapter eighteen-a; and other provisions of this code."
AN ACT to amend article two, chapter eighteen-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section ten, relating to county boards of education paying for required physical examinations of employees or applicants for employment.

Be it enacted by the Legislature of West Virginia:

That article two, chapter eighteen-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section ten, to read as follows:

ARTICLE 2. SCHOOL PERSONNEL.


1 In case a medical or physical examination of any school board employee or qualified applicant who becomes an employee of the board for any school position is required by a board of education or by any administrator, department or agency of government which has authority to require such examination, the cost shall be paid in full by the employer.

8 It shall be unlawful for any board of education to require any employee or applicant who becomes an employee of the board to pay the cost of any medical or physical examination as a condition of employment.

The provisions of this section shall be effective from the first day of January, one thousand nine hundred seventy-five.
CHAPTER 203
(S. B. 121—By Mr. Willis and Mr. Gilligan)

[Passed March 7, 1975; in effect July 1, 1975. Disapproved by the Governor, and repassed notwithstanding his objections.]

AN ACT to repeal section eight-a, article four, chapter eighteen-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to amend and reenact section eight, article four of said chapter eighteen-a, all relating to minimum pay scales and employment terms for school auxiliary and service personnel; defining terms in this connection; relating to other rights, privileges and benefits of such personnel; authorizing county boards of education to establish higher salary schedules; relating to the authority of the state board of education in connection with the foregoing; relating to enforcement; providing an effective date; and said repealed section relating to the use of the foundation allowance for the employment, adjustment of and increase in the pay of such personnel and other provisions in connection therewith.

Be it enacted by the Legislature of West Virginia:

That section eight-a, article four, chapter eighteen-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be repealed; and that section eight, article four of said chapter eighteen-a be amended and reenacted to read as follows:

ARTICLE 4. SALARIES, WAGES AND OTHER BENEFITS.

§18A-4-8. Minimum monthly pay for service and auxiliary personnel.

1 The purpose of this section is to establish a state minimum monthly pay scale and employment term for auxiliary and service personnel. The employment term for auxiliary and service personnel shall be no less than ten months, a month being defined as twenty employment days: Provided, That the county board of education may contract with all or part of such personnel for a longer term. The beginning and closing dates of the ten-month
term shall not exceed forty-three weeks. Auxiliary and
service personnel employed on a yearly or twelve-month
basis may be employed by calendar months. Whenever
there is a change in job assignment during the school
year, the minimum pay scale and any county sup-
plement shall be applicable.

Upon the change in classification or upon meeting the
requirements of an advanced classification of or by any
employee, his salary shall be made to comply with the
requirements of this article, and to any county salary
schedule in excess of the minimum requirements of this
article, based upon his advanced classification and allow-
able years of employment.

An employee's contract as provided in sections four
and five, article two, of this chapter shall state the ap-
propriate monthly salary the employee is to be paid
based on the class title as provided in this article and
any county salary schedule in excess of the minimum
requirements of this article.

The column heads of the state minimum pay scale
and class titles, set forth below are defined as follows:

"Pay grade" means the monthly salary applicable to
class titles of auxiliary and service personnel.

"Years of employment" means the number of years
which an employee classified as auxiliary or service per-
sonnel has been employed by a board of education in
any position prior to or subsequent to the effective date
of this section and including service in the armed forces
of the United States if the employee were employed at
the time of his induction. For the purpose of this
section, years of employment shall be limited to the
number of years shown and allowed under the state min-
imum pay scale set forth hereinafter.

"Class title" means the name of the position or
job held by auxiliary and service personnel.

"Aide I" means auxiliary personnel as defined in sec-
tion one, article one of this chapter.
"Aide II" means auxiliary personnel as defined in section one, article one of this chapter who have completed a training program approved by the state board of education.

"Custodian I" means personnel employed to keep buildings clean and free of refuse.

"Custodian II" means personnel employed as a watchman or groundsman.

"Custodian III" means personnel employed to keep buildings clean and free of refuse, to operate the heating or cooling systems and to make minor repairs.

"Custodian IV" means personnel employed as head custodians. In addition to providing services as defined in "Custodian III," their duties may include supervising other custodian personnel.

"Carpenter I" means personnel classified as a carpenter's helper.

"Carpenter II" means personnel classified as a journeyman carpenter.

"Electrician I" means personnel employed as an apprentice electrician and helper or holds an electrician helper license issued by the state fire marshal.

"Electrician II" means personnel employed as an electrician journeyman or holds a journeyman electrician license issued by the state fire marshal.

"Foreman" means skilled persons employed for supervision of personnel who work in the areas of repair and maintenance of school property and equipment.

"General maintenance" means personnel employed as helpers to skilled maintenance employees and to perform minor repairs to equipment and buildings of a county school system.

"Groundsmen" means personnel employed to perform duties that relate to the appearance, repair and general care of school grounds in a county school system. Additional assignments may include the operation of a small
heating plant and routine cleaning duties in buildings.

"Handyman" means personnel employed to perform routine manual tasks in any operation of the county school system.

"Lubrication man" means personnel employed to lubricate and service gasoline or diesel-powered equipment of a county school system.

"Machinist" means personnel employed to perform machinist tasks which include the ability to operate lathes, planer, shaper, threading machine and wheel press. Such personnel should also have ability to work from blueprints and drawings.

"Mechanic" means personnel employed who can independently perform skilled duties in the maintenance and repair of automobiles, school buses and other mechanical and mobile equipment to use in a county school system.

"Mechanic assistant" means personnel employed as a mechanic apprentice and helper.

"Office equipment repairman I" means personnel employed as an office equipment repairman apprentice or helper.

"Office equipment repairman II" means personnel responsible for servicing and repairing all office machines and equipment. Such personnel shall be responsible for parts being purchased necessary for the proper operation of a program of continuous maintenance and repair.

"Painter" means personnel employed to perform duties of painting, finishing and decorating of wood, metal and concrete surfaces of buildings, other structures, equipment, machinery and furnishings of a county school system.

"Plumber I" means personnel employed as an apprentice plumber and helper.

"Plumber II" means personnel employed as journeyman plumber.

"Supervisor of maintenance" means skilled personnel
not defined as professional personnel or professional educators as in section one, article one, of this chapter. His responsibilities would include directing the upkeep of buildings and shops, issuing instructions to subordinates relating to cleaning, repairs and maintenance of all structures, mechanical and electrical equipment of a board of education.

"Truck driver" means personnel employed to operate light or heavy duty gasoline and diesel-powered vehicles.

"Watchman" means personnel employed to protect school property against damage or theft. Additional assignments may include operation of a small heating plant and routine cleaning duties.

"Clerk I" means personnel employed to perform clerical tasks.

"Clerk II" means personnel employed to perform general clerical tasks, prepare reports and tabulations and operate office machines.

"Secretary I" means personnel employed to transcribe from notes or mechanical equipment, receive callers, perform clerical tasks, prepare reports and operate office machines.

"Secretary II" means personnel employed as school, office or program secretaries to perform general clerical tasks, transcribe, prepare reports, receive callers and refer them to proper persons, operate office machines, keep records and handle routine correspondence.

"Secretary III" means personnel assigned to the county board of education office administrators in charge of various departments or with particular responsibilities of purchasing and financial control.

"Cafeteria manager" means personnel employed to direct the operation of a food services program in a school, including assigning duties to employees, approving requisitions for supplies and repairs, keeping inventories, inspecting areas to maintain high standards of sanitation, preparing financial reports and keeping records pertinent to food services of a school.
“Cook I” means personnel employed as a cook’s helper.

“Cook II” means personnel employed to interpret menus, to prepare and serve meals in a lunch program of a school system.

“Cook III” means personnel employed to prepare and serve meals, make reports, prepare requisitions for supplies, order equipment and repairs for a lunch program of a school system.

“Food services supervisor” means qualified personnel not defined as professional personnel or professional educators as in section one, article one, of this chapter, employed to manage and supervise a county school system’s food service or school lunch program. The duties would include preparing in-service training programs for cooks and food service employees, instructing personnel in the areas of quantity cooking with economy and efficiency, keeping aggregate records and reports.

“Bus operator” means personnel employed to operate school buses and other school transportation vehicles as provided by the state board of education.

“School bus supervisor” means qualified personnel employed to assist in selecting school bus operators and routing and scheduling of school buses, operate a bus when needed, relay instructions to bus operators, plan emergency routing of buses and promote good relationships with parents, pupils, bus operators and other employees.

On and after the first day of July, one thousand nine hundred seventy-five, the minimum monthly pay for each auxiliary or service employee whose employment is for a period of more than three and one-half hours a day shall be at least the amounts indicated in the following “State Minimum Pay Scale,” and the minimum monthly pay for each auxiliary or service employee whose employment is for a period of less than three and one-half hours a day shall be at least one-half the amount indicated in the following “State Minimum Pay Scale”:
### STATE MINIMUM PAY SCALE

#### YEARS OF EMPLOYMENT

<table>
<thead>
<tr>
<th>PAY GRADE</th>
<th>0</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>8</th>
<th>9</th>
<th>10</th>
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<tbody>
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<td>A. Monthly</td>
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<td>360</td>
<td>370</td>
<td>380</td>
<td>390</td>
<td>400</td>
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<td>430</td>
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<td>450</td>
</tr>
<tr>
<td>B. Monthly</td>
<td>370</td>
<td>380</td>
<td>390</td>
<td>400</td>
<td>410</td>
<td>420</td>
<td>430</td>
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<td>460</td>
<td>470</td>
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<tr>
<td>C. Monthly</td>
<td>410</td>
<td>420</td>
<td>430</td>
<td>440</td>
<td>450</td>
<td>460</td>
<td>470</td>
<td>480</td>
<td>490</td>
<td>500</td>
<td>510</td>
</tr>
<tr>
<td>D. Monthly</td>
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<td>480</td>
<td>490</td>
<td>500</td>
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<td>520</td>
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<td>540</td>
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</tr>
<tr>
<td>E. Monthly</td>
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<td>520</td>
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<td>540</td>
<td>550</td>
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<td>610</td>
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<td>F. Monthly</td>
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<td>600</td>
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<tr>
<td>G. Monthly</td>
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<td>630</td>
<td>640</td>
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<td>660</td>
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<td>700</td>
</tr>
<tr>
<td>H. Monthly</td>
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<td>690</td>
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<td>730</td>
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#### CLASS TITLE

<table>
<thead>
<tr>
<th>PAY GRADE</th>
<th>CLASS TITLE</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Office Equipment Repairman I</td>
<td>Aide I</td>
</tr>
<tr>
<td>B. Painter</td>
<td>Aide II</td>
</tr>
<tr>
<td>C. Plumber I</td>
<td>Custodian I</td>
</tr>
<tr>
<td>D. Plumber II</td>
<td>Custodian II</td>
</tr>
<tr>
<td>E. Secretary of Maintenance</td>
<td>Custodian III</td>
</tr>
<tr>
<td>F. Truck Driver</td>
<td>Custodian IV</td>
</tr>
<tr>
<td>G. Watchman</td>
<td>Carpenter I</td>
</tr>
<tr>
<td>H. Clerk I</td>
<td>Carpenter II</td>
</tr>
<tr>
<td>I. Clerk II</td>
<td>Electrician I</td>
</tr>
<tr>
<td>J. Secretary I</td>
<td>Electrician II</td>
</tr>
<tr>
<td>K. Secretary II</td>
<td>Foreman</td>
</tr>
<tr>
<td>L. Secretary III</td>
<td>General Maintenance</td>
</tr>
<tr>
<td>M. Cafeteria Manager</td>
<td>Groundsman</td>
</tr>
<tr>
<td>N. Cook I</td>
<td>Handyman</td>
</tr>
<tr>
<td>O. Cook II</td>
<td>Lubrication Man</td>
</tr>
<tr>
<td>P. Cook III</td>
<td>Machinist</td>
</tr>
<tr>
<td>Q. Food Services Supervisor</td>
<td>Mechanic</td>
</tr>
<tr>
<td>R. Bus Operator</td>
<td>Mechanic Assistant</td>
</tr>
<tr>
<td>S. School Bus Supervisor</td>
<td>Office Equipment Repairman I</td>
</tr>
</tbody>
</table>
In addition to the compensation herein provided for auxiliary and service personnel, each auxiliary or service employee shall, notwithstanding any provision in this code to the contrary, be entitled to all auxiliary and service personnel employee rights, privileges and benefits provided under this or any other chapter of this code without regard to such employee's hours of employment or the methods or sources of compensation.

Auxiliary and service personnel whose years of employment exceed the number of years shown and provided for under the state minimum pay scale heretofore set forth shall not be paid less than the amount shown for the maximum years of employment shown and provided for in the classification in which he is employed.

The county board of education may establish salary schedules which shall be in excess of the state minimum fixed by this article, such county schedules to be uniform throughout the county with regard to any training classifications, experience, years of employment, responsibility, duties, pupil participation, pupil enrollment, size of buildings, operation of equipment or other requirements. Uniformity shall apply to any additional salary increments or compensation for all persons performing like assignments and duties within the county. In establishing such local salary schedules, no county, from the effective date of this article, shall reduce local funds allocated for auxiliary and service personnel salaries used for supplementing federal and state funds provided for such salaries.

The state board of education is hereby authorized to establish other class titles of auxiliary and service personnel positions and jobs not listed in this section. The state board of education is further authorized to provide appropriate pay grades for such positions and jobs but pay shall be established within the minimum salary scale of this section.

No person employed as an auxiliary or service em-
ployee by a county board during the school year ending
the thirtieth day of June, one thousand nine hundred
seventy-five, shall have his annual salary reduced as
a result of the enactment of this section.

Any board failing to comply with the provisions of
this article may be compelled to do so by mandamus.

The provisions of this section shall become effective
July one, one thousand nine hundred seventy-five.

CHAPTER 204

[Passed March 8, 1975; in effect ninety days from passage. Approved by the Governor.]

AN ACT to amend and reenact section ten, article four, chapter eighteen-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to personal leave for full-time employees of county boards of education.

Be it enacted by the Legislature of West Virginia:

That section ten, article four, chapter eighteen-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 4. SALARIES, WAGES, AND OTHER BENEFITS.

§18A-4-10. Personal leave for illness and other causes.

1 At the beginning of his employment term, any full-time employee of a county board of education shall be entitled annually to at least one and one-half days personal leave for each employment month or major fraction thereof in the employee's employment term. Unused leave shall be accumulative without limitation and shall be transferable within the state. A change in job assignment during the school year shall in no way affect the employee's rights or benefits.

10 A regular full-time employee who is absent from assigned duties due to accident, sickness, death in the immediate family, or other cause authorized or approved by the board, shall be paid his full salary from his regular
budgeted salary appropriation during the period which he is absent, but not to exceed the total amount of leave to which he is entitled. Where the cause for leave had its origin prior to the beginning of the employment term, the employee shall be paid for time lost after the start of the employment term. If an employee should use personal leave which he has not yet accumulated on a monthly basis and subsequently leave his employment, he shall be required to reimburse the board for the salary or wages paid to him for such unaccumulated leave.

The board may establish reasonable regulations for reporting and verification of absence for causes; and if any error in reporting absences should occur it shall have authority to make necessary salary adjustments in the next pay after the employee has returned to duty or in the final pay if the absence should occur during the last month of his employment term. When such allowable absence does not directly affect the instruction of the pupils or when a substitute employee may not be required because of the nature of the work and the duration of the cause for the allowable absence of the regular employee, the administration, subject to board approval, may use its discretion as to the need for a substitute where limited absence may prevail. Any board of education shall have authority to supplement such leave provisions in any manner it may deem advisable.

If funds in any fiscal year, including transfers, are insufficient to pay the full cost of substitutes for meeting the provisions of this section, the remainder shall be paid on or before the thirty-first day of August from the budget of the next fiscal year.

CHAPTER 205

(H. B. 1077—By Mr. Speaker, Mr. McManus, and Mr. Seibert)

[Passed February 21, 1975; in effect ninety days from passage. Approved by the Governor.]

AN ACT authorizing the issuance and sale, subsequent to the first day of August, one thousand nine hundred seventy-five, by the gov-
Governor of bonds of the state of West Virginia, under authority of the better school buildings amendment of 1972, in the amount not exceeding fifty million dollars during the fiscal year ending the thirtieth day of June, one thousand nine hundred seventy-six, for the sole purpose of raising funds for distribution to county boards of education that qualify by meeting conditions, qualifications and requirements as are prescribed by general law and used and appropriated by such county boards of education solely for the construction, renovation or remodeling of elementary or secondary public school buildings or facilities, the equipping of the same in connection with any such construction, renovation or remodeling, and the acquisition and preparation of sites for elementary or secondary public school buildings or facilities; specifying the powers of and limitations upon the governor in the issuance and sale of such bonds; prescribing the duties of the auditor and treasurer with respect to such bonds; providing for transfer and registration fees with respect to registered bonds and the disposition of such fees; providing for places of payment of principal and interest on such bonds; exempting such bonds from taxation by the state, or by any county, district or municipality thereof; setting forth the form of coupon and registered bonds and coupons; establishing a special account designated state school buildings bond debt service account and stating what moneys shall be deposited therein and disposition thereof; providing a covenant between the state and the bondholders; providing that the proceeds from the sale of the bonds shall be paid into a separate and distinct account and for expenditures from such account and investment of the proceeds in such account; providing that the plates, etc., from which the bonds are produced or made shall be the property of the state; providing for interim certificates in lieu of permanent bonds; providing for the state treasurer to be financial advisor; providing for the attorney general or his duly appointed legal representative to serve as bond counsel; and providing that all necessary expenses, including legal expenses approved by the attorney general, incurred in the execution of this act shall be paid out of the state school buildings bond debt service account on warrants of the auditor of the state drawn on the state treasurer.
Be it enacted by the Legislature of West Virginia:

ISSUANCE AND SALE OF SCHOOL BUILDINGS BONDS.

§1. School buildings bonds; amount; when may issue.

§2. Transfer fee; registration fee; where payable; interest rate; tax exempt.

§3. Form of bond.

§4. Form of coupon.

§5. Listing by auditor.


§7. Covenants of state.

§8. Sale by governor; minimum price.

§9. Proceeds paid into separate account; expenditures.

§10. Plates, etc., property of state.

§11. Auditor to be custodian of unsold bonds.

§12. Interim certificates.

§13. State treasurer to be financial advisor.

§14. Attorney general or his duly appointed legal representative to serve as bond counsel.

§15. Approval and payment of all necessary expenses.

§1. School buildings bonds; amount; when may issue.

Bonds of the state of West Virginia, under authority of the better school buildings amendment of 1972, of the par value not to exceed fifty million dollars during the fiscal year ending the thirtieth day of June, one thousand nine hundred seventy-six, are hereby authorized to be issued and sold, at some date subsequent to the first day of August, one thousand nine hundred seventy-five, for the sole purpose of raising funds for distribution to county boards of education that qualify by meeting conditions, qualifications and requirements as are prescribed by general law and used and appropriated by such county boards of education solely for the construction, renovation or remodeling of elementary or secondary public school buildings or facilities, the equipping of the same in connection with any such construction, renovation or remodeling, and the acquisition and preparation of sites for elementary or secondary public school buildings or facilities. Such bonds may be issued by the governor in such amounts, in coupon or registered form, in such denominations, at such time, after the first day of August, one thousand nine hundred seventy-five, bearing such date or dates, as the governor may determine, based upon an examination of the needs of the various county boards.
of education which justify the issuance by the governor of said bonds, and shall become due and payable serially, annually or semiannually, in such amounts and mature in such years as the governor may determine. Such bonds shall mature within and not exceeding twenty-five years from their date. The governor must offer said bonds for competitive bids from recognized financial investment institutions before said bonds may be sold.

§2. Transfer fee; registration fee; where payable; interest rate; tax exempt.

1 The auditor and the treasurer are hereby authorized to arrange for the transfer of registered bonds and for each such transfer a fee of one dollar shall be charged by and paid to the state of West Virginia, to the credit of the state school buildings bond debt service account. Bonds taken in exchange shall be canceled by the auditor and treasurer and be carefully preserved by the treasurer. The treasurer shall make provisions for registering "payable to bearer" bonds and for each bond registered a fee of one dollar shall likewise be charged by and paid to the state of West Virginia, to the credit of the state school buildings bond debt service account. All such bonds shall be payable at the office of the treasurer of the state of West Virginia, or, at the option of the holder, at a bank in the city of New York to be designated by the governor, or, at the option of the holder at such other bank or banks, within the state, as may be designated or approved by the governor. The bonds shall bear interest, payable semiannually, to bearer, at the office of the treasurer of the state of West Virginia, at the capitol of the state, or at the banks designated and approved by the governor, upon presentation and surrender of interest coupons, then due, in the case of coupon bonds. For the payment of interest on registered bonds, the treasurer of the state of West Virginia shall requisition a warrant from the auditor of the state to be drawn on the state treasurer, and shall mail such warrant to the registered owner at the address as shown by the record of registration. Both the principal and interest of the bonds shall be payable in lawful money of the United States of America and the bonds shall be exempt from taxation by the state of
West Virginia, or by any county, district or municipality thereof, which facts shall appear on the face of the bonds as part of the contract with the holder thereof.

§3. Form of bond.

The bonds shall be executed on behalf of the state of West Virginia, by the manual or facsimile signature of the treasurer thereof, under the great seal of the state or a facsimile thereof, and countersigned by the manual or facsimile signature of the auditor of the state: Provided, That one of said signatures on said bonds shall be a manual signature and said bonds shall be in the following form or to the following effect, as nearly as may be, namely:

COUPON SCHOOL BUILDINGS BOND
(or registered school buildings bond, as the case may be)

OF THE
STATE OF WEST VIRGINIA

$_________________ No. __________________

The state of West Virginia, under and by virtue of authority of an amendment to the constitution, which was proposed by Senate Joint Resolution No. 4, adopted the ninth day of March, one thousand nine hundred seventy-two, and was ratified by a vote of the people at the general election on the seventh day of November, one thousand nine hundred seventy-two, which is hereby made a part hereof as fully as if set forth at length herein, acknowledges itself to be indebted to and hereby promises to pay to the bearer hereof (in case of a coupon bond) or to ______________________ or assigns (the owner or record, in case of registered bonds) on the ______ day of ______________________, 19_____, in lawful money of the United States of America at the office of the treasurer of said state, or, at ______________________ bank in the city of New York, or at ______ bank, within the state, at the option of the holder, the sum of ______________________ dollars, with interest thereon at ______________________ percent a year from the date, payable semiannually in like lawful money of the United States of America at the treasurer's office or banks
SCHOOLS

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34 aforesaid, on the first day of
35 and the first day of _________________ of each year
36 (and in the case of coupon bonds) according to the tenor of the
37 annexed coupons bearing the facsimile signature of the trea-
38 surer of the state of West Virginia, upon surrender to such
39 coupons. This bond (in case of a coupon bond) may be ex-
40 changed for a registered bond of like tenor upon application
41 to the treasurer of the state of West Virginia.
42
43 (Redemption provisions, if any, to be inserted here.)
44
45 To secure the payment of the principal and interest of this
46 bond, the state of West Virginia covenants and agrees with
47 the holder as follows: (1) That this bond shall constitute a
direct and general obligation of the state of West Virginia;
48 (2) that the full faith and credit of the state is pledged to secure
the payment of the principal and interest of this bond; (3) that
an annual state tax shall be collected in an amount sufficient
to pay as it may accrue the interest on this bond and the
principal as the same mature; and (4) that to the full extent
permitted by the constitution of West Virginia any of the
50 covenants, agreements and provisions of this act may be en-
51 forced in any court of competent jurisdiction by any holder
of such bonds or of any interest coupon appertaining thereto.
52
53 This bond is hereby made exempt from any taxation by
54 the state of West Virginia, or by any county, district or munici-
55 pal corporation thereof.

56 In testimony whereof, witness the manual or facsimile sig-
nature of the treasurer of the state of West Virginia, and the
57 manual or facsimile countersignature of the auditor of the
58 state, hereto affixed according to law, dated the ____________
59 day of _____________, one thousand nine
60 hundred ________________, and the seal of the state of
61 West Virginia or a facsimile thereof.

62

Treasurer of the State of West Virginia

68 (SEAL)

69 Countersigned:

71 Auditor of the State of West Virginia
§4. Form of coupon.

1 The form of coupon shall be substantially as follows, to wit:

2 STATE OF WEST VIRGINIA

3 Bond No. ___

4 Coupon No. _____________

5 On the first day of __________________________, 19____, the state of West Virginia will pay to the bearer, in lawful money of the United States of America, at the office of the treasurer of the state, or, at ___

6 bank in the city of New York, or, at ___

7 _______ bank, within the state, at the option of the holder, the sum of ________________________ dollars, the same being semi-

8 annual interest on School Buildings Bond No. ______________.

9

10 Treasurer of the State of West Virginia

11 The signature of the treasurer to such coupon shall be by his facsimile signature and the coupons shall be numbered in the order of their maturity, from number one consecutively. The bonds and coupons may be signed, as provided in this act, by the present treasurer and auditor, or by any of their respective successors in office, and the bonds signed by the persons now in the office may be sold by the governor or his successor in office without being signed by the successor in office of the present treasurer or auditor.

§5. Listing by auditor.

1 All coupons and registered bonds issued under this act shall be separately listed by the auditor of the state in books provided for the purpose, in each case giving the date, number, character and amount of obligations issued, and in the case of registered bonds, the name and post-office address of the person, firm or corporation registered as the owner thereof.


1 The treasurer shall establish in his office a special account designated state school buildings bond debt service account.
Into such account and from the appropriation made by the Legislature for such purpose there shall be transferred sufficient moneys to pay the interest as the same may accrue and the principal as the same mature on such bonds. Moneys received from transfer and registration fees shall likewise be deposited into said special account.

§7. Covenants of state.

The state of West Virginia covenants and agrees with the holders of the bonds issued pursuant hereto as follows: (1) That such bonds shall constitute a direct and general obligation of the state of West Virginia; (2) that the full faith and credit of the state is hereby pledged to secure the payment of the principal and interest of such bonds; (3) that an annual state tax shall be collected in an amount sufficient to pay as it may accrue the interest on this bond and the principal as the same mature; and (4) that to the full extent permitted by the constitution of West Virginia any of the covenants, agreements and provisions of this act may be enforced in any court of competent jurisdiction by any holder of such bonds or of any interest coupon appertaining thereto.

§8. Sale by governor; minimum price.

The governor shall sell the bonds herein authorized at such time or times as he may determine necessary to provide funds for the construction, renovation, remodeling and equipping of elementary or secondary public school buildings or facilities as herein provided, and subject to the limitations contained in this act. All sales shall be at not less than par and accrued interest. All interest coupons becoming payable prior to the sale date shall be canceled by the treasurer and rendered ineffective, before the delivery of the bonds so sold.

§9. Proceeds paid into separate account; expenditures.

The proceeds of all sales of bonds herein authorized shall be paid into a separate and distinct account and shall be used and appropriated solely for the construction, renovation, remodeling and equipping of elementary and secondary public school buildings or facilities as provided for by the state constitution and the laws enacted thereunder. Except for such
sums necessary for current operating balances, such account
shall be invested and reinvested in short-term obligations of the
United States treasury: Provided, That no such investment
or reinvestment shall adversely affect the current operating
balances of such account.

§10. Plates, etc., property of state.

The plates, casts, dies or other forms from which the bonds
authorized by this act are produced or made shall be the prop-
erty of the state of West Virginia.

§11. Auditor to be custodian of unsold bonds.

The state auditor shall be the custodian of all unsold bonds
issued pursuant to the provisions of this act.

§12. Interim certificates.

The governor may authorize the issuance of interim certifi-
cates to be issued to the purchasers of such bonds to be held by
them in lieu of permanent bonds. When interim certificates
are so issued, they shall become full and legal obligations
of the state of West Virginia under all of the provisions of this
act just as fully and completely as the permanent bonds.

§13. State treasurer to be financial advisor.

The state treasurer shall serve as financial advisor to the
governor for the issuance and sale of such bonds.

§14. Attorney general or his duly appointed legal representative to
serve as bond counsel.

The attorney general or his duly appointed legal representa-
tive, shall serve as bond counsel and shall be responsible for
the issuance of a final approving opinion regarding the legality
of the sale of such bonds.

§15. Approval and payment of all necessary expenses.

All necessary expenses, including legal expenses approved
by the attorney general, incurred in the execution of this act
shall be chargeable to and paid out of the state school build-
ings bond debt service account on warrants of the auditor of
the state drawn on the state treasurer.
AN ACT to amend article eighteen, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section eight-a, relating to the readjustment, removal, relocation, change in or alteration of a public utility line or facility to accommodate an urban redevelopment or slum clearance project; providing that the cost thereof shall be borne by the urban renewal authority or other public body causing the same; specifying the elements of cost thereof to be included in determining the cost to be borne by such urban renewal authority or other public body; providing that such cost shall be considered to be a cost of a federal-aid urban redevelopment or slum clearance project; and specifying that the provisions of such section shall not be applicable to any project for which an application for federal funding shall have been made prior to the effective date of such section.

Be it enacted by the Legislature of West Virginia:

That article eighteen, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section eight-a, to read as follows:

ARTICLE 18. SLUM CLEARANCE.

§16-18-8a. Relocation of public utility lines or facilities to accommodate urban redevelopment or slum clearance projects.

1 In the event any urban renewal authority or other public body shall determine that any public utility line or facility located upon, across or under any portion of a street, avenue, highway, road or other public place or way shall be temporarily or permanently readjusted, removed, relocated, changed in grade or otherwise altered (each and all hereinafter for convenience referred to as "relocation") in order to accommodate any urban redevel-
operation or slum clearance · project undertaken pursuant to the provisions of this article, the cost of such relocation shall be borne by the urban renewal authority or other public body making the same necessary.

For purposes of this section, the term “cost of relocation” shall include the entire amount paid by such utility, exclusive of any right-of-way costs incurred by such utility, properly attributable to such relocation after deducting therefrom any increase in the value of the new line or facility and salvage derived from the old line or facility.

The cost of relocating utility lines or facilities, as defined herein, in connection with any federal-aid urban redevelopment or slum clearance project is hereby declared to be a cost of such project.

Under no circumstances whatever shall the foregoing provisions of this section be applicable to any conventional urban renewal project, urban redevelopment or slum clearance project or neighborhood development project for which an application for federal funding shall have been made prior to the effective date of this section.

CHAPTER 207
(Com. Sub. for S. B. 285—Mr. McGraw)

[Passed March 8, 1975; in effect July 1, 1975. Disapproved by the Governor, and repassed notwithstanding his objections.]

AN ACT to amend and reenact sections two, two-k, three-b and twenty-five, article thirteen, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to further amend said article thirteen by adding thereto a new section, designated section two-l, all relating to business and occupation or privilege taxes; relating to the imposition, levying and collection of such taxes; relating to determination of value of products or part thereof shipped out of state; relating to the deter-
mination of value and gross income generally; relating to interrelationship between various sections of said article thirteen; relating to the business and occupation or privilege tax on banking and other financial business and gross income for such purpose; imposing an additional tax upon the privilege of engaging or continuing within this state in the business of severing, extracting, reducing to possession and producing for sale, profit or commercial use any coal, the amount of such tax to be equal to the value of the coal produced as shown by the gross proceeds derived from the sale thereof by the producer multiplied by thirty-five one hundredths of one percent; providing that such additional tax is imposed pursuant to the provisions of section six-a, article ten of the West Virginia constitution; providing for seventy-five percent of the net proceeds of such additional tax to be distributed to the various counties in which the coal upon which such additional tax is imposed was located at the time it was severed from the ground, such counties being hereinafter referred to as the "coal producing counties"; providing that the remaining twenty-five percent of the net proceeds of such additional tax shall be deposited in the "county and municipal fund" to be created by an act of the Legislature and thereafter distributed as provided in such act; providing that such additional tax shall be due and payable, reported and remitted as elsewhere provided in said article thirteen; providing that the enforcement and other provisions of said article thirteen shall apply to such additional tax; authorizing the state tax commissioner to promulgate reasonable rules and regulations requiring the furnishing of additional information or as otherwise necessary to implement the provisions of said section two-l; creating a special fund in the state treasurer's office to be known as the "county coal revenue fund"; providing for seventy-five percent of the net proceeds of such additional tax to be deposited in such county coal revenue fund; providing for the distribution of the moneys in such county coal revenue fund to the coal producing counties; specifying that the amount of money to be distributed to a coal producing county shall be determined by applying the percentage to which such
coal producing county is entitled to the total amount of moneys in the county coal revenue fund then available for distribution to all coal producing counties; specifying a formula for the ascertainment of the percentage to which a coal producing county is entitled; relating to the method of payment of the sum due to a coal producing county; relating to the deposit and expenditure of moneys so received by a coal producing county; authorizing the state tax commissioner to retain each year thirty-five thousand dollars of the additional amount collected as a fee for the administration of such additional tax by the state tax commissioner and the distribution of the net proceeds thereof by the state treasurer; defining the term "normal tax" for the purpose of said article thirteen; and providing limitations on the business and occupation or privilege tax and the rates thereof which cities, towns and villages may impose.

Be it enacted by the Legislature of West Virginia:

That sections two, two-k, three-b and twenty-five, article thirteen, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; and that said article thirteen be further amended by adding thereto a new section, designated section two-l, all to read as follows:

ARTICLE 13. BUSINESS AND OCCUPATION TAX.

§11-13-2. Imposition of privilege tax.
§11-13-2k. Banking and other financial business; legislative findings.
§11-13-2l. Additional tax on the severance, extraction and production of coal; dedication of additional tax for benefit of all counties and municipalities; distribution of major portion of such additional tax to coal producing counties; distribution of minor portion of such additional tax to all counties and municipalities; reports and rules and regulations; creation of special fund in office of state treasurer; method and formula for distribution of additional tax to coal producing counties; expenditure of funds by coal producing counties for public purposes; retention of fixed amount for cost of administration.

§11-13-3b. Definitions; reduction allowed in tax due; how computed.
§11-13-25. Cities, towns or villages restricted from imposing additional tax.

§11-13-2. Imposition of privilege tax.

1 There is hereby levied and shall be collected annual
2 privilege taxes against the persons, on account of the
3 business and other activities, and in the amounts to be
determined by the application of rates against values or gross income as set forth in sections two-a to two-l, inclusive, of this article.

If any person liable for any tax under sections two-a, two-b or two-l shall ship or transport his products or any part thereof out of the state without making sale of such products, the value of the products in the condition or form in which they exist immediately before transportation out of the state shall be the basis for the assessment of the tax imposed in said section, except in those instances in which another measure of the tax is expressly provided. The tax commissioner shall prescribe equitable and uniform rules for ascertaining such value.

In determining value, however, as regards sales from one to another of affiliated companies or persons, or under other circumstances where the relation between the buyer and seller is such that the gross proceeds from the sale are not indicative of the true value of the subject matter of the sale, the tax commissioner shall prescribe uniform and equitable rules for determining the value upon which such privilege tax shall be levied, corresponding as nearly as possible to the gross proceeds from the sale of similar products of like quality or character where no common interest exists between the buyer and seller but the circumstances and conditions are otherwise similar.

Gross income included in the measure of the tax under sections two-a, two-b and two-l of this article shall neither be added nor deducted in computing the tax levied under the other sections of this article.

A person exercising any privilege taxable under sections two-a, two-b or two-l of this article and engaging in the business of selling his natural resources or manufactured products at retail in this state shall be required to make returns of the gross proceeds of such retail sales and pay the tax imposed in section two-c of this article for the privilege of engaging in the business of selling such natural resources or manufactured products at retail in this state. But any person exercising any priv-
44 ilege taxable under sections two-a, two-b or two-l of
45 this article and engaging in the business of selling his
46 natural resources or manufactured products to pro-
47 ducers of natural resources, manufacturers, wholesalers,
48 jobbers, retailers or commercial consumers for use
49 or consumption in the purchaser's business shall not
50 be required to pay the tax imposed in section two-c
51 of this article.

52 Manufacturers exercising any privilege taxable under
53 section two-b of this article shall not be required to
54 pay the tax imposed in section two-c of this article for
55 the privilege of selling their manufactured products
56 for delivery outside of this state, but the gross in-
57 come derived from the sale of such manufactured
58 products outside of this state shall be included in
59 determining the measure of the tax imposed on such
60 manufacturer in section two-b.

61 A person exercising privileges taxable under the other
62 sections of this article, producing coal, oil, natural gas,
63 minerals, timber or other natural resource products the
64 production of which is taxable under sections two-a and
65 two-l, and using or consuming the same in his busi-
66 ness or transferring or delivering the same as any roy-
67 alty payment, in kind, or the like, shall be deemed to
68 be engaged in the business of mining and producing
69 coal, oil, natural gas, minerals, timber or other natural
70 resource products for sale, profit or commercial use,
71 and shall be required to make returns on account of
72 the production of the business showing the gross pro-
73 ceeds or equivalent in accordance with uniform and
74 equitable rules for determining the value upon which
75 such privilege tax shall be levied, corresponding as
76 nearly as possible to the gross proceeds from the sale
77 of similar products of like quality or character by other
78 taxpayers, which rules the tax commissioner shall pre-
79 scribe.

§11-13-2k. Banking and other financial business; legislative
findings.

1 Upon every person engaging or continuing within this
state in the business of banking or financial business, from and after the first day of April, one thousand nine hundred seventy-one, the tax shall be equal to one and fifteen one-hundredths percent of the gross income received from interest, premiums, discounts, dividends, service fees or charges, commissions, fines, rents from real or tangible personal property, however denominated, royalties, charges for bookkeeping or data processing, receipts from check sales, charges or fees, and receipts from the sale of tangible personal property: Provided, however, That gross income shall not include (a) interest received on the obligations of the United States, its agencies and instrumentalities, (b) interest received on the obligations of this or any other state, territory or possession of the United States, or any political subdivision of any of the foregoing or of the District of Columbia, or (c) interest received on investments or loans primarily secured by first mortgages or deeds of trust on residential property occupied by nontransients: Provided, however, That all interest derived on activities exempt under (c) above, shall be reported, as to amounts, on the return of a person taxable under the provisions of this section.

Persons taxed pursuant to the provisions of this section shall not be taxed under sections two-a to two-j, inclusive, or section two-l of this article.

The Legislature hereby finds and declares that it is the intent of the Legislature to subject national banking associations and other financial organizations to the tax imposed by this article, in accordance with the authorization contained in section five thousand two hundred nineteen of the Revised Statutes of the United States as amended by Public Law 91-156 enacted the twenty-fourth day of December, one thousand nine hundred sixty-nine.

§11-13-2l. Additional tax on the severance, extraction and production of coal; dedication of additional tax for benefit of all counties and municipalities; distribution of major portion of such additional tax to coal producing counties; distribution of minor portion of such additional tax to all coun-
ties and municipalities; reports and rules and regulations; creation of special fund in office of state treasurer; method and formula for distribution of additional tax to coal producing counties; expenditure of funds by coal producing counties for public purposes; retention of fixed amount for cost of administration.

(a) Upon every person exercising the privilege of engaging or continuing within this state in the business of severing, extracting, reducing to possession and producing for sale, profit or commercial use any coal, the amount of such tax to be equal to the value of the coal produced as shown by the gross proceeds derived from the sale thereof by the producer, multiplied by thirty-five one hundredths of one percent, and the tax imposed by section two of this article in conjunction with this subsection (a) shall be in addition to the tax imposed by said section two in conjunction with section two-a of this article, and the tax imposed by section two of this article in conjunction with this subsection (a) is hereinafter in this section referred to as "such additional tax." The measure of such additional tax is the value of the entire production in this state, regardless of the place of sale or the fact that the delivery may be made to points outside the state.

(b) Such additional tax is imposed pursuant to the provisions of section six-a, article ten of the West Virginia constitution for the benefit of and use by the various counties and municipalities in this state. Seventy-five percent of the net proceeds of such additional tax shall, after appropriation thereof by the Legislature, be distributed by the state treasurer to the various counties in this state in which the coal upon which such additional tax is imposed was located at the time it was severed from the ground, such counties being hereinafter in this section referred to as the "coal producing counties," and the remaining twenty-five percent of the net proceeds of such additional tax shall be deposited in the "county and municipal fund" to be created by the enactment of legislation to amend
chapter eight of this code by adding thereto a new article, designated article twenty-three-a, for distribution, after appropriation thereof by the Legislature, as to be provided by said article twenty-three-a.

(c) Such additional tax shall be due and payable, reported and remitted as elsewhere provided in this article for the tax imposed by said section two in conjunction with said section two-a of this article and all of the enforcement and other provisions of this article shall apply to such additional tax. In addition to the reports and other information required under the provisions of this article and the tonnage reports required to be filed under the provisions of section seventy-two, article two, chapter twenty-two of this code, the state tax commissioner is hereby granted plenary power and authority to promulgate reasonable rules and regulations requiring the furnishing by producers of such additional information as may be necessary to compute the allocation required under the provisions of subsection (f) of this section. The state tax commissioner is also hereby granted plenary power and authority to promulgate such other reasonable rules and regulations as may be necessary to implement the provisions of this section.

(d) In order to provide a procedure for the distribution of seventy-five percent of the net proceeds of such additional tax to such coal producing counties, there is hereby created in the state treasurer's office a special fund to be known as the "county coal revenue fund," hereinafter referred to as "such fund." Seventy-five percent of the net proceeds of such additional tax shall be deposited in such fund from time to time as such proceeds are received by the state tax commissioner. The moneys in such fund shall, after appropriation thereof by the Legislature, be distributed to such coal producing counties in the manner set forth in subsection (e) of this section.

(e) The moneys in such fund shall be allocated among and distributed quarterly to the coal producing counties by the state treasurer in the manner hereinafter in
this subsection specified. On or before each distribution date, the state treasurer shall determine the total amount of moneys in such fund which will be available for distribution to such coal producing counties on that distribution date. The amount of money to be distributed to a coal producing county shall be determined by applying the percentage to which such coal producing county is entitled to the total amount of moneys in such fund then available for distribution to all coal producing counties. The percentage to which a coal producing county is entitled shall be determined in accordance with subsection (f) of this section.

(f) The percentage to which a coal producing county is entitled shall be determined by (i) dividing the total amount of moneys in such fund then available for distribution by the total number of tons of coal mined in this state during the preceding quarter, and (ii) multiplying the quotient thus obtained by the number of tons of coal removed from the ground in such county during the preceding quarter. After determining the percentage to which a coal producing county is entitled as aforesaid, a warrant of the state auditor for the sum due to such coal producing county shall be obtained and a check drawn thereon making payment of such sum shall thereafter be distributed to such coal producing county.

(g) The moneys distributed to a coal producing county under the provisions of this section shall be deposited in the general revenue fund of such coal producing county and thereafter expended by the county commission of such coal producing county for such public purposes as such county commission shall determine to be in the best interest of the people of such coal producing county.

(h) The state tax commissioner shall retain for the benefit of the state from the additional tax collected the amount of thirty-five thousand dollars annually as a fee for the administration of such additional tax by
§11-13-3b. Definitions; reduction allowed in tax due; how computed.

1 When used in this section, the phrase "normal tax" shall mean the tax computed by the application of rates against values or gross income as set forth in sections two-a to two-l, inclusive, of this article, less exemption at the rate of fifty dollars annually or at the rate of four dollars and sixteen cents per month for the period actually engaged in business.

2 The normal tax shall be computed by the application of rates against values or gross income as set forth in sections two-a to two-l, inclusive, of this article.

§11-13-25. Cities, towns or villages restricted from imposing additional tax.

1 Notwithstanding the provisions of section five, article thirteen, chapter eight of this code, no city, town or village shall impose a business and occupation tax or privilege tax upon occupations or privileges taxed under sections two-a, two-b, two-c, two-d, two-e, two-g, two-h, two-i and two-j of this article, in excess of rates, in effect under this article on January one, one thousand nine hundred fifty-nine, or in excess of one percent of gross income under section two-k of this article, or at all under section two-l of this article.

CHAPTER 208

(S. B. 316—By Mr. Brotherton, Mr. President, and Mr. Saville)

[Passed March 8, 1975; in effect ninety days from passage. Approved by the Governor.]

AN ACT to amend and reenact section three, article thirteen, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to exempting gross income derived from advertising service ren-
dered in the business of radio and television broadcasting and any demonstration, pilot or research project for the gasification or liquefaction of coal when the same is totally or partially funded by public funds from the business and occupation tax.

Be it enacted by the Legislature of West Virginia:

That section three, article thirteen, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 13. BUSINESS AND OCCUPATION TAX.


1 There shall be an exemption in every case of fifty dollars in amount of tax computed under the provisions of this article. A person exercising a privilege taxable hereunder for a fractional part of a tax year shall be entitled to an exemption of the sum bearing the proportion to fifty dollars that the period of time the privilege is exercised bears to a whole year. Only one exemption shall be allowed to any one person, whether he exercises one or more privileges taxable hereunder.

The provisions of the article shall not apply to: (a) Insurance companies which pay the state of West Virginia a tax upon premiums: Provided, That said exemption shall not extend to that part of the gross income of insurance companies which is received for the use of real property, other than property in which any such company maintains its office or offices, in this state, whether such income be in the form of rentals or royalties; (b) non-profit cemetery companies organized and operated for the exclusive benefit of their members; (c) fraternal societies, organizations and associations organized and operated for the exclusive benefit of their members and not for profit: Provided, however, That said exemption shall not extend to that part of the gross income arising from the sale of alcoholic liquor, food and related services, of such fraternal societies, organizations and associations which are licensed as private clubs under the provisions of article seven, chapter sixty of this code; (d) corporations, associations and societies organized and operated exclusively for
religious or charitable purposes; (e) production credit association, organized under the provisions of the federal “Farm Credit Act of 1933”; (f) any credit union organized under the provisions of chapter thirty-one, or any other chapter of this code: Provided further, That the exemptions of this section shall not apply to corporations or cooperative associations organized under the provisions of article four, chapter nineteen of this code; (g) gross income derived from advertising service rendered in the business of radio and television broadcasting; and (h) any demonstration, pilot or research project for the gasification or liquefaction of coal when the same is totally or partially funded by public moneys: Provided, That the exemption contained in this clause (h) shall not apply to any gross income after June thirtieth, one thousand nine hundred eighty-one.

CHAPTER 209

(H. B. 937—By Mr. Speaker, Mr. McManus, and Mr. Seibert)

Passed March 7, 1975; in effect ninety days from passage. Approved by the Governor.

AN ACT to amend and reenact section nine, article twenty-one, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to meaning of terms in West Virginia personal income tax act.

Be it enacted by the Legislature of West Virginia:

That section nine, article twenty-one, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 21. PERSONAL INCOME TAX.


Any term used in this article shall have the same meaning as when used in a comparable context in the laws of the United States relating to income taxes, unless a different meaning is clearly required. Any reference in this article to the laws
of the United States shall mean the provisions of the Internal
Revenue Code of 1954, as amended, and such other provisions
of the laws of the United States as relate to the determination
of income for federal income tax purposes. All amendments
made to the laws of the United States prior to the first day of
January, one thousand nine hundred seventy-five, shall be
given effect in determining the taxes imposed by this article for
the tax period beginning the first day of January, one thousand
nine hundred seventy-four, and thereafter, but no amendment
to the laws of the United States made on or after the first
day of January, one thousand nine hundred seventy-five, shall
be given effect.

CHAPTER 210
(H. B. 933—By Mr. Speaker, Mr. McManus, and Mr. Saibert)

[Passed March 7, 1975; in effect ninety days from passage. Approved by the Governor.]

AN ACT to amend and reenact section three, article twenty-four,
chapter eleven of the code of West Virginia, one thousand nine
hundred thirty-one, as amended, relating to meaning of terms for
corporation net income tax purposes.

Be it enacted by the Legislature of West Virginia:

That section three, article twenty-four, chapter eleven of the code
of West Virginia, one thousand nine hundred thirty-one, as amended,
be amended and reenacted to read as follows:

ARTICLE 24. CORPORATION NET INCOME TAX.

PART 1—DEFINITIONS,
IMPOSITION OF TAX AND RATE, AND EXEMPTIONS.


(a) General.—Any term used in this article shall have the
same meaning as when used in a comparable context in the
laws of the United States relating to federal income taxes,
unless a different meaning is clearly required by the context
or by definition in this article. Any reference in this article to
the laws of the United States or to the Internal Revenue Code
or to the federal income tax law shall mean the provisions of
the laws of the United States as relate to the determination of
income for federal income tax purposes. All amendments made
to the laws of the United States prior to the first day of Jan-
uary, one thousand nine hundred seventy-five, shall be given
effect in determining the taxes imposed by this article for the
tax period beginning the first day of January, one thousand nine
hundred seventy-five, and thereafter, but no amendment to
laws of the United States made on or after the first day of
January, one thousand nine hundred seventy-five, shall be
given effect.

(b) Certain terms defined.—For purposes of this article:

(1) The term “tax commissioner” means the tax commis-
sioner of the state of West Virginia or his delegate.

(2) The term “corporation” means and includes a joint-
stock company or any association which is taxable as a cor-
poration under the federal income tax law.

(3) The term “domestic corporation” means any corpora-
tion organized under the laws of West Virginia.

(4) The term “foreign corporation” means any corporation
other than a domestic corporation.

(5) The term “state” means any state of the United States,
the District of Columbia, the Commonwealth of Puerto Rico,
any territory or possession of the United States, and any foreign
country or political subdivision thereof.

(6) The term “taxable year” means the taxable year for
which the taxable income of the taxpayer is computed under
the federal income tax law.

(7) The term “taxpayer” means a corporation subject to
the tax imposed by this article.

(8) The term “tax” includes, within its meaning, interest
and penalties unless the intention to give it a more limited
meaning is disclosed by the context.

(9) The term “commercial domicile” means the principal
place from which the trade or business of the taxpayer is
directed or managed.
(10) The term “compensation” means wages, salaries, commissions and any form of remuneration paid to employees for personal services.

(11) The term “West Virginia taxable income” means the taxable income of a corporation as defined by the laws of the United States for federal income tax purposes, adjusted as provided in section six: Provided, That in the case of a corporation having income from business activity which is taxable without this state, its “West Virginia taxable income” shall be such portion of its taxable income as so defined and adjusted as is allocated or apportioned to this state under the provisions of section seven.

(12) The term “business income” means income arising from transactions and activity in the regular course of the taxpayer’s trade or business and includes income from tangible and intangible property if the acquisition and disposition of the property constitute integral parts of the taxpayer’s regular trade or business operations.

(13) “Nonbusiness income” means all income other than business income.

(14) The term “public utility” means any business activity to which the jurisdiction of the public service commission of West Virginia extends under section one, article two, chapter twenty-four of the code of West Virginia.

(15) The term “this code” means the code of West Virginia, one thousand nine hundred thirty-one, as amended.

(16) The term “this state” means the state of West Virginia.

CHAPTER 211
(S. B. 325—By Mr. Savilla and Mr. Harman)

[Passed March 8, 1975; in effect ninety days from passage. Approved by the Governor.]

AN ACT to amend and reenact article two, chapter nine-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to state homes for vet-
erans established and maintained, and the eligibility of veterans; powers of department of veterans' affairs.

Be it enacted by the Legislature of West Virginia:

That article two, chapter nine-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 2. STATE HOMES FOR VETERANS.

§9A-2-2. Funds collected from the federal government; use of funds.


1 In consultation with the governor and other appropriate state agencies, the department of veterans' affairs shall establish and maintain throughout the state a home or homes for qualified veterans. The present Soldiers Home at Weston State Hospital shall be reidentified as Veterans Unit of Weston State Hospital and continued as formerly constituted. As used in this article the term "qualified veteran" means a disabled veteran as rated by the veterans' administration, and as such is eligible for benefits administered by the veterans' administration, Title 38, United States Code, who: (a) Is ambulatory and is able to attend to his personal needs, dress himself and attend a general mess; (b) served in the armed forces of the United States of America or a nation allied therewith during wartime and; (c) is a citizen of the state of West Virginia for one year or more and whose separation from the service was other than dishonorable.

In the event that the veteran served during peacetime and attained the age of sixty-five years, he shall be deemed a qualified veteran if he has met conditions (a) and (c).

§9A-2-2. Funds collected from the federal government; use of funds.

1 The department of veterans' affairs is hereby authorized and directed to receive from the federal government or any agency thereof, any funds appropriated, expended or disbursed for the purpose of effectuating veterans' benefits or veterans' programs, including, but not limited
6 to improvement and renovation of physical facilities,  
7 personal care costs and medical, nursing and dental  
8 services.

9 The money so collected from the governmental agency  
10 as federal aid and money appropriated by the Legisla-  
11 ture shall be placed in a special fund to be known as the  
12 "veterans' fund." This fund shall be administered by the  
13 director of the West Virginia department of veterans'  
14 affairs. The fund shall be deposited in the state treasury  
15 and paid out only on such vouchers as may be authorized  
16 and approved by the director of the West Virginia de-  
17 partment of veterans' affairs, in the same manner and  
18 under the same restrictions as are now provided by law  
19 for the disbursement of funds by that department. At  
20 the discretion of the West Virginia department of vet-  
21 erans' affairs, these funds may be used as follows: (1)  
22 For the erection or the improvement and renovation of  
23 suitable buildings for the care of qualified veterans; or  
24 (2) in any manner deemed expedient by the director  
25 of the West Virginia department of veterans' affairs for  
26 the benefit of qualified veterans.


1 The department of veterans' affairs is authorized and  
2 empowered to establish rules and regulations providing  
3 for the tenure, treatment, eligibility and discharge of elig-  
4 ible veterans which such rules and regulations shall not  
5 be inconsistent with the provisions of this article.

CHAPTER 212

(S. B. 442—Originating in the Senate Committee on Finance)

[Passed February 20, 1975; in effect from passage. Approved by the Governor.]

AN ACT to amend and reenact sections one, eight and twelve,  
chapter eighteen, acts of the Legislature, second extraor-
dinary session, one thousand nine hundred seventy-four, relating to Vietnam veterans bonus bonds; establishing the fifteenth day of April, one thousand nine hundred seventy-five, as the earliest date on which the governor is authorized to issue and sell such bonds; and further establishing the fifteenth day of April, one thousand nine hundred seventy-five, as the earliest date on which the governor may authorize the issuance of short-term interim certificates.

Be it enacted by the Legislature of West Virginia:

That sections one, eight and twelve, chapter eighteen, acts of the Legislature, second extraordinary session, one thousand nine hundred seventy-four, be amended and reenacted to read as follows:

ISSUANCE AND SALE OF VIETNAM VETERANS BONUS BONDS.

§1. Vietnam veterans bonus bonds; amount; authority to issue.
§8. Sale by governor; minimum price.
§12. Interim certificates.

§1. Vietnam veterans bonus bonds; amount; authority to issue.

Bonds of the state of West Virginia, under authority of the Vietnam Veterans Bonus Amendment of 1973, of the par value not to exceed forty million dollars, less any appropriations of the Legislature made for the payment of a cash bonus to veterans as provided in said amendment are hereby authorized to be issued and sold, on and after the fifteenth day of April, one thousand nine hundred seventy-five, for the purpose of raising funds in combination with the appropriations of the Legislature as aforesaid for the payment of a cash bonus to veterans as provided for in said amendment, including the cost of administration necessarily incident thereto. Such bonds may be issued by the governor in such amounts, in coupon or registered form, in such denominations, at such times on and after the fifteenth day of April, one thousand nine hundred seventy-five, and bearing such date or dates as the governor may determine, and shall become due and payable serially, annually or semian-
nually, beginning one year and ending not more than twenty-five years from the date thereof: *Provided,* That the governor must offer such bonds for competitive bids from recognized financial investment institutions before said bonds may be sold.

§8. **Sale by governor; minimum price.**

The governor shall sell the bonds herein authorized at such time or times on and after the fifteenth day of April, one thousand nine hundred seventy-five, as he may determine necessary to provide funds for the payment of the bonus as herein provided. All sales shall be at not less than par and accrued interest. All interest coupons becoming payable prior to the sale date shall be canceled by the treasurer and rendered ineffective, before the delivery of the bonds so sold.

§12. **Interim certificates.**

For the purpose of facilitating the payment of Vietnam veterans bonus awards, prior to the issuance of any permanent bonds, the governor may authorize issuance by the state treasurer of short-term interim certificates to purchasers, on and after the fifteenth day of April, one thousand nine hundred seventy-five, for a period not to exceed eighteen months and in sufficient amount as required to meet bonus award obligations. During the period such interim certificates are outstanding, as specified, it shall be ascertained, as near as may be, the total number of persons entitled to such awards who have not been or cannot be paid out of legislative appropriations for such purpose, the total cost of such awards remaining to be made, and the most favorable time for market and sale of permanent bonds, with sale of permanent bonds to thereupon occur and with the resultant retirement of said interim certificates. The interim certificates, when issued and outstanding, shall be full and legal obligations of the state of West Virginia under all of the provisions of this act just as fully and completely as permanent bonds.
CHAPTER 213
(H. B. 658—By Mr. Chafin)

[Passed March 8, 1975; in effect ninety days from passage. Approved by the Governor.]

AN ACT to amend and reenact section two, article seven, chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to licenses to carry weapons and the required procedures in obtaining such licenses; relating to the application to be filed to obtain any such license and the allegations which must be set forth therein; requiring applicant to qualify under minimum requirements for handling and firing firearms established by the department of natural resources; relating to the fee which must be paid and the bond which must be filed and the amounts thereof; relating to the territory covered by and the duration of every such license, including a license granted to a security guard; relating to duties of sheriff and state tax commissioner; relating to notification to the department of public safety and a fee therefor; and relating to duties of clerk of circuit court.

Be it enacted by the Legislature of West Virginia:

That section two, article seven, chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 7. DANGEROUS WEAPONS.

§61-7-2. License to carry weapons; how obtained.

Any person desiring to obtain a state license to carry any such weapon as is mentioned in the first section of this article, within one or more counties in this state, shall first publish a notice setting forth his name, residence and occupation, and that on a certain day he will apply to the circuit court of his county for such state license. Such notice shall be published as a Class I legal advertisement in compliance with the provisions of article three, chapter fifty-nine of this code, and the publication area for such publication shall be the county in which such person resides. Such notice shall be published at least ten days before such application is made. After the
publication of such notice and at the time stated in such notice, upon application to such court, it may grant such license to such person, in the following manner, to wit:

The applicant shall file with such court his application in writing, duly verified, which application shall show:

(a) That such applicant is a citizen of the United States of America;

(b) That the applicant has been a bona fide resident of this state for at least one year next prior to the date of such application, and of the county sixty days next prior thereto;

(c) That the applicant is over eighteen years of age; that he is a person of good moral character, of temperate habits, not addicted to intoxication, not addicted to the use of any controlled substance, and has not been convicted of a felony or of any offense involving the use on his part of such weapon in an unlawful manner, and shall prove to the satisfaction of the court that he is gainfully employed in a lawful occupation and has been so engaged for a period of five years next preceding the date of his application;

(d) The purpose or purposes for which the applicant desires to carry such weapon, the necessity therefor, and the county or counties in which such license is desired to be effective; and

(e) That the applicant has qualified under minimum requirements for handling and firing such firearms. These minimum requirements are those promulgated by the department of natural resources and attained under the auspices of the department of natural resources.

Upon the hearing of such application the court shall hear evidence upon all matters stated in such application and upon any other matter deemed pertinent by the court, and if such court be satisfied from the proof that there is good reason and cause for such person to carry such weapon, and all of the other conditions of this article be complied with, the court, or the judge thereof in vacation, may grant such license for such purposes, and no other, as such court, or the judge in vacation, may set out in the license (and the word "court" as used in this article shall include the circuit judge
thereof, acting either in term or vacation); but, before such license shall be effective such person shall pay to the sheriff, and the court shall so certify in its order granting the license, the sum of fifty dollars, and shall also file a bond with the clerk of such court, in the penalty of five thousand dollars, with good security, signed by a responsible person or persons, or by some surety company, authorized to do business in this state, conditioned that such applicant will not carry such weapon except in accordance with his application and as authorized by the court, and that he will pay all costs and damages accruing to any person by the accidental discharge or improper, negligent or illegal use of such weapon or weapons. Any such license granted shall be good for three years, unless sooner revoked, as hereinafter provided, and be coextensive with the county in which granted, and such other county or counties as the court shall designate in the order granting such license; except that upon a proper showing the court granting such license to any person regularly employed as a security guard may, in its discretion, in the order granting such license extend the period of the validity of such license for a period not to exceed four years, under such terms and conditions as the court deems proper; except that regularly appointed deputy sheriffs having license shall be permitted to carry such revolver or other weapons at any place, within the state, while in the performance of their duties as such deputy sheriffs; and except that any such license granted to regularly appointed railway police shall be coextensive with the state. All license fees collected hereunder shall be paid by the sheriff and accounted for to the auditor as other license taxes are collected and paid, and the state tax commissioner shall prepare all suitable forms for licenses, bonds and certificates showing that such license has been granted and shall do anything else in the premises to protect the state and see to the enforcement of this section.

The clerk of the circuit court shall, immediately after license is granted as aforesaid, furnish the superintendent of the department of public safety a certified copy of the order of the court granting such license, for which service the clerk shall be paid a fee of two dollars which shall be taxed as cost in the proceeding. It shall be the duty of the clerk of each circuit court to furnish to the superintendent of the department of public safety,
AN ACT to amend and reenact section six, article one, chapter forty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the revocation of a will by marriage, annulment or divorce subsequent to the execution of such will; and providing exceptions.

Be it enacted by the Legislature of West Virginia:

That section six, article one, chapter forty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 1. CAPACITY TO MAKE; REQUISITES; VALIDITY.

§41-1-6. When marriage, annulment or divorce revokes will; certain exceptions.

Every will made by a man or woman shall be revoked by his or her marriage, annulment or divorce, except a will which makes provision therein for such contingency, or a will which, though not making provision for such contingency, is made in exercise of a power of appointment, when the estate thereby appointed would not, in default of such appointment, pass to his or her heirs, personal representative, or next of kin: Provided, That even when the estate thereby appointed would, in default of such appointment, pass to his or her heirs, personal representative, or next of kin, such will shall, nevertheless, not be revoked (a) by such marriage if such marriage is between the person appointed in the exercise of such power of appointment and the person exercising such power of appointment, or (b) by such annulment or divorce, unless the person appointed
15 in the exercise of such power of appointment is the person
16 whose marriage to the person exercising such power of ap-
17 pointment was terminated by such annulment or divorce.

CHAPTER 215
(Com. Sub. for S. B. 302—By Mr. Rogerson and Mr. Palumbo)
[Passed March 8, 1975; in effect July 1, 1975. Approved by the Governor.]

AN ACT to amend and reenact section four, article one; sections
one and ten, article two; sections two and three, ar-
ticle three; sections one, one-b, one-c, three, four, six,
eight, nine and ten, article four; and sections two and five,
article five, all of chapter twenty-three of the code of West
Virginia, one thousand nine hundred thirty-one, as amend-
ed; to further amend said article two, by adding thereto
three new sections, designated sections one-a, one-b and
one-c; and to further amend said article five, by adding
thereto a new section, designated section three-b, all re-
lating to workmen's compensation generally; relating to
the office hours and records of the workmen's compensa-
tion commissioner; relating to employers subject to said
chapter twenty-three; providing special provisions with
respect to partnerships, sole proprietorships and churches;
relating to protection afforded by said chapter twenty-
three; relating to mandatory and elective coverage; re-
lating to foreign corporations and coverage under said
chapter twenty-three; relating to employees, officers and
others subject to said chapter twenty-three; relating to
unlawful employment; providing special provisions as to
premiums on the earnings of officers, partners and owners
and the payment of premiums by certain employers;
authorizing county commissions and municipalities to pay
premiums for emergency service organizations and volun-
teer fire departments; relating to extraterritorial coverage
under said chapter twenty-three and agreements in con-
nection therewith; providing for set off of benefits under
certain circumstances; relating to the application of said
chapter twenty-three to interstate commerce; relating to the custody, investment and disbursements of the workmen's compensation fund and all surpluses, reserves and other moneys belonging thereto; relating to the board of investments, relating to the investment of surplus funds; relating to disability and death benefits; specifying to whom compensation shall be disbursed; relating to injuries, occupational pneumoconiosis and other occupational diseases; defining injuries, occupational pneumoconiosis and occupational diseases; relating to certain requirements as to compensability; relating to charges; relating to the significance of x-ray evidence in occupational pneumoconiosis claims; relating to injury reports by employers and failure to object to compensability or temporary total disability benefits; relating to the payment of temporary total disability benefits; establishing a time frame within which a self-insurer must make payments of temporary total disability benefits; relating to overpayments; relating to fee schedules and disbursements for medical, surgical, dental and hospital treatment and other related matters; relating to the replacement of artificial limbs, crutches, hearing aids, eyeglasses and all other mechanical appliances; relating to the allowance for funeral expenses; relating to classification and amount of disability benefits; relating to physical examinations of claimants and payment for loss of wages and for traveling and other expenses in connection with certain of such examinations; relating to physical and vocational rehabilitation; increasing the dollar limitation on vocational rehabilitation; relating to death benefits and those entitled thereto; defining the term "dependent"; relating to the West Virginia workmen's compensation appeal board, the members thereof and their qualifications, terms, removal, salary and expenses; relating to the chairman and terms of such board; relating to clerical services for and the clerical staff of such board; relating to rules and regulations of and fiscal matters pertaining to such board; relating to the disqualification of the members of such board; relating to the fees of attorneys who represent claimants or dependents in workmen's compensation claims; establishing a limitation
upon the amount which may be paid as a fee to any such attorney; and providing criminal offenses and penalties.

Be it enacted by the Legislature of West Virginia:

That section four, article one; sections one and ten, article two; sections two and three, article three; sections one, one-b, one-c, three, four, six, eight, nine and ten, article four; and that sections two and five, article five, all of chapter twenty-three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; that said article two be further amended by adding thereto three new sections, designated sections one-a, one-b and one-c; and that said article five be further amended by adding thereto a new section, designated section three-b, all to read as follows:

Article
2. Employers and Employees Subject to Chapter; Extraterritorial Coverage.
3. Workmen's Compensation Fund.
4. Disability and Death Benefits.
5. Review.

ARTICLE 1. GENERAL ADMINISTRATIVE PROVISIONS.

§23-1-4. Office hours; records.
1 The offices of the commissioner shall be open for the
2 transaction of business between the hours of eight-thirty
3 o'clock a.m., and five o'clock p.m., of each and every day
4 excepting Saturdays, Sundays and legal holidays, and be
5 in charge of his secretary or some other competent person.
6 All proceedings of the commissioner shall be shown on
7 his record of proceedings, which shall be a public record
8 and shall contain a record of each case considered and the
9 award with respect thereto and of all salaries allowed to
10 any employee of the commissioner or to any other person
11 for services.

ARTICLE 2. EMPLOYERS AND EMPLOYEES SUBJECT TO CHAPTER; EXTRATERRITORIAL COVERAGE.

§23-2-1. Employers subject to chapter.
§23-2-1a. Employees subject to chapter.
§23-2-1b. Special provisions as to premiums.
§23-2-1c. Extraterritorial coverage.
§23-2-10. Application of chapter to interstate commerce.

§23-2-1. Employers subject to chapter.
1 The state of West Virginia and all governmental
agencies or departments created by it, including county
boards of education, political subdivisions of the state,
y any duly incorporated volunteer fire department or com-
pany and emergency service organizations organized
under article five, chapter fifteen of this code, and all
persons, firms, associations and corporations regularly
employing another person or persons for the purpose of
carrying on any form of industry, service or business in
this state, are employers within the meaning of this chap-
ter and are hereby required to subscribe to and pay pre-
miums into the workmen's compensation fund for the
protection of their employees and shall be subject to all
requirements of this chapter and all rules and regulations
prescribed by the commissioner with reference to rates,
classification and premium payment.

This chapter shall not apply to:

(1) Employers of employees in domestic service; or
(2) Employers of five or fewer full-time employ-
ees in agricultural service; or
(3) Employers of employees while said employees
are employed without the state except in cases
of temporary employment without the state; or
(4) Casual employers. An employer is deemed to be
a casual employer when the number of his em-
ployees does not exceed three and the period of
employment is temporary, intermittent and
sporadic in nature and does not exceed ten cal-
endar days in any calendar quarter.

If an employer is a partnership, or sole proprietorship,
such employer may elect to include as an "employee"
within this chapter, any member of such partnership, or
the owner of the sole proprietorship. In the event of such
election, the employer shall serve upon the commissioner
written notice naming the persons to be covered and
shall include such "employee's" remuneration for premium
purposes in all future payroll reports, and no such
partner or proprietor shall be deemed an employee with-
in the meaning of this chapter until such notice has been
served.
Notwithstanding any other provision of this chapter to the contrary, whenever there are churches in a circuit which employ one individual clergyman and the payments to such clergyman from such churches constitute his full salary, such circuit or group of churches shall be considered a single employer for purposes of premium payment into the workmen's compensation fund.

Employers who are not required to subscribe to the workmen's compensation fund may voluntarily choose to subscribe to and pay premiums into the fund for the protection of their employees and in such case shall be subject to all requirements of this chapter and all rules and regulations prescribed by the commissioner with reference to rates, classifications and premium payments and shall afford to them the protection of this chapter, including section six of this article, but the failure of such employers to choose to subscribe to and to pay premiums into the fund shall not impose any liability upon them other than such liability as would exist notwithstanding the provisions of this chapter.

Any foreign corporation employer whose employment in this state is to be for a definite or limited period which could not be considered "regularly employing" within the meaning of this section may choose to pay into the workmen's compensation fund the premiums herein provided for and, at the time of making application to the commissioner, such employer shall furnish a statement under oath showing the probable length of time the employment will continue in this state, the character of the work, an estimate of the monthly payroll and any other information which may be required by the commissioner. At the time of making application such employer shall deposit with the state compensation commissioner to the credit of the workmen's compensation fund the amount required by section five of this article, which amount shall be returned to the employer if his application be rejected by the commissioner. Upon notice to such employer of the acceptance of his application by the commissioner, he
shall be an employer within the meaning of this chapter
and subject to all of its provisions.

Any foreign corporation employer choosing to comply
with the provisions of this chapter and to receive the
benefits hereunder shall, at the time of making applica-
tion to the commissioner, in addition to other require-
ments of this chapter, furnish such commissioner with a
certificate from the secretary of state, where such cer-
tificate is necessary, showing that it has complied with all
the requirements necessary to enable it legally to do
business in this state and no application of such foreign
corporation employer shall be accepted by the commis-
sioner until such certificate is filed.

§23-2-la. Employees subject to chapter.

Employees subject to this chapter are all persons in
the service of employers and employed by them for the
purpose of carrying on the industry, business, service
or work in which they are engaged, including, but not
limited to persons regularly employed in the state whose
duties necessitate employment of a temporary or transi-
tory nature by the same employer without the state,
every executive officer of an association or of a corpo-
ration elected or appointed in accordance with the char-
ter and bylaws of the association or corporation, every
person in the service of the state or of any political sub-
division or agency thereof, under any contract of hire,
express or implied, and every official or officer thereof,
whether elected or appointed, while performing his off-
ficial duties, checkweighmen employed according to law,
all members of rescue teams assisting in mine accidents
with the consent of the owner who, in such case, shall
be deemed the employer, or at the direction of the direc-
tor of the department of mines and all forest fire fighters
who, under the supervision of the director of the
department of natural resources or his designated
representative, assist in the prevention, confinement
and suppression of any forest fire.

The right to receive compensation under this chapter
shall not be affected by the fact that a minor is employed
or is permitted to be employed in violation of the laws of this state relating to the employment of minors, or that he obtained his employment by misrepresenting his age.

§23-2-1b. Special provisions as to premiums.

1 Every executive officer of an association or of a corporation defined as an employee elsewhere in this chapter and any member of a partnership or owner of a sole proprietorship which has elected coverage under this chapter for such member or owner shall pay premiums on each such person's annual income up to a maximum of fifteen thousand dollars per annum.

2 The premium and actual expenses in connection with governmental agencies and departments of the state of West Virginia shall be paid out of the state treasury from appropriations made for such agencies and departments, in the same manner as other disbursements are made by such agencies and departments.

3 County commissions, municipalities, other political subdivisions of the state, county boards of education, emergency service organizations organized as aforesaid and duly incorporated volunteer fire departments or companies shall provide for the funds to pay their prescribed premiums into the fund and such premiums and premiums of state agencies and departments, including county boards of education, shall be paid into the fund in the same manner as herein provided for other employers subject to this chapter.

4 County commissions and municipalities are hereby authorized to pay all or any part of the premiums prescribed for such emergency service organizations organized as aforesaid and such duly incorporated volunteer fire departments or companies as may provide services within the county or municipality.

§23-2-1c. Extraterritorial coverage.

1 (a) Whenever, with respect to an employee of an employer who is a subscriber in good standing to the workmen's compensation fund or an employer who has
elected to pay compensation directly, as provided in section nine of this article, there is a possibility of conflict with respect to the application of workmen's compensation laws because the contract of employment is entered into and all or some portion of the work is performed or is to be performed in a state or states other than this state, the employer and the employee may agree to be bound by the laws of this state or by the laws of such other state in which all or some portion of the work of the employee is to be performed. Such agreement shall be in writing and filed with the commissioner within ten days after execution thereof and shall remain in effect until terminated or modified by agreement of the parties similarly filed. If the parties agree to be bound by the laws of this state, an employee injured within the terms and provisions of this chapter shall be entitled to benefits under this chapter regardless of the situs of the injury or exposure to occupational pneumoconiosis or other occupational disease, and the rights of the employee and his dependents under the laws of this state shall be the exclusive remedy against the employer on account of injury, disease or death in the course of and as a result of the employment.

If the parties agree to be bound by the laws of another state and the employer has complied with the laws of that state, the rights of the employee and his dependents under the laws of that state shall be the exclusive remedy against the employer on account of injury, disease or death in the course of and as a result of the employment without regard to the situs of the injury or exposure to occupational pneumoconiosis or other occupational disease.

If the employee is a resident of a state other than this state and is subject to the terms and provisions of the workmen's compensation law or similar laws of a state other than this state, such employee and his dependents shall not be entitled to the benefits payable under this chapter on account of injury, disease or death in the course of and as a result of employment temporarily
within this state, and the rights of such employee and his dependents under the laws of such other state shall be the exclusive remedy against the employer on account of such injury, disease or death.

If any employee or his dependents be awarded workmen’s compensation benefits or recover damages from the employer under the laws of another state for an injury received in the course of and resulting from the employment, the amount so awarded or recovered, whether paid or to be paid in future installments, shall be credited against the amount of any benefits payable under this chapter for the same injury.

§23-2-10. Application of chapter to interstate commerce.

In case any employer within the meaning of this chapter is also engaged in interstate or foreign commerce, and for whom a rule of liability or method of compensation has been established by the Congress of the United States, this chapter shall apply to him only to the extent that his mutual connection with work in this state is clearly separable and distinguishable from his interstate work, and to the extent that such work in this state is clearly separable and distinguishable from his interstate work, such employer shall be subject to the terms and provisions of this chapter in like manner as all other employers hereunder. Payments of premiums shall be on the basis of the payroll of those employees who perform work in this state only.

Unless and until the Congress of the United States has by appropriate legislation established a rule of liability or method of compensation governing employers and employees engaged in commerce within the purview of the commerce clause of the United States Constitution (article 1, section 8), section one of this article shall apply without regard to the interstate or intrastate character or nature of the work or business engaged in.

ARTICLE 3. WORKMEN’S COMPENSATION FUND.

§23-3-2. Custody, investment and disbursement of fund.

§23-3-3. Investment of surplus funds required.
§23-3-2. Custody, investment and disbursement of fund.

The state treasurer shall be the custodian of the workmen's compensation fund and all premiums, deposits or other moneys paid thereto shall be deposited in the state treasury to the credit of the workmen's compensation fund in the manner prescribed in section five, article two of this chapter. The workmen's compensation fund shall consist of the premiums and deposits provided by this chapter and all interest accruing thereto upon investments and deposits in the state depositories, and any other moneys or funds which may be given, appropriated or otherwise designated or accruing thereto. Said fund shall be a separate and distinct fund and shall be so kept upon the books and records of the auditor and treasurer and the state depositories in which any part is deposited. Disbursements therefrom shall be made upon requisitions signed by the secretary and approved by the compensation commissioner.

The board of investments shall have authority to invest the surplus, reserve or other moneys belonging to the fund in the bonds of the United States, notes or bonds of this state, bridge revenue bonds of this state issued prior to January first, one thousand nine hundred thirty-nine, or any bonds issued to refund the same, bonds of any county, city, town, village or school district of the state. No such investment shall be made, nor any investment sold or otherwise disposed of without the concurrence of a majority of all members of the board of investments. It shall be the duty of every county, school district or municipality issuing any bonds, to offer the same in writing to the board of investments, prior to advertising the same for sale, and the board of investments shall, within fifteen days after receipt of such offer, accept the same and purchase such bonds, or any portion thereof at par and accrued interest, or reject such offer. All securities purchased by the board of investments for investment for the workmen's compensation fund shall be placed in the hands of the state treasurer as the custodian thereof, and it shall be his duty to keep and account for the same as he keeps and accounts for other securities of the state, and to collect the interest
thereon as the same becomes due and payable and the principal when the same is due. No notes, bonds or other securities shall be purchased by the board of investments until and unless the attorney general shall investigate the issuance of such notes, bonds or securities and shall give a written opinion to the board that the same have been regularly issued according to the constitution and the laws of this state, which opinion, if such notes, bonds or securities be purchased, shall be filed with the treasurer with such bonds or securities.

§23-3-3. Investment of surplus funds required.

Whenever there shall be in the state treasury any funds belonging to the workmen's compensation fund not likely, in the opinion of the commissioner, to be required for immediate use, it shall be the duty of the board of investments to invest the same as prescribed in the preceding section. Whenever it may become necessary or expedient to use any of the funds so invested, the board of investments, at the direction of the compensation commissioner, shall collect, sell or otherwise realize upon any investment to the amount deemed necessary or expedient to use.

ARTICLE 4. DISABILITY AND DEATH BENEFITS.

§23-4-1. To whom compensation fund disbursed; occupational pneumoconiosis and other occupational diseases included in "injury" and "personal injury"; definition of occupational pneumoconiosis and other occupational diseases.

§23-4-1b. Report of injuries by employers.

§23-4-1c. Payment of temporary total disability benefits directly to claimant; payments of benefits during protest; right of commissioner to collect payments improperly made.

§23-4-3. Schedule of maximum disbursements for medical, surgical, dental and hospital treatment; charges in excess of scheduled amounts not to be made; contract by employer with hospital, physician, etc., prohibited; penalties.

§23-4-4. Funeral expenses.

§23-4-6. Classification of disability benefits.

§23-4-8. Physical examination of claimant.

§23-4-9. Physical and vocational rehabilitation.

§23-4-10. Classification of death benefits; "dependent" defined.
§23-4-1. To whom compensation fund disbursed; occupational pneumoconiosis and other occupational diseases included in "injury" and "personal injury"; definition of occupational pneumoconiosis and other occupational diseases.

Subject to the provisions and limitations elsewhere in this chapter set forth, the commissioner shall disburse the workmen's compensation fund to the employees of employers subject to this chapter, which employees have received personal injuries in the course of and resulting from their covered employment or to the dependents, if any, of such employees in case death has ensued, according to the provisions hereinafter made; and also for the expenses of the administration of this chapter, as provided in section two, article one of this chapter.

For the purposes of this chapter the terms "injury" and "personal injury" shall include occupational pneumoconiosis and any other occupational disease, as hereinafter defined, and the commissioner shall likewise disburse the workmen's compensation fund to the employees of such employers in whose employment such employees have been exposed to the hazards of occupational pneumoconiosis or other occupational disease and in this state have contracted occupational pneumoconiosis or other occupational disease, or have suffered a perceptible aggravation of an existing pneumoconiosis or other occupational disease, or to the dependents, if any, of such employees, in case death has ensued, according to the provisions hereinafter made: Provided, That compensation shall not be payable for the disease of occupational pneumoconiosis, or death resulting therefrom, unless the employee has been exposed to the hazards of occupational pneumoconiosis in the state of West Virginia over a continuous period of not less than two years during the ten years immediately preceding the date of his last exposure to such hazards. An application for benefits on account of occupational pneumoconiosis shall set forth the name of the employer or employers and the time worked for each, and the commissioner may allocate to and divide any charges resulting from such claim among the employers.
by whom the claimant was employed for as much as sixty days during the period of three years immediately preceding the date of last exposure to the hazards of occupational pneumoconiosis. The allocation shall be based upon the time and degree of exposure with each employer.

For the purposes of this chapter disability or death resulting from occupational pneumoconiosis, as defined in the immediately succeeding sentence, shall be treated and compensated as an injury by accident.

Occupational pneumoconiosis is a disease of the lungs caused by the inhalation of minute particles of dust over a period of time due to causes and conditions arising out of and in the course of the employment. The term "occupational pneumoconiosis" shall include, but shall not be limited to, such diseases as silicosis, anthracosilicosis, coal worker's pneumoconiosis, commonly known as black lung or miner's asthma, silico-tuberculosis (silicosis accompanied by active tuberculosis of the lungs), coal worker's pneumoconiosis accompanied by active tuberculosis of the lungs, asbestosis, siderosis, anthrax and any and all other dust diseases of the lungs and conditions and diseases caused by occupational pneumoconiosis which are not specifically designated herein meeting the definition of occupational pneumoconiosis set forth in the immediately preceding sentence.

In determining the presence of occupational pneumoconiosis, x-ray evidence may be considered but shall not be accorded greater weight than any other type of evidence demonstrating occupational pneumoconiosis.

For the purposes of this chapter, occupational disease means a disease incurred in the course of and resulting from employment. No ordinary disease of life to which the general public is exposed outside of the employment shall be compensable except when it follows as an incident of occupational disease as defined in this chapter. Except in the case of occupational pneumoconiosis, a disease shall be deemed to have been incurred in the course of or to have resulted from the employment only if it is apparent to the rational mind, upon consideration
of all the circumstances (1) that there is a direct causal
connection between the conditions under which work is
performed and the occupational disease, (2) that it can
be seen to have followed as a natural incident of the work
as a result of the exposure occasioned by the nature of the
employment, (3) that it can be fairly traced to the em-
ployment as the proximate cause, (4) that it does not
come from a hazard to which workmen would have been
equally exposed outside of the employment, (5) that it is
incidental to the character of the business and not inde-
dependent of the relation of employer and employee, and
(6) that it must appear to have had its origin in a risk
connected with the employment and to have flowed from
that source as a natural consequence, though it need not
have been foreseen or expected before its contraction.

No award shall be made under the provisions of this
chapter for any occupational disease contracted prior to
the first day of July, one thousand nine hundred forty-
nine. An employee shall be deemed to have contracted an
occupational disease within the meaning of this para-
graph if the disease or condition has developed to such
extent that it can be diagnosed as an occupational
disease.

Claims for occupational disease as hereinbefore defined,
except occupational pneumoconiosis, shall be processed in
like manner as claims for all other personal injuries.

§23-4-1b. Report of injuries by employers.

1 It shall be the duty of every employer to report to the
commissioner every injury sustained by any person in
his employ. Such report shall be on forms prescribed by
the commissioner; and shall be made within five days of
the employer’s receipt of the employee’s notice of injury,
required by section one-a of this article, or within five
days after the employer has been notified by the com-
missioner that a claim for benefits has been filed on
account of such injury, whichever is sooner, and, not-
withstanding any other provision of this chapter to the
contrary, such five-day period may not be extended by
the commissioner, but the employer shall have the right
to file a supplemental report at a later date. The em-
player's report of injury shall include a statement as to
whether or not, on the basis of the information then
available, the employer disputes the compensability of
the injury or objects to the payment of temporary total
disability benefits in connection therewith. Such state-
ments by the employer shall not prejudice the employer's
right thereafter to contest the compensability of the in-
jury, or to object to any subsequent finding or award, in
accordance with article five of this chapter; but an em-
ployer's failure to make timely report of an injury as
required herein; or statements in such report to the
effect that the employer does not dispute the compensa-
bility of the injury or object to the payment of temporary
total disability benefits for such injury, shall be deemed
to be a waiver of the employer's right to object to any
interim payment of temporary total disability benefits
paid by the commissioner with respect to any period
from the date of injury to the date of the commissioner's
receipt of any objection made thereto by the employer.

§23-4-1c. Payment of temporary total disability benefits di-
rectly to claimant; payments of benefits during pro-
test; right of commissioner to collect payments
improperly made.

Upon a finding by the commissioner that a claimant
has sustained a compensable injury within the meaning
of section one of this article, and upon proof by proper
physician's report, or otherwise, that disability will last
longer than three days as provided in section five of this
article, the commissioner shall immediately commence
payment of temporary total disability benefits to the
claimant in the amounts provided for in sections six and
fourteen of this article, without waiting for the expiration
of the thirty-day period during which objections may be
filed to such findings as provided in section one, article
five of this chapter. The commissioner shall give immedi-
ate notice to the employer of his findings and of the com-
mencement of such payments.

The commissioner shall determine whether or not the
claimant has sustained a compensable injury within the
meaning of section one of this article, and shall commence
payment of temporary total disability benefits as provided herein within fifteen days of receipt of the employee's or employer's report of injury, whichever is received sooner, and receipt of either a proper physician's report or any other information necessary for a determination.

Where the employer is a subscriber to the workmen's compensation fund under the provisions of article three of this chapter, and upon the findings aforesaid, the commissioner shall mail all workmen's compensation checks paying temporary total disability benefits directly to the claimant and not to the employer for delivery to the claimant.

Where the employer has elected to carry his own risk under section nine, article two of this chapter, and upon the findings aforesaid, the commissioner shall immediately issue a pay order directing the employer to pay such amounts as are due the claimant for temporary total disability benefits. The self-insured employer shall commence such payments by mailing or delivering the payments directly to the employee within ten days of receiving the pay order. If the self-insured employer believes that his employee is entitled to benefits, he may start payments before receiving a pay order from the commissioner.

In the event that an employer files a timely objection to any finding or order of the commissioner, as provided in section one, article five of this chapter, with respect to the payment or continued payment of temporary total disability benefits, as provided herein, the commissioner shall continue to pay to the claimant such benefits during the period of such disability unless it is subsequently found by the commissioner that the claimant was not entitled to receive the temporary total disability benefits, or any part thereof, so paid, in which event the commissioner shall, where the employer is a subscriber to the fund, credit said employer's account with the amount of the overpayment; and, where the employer has elected to carry his own risk, the commissioner shall refund to such employer the amount of the overpayment. The amounts so credited to a subscriber or repaid to a self-
insurer shall be charged by the commissioner to the sur-
plus fund created by section one, article three of this
chapter. If the final decision in any case determines that
a claimant was not lawfully entitled to benefits paid to
him pursuant to a prior decision, such amount of benefits
so paid shall be deemed overpaid. The commissioner may
recover such amount by civil action or in any manner
provided in this code for the collection of past-due pay-
ment and shall withhold, in whole or in part, as de-
termined by the commissioner, any future benefits pay-
able to the individual and credit such amount against the
overpayment until it is repaid in full.

§23-4-3. Schedule of maximum disbursements for medical, sur-
gical, dental and hospital treatment; charges in ex-
cess of scheduled amounts not to be made; contract
by employer with hospital, physician, etc., pro-
hibited; penalties.

The commissioner shall establish, and alter from time
to time as he may determine to be appropriate a sched-
ule of the maximum reasonable amounts to be paid to
physicians, surgeons, hospitals or other persons, firms
or corporations for the rendering of treatment to in-
jured employees under this chapter.

The commissioner shall disburse and pay from the
fund for such personal injuries to such employees as
may be entitled thereto hereunder as follows:

(a) Such sums for medicines, medical, surgical, dental
and hospital treatment, crutches, artificial limbs and
such other and additional approved mechanical appli-
cances and devices, as may be reasonably required and
as are, in the case of medical, surgical, dental or hos-
pital treatment only, within the maximum amount pro-
vided for by schedule established by the commissioner
as aforesaid, but not as to any one injured em-
ployee in excess of seven thousand five hundred dol-
lars: Provided, That in special cases where the treat-
ment required, in the opinion of competent medical au-
thority, is such as to necessitate an expenditure in ex-
cess of said sum of seven thousand five hundred dol-
lars, the commissioner may pay out of any available funds such additional sum as may be necessary, but such additional sum shall not be charged to the account of the employer.

(b) Payment for such medicine, medical, surgical, dental and hospital treatment, crutches, artificial limbs and such other and additional approved mechanical appliances and devices authorized under subdivision (a) hereof may be made to the injured employee, or to the person, firm or corporation who or which has rendered such treatment or furnished any of the items specified above, or who has advanced payment for same, as the commissioner may deem proper, but no such payments or disbursements shall be made or awarded by him unless duly verified statements on forms prescribed by the commissioner shall be filed with the commissioner within one year after the cessation of such treatment or the delivery of such appliances: Provided, That no payment hereunder shall be made unless such verified statement shows no charge for or with respect to such treatment or for or with respect to any of the items specified above has been or will be made against the injured employee or any other person, firm or corporation, and when an employee covered under the provisions of this chapter is injured in the course of and as a result of his employment and is accepted for medical, surgical, dental or hospital treatment, the person, firm or corporation rendering such treatment is hereby prohibited from making any charge or charges therefor or with respect thereto against the injured employee or any other person, firm or corporation which would result in a total charge for the treatment rendered in excess of the maximum amount set forth therefor in the commissioner's schedule established as afore-said.

(c) No employer shall enter into any contracts with any hospital, its physicians, officers, agents or employees to render medical, dental or hospital service or to give medical or surgical attention therein to any employee for injury compensable within the purview of
this chapter, and no employer shall permit or require any employee to contribute, directly or indirectly, to any fund for the payment of such medical, surgical, dental or hospital service within such hospital for such compensable injury. Any employer violating this section shall be liable in damages to his employees as provided in section eight, article two of this chapter, and any employer or hospital or agent or employee thereof violating the provisions of this section shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one thousand dollars or undergo imprisonment not exceeding one year, or both.

(d) When an injury has been reported to the commissioner by the employer without protest, the commissioner may pay, or order an employer who or which made the election and who or which received the permission mentioned in section nine, article two of this chapter to pay, within the maximum amount provided by schedule established by the commissioner as aforesaid, bills for medical or hospital services without requiring the injured employee to file an application for benefits.

(e) The commissioner shall provide for the replacement of artificial limbs, crutches, hearing aids, eyeglasses and all other mechanical appliances provided in accordance with this section which later wear out, or which later need to be refitted because of the progression of the injury which caused the same to be originally furnished, or which are broken in the course of and as a result of the employee's employment. The fund or self-insured employer shall pay for these devices, when needed, notwithstanding any time limits provided by law.

§23-4-4. Funeral expenses.

In case the personal injury causes death, and disability is continuous from the date of such injury to date of death, reasonable funeral expenses, not to exceed fifteen hundred dollars, shall be paid from the fund, payment
5 to be made to the persons who have furnished the services
6 and supplies, or to the persons who have advanced pay-
7 ment for same, as the commissioner may deem proper,
8 in addition to such award as may be made to the em-
9 ployee's dependents.

§23-4-8. Classification of disability benefits.

1 Where compensation is due an employee under the
2 provisions of this chapter for personal injury, such com-
3 pensation shall be as provided in the following sched-
4 ule:

5 (a) The expressions "average weekly wage earnings,
6 wherever earned, of the injured employee, at the date
7 of injury" and "average weekly wage in West Virginia,"
8 as used in this chapter, shall have the meaning and shall
9 be computed as set forth in section fourteen of this
10 article.

11 (b) If the injury causes temporary total disability, the employee shall receive during the continuance there-
12 of weekly benefits as follows: A maximum weekly
13 benefit to be computed on the basis of sixty-six and two-
14 thirds percent of the average weekly earnings, wherever
15 earned, of the injured employee, at the date of injury, not to exceed the percentage of the average weekly wage
16 in West Virginia, as follows: On or after July one, one
17 thousand nine hundred sixty-nine, forty-five percent; on or after July one, one thousand nine hundred seventy,
18 fifty percent; on or after July one, one thousand nine
19 hundred seventy-one, fifty-five percent; on or after July
20 one, one thousand nine hundred seventy-three, sixty per-
21 cent; on or after July one, one thousand nine hundred
22 seventy-four, eighty percent; on or after July one, one
23 thousand nine hundred seventy-five, one hundred per-
24 cent.

25 The minimum weekly benefits paid hereunder shall not
26 be less than twenty-six dollars per week for injuries
27 occurring on or after July one, one thousand nine hun-
28 dred sixty-nine; not less than thirty-five dollars per
29 week for injuries occurring on or after July one, one
30 thousand nine hundred seventy-one; not less than forty
dollars per week for injuries occurring on or after July
one, one thousand nine hundred seventy-three and not
less than forty-five dollars per week for injuries oc-
curring on or after July one, one thousand nine hun-
dred seventy-four.

(c) Subdivision (b) shall be limited as follows: Ag-
gregate award for a single injury causing temporary
disability shall be for a period not exceeding two hun-
dred eight weeks.

(d) If the injury causes permanent total disability,
benefits shall be payable during the remainder of life
at the maximum or minimum weekly benefits as pro-
vided in subdivision (b) of this section for temporary
total disability. A permanent disability of eighty-five
percent or more shall be deemed a permanent total
disability for the purpose of this section.

(e) If the injury causes permanent disability less
than permanent total disability, the percentage of dis-
ability to total disability shall be determined and the
award computed on the basis of four weeks compen-
sation for each percent of disability determined, at the
following maximum or minimum benefit rates: Sixty-
six and two-thirds percent of the average weekly earn-
ings, wherever earned, of the injured employee, at the
date of injury, not to exceed the percentage of the
average weekly wage in West Virginia, as follows: On
or after July one, one thousand nine hundred sixty-
nine, forty-five percent; on or after July one, one thou-
sand nine hundred seventy, fifty percent; on or after
July one, one thousand nine hundred seventy-one, fifty-
five percent; on or after July one, one thousand nine
hundred seventy-three, sixty percent; on or after July
one, one thousand nine hundred seventy-five, sixty-six
and two-thirds percent.

The minimum weekly benefit under this subdivision
shall be as provided in subdivision (b) of this section
for temporary total disability.

(f) If the injury results in the total loss by sever-
ance of any of the members named in this subdivision,
the percentage of disability shall be determined by the commissioner, with the following table establishing the minimum percentage of disability. In determining the percentage of disability, the commissioner may be guided by but shall not be limited to the disabilities enumerated in the following table, and in no event shall the disability be less than that specified in the following table:

- The loss of a great toe shall be considered a ten percent disability.
- The loss of a great toe (one phalanx) shall be considered a five percent disability.
- The loss of other toes shall be considered a four percent disability.
- The loss of other toes (one phalanx) shall be considered a two percent disability.
- The loss of all toes shall be considered a twenty-five percent disability.
- The loss of forepart of foot shall be considered a thirty percent disability.
- The loss of foot shall be considered a thirty-five percent disability.
- The loss of a leg shall be considered a forty-five percent disability.
- The loss of thigh shall be considered a sixty percent disability.
- The loss of thigh at hip joint shall be considered a sixty percent disability.
- The loss of a little or fourth finger (one phalanx) shall be considered a three percent disability.
- The loss of little or fourth finger shall be considered a five percent disability.
- The loss of ring or third finger (one phalanx) shall be considered a three percent disability.
- The loss of ring or third finger shall be considered a five percent disability.
The loss of middle or second finger (one phalanx) shall be considered a three percent disability.

The loss of middle or second finger shall be considered a seven percent disability.

The loss of index or first finger (one phalanx) shall be considered a six percent disability.

The loss of index or first finger shall be considered a ten percent disability.

The loss of thumb (one phalanx) shall be considered a twelve percent disability.

The loss of thumb shall be considered a twenty percent disability.

The loss of thumb and index finger shall be considered a thirty-two percent disability.

The loss of index and middle finger shall be considered a twenty percent disability.

The loss of middle and ring finger shall be considered a fifteen percent disability.

The loss of ring and little finger shall be considered a ten percent disability.

The loss of thumb, index and middle finger shall be considered a forty percent disability.

The loss of index, middle and ring finger shall be considered a thirty percent disability.

The loss of middle, ring and little finger shall be considered a twenty percent disability.

The loss of four fingers shall be considered a thirty-two percent disability.

The loss of hand shall be considered a fifty percent disability.

The loss of forearm shall be considered a fifty-five percent disability.

The loss of arm shall be considered a sixty percent disability.

The total and irrecoverable loss of the sight of one
eye shall be considered a thirty-three percent disability. For the partial loss of vision in one, or both eyes, the percentage of disability shall be determined by the commissioner, using as a basis the total loss of one eye.

The total and irrecoverable loss of the hearing of one ear shall be considered a fifteen percent disability, and the injured employee shall be entitled to compensation for a period of sixty weeks. The total and irrecoverable loss of hearing of both ears shall be considered a forty-five percent disability, and the injured employee shall be entitled to compensation for a period of one hundred eighty weeks.

For the partial loss of hearing in one, or both ears, the percentage of disability shall be determined by the commissioner, using as a basis the total loss of hearing in both ears.

Should a claimant sustain a compensable injury which results in the total loss by severance of any of the bodily members named in this subdivision, die from sickness or noncompensable injury before the commissioner makes the proper award for such injury, the commissioner shall make such award to claimant's dependents as defined in this chapter, if any; such payment to be made in the same installments that would have been paid to claimant if living: Provided, That no payment shall be made to any widow of such claimant after her remarriage, and that this liability shall not accrue to the estate of such claimant and shall not be subject to any debts of, or charges against, such estate.

(g) Should a claimant to whom has been made a permanent partial award of from one percent to eighty-four percent, both inclusive, die from sickness or non-compensable injury, the unpaid balance of such award shall be paid to claimant's dependents as defined in this chapter, if any; such payment to be made in the same installments that would have been paid to claimant if living: Provided, That no payment shall be made to any widow of such claimant after her remarriage, and
that this liability shall not accrue to the estate of such
claimant and shall not be subject to any debts of, or
charges against, such estate.

(h) For the purpose of the immediately preceding
paragraph, a finding of the occupational pneumoconiosis
board shall have the force and effect of an award.

(i) The award for permanent disabilities intermediate
to those fixed by the foregoing schedule and per-
manent disability of from one percent to eighty-
four percent shall be the same proportion and shall
be computed and allowed by the commissioner.

(j) The percentage of all permanent disabilities
other than those enumerated in subdivision (f) of this
section shall be determined by the commissioner, and
awards made in accordance with the provisions of sub-
division (d) or (e) of this section. Where there has
been an injury to a member as distinguished from total
loss by severance of that member, the commissioner in
determining the percentage of disability may be guided
by but shall not be limited to the disabilities enumerated
in subdivision (f) of this section.

(k) Compensation payable under any subdivision of
this section shall not exceed the maximum nor be less
than the weekly benefits specified in subdivision (b) of
this section.

(l) Temporary total disability benefits payable under
subdivision (b) of this section shall not be deductible
from permanent partial disability awards payable un-
der subdivision (e) or (f) of this section. Compensa-
tion, either total temporary or permanent partial, un-
der this section shall be payable only to the injured
employee and the right thereto shall not vest in his
or her estate, except that any unpaid compensation which
would have been paid or payable to the employee up
to the time of his death, if he had lived, shall be paid
to the dependents of such injured employee if there be
such dependents at the time of death.

(m) The following permanent disabilities shall be
conclusively presumed to be total in character:
222 Loss of both eyes or the sight thereof.
223 Loss of both hands or the use thereof.
224 Loss of both feet or the use thereof.
225 Loss of one hand and one foot or the use thereof.
226 In all other cases permanent disability shall be determined by the commissioner in accordance with the facts in the case, and award made in accordance with the provisions of subdivision (d) or (e).
230 (n) A disability which renders the injured employee unable to engage in substantial gainful activity requiring skills or abilities comparable to those of any gainful activity in which he has previously engaged with some regularity and over a substantial period of time shall be considered in determining the issue of total disability.

§23-4-8. Physical examination of claimant.

1 The commissioner shall have authority, after due notice to the employer and claimant, whenever in his opinion it shall be necessary, to order a claimant of compensation for a personal injury other than occupational pneumoconiosis to appear for examination before a medical examiner or examiners selected by the commissioner; and the claimant and employer, respectively, shall each have the right to select a physician of his or its own choosing and at his or its own expense to participate in such examination. The claimant and employer shall, respectively, be furnished with a copy of the report of examination made by the medical examiner or examiners selected by the commissioner. The respective physicians selected by the claimant and employer shall have the right to concur in any report made by the medical examiner or examiners selected by the commissioner, or each may file with the commissioner a separate report, which separate report shall be considered by the commissioner in passing upon the claim. If the compensation claimed is for occupational pneumoconiosis, the commissioner shall have the power, after due notice to the employer, and whenever in his opinion it shall be necessary
to order a claimant to appear for examination before the
occupational pneumoconiosis board hereinafter provided.
In any case the claimant shall be entitled to reimburse-
ment for loss of wages, and to reasonable traveling and
other expenses necessarily incurred by him in obeying
such order.

Where the claimant is required to undergo a medical
examination or examinations by a physician or physicians
selected by the employer, as aforesaid or in connection
with any claim which is in litigation, the employer shall
reimburse the claimant for loss of wages, and reasonable
traveling and other expenses in connection with such
examination or examinations, not to exceed the expenses
paid when a claimant is examined by a physician or
physicians selected by the commissioner.

§23-4-9. Physical and vocational rehabilitation.

In cases where an employee has sustained a permanent
disability, or has sustained injuries likely to result in
permanent disability, and such fact has been determined
by the commissioner, and the employee can be physically
and vocationally rehabilitated and returned to remuner-
ative employment by vocational training, by the use of
crutches, artificial limbs, or other approved mechanical
appliances, or by medicines, medical, surgical, dental or
hospital treatment, the commissioner shall forthwith,
after due notice to the employer, expend such an amount
as may be necessary for the aforesaid purposes: Pro-
vided, That such expenditure for vocational rehabilitation
shall not exceed four thousand dollars for any one injured
employee: Provided, however, That no payment shall be
made for such purposes as provided by this section unless
authorized by the commissioner prior to the rendering of
such physical or vocational rehabilitation.

In every case in which the commissioner shall order
physical or vocational rehabilitation of a claimant as
provided herein, the claimant shall, during the time he is
receiving any vocational rehabilitation or rehabilitative
treatment that renders him totally disabled during the
period thereof, be compensated on a temporary total
disability basis for such period, unless he is being paid compensation under an award granted prior to the time such rehabilitation is authorized by the commissioner.

§23-4-10. Classification of death benefits; “dependent” defined.

In case a personal injury, other than occupational pneumoconiosis or other occupational disease, suffered by an employee in the course of and resulting from his employment, causes death and disability is continuous from date of such injury until date of death, or if death results from occupational pneumoconiosis or from any other occupational disease, the benefits shall be in the amounts and to the persons as follows:

(a) If there be no dependents, the disbursements shall be limited to the expense provided for in sections three and four of this article.

(b) If there be dependents as defined in subdivision (d) of this section, such dependents shall be paid for as long as their dependency shall continue in the same amount as was paid or would have been paid the deceased employee for total disability had he lived. The order of preference of payment and length of dependence shall be as follows:

(1) A dependent widow or widower until death or remarriage of such widow or widower, and any child or children dependent upon the decedent until each such child shall reach eighteen years of age or where such child after reaching eighteen years of age continues as a full-time student in an accredited high school, college, university, business or trade school, until such child reaches the age of twenty-three years or if an invalid child to continue as long as such child remains an invalid. All such persons shall be jointly entitled to the amount of benefits payable as a result of employee’s death.

(2) A wholly dependent father or mother until death.

(3) Any other wholly dependent person for a period of six years after the death of the deceased employee.
(c) If the deceased employee leaves no wholly dependent person, but there are partially dependent persons at the time of death, the payment shall be fifty dollars a month, to continue for such portion of the period of six years after the death, as the commissioner may determine, but no such partially dependent person shall receive compensation payments as a result of the death of more than one employee.

Compensation under subdivisions (b) and (c) hereof shall, except as may be specifically provided to the contrary therein, cease upon the death of the dependent, and the right thereto shall not vest in his or her estate.

(d) Dependent, as used in this chapter, shall mean a widow, widower, child under eighteen years of age, or under twenty-three years of age when a full-time student as provided herein, invalid child or posthumous child, who, at the time of the injury causing death, is dependent in whole or part for his or her support upon the earnings of the employee, stepchild under eighteen years of age, or under twenty-three years of age when a full-time student as provided herein, child under eighteen years of age legally adopted prior to the injury causing death, or under twenty-three years of age when a full-time student as provided herein, father, mother, grandfather or grandmother, who at the time of the injury causing death, is dependent in whole or in part for his or her support upon the earnings of the employee; and invalid brother or sister wholly dependent for his or her support upon the earnings of the employee at the time of the injury causing death.

ARTICLE 5. REVIEW.


§23-5-3b. Disqualification of board members.

§23-5-5. Fees of attorney for claimant; unlawful charging or receiving of attorney fees.


1 There shall be a board to be known as the "Workmen's Compensation Appeal Board", which shall be referred to in this article as the "board", to be composed of three members.
Two members of such board shall be of opposite politics to the third, and all three shall be citizens of this state who have resided therein for a period of at least five years. All members of the board shall be appointed by the governor for a term of six years. The governor is hereby vested with the power to remove any member of the board in accordance with the provisions of section four, article six, chapter six of this code. The members of the board shall receive an annual salary in accordance with the provisions of section two-a, article seven, chapter six of this code, payable in monthly installments, and shall also be entitled to all reasonable and necessary traveling and other expenses actually incurred while engaged in the performance of their duties. The governor shall designate one of the members of the board as chairman thereof, and the board shall meet at the capitol or at such other places throughout the state as it may deem proper at regular sessions commencing on the first Tuesday in February, April, June, August, October and December, and continuing as long as may be necessary for the proper and expeditious transaction of the business before it. All clerical services required by the board shall be paid for by the compensation commissioner from any funds at his disposal. The board shall, from time to time, compile and promulgate such rules of practice and procedure as to it shall appear proper for the prompt and efficient discharge of its business and such rules shall be submitted to the supreme court of appeals for approval, and if approved by such court shall have the same force and effect as the approved rules of procedure of circuit courts. The board shall employ such clerical staff as may be necessary for the efficient conduct of its business but the number of such employees shall not exceed two. Salaries of the board, and its employees, and all of its necessary operating expense shall be paid from the workmen's compensation fund. The board shall submit its annual budget to the state compensation commissioner for inclusion as a separate item in the budget estimates prepared by him annually and within the limits of such budget, all expenses
of the board shall be by the requisition of the commis-
sioner. Salaries of the employees of the board shall be
fixed by the board.

§23-5-3b. Disqualification of board members.

In any appeal wherein a board member is a party, or
is interested in the results thereof otherwise than as a
general subscriber to the compensation fund, or he is
connected with a contributor therein, or is a beneficiary
therein, or is connected with a beneficiary therein, he
shall be disqualified from participating in the hearing
and determination of such appeal.

§23-5-5. Fees of attorney for claimant; unlawful charging or
receiving of attorney fees.

On or after the first day of July, one thousand nine
hundred seventy-five, no attorney's fee in excess of twenty
percent of any award granted shall be charged or re-
ceived by an attorney for a claimant or dependent. In
no case shall the fee received by the attorney of such
claimant or dependent be in excess of twenty percent
of the benefits to be paid during a period of two hundred
eight weeks. This section shall not apply to any contract
for legal services made prior to the first day of July, one
thousand nine hundred seventy-five: Provided, That the
interest on disability or dependent benefits as provided
for in this chapter shall not be considered as part of the
award in determining any such attorney's fee. How-
ever, any contract entered into in excess of twenty
percent of the benefits to be paid during a period of two
hundred eight weeks, as herein provided, shall be unlaw-
ful and unenforceable as contrary to the public policy
of this state and any fee charged or received by an at-
torney in violation thereof shall be deemed an unlawful
practice and render the attorney subject to disciplinary
action.
AN ACT authorizing the county commission of Marshall county to create a Marshall county activities authority; providing for the purposes of the authority; providing for management and control to be vested in the board; providing for the appointment and terms of members and the appointment for vacancies and removal of members of the board; relating to the call of meetings and the determination of a quorum; providing for the payment of expenses; providing that the authority be a public corporation; providing powers of the board to make general administrative rules and to enter into contracts and hire employees; providing for the receipt of grants in aid and other sources of income; providing for the purchase, sale and disposal of personal and real property; providing for the borrowing of money and security therefor; providing for the issuance of bonds; providing an exemption from taxes; providing for the disposition of surplus; providing for contributions to the authority and publication of an annual report; providing for the dissolution of the authority; relating to liberal construction of the act; and providing a severability clause.

Be it enacted by the Legislature of West Virginia:

MARSHALL COUNTY ACTIVITIES DEVELOPMENT AUTHORITY.

§ 1. County commission authorized to create; name.
§ 2. Purposes.
§ 3. Management and control vested in board; appointment and terms of members; vacancies; removal of members; meetings; quorum.
§ 4. Payment of expenses of members.
§ 5. Authority to be a public corporation.
§ 7. Indebtedness of the authority.
§ 9. Property, bonds and obligations of authority exempt from taxation.
§ 10. County commission authorized to convey properties and facilities to the authority.
§ 11. Disposition of surplus of authority.
§1. County commission authorized to create; name.

The county commission of Marshall county is hereby authorized to create and establish a public agency to be known as the “Marshall county activities development authority” (hereinafter called the authority) to develop the real property conveyed to the county commission of Marshall county by chapter ninety-four, acts of the Legislature, regular session, one thousand nine hundred seventy-four, consistent with the purposes hereinafter set forth.

§2. Purposes.

The purposes for which the authority is created are to promote, develop and advance activities of a social, recreational, business, cultural, educational or agricultural nature for the citizens of Marshall county. The authority is hereby authorized and empowered to acquire, equip, construct, improve, maintain and operate meeting or activities facilities and Four-H club camps with all usual and convenient appurtenances, including but not limited to recreational facilities. Such operation may be managed directly or on a concession basis. The authority may engage in any activity that is necessary or convenient, customary or desirable, and related or incidental to such activities facility or Four-H camp.

§3. Management and control vested in board; appointment and terms of members; vacancies; removal of members; meetings; quorum.

The management and control of the authority, its property, operations, business and affairs shall be lodged in a board of seven persons who shall be known as “members of the authority,” each of whom shall be appointed for a term of three years, except that as to the first seven appointed to the first board appointed, the terms of two members shall expire on the first day of...
July next ensuing, the terms of the next two members shall expire on the first day of July two years thereafter, and the term of three members shall expire on the first day of July three years thereafter. Each member shall hold office until the expiration of the term for which such member is appointed or until a successor shall have been duly appointed and shall have qualified. Vacancies on the board shall be filled by appointment by the county commission for the unexpired term of the member whose office shall be vacant.

Each member of the board shall be a citizen of the United States and a resident of Marshall county: Provided, however, That at least two members of the board shall be members of the Marshall county Four-H leader's organization and at least one member of the board shall be a member of a Marshall county home demonstration club.

The county commission may at any time remove any member of the board by an order duly entered of record and may appoint a successor.

The board shall elect from its membership a president and a secretary who shall serve at the will and pleasure of the board. The majority of the board shall constitute a quorum, and meetings shall be held at the call of the president or upon request of two members at such time and place as designated in such call or request.

§4. Payment of expenses of members.

No member of the board of the authority shall receive any compensation, whether in form of salary, per diem allowances or otherwise, for or in connection with his services as member. Each member shall, however, be entitled to reimbursement by the authority for any necessary expenditures in connection with the performance of his general duties as such member.

§5. Authority to be a public corporation.

The authority when created, and the members thereof, shall constitute and be a public corporation under the name of "Marshall county activities development author-
"ity" and as such shall have perpetual succession, may contract and be contracted with, sue and be sued, plead and be impleaded and have and use a common seal.


1. The authority is hereby given power and authority as follows:

2. (1) To make and adopt all necessary bylaws, rules and regulations for its organization and operations not inconsistent with law.

3. (2) To elect its own officers, to appoint committees and to employ and fix the compensation for personnel necessary for its operation.

4. (3) To enter into contracts with any person, governmental department, firm or corporation, including both public and private corporations, and generally to do any and all things necessary or convenient for the purpose of acquiring, equipping, constructing, maintaining, improving, extending, financing and operating Four-H camps and recreational facilities and all usual and convenient appurtenant activities and facilities in Marshall county, West Virginia, including but not limited to those enumerated in section two hereof.

5. (4) To delegate any authority given to it by law to any of its officers, committees, agents or employees.

6. (5) To apply for, receive and use grants in aid, donations and contributions from any source or sources, including but not limited to the federal government and any agency thereof, and the state of West Virginia, and to accept and use bequests, devises, gifts and donations from any person, firm or corporation.

7. (6) To acquire lands and hold title thereto in its own name.

8. (7) To purchase, own, hold, sell and dispose of personal property and to sell, lease or otherwise dispose of any real estate which it may own.

9. (8) To raise funds by the issuance and sale of revenue bonds in the manner provided by the applicable provisions of article sixteen, chapter eight of this code.
To expend its funds in the execution of the powers and authority herein given, which expenditures, by the means authorized herein, are hereby determined and declared as a matter of legislative finding to be for a public purpose and use, in the public interest, and for the general welfare of the people of West Virginia.

§7. Indebtedness of the authority.

The authority may incur any proper indebtedness and issue any obligations and give any security therefor which it may deem necessary or advisable in connection with carrying out its purposes as hereinbefore mentioned. No statutory limitation with respect to the nature or amount of indebtedness which may be incurred by municipalities or other public bodies shall apply to indebtedness of the authority. No indebtedness of any nature of the authority shall constitute an indebtedness of the county commission of Marshall county. No obligation incurred by the authority shall give any right against any member of the county commission of Marshall county. The rights of creditors of the authority shall be solely against the authority as a corporate body and shall be satisfied only out of property held by it in its corporate capacity.


The authority may, in connection with obtaining funds for its purposes, enter into any agreement with any person, firm or corporation, including any federal, state or local government, or any agency or subdivision thereof, containing such provisions, covenants, terms and conditions as the authority may deem advisable.

§9. Property, bonds and obligations of authority exempt from taxation.

The authority shall be exempt from the payment of any taxes or fees to the state or any subdivisions thereof or to any officer or employee of the state or of any subdivisions thereof. The property of the authority shall be exempt from all local and municipal taxes. Bonds, notes, debentures and other evidence of indebtedness of the authority are declared to be issued for a public pur-
§10. County commission authorized to convey properties and facilities to the authority.

The county commission of Marshall county is hereby authorized to convey to the authority property owned by the county of Marshall, together with all the appurtenances and facilities therewith, such conveyance to be without consideration or for such price and upon such terms and conditions as the county commission of Marshall county shall deem proper.

§11. Disposition of surplus of authority.

If the authority should realize a surplus, whether from operating the property or leasing it for operation, over and above the amount required for the maintenance, improvement and operation thereof and for meeting all required payments on its obligations, it shall set aside such reserve for future operations, improvements and contingencies as it shall deem proper and shall then apply the residue of such surplus, if any, to the payment of any recognized and established obligations not then due; and after all such recognized and established obligations have been paid off and discharged in full, the authority shall, at the end of each fiscal year, set aside the reserve for future operations, improvements and contingencies, as aforesaid, and then pay the residue of such surplus, if any, to the county commission of Marshall county to be used by said county commission for general county purposes.

§12. Contributions to authority; funds and accounts; publication of annual report.

Contributions may be made to the authority from time to time by the county commission of Marshall county or by any persons, firms or corporations that shall desire so to do. All such funds and all other funds received by the authority shall be deposited in such bank or banks as the authority may direct and shall be withdrawn therefrom in such manner as the authority may direct. The authority shall keep strict account of all its receipts and expendi-
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9  tures and shall each quarter make a report to the county
10  commission of Marshall county containing an itemized
11  account of its receipts and disbursements during the pre-
12  ceding quarter. Such report shall be made within sixty
13  days after the termination of the quarter. Within sixty
14  days after the end of each fiscal year, the authority shall
15  make an annual report containing an itemized statement
16  of its receipts and disbursements for the preceding year
17  and such annual report shall be published once a week
18  for two successive weeks in two newspapers of opposite
19  politics published in Marshall county, West Virginia, and
20  of general circulation in Marshall county, West Virginia,
21  if there be two such papers, or otherwise in any news-
22  paper of general circulation in said county. The books,
23  records and accounts of the authority shall be subject to
24  audit and examination by the office of the state tax com-
25  missioner of West Virginia and by any other proper public
26  official or body in the manner provided by law.


1  The authority may at any time pay off and discharge in
2  full all of its indebtedness, obligations and liabilities,
3  convey its properties, appurtenances and facilities to the
4  county commission of Marshall county and be dissolved.
5  Before making such conveyance of its properties, the
6  authority shall first publish notice of its intention so to
7  do and of its intention to be dissolved, once a week for
8  four successive weeks in two newspapers of opposite
9  politics published in, and of general circulation in Mar-
10  shall county, West Virginia, if there be two such papers,
11  or otherwise in any newspaper of general circulation in
12  said county. Certificates from the publishers of the papers
13  or paper showing such publication shall be filed with the
14  county commission of Marshall county on or before the
15  deed conveying said properties is delivered. Any funds
16  remaining in the hands of the authority at the time of the
17  conveyance of said properties shall be by the authority
18  paid over to the county commission of Marshall county
19  to be used by it for purposes in connection with said
20  properties. Upon the payment of its indebtedness, obli-
21  gations and liabilities, the publishing of the notices afore-
said, the conveyance of its properties and the paying over to the county commission of Marshall county of any funds remaining in its hands, the authority shall cause a certificate showing its dissolution to be executed under its name and seal and to be recorded in the office of the clerk of the county commission of Marshall county and thereupon its dissolution shall be complete.

§14. **Liberal construction of act.**

1 It is the purpose of this act to provide for the acquisition, construction, improvement, extension, maintenance and operation of a Four-H camp or camps and recreational facilities and appurtenant facilities in a prudent and economical manner, and this act shall be liberally construed as giving to the authority full and complete power reasonably required to give effect to the purposes hereof. The provisions of this act are in addition to and not in derogation of any power existing in the board of education and the county commission of Marshall county under any constitutional or statutory provisions which they may now have, or may hereafter acquire.

§15. **Provisions severable.**

1 The several sections and provisions of this act are severable, and if any section or provision hereof shall be held unconstitutional, all the remaining sections and provisions of this act shall nevertheless remain valid.

CHAPTER 217

(H. B. 1083—By Mr. Moyle and Mr. Otte)

[Passed March 7, 1975; in effect July 1, 1975. Approved by the Governor.]

AN ACT to amend and reenact chapter two hundred, acts of the Legislature, regular session, one thousand nine hundred fifty-five; as last amended by chapter eighty-five, acts of the Legislature, regular session, one thousand nine hundred seventy, relating to
the authority of the county commission of the County of Ohio to use all or part of debt levies, not required for bonded indebtedness, for the purpose of the construction, equipment and maintenance of an airport, and for the construction, equipment and maintenance of any county building.

Be it enacted by the Legislature of West Virginia:

That chapter two hundred, acts of the Legislature, regular session, one thousand nine hundred fifty-five, as last amended and reenacted by chapter eighty-five, acts of the Legislature, regular session, one thousand nine hundred seventy, be amended and reenacted to read as follows:

**OHIO COUNTY AIRPORT AND COUNTY BUILDINGS.**

§1. The county commission of the County of Ohio authorized to lay an additional levy, and to use proceeds therefrom for construction and maintenance of an airport and county buildings.

§2. Inconsistent acts repealed.

§1. The county commission of the County of Ohio authorized to lay an additional levy, and to use proceeds therefrom for construction and maintenance of an airport and county buildings.

For a period of five years commencing with the fiscal year one thousand nine hundred seventy-five— one thousand nine hundred seventy-six, in addition to the levies heretofore authorized to be laid by the county commission for general county current expense, and for the payment of interest and sinking fund requirements on bonded indebtedness incurred subsequent to the passage of the tax levy limitation amendment, the county commission of the County of Ohio is hereby authorized and empowered to lay such an additional levy as may not be required for bonded indebtedness, on all of the property in Ohio County, but not to exceed four and nine-tenths cents on each one hundred dollars' assessed valuation on Class I property; nine and eight-tenths cents on Class II property; and nineteen and six-tenths cents on Classes III and IV property. The proceeds of said levy shall be placed in a separate fund designated "public improvement fund", to be used solely for the construction, equipment, and maintenance of an airport, and for the construction, equipment and maintenance of any county building.
§2. Inconsistent acts repealed.

All acts and parts of acts inconsistent or in conflict herewith, insofar as the same may be applicable to the County of Ohio, or the said county commission of the County of Ohio, are hereby repealed.

CHAPTER 218
(S. B. 167—By Mr. Gilligan)

[Passed March 7, 1975; in effect from passage. Approved by the Governor.]

AN ACT to authorize and empower the Tyler County board of education to transfer a certain parcel of real estate, located in Tyler County and owned by that county, to the Middle Island Health Service, Inc.

Be it enacted by the Legislature of West Virginia:

MIDDLE ISLAND HEALTH SERVICE, INC.

§1. Tyler county board of education authorized to transfer certain land to the Middle Island Health Service, Inc.

The Tyler County board of education is hereby authorized and empowered to transfer to the Middle Island Health Service, Inc., a tract of land, together with the improvements thereon and the appurtenances thereunto belonging, owned by the Tyler County board of education, consisting of one acre, more or less, to be used as the site of a health services clinic.
RESOLUTIONS

CONCURRENT RESOLUTIONS
(Only resolutions of general interest are included herein)

Authorizing and continuing legislative interim studies:

(Since these resolutions take the same general form, they are listed herein by number showing the subject of studies authorized thereby. They may be found in the House and Senate Journals of the session, and are indexed in the Journals under tabular indices of House and Senate Concurrent Resolutions.)

House Concurrent


54. Minor judiciary system.

Senate Concurrent

24. Health and social service departments of state government.

HOUSE CONCURRENT RESOLUTION NO. 7
(By Mr. Burke and Mr. Terry)
[Adopted March 8, 1975]

Directing that capital improvement projects at state institutional farms, except for necessary health and safety projects, be delayed until April 1, 1976, when the Legislature shall have had an opportunity to act on the report of its study of such farms.

WHEREAS, The Subcommittee on Institutional Farms has determined that the management and operation of state institutional farms are not satisfactory and that all state farms should be placed under central management; and

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WHEREAS, The Subcommittee has obtained assistance from the State Department of Agriculture and West Virginia University's School of Agriculture and Forestry to examine each institutional farm in an effort to determine the most economically feasible use of each state farm; and

WHEREAS, Planned and proposed capital improvement projects at these farms may be unusable under this proposed reorganization of the state farms; therefore, be it

Resolved by the Legislature of West Virginia:

That the Governor, the Commissioner of Public Institutions, the Director of the Department of Mental Health and the superintendents and business managers of state institutions with farming operations are hereby directed to delay capital improvement projects, except for necessary health and safety improvements, at state institutional farms until the first day of April, 1976, when the Legislature shall have had an opportunity to act on the report of its study of such farms; and, be it

Further Resolved, That the Clerk of the House of Delegates is hereby directed to forward a copy of this resolution to the Governor, the Commissioner of Public Institutions, the Director of the Department of Mental Health and the superintendents and business managers of state institutions with farming operations.

HOUSE CONCURRENT RESOLUTION NO. 12
(By Mrs. Pitsenberger and Mr. Sommerville)
[ Adopted March 8, 1975]

Requesting that the Congress of the United States enact legislation to provide for payments to compensate county governments for the tax immunity of federal lands within their boundaries.

WHEREAS, Many counties in Appalachia have lost a large part of their tax base because of acquisition by the federal government of land lying therein; and

WHEREAS, Federal law is needed to equitably compensate the areas affected through federal grants or revenue sharing; and
WHEREAS, H. R. 12225 was introduced in the House of Representa­tives on January 24, 1974, and S. 2912 was introduced in the Senate of the United States on January 29, 1974, both of which were directed at the problem; and

WHEREAS, Counties affected should be compensated by means of a federal grant or through a clause to be added to the federal revenue sharing formula which would provide for payment to the counties an amount which would be equal to the amount which would be collected by them if the federally owned lands were taxed by the counties upon a value established by the state taxing authority, applying a rate thereto which would be the average tax rate upon lands in the counties affected.

WHEREAS, There is yet no federal law enacted to compensate the states for the loss of revenue brought about by this acquisition of land by the federal government; therefore, be it

Resolved by the Legislature of West Virginia:

That the Congress of the United States is hereby requested to enact legislation to provide for payments to compensate county governments for the tax immunity of federal lands within their boundaries; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to each member of the West Virginia delega­tion in the Congress of the United States.

HOUSE CONCURRENT RESOLUTION NO. 18
(By Mr. Allen and Mr. Wright)
[Adopted February 3, 1975]

Memorializing the President, the Department of Agriculture and West Virginia Congressional delegation to withdraw Food Stamp Regulation No. 1975-1.2.

WHEREAS, The administration in Washington through the Department of Agriculture has proposed Regulation Amendment Notice FSD No. 1975-1.2 to take effect March 1, 1975; and

WHEREAS, This amendment will result in a significant change in the Federal Food Stamp Program by requiring all eligible
recipients to pay a flat thirty percent of their net incomes in order to purchase food stamps; and

WHEREAS, Such a change will force almost ninety-five percent of all food stamp recipients to pay more for the same amount of stamps; and

WHEREAS, Those people most adversely affected will be families with net monthly incomes of less than $100 and elderly households of one or two people, particularly recipients of the Supplemental Security Income (SSI) Program; and

WHEREAS, All single person households with net incomes above $154 will be effectively eliminated from the Food Stamp Program; and

WHEREAS, Some persons living below the poverty level will be denied food stamps; and

WHEREAS, This amendment will reduce the current Food Stamp Program by $325,000,000; and

WHEREAS, Unemployment, which rises fastest for those with the lowest incomes, was seven and one-half percent at the end of December in West Virginia and is projected to rise in the succeeding months; and

WHEREAS, Given West Virginia’s economic condition, twenty percent of the State’s population is eligible for food stamps and it is projected that twenty-five percent of West Virginia’s population will be eligible by the end of 1975; and

WHEREAS, Food prices are expected to rise by another fifteen to twenty percent in 1975, thereby further devaluing food stamps; and

WHEREAS, The Federal Government and the Ford administration should be employing the Food Stamp Program as a cushion for financially depressed Americans; and

WHEREAS, The increasing desperate economic conditions of our country do not justify making low income and unemployed people sacrifice beyond their abilities; therefore, be it

Resolved by the Legislature of West Virginia:

That we, the 62nd West Virginia Legislature, respectfully oppose the implementation of Regulation Amendment Notice FSP No.
1975-1.2 and firmly recommend and urge the U. S. Department of Agriculture to reconsider its proposed action and withdraw the amendment prior to its effective date of March 1, 1975; and, be it

Further Resolved, That suitable copies of this resolution be transmitted immediately to the Honorable Gerald Ford, President of the United States, to Earl Butz, Secretary of the U. S. Department of Agriculture, to P. Royal Shipp, Food Stamp Division, Food and Nutrition Services, USDA, Washington, D. C. and to all members of the West Virginia congressional delegation.

HOUSE CONCURRENT RESOLUTION NO. 57
(By Mr. Tonkovich and Mr. Wiedebusch)
[Adopted April 12, 1975]
Finding and declaring a certain area in McMechen, West Virginia, as a natural disaster area.

WHEREAS, A natural disaster of major proportions in the form of devastating mudslides and landslides has occurred, is occurring and will continue to occur in the area of Third to Sixteenth streets, Marshall, Caldwell and Locust streets in McMechen, West Virginia; and

WHEREAS, Over twenty-six family residences have already been severely damaged by this disaster, affecting fifty-three adults and forty-two children, and over eighty-eight family residences and several businesses are in immediate danger which will affect another two hundred forty-five people; and

WHEREAS, One street in this area has been completely destroyed and two adjacent streets are in immediate danger of collapse; and

WHEREAS, There has been a break in a main gas pipeline and many small gaslines, and over twenty water pipelines have been destroyed which has caused severe safety and health hazards to the people of this area; and

WHEREAS, The municipality of McMechen and the local chapter of the American Red Cross have attempted to the best of their ability to aid the residents of this area through temporary repairs and floor jacks to family residences and in seeking to provide emergency
housing for those who are homeless and desperately in need of assistance; and

WHEREAS, It has been estimated that over $300,000 must now be spent just to contain slipping dirt and relieve underground pressure, and that if immediate attention is not given to this area over $1 million in property damage is anticipated; and

WHEREAS, Pursuant to section six, article five, chapter fifteen of the Code of West Virginia, the Legislature proclaims that a natural disaster of major proportions has actually occurred within this State in a certain area of McMechen; therefore, be it

Resolved by the Legislature of West Virginia:

That a certain area in McMechen, West Virginia, being Third to Sixteenth streets, Marshall, Caldwell and Locust streets, is hereby found and declared to be a natural disaster area; and be it

Further Resolved, That the Clerk send a copy of this resolution to the Governor and to the Mayor of McMechen.

SENATE CONCURRENT RESOLUTION NO. 10
(By Mr. Galperin and Mr. Benson)
[Adopted March 8, 1975]

Requesting and insisting that the United States Army Corps of Engineers modify the structure and operation of its dam located on the Elk River near Sutton, West Virginia.

WHEREAS, The Elk River, one of the most scenic rivers in the State of West Virginia, was once rich in plant and animal life in, on and along the river, and consequently was a mecca of fishermen, hunters, campers and vacationists; and

WHEREAS, In recent years, particularly after the construction of the Sutton Dam was completed on the Elk River in 1961, the quality of the river degraded sharply causing an agonized outcry from West Virginia citizens and visitors to the State of West Virginia; and

WHEREAS, The West Virginia Legislature, knowing that the loss of the Elk River as a scenic and recreational stream would be an economic disaster for the State of West Virginia as well as a great
environmental loss for all persons who use the Elk River in any manner, caused a two-year study to be conducted to determine the reasons the river had degraded so rapidly and severely; and

Whereas, The study, in the main conducted by the West Virginia Geological and Economic Survey, clearly indicated that the presence of the Sutton Dam on the Elk River and the way the dam is constructed and the manner in which it is operated are major factors contributing to the degradation of the Elk River because of rapidly fluctuating water temperature and increased turbidity and erosion below the dam which destroy private property, scenic and recreational values and the natural habitat and life cycles of plant and animal life in, on and along the river; and

Whereas, Although the study indicated that it will be virtually impossible to return the Elk River to its original state, it did develop eighteen recommendations, which, if implemented soon, can greatly improve the water quality of the river for beneficial uses; and

Whereas, Five of the recommendations must be implemented by the United States Army Corps of Engineers because they involve modifying the structure of Sutton Dam and its operation; therefore, be it

Resolved by the Legislature of West Virginia:

That the West Virginia Legislature hereby requests and insists that the United States Army Corps of Engineers modify the structure and operation of its dam located on the Elk River near Sutton, West Virginia, in accordance with the five following recommendations which resulted from the study of the Elk River conducted by the West Virginia Legislature:

1. The rate of change of discharge from the dam be drastically reduced from the current guideline of 1-foot-per-hour change in water depth. All floodgate and sluiceway changes should be accomplished as gradually as possible;

2. The Sutton Reservoir level be raised to summer pool level at a much slower rate;

3. The start of lowering the Sutton Reservoir level be postponed until October 15 each year;

4. A multiple-level intake structure be constructed for Sutton Dam to allow waters to be drawn off the top of the reservoir or
mixed with deeper waters to produce discharges with lower turbidity, higher and less-variable temperatures;

5. Reservoir pool levels be allowed to fluctuate slightly to reduce the range in water-depth fluctuations that occur downstream as a result of even medium-size storms; and, be it

Further Resolved, That the Congress of the United States take all actions appropriate and necessary to provide the United States Army Corps of Engineers with the authority and funds needed to implement the said five recommendations; and, be it

Further Resolved, That the Clerk of the Senate send copies of this resolution and the West Virginia Legislature’s report of its study on the Elk River, “Improving Stream-Water Quality in the Elk River Basin”, by the West Virginia Geological and Economic Survey, dated October, 1974, to the Secretary of the Army; the Chief of Engineers of the Department of the Army; the District Engineer of the United States Army Engineer District, Baltimore, Maryland; the District Engineer of the United States Army Engineer District, Huntington, West Virginia; the President pro tempore of the Senate and the Speaker of the House of Representatives of the Congress of the United States; each member of the West Virginia congressional delegation; and to the Governor of the State of West Virginia, the Honorable Arch A. Moore, Jr.

SENATE CONCURRENT RESOLUTION NO. 26

(By Mr. Susman)

[Adopted March 8, 1975]

Requesting the Congress of the United States to enact into law stringent surface-mining legislation.

WHEREAS, West Virginia has one of the largest reserves of coal of any state in the nation, and the largest low sulfur reserves east of the Mississippi River; and

WHEREAS, West Virginia has one of the strongest surface mine reclamation laws in the nation, while a number of the states whose coal is in competition with West Virginia do not; and

WHEREAS, Much of the coal land in the Western United States is
critical to the continued production of the nation's meat and grains, which land will have serious water supply problems unless surface coal mining is most carefully regulated; and

WHEREAS, A national energy policy demands a policy on surface mine reclamation that is uniform so that the coal industry can make definite plans for expanding production, and so that certain states will not look more financially attractive to investors than those with stronger reclamation laws; therefore, be it

Resolved by the Legislature of West Virginia:

That the Congress of the United States is hereby requested to enact into law stringent surface-mining legislation which will be as exacting as the current West Virginia law, will be cognizant of regional and geographical differences, will provide for expanded coal research, but which will not place an additional tax burden upon this vital energy producing industry; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward copies of this resolution to each member of the West Virginia congressional delegation in Washington, D. C., and to the President of the United States, Senator Henry Jackson and Congressman James Haley.

SENATE CONCURRENT RESOLUTION NO. 39
(By Mr. Brotherton, Mr. President)

[Adopted March 8, 1975]

Extending this the first regular session of the Sixty-second Legislature of West Virginia.

WHEREAS, Section twenty-two, article six of the West Virginia Constitution provides that any regular session of the West Virginia Legislature may be extended by the concurrence of two thirds of the members elected to each house; and

WHEREAS, The Legislature desires to extend this the first regular session of the Sixty-second Legislature of West Virginia for the consideration of any supplementary appropriation bills, for the reconsideration of any bills disapproved or vetoed by the Governor and for the reconsideration of any item or part of any supplementary ap-
propriation bill disapproved or reduced by the Governor; now, therefore, be it

Resolved by the Legislature of West Virginia, two thirds of the members elected to each house agreeing thereto:

That this the first regular session of the Sixty-second Legislature of West Virginia is hereby extended through midnight, the 14th day of April, 1975, for consideration of any supplementary appropriation bills, for the reconsideration of any bills disapproved or vetoed by the Governor and for the reconsideration of any item or part of any supplementary appropriation bill or bills vetoed, disapproved or reduced by the Governor.

SENATE CONCURRENT RESOLUTION NO. 40
(By Mr. Brotherton, Mr. President)

[Adopted March 9, 1975]

Expanding the reasons for the extension of the first regular session of the Sixty-second Legislature of West Virginia.

WHEREAS, By the adoption of Senate Concurrent Resolution No. 39 on March 8, 1975, by two thirds of the members elected to each house, the Legislature, pursuant to Section 22, Article VI of the Constitution of the State, extended the first regular session of the Sixty-second Legislature through April 14, 1975; and

WHEREAS, Among the reasons for such extension was to enable the Legislature to consider any supplementary appropriation bills, to reconsider any bills disapproved or vetoed by the Governor and to reconsider any item or part of any supplementary appropriation bill or bills vetoed, disapproved or reduced by the Governor, such reasons having been expressed in the exercise of the inherent power of the Legislature to adopt rules governing its proceedings and the conduct of its business; and

WHEREAS, The Legislature desires to express an additional reason for such extension; therefore, be it

Resolved by the Legislature of West Virginia, two thirds of the members elected to each house agreeing thereto:

That in the further exercise of the inherent power of the Legislature
to adopt rules governing its proceedings and to arrange calendars and agendas for conducting its business, an additional reason for the extension of the first regular session of the Sixty-second Legislature of West Virginia and an additional matter for legislative action during such extension shall be the consideration of conference reports on bills in conference on March 8, 1975, and action on such reports and the bills in conference on such date.
AN ACT to amend and reenact sections nine-a and nineteen-a, article three, chapter sixty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, providing for continued and additional increases in the price of alcoholic liquors sold at state stores on and after the twentieth day of February, one thousand nine hundred seventy-five, for the purpose of paying into the veterans bonus bond sinking fund for retirement of the Vietnam veterans bonus bonds and relating to payments into such sinking fund.

Be it enacted by the Legislature of West Virginia:

That sections nine-a and nineteen-a, article three, chapter sixty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 3. SALES BY COMMISSIONER.

§60-3-9a. Additional price increase for payment of Korean veterans bonus bonds, state building revenue bonds and Vietnam veterans bonus bonds.

§60-3-19a. Payment into veterans bonus sinking fund for retirement of Korean veterans bonus bonds; payment into special fund for retirement of state building revenue bonds; and payment into veterans bonus sinking fund for retirement of Vietnam veterans bonus bonds.
§60-3-9a. Additional price increase for payment of Korean veterans bonus bonds, state building revenue bonds and Vietnam veterans bonus bonds.

1 For the purpose of providing revenue for the payment of bonds issued under and by virtue of said “Korean Veterans Bonus Amendment” of one thousand nine hundred fifty-six, the commissioner in the exercise of his authority under section nine of this article is hereby directed to increase the price of alcoholic liquors in addition to the price increase provided in said section nine hereof, on or before the last day of June, one thousand nine hundred fifty-seven, in an amount sufficient to produce an additional revenue of one million eight hundred thousand dollars on an annual volume of business equal to the average for the last three years. Whenever in any fiscal year the amount of money accumulated in the veterans bonus sinking fund for the retirement of Korean veterans bonus bonds shall be sufficient to pay at maturity all outstanding bonus bonds issued under said “Korean Veterans Bonus Amendment” of one thousand nine hundred fifty-six, together with the interest due or payable thereon, then the commissioner is hereby directed to continue in effect the aforesaid price increase of alcoholic liquors and further increase the same as necessary for such continued increase together with such further increase to equal an amount sufficient to provide revenue of three million six hundred thousand dollars on an annual volume of business equal to the average for the last three years for the purpose of providing revenue to be paid into a special fund hereby created in the office of the state treasurer for the purpose of the payment of principal and interest on bonds of the state known as the “State Building Revenue Bonds,” and for which payment, to the extent that the state building commission of West Virginia has available space in buildings operated by it in excess of revenue-producing uses, said commissioner shall provide at its established rates and charges such available excess space for use by such officers, departments or agencies of the state as the commissioner of finance and administration or such other of-
ficer, agency or department as shown from time to time
have the duty to arrange for office space for officers, de-
partments or agencies of the state, shall specify.

For the purpose of providing revenue for the payment
of any bonds issued under and by virtue of the "Vietnam
Veterans Bonus Amendment" of one thousand nine hun-
dred seventy-three, the commissioner is hereby directed,
on and after the twentieth day of February, one thousand
nine hundred seventy-five, to continue in effect all prior
price increases of alcoholic liquors with the excess rev-
enues generated from such continued price increases con-
stituting additional charges or increases, such prices other-
wise being subject to reduction but for such continuation;
and further increase prices if necessary after consider-
ation of all revenue requirements and obligations as set
forth in this article, including the revenue requirement
and obligation herein provided, so as to equal an amount
sufficient to provide for full payment of all interest and
principal payments as the same shall accrue, on an annual
volume of business equal to the average for the last three
years; and such additional charges or price increases so
collected shall be irrevocably dedicated for the payment
of principal of and interest on such Vietnam veterans
bonus bonds until such bonds are finally paid and dis-
charged. Whenever in any fiscal year the amount of
money accumulated in the special fund for the retire-
ment of the state building revenue bonds shall be suffi-
cient to pay at maturity all outstanding state building rev-
ue bonds, together with the interest due or payable
thereon, and the amount of money accumulated in the
veterans bonus sinking fund for the retirement of Viet-
nam veterans bonus bonds shall be sufficient to pay at
maturity all outstanding bonus bonds issued under said
"Vietnam Veterans Bonus Amendment" of one thousand
nine hundred seventy-three, together with the interest
due or payable thereon, the provision herein made for
continuing in effect the aforesaid price increases and the
provision herein for a further price increase shall become
ineffective at the end of such fiscal year.
§60-3-19a. Payment into veterans bonus sinking fund for retirement of Korean veterans bonus bonds; payment into special fund for retirement of state building revenue bonds; and payment into veterans bonus sinking fund for retirement of Vietnam veterans bonus bonds.

1 On and after the first day of July, one thousand nine hundred fifty-seven, from receipts in excess of the requirements of the operating fund of the commissioner, the sum of four hundred fifty thousand dollars shall, upon requisition of the governor, be paid each quarter into the veterans bonus sinking fund to be used for the purpose of retiring bonds issued under said “Korean Veterans Bonus Amendment” of one thousand nine hundred fifty-six. Whenever, in any fiscal year, the amount of money accumulated in the veterans bonus sinking fund for the retirement of said Korean veterans bonus bonds shall be sufficient to pay at maturity all outstanding bonus bonds issued under the “Korean Veterans Bonus Amendment” of one thousand nine hundred fifty-six, together with interest due or payable thereon, no further transfer to such sinking fund shall be made after the end of such fiscal year. Thereafter, from receipts in excess of the requirements of the operating fund of the commissioner, the sum of nine hundred thousand dollars shall be paid by the commissioner each quarter into the special fund created in section nine-a of this article for the purpose of retiring bonds of the state known as the “State Building Revenue Bonds.”

It shall be the duty and responsibility of the state treasurer to pay the principal and interest on said bonds as they become due and payable. Whenever, in any fiscal year, the amount of money accumulated in the special fund for the retirement of said “State Building Revenue Bonds” is sufficient to pay at maturity all of the outstanding bonds, together with interest due or payable thereon, no further transfers to such special fund shall be made after the end of such fiscal year.

32 On and after the twentieth day of February, one thousand nine hundred seventy-five, from receipts in excess of the requirements of the operating fund of the commis-
sioner, the amount sufficient to provide for full payment
of all interest and principal as the same shall accrue, shall,
upon requisition of the governor, be paid each quarter
into the veterans bonus sinking fund to be used for the
purpose of retiring bonds issued under said "Vietnam
Veterans Bonus Amendment" of one thousand nine hun-
dred seventy-three. Whenever, in any fiscal year, the
amount of money accumulated in the veterans bonus
sinking fund for the retirement of said Vietnam veterans
bonus bonds shall be sufficient to pay at maturity all out-
standing bonus bonds issued under the "Vietnam Veterans
Bonus Amendment" of one thousand nine hundred
seventy-three, together with interest due or payable
thereon, no further transfer to such sinking fund shall be
made after the end of such fiscal year.

Nothing in section nine-a of this article or in this section
nineteen-a contained shall be taken as limiting the power
and authority of the Legislature to at any time appropriate
the aforesaid receipts for some other purpose than the
special fund for the retirement of said "State Building
Revenue Bonds" or make other direction or provision
respecting receipts devoted to such purpose.

CHAPTER 2

(Com. Sub. for S. B. 9—By Mr. Brotherton, Mr. President)

[Passed July 3, 1974; In effect July 1, 1974. Approved by the Governor July 15, 1974,
after reducing certain items, deleting certain items and portions, and making other modifi-
cations. Subsequently, in a mandamus proceeding in the Supreme Court of Appeals the
Court was petitioned to direct the Clerk of the House of Delegates to publish the bill
as passed by the Legislature as the true Budget Act. See Clerk's note on this page.]

AN ACT making appropriations of public money out of the
treasury in accordance with section fifty-one, article six of
the constitution.

Clerk's note: In a mandamus proceeding styled State ex rel William T.
Brotherton, Jr., etc. et al. v. C. A. Blankenship, Clerk, etc., on the 6th day
of November, 1974, by order made and entered, the Supreme Court of
Appeals issued a writ of mandamus compelling the Clerk of the House of Delegates to publish the true Budget Act as found by the Court, which true Budget Act was by the order found by the Court to be as follows:

"(1) Wherein the Governor has not altered, disapproved or reduced the Budget Act, it shall be published as enacted by the Legislature.

"(2) Wherein the Governor has altered, disapproved or reduced the Budget Act, and the Governor's veto actions have not been overridden by the Legislature or objected to herein by the relators, the Budget Act shall be published as altered, disapproved or reduced by the Governor.

"(3) The following accounts shall be published as altered and approved by the Governor: Nos. 101, 102, 295, 350, 485, 670, "Sec. 3. Classification of Appropriations—An appropriation for: 'Personal services' etc.'", and "Sec. 5. Appropriations from Revenue Sharing Trust Fund, Item IV—Department of Natural Resources . . .".

"(4) The following accounts shall be published or deleted as modified by this order of Court:

"No. 103 shall be increased from a total of $2,030,513.00 to $2,280,513.00 by the addition of an unclassified appropriation of $250,000.00; the Governor's veto action being invalid in respect thereto as it purports to prevent the Legislature's right to increase or decrease amounts within its own budget.

"No. 641 shall be deleted from the Budget Act; the Governor's action in respect thereof having the effect of a total item veto and ineffective, therefore, in the attempt to veto part of an item in the Act."

The actions of the Governor with respect to this bill, together with his objections, are contained in a letter directed to the Honorable Lewis N. McManus, Speaker, West Virginia House of Delegates, bearing date of July 15, 1974. For the communication of the Governor to the Speaker, see Journal of the House of Delegates of July 29, 1974.

Be it enacted by the Legislature of West Virginia:

Title

2. Appropriations.
3. Administration.

TITLE 1. GENERAL PROVISIONS.
§1. General policy.
§2. Definitions.
§3. Classification of appropriations.

1 Section 1. General Policy.—The purpose of this act is to appropriate money necessary for economical and efficient discharge of the duties and responsibilities of the state and
4 its agencies during the fiscal year one thousand nine hundred seventy-five.

1 **Sec. 2. Definitions.**—For the purpose of this act:

2 "Governor" shall mean the Governor of the State of West Virginia;

3 "Spending Unit" shall mean the department, agency or institution to which an appropriation is made;

4 The "fiscal year one thousand nine hundred seventy-five" shall mean the period from July first, one thousand nine hundred seventy-four through June thirtieth, one thousand nine hundred seventy-five;

5 "From collections" shall mean that part of the total appropriation which must be collected by the spending unit to be available for expenditure. If the authorized amount of collections is not collected, the total appropriation for the spending unit shall be reduced automatically by the amount of the deficiency in the collection. If the amount collected exceeds the amount designated "from collections" the excess shall be set aside in a special surplus fund and may be expended for the purpose of the spending unit as provided by Chapter 5A, Article 2 of the Code of West Virginia.

1 **Sec. 3. Classification of Appropriations.**—An appropriation for:

3 "Personal Services" shall be expended only for the payment of salaries, wages, fees and other compensation for skill, work, or employment, and such classification of appropriations, for fiscal year one thousand nine hundred seventy-five:

14 Provided, That from the appropriations made to the spending units of State Government, there may be transferred upon approval of the Governor, to a special account an amount sufficient to match Federal Funds under any Federal Acts.

19 Unless otherwise specified, appropriations for personal services shall include salaries of heads of spending units;
"Current Expenses" shall be expended only for operating costs other than personal services or capital outlay;

"Repairs and Alterations" shall include all expenditures for materials, supplies and labor used in repairing and altering buildings, grounds and equipment, other than personal services;

"Equipment" shall be expended only for things which have appreciable and calculable period of usefulness in excess of one year;

"Buildings" shall include construction and alteration of structures and the improvements of lands, sewer and water improvements, and shall include shelter, support, storage, protection, or the improvement of a natural condition;

"Lands" shall be expended only for the purchase of lands or interest in lands.

Appropriations otherwise classified shall be expended only where the distribution of expenditures for different purposes cannot well be determined in advance or it is necessary or desirable to permit the spending unit freedom to spend an appropriation for more than one of the above purposes.

Sec. 4. Method of Expenditure.—Money appropriated by this act, unless otherwise specifically directed, shall be appropriated and expended according to the provisions of Chapter 12, Article 3 of the Code of West Virginia, or according to any law detailing a procedure specifically limiting that article.

TITLE 2. Appropriations.

§1. Appropriations from general revenue.

AGRICULTURE

Department of agriculture—Acct. No. 510
Department of agriculture (agricultural awards)—Acct. No. 515
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<td>110</td>
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<tr>
<td>House of Delegates</td>
<td>102</td>
</tr>
<tr>
<td>Joint expenses</td>
<td>103</td>
</tr>
<tr>
<td>Senate</td>
<td>101</td>
</tr>
<tr>
<td>Board of architects</td>
<td>595</td>
</tr>
<tr>
<td>Board of chiropractic examiners</td>
<td>588</td>
</tr>
<tr>
<td>Board of embalmers and funeral directors</td>
<td>593</td>
</tr>
<tr>
<td>Board of examiners for practical nurses</td>
<td>587</td>
</tr>
<tr>
<td>Board of land surveyors</td>
<td>585</td>
</tr>
<tr>
<td>Board of law examiners</td>
<td>597</td>
</tr>
<tr>
<td>Board of osteopathy</td>
<td>591</td>
</tr>
<tr>
<td>Board of pharmacy</td>
<td>590</td>
</tr>
<tr>
<td>Board of professional foresters</td>
<td>586</td>
</tr>
<tr>
<td>Board of registration for professional engineers</td>
<td>594</td>
</tr>
<tr>
<td>Board of sanititians</td>
<td>599</td>
</tr>
<tr>
<td>Human rights commission</td>
<td>598</td>
</tr>
<tr>
<td>State veterinary board</td>
<td>596</td>
</tr>
<tr>
<td>West Virginia public employees insurance board</td>
<td>615</td>
</tr>
<tr>
<td>West Virginia public employees retirement board</td>
<td>614</td>
</tr>
</tbody>
</table>
§2. Appropriations from other funds.

PAYABLE FROM SPECIAL REVENUE FUND

Auditor's office (and department operating fund)—Acct. No. 812 ............................ 59
Department of agriculture—Acct. No. 818 ................................................................. 61
Department of finance and administration (division of purchases—
revolving fund)—Acct. No. 814 ................... .......................................................... 60
Department of finance and administration (information system
services division fund)—Acct. No. 8151 ............................. ...................................... 60
Department of natural resources—Acct. No. 830 .......................... ................................ 63
Department of public safety (inspection fees)—Acct. No. 835 .............................. 64
Public service commission—Acct. No. 828 ............................................................... 62
Public service commission (gas pipeline division)—(Acct. No. 8285) .................. 62
Public service commission (motor carrier division)—
Acct. No. 829 ............................ .......................................................... 63
Real estate commission—Acct. No. 801 ................................................................. 58
State committee of barbers and beauticians—Acct. No. 822 .............................. 61
Treasurer's office—Acct. No. 800 .................................................................................. 58
West Virginia alcohol beverage control—Acct. No. 837 ................................. 65
West Virginia board of regents (special capital improvement
fund)—Acct. No. 854 ............................... .......................................................... 69
West Virginia board of regents (state system special capital im-
provement fund)—Acct. No. 8535 .......................................................... 66
West Virginia board of regents—West Virginia University (special
capital improvement fund)—Acct. No. 853 .......................... ........................................ 66
West Virginia civil service system—Acct. No. 840 .................................................. 65
West Virginia racing commission—Acct. No. 808 ............................... ............... 59

PAYABLE FROM STATE ROAD FUND

Department of motor vehicles—Acct. No. 671 ......................................................... 57
State department of highways—Acct. No. 670 ......................................................... 56
State tax department (gasoline tax division)—Acct. No. 672 ............................ 57

PAYABLE FROM GENERAL SCHOOL FUND

Department of education (veterans education)—Acct. No. 702 ............................ 58

PAYABLE FROM MEDICAL SCHOOL FUND

West Virginia university (medical school)—Acct. No. 873 ......................................... 69

PAYABLE FROM WORKMEN'S COMPENSATION FUND

Workmen's compensation commission—Acct. No. 900 ............................................. 70
§3. Awards for claims against the state.
§4. Reappropriations.
§5. Appropriations from revenue sharing trust fund.
§6. Reappropriations—"revenue sharing trust fund."
§7. Special revenue appropriations.
§8. Specific funds and collection accounts.
§10. Sinking fund deficiencies.
§11. Appropriations from taxes and license fees.
§12. Appropriations to pay costs of publication of delinquent corporations.
§14. Total appropriations.
§15. General school fund.

1 Section 1. Appropriations from General Revenue.—From the state fund, general revenue, there is hereby appropriated conditionally upon the fulfillment of the provisions set forth in Chapter 5A, Article 2 of the Code of West Virginia, the following amounts, as itemized, for expenditure during the fiscal year one thousand nine hundred seventy-five.

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Compensation of Members</td>
<td>$155,000</td>
</tr>
<tr>
<td>2 Compensation and per diem of officers and employees</td>
<td>$450,000</td>
</tr>
<tr>
<td>4 Expenses of Members</td>
<td>$113,500</td>
</tr>
<tr>
<td>5 Current Expenses and Contingent Fund</td>
<td>$150,000</td>
</tr>
<tr>
<td>6 To pay cost of printing the 1974 edition of Blue Book</td>
<td>$87,000</td>
</tr>
</tbody>
</table>

8 The distribution of which shall be by the office of the Clerk of the Senate and shall include seventy-five copies for each member of the Legislature and two copies to each classified and approved High and Junior High school and one to each Elementary school within the state.
14 The appropriations for the Senate for the fiscal year 1973-74 are to remain in full force and effect, and are hereby reappropriated to June 30, 1975.

18 Any balances so reappropriated may be transferred and credited to the 1974-75 accounts.

24 The Clerk of the Senate with approval of the President is authorized to draw his requisitions upon the Auditor, payable out of the Current Expenses and Contingent Fund of the Senate, for any bills for supplies and services that may have been incurred by the Senate and not included in the appropriation bill, for supplies and services incurred in preparation for the opening, the conduct of the business and after adjournment of any regular or extraordinary session, and for the necessary operation of the Senate offices, the requisition for same to be accompanied by the bills to be filed with the Auditor.

37 The President of the Senate shall have authority to employ such staff personnel during any session of the Legislature as shall be needed in addition to staff personnel authorized by Senate resolution adopted during any such session. The President of the Senate shall have authority to employ such staff personnel between sessions of the Legislature as shall be needed, the compensation of all staff personnel during and between sessions of the Legislature, notwithstanding any such Senate resolution, to be fixed by the President of the Senate. The Clerk is hereby authorized to draw his requisitions for the payment of all such staff personnel upon the State Auditor, payable out of the appropriation for Compensation and per diem of officers and employees or Current Expenses and Contingent Fund of the Senate for such services.
For duties imposed by law and by the Senate, the Clerk of the Senate shall be paid a monthly salary of two thousand five hundred eighty-five dollars, payable from the amount appropriated for Compensation and per diem of officers and employees.

2—House of Delegates

Acct. No. 102

1 Compensation of Members $420,000
2 Compensation and per diem of officers and employees 320,000
4 Expenses of Members 260,000
5 Current Expenses and Contingent Fund 280,000

The appropriations for the House of Delegates for the fiscal year 1973-74 are to remain in full force and effect, and are hereby reappropriated to June 30, 1975.

Any balances so reappropriated may be transferred and credited to the 1974-75 accounts.

The Clerk of the House of Delegates, with approval of the Speaker, is authorized to draw his requisitions upon the Auditor, payable out of the Contingent Fund of the House of Delegates, for any bills for supplies and services that may have been incurred by the House of Delegates, and not included in the appropriation bill, for bills for services and supplies incurred in preparation for the opening of the session and after adjournment, and for the necessary operation of the House of Delegates' offices, the requisition for the same to be accompanied by bills to be filed with the Auditor.

For duties imposed by law and by the House of Delegates, including salary allowed by law as keeper of the rolls, the Clerk of the House of Delegates shall be paid a monthly salary as provided in House Resolution No. 8 adopted Janu-
ary 15, 1974, payable from the Per Diem of Officers and Employees Fund or the Contingent Fund of the House of Delegates, and the full-time employees of the Clerk’s office shall be paid at the salaries provided in said resolution.

The Speaker of the House of Delegates, upon recommendation of the Chairman of the Finance Committee, shall have authority to employ such staff personnel during and between sessions of the Legislature as shall be needed, and the Clerk of the House is hereby authorized to draw requisitions upon the State Auditor, payable out of the appropriation for Contingent Expenses for such services.

3—Joint Expenses

Acct. No. 103

1 To pay the cost of legislative printing $ 400,000
2 Commission on Interstate Cooperation 35,000
3 Joint Committee on Government and Finance 1,835,513
4 Other Legislative Committees 10,000

5 The appropriations for Joint Expenses for the fiscal year 1973-74 are to remain in full force and effect and are hereby reappropriated to June 30, 1975. Any balances so reappropriated may be transferred and credited to the 1974-75 accounts.

JUDICIAL

4—Supreme Court of Appeals

Acct. No. 110

1 Salaries of Judges $ 162,500
2 Other Personal Services 310,544
3 Current Expenses 68,400
4 Equipment 259,500

5 Total $ 800,944
5—Judicial—Auditor’s Office

Acct. No. 111

1 Salaries of Judges __________________________ $ 867,000
2 Other Personal Services _____________________
3 Current Expenses __________________________ 80,400
4 Judges Retirement System ________________ 450,000
5 Criminal Charges __________________________ 700,000

6 Total______________________________________ $ 2,280,800

This appropriation shall be administered by the State Auditor who shall draw his requisition for warrants in payments of salaries in the form of payrolls, making deductions therefrom as required by law, for taxes and other items. The appropriation for Judges Retirement System is to be transferred to the Judges Retirement Fund, in accordance with the law relating thereto, upon requisition of the State Auditor.

6—State Law Library

Acct. No. 114

1 Personal Services ____________________________ $ 73,204
2 Current Expenses ____________________________ 12,650
3 Equipment _________________________________ 78,000

4 Total______________________________________ $ 163,854

7—Judicial Council

Acct. No. 118

1 To pay expenses of Members of the Council...$ 12,000

EXECUTIVE

8—Governor’s Office

Acct. No. 120

1 Salary of Governor __________________________ $ 35,000
2 Other Personal Services .......... 195,360
3 Current Expenses .......................... 60,000
4 Equipment ................................ 15,000

5 Total ........................................... $ 305,360

6 Any unexpended balance remaining at the close of the fiscal year 1973-74 for “Publication of Governor's Papers and Inaugural Expense” is hereby reappropriated for expenditure during the fiscal year 1974-75.

9—Governor's Office—Custodial Fund

Acct. No. 123

1 Total ........................................... $ 77,500

2 To be used for current general expenses, including compensation of employees, household maintenance, cost of official functions, and any additional household expenses occasioned by such official functions.

10—Governor's Office—Civil Contingent Fund

Acct. No. 124

1 Total ........................................... $ 250,000

2 Of this appropriation there may be expended, at the discretion of the governor, an amount not to exceed $1,000 as West Virginia’s contribution to the Interstate Oil Compact Commission.

7 Any unexpended balance remaining in this appropriation at the close of the fiscal year 1973-74 is hereby reappropriated for expenditure during the fiscal year 1974-75.

11—Governor's Office—Federal-State Coordination

Acct. No. 125

1 Federal-State Coordination .................. $ 1,500,000
2 Governor’s Committee on Crime, Delinquency and Correction .......................... 575,000
4 Regional Councils—To Match Federal Funds... 220,000

5 Total.........................................................$ 2,295,000

6 Any unexpended balance remaining in accounts “Federal-State Coordination” and “Governor’s Committee on Crime, Delinquency and Correction” at the close of the fiscal year 1973-74 is hereby reappropriated for expenditure during the fiscal year 1974-75.

12—Governor’s Office—Disaster Relief-Federal Matching

Acct. No. 126

1 Total.........................................................$ 50,000

2 To match and aid Federal Programs, and any part of this appropriation may be transferred to any department for such purposes.

13—West Virginia Commission on Energy, Economy and Environment

Acct. No. 129

1 Total.........................................................$ 300,000

14—Office of Emergency Services

Acct. No. 130

1 Personal Services...........................................$ 130,000

2 Current Expenses........................................... 35,000

3 Equipment.................................................... 6,000

4 Total.........................................................$ 171,000

FISCAL

15—Auditor’s Office—General Administration

Acct. No. 150

1 Salary of State Auditor...................................$ 22,500

2 Other Personal Services................................... 682,140

3 Current Expenses........................................... 210,000
### Appropriations

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>Equipment</td>
<td>39,700</td>
</tr>
<tr>
<td>5</td>
<td>Microfilm Program</td>
<td>10,000</td>
</tr>
</tbody>
</table>

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>6</td>
<td>Total</td>
<td>$964,340</td>
</tr>
</tbody>
</table>

#### 16—Auditor’s Office—Social Security

**Acct. No. 151**

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>To match contributions of state employees for social security</td>
<td>$6,700,000</td>
</tr>
<tr>
<td>3</td>
<td>The above appropriation is intended to cover the state’s share</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>of social security costs for those spending units operating</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>from General Revenue Fund. The State Department of Highways,</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>Department of Motor Vehicles, Workmen’s Compensation</td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>Commission, Public Service Commission, and other departments</td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>operating from Special Revenue Fund and/or Federal Funds shall</td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>pay their proportionate share of the social security cost for</td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>their respective divisions.</td>
<td></td>
</tr>
<tr>
<td>14</td>
<td>Any unexpended balance remaining in this appropriation at the</td>
<td></td>
</tr>
<tr>
<td>15</td>
<td>close of the fiscal year 1973-74 is hereby reappropriated for</td>
<td></td>
</tr>
<tr>
<td>16</td>
<td>expenditure during the fiscal year 1974-75.</td>
<td></td>
</tr>
</tbody>
</table>

#### 17—Treasurer’s Office

**Acct. No. 160**

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Salary of State Treasurer</td>
<td>$22,500</td>
</tr>
<tr>
<td>2</td>
<td>Other Personal Services</td>
<td>217,780</td>
</tr>
<tr>
<td>3</td>
<td>Current Expenses</td>
<td>42,945</td>
</tr>
<tr>
<td>4</td>
<td>Equipment</td>
<td>28,875</td>
</tr>
<tr>
<td>5</td>
<td></td>
<td>0,000</td>
</tr>
</tbody>
</table>

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>6</td>
<td>Total</td>
<td>$312,100</td>
</tr>
</tbody>
</table>

#### 18—Treasurer’s Office—School Building Sinking Fund

**Acct. No. 165**

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Total</td>
<td>$0,000,000</td>
</tr>
</tbody>
</table>
9 Any unexpended balance remaining in the “School Building Sinking Fund” at the close of the fiscal year 1973-74 is hereby reappropriated for expenditure during the fiscal year 1974-75.

19—Treasurer’s Office—Vietnam Veterans Bonus Fund

Acct. No. 166

1 Total $10,000,000
2 The above appropriation is for payment of a cash bonus to veterans of the Vietnam conflict.

20—Sinking Fund Commission

Acct. No. 170

1 Personal Services $41,980
2 Current Expenses 3,300
3 Equipment 8,000
4 Total $53,280

21—State Tax Department

Acct. No. 180

1 Personal Services $2,764,080
2 Current Expenses 1,880,000
3 Equipment 56,070
4 Circuit Breaker Reimbursement 200,000
5 Total $4,900,150
6 The above appropriation “Circuit Breaker Reimbursement” is to be used in accordance with Engrossed House Bill No. 751, 1972 Regular Session of the Legislature.

22—State Tax Department—Property Appraisal

Acct. No. 185

1 Personal Services $1,068,350
### Appropriations

2 Other Expenses ........................................ 719,735
3 Reimbursement to Counties .......................... 80,000

4 Total .................................................. $ 1,868,805

5 Any balance remaining in the "Property Appraisal Account" at the close of the fiscal year 1973-74 is hereby reappropriated for expenditure during the fiscal year 1974-75.

23—State Commissioner of Public Institutions

Acct. No. 190

1 Salary of Commissioner .............................. $ 20,000
2 Salaries of Board Members—Board of Probation and Parole ........................................ 40,500
3 Other Personal Services .............................. 575,168
4 Current Expenses ...................................... 157,400
5 Equipment ............................................... 4,000

7 Total .................................................. $ 797,068

24—Department of Finance and Administration

Acct. No. 210

1 Personal Services ..................................... $ 1,105,288
2 Current Expenses ...................................... 665,070
3 Repairs and Alterations ............................. 79,700
4 Equipment ............................................. 21,560
5 Postage ................................................. 420,000
6 Records Management .................................. 54,605
7 State Agency Surplus Property ..................... 72,615
8 Repairs and Alterations (Transportation Garage) ........................................ 25,000
9 Fire Service Fee ....................................... 73,965
10 Supplies ................................................ 25,000

12 Total .................................................. $ 2,542,803

13 The Workmen’s Compensation Commission, Department of Welfare, Public Service Commission, Department of Natural Resources,
Department of Motor Vehicles, State Department of Highways, State Health Department and State Tax Department—Income Tax Division shall reimburse the postage appropriation of the Department of Finance and Administration monthly for all meter service. Any spending unit operating from Special Revenue or receiving reimbursement for postage costs from the Federal Government shall refund to the postage account of the Department of Finance and Administration such amounts. Should this appropriation for postage be insufficient to meet the mailing requirements of the State spending units as set out above, any excess postage meter service requirements shall be a proper charge against the units, and each spending unit shall refund to the postage appropriation of the Department of Finance and Administration any amounts required for that department for postage in excess of this appropriation.

Any unexpended balance remaining in the "Postage Account" at the close of the fiscal year 1973-74 is hereby reappropriated for expenditure during the fiscal year 1974-75. Any unexpended balance remaining at the close of the fiscal year 1973-74 for "Major Building Repairs" is hereby reappropriated for expenditure during the fiscal year 1974-75 (Major Building Repairs to include maintenance and repairs to Governor's Mansion). State Department of Highways shall reimburse the appropriation of the Department of Finance and Administration monthly for all actual expenses incurred pursuant to the provisions of Chapter 17, Article 2A, Section 13 of the Code of West Virginia.

There also is appropriated for the State Agency for Surplus Property all sums of money
56 collected by that agency from the sale of
57 surplus state property which has been de-
58 clared expendable by the director of the
59 Purchasing Division, and a special account
60 created for expenditure for the purchase of
61 operating equipment.

25—State Board of Insurance

<table>
<thead>
<tr>
<th>Acct. No. 225</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services $38,315</td>
</tr>
<tr>
<td>2 Current Expenses 10,585</td>
</tr>
<tr>
<td>3 Equipment 625</td>
</tr>
<tr>
<td>4 Self-Insurance Fund 445,000</td>
</tr>
<tr>
<td>5 Combined Insurance Premiums 705,000</td>
</tr>
<tr>
<td>6 Total $1,199,525</td>
</tr>
</tbody>
</table>

7 The above appropriation on line 5 is for the
8 purpose of paying premiums for fire, auto-
9 mobile and bonds for the various state
10 agencies. Should this appropriation be in-
11 sufficient to meet the premium requirements
12 of the state spending units, any excess
13 premium requirements shall be a proper
14 charge against the units and each spending
15 unit shall reimburse to the Board of Insur-
16 ance any amounts required for that depart-
17 ment for premiums in excess of this appro-
18 priation.

19 Any unexpended balance remaining in the ap-
20 propriation for “Self-Insurance Fund” at the
21 close of the fiscal year 1973-74 is hereby re-
22 approprated for expenditure during the fiscal
23 year 1974-75.

24 Any or all of the funds appropriated for “Self-
25 Insurance Fund” may be transferred to a
26 special account for disbursement for payment
27 of premiums and self-insurance losses.
### LEGAL

#### 26—Attorney General

Acct. No. 240

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Salary of Attorney General</td>
<td>$22,500</td>
</tr>
<tr>
<td>2 Other Personal Services</td>
<td>$774,285</td>
</tr>
<tr>
<td>3 Current Expenses</td>
<td>$95,700</td>
</tr>
<tr>
<td>4 Equipment</td>
<td>$16,000</td>
</tr>
<tr>
<td>5 Buffalo Creek Legal Expenses</td>
<td>$89,487</td>
</tr>
<tr>
<td>6 To protect the resources or tax structure of</td>
<td></td>
</tr>
<tr>
<td>7 the State in controversies or legal proceedings</td>
<td></td>
</tr>
<tr>
<td>8 affecting same</td>
<td>$3,250</td>
</tr>
<tr>
<td>9 Consumer Protection</td>
<td>$100,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$1,101,222</strong></td>
</tr>
</tbody>
</table>

When legal counsel or secretarial help is appointed by the Attorney General, for any state spending unit, this account shall be reimbursed from such unit's appropriated account in an amount agreed upon by the Attorney General and the proper authority of said spending unit.

#### 27—Commission on Uniform State Laws

Acct. No. 245

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Total</td>
<td>$7,000</td>
</tr>
</tbody>
</table>

2 To pay expenses of members of the Commission on Uniform State Laws.

### INCORPORATING AND RECORDING

#### 28—Secretary of State

Acct. No. 250

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Salary of Secretary of State</td>
<td>$22,500</td>
</tr>
<tr>
<td>2 Other Personal Services</td>
<td>$155,000</td>
</tr>
<tr>
<td>3 Current Expenses</td>
<td>$42,478</td>
</tr>
<tr>
<td>4 Equipment</td>
<td>$6,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$225,978</strong></td>
</tr>
</tbody>
</table>
## Appropriations

### Educational

**29—State Department of Education**

**Acct. No. 277**

<table>
<thead>
<tr>
<th>Item Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Teacher Education Program</td>
<td>$125,000</td>
</tr>
</tbody>
</table>

**30—West Virginia Board of Regents (Control)**

**Acct. No. 279**

<table>
<thead>
<tr>
<th>Item Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$60,631,313</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>7,545,690</td>
</tr>
<tr>
<td>3 Repairs and Alterations</td>
<td>2,400,000</td>
</tr>
<tr>
<td>4 Equipment</td>
<td>3,100,000</td>
</tr>
<tr>
<td>5 Oak Wilt Research</td>
<td>10,500</td>
</tr>
<tr>
<td>6 Veterinary Tuition</td>
<td>220,160</td>
</tr>
<tr>
<td>7 Optometry Tuition</td>
<td>54,000</td>
</tr>
<tr>
<td>8 Educational T.V.</td>
<td>686,576</td>
</tr>
<tr>
<td>9 Bureau for Coal Research</td>
<td>410,000</td>
</tr>
<tr>
<td>10 Forestry Products</td>
<td>131,500</td>
</tr>
<tr>
<td>11 Regional Research Institute</td>
<td>87,600</td>
</tr>
<tr>
<td>12 Agricultural Experimental Station—Intensive</td>
<td>27,700</td>
</tr>
<tr>
<td>13 Horticulture Demonstration</td>
<td>30,000</td>
</tr>
<tr>
<td>14 Intensive Agricultural-Demonstration Trial</td>
<td>5,000</td>
</tr>
<tr>
<td>15 Podiatry Tuition</td>
<td>130,000</td>
</tr>
<tr>
<td>16 Title I—Matching Funds</td>
<td>50,000</td>
</tr>
<tr>
<td>17 Awareness Program</td>
<td>1,500,000</td>
</tr>
<tr>
<td>18 Scholarship Program</td>
<td>50,964</td>
</tr>
<tr>
<td>19 Facilities and Scholarship Administration</td>
<td>425,000</td>
</tr>
<tr>
<td>20 Greenbrier School of Osteopathic Medicine—Scholarship Program</td>
<td>48,750</td>
</tr>
<tr>
<td>21 Center for Economic Action</td>
<td>30,000</td>
</tr>
<tr>
<td>22 Community &amp; Development Research</td>
<td>48,750</td>
</tr>
<tr>
<td>23 Individual Accreditation</td>
<td>30,000</td>
</tr>
<tr>
<td>24 New Programs Unclassified</td>
<td>300,000</td>
</tr>
<tr>
<td>25 Total</td>
<td>$78,334,253</td>
</tr>
</tbody>
</table>

28 Any unexpended balance remaining at the close of the fiscal year 1973-74 for “establishing on the campus of or property owned by
31 Marshall University, a track field" is hereby reappropriated for expenditure during the fiscal year 1974-75.

31—West Virginia Board of Regents

<table>
<thead>
<tr>
<th>Acct. No. 280</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1 Personal Services</strong></td>
<td>$348,270</td>
</tr>
<tr>
<td><strong>2 Current Expenses</strong></td>
<td>109,026</td>
</tr>
<tr>
<td><strong>3 Equipment</strong></td>
<td>3,600</td>
</tr>
<tr>
<td><strong>4 Total</strong></td>
<td>$460,896</td>
</tr>
</tbody>
</table>

32—West Virginia University—Medical School

<table>
<thead>
<tr>
<th>Acct. No. 285</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1 Personal Services</strong></td>
<td>$5,017,273</td>
</tr>
<tr>
<td><strong>2 Current Expenses</strong></td>
<td>598,000</td>
</tr>
<tr>
<td><strong>3 Repairs and Alterations</strong></td>
<td>263,200</td>
</tr>
<tr>
<td><strong>4 Equipment</strong></td>
<td>128,900</td>
</tr>
<tr>
<td><strong>5 Intern and Residency Support Programs for Community Hospitals</strong></td>
<td>315,000</td>
</tr>
<tr>
<td><strong>7 Total</strong></td>
<td>$6,322,373</td>
</tr>
<tr>
<td><strong>8 To be transferred to the West Virginia University—Medical School Fund upon the requisition of the Governor.</strong></td>
<td></td>
</tr>
</tbody>
</table>

33—Department of Education

<table>
<thead>
<tr>
<th>Acct. No. 286</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1 Personal Services</strong></td>
<td>$756,543</td>
</tr>
<tr>
<td><strong>2 Current Expenses</strong></td>
<td>212,000</td>
</tr>
<tr>
<td><strong>3 Equipment</strong></td>
<td>11,000</td>
</tr>
<tr>
<td><strong>4 National Defense Education Act</strong></td>
<td>400,000</td>
</tr>
<tr>
<td><strong>5 Statewide Testing Program</strong></td>
<td>125,000</td>
</tr>
<tr>
<td><strong>6 Safety Education—Aid to Counties</strong></td>
<td>210,000</td>
</tr>
<tr>
<td><strong>7 State Aid to Children's Homes</strong></td>
<td>50,000</td>
</tr>
<tr>
<td><strong>8 Regional Educational Service Agency</strong></td>
<td>420,000</td>
</tr>
<tr>
<td><strong>10 Total</strong></td>
<td>$2,184,543</td>
</tr>
</tbody>
</table>
The above appropriation includes the State Board of Education and their executive offices.

Any part or all of the appropriation for “National Defense Education Act” may be transferred to a Special Revenue Fund for the purpose of matching Federal Funds for this program.

### 34—State Department of Education—School Lunch Program

**Acct. No. 287**

1. Personal Services ........................................... $ 106,256
2. Current Expenses ........................................... 26,853
3. Aid to Counties—Includes hot lunches and canning for hot lunches ........................................... 850,000

**Total** ........................................................................ $ 983,109

### 35—State Board of Education—Vocational Division

**Acct. No. 289**

1. Personal Services ........................................... $ 148,225
2. Current Expenses ........................................... 46,600
3. Equipment ......................................................... 3,575
4. Vocational Aid ..................................................... 6,245,000
5. Adult Basic Education ........................................... 250,000

**Total** ........................................................................ $ 6,693,400

### 36—Educational Broadcasting Authority

**Acct. No. 291**

1. Personal Services ........................................... $ 46,602
2. Current Expenses ........................................... 28,900
3. Equipment ......................................................... 2,500
4. Regional ETV ....................................................... 1,240,788

**Total** ........................................................................ $ 1,318,790

For participation in the construction and operation of Regional ETV stations by Marshall
8 University, Concord College, Bluefield State College, West Virginia Institute of Technology and West Virginia State College and may be transferred to special revenue accounts for matching County and/or Federal Funds.

37—State Board of Education—Vocational Division
Acct. No. 293

1 Manpower Development Training Act—Total $ 100,000

38—State Board of Education—Vocational Division
Acct. No. 294

1 Total $ 200,000

2 Any unexpended balance remaining in the appropriation “Aid to Counties” at the close of the fiscal year 1973-74 is hereby reappropriated for expenditure during the fiscal year 1974-75.

39—State Department of Education—State Aid to Schools
Acct. No. 295

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Professional Services</td>
<td>$157,873,599</td>
</tr>
<tr>
<td>Salaries—Other Personnel</td>
<td>32,111,690</td>
</tr>
<tr>
<td>Fixed Charges*</td>
<td>14,625,351</td>
</tr>
<tr>
<td>Transportation Charges</td>
<td>5,421,927</td>
</tr>
<tr>
<td>Administration</td>
<td>1,435,060</td>
</tr>
<tr>
<td>Other Current Expenses</td>
<td>17,220,855</td>
</tr>
<tr>
<td>Conversion Costs</td>
<td>414,709</td>
</tr>
<tr>
<td>National Average Attainment</td>
<td>2,978,385</td>
</tr>
<tr>
<td>Program Improvement</td>
<td>1,630,068</td>
</tr>
<tr>
<td>Increased Enrollment</td>
<td>700,000</td>
</tr>
<tr>
<td>Sub Total</td>
<td>$234,411,644</td>
</tr>
<tr>
<td>Less Local Share</td>
<td>40,465,325</td>
</tr>
<tr>
<td>Total</td>
<td>$193,946,319</td>
</tr>
</tbody>
</table>
This figure includes necessary increase for Social Security, Workmen’s Compensation and other fixed charges.

**40—Department of Education—Aid for Exceptional Children**

Acct. No. 296

1 Personal Services $159,940
2 Current Expenses $38,435
3 Out-of-State Instruction $150,000
4 Aid to Counties $4,285,150

5 Total $4,633,525

The appropriation for “Out-of-State Instruction” may be expended to provide instruction, care and maintenance for educable persons who have multiple handicaps and for whom the state provides no facilities.

**41—State Board of Education—Early Childhood Aides**

Acct. No. 297

1 Early Childhood Aides $2,596,378

**42—Teacher’s Retirement Board**

Acct. No. 298

1 Benefit Fund—Payments to Retired Teachers $14,502,000
2 Employers’ Accumulation Fund—To match contributions of members $3,525,000
3 Expense Fund $35,000

5 Total $18,062,000
43—West Virginia Schools for the Deaf and the Blind

Acct. No. 333

<table>
<thead>
<tr>
<th>Item Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$1,457,568</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>355,130</td>
</tr>
<tr>
<td>3 Repairs and Alterations</td>
<td>79,800</td>
</tr>
<tr>
<td>4 Equipment</td>
<td>67,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$1,959,498</strong></td>
</tr>
</tbody>
</table>

Any unexpended balance remaining in the appropriation “Environmental Replacement-Heating Conversion” at the close of the fiscal year 1973-74 is hereby reappropriated for expenditure during the fiscal year 1974-75.

44—State FFA-FHA Camp and Conference Center

Acct. No. 336

<table>
<thead>
<tr>
<th>Item Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$76,110</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>13,650</td>
</tr>
<tr>
<td>3 Repairs and Alterations</td>
<td>19,750</td>
</tr>
<tr>
<td>4 Equipment</td>
<td>19,200</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$128,710</strong></td>
</tr>
</tbody>
</table>

45—Department of Archives and History

Acct. No. 340

<table>
<thead>
<tr>
<th>Item Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$119,828</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>51,650</td>
</tr>
<tr>
<td>3 Equipment</td>
<td>30,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$201,478</strong></td>
</tr>
</tbody>
</table>

46—West Virginia Library Commission

Acct. No. 350

<table>
<thead>
<tr>
<th>Item Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$449,000</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>150,000</td>
</tr>
<tr>
<td>3 Repairs and Alterations</td>
<td>3,500</td>
</tr>
<tr>
<td>4 Equipment</td>
<td>5,000</td>
</tr>
<tr>
<td>5 Books and Periodicals</td>
<td>60,000</td>
</tr>
</tbody>
</table>
### Appropriations

| 6 Grants-in-Aid                          | 800,000 |
| 7 Library Matching Fund                 | 1,500,000 |

17 Total $2,967,500

18 Any unexpended balance remaining in the
19 appropriation "Library Matching Fund" at the
20 close of the fiscal year 1973-74 is hereby re-
21 appropriated for expenditure during the fis-
22 cal year 1974-75.

### Charities and Correction

#### 47—West Virginia Industrial School for Boys

<table>
<thead>
<tr>
<th>Acct. No. 370</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services Total $962,520</td>
</tr>
<tr>
<td>2 Regular 716,520</td>
</tr>
<tr>
<td>3 Anthony Correctional 246,000</td>
</tr>
<tr>
<td>4 Current Expenses Total 360,100</td>
</tr>
<tr>
<td>5 Regular 260,100</td>
</tr>
<tr>
<td>6 Anthony Correctional 100,000</td>
</tr>
<tr>
<td>7 Repairs and Alterations Total 78,200</td>
</tr>
<tr>
<td>8 Regular 63,650</td>
</tr>
<tr>
<td>9 Anthony Correctional 14,550</td>
</tr>
<tr>
<td>10 Equipment Total 60,700</td>
</tr>
<tr>
<td>11 Regular 45,700</td>
</tr>
<tr>
<td>12 Anthony Correctional 15,000</td>
</tr>
</tbody>
</table>

13 Total $1,461,520

#### 48—Forestry Camp for Boys No. 1 (Davis)

<table>
<thead>
<tr>
<th>Acct. No. 371</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services $241,187</td>
</tr>
<tr>
<td>2 Current Expenses 117,232</td>
</tr>
<tr>
<td>3 Repairs and Alterations 16,065</td>
</tr>
<tr>
<td>4 Equipment 21,500</td>
</tr>
<tr>
<td>5 Septic System Repairs 15,000</td>
</tr>
</tbody>
</table>

6 Total $410,984
### 49—West Virginia Industrial Home for Girls

**Acct. No. 372**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personal Services</td>
<td>$400,503</td>
</tr>
<tr>
<td>Current Expenses</td>
<td>$131,565</td>
</tr>
<tr>
<td>Repairs and Alterations</td>
<td>$34,900</td>
</tr>
<tr>
<td>Equipment</td>
<td>$45,000</td>
</tr>
<tr>
<td>Vocational Training</td>
<td>$5,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$616,968</td>
</tr>
</tbody>
</table>

### 50—West Virginia Forestry Camp No. 2 (Leckie)

**Acct. No. 373**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personal Services</td>
<td>$240,112</td>
</tr>
<tr>
<td>Current Expenses</td>
<td>$128,625</td>
</tr>
<tr>
<td>Repairs and Alterations</td>
<td>$24,450</td>
</tr>
<tr>
<td>Equipment</td>
<td>$22,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$415,187</td>
</tr>
</tbody>
</table>

### 51—West Virginia State Prison for Women

**Acct. No. 374**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personal Services</td>
<td>$128,339</td>
</tr>
<tr>
<td>Current Expenses</td>
<td>$59,256</td>
</tr>
<tr>
<td>Repairs and Alterations</td>
<td>$20,050</td>
</tr>
<tr>
<td>Equipment</td>
<td>$12,600</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$220,245</td>
</tr>
</tbody>
</table>

### 52—West Virginia Penitentiary

**Acct. No. 375**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personal Services</td>
<td>$1,741,100</td>
</tr>
<tr>
<td>Current Expenses</td>
<td>$875,000</td>
</tr>
<tr>
<td>Repairs and Alterations</td>
<td>$157,300</td>
</tr>
<tr>
<td>Equipment</td>
<td>$200,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$2,973,400</td>
</tr>
</tbody>
</table>

6 Any unexpended balance remaining in the accounts “Replacement of Sanitary System
approached for expenditure during the fiscal year 1974-75.
Any or all of the account "Replacement of Sanitary System (Sewers) and Construction of Boiler Plant" may be used to match and aid Federal Funds.

53—Huttonsville Correctional Center

Acct. No. 376

1 Personal Services $ 1,082,837
2 Current Expenses 393,000
3 Repairs and Alterations 76,603
4 Equipment 19,000

5 Total $ 1,571,440

54—West Virginia Children's Home

Acct. No. 380

1 Personal Services $ 120,400
2 Current Expenses 59,850
3 Repairs and Alterations 14,000
4 Equipment 14,600
5 Sprinkler System 15,000

6 Total $ 223,850

55—Andrew S. Rowan Memorial Home

Acct. No. 384

1 Personal Services $ 579,980
2 Current Expenses 265,000
3 Repairs and Alterations 40,000
4 Equipment 62,500

5 Total $ 947,480
### Ch. 2] Appropriations

#### 56—State Health Department

**Acct. No. 400**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personal Services</td>
<td>$1,268,822</td>
</tr>
<tr>
<td>Current Expenses</td>
<td>223,800</td>
</tr>
<tr>
<td>Equipment</td>
<td>37,500</td>
</tr>
<tr>
<td>Emergency Medical Services</td>
<td>45,000</td>
</tr>
<tr>
<td>Cancer Control and Treatment</td>
<td>241,500</td>
</tr>
<tr>
<td>Local Health Services</td>
<td>1,500,000</td>
</tr>
<tr>
<td>Dental Clinics</td>
<td>151,334</td>
</tr>
<tr>
<td>Heart Disease Control</td>
<td>134,375</td>
</tr>
<tr>
<td>Maternal and Child Healthmobile Medical</td>
<td></td>
</tr>
<tr>
<td>Examination Clinic</td>
<td>441,250</td>
</tr>
<tr>
<td>Home Health Services</td>
<td>41,000</td>
</tr>
<tr>
<td>Mobile Chest X-Ray &amp; Diagnostic Services for Tuberculosis Control</td>
<td>82,000</td>
</tr>
<tr>
<td>Hospital and Medical Facilities Construction</td>
<td>17,500</td>
</tr>
<tr>
<td>Special Project for Eradication of Tuberculosis</td>
<td>250,000</td>
</tr>
<tr>
<td>Environmental Health Services</td>
<td>184,500</td>
</tr>
<tr>
<td>Nursing Home Inspection Unit</td>
<td>86,000</td>
</tr>
<tr>
<td>Biologials for Immunization and Venereal Disease</td>
<td>75,000</td>
</tr>
<tr>
<td>Regional Health Services</td>
<td>214,000</td>
</tr>
<tr>
<td>Early Childhood Development Program</td>
<td>195,000</td>
</tr>
</tbody>
</table>

| Total                                                                      | $5,188,581|

#### 57—Commission on Post-mortem Examination

**Acct. No. 401**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>In aid of Veterans Day Patriotic Exercises</td>
<td>$5,000</td>
</tr>
</tbody>
</table>

#### 58—Department of Veterans Affairs

**Acct. No. 403**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>In aid of Veterans Day Patriotic Exercises</td>
<td>$5,000</td>
</tr>
</tbody>
</table>
To be expended subject to the approval of the Department of Veterans Affairs upon presentation of satisfactory plans by the Grafton G.A.R. Post, American Legion, Veterans of Foreign Wars and Sons of Veterans.

59—Department of Veterans Affairs

Acct. No. 404

1 Personal Services $350,280
2 Current Expenses 75,700
3 Equipment 5,100
4 Administration of Vietnam Veterans Bonus 130,000

Total $561,080

Any unexpended balance remaining in the appropriation "To Provide Educational Opportunities for Children of War Veterans" at the close of the fiscal year 1973-74 is hereby appropriated for expenditure during the fiscal year 1974-75.

60—Department of Welfare

Acct. No. 405

1 Personal Services $4,491,519
2 Current Expenses 1,840,606
3 Equipment 47,935
4 Public Assistance Grants (Classified Aid) 11,804,677
5 Services to Children, Aged, Blind and Disabled 4,827,263
6 Emergency Assistance Program 1,550,000
7 Social Security Matching Fund 441,027

Total $25,003,027

61—State Commission on Aging

Acct. No. 406

1 Personal Services $50,200
2 Current Expenses 38,115
3 Equipment 525
Ch. 2]  

**APPROPRIATIONS**

<table>
<thead>
<tr>
<th>Program</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>4 Programs for Elderly</td>
<td>250,000</td>
</tr>
<tr>
<td>5 Total</td>
<td>$338,840</td>
</tr>
</tbody>
</table>

62—Department of Welfare—Food Stamp and
Government Donated Food

**Acct. No. 407**

<table>
<thead>
<tr>
<th>Account</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$1,217,492</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>377,018</td>
</tr>
<tr>
<td>3 Equipment</td>
<td>12,500</td>
</tr>
<tr>
<td>4 Total</td>
<td>$1,607,010</td>
</tr>
</tbody>
</table>

63—Department of Welfare—Medical Program

**Acct. No. 408**

<table>
<thead>
<tr>
<th>Account</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$1,885,515</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>1,014,550</td>
</tr>
<tr>
<td>3 Equipment</td>
<td>12,480</td>
</tr>
<tr>
<td>4 Direct Services</td>
<td>18,507,037</td>
</tr>
<tr>
<td>5 Total</td>
<td>$21,419,582</td>
</tr>
</tbody>
</table>

64—Department of Mental Health

**Acct. No. 410**

<table>
<thead>
<tr>
<th>Account</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$820,000</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>205,692</td>
</tr>
<tr>
<td>3 Equipment</td>
<td>13,000</td>
</tr>
<tr>
<td>4 Research and Training</td>
<td>10,000</td>
</tr>
<tr>
<td>5 Civil Service Costs</td>
<td>85,000</td>
</tr>
<tr>
<td>6 Division of Health Education</td>
<td>750,000</td>
</tr>
<tr>
<td>7 Community Mental Retardation Program</td>
<td>20,000</td>
</tr>
<tr>
<td>8 Alcohol and Drug Abuse Program</td>
<td>400,000</td>
</tr>
<tr>
<td>9 Community Mental Health Programs</td>
<td>1,600,000</td>
</tr>
<tr>
<td>10 Total</td>
<td>$3,903,692</td>
</tr>
</tbody>
</table>

11 Any unexpended balance remaining in the account “Mental Health Center—Princeton” at
12 the close of the fiscal year 1973-74 is hereby
13 reappropriated for expenditure during fiscal
14 year 1974-75.
### 65—Commission On Mental Retardation

**Acct. No. 411**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$48,600</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$16,770</td>
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<td>3 Equipment</td>
<td>$2,000</td>
</tr>
<tr>
<td>4 Total</td>
<td>$67,370</td>
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</table>

### 66—Greenbrier School for Mentally Retarded Children

**Acct. No. 414**

<table>
<thead>
<tr>
<th>Item</th>
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</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$596,500</td>
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<tr>
<td>2 Current Expenses</td>
<td>$143,500</td>
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<tr>
<td>3 Repairs and Alterations</td>
<td>$100,000</td>
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<tr>
<td>4 Equipment</td>
<td>$60,000</td>
</tr>
<tr>
<td>5 Total</td>
<td>$900,000</td>
</tr>
</tbody>
</table>

### 67—Roney's Point Branch Hospital

**Acct. No. 417**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$186,082</td>
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<tr>
<td>2 Current Expenses</td>
<td>$55,125</td>
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<td>3 Repairs and Alterations</td>
<td>$20,000</td>
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<td>4 Equipment</td>
<td>$3,750</td>
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<tr>
<td>5 Total</td>
<td>$264,957</td>
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### 68—Guthrie Center

**Acct. No. 418**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$482,598</td>
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<tr>
<td>2 Current Expenses</td>
<td>$200,000</td>
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<tr>
<td>3 Repairs and Alterations</td>
<td>$45,000</td>
</tr>
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<td>4 Equipment</td>
<td>$35,000</td>
</tr>
<tr>
<td>5 Total</td>
<td>$762,598</td>
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### 69—Colin Anderson Center

**Acct. No. 419**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$3,280,000</td>
</tr>
</tbody>
</table>
2 Current Expenses ........................................ 517,595
3 Repairs and Alterations ................................. 89,150
4 Equipment .................................................. 120,000

5 Total ....................................................... $ 4,006,745

70—Weston State Hospital
Acct. No. 420

1 Personal Services ......................................... $ 4,433,125
2 Current Expenses ......................................... 1,467,530
3 Repairs and Alterations ................................. 143,325
4 Equipment .................................................. 114,450
5 Psychiatric Training Center for Student Nurses 150,000

6 Total ....................................................... $ 6,308,430

71—Spencer State Hospital
Acct. No. 421

1 Personal Services ......................................... $ 2,584,046
2 Current Expenses ......................................... 866,650
3 Repairs and Alterations ................................. 85,000
4 Equipment .................................................. 75,000

5 Total ....................................................... $ 3,610,696

6 Any unexpended balance remaining in “Boiler
7 Plant” at the close of fiscal year 1973-74, is
8 hereby reappropriated for expenditure dur-
9 ing fiscal year 1974-75.

72—Huntington State Hospital
Acct. No. 422

1 Personal Services ......................................... $ 3,044,455
2 Current Expenses ......................................... 950,000
3 Repairs and Alterations ................................. 150,000
4 Equipment .................................................. 90,000
5 Student Nurse Affiliation Program ................... 43,000

6 Total ....................................................... $ 4,277,455
Any unexpended balance remaining in the appropriation "Boiler Plant — Replacement of Existing Boiler" at the close of fiscal year 1973-74 is hereby reappropriated for expenditure during the fiscal year 1974-75.

**73—Lakin State Hospital**

Acct. No. 423

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$1,529,300</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$425,000</td>
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<tr>
<td>3 Repairs and Alterations</td>
<td>$100,000</td>
</tr>
<tr>
<td>4 Equipment</td>
<td>$65,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$2,119,300</strong></td>
</tr>
</tbody>
</table>

Any unexpended balance remaining in the appropriation—"Renovate Classroom Building, Construct Ward Building," at the close of the fiscal year 1973-74 is hereby reappropriated for expenditure during the fiscal year 1974-75.

**74—Barboursville State Hospital**

Acct. No. 424

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$891,250</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$221,700</td>
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<tr>
<td>3 Repairs and Alterations</td>
<td>$22,000</td>
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<tr>
<td>4 Equipment</td>
<td>$25,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$1,159,950</strong></td>
</tr>
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</table>

**75—Fairmont Emergency Hospital**

Acct. No. 425

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$394,625</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$148,750</td>
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<tr>
<td>3 Repairs and Alterations</td>
<td>$15,350</td>
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<tr>
<td>4 Equipment</td>
<td>$17,600</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>$576,325</strong></td>
</tr>
</tbody>
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### Appropriations

#### 76—Welch Emergency Hospital

**Acct. No. 426**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$696,500</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$271,005</td>
</tr>
<tr>
<td>3 Repairs and Alterations</td>
<td>$75,000</td>
</tr>
<tr>
<td>4 Equipment</td>
<td>$70,000</td>
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</tbody>
</table>

5 Total: $1,112,505

#### 77—Hopemont State Hospital

**Acct. No. 430**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$2,500,000</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$490,000</td>
</tr>
<tr>
<td>3 Repairs and Alterations</td>
<td>$60,000</td>
</tr>
<tr>
<td>4 Equipment</td>
<td>$75,000</td>
</tr>
</tbody>
</table>

5 Total: $3,125,000

#### 78—Pinecrest State Hospital

**Acct. No. 431**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$2,179,000</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$612,785</td>
</tr>
<tr>
<td>3 Repairs and Alterations</td>
<td>$40,350</td>
</tr>
<tr>
<td>4 Equipment</td>
<td>$43,650</td>
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</table>

5 Total: $2,875,785

#### 79—Denmar State Hospital

**Acct. No. 432**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
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<tbody>
<tr>
<td>1 Personal Services</td>
<td>$1,533,000</td>
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<tr>
<td>2 Current Expenses</td>
<td>$401,000</td>
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<tr>
<td>3 Repairs and Alterations</td>
<td>$42,000</td>
</tr>
<tr>
<td>4 Equipment</td>
<td>$85,000</td>
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</table>

5 Total: $2,061,000

#### 80—State Board of Education—Rehabilitation Division

**Acct. No. 440**

<table>
<thead>
<tr>
<th>Description</th>
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<tbody>
<tr>
<td>1 Personal Services</td>
<td>$829,480</td>
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80 Total: $829,480
<table>
<thead>
<tr>
<th>Appropriations</th>
<th>[Ch. 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 Current Expenses</td>
<td>272,400</td>
</tr>
<tr>
<td>3 Rehabilitation Center</td>
<td>801,400</td>
</tr>
<tr>
<td>4 Case Services</td>
<td>1,566,150</td>
</tr>
<tr>
<td>5 Supervisory Services for Vending Stand Program for the Blind</td>
<td>71,200</td>
</tr>
<tr>
<td>6 Training and Special Projects</td>
<td>170,338</td>
</tr>
<tr>
<td>7 Social Security Matching Fund</td>
<td>72,000</td>
</tr>
<tr>
<td>9 Total</td>
<td>$3,782,968</td>
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</table>

**BUSINESS AND INDUSTRIAL RELATIONS**

81—Bureau of Labor and Department of Weights and Measures

Acct. No. 450

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
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<tbody>
<tr>
<td>1 Personal Services</td>
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<tr>
<td>2 Current Expenses</td>
<td>$230,875</td>
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<tr>
<td>3 Equipment</td>
<td>$12,970</td>
</tr>
<tr>
<td>4 Total</td>
<td>$918,845</td>
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</table>

82—Interstate Mining Compact Commission

Acct. No. 451

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Total</td>
<td>$10,000</td>
</tr>
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</table>

83—Department of Mines

Acct. No. 460

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
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<tbody>
<tr>
<td>1 Personal Services</td>
<td>$1,802,880</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$356,275</td>
</tr>
<tr>
<td>3 Equipment</td>
<td>$53,025</td>
</tr>
<tr>
<td>4 Miner Training, Education and Certification</td>
<td>$200,000</td>
</tr>
<tr>
<td>5 Special Mine Drainage</td>
<td>$50,000</td>
</tr>
<tr>
<td>6 Subsidence—Federal Matching Funds</td>
<td>$250,000</td>
</tr>
<tr>
<td>7 Total</td>
<td>$2,712,180</td>
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84—Department of Commerce

Acct. No. 465

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$557,477</td>
</tr>
</tbody>
</table>
2 Current Expenses .............................................. 1,400,000
3 Equipment .................................................. 47,000
4 Arts and Humanities Fund .............................. 276,759
5 Industrial Development Revolving Fund ............ 500,000
6 W. Va. Historical Drama Association ............... 55,000
7 Mt. State Forest Festival .............................. 25,000
8 Alpine Festival ............................................ 7,500
9 New Martinsville Regatta .............................. 2,500
10 Braxton County Regatta ............................... 4,000
11 Mothers Day Founders Festival ...................... 5,000
12 Sternwheel Regatta .................................... 1,000
13 Sistersville Outboard Regatta ....................... 1,000
14 White Water Weekend .................................. 3,000
15 Cherry River Festival .................................. 2,000
16 Oil and Gas Festival .................................. 2,500
17 West Virginia Water Festival ....................... 7,500
18 Mt. Heritage Arts and Crafts Fair .................. 5,000
19 Calhoun County Wood Festival ...................... 2,500
20 Wellsburg July 4th Celebration ..................... 1,000
21 Ohio River Festival .................................... 1,000
22 National Youth Science Camp ......................... 100,000
23 West Virginia's Participation National Bicentennial ........................................... 109,500
24 King Coal Festival .................................... 700
25 Independence Hall, Wheeling, West Virginia .... 125,000
26 U. S. Track & Field Hall of Fame .................. 50,000
27 Total ......................................................... $ 3,291,936

28 The above appropriations, Mt. State Forest Festival, Alpine Festival, New Martinsville Regatta, Braxton County Regatta, Mothers Day Founders Festival, Sternwheel Regatta, Sistersville Outboard Regatta, White Water Weekend, Cherry River Festival, Oil and Gas Festival, West Virginia Water Festival, Mt. Heritage Arts and Crafts Fair, Calhoun County Wood Festival, Wellsburg July 4th Celebration, Ohio River Festival, King Coal Festival and West Virginia Historical Drama Association shall be expended only upon authorization of the Commerce Commissioner.
and in accordance with the provisions of Chapter 5A of the Code of West Virginia.

All Federal moneys received as reimbursements to the Department of Commerce, for moneys expended from the General Revenue fund for Arts and Humanities are hereby reappropriated for the purposes as originally made, including Personal Services, Current Expenses and Equipment.

Any unexpended balance remaining in the appropriation “Independence Hall, Wheeling, West Virginia” at the close of the fiscal year 1973-74 is hereby reappropriated for expenditure during the fiscal year 1974-75.

Any unexpended balance remaining in the account “National Youth Science Camp” at the close of the fiscal year 1973-74 is hereby reappropriated for expenditure during the fiscal year 1974-75.

Any unexpended balance remaining in the account “West Virginia Bicentennial” at the close of the fiscal year 1973-74 is hereby reappropriated for expenditure during the fiscal year 1974-75.

Ohio River Basin Commission
Acct. No. 469

Total $20,500

State Commission on Manpower, Technology and Training
Acct. No. 470

1 Personal Services $24,518
2 Current Expenses $7,600
3 Equipment $1,100
4 Total $33,218
87—Council of State Governments

Acct. No. 472

1 Total $21,900

88—Interstate Commission on Potomac River Basin

Acct. No. 473

1 West Virginia's contribution to Potomac River Basin Interstate Commission $12,450

89—Ohio River Valley Water Sanitation Commission

Acct. No. 474

1 West Virginia's contribution to the Ohio River Valley Water Sanitation Commission $23,951

90—Southern Regional Education Board

Acct. No. 475

1 West Virginia's contribution to Southern Regional Education Board $75,000
3 To be expended upon requisition of the Governor.

91—West Virginia Air Pollution Control Commission

Acct. No. 476

1 Personal Services $378,125
2 Current Expenses $120,900
3 Equipment $9,325
4 Total $508,350

92—Interstate Education Compact

Acct. No. 477

1 West Virginia's contribution to Interstate Education Compact $9,500

93—Antiquities Commission

Acct. No. 478

1 Personal Services $22,278
### Appropriations

<table>
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<tr>
<th>Item</th>
<th>Description</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>2</td>
<td>Current Expenses</td>
<td>7,500</td>
</tr>
<tr>
<td>3</td>
<td>Equipment</td>
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</tr>
<tr>
<td>4</td>
<td>Total</td>
<td>$31,778</td>
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</table>

#### Department of Banking

**Acct. No. 480**

<table>
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<tr>
<th>Item</th>
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</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Personal Services</td>
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<tr>
<td>2</td>
<td>Current Expenses</td>
<td>131,125</td>
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<tr>
<td>3</td>
<td>Equipment</td>
<td>3,900</td>
</tr>
<tr>
<td>4</td>
<td>Total</td>
<td>$372,725</td>
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</tbody>
</table>

#### West Virginia State Aeronautics Commission

**Acct. No. 485**

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Personal Services</td>
<td>$32,220</td>
</tr>
<tr>
<td>2</td>
<td>Current Expenses</td>
<td>20,655</td>
</tr>
<tr>
<td>3</td>
<td>Equipment</td>
<td>2,000</td>
</tr>
<tr>
<td>4</td>
<td>Aerial Markers</td>
<td>1,200</td>
</tr>
<tr>
<td>5</td>
<td>Civil Air Patrol Expenses</td>
<td>18,500</td>
</tr>
<tr>
<td>6</td>
<td>Airport Matching</td>
<td>1,500,000</td>
</tr>
<tr>
<td>13</td>
<td>Total</td>
<td>$1,574,575</td>
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</tbody>
</table>

14 Any unexpended balance remaining in the appropriation “Airport Matching Fund” at the close of the fiscal year 1973-74 is hereby re-appropriated for expenditure during fiscal year 1974-75.

#### West Virginia Nonintoxicating Beer Commissioner

**Acct. No. 490**

<table>
<thead>
<tr>
<th>Item</th>
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</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Personal Services</td>
<td>$202,116</td>
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<tr>
<td>2</td>
<td>Current Expenses</td>
<td>72,200</td>
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<tr>
<td>3</td>
<td>Equipment</td>
<td>3,000</td>
</tr>
<tr>
<td>4</td>
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<td>$277,316</td>
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### 97—West Virginia Racing Commission

**Acct. No. 495**

<table>
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<tr>
<th>Item</th>
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</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$314,117</td>
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<tr>
<td>2 Current Expenses</td>
<td>$45,141</td>
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<tr>
<td>3 Equipment</td>
<td>$2,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$361,258</strong></td>
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</tbody>
</table>

### AGRICULTURE

**98—Department of Agriculture**

**Acct. No. 510**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Salary of Commissioner</td>
<td>$22,500</td>
</tr>
<tr>
<td>2 Other Personal Services</td>
<td>$1,064,448</td>
</tr>
<tr>
<td>3 Current Expenses</td>
<td>$550,052</td>
</tr>
<tr>
<td>4 Equipment</td>
<td>$28,000</td>
</tr>
<tr>
<td>5 Marijuana and Multiflora Rose Eradication</td>
<td>$35,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$1,700,000</strong></td>
</tr>
</tbody>
</table>

Out of the above funds a sum may be used to match Federal Funds for the eradication and control of pest and plant diseases.

Any unexpended balance remaining in “Eradication Program” and “Laboratory Facility” at the close of fiscal year 1973-74 is hereby appropriated for expenditure during fiscal year 1974-75.

### 99—Department of Agriculture—Soil Conservation Committee

**Acct. No. 512**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$190,000</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$56,253</td>
</tr>
<tr>
<td>3 Watershed Program</td>
<td>$300,000</td>
</tr>
<tr>
<td>4 Mud River Flood Control Project</td>
<td>$100,000</td>
</tr>
<tr>
<td>5 Channelization of Kellys Creek</td>
<td>$50,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$696,253</strong></td>
</tr>
</tbody>
</table>
7 Any unexpended balance remaining in the 
8 "Watershed Program" at the end of the fiscal 
9 year 1973-74 is hereby reappropriated for ex-
10 penditure during fiscal year 1974-75.

100—Department of Agriculture—Division of Rural Resources

Acct. No. 513

1 Matching Fund __________________________ $ 500,000

2 Any part or all of this appropriation may be 
3 transferred to Special Revenue Fund for 
4 the purpose of matching Federal Funds for 
5 the above-named program.

101—Department of Agriculture—Meat Inspection

Acct. No. 514

1 Unclassified _____________________________ $ 344,000

2 Any part or all of this appropriation may be 
3 transferred to Special Revenue Fund for the 
4 purpose of matching Federal Funds for the 
5 above-named program.

6 Any unexpended balance remaining in the ap-
7 propriation "Meat Inspection" at the close of 
8 the fiscal year 1973-74 is hereby reappro-
9 priated for expenditure during the fiscal 
10 year 1974-75.

102—Department of Agriculture—Agricultural Awards

Acct. No. 515

1 West Virginia State Fair ____________________ $ 35,000
2 Agricultural Awards __________________________ 45,000
3 Black Walnut Festival ________________________ 3,500
4 Apple Festival ______________________________ 1,500
5 Marshall Fair ______________________________ 2,500
6 Strawberry Festival __________________________ 4,950
7 Town and Country Days _____________________ 2,500
8 Webster Logging Festival ____________________ 2,000
9 Paden City Labor Day Festival ..................... 2,000
10 Jackson County Junior Fair ....................... 1,500
## Appropriations

<table>
<thead>
<tr>
<th>Event</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>11 Buckwheat Festival</td>
<td>3,500</td>
</tr>
<tr>
<td>12 Clay County Golden Delicious Festival</td>
<td>1,500</td>
</tr>
<tr>
<td>13 Potato Festival</td>
<td>1,500</td>
</tr>
<tr>
<td>14 Lincoln County Tomato Festival</td>
<td>1,000</td>
</tr>
<tr>
<td>15 Mason County Fair</td>
<td>3,500</td>
</tr>
<tr>
<td>16 West Virginia Sports Festival</td>
<td>1,500</td>
</tr>
<tr>
<td>17 Tyler County Fair</td>
<td>2,500</td>
</tr>
<tr>
<td>18 Virginia Point Days (Wayne County)</td>
<td>1,500</td>
</tr>
<tr>
<td>19 Wyoming County Youth Camp Awards</td>
<td>2,500</td>
</tr>
<tr>
<td>20 Wood County Fair</td>
<td>3,000</td>
</tr>
<tr>
<td>21 Braxton Fair Association</td>
<td>2,000</td>
</tr>
<tr>
<td>22 Huntington River Day Fair</td>
<td>1,000</td>
</tr>
<tr>
<td>23 Pocahontas County Pioneer Days</td>
<td>1,000</td>
</tr>
<tr>
<td>24 Mannington District Fair</td>
<td>1,000</td>
</tr>
<tr>
<td>25 Paw Paw District Fair</td>
<td>1,000</td>
</tr>
<tr>
<td>26 Winfield District Fair</td>
<td>1,000</td>
</tr>
<tr>
<td>27 Putnam County Midway Fair</td>
<td>1,000</td>
</tr>
<tr>
<td>28 Monroe County Farmers Day (Union)</td>
<td>1,500</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>131,950</strong></td>
</tr>
</tbody>
</table>

## Conservation and Development

### 103—Geological and Economic Survey Commission

Acct. No. 520

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$435,625</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$134,137</td>
</tr>
<tr>
<td>3 Repairs and Alterations</td>
<td>9,500</td>
</tr>
<tr>
<td>4 Equipment</td>
<td>56,673</td>
</tr>
<tr>
<td>5 Cooperative Mapping Program</td>
<td>225,000</td>
</tr>
<tr>
<td>6 Coal Quality and Reserve Study</td>
<td>200,000</td>
</tr>
<tr>
<td>7 Archaeological Dig Blennerhasseitt Island</td>
<td>40,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>1,100,935</strong></td>
</tr>
</tbody>
</table>

Out of the above appropriation for "Cooperative Mapping Program", the sum of $65,000 may be used to cooperate with the United States Geological Survey in Ground Waters Resources Study.
**104—Water Development Authority**

Acct. No. 563

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total</td>
<td>$120,000</td>
</tr>
</tbody>
</table>

**105—Department of Natural Resources**

Acct. No. 565

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personal Services</td>
<td>$3,429,370</td>
</tr>
<tr>
<td>Current Expenses</td>
<td>968,785</td>
</tr>
<tr>
<td>Repairs and Alterations</td>
<td>308,380</td>
</tr>
<tr>
<td>Equipment</td>
<td>418,950</td>
</tr>
<tr>
<td>Subsistence for Conservation Officers</td>
<td>342,188</td>
</tr>
<tr>
<td>Debt Service</td>
<td>675,000</td>
</tr>
<tr>
<td>Special Works Program</td>
<td>293,000</td>
</tr>
<tr>
<td>A.R.A.-E.D.A. Park Program</td>
<td>100,840</td>
</tr>
<tr>
<td>Clarke-McNary Fire Prevention</td>
<td>300,000</td>
</tr>
<tr>
<td>Wonderful West Virginia</td>
<td>150,000</td>
</tr>
<tr>
<td>Water Resources Board</td>
<td>13,802</td>
</tr>
<tr>
<td>U.S. Geological Survey</td>
<td>52,500</td>
</tr>
<tr>
<td>Rabies Control</td>
<td>34,302</td>
</tr>
<tr>
<td>French Creek Game Farm</td>
<td>78,977</td>
</tr>
<tr>
<td>Berkeley Springs Resort</td>
<td>113,071</td>
</tr>
<tr>
<td>Reclamation Board of Review</td>
<td>15,000</td>
</tr>
<tr>
<td>Coal Refuse Disposal and Dam Control Act</td>
<td>207,320</td>
</tr>
<tr>
<td>Pipestem State Park (operation)</td>
<td>375,000</td>
</tr>
<tr>
<td>Bluestone State Park</td>
<td>75,000</td>
</tr>
<tr>
<td>Panther State Forest</td>
<td>200,000</td>
</tr>
<tr>
<td>Tomlinson Run State Park</td>
<td>265,000</td>
</tr>
<tr>
<td>Pleasant Creek Rifle Range</td>
<td>10,000</td>
</tr>
</tbody>
</table>

| Total                                                                      | $8,426,485|

24 Out of the above appropriation for “Subsistence for Conservation Officers,” subsistence shall be paid at the rate of two hundred twenty-eight dollars ($228.00) per month to the chief conservation officer and each full-time uniformed conservation officer, under his direct supervision, whose primary duties and responsibilities are law enforcement.
32 Any or all funds appropriated for "Clarke-McNary Fire Prevention" may be transferred to a special fund to match and aid Federal Funds.


47 Any or all of the appropriation "Capital Improvements, State Parks" may be used to match and aid Federal Funds.

106—Public Land Corporation

Acct. No. 566

1 Any unexpended balance remaining in the appropriation for "Public Land Corporation" at the close of the fiscal year 1973-74 is hereby reappropriated for expenditure during the fiscal year 1974-75.

PROTECTION

107—Department of Public Safety

Acct. No. 570

1 Personal Services ........................................ $ 6,044,519
2 Current Expenses ........................................... 2,400,000
3 Repairs and Alterations ................................ 143,850
4 Equipment .................................................. 787,900
5 Emergency Fund ............................................ 5,000
6 Arrest and Witness Fee .................................... 225,000

7 Total .................................................................. $ 9,606,269
### Appropriations

#### 108—Adjutant General—State Militia

**Acct. No. 580**

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Personal Services</td>
<td>$123,942</td>
</tr>
<tr>
<td>2</td>
<td>Current Expenses</td>
<td>$250,000</td>
</tr>
<tr>
<td>3</td>
<td>Repairs and Alterations</td>
<td>$24,500</td>
</tr>
<tr>
<td>4</td>
<td>Equipment</td>
<td>$7,200</td>
</tr>
<tr>
<td>5</td>
<td>Compensation of Commanding Officers, Clerical Allowances and Uniform Allowances</td>
<td>$96,040</td>
</tr>
<tr>
<td>6</td>
<td>Property Maintenance</td>
<td>$300,240</td>
</tr>
<tr>
<td>7</td>
<td>State Armory Board</td>
<td>$1,100,573</td>
</tr>
<tr>
<td>8</td>
<td>Total</td>
<td>$1,902,495</td>
</tr>
</tbody>
</table>

#### 109—West Virginia State Board of Land Surveyors

**Acct. No. 585**

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>To pay the per diem of members and other general expenses</td>
<td>$7,000</td>
</tr>
<tr>
<td>2</td>
<td>From Collections</td>
<td>$7,000</td>
</tr>
</tbody>
</table>

#### 110—State Board of Professional Foresters

**Acct. No. 586**

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>To pay the per diem of members and other general expenses</td>
<td>$700</td>
</tr>
<tr>
<td>2</td>
<td>From Collections</td>
<td>$700</td>
</tr>
</tbody>
</table>

#### 111—West Virginia Board of Examiners for Practical Nurses

**Acct. No. 587**

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>To pay the per diem of members and other general expenses</td>
<td>$41,000</td>
</tr>
<tr>
<td>2</td>
<td>From Collections</td>
<td>$41,000</td>
</tr>
</tbody>
</table>

#### 112—State Board of Chiropractic Examiners

**Acct. No. 588**

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>To pay the per diem of members and other general expenses</td>
<td>$700</td>
</tr>
<tr>
<td>2</td>
<td>From Collections</td>
<td>$700</td>
</tr>
</tbody>
</table>
113—State Board of Pharmacy

Acct. No. 590

1 To pay the per diem of members and other
2 general expenses $42,000
3 From Collections $42,000

114—State Board of Osteopathy

Acct. No. 591

1 To pay the per diem of members and other
2 general expenses $4,145
3 From Collections $4,145

115—State Board of Embalmers and Funeral Directors

Acct. No. 593

1 To pay the per diem of members and other
2 general expenses $30,000
3 From Collections $30,000

116—State Board of Registration for Professional Engineers

Acct. No. 594

1 To pay the per diem of members and other
2 general expenses $38,475
3 From Collections $38,475

117—State Board of Architects

Acct. No. 595

1 To pay the per diem of members and other
2 general expenses $14,000
3 From Collections $14,000

118—State Veterinary Board

Acct. No. 596

1 To pay the per diem of members and other
2 general expenses $1,000
3 From Collections $1,000
119—State Board of Law Examiners  
Acct. No. 597  
1 To pay the per diem of members and other  
2 general expenses $8,000

120—Human Rights Commission  
Acct. No. 598  
1 Personal Services $175,813  
2 Current Expenses $70,000  
3 Equipment $3,700  
4 Total $249,513

121—West Virginia State Board of Sanitarians  
Acct. No. 599  
1 To pay the per diem of members and other  
2 general expenses $800  
3 From Collections $800

122—West Virginia Public Employees Retirement Board  
Acct. No. 614  
1 Employers Accumulation Fund $750,000  
2 Expense Fund $85,000  
3 Total $835,000

4 The above appropriation is intended to cover  
the state’s share of the West Virginia Pub-  
lic Employees Retirement cost in accord-  
ance with Chapter 5, Article 10 of the Code  
of West Virginia for those departments  
operating from General Revenue Fund. The  
State Department of Highways, Depart-  
ment of Motor Vehicles, State Tax Depart-  
ment—Gasoline Tax Division, Workmen’s  
Compensation Commission, Public Service  
Commission, and other departments oper-  
ating from Special Revenue Funds and/or  
Federal Funds shall pay their proportionate
share of the retirement costs for their respective divisions. When specific appropriations are not made such payments may be made from the balances in the various Special Revenue Funds in excess of specific appropriations.

123—West Virginia Public Employees Insurance Board

Acct. No. 615

1 Expense Fund $96,000
2 Public Employees Health Insurance—State Contribution 679,000

Total 775,000

The above appropriation is intended to cover the state's share of Public Employees Health Insurance costs for those spending units operating from General Revenue Fund. The State Department of Highways, Department of Motor Vehicles, Workmen's Compensation Commission, Public Service Commission, and other departments operating from Special Revenue Funds and/or Federal Funds shall pay their proportionate share of the Public Employees Health Insurance cost for their respective divisions. When specific appropriations are not made such payments may be made from the balances in the various Special Revenue Funds in excess of specific appropriations.

Any or all of the above appropriation may be transferred to a Special Revenue account for disbursement.

124—Insurance Commissioner

Acct. No. 616

1 Personal Services $461,000
2 Current Expenses 130,000
3 Repairs and Alterations 5,000
4 Equipment ____________________________ 5,800

5  Total ________________________________ $ 601,800

125—State Department of Highways
Acct. No. 641

126—State Department of Highways
Acct. No. 645

1 Total ________________________________ $ 25,000

1 Sec. 2. Appropriations from Other Funds.—From the funds designated there is hereby appropriated conditionally upon the fulfillment of the provisions set forth in Chapter 5A, Article 2 of the Code of West Virginia the following amounts, as itemized, for expenditure during the fiscal year one thousand nine hundred seventy-five.

127—State Department of Highways
Acct. No. 670

TO BE PAID FROM STATE ROAD FUND

4 Federal Aid Programs ______________________ 227,000,000
9 General Operations _________________________ 159,100,000

13  Total ________________________________ $386,100,000

14 It is the intent to appropriate and make available for expenditure, the balances and all revenues and income of the state road fund, including the proceeds from the sale of bonds, for the maintenance, construction and reconstruction of state roads and for other purposes in accordance with the provisions of Chapter 17, Code of West Virginia, one thousand nine hundred thirty-one, as amended.

23 Funds in excess of amounts herein appropriated may be made available by budget amendment upon request of the Highways Commissioner and approval of the Governor.
27 The State Commissioner of Highways shall have the authority to operate revolving funds within the state road fund for the operation and purchase of various types of equipment used directly and indirectly in the construction and maintenance of roads and for the purchase of inventories and materials and supplies: Provided, however, That the operation of such revolving funds shall not cause expenditures in excess of the foregoing appropriations.

38 There is hereby appropriated, within the above line items, sufficient moneys for the payment of claims, accrued or arising during this budgetary period, to be paid in accordance with Chapter 14, Article 2, Sections 7 and 8, Code of West Virginia, one thousand nine hundred thirty-one, as amended.

128—Department of Motor Vehicles

Acct. No. 671

TO BE PAID FROM STATE ROAD FUND

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$1,025,000</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$1,225,000</td>
</tr>
<tr>
<td>3 Equipment</td>
<td>$30,000</td>
</tr>
<tr>
<td>4 Purchase of License Plates</td>
<td>$300,000</td>
</tr>
<tr>
<td>5 Social Security Matching Fund</td>
<td>$66,700</td>
</tr>
<tr>
<td>6 Public Employees Retirement Matching Fund</td>
<td>$109,000</td>
</tr>
<tr>
<td>7 Public Employees Health Insurance</td>
<td>$36,300</td>
</tr>
<tr>
<td>8 Total</td>
<td>$2,792,000</td>
</tr>
</tbody>
</table>

129—State Tax Department—Gasoline Tax Division

Acct. No. 672

TO BE PAID FROM STATE ROAD FUND

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$311,998</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$125,000</td>
</tr>
<tr>
<td>3 Equipment</td>
<td>$4,800</td>
</tr>
</tbody>
</table>
### Appropriations

#### 4 Social Security Matching Fund
- Amount: $20,000

#### 5 Public Employees Health Insurance
- Amount: $16,000

#### Total
- Amount: $477,798

#### 130—Department of Education—Veterans Education

**Acct. No. 702**

**TO BE PAID FROM GENERAL SCHOOL FUND**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$115,800</td>
</tr>
<tr>
<td>2 Other Expenses</td>
<td>$39,600</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>155,400</strong></td>
</tr>
</tbody>
</table>

4 Expenditures from this appropriation shall not exceed the amount to be reimbursed by the Federal Government.

7 Federal funds in excess of the amounts here-by appropriated may be made available by budget amendment upon request of the State Superintendent of Schools and approval of the Governor for any emergency which might arise in the operation of this division during the fiscal year.

#### 131—Treasurer’s Office

**Acct. No. 800**

**TO BE PAID FROM SPECIAL REVENUE FUND**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Abandoned and Unclaimed Property—Trust and Expense Fund</td>
<td>$29,620</td>
</tr>
</tbody>
</table>

#### 132—Real Estate Commission

**Acct. No. 801**

**TO BE PAID FROM SPECIAL REVENUE FUND**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$70,820</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$24,450</td>
</tr>
<tr>
<td>3 Equipment</td>
<td>$4,000</td>
</tr>
<tr>
<td>4 Social Security Matching Fund</td>
<td>$4,500</td>
</tr>
<tr>
<td></td>
<td>Appropriations</td>
</tr>
<tr>
<td>---------------------------</td>
<td>----------------</td>
</tr>
<tr>
<td>5 Public Employees Retirement Matching Fund</td>
<td></td>
</tr>
<tr>
<td>6 Public Employees Health Insurance</td>
<td></td>
</tr>
<tr>
<td>7 Total</td>
<td></td>
</tr>
</tbody>
</table>

8 The total amount of this appropriation shall be paid out of collections of license fees as provided by law.

133—West Virginia Racing Commission
acct. No. 808

TO BE PAID FROM SPECIAL REVENUE FUND

| 1 Medical Expenses                      |               | 5,000 |

2 The total amount of this appropriation shall be paid from Special Revenue Fund out of collections of license fees and fines as provided by law.

6 No expenditures shall be made from this account except for hospitalization, medical care, and/or funeral expenses for persons contributing to this fund.

134—Auditor’s Office—Land Department Operating Fund
acct. No. 812

TO BE PAID FROM SPECIAL REVENUE FUND

| 1 Personal Services                    |               | 29,161 |
| 2 Current Expenses                     |               | 8,800  |
| 3 Microfilm Program                    |               | 5,000  |
| 4 Public Employees Health Insurance    |               | 1,200  |
| 5 Total                                |               | 44,161 |

6 The total amount of this appropriation shall be paid from Special Revenue Fund out of fees and collections as provided by law.

9 Special funds in excess of the amounts herein appropriated may be made available by budget amendments upon request of the State Auditor and the approval of the Governor.
### Appropriations

135—Department of Finance and Administration—Division of Purchases—Revolving Fund

Acct. No. 814

TO BE PAID FROM SPECIAL REVENUE FUND

<table>
<thead>
<tr>
<th>Service/Expense</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$234,240</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$13,545</td>
</tr>
<tr>
<td>3 Equipment</td>
<td>$6,500</td>
</tr>
<tr>
<td>4 Social Security Matching Fund</td>
<td>$14,860</td>
</tr>
<tr>
<td>5 Public Employees Retirement Matching Fund</td>
<td>$22,500</td>
</tr>
<tr>
<td>6 Public Employees Health Insurance</td>
<td>$13,170</td>
</tr>
</tbody>
</table>

7 Total                                               $304,815

8 The total amount of this appropriation shall be paid from Special Revenue Fund as provided by Chapter 5A, Article 2 of the Code of West Virginia.

9 The above appropriation includes salaries and operating expenses.

10 There is hereby appropriated from this fund, in addition to the above appropriation, the necessary amount for the purchase of supplies for resale.

11 Special funds in excess of the amounts hereby appropriated may be made available by budget amendments upon request of the Department of Finance and Administration and approval of the Governor.

136—Department of Finance and Administration—Information System Services Division Fund

Acct. No. 8151

TO BE PAID FROM SPECIAL REVENUE FUND

<table>
<thead>
<tr>
<th>Service/Expense</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$1,936,840</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$2,819,550</td>
</tr>
<tr>
<td>3 Equipment</td>
<td>$100,600</td>
</tr>
<tr>
<td>4 Social Security Matching Fund</td>
<td>$122,850</td>
</tr>
</tbody>
</table>
5 Public Employees Retirement Matching Fund .................. 179,500
6 Public Employees Health Insurance ............................. 66,150

7 Total ..................................................................... $ 5,225,490

8 The total amount of this appropriation shall be paid from Special Revenue Fund out of collections made by the Department of Finance and Administration as provided by law. It is the intention that special funds in excess of the amounts hereby appropriated may be made available by budget amendments upon request of the Commissioner of Finance and Administration and approval of the Governor.

137—Department of Agriculture

Acct. No. 818

TO BE PAID FROM SPECIAL REVENUE FUND

1 Personal Services ......................................................... $ 249,769
2 Current Expenses .......................................................... 36,245
3 Equipment ................................................................. 12,000
4 Social Security Matching Fund ........................................ 14,000
5 Public Employees Retirement Matching Fund ............... 23,000
6 Public Employees Health Insurance .......................... 10,000

7 Total ..................................................................... $ 345,014

8 The total amount of this appropriation shall be paid from Special Revenue Fund out of collections made by the Department of Agriculture as provided by law. It is the intention that special funds in excess of the amounts hereby appropriated may be made available by budget amendments upon request of the Commissioner of Agriculture, and approval of the Governor.

138—State Committee of Barbers and Beauticians

Acct. No. 822

TO BE PAID FROM SPECIAL REVENUE FUND

1 Personal Services ............................................................ $ 82,600
### Appropriations

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>Current Expenses</td>
<td>38,670</td>
</tr>
<tr>
<td>3</td>
<td>Equipment</td>
<td>1,050</td>
</tr>
<tr>
<td>4</td>
<td>Social Security Matching Fund</td>
<td>4,738</td>
</tr>
<tr>
<td>5</td>
<td>Public Employees Retirement Matching Fund</td>
<td>7,987</td>
</tr>
<tr>
<td>6</td>
<td>Public Employees Health Insurance</td>
<td>1,732</td>
</tr>
<tr>
<td>7</td>
<td>Total</td>
<td>136,777</td>
</tr>
</tbody>
</table>

8 The total amount of this appropriation shall be paid from Special Revenue Fund out of collections made by the State Committee of Barbers and Beauticians as provided by law.

139—Public Service Commission

**Acct. No. 828**

TO BE PAID FROM SPECIAL REVENUE FUND

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Salaries of Commissioners</td>
<td>60,000</td>
</tr>
<tr>
<td>2</td>
<td>Other Personal Services</td>
<td>1,017,380</td>
</tr>
<tr>
<td>3</td>
<td>Current Expenses</td>
<td>240,750</td>
</tr>
<tr>
<td>4</td>
<td>Equipment</td>
<td>17,085</td>
</tr>
<tr>
<td>5</td>
<td>Social Security Matching Fund</td>
<td>53,500</td>
</tr>
<tr>
<td>6</td>
<td>Public Employees Retirement Matching Fund</td>
<td>100,000</td>
</tr>
<tr>
<td>7</td>
<td>Public Employees Health Insurance</td>
<td>39,060</td>
</tr>
<tr>
<td>8</td>
<td>Total</td>
<td>1,527,775</td>
</tr>
</tbody>
</table>

9 The total amount of this appropriation shall be paid from Special Revenue Fund out of collections for special license fees from public service corporations as provided by law. Out of the above appropriation $5,000 may be transferred to the State Water Resources Commission of the Department of Natural Resources for use in cooperation with the U. S. Geological Survey in a program of stream gauging.

140—Public Service Commission—Gas Pipeline Division

**Acct. No. 8285**

TO BE PAID FROM SPECIAL REVENUE FUND

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Personal Services</td>
<td>82,573</td>
</tr>
</tbody>
</table>
Ch. 2] APPROPRIATIONS

2 Current Expenses .................................. $39,650
3 Equipment ............................................. 5,000
4 Social Security Matching Fund .................. 4,000
5 Public Employees Retirement Matching Fund ... 7,906
6 Public Employees Health Insurance .............. 2,940

7 Total ................................................. $142,069

8 The total amount of this appropriation shall
9 be paid from Special Revenue Fund out of re-
10 ceipts collected for or by the Public Service
11 Commission pursuant to and in the exercise
12 of regulatory authority over pipeline com-
13 panies.

141—Public Service Commission—Motor Carrier Division

Acct. No. 829

TO BE PAID FROM SPECIAL REVENUE FUND

1 Personal Services .................................... $378,138
2 Current Expenses .................................... 167,500
3 Equipment ............................................. 5,060
4 Social Security Matching Fund .................. 21,800
5 Public Employees Retirement Matching Fund ... 33,417
6 Public Employees Health Insurance .............. 16,800

7 Total ................................................. $622,715

8 The total amount of this appropriation shall
9 be paid from Special Revenue Fund out of re-
10 ceipts collected for or by the Public Ser-
11 vice Commission pursuant to and in the exer-
12 cise of regulatory authority over motor car-
13 riers as authorized by law.

142—Department of Natural Resources

Acct. No. 830

TO BE PAID FROM SPECIAL REVENUE FUND

1 Personal Services .................................... $1,780,000
2 Current Expenses .................................... 655,000
3 Repairs and Alterations ............................ 127,000
<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>4 Equipment</td>
<td>207,215</td>
</tr>
<tr>
<td>5 Social Security Matching</td>
<td>112,182</td>
</tr>
<tr>
<td>6 Public Employees Health Insurance</td>
<td>85,000</td>
</tr>
<tr>
<td>7 Land Purchase and Buildings</td>
<td>326,300</td>
</tr>
<tr>
<td>8 Public Employees Retirement Matching Fund</td>
<td>170,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$3,462,697</strong></td>
</tr>
</tbody>
</table>

10 The total amount of this appropriation shall be paid from Special Revenue Fund out of fees collected by the Department of Natural Resources. Expenditures shall be limited to the amounts appropriated except for Federal Funds received and Special Funds collected at state parks. Special funds in excess of the amounts hereby appropriated may be made available by budget amendment upon request of the Department of Natural Resources and approval of the Governor.

143—Department of Public Safety—Inspection Fees

Acct. No. 835

TO BE PAID FROM SPECIAL REVENUE FUND

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>197,190</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>111,125</td>
</tr>
<tr>
<td>3 Repairs and Alterations</td>
<td>8,200</td>
</tr>
<tr>
<td>4 Equipment</td>
<td>14,530</td>
</tr>
<tr>
<td>5 Social Security Matching Fund</td>
<td>1,622</td>
</tr>
<tr>
<td>6 Public Employees Health Insurance</td>
<td>7,500</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$340,167</strong></td>
</tr>
</tbody>
</table>

8 The total amount of this appropriation shall be paid from Special Revenue Fund out of fees collected for inspection stickers as provided by law.

12 Special Funds in excess of the amounts hereby appropriated may be made available by budget amendment upon request of the Department of Public Safety and approval of
16 the Governor for the purpose of repairs to,
17 or construction of police barracks.

144—West Virginia Alcohol Beverage Control Commissioner

Acct. No. 837

TO BE PAID FROM SPECIAL REVENUE FUND

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Salary of Commissioner</td>
<td>$20,000</td>
</tr>
<tr>
<td>2</td>
<td>Other Personal Services</td>
<td>$5,350,085</td>
</tr>
<tr>
<td>3</td>
<td>Current Expenses</td>
<td>$2,275,000</td>
</tr>
<tr>
<td>4</td>
<td>Repairs and Alterations</td>
<td>$40,000</td>
</tr>
<tr>
<td>5</td>
<td>Equipment</td>
<td>$112,500</td>
</tr>
<tr>
<td>6</td>
<td>Social Security Matching Fund</td>
<td>$334,000</td>
</tr>
<tr>
<td>7</td>
<td>Public Employees Retirement Matching Fund</td>
<td>$530,000</td>
</tr>
<tr>
<td>8</td>
<td>Public Employees Health Insurance</td>
<td>$240,000</td>
</tr>
<tr>
<td>9</td>
<td>Automation and Conversion of A.B.C. State Stores</td>
<td>$300,000</td>
</tr>
<tr>
<td>10</td>
<td>Total</td>
<td>$9,201,585</td>
</tr>
</tbody>
</table>

12 The total amount of this appropriation shall be paid from Special Revenue Fund out of liquor revenues.

15 The above appropriation includes the salaries of store personnel, store inspectors, store operating expenses and equipment; and salaries, expenses and equipment of administration offices.

20 There is hereby appropriated from liquor revenues, in addition to the above appropriation, the necessary amount for the purchase of liquor, as provided by law.

145—West Virginia Civil Service System

Acct. No. 840

TO BE PAID FROM SPECIAL REVENUE FUND

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Personal Services</td>
<td>$320,000</td>
</tr>
<tr>
<td>2</td>
<td>Current Expenses</td>
<td>$135,000</td>
</tr>
<tr>
<td>3</td>
<td>Social Security Matching Fund</td>
<td>$20,000</td>
</tr>
</tbody>
</table>
4 Public Employees Retirement Matching Fund ... 32,000
5 Public Employees Health Insurance .................. 12,000

6 Total .................................................................. $ 519,000

7 The total amount of this appropriation shall be paid from Special Revenue Fund supported by participating agencies as provided by law.

11 The Governor is hereby authorized to make available by budget amendment, upon request of the Civil Service Commission, funds in excess of the amounts hereby appropriated.

146—Board of Regents—West Virginia University—Special Capital Improvement Fund
Acct. No. 853
TO BE PAID FROM SPECIAL REVENUE FUND

1 Debt Service ........................................................ $ 550,818

2 The total amount of this appropriation shall be paid from the nonrevolving Capital Improvement Fund created by the 1959 Legislature, as amended.

6 Any unexpended balances remaining in the appropriations “Miscellaneous Small Projects, Creative Arts, Utilities, Roads and Parking, and Medical Center—Repairs and Alterations” at the close of the fiscal year 1973-74 are hereby reappropriated for expenditure during fiscal year 1974-75.

147—Board of Regents—State System Special Capital Improvement Fund
Acct. No. 8535
TO BE PAID FROM SPECIAL REVENUE FUND

1 Marshall University, Campus Development ...... $ 3,556,800
2 (Convert West Hall to educational facility,
3 complete outdoor athletic facilities develop-
<table>
<thead>
<tr>
<th>Project Description</th>
<th>Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td>4. Men's, Women's Gymnasium and Parking</td>
<td></td>
</tr>
<tr>
<td>6. West Virginia University, Campus Development (Renovation Martin Hall, Woodburn Hall, Chitwood Hall, and Stansbury Hall; convert old law building to other use; construct facilities for library and computer; build performance testing facility; and property acquisition)</td>
<td>7,971,000</td>
</tr>
<tr>
<td>13. Potomac State College of West Virginia University</td>
<td></td>
</tr>
<tr>
<td>15. Davis Hall (Dormitory): Remodel, install required fire prevention devices, etc.</td>
<td>254,000</td>
</tr>
<tr>
<td>17. Install storm drains, curbing, blacktop, for parking lot</td>
<td>25,000</td>
</tr>
<tr>
<td>19. Bluefield State College, Campus Development</td>
<td>1,080,000</td>
</tr>
<tr>
<td>21. (Convert Mahood Hall to educational facility and renovate Conley Hall)</td>
<td></td>
</tr>
<tr>
<td>23. Fairmont State College, Field House Development</td>
<td>3,000,000</td>
</tr>
<tr>
<td>25. Shepherd College, Campus Development (Academic Building “B” development and planning for Academic Building “C”)</td>
<td>1,534,000</td>
</tr>
<tr>
<td>28. Shepherd College—Sewage System</td>
<td>100,000</td>
</tr>
<tr>
<td>29. West Liberty State College, Campus Development</td>
<td>1,174,000</td>
</tr>
<tr>
<td>31. (Renovate Main Hall, library alterations, parking, planning new field house, etc.)</td>
<td></td>
</tr>
<tr>
<td>33. West Virginia Institute of Technology, Campus Development</td>
<td>2,535,550</td>
</tr>
<tr>
<td>35. (Conley Hall alteration, new maintenance building, property acquisition, planning new science lab, parking and roads, and planning remodeling old Science Hall)</td>
<td></td>
</tr>
</tbody>
</table>
39 Southern West Virginia Community College, Campus Development ........................................ 715,000
40 (Temporary facilities and planning for additional facilities—Logan, air-condition Williamson building, and bridge development—Williamson)
45 West Virginia Northern Community College, Campus Development .................................. 1,850,000
46 (Educational facility—Wheeling, temporary facilities—Weirton, and planning for additional educational facilities)
50 Debt Service and Debt Service Reserve ........ 1,900,000
51 Miscellaneous Projects ................................. 600,000
52 Fairmont State College, Parking and Field Development, Phase 2 of 2 ......................... 95,000
54 Glenville State College, Outdoor Athletic Facilities, Phase 3 of 3 ............................ 290,000
56 Glenville State College, Complete Verona Mapel Hall Alterations and Renovate Administration Building Basement .................... 180,000
59 Parkersburg Community College, Learning Resources Center and Technical Instructional Facility, Phase 3 of 3 ......................... 247,000
62 Concord College, Campus Development, Phase 1 of 3 .................................................. 500,000
64 West Virginia State College, Campus Development, Phase 1 of 4 .................................. 595,000

The above projects are listed in a stated order of priority. Projects on lines 1 through 49 are to be paid from proceeds from revenue bonds issued as authorized by law. Projects on lines 50 through 65 are to be paid on a cash basis. It is intended that only complete and usable projects be constructed and then only in the listed order of priority: Provided, however, That whenever the amount in the
special capital improvement fund, including both the proceeds of bonds sales and cash collections, shall be sufficient to cover all capital expenditures authorized above, then the listed projects shall be considered of equal priority and all of them, or any one or more, may be undertaken as soon as plans can be prepared and contracts let therefor.

The total amount of this appropriation shall be paid from the Special Capital Improvement Fund created by the 1971 Legislature.

Any unexpended balances remaining in prior years and in the 1973-74 appropriation are hereby reappropriated for expenditure during fiscal year 1974-75.

148—Board of Regents—Special Capital Improvement Fund

Acct. No. 854

TO BE PAID FROM SPECIAL REVENUE FUND

1 Debt Service .......................................................... $ 1,896,000

2 The total amount of this appropriation shall be paid from the nonrevolving Capital Improvement Fund created by the 1959 Legislature, as amended.

6 Any unexpended balances remaining in prior years and 1973-74 appropriations are hereby reappropriated for expenditure during fiscal year 1974-75.

149—West Virginia University—Medical School

Acct. No. 873

TO BE PAID FROM MEDICAL SCHOOL FUND

1 Personal Services .................................................... $ 17,777,174
2 Current Expenses .................................................. 5,854,262
3 Repairs and Alterations ........................................... 884,473
4 Equipment ............................................................ 1,456,876
5 Intern and Residency Support Program for Community Hospitals 315,000

7 Total $26,287,785

8 Special funds in excess of the amounts hereby appropriated may be made available by budget amendment upon request of the Board of Regents and approval of the Governor.

150—Workmen's Compensation Commission

Acct. No. 900

TO BE PAID FROM WORKMEN'S COMPENSATION FUND

1 Personal Services $1,950,000
2 Current Expenses 934,000
3 Equipment 65,000
4 Social Security Matching Fund 95,000
5 Public Employees Retirement Matching Fund 160,000
6 Public Employees Health Insurance 46,000
7 Implementation of Eng. Com. Sub. for House Bill No. 821 250,000

9 Total $3,500,000

10 The money appropriated on line numbers 7 and 8 shall be expended only for the purpose of assisting in defraying the additional expenses which are anticipated due to the enactment of Eng. Com. Sub. for House Bill No. 821, relating to Compulsory Workmen's Compensation Coverage.

17 There is hereby authorized to be paid out of the above appropriation for "Current Expenses" the amount necessary for the premiums on bonds given by the State Treasurer as bond custodian for the protection of the Workmen's Compensation Fund. This sum shall be transferred to the Board of Insurance.

1 Sec. 3. Awards for Claims Against the State.—From the funds designated there are hereby appropriated for pay-
ment of claims against the state, the following amounts as itemized:

(a) Claim versus the Board of Regents:
(To be paid from General Revenue Fund)
(1) John G. McGuffey $269.00

(b) Claims versus the Department of Natural Resources:
(To be paid from General Revenue Fund)
(1) Richard M. Forney, Jr. $14,900.00
(2) Hans Peter Moss $21,500.00

(c) Claim versus the Office of the Governor:
(To be paid from General Revenue Fund)
(1) Joe L. Smith, Jr., Inc., d/b/a Biggs-Johnston-Withrow $27,180.96

(d) Claims versus the Department of Mental Health:
(To be paid from General Revenue Fund)
(1) Ronald E. House, Administrator of the Estate of Edward P. House, deceased $12,000.00
(2) Exxon Company, U.S.A. $183.38
(3) Eaton Laboratories $47.81

(e) Claims versus the Board of Vocational Education, Division of Vocational Rehabilitation:
(To be paid from General Revenue Fund)
(1) University Hospital, Albert B. Chandler Medical Center, University of Kentucky $2,029.06
(2) Physician Accounts Department, Albert B. Chandler Medical Center, University Hospital, University of Kentucky $1,375.00

(f) Claims versus the Adjutant General:
(To be paid from General Revenue Fund)
(1) F. B. Amburgey, Trustee for Hensley Heights Maintenance Fund $1,308.47
### Claims versus the Department of Highways:
(To be paid from State Road Fund)

<table>
<thead>
<tr>
<th>Number</th>
<th>Name and Company</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Joel V. Pauley</td>
<td>469.80</td>
</tr>
<tr>
<td>2</td>
<td>Meade J. Moore</td>
<td>1,292.14</td>
</tr>
<tr>
<td>3</td>
<td>John S. Haines</td>
<td>750.00</td>
</tr>
<tr>
<td>4</td>
<td>W. Dale Enochs</td>
<td>175.27</td>
</tr>
<tr>
<td>5</td>
<td>General Telephone Company of the Southeast</td>
<td>235.40</td>
</tr>
<tr>
<td>6</td>
<td>William C. McIver and Wilma L. McIver</td>
<td>1,000.00</td>
</tr>
<tr>
<td>7</td>
<td>Earnest R. White and Jo Ann White</td>
<td>7,500.00</td>
</tr>
<tr>
<td>8</td>
<td>John A. Bacon</td>
<td>145.83</td>
</tr>
<tr>
<td>9</td>
<td>Donald E. Blackwell</td>
<td>50.83</td>
</tr>
<tr>
<td>10</td>
<td>Monongahela Power Company</td>
<td>200.66</td>
</tr>
<tr>
<td>11</td>
<td>Monongahela Power Company</td>
<td>26.63</td>
</tr>
<tr>
<td>12</td>
<td>Monongahela Power Company</td>
<td>128.71</td>
</tr>
<tr>
<td>13</td>
<td>Monongahela Power Company</td>
<td>65.04</td>
</tr>
<tr>
<td>14</td>
<td>Ruth Young</td>
<td>7,300.00</td>
</tr>
<tr>
<td>15</td>
<td>Swift &amp; Company, Inc.</td>
<td>633.30</td>
</tr>
<tr>
<td>16</td>
<td>James Hodge</td>
<td>162.20</td>
</tr>
<tr>
<td>17</td>
<td>Laura Osborne</td>
<td>2,163.00</td>
</tr>
<tr>
<td>18</td>
<td>Robert Cantley, Jr.</td>
<td>250.00</td>
</tr>
</tbody>
</table>

### Claims versus the Department of Finance and Administration:
(Transportation Division)
(To be paid from Special Revenue Fund)

<table>
<thead>
<tr>
<th>Number</th>
<th>Name and Company</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Helen Forney</td>
<td>1,593.24</td>
</tr>
<tr>
<td>2</td>
<td>Lenwood J. Moss</td>
<td>3,508.43</td>
</tr>
</tbody>
</table>

### Claim versus the Office of Federal-State Relations:
(To be paid from Special Revenue Fund)

<table>
<thead>
<tr>
<th>Number</th>
<th>Name and Company</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Emma Gas Company</td>
<td>550.62</td>
</tr>
</tbody>
</table>

### Claim versus the State Building Commission:
(To be paid from Special Revenue Fund)

<table>
<thead>
<tr>
<th>Number</th>
<th>Name and Company</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Orpha E. Jones</td>
<td>6,480.00</td>
</tr>
</tbody>
</table>
Sec. 4.—Reappropriations.—The date for expiring the unexpended balances, if any, in Items I, II, III, IV, V, VI, VII, VIII, IX, X, XI, XII, XIII and XIV in the appropriations made by and under the authority of Section 4 of the 1972 Budget Act and reappropriated under Section 7 of the 1973 Budget Act is hereby extended to June 30, 1975 and is hereby reappropriated to June 30, 1975.

Item VI. Mental Health

6. Roney's Point Center $140,000
   as herein reappropriated, may be used for:
6. Region Ten (10) Mental Retardation
   Center $140,000

Day Care and Workshop for the Mentally Retarded. Provide day care and rehabilitation services for Wheeling area. Federal Funds have been allocated for the construction of this project and construction can start as soon as additional State funds are available. The estimated cost of this project is $843,096 and $140,000 of State funds are necessary for matching funds and to cover miscellaneous costs.

Item IX. Department of Natural Resources

3. Cabwaylingo State Forest $180,000
   as herein reappropriated, may be used for:
3. Cabwaylingo State Forest $180,000

Correct poor drinking water condition by developing approved water supply, reservoir and treatment system. Improvements to campground area, rock basing and draining road, and approved restroom facilities. Construct two reservoirs to handle water storage needs. Group camp improvements. Replace a storage, garage and office building. (The building to be replaced was destroyed by fire during the fall of 1973 and is considered a priority item.)
15 15. Beech Fork Lake (State Park) ......................$ 100,000
16 as herein reappropriated, may be used for:
17 15. Beech Fork Lake (State Park) ......................$ 100,000
18 Land purchase or park improvements. (This
19 is a project in cooperation with the Corps of
20 Engineers, and park improvements are neces-
21 sary prior to acquiring additional land.)
22 17. Greenbrier State Forest ......................$ 125,000
23 as herein reappropriated, may be used for:
24 17. Greenbrier State Forest ......................$ 125,000
25 Develop water and filtering system so as to pro-
26 vide acceptable water for all forest needs.
27 Water drainage correction in cabin area and
28 winterize cabins. Office building in cabin
29 area. Expansion of campground area and
30 playground development (Kate's Mountain).
31 The date for expiring the unexpended balances, if any,
32 in Items I, II, III, IV, V, VI, VII, VIII, IX, X, XI, XII, 
33 XIII, XIV, XV, XVI and XVII in the appropriations made 
34 by and under the authority of Section 4 of the 1973 Budget 
35 Act, are hereby reappropriated for expenditure during 
36 the fiscal year 1974-75.

Item XV. Department of Natural Resources
1 A. Cass Scenic Railroad
2 Land Purchase ..............................................$ 210,000
5 A. Cass Scenic Railroad,
6 Land purchase ..............................................$ 210,000
7 (as recommended in the feasibility study,
8 1973).

Sec. 5. Appropriations from Revenue Sharing Trust Fund.
2 —The following items are hereby appropriated from the
3 Revenue Sharing Trust Fund to be available for expendi-
4 ture during the fiscal year 1974-75, and none of the moneys
5 herein appropriated to be used to match Federal Funds.

Item I—West Virginia Public Employees Retirement Board
Acct. No. 614
1 Employers Accumulation Fund ......................$ 0,000,000
### Item II—West Virginia Public Employees Insurance Board

**Acct. No. 615**

1. **Public Employees Health Insurance — State**
   - Contribution .................................................. $00,000,000

### Item III—Welch Emergency Hospital

- New Hydraulic Elevator (installed) ................................ $30,000
- Two (2) Diesel Stand-by Generators (installed) ................. $40,000
- Changing all the windows and installing Tile replacement windows with insulated glass and full screens .................. $38,880
- Trimming all windows with aluminum baked on enamel, white ................................................. $6,373
- Covering the overhang with baked on aluminum, white ........ $24,617
- Installing aluminum siding on rest of wood on hospital ................ $5,130
- Furnishing aluminum siding on all the wood on the nursing home, including all trim .......................................................... $2,795
- Overhang on Nursing Home .................................. $4,927
- Installing new replacement windows on Nursing Home ........ $14,675
- Trimming all windows with aluminum (Nursing Home) ......... $2,603
- Rewiring Hospital Building—replacing Neon Sign and Alarm System .......... $27,000
- Installing Bathroom—Pediatrics ................................ $3,000

### Item IV—Department of Natural Resources

- Babcock State Park (Fayette) .................................. $49,000
- Improve 2.7 miles of Sewel Road ................................ $215,500
- Bluestone State Park (Summers) ................................ $3,395,200
- Parking and boat launch area #1 ................................ $43,000
- Parking and boat launch area #2 ................................ $12,500
- Bluestone development of picnic sites, etc. ................... $160,000
<table>
<thead>
<tr>
<th>Item</th>
<th>Project Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>8</td>
<td>Big Spring Trout Rearing Station (Merce)</td>
<td>120,000</td>
</tr>
<tr>
<td>8a</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>Little Beaver State Park (Raleigh)</td>
<td>265,700</td>
</tr>
<tr>
<td>10</td>
<td>Pave east access road</td>
<td>25,000</td>
</tr>
<tr>
<td>11</td>
<td>Pave east lake front road</td>
<td>16,700</td>
</tr>
<tr>
<td>12</td>
<td>Pave west access road</td>
<td>24,000</td>
</tr>
<tr>
<td>13</td>
<td>To build swimming pool</td>
<td>200,000</td>
</tr>
<tr>
<td>14</td>
<td>Tygart Lake State Park (Taylor)</td>
<td></td>
</tr>
<tr>
<td>15</td>
<td>Repair slide near lodge</td>
<td>50,000</td>
</tr>
<tr>
<td>16</td>
<td>Pricketts Fort State Park (Marion)</td>
<td></td>
</tr>
<tr>
<td>17</td>
<td>Reconstruct Fort</td>
<td>200,000</td>
</tr>
<tr>
<td>18</td>
<td>Cacapon State Park—Completion of tennis courts, cart paths on golf course</td>
<td></td>
</tr>
<tr>
<td>19</td>
<td></td>
<td></td>
</tr>
<tr>
<td>20</td>
<td>course and purchase of golf carts</td>
<td>100,000</td>
</tr>
<tr>
<td>21</td>
<td>Hawks Nest recreation and improvements</td>
<td></td>
</tr>
<tr>
<td>21a</td>
<td></td>
<td></td>
</tr>
<tr>
<td>22</td>
<td>Canaan Valley</td>
<td>715,000</td>
</tr>
<tr>
<td>26</td>
<td>Grave Creek Mound State Park—To complete development</td>
<td></td>
</tr>
<tr>
<td>27</td>
<td></td>
<td></td>
</tr>
<tr>
<td>28</td>
<td>Twin Falls State Park</td>
<td>300,000</td>
</tr>
<tr>
<td>31</td>
<td>Valley Falls—Land purchase, construction of garage and workshop</td>
<td>230,000</td>
</tr>
<tr>
<td>32</td>
<td></td>
<td></td>
</tr>
<tr>
<td>33</td>
<td>Holly River State Park—capital improvements and improvements to</td>
<td></td>
</tr>
<tr>
<td>34a</td>
<td>swimming pool</td>
<td>100,000</td>
</tr>
<tr>
<td>35</td>
<td>Grandview State Park—Water project</td>
<td>200,000</td>
</tr>
</tbody>
</table>

**Item V—Board of Regents—West Virginia University Medical School** $3,124,000

1. Educational Facility Development
2. Medical Center — Charleston Division $3,000,000
3. Planning Addition at Medical Center Required with Development of
4. Charleston Division 124,000

**Item VI—Governor’s Office — Horticultural Environmental Lectotype Laboratorium** $410,000

**Item VII—West Virginia Penitentiary** $375,000

1. Construction of Heating Plant (to be constructed outside prison wall)
Item VIII—State Building Commission — $ 1,000,000
   1 (Establish cafeteria in the Main Unit of the
   2 Capitol Building in the Capitol complex)

Item IX—Department of Commerce — $ 300,000
   1 Independence Hall, Wheeling, W. Va.

Item X—Feasibility Study—Seneca Trails — $ 25,000
   1 Scenic Highway (Route 219)

Sec. 6. Reappropriations—“Revenue Sharing Trust
   2 Fund.”—Any unexpended balances in the appropriations
   3 made by and under Section 8, of the 1973 Budget Act and
   4 Supplementary Acts to Chapter 10, Acts of the Legislature,
   5 Regular Session 1973, are hereby reappropriated for ex-
   6 penditure during the fiscal year 1974-75.

Sec. 7. Special Revenue Appropriations.—There is
   2 hereby appropriated for expenditure during the fiscal year
   3 one thousand nine hundred seventy-five appropriations
   4 made by general law from special revenue which are not
   5 paid into the state fund as general revenue under the
   6 provisions of Chapter 12, Article 2, Section 2 of the Code of
   7 West Virginia, one thousand nine hundred thirty-one:
   8 Provided, however, That none of the moneys so appro-
   9 priated by this section shall be available for expenditure
   10 except in compliance with and in conformity to the pro-
   11 visions of Chapter 12, Articles 2 and 3, and Chapter 5A,
   12 Article 2, of the Code of West Virginia, and unless the
   13 spending unit has filed with the state director of the
   14 budget, the state auditor and the legislative auditor prior
   15 to the beginning of each fiscal year:

   (a) An estimate of the amount and sources of all reve-
   17 nues accruing to such fund;

   (b) A detailed expenditure schedule showing for what
   19 purposes the fund is to be expended.

Sec. 8. Specific Funds and Collection Accounts.—A
   2 fund or collection account, which by law is dedicated to a
   3 specific use is hereby appropriated in sufficient amount to
   4 meet all lawful demands upon the fund or collection ac-
   5 count, and shall be expended according to the provisions of
   6 Chapter 12, Article 3 of the Code of West Virginia.
1 Sec. 9. Appropriations for Refunding Erroneous Payments.—Money that has been erroneously paid into the state treasury is hereby appropriated out of the fund into which it was paid for refund to the proper person.

5 When the officer authorized by law to collect money for the state finds that a sum has been erroneously paid, he shall issue his requisition upon the auditor for the refunding of the proper amount. The auditor shall issue his warrant to the treasurer and the treasurer shall pay the warrant out of the fund into which the amount was originally paid.

1 Sec. 10. Sinking Fund Deficiencies.—There is hereby appropriated to the governor a sufficient amount to meet a deficiency that may arise in the funds of the state sinking fund commission because of the failure of any state agency for either general obligation or revenue bonds or any local taxing district for general obligation bonds to remit funds necessary for the payment of interest and sinking fund requirements. The governor is authorized to transfer from time to time such amounts to the state sinking fund commission as may be necessary for this purpose.

11 The state sinking fund commission shall reimburse the State of West Virginia through the governor from the first remittance collected from any state agency or local taxing district for which the governor advanced funds, with interest at the rate carried by the bonds for which the advance was made.

1 Sec. 11. Appropriations from Taxes and License Fees.—There is hereby appropriated from the soft drinks tax revenues for administration and enforcement of the law relating to said tax, a sum not to exceed two and one-half percent of the total revenues collected. All such salaries and expenses, authorized by law as aforesaid, shall be paid by the tax commissioner through the state treasury out of gross collections.

9 There is hereby appropriated from the cigarette tax revenues for administration and enforcement of the law relating to said tax, a sum not to exceed one and one-half
12 percent of the total revenues collected. All such salaries
13 and expenses, authorized by law as aforesaid, shall be
14 paid by the tax commissioner through the state treasury
15 out of gross collections.

Sec. 12. Appropriations to Pay Costs of Publication of
2 Delinquent Corporations.—There is hereby appropriated
3 out of the state fund, general revenue, out of funds not
4 otherwise appropriated to be paid upon requisition of the
5 auditor and/or the governor, as the case may be, a sum
6 sufficient to pay the cost of publication of delinquent cor-
7 porations as provided by Chapter 11, Article 12, Sections 84
8 and 86 of the Code of West Virginia.

Sec. 13. Appropriations for Local Governments.—
2 There is hereby appropriated for payment to counties, dis-
3 tricts, and municipal corporations such amounts as will be
4 necessary to pay taxes due county, district, and municipal
5 corporations and which have been paid into the treasury:

(a) For the redemption of lands;
(b) By public service corporations;
(c) For tax forfeitures.

Sec. 14. Total Appropriations.—Where only a total
2 sum is appropriated to a spending unit that total sum shall
3 include personal services, current expenses, and capital
4 outlay, except as otherwise provided in TITLE I, Section 3.

Sec. 15. General School Fund.—The balance of the
2 proceeds of the general school fund remaining after the
3 payment of the appropriations made by this act is appro-
4 priated for expenditure in accordance with Chapter 18,
5 Article 9A, Section 16 of the Code of West Virginia.

TITLE 3. ADMINISTRATION.
§1. Appropriations conditional.
§2. Constitutionality.

Section 1. Appropriations Conditional.—The expendi-
2 ture of the appropriations made by this act, except those
3 appropriations made to the legislative and judicial
4 branches of the state government, are conditioned upon
5 the compliance by the spending unit with the require-
ments of Chapter 5A, Article 2 of the Code of West Virginia.

Where former spending units have been absorbed by or combined with other spending units by acts of this Legislature, it is the intent of this act that reappropriation shall be to the succeeding or later spending unit created unless otherwise indicated.

Sec. 2. Constitutionality.—If any part of this act is declared unconstitutional by a court of competent jurisdiction, its decision shall not affect any portion of this act which remains, but the remaining portion shall be in full force and effect as if the portion declared unconstitutional had never been a part of the act.

CHAPTER 3
(S. B. 32—Originating in the Senate Committee on Finance)

[Passed July 3, 1974; in effect from passage. Approved by the Governor.]

AN ACT finding and declaring certain claims against the state and its agencies to be moral obligations of the state, and directing the auditor to issue warrants for the payments thereof.

Be it enacted by the Legislature of West Virginia:

CLAIMS AGAINST THE STATE.

§1. Finding and declaring certain claims against the department of highways; office of federal-state relations; state building commission; department of natural resources; department of finance and administration; board of regents; the governor; department of mental health; board of vocational education, division of vocational rehabilitation; and the adjutant general, to be moral obligations of the state and directing payment thereof.

The Legislature has considered the findings of fact and recommendations reported to it by the court of claims
concerning various claims against the state and agencies thereof, and in respect to each of the following claims the Legislature adopts those findings of fact as its own, and hereby declares it to be the moral obligation of the state to pay each such claim in the amount specified below, and directs the auditor to issue warrants for the payment thereof out of any fund appropriated and available for the purpose.

(a) Claims against the Department of Highways:

<table>
<thead>
<tr>
<th>Name</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Joel V. Pauley</td>
<td>$469.80</td>
</tr>
<tr>
<td>Meade J. Moore</td>
<td>$1,292.14</td>
</tr>
<tr>
<td>John S. Haines</td>
<td>$750.00</td>
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<tr>
<td>W. Dale Enochs</td>
<td>$175.27</td>
</tr>
<tr>
<td>General Telephone Company of the Southeast</td>
<td>$235.40</td>
</tr>
<tr>
<td>William C. McIver and Wilma L. McIver</td>
<td>$1,000.00</td>
</tr>
<tr>
<td>Earnest R. White and Jo Ann White</td>
<td>$7,500.00</td>
</tr>
<tr>
<td>John A. Bacon</td>
<td>$145.83</td>
</tr>
<tr>
<td>Donald E. Blackwell</td>
<td>$50.83</td>
</tr>
<tr>
<td>Monongahela Power Company</td>
<td>$200.66</td>
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<tr>
<td>Monongahela Power Company</td>
<td>$26.63</td>
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<td>Monongahela Power Company</td>
<td>$128.71</td>
</tr>
<tr>
<td>Monongahela Power Company</td>
<td>$65.04</td>
</tr>
<tr>
<td>Ruth Young</td>
<td>$7,300.00</td>
</tr>
<tr>
<td>Swift &amp; Company, Inc.</td>
<td>$633.30</td>
</tr>
<tr>
<td>James Hodge</td>
<td>$162.20</td>
</tr>
<tr>
<td>Laura Osborne</td>
<td>$2,163.00</td>
</tr>
<tr>
<td>Robert Cantley, Jr.</td>
<td>$250.00</td>
</tr>
</tbody>
</table>

(b) Claim against the Office of Federal-State Relations:

(1) Emma Gas Company $550.62

(c) Claim against the State Building Commission:

(1) Orpha E. Jones $6,480.00
(d) Claims against the Department of Natural Resources:

1. Richard M. Forney, Jr. $14,900.00
2. Hans Peter Moss $21,500.00

(e) Claims against the Department of Finance and Administration:

1. Helen Forney $1,593.24
2. Lenwood J. Moss $3,508.43
3. Russell Transfer, Inc. $44,825.17

(f) Claim against the Board of Regents:

1. John G. McGuffey $269.00

(g) Claim against the Office of the Governor:

1. Joe L. Smith, Jr., Inc. d/b/a Biggs-Johnston-Withrow $27,180.96

(h) Claims against the Department of Mental Health:

1. Ronald E. House, Administrator of the estate of Edward P. House, deceased $12,000.00
2. Exxon Company, U.S.A. $183.38
3. Eaton Laboratories $47.81

(i) Claims against the Board of Vocational Education, Division of Vocational Rehabilitation:

1. University Hospital, Albert B. Chandler Medical Center, University of Kentucky $2,029.06
2. Physician Accounts Department, Albert B. Chandler Medical Center, University Hospital, University of Kentucky $1,375.00
(j) Claim against the Adjutant General:

(1) F. B. Amburgey, Trustee for Hensley Heights Maintenance Fund...$ 1,308.47

Total of all claims $160,299.95

The Legislature finds that the above moral obligations and the appropriations made in satisfaction thereof shall be the full compensation for all claimants, and that prior to the payments to any claimant provided for in this bill, the court of claims shall receive a release from said claimant releasing any and all claims for moral obligations arising from the matters considered by the Legislature in the finding of the moral obligations and the making of the appropriations for said claimant. The court of claims shall deliver all releases obtained from claimants to the department against which the claim was allowed.

CHAPTER 4

(Com. Sub. for H. B. 114—By Mr. Speaker, Mr. McManus, and Mr. Seibert)

[Passed June 24, 1974; in effect ninety days from passage. Approved by the Governor.]

AN ACT to amend article ten, chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section twenty, relating to crimes against public policy, failure of employers to provide certain benefits for employees; penalties.

Be it enacted by the Legislature of West Virginia:

That article ten, chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section twenty, to read as follows:

ARTICLE 10. CRIMES AGAINST PUBLIC POLICY.

§61-10-20. Failure of employers to provide certain benefits for employees.

1 In addition to any other penalty or punishment otherwise
prescribed by law, any employer who is party to an agreement
to pay or provide benefits or wage supplements and who with-
out reasonable justification willfully fails or refuses to pay the
amount or amounts necessary to provide such benefits or fur-
nish such supplements within thirty days after such payments
are required to be made, shall be guilty of a misdemeanor, and,
upon conviction thereof, shall be fined not less than one hun-
dred dollars nor more than five hundred dollars. When such
employer is a corporation, the president, secretary, treasurer or
officer exercising responsibility for such nonpayment shall be
guilty of the offense prohibited by this section.

CHAPTER 5
(Com. Sub. for H. B. 122—By Mr. Seibert)

[Passed July 3, 1974; in effect ninety days from passage. Approved by the Governor.]

AN ACT to amend chapter five of the code of West Virginia, one
thousand nine hundred thirty-one, as amended, by adding there-
to a new article, designated article seventeen, establishing the
West Virginia commission on energy, economy and environ-
ment; setting forth certain legislative findings in connection therewith; providing legislative objectives and purposes; relating
to the composition of such commission and the terms and
qualifications of citizen representatives on such commission; va-
cancies, office space, the office of chairman, meetings and
quorum; providing for a coordinator and other personnel of
such commission; relating to the powers and duties of such
coordinator; the expenses of members, the coordinator and oth-
er personnel; regional and local offices of such commission;
setting forth the powers and authority of such commission; pro-
viding an expiration date for such article; requiring reports to
the joint committee on government and finance; and relating to
construction of article and the severability thereof.

Be it enacted by the Legislature of West Virginia:

That chapter five of the code of West Virginia, one thousand nine
hundred thirty-one, as amended, be amended by adding thereto a new article, designated article seventeen, to read as follows:

ARTICLE 17. WEST VIRGINIA COMMISSION ON ENERGY, ECONOMY AND ENVIRONMENT.

§5-17-1. Legislative purpose and findings.
§5-17-2. Creation and composition.
§5-17-3. Terms of citizen representatives; vacancies.
§5-17-4. Office space, officers; meetings.
§5-17-5. Expenses of commission members.
§5-17-6. Coordinator; compensation and general powers; personnel; establishment of regional offices.
§5-17-7. Commission powers.
§5-17-8. Expiration of article.
§5-17-9. Reports to joint committee on government and finance.
§5-17-10. Construction; severability.

§5-17-1. Legislative purpose and findings.

1 The Legislature declares that given the increasing demand for energy resources concurrent with the constriction of supply and assured availability thereof, given the fundamental dependence of economic growth and social progress upon the supply of energy resources, given the economic and social hardships coincident with energy shortages and given the abundant fossil fuel reserves located within our state, the Legislature finds that West Virginia must play a significant role in helping to alleviate critical energy problems throughout the nation. In order to fulfill that role, the Legislature finds it necessary and desirable to create an agency within the state government, the functions of which shall be to actively promote and foster research designed to achieve cleaner and more efficient fuels, to ascertain the volume of natural resources now existing in West Virginia, to categorize these fuels according to their importance and their potential uses, to insure the equitable allocation of specific petroleum products and other fuels, to advise the various state governmental units having energy related responsibilities, to provide a mechanism for citizen participation in the overall development of statewide energy policies and to begin the formulation of specific proposals for future legislative consideration with respect to a state energy policy and program.
§5-17-2. Creation and composition.

There is hereby created the "West Virginia Commission on Energy, Economy and Environment," hereinafter referred to as the "commission." The commission shall consist of nineteen members, as follows: Eleven members, herein referred to as government representatives, who shall be the tax commissioner, the commissioner of commerce, the finance and administration commissioner, the oil and gas conservation commissioner, the director of the department of mines, the director of the department of natural resources, the director of the geological and economic survey commission, the director of the air pollution control commission, the chairman of the public service commission, a representative from the board of regents, and a representative of the governor; and eight additional citizens of the state, herein referred to as citizen representatives, no more than four of whom shall belong to the same political party. The president of the Senate and the speaker of the House of Delegates shall appoint the eight citizen representative members of the commission.

§5-17-3. Terms of citizen representatives; vacancies.

The citizen representatives shall be appointed for terms of one year each, and until their successors have been appointed and have qualified. Any vacancy as to a citizen representative shall be filled by appointment by the president of the Senate and the speaker of the House of Delegates, for the unexpired term of such citizen representative.

§5-17-4. Office space, officers; meetings.

The commission shall be supplied with necessary office space at the seat of government. A majority of the members of the commission shall constitute a quorum for the transaction of its business. The governor shall appoint, from among the members, a chairman of the commission who shall call meetings. The chairman may call and preside over a meeting of the commission at any time, and he shall call a meeting of the commission upon the written request of the coordinator. A majority of the commission members present at a meeting shall be required to determine any issues brought before it.
§5-17-5. Expenses of commission members.

Each member of the commission shall be reimbursed for all reasonable and necessary expenses actually incurred in the performance of his duties as a member of the commission. Requisition for such expenses shall be accompanied by a sworn and itemized statement which shall be filed with the auditor.

§5-17-6. Coordinator; compensation and general powers; personnel; establishment of regional offices.

(a) The commission shall appoint a coordinator of the commission, fix his salary and instruct him regarding his duties and authority under this article. The coordinator is hereby empowered and it shall be his duty to execute and carry out, administer and enforce the provisions of this article in the manner provided herein. The coordinator may, subject to the approval of the commission, employ such personnel as may be necessary for the effective and orderly performance of the functions and services of the commission. The coordinator and other commission personnel shall be reimbursed for all reasonable and necessary expenses actually incurred in the performance of commission services upon presentation of properly verified expense accounts as prescribed by law.

(b) The commission may establish, maintain and staff regional and local offices within the state as determined by the commission to be necessary for the effective and orderly performance of the functions and services of the commission.

§5-17-7. Commission powers.

The commission is hereby authorized and empowered to:

(1) Evaluate and assess energy policies and their impact upon the economy and the environment and make recommendations thereon to the governor and the Legislature;

(2) Promote energy conservation measures;

(3) Cooperate and work with federal, state and local governmental officers, units, activities and agencies in the promotion and attainment of the goals of the commission;
(4) Enlist the cooperation of public utilities, civic and community organizations, industrial and commercial organizations, labor organizations and other identifiable groups in order to develop and implement programs which further the goals of the commission;

(5) Advise all state departments and agencies in energy related activities;

(6) Fund the state fuels allocation program;

(7) Allocate all energy as required by now existing or hereafter enacted federal regulations or laws, and in connection therewith, to receive, investigate and pass upon fuel allocation petitions, requests and complaints as set forth in now existing or hereafter enacted federal regulations or laws;

(8) Establish procedures for the fair and equitable review of such fuel allocation petitions, requests and complaints;

(9) Hold and conduct public hearings on requests, petitions, complaints, matters and questions before the commission, where jurisdiction has not been assumed by any other state agency;

(10) Delegate to the coordinator powers necessary for the effective and orderly performance of his duties;

(11) Fund and initiate research and development efforts related to energy, economy or the environment;

(12) Fund and initiate economic and geological surveys and studies;

(13) For the purposes of this article, accept contributions and gifts and seek and accept aid, grants and other financial assistance from any source whatsoever; and

(14) Seek and gather information and data necessary for the formulation of energy, economic and environmental policies.

§5-17-8. Expiration of article.

Unless hereafter extended by the Legislature, the provisions of this article shall expire on and be of no further force and effect on and after June thirtieth, one thousand nine hundred seventy-five.
§5-17-9. Reports to joint committee on government and finance.

1 In order for the Legislature to determine whether the provisions of this article should be extended beyond June thirtieth, one thousand nine hundred seventy-five, the commission shall, on or before January twentieth, one thousand nine hundred seventy-five, submit to the joint committee on government and finance a report of its activities, projects and accomplishments and of its planned future activities and projects.

2 A final report of the commission's activities, projects and accomplishments to June thirtieth, one thousand nine hundred seventy-five, shall be submitted to the joint committee on government and finance on or before July twenty-first, one thousand nine hundred seventy-five.

§5-17-10. Construction; severability.

1 The provisions of this article shall be liberally construed to accomplish its objectives and purposes. If any section, subsection, subdivision, subparagraph, sentence, or clause of this article is adjudged to be unconstitutional or invalid, such invalidity or unconstitutionality shall not affect the validity of the remaining portions of this article and, to this end, the provisions of this article are hereby declared to be severable.

CHAPTER 6
(Com. Sub. for S. B. 18—By Mr. Hubbard)

[Passed June 25, 1974; in effect from passage. Approved by the Governor.]

AN ACT to amend and reenact section five, article six, chapter forty-seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the legal rate of interest; specifying a minimum charge for the loan or forbearance of money or other thing; relating to the authorization of a higher interest rate by contract in writing; prescribing an alternative contract rate of interest for a loan of money for certain residential real estate purposes,
subject to certain restrictions, conditions and limitations; defining the term "points"; and directing the commissioner of banking to require banking institutions, savings and loan associations and other financial institutions to file certain quarterly reports with respect to loans of money for certain residential real estate purposes.

Be it enacted by the Legislature of West Virginia:

That section five, article six, chapter forty-seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 6. MONEY AND INTEREST.

§47-6-5. Legal rate of interest; agreements in writing fixing rate of interest; agreements in writing fixing rate of interest for residential real estate purposes; providing there may be no penalty upon prepayment; quarterly reports required.

(a) Except in cases where it is otherwise specially provided by law, legal interest shall continue to be at the rate of six dollars upon one hundred dollars for a year, and proportionately for a greater or less sum, or for a longer or shorter time, and no person upon any contract other than a contract in writing shall take for the loan or forbearance of money, or other thing, above the value of such rate: Provided, That a charge of one dollar may be made for any loan or forbearance of money or other thing, where the interest at the rate aforesaid would not amount to that sum, and the same shall not be a usurious charge or rate of interest.

(b) Parties may contract in writing for the payment of interest for the loan or forbearance of money at a rate not to exceed eight dollars upon one hundred dollars for a year, and proportionately for a greater or less sum, or for a longer or shorter time, including points expressed as a percentage of the loan divided by the number of years of the loan contract.

(c) As an alternative to the interest rate authorized by the provisions of subsections (a) or (b) of this section and any interest rate authorized by any other provision of this code, where a loan of money is made for the pur-
pose of purchasing real estate upon which is situate a single family or multi-family residential unit or units, or for the construction of a single family or multi-family residential unit or units upon real estate, or additions or improvements thereto, or for the purpose of the payment of a loan theretofore made for the construction of a single family or multi-family residential unit or units upon real estate, and any such loan is secured by a first mortgage or first deed of trust upon such real property, after the effective date of this section and until the first day of July, one thousand nine hundred seventy-five, the parties may contract in writing for the payment of interest for such loan of money at a rate not to exceed nine dollars upon one hundred dollars for a year and proportionately for a greater or less sum, or for a longer or shorter time, including points expressed as a percentage of the loan divided by the number of years of the loan contract, and such maximum rate shall be valid for the term of such contract: \textit{Provided}, That the parties may contract in writing for the payment of interest for such loan of money at the rate specified in this subsection (c) only if such contract in writing also specifies that there shall be no penalty whatever for prepayment of the loan in whole or in part by cash, a new loan or otherwise, and such contract provision prohibiting any such penalty shall govern and control notwithstanding any other provision of this code to the contrary, whether such other provision was enacted before or after the enactment of this section: \textit{Provided, however}, That no such contract shall contain an escalation of interest clause which would allow an increase in the rate of interest being charged.

(d) For the purpose of subsections (b) and (c) of this section, the term “points” is defined as the amount of money, or other consideration, received by the lender, from whatever source, as a consideration for making the loan and not otherwise expressly permitted by statute.

(e) In order for the Legislature to determine whether the period of time during which parties may enter into a contract for the payment of the maximum rate of interest authorized in subsection (c) of this section should be
extended beyond the thirtieth day of June, one thousand nine hundred seventy-five, the commissioner of banking shall promulgate rules and regulations requiring all banking institutions, savings and loan associations and other financial institutions making loans in this state of the type specified in said subsection (c) to file with him quarterly reports as to the number and amount of loans of the type specified in said subsection (c) made during the preceding quarter, and such quarterly reports shall contain sufficient detail for the Legislature to ascertain whether the authorization of the maximum interest rate provided in said subsection (c) has resulted in the making of more loans of the type specified in said subsection (c). The first such report shall cover the quarter which began on the first day of April, one thousand nine hundred seventy-four.

CHAPTER 7
(Com. Sub. for H. B. 130—By Mr. Brende and Mr. Donley)

[Passed July 3, 1974; in effect July 1, 1974. Approved by the Governor.]
and lienholders with respect to any abandoned motor vehicle or junked motor vehicle taken into custody and possession; relating to the method, form and contents of such notice; providing for the disposal of all such items taken into custody and possession; relating to the handling, disposition and use of proceeds from the sale of all such items taken into custody and possession, and to licensed salvage yards and demolishers; establishing the “abandoned and junked property fund” in the state treasury; providing for a portion of certain fees and for other moneys and proceeds to be deposited therein; relating to transfers from such special fund and expenditures thereof; authorizing injunctive relief; and providing a rule of construction and severability clause.

Be it enacted by the Legislature of West Virginia:

That article twenty-four, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 24. DISPOSAL OF ABANDONED MOTOR VEHICLES, JUNKED MOTOR VEHICLES, OLD VEHICLE TIRES AND ABANDONED OR INOPERATIVE HOUSEHOLD APPLIANCES.

§17-24-1. Legislative findings; statement of policy.
§17-24-2. Definitions.
§17-24-3. Abandonment of motor vehicle prohibited; penalty.
§17-24-4. Junked motor vehicles prohibited in certain places; penalty.
§17-24-5. Old vehicle tires and inoperative or abandoned household appliances in certain places prohibited; penalty.
§17-24-6. Department of highways to administer funds for removal of abandoned and junked property; rules and regulations authorized; existing or new division; duties of supervisor.
§17-24-7. Authority to take possession of abandoned motor vehicles, junked motor vehicles, old vehicle tires and inoperative or abandoned household appliances.
§17-24-8. Notification to motor vehicle owner and lienholders.
§17-24-10. Proceeds from sale of abandoned motor vehicles, junked motor vehicles, old vehicle tires and inoperative or abandoned household appliances.
§17-24-11. Collection of portion of fee on issuance of certificate of title to new motor vehicles for deposit in abandoned and junked property fund; establishment of such fund; audit.
§17-24-12. Injunctive relief; additional remedy.
§17-24-13. Construction; severable provisions.
§17-24-1. Legislative findings; statement of policy.

The Legislature recognizes and declares that abandoned motor vehicles, junked motor vehicles, old vehicle tires and certain abandoned or inoperative household appliances are and constitute a public nuisance and hazard to both adults and children and therefore are dangerous and constitute a clear and present danger; that said abandoned motor vehicles, junked motor vehicles, old vehicle tires and certain abandoned or inoperative household appliances serve as harborage and breeding places for rodents, mosquitoes, fleas, ticks, mice, rats and other insects, pests and flies injurious to the public health, safety and general welfare; that abandoned motor vehicles and junked motor vehicles serve frequently as temporary or permanent places of human residence unconducive to public health, safety and welfare; that the accumulation and storage of any of such items or parts thereof on private or public property, including but not limited to highways, is hereby found to create a condition tending to reduce the value of private property and to promote blight and deterioration which if permitted to remain will continue to destroy the natural beauty of this state and have adverse economic and social effects; that said abandoned motor vehicles, junked motor vehicles, old vehicle tires and certain abandoned or inoperative household appliances constitute an attractive nuisance creating a hazard to the health and safety of minors; that said items are nearly always located on public highways, rights-of-way, or within sight of such highway rights-of-way and on private property within a reasonable proximity thereto, and when so located the cost of controlling or abating such visual pollution is a cost of maintenance of public highways; that said visual pollution elsewhere located may be controlled or abated by funds made available for such purpose from sources other than those contemplated by section fifty-two, article six of the West Virginia constitution; that all such visual pollution is a deterrent to economic development; and that it is in the public interest and welfare to provide for a program to eliminate the unsightly practice of abandoning motor vehicles, old vehicle tires and certain abandoned or inoperative household appliances. In view of these findings, the Legislature declares it to be the public policy of the
state of West Virginia to eliminate the present danger resulting
from abandoned motor vehicles, junked motor vehicles, old
vehicle tires and certain abandoned or inoperative household
appliances and to eliminate the visual pollution resulting from
these items, and that in order to provide for the public health,
safety and welfare, and quality of life, to enact legislation to
that end by providing expeditious means and methods for
effecting the disposal of abandoned motor vehicles, junked
motor vehicles, old vehicle tires and certain abandoned house-
hold appliances. The Legislature further finds and declares
that the presence of an abandoned motor vehicle, junked
motor vehicle, old vehicle tire or an abandoned or inoperative
household appliance, or any part thereof, on private or public
property, including but not limited to highways, except as
expressly hereinafter permitted, is a public nuisance injurious
to the public health, safety and general welfare of the citizens
of this state which shall be abated as such by the methods
provided in this article.

§17-24-2. Definitions.

Unless the context clearly indicates a different meaning, as
used in this article:

(1) “Abandoned household appliance” means a refrig-
erator, deepfreeze, range, stove, automatic dishwasher, clothes
washer, clothes dryer, trash compactor, television set, radio,
air conditioning unit, commode or bed springs, to which no
person claims ownership and which is not in an enclosed
building, a licensed salvage yard or the actual possession of
a demolisher.

(2) “Abandoned motor vehicle” means any motor vehicle,
or major part thereof, which is inoperative and which has been
abandoned on public or private property for any period of time
over five days, other than in an enclosed building or in a
licensed salvage yard or at the business establishment of a
demolisher, or any motor vehicle, or major part thereof,
which has remained illegally on public or private property
for any period of time over five days, or any motor vehicle,
or major part thereof, which has remained on private property
without consent of the owner or person in control of the
property for any period of time over three days, or any motor
vehicle, or major part thereof, which is unattended, discarded, deserted and unlicensed and is not in an enclosed building, a licensed salvage yard or the actual possession of a demolisher.

(3) "Demolisher" means any person licensed by the commissioner of the department of highways whose business, to any extent or degree, is to convert a motor vehicle or any part thereof or an inoperative household appliance into processed scrap or scrap metal, or into saleable parts, or otherwise to wreck or dismantle vehicles or appliances.

(4) "Enclosed building" means a structure surrounded by walls or one continuous wall, and having a roof enclosing the entire structure and includes a permanent appendage thereto.

(5) "Enforcement agency" means any of the following or any combination of the following:

(a) Public law-enforcement officers of this state, including conservation officers;

(b) Public law-enforcement officers of any county, city or town within this state; and

(c) The commissioner of the department of highways, his duly authorized agents and employees.

(6) "Inoperative household appliance" means a refrigerator, deepfreeze, range, stove, automatic dishwasher, clothes washer, clothes dryer, trash compactor, television set, radio, air conditioning unit, commode or bed springs, which by reason of mechanical or physical defects can no longer be used for its intended purpose, and which is either not serving a functional purpose or use or is not in an enclosed building, a licensed salvage yard or the actual possession of a demolisher.

(7) "Junked motor vehicle" means a motor vehicle, or any part thereof (other than an on-premise farm utility vehicle), which (a) is discarded, wrecked, ruined, scrapped or dismantled, (b) cannot pass the state inspection required by article sixteen, chapter seventeen-c of this code and (c) is either not serving a functional purpose or use or is not in an enclosed building, a licensed salvage yard or the actual possession of a demolisher.
(8) "Licensed salvage yard" means a salvage yard licensed under article twenty-three of this chapter.

(9) "Motor vehicle" means a vehicle which is or was self-propelled, including but not limited to automobiles, trucks, buses and motorcycles.

(10) "Old vehicle tire" means a pneumatic tire in which compressed air is designed to support a load, but which because of wear, damage or defect can no longer safely be used on a motor vehicle and which is either not serving a functional purpose or use or is not in an enclosed building, a licensed salvage yard or the actual possession of a demolisher.

(11) "Person" includes a natural person, corporation, firm, partnership, association or society, and the plural as well as the singular.

§17-24-3. Abandonment of motor vehicle prohibited; penalty.

(a) No person shall, within this state, abandon a motor vehicle upon the right-of-way of any public highway, upon any other public property, or upon any private property which he does not own, lease, rent or otherwise control unless it be at a licensed salvage yard or at the business establishment of a demolisher.

(b) Any person who violates any provision of subsection (a) of this section shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than twenty-five dollars nor more than five hundred dollars or imprisoned in the county jail not more than six months, or both fined and imprisoned.

§17-24-4. Junked motor vehicles prohibited in certain places; penalty.

No person shall, within this state, place or deposit any junked motor vehicle upon the right-of-way of any public highway or upon any other public property; nor shall any person, within this state, place or deposit any junked motor vehicle upon any private property which he does not own, lease, rent, or otherwise control unless it be at a licensed salvage yard or at the business establishment of a demolisher. Any person who violates any provision of this section shall be
guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than twenty-five dollars nor more than five hundred dollars or imprisoned in the county jail for not more than six months, or both fined and imprisoned.

§17-24-5. Old vehicle tires and inoperative or abandoned household appliances in certain places prohibited; penalty.

No person shall, within this state, place or deposit any old vehicle tire or inoperative or abandoned household appliance upon the right-of-way of any public highway or upon any other public property nor abandon the same upon any private property which he does not own, lease, rent or otherwise control, unless it be at a licensed salvage yard or at the business establishment of a demolisher. Any person who violates any provision of this section shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than twenty-five dollars nor more than five hundred dollars or imprisoned in the county jail for not more than six months, or both fined and imprisoned.

§17-24-6. Department of highways to administer funds for removal of abandoned and junked property; rules and regulations authorized; existing or new division; duties of supervisor.

The department of highways shall administer all funds made available to such department for taking abandoned motor vehicles, junked motor vehicles, old vehicle tires and inoperative and abandoned household appliances into custody and possession. The commissioner of the department of highways is hereby authorized and empowered (a) to promulgate reasonable rules and regulations deemed necessary to implement the provisions of this article, and (b) to administer such funds through an existing division of such department or create a new division thereof for such purpose, as he deems appropriate.

The supervisor of the responsible division shall also have the following powers and duties:

(1) To apply and carry out the provisions of this article and the rules and regulations promulgated hereunder.

(2) To investigate from time to time the operation and effect of this article and of the rules and regulations pro-
mulgated hereunder and to report his findings and recom-
mendations to the commissioner of the department of high-
ways and to the governor.

§17-24-7. Authority to take possession of abandoned motor ve-
hicles, junked motor vehicles, old vehicle tires and
inoperative or abandoned household appliances.

Any enforcement agency which has knowledge of or dis-
covers or finds any abandoned motor vehicle, any junked
motor vehicle, old vehicle tire or inoperative or abandoned
household appliance on either public or private property
shall take the same into his custody and possession. For that
purpose, the enforcement agency may employ its own per-
sonnel, equipment and facilities or hire persons, equipment
and facilities for the purpose of removing, preserving and
storing abandoned motor vehicles, junked motor vehicles,
old vehicle tires or inoperative or abandoned household ap-
pliances: Provided, That before taking any abandoned motor
vehicle or junked motor vehicle into custody and possession
from private property, the enforcement agency shall give the
private property owner and the owner of said motor vehicle,
if ascertainable, thirty days’ notice by registered or certified
mail that such action will be taken unless the said motor
vehicle is restored to a functional use.

§17-24-8. Notification to motor vehicle owner and lienholders.

(a) The enforcement agency which takes into custody and
possession an abandoned motor vehicle or junked motor
vehicle shall, within seven days after taking custody and
possession thereof, notify the last known registered owner of
such motor vehicle and all lienholders of record that such
motor vehicle has been taken into custody and possession, such
notification to be by registered or certified mail, return receipt
requested. The notice shall contain a description of such
motor vehicle, including the year, make, model, manufacturer’s
serial or identification number or any other number which may
have been assigned to such motor vehicle by the commissioner
of motor vehicles and any distinguishing marks; set forth the
location of the facility where such motor vehicle is being
held and the location where such motor vehicle was taken into
custody and possession; inform the owner and any lienholders of record of their right to reclaim such motor vehicle within ten days after the date notice was received by the owner or lienholders, upon payment of all towing, preservation and storage charges resulting from taking and placing such motor vehicle into custody and possession, and state that the failure of the owner or lienholders of record to exercise their right to reclaim such motor vehicle within such ten-day period shall be deemed a waiver by the owner and all lienholders of record of all right, title and interest in such motor vehicle and of their consent to the sale or disposal of the abandoned motor vehicle or junked motor vehicle at a public auction or to a licensed salvage yard or demolisher.

(b) If the identity of the last registered owner of the abandoned motor vehicle or junked motor vehicle cannot be determined, or if the certificate of registration or certificate of title contains no address for the owner, or if it is impossible to determine with reasonable certainty the identity and addresses of all lienholders, notice shall be published as a Class I legal advertisement in compliance with the provisions of article three, chapter fifty-nine of this code, and the publication area for such publication shall be the county wherein such motor vehicle was located at the time such enforcement agency took custody and possession thereof, and such notice shall be sufficient to meet all requirements of notice pursuant to this article. Any notice by publication may contain multiple listings of abandoned motor vehicles and junked motor vehicles. The notice shall be published within seven days after such motor vehicle is taken into custody and possession and shall have the same contents required for a notice pursuant to subsection (a) of this section, except that the ten-day period shall run from the date such notice is published as aforesaid.

(c) The consequences and effect of failure to reclaim an abandoned motor vehicle or junked motor vehicle within the ten-day period after notice is received by registered or certified mail or within ten days after the notice is published in a newspaper as aforesaid shall be set forth in such notice.

(a) If an abandoned motor vehicle or junked motor vehicle is not reclaimed as provided for in section eight of this article, the enforcement agency in possession of the abandoned motor vehicle or junked motor vehicle shall sell it either at a public auction or to a licensed salvage yard or demolisher. The purchaser of such motor vehicle shall take title to such motor vehicle free and clear of all liens and claims of ownership, and shall receive a sales receipt from the enforcement agency which disposed of such motor vehicle. The sales receipt at such sale shall be sufficient title only for purposes of transferring such motor vehicle to a licensed salvage yard or to a demolisher for demolition, wrecking or dismantling, and no further titling of such motor vehicle shall be necessary by either the purchaser at the auction, the licensed salvage yard or the demolisher, who shall be exempt from the payment of any fees and taxes required under article three, chapter seventeen-a of this code: Provided, That the purchaser at the auction must place such motor vehicle in the possession of a licensed salvage yard or demolisher within twenty days from the date he purchased such motor vehicle and the licensed salvage yard or demolisher must demolish, wreck or dismantle such motor vehicle within six months after taking possession of such motor vehicle and if such licensed salvage yard or demolisher does not, such licensed salvage yard or demolisher shall be required to pay all fees and taxes required under article three, chapter seventeen-a of this code.

(b) When an enforcement agency has in its custody and possession old vehicle tires or inoperative or abandoned household appliances collected in accordance with section seven of this article, it shall sell such property from time to time at public auction or to a licensed salvage yard or demolisher.

§17-24-10. Proceeds from sale of abandoned motor vehicles, junked motor vehicles, old vehicle tires and inoperative or abandoned household appliances.

From the proceeds of any such sale, the enforcement agency which sold the abandoned motor vehicle, junked motor vehicle,
old vehicle tire or inoperative or abandoned household appliance shall reimburse itself for any expenses it may have incurred in removing, towing, preserving and storing said property and the expenses of conducting any auction and any notice and publication expenses incurred pursuant to this article.

Any remainder from the proceeds of such sale shall be deposited in the state treasury to be kept and maintained as a special revolving account, hereinafter established and designated as the “Abandoned and Junked Property Fund”: Provided, That any remainder from the proceeds of the sale of an abandoned motor vehicle or junked motor vehicle after payment of such expenses shall be held for the last registered owner of such motor vehicle or any lienholder for ninety days, after which time, if no owner or lienholder claims the remainder, it shall be deposited in said special fund.

Any moneys so collected and deposited in said special fund shall be used solely by the department of highways for the payment of auction, towing, removing, preserving, storing, notice and publication costs which results from taking other abandoned motor vehicles, junked motor vehicles, old vehicle tires and inoperative or abandoned household appliances into custody and possession.

§17-24-11. Collection of portion of fee on issuance of certificate of title to new motor vehicles for deposit in abandoned and junked property fund; establishment of such fund; audit.

One dollar of the fee collected by the department of motor vehicles for the issuance of a certificate of title to a new motor vehicle on and after the effective date of this article and through June thirtieth, one thousand nine hundred seventy-five, shall be transmitted by such department of motor vehicles to the state treasurer and deposited by him in the “Abandoned and Junked Property Fund,” hereinafter in this section established: Provided, That no further transmittals shall be made after a total of two hundred thousand dollars has been so collected and deposited in such fund.

There is hereby established a special fund in the state
treasury which is hereby designated the "Abandoned and Junked Property Fund." The state treasurer shall quarterly transfer to the account of the department of highways one fourth of all moneys appropriated by the Legislature for implementation of the provisions of this article, and shall quarterly transfer to such account all fees collected and deposited in such special fund, as aforesaid, to the date of such transfer, and the net proceeds deposited in such special fund, as provided in section ten of this article, to the date of such transfer. The moneys, fees and net proceeds transferred to the department of highways and any federal moneys made available for such purpose shall be used to defray all costs incurred in the removal and disposal of property as authorized in this article. The legislative auditor shall quarterly conduct an audit of the funds available to the department of highways for implementation of the provisions of this article.

§17-24-12. Injunctive relief; additional remedy.

In addition to all other remedies provided for in this article, the attorney general of this state, the prosecuting attorney of any county where any violation of any provision of this article occurs, or any citizen, resident or taxpayer of the county where any violation of any provision of this article occurs, may apply to the circuit court, or the judge thereof in vacation, of the county where the alleged violation occurred, for an injunction to restrain, prevent or abate the maintenance and storage of abandoned motor vehicles, junked motor vehicles, old vehicle tires or inoperative or abandoned household appliances, in violation of any provision of this article, or the violation of any other provision of this article.

§17-24-13. Construction; severable provisions.

The provisions of this article shall be liberally construed to accomplish the objectives and purposes hereof. If any provision of this article or the application thereof to any person or circumstance be held invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect or invalidate other provisions or applications, and to this end, all of the provisions of this article are hereby declared to be severable.
AN ACT to amend and reenact section three, article five, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to amend and reenact sections two, three, three-a, four, five, six, seven, eight, eight-a, ten, fourteen, fifteen, seventeen, nineteen, twenty-three and twenty-four, article five-a of said chapter twenty, relating to water resources and water pollution generally; abolishing the water resources board and creating a new water resources board; relating to the composition of such board; establishing limitations as to individuals who may be appointed to or serve upon such board; defining terms and concepts in this regard; relating to the terms, oath, removal, compensation and expenses of the members of such board; vacancies on such board; meetings, officers and quorum of such board; others who are to work with such board and the chief of the water resources division of the department of natural resources; and the records of such board; defining terms used in the water pollution control act; relating to the general powers and duties of the chief of the division of water resources and the water resources board with respect to water pollution; implementation and enforcement of the federal water pollution control act and the state's participation in the national pollutant discharge elimination system; and rules and regulations promulgated by the water resources board; establishing additional requirements as to records, reports, information, monitoring and sampling by owner or operator of any point source of water pollutants; granting to the chief of the division of water resources and his authorized representatives a right of entry and access; relating to water quality standards and effluent limitations; cooperation with other governments and agencies with respect to water pollution and the reduction thereof; and the procedures to be followed and the criteria to be considered in the granting or denial of water pollution control permits;
specifying that other discharge permits or discharge au-

thorization shall not be required, with certain exceptions;

relating to confidential information; authorizing an in-
crease in the required fee for a water pollution control
permis; relating to the role of other agencies and individ-
uals in the granting of water pollution control permits; re-
quiring that all water pollution control permits have an
expiration date not to exceed five years; relating to time
standards for action upon an application for a water pollu-
tion control permit; the effect of act upon water pollution
control permits previously issued and procedures in con-
nection therewith; the revocation, suspension or modifica-
tion of water pollution control permits; the reissuance of
such permits; voluntary water quality monitors and the
admissibility into evidence of water samples and analyses;
enforcement orders under the water pollution control act;
control by state as to pollution of waters; appeals to and
before the water resources board; and administrative pro-
cedures; authorizing the imposition and collection of civil
penalties; relating to injunctive enforcement; establishing
prohibitions, criminal offenses and penalties; relating to
conflicting provisions; and providing a severability clause.

Be it enacted by the Legislature of West Virginia:

That section three, article five, chapter twenty of the code
of West Virginia, one thousand nine hundred thirty-one, as
amended, be amended and reenacted; and that sections two,
three, three-a, four, five, six, seven, eight, eight-a, ten, fourteen,
fifteen, seventeen, nineteen, twenty-three and twenty-four,
article five-a of said chapter twenty be amended and reenacted,
all to read as follows:

Article

5. Water Resources.

5A. Water Pollution Control Act.

ARTICLE 5. WATER RESOURCES.

§20-5-3. Water resources board created; composition and or-

ganization; appointment, qualifications, terms,
oaths, removal, compensation and expenses of mem-
bers; others to assist board and division; vacancies;
quorum; meetings; records.

(a) The state water resources board heretofore created
and established as successor to the state water commission
and the state water resources commission is hereby
abolished. A new state water resources board is hereby
created and established as a public corporation. As such
the board may sue and be sued, plead and be impleaded,
contract and be contracted with, and shall have and use
a common seal.

(b) The board shall be composed of five members who
shall be appointed by the governor with the advice and
consent of the Senate. Not more than three members
of the board shall be of the same political party. Indi-
viduals appointed to the board shall be persons who by
reasons of previous training and experience are knowl-
edgeable in the husbandry of the state's water resources
and with at least one member with experience in indus-
trial pollution control: Provided, That no member of the
board shall receive, or during the two years next pre-
ceding his appointment, shall have received a "significant
portion of his income" directly or indirectly from a per-
mit holder or an applicant for a permit issued under any
of the provisions of this chapter. For the purposes of
this subsection: (1) The term "significant portion of his
income" shall mean ten percent of gross personal income
for a calendar year, except that it shall mean fifty per-
cent of gross personal income for a calendar year if the
recipient is over sixty years of age and is receiving such
portion pursuant to retirement, a pension or similar ar-
angement; (2) the term "income" includes retirement
benefits, consultant fees and stock dividends; (3) income
is not received "directly or indirectly" from "permit
holders" or "applicants for a permit" where it is derived
from mutual-fund payments or from other diversified
investments with respect to which the recipient does not
know the identity of the primary sources of income; and
(4) the terms "permit holders" and "applicants for a
permit" shall not include any university or college oper-
ated by this state.

(c) The members of the board shall be appointed for
overlapping terms of five years, except that the original
appointments shall be for terms of one, two, three, four
and five years, respectively. Any member whose term expires may be reappointed by the governor. At its organizational meeting, one member of the board shall be selected chairman to serve as chairman at the will and pleasure of the members of the board. Members of the board shall, before performing any duty, take and subscribe to the oath required by section five, article four of the constitution of West Virginia. Members of the board may be removed only for the same causes and in like manner as elective state officers. Any vacancy in the office of a member of the board shall be filled by appointment by the governor for the unexpired term of the member whose office shall be vacant. Each vacancy occurring in the office of a member of the board shall be filled by appointment within sixty days after such vacancy occurs. Each member of the board shall, out of moneys appropriated for such purposes, be paid as compensation for attending meetings of the board and for necessary travel to and from such meetings forty dollars per day. In addition to such compensation, each member of the board shall be reimbursed, out of moneys appropriated for such purposes, all sums which he necessarily shall expend in the discharge of his duties as a member of such board. The director of the division of sanitary engineering of the state department of health shall perform such services as the board and the chief of the division of water resources may request of him in connection with the discharge of their duties, and he shall be reimbursed, out of moneys appropriated for such purposes, all sums which he necessarily shall expend in the performance of such service. Nothing contained in this article or in article five-a of this chapter, however, shall be construed to limit or interfere with the power of the state department of health to select, employ and direct the director of the division of sanitary engineering of said department, or any employee thereof who in any way may perform any services for the board or the division of water resources. The college of engineering at West Virginia University and the schools and departments of engineering at other institutions of higher education operated by this state, under the direction of the dean or other head
thereof, shall, insofar as they can, without interfering
with their usual and regular activities, aid and assist the
board and the division of water resources in the study
and research of questions connected with water pollution
and the control and reduction thereof in accordance with
the provisions of article five-a of this chapter. Such dean
or other head shall be reimbursed, out of moneys appro-
riated for such purposes, all sums which he necessarily
shall expend in the performance of any services he may
render to the board and the division under the provisions
hereof.

A majority of the board shall constitute a quorum for
the transaction of business. The board shall meet at such
times and places as it may determine and shall meet on
call of the chairman. It shall be the duty of the chairman
to call a meeting of the board on the written request of
three members thereof. The board shall keep an accurate
record of all of its proceedings and maintain such board
records and make certificates thereof or therefrom as may
be required by law. The board shall employ a secretary
and necessary clerical assistance.

ARTICLE 5A. WATER POLLUTION CONTROL ACT.

PART II. CHIEF OF DIVISION OF WATER RESOURCES AND
WATER RESOURCES BOARD.

§20-5A-3. General powers and duties of chief and board with respect to
pollution.
§20-5A-3a. Standards of water quality and effluent limitations.
§20-5A-4. Cooperation with other governments and agencies.

PART III. PERMIT.

§20-5A-5. Prohibitions; permits required.
§20-5A-6. Form of application for permit; information required; fees.
§20-5A-7. Procedure concerning permits required under article; transfer
of permits; prior permits.
§20-5A-8. Inspections; orders to compel compliance with permits; service of
orders.
§20-5A-8a. Voluntary water quality monitors; appointment; duties; compen-
sation.
§20-5A-10. Orders of chief to stop or prevent discharges or deposits or take
remedial action; service of orders.
§20-5A-14. Control by state as to pollution; continuing jurisdiction.
PART V. APPEAL AND REVIEW PROCEDURES.

§20-5A-15. Appeal to water resources board.

PART VI. ACTIONS.

§20-5A-17. Civil penalties and injunctive relief.

PART VII. VIOLATIONS AND PENALTIES.


1 Unless the context in which used clearly requires a
2 different meaning, as used in this article:

3 (a) "Director" shall mean the director of the depart-
4 ment of natural resources;

5 (b) "Board" shall mean the state water resources
6 board;

7 (c) "Chief" shall mean the chief of the division of
8 water resources of the department of natural resources;

9 (d) "Person," "persons" or "applicant" shall mean any
10 industrial user, public or private corporation, institution,
11 association, firm or company organized or existing under
12 the laws of this or any other state or country; state of
13 West Virginia; governmental agency; political subdivision;
14 county court; municipal corporation; industry; sanitary
15 district; public service district; drainage district; soil con-
16 servation district; watershed improvement district; part-
17 nership; trust; estate; person or individual; group of per-
18 sons or individuals acting individually or as a group; or
19 any other legal entity whatever.

20 (e) "Water resources," "water" or "waters" shall mean
21 any and all water on or beneath the surface of the ground,
22 whether percolating, standing, diffused or flowing, wholly
23 or partially within this state, or bordering this state and
24 within its jurisdiction, and shall include, without limiting
25 the generality of the foregoing, natural or artificial lakes,
26 rivers, streams, creeks, branches, brooks, ponds (except
27 farm ponds, industrial settling basins and ponds and water
treatment facilities), impounding reservoirs, springs, wells
and watercourses;

(f) "Pollution" shall mean (1) the discharge, release,
escape, deposit or disposition, directly or indirectly, of
treated or untreated sewage, industrial wastes, or other
wastes, of whatever kind or character, in or near any
waters of the state, in such condition, manner or quantity,
as does, will, or is likely to (A) contaminate or substan-
tially contribute to the contamination of any such waters,
or (B) alter or substantially contribute to the alteration
of the physical, chemical or biological properties of any
such waters, if such contamination or alteration, or the
resulting contamination or alteration where a person only
contributes thereto, is to such an extent as to make any of
such waters (i) directly or indirectly harmful, detrimental
or injurious to the public health, safety and welfare, or
(ii) directly or indirectly detrimental to existing animal,
bird, fish, aquatic or plant life, or (iii) unsuitable for
present or future domestic, commercial, industrial, agri-
cultural, recreational, scenic or other legitimate uses;
and shall also mean, (2) the discharge, release, escape,
deposit, or disposition, directly or indirectly of treated or
untreated sewage, industrial wastes or other wastes, of
whatever kind or character, in or near any waters of the
state in such condition, manner or quantity, as does, will
or is likely to reduce the quality of the waters of the state
below state water quality standards or violate any appli-
cable effluent limitations;

(g) "Sewage" shall mean water-carried human or
animal wastes from residences, buildings, industrial estab-
ishments or other places, together with such ground
water infiltration and surface waters as may be present;

(h) "Industrial wastes" shall mean any liquid, gaseous,
solid or other waste substance, or a combination thereof,
resulting from or incidental to any process of industry,
manufacturing, trade or business, or from or incidental to
the development, processing or recovery of any natural
resources; and the admixture with such industrial wastes
of sewage or other wastes, as hereinafter defined, shall
also be considered "industrial wastes" within the meaning of this article;

(i) "Industrial user" shall mean those industries identified in the standard industrial classification manual, United States bureau of the budget, 1967, as amended and supplemented, under the category "division d—manufacturing" and other classes of significant waste producers identified under regulations issued by the board or the administrator of the United States environmental protection agency;

(j) "Other wastes" shall mean garbage, refuse, decayed wood, sawdust, shavings, bark and other wood debris and residues, sand, lime, cinders, ashes, offal, night soil, silt, oil, tar, dyestuffs, acids, chemicals and all other materials and substances not sewage or industrial wastes which may cause or might reasonably be expected to cause or to contribute to the pollution of any of the waters of the state;

(k) "Establishment" shall mean an industrial establishment, mill, factory, tannery, paper or pulp mill, mine, colliery, breaker or mineral processing operation, quarry, refinery, well, and each and every industry or plant or works or activity in the operation or process of which industrial wastes, or other wastes are produced;

(l) "Sewer system" shall mean pipelines or conduits, pumping stations, force mains and all other constructions, facilities, devices and appliances appurtenant thereto, used for collecting or conducting sewage, industrial wastes or other wastes to a point of disposal or treatment;

(m) "Treatment works" shall mean any plant, facility, means, system, disposal field, lagoon, pumping station, constructed drainage ditch or surface water intercepting ditch, diversion ditch above or below the surface of the ground, settling tank or pond, earthen pit, incinerator, area devoted to sanitary landfills, or other works not specifically mentioned herein, installed for the purpose of treating, neutralizing, stabilizing, holding or disposing of sewage, industrial wastes or other wastes or for the purpose of regulating or controlling the quality and rate of flow thereof;
(n) "Publicly owned treatment works" shall mean any treatment works owned by the state or any political subdivision thereof, any municipality or any other public entity, for the treatment of pollutants;

(o) "Disposal system" shall mean a system for treating or disposing of sewage, industrial wastes, or other wastes, or the effluent therefrom, either by surface or underground methods, and shall be construed to include sewer systems, the use of subterranean spaces, treatment works, disposal wells and other systems;

(p) "Outlet" shall mean the terminus of a sewer system or the point of emergence of any water-carried sewage, industrial wastes, or other wastes, or the effluent therefrom, into any of the waters of this state, and shall include a point source;

(q) "Point source" shall mean any discernible, confined and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, or vessel or other floating craft, from which pollutants are or may be discharged;

(r) "Activity" or "activities" shall mean any activity or activities for which a permit is required by the provisions of section five of this article;

(s) "Disposal well" shall mean any well drilled or used for the injection or disposal of treated or untreated sewage, industrial wastes or other wastes into underground strata;

(t) "Effluent limitation" shall mean any restriction established on quantities, rates and concentrations of chemical, physical, biological and other constituents which are discharged into the waters of this state;

(u) "Code" shall mean the code of West Virginia, one thousand nine hundred thirty-one, as amended;

(v) "Department" shall mean the department of natural resources; and

(w) "Well" shall mean any shaft or hole sunk, drilled,
bored or dug into the earth or into underground strata for the extraction or injection or placement of any liquid or gas, or any shaft or hole sunk or used in conjunction with such extraction or injection or placement. The term "well" shall not have included within its meaning any shaft or hole sunk, drilled, bored or dug into the earth for the sole purpose of core drilling or pumping or extracting therefrom potable, fresh or usable water for household, domestic, industrial, agricultural or public use.

PART II. CHIEF OF DIVISION OF WATER RESOURCES AND WATER RESOURCES BOARD.

§20-5A-3. General powers and duties of chief and board with respect to pollution.

(a) In addition to all other powers and duties of the chief of the department's division of water resources, as prescribed in this article or elsewhere by law, the chief, under the supervision of the director, shall have and may exercise the following powers and authority and shall perform the following duties:

(1) To perform any and all acts necessary to carry out the purposes and requirements of this article and of the "Federal Water Pollution Control Act Amendments of 1972," relating to this state's participation in the "National Pollutant Discharge Elimination System" established under that act;

(2) To encourage voluntary cooperation by all persons in controlling and reducing the pollution of the waters of this state, and to advise, consult and cooperate with all persons, all agencies of this state, the federal government or other states, and with interstate agencies in the furtherance of the purposes of this article, and to this end and for the purpose of studies, scientific or other investigations, research, experiments and demonstrations pertaining thereto, the department may receive moneys from such agencies, officers and persons on behalf of the state. The department shall pay all moneys so received into a special fund hereby created in the state treasury, which fund shall be expended under the direction of the
chief solely for the purpose or purposes for which the
grant, gift or contribution shall have been made;

(3) To encourage the formulation and execution of
plans by cooperative groups or associations of municipal
corporations, industries, industrial users, and other users
of waters of the state, who, jointly or severally, are or
may be the source of pollution of such waters, for the
control and reduction of pollution;

(4) To encourage, participate in, or conduct or cause
to be conducted studies, scientific or other investigations,
research, experiments and demonstrations relating to
water pollution, and the causes, control and reduction
thereof, and to collect data with respect thereto, all as
may be deemed advisable and necessary to carry out the
purposes of this article;

(5) To study and investigate all problems concerning
water flow, water pollution and the control and reduction
of pollution of the waters of the state, and to make
reports and recommendations with respect thereto;

(6) To collect and disseminate information relating
to water pollution and the control and reduction thereof;

(7) To develop a public education and promotion pro-
gram to aid and assist in publicizing the need of and
securing support for pollution control and abatement;

(8) To sample ground and surface water with suf-
icient frequency to ascertain the standards of purity or
quality from time to time of the waters of the state;

(9) To develop programs for the control and reduction
of the pollution of the waters of the state;

(10) To exercise general supervision over the admin-
istration and enforcement of the provisions of this article,
and all rules, regulations, permits and orders issued pur-
suant to the provisions of this article;

(11) In cooperation with the college of engineering
at West Virginia University and the schools and depart-
ments of engineering at other institutions of higher edu-
cation operated by this state, to conduct studies, scientific or other investigations, research, experiments and demonstrations in an effort to discover economical and practical methods for the elimination, disposal, control and treatment of sewage, industrial wastes, and other wastes, and the control and reduction of water pollution, and to this end, the chief may cooperate with any public or private agency and receive therefrom, on behalf of the state, and for deposit in the state treasury, any moneys which such agency may contribute as its part of the expenses thereof, and all gifts, donations or contributions received as aforesaid shall be expended by the chief according to the requirements or directions of the donor or contributor without the necessity of an appropriation therefor, except that an accounting thereof shall be made in the fiscal reports of the department;

(12) To require the prior submission of plans, specifications, and other data relative to, and to inspect the construction and operation of, any activity or activities in connection with the issuance and revocation of such permits as are required by this article or the rules and regulations promulgated hereunder; and

(13) To require any and all persons directly or indirectly discharging, depositing or disposing of treated or untreated sewage, industrial wastes, or other wastes, or the effluent therefrom, into or near any waters of the state or into any underground strata, and any and all persons operating an establishment which produces or which may produce or from which escapes, releases or emanates or may escape, release or emanate treated or untreated sewage, industrial wastes or other wastes or the effluent therefrom, into or near any waters of the state or into any underground strata, to file with the division of water resources such information as the chief may require in a form or manner prescribed by him for such purpose, including, but not limited to, data as to the kind, characteristics, amount and rate of flow of any such discharge, deposit, escape, release or disposition.

(b) In addition to all other powers and duties of the
water resources board, as prescribed in this article or elsewhere by law, the board shall have and may exercise the following powers and authority and shall perform the following duties:

(1) To cooperate with any interstate agencies for the purpose of formulating, for submission to the Legislature, interstate compacts and agreements relating to the control and reduction of water pollution; and

(2) To adopt, modify, repeal and enforce rules and regulations, in accordance with the provisions of chapter twenty-nine-a of this code, (A) implementing and making effective the declaration of policy contained in section one of this article and the powers, duties and responsibilities vested in the board and the chief by the provisions of this article and otherwise by law; (B) preventing, controlling and abating pollution; and (C) establishing standards of quality for the waters of the state under such conditions as the board may prescribe for the prevention, control and abatement of pollution: Provided, That no such rule and regulation shall specify the design of equipment, type of construction or particular method which a person shall use to reduce the discharge of a pollutant.

c) The board is hereby authorized to hire one or more individuals to serve as hearing examiners on a full or part-time basis. Such individuals may be attorneys at law admitted to practice before any circuit court of this state. All such hearing examiners shall be individuals authorized to take depositions under the laws of this state.

d) Whenever required to carry out the objectives of this article: (A) The chief shall require the owner or operator of any point source to (i) establish and maintain such records, (ii) make such reports, (iii) install, use and maintain such monitoring equipment or methods, (iv) sample such effluents in accordance with such methods, at such locations, at such intervals and in such manner as the chief shall prescribe and (v) provide such
other information as he may reasonably require; and
(B) the chief or his authorized representative upon
presentation of credentials (i) shall have a right of entry
to, upon, or through any premises in which an effluent
source is located or in which any records required to be
maintained under (A) of this subsection are located, and
(ii) may at reasonable times have access to and copy any
records, inspect any monitoring equipment or method
required under (A) of this subsection and sample any
streams in the area as well as sample any effluents which
the owner or operator of such source is required to
sample under (A) of this subsection.

(e) The board is hereby authorized and empowered
to investigate and ascertain the need and factual basis for
the establishment of public service districts as a means
of controlling and reducing pollution from unincorpo-
rated communities and areas of the state, investigate
and ascertain, with the assistance of the public service
commission, the financial feasibility and projected finan-
cial capability of the future operation of any such public
service district or districts, and to present reports and
recommendations thereon to the county courts of the
areas concerned, together with a request that such county
courts create a public service district or districts, as there-
in shown to be needed and required and as provided in
article thirteen-a, chapter sixteen of this code. In the
event a county court shall fail to act to establish a county-
wide public service district or districts, the board shall
act jointly with the state director of health, the director of
the department of natural resources and the chief of the
division of water resources to further investigate and
ascertain the financial feasibility and projected financial
capability and, subject to the approval of the public ser-
service commission, order the county court to take action
to establish such public service district or districts as may
be necessary to control, reduce or abate the pollution,
and when so ordered the county court members must
act to establish such a county-wide public service district
or districts.
§20-5A-3a. Standards of water quality and effluent limitations.

(a) In order to carry out the purposes of this article, the board may promulgate rules and regulations setting standards of water quality and effluent limitations to be applicable to the waters of this state, which standards of quality and effluent limitations shall be such as to protect the public health and welfare, wildlife, fish and aquatic life, and the present and prospective future uses of such waters for domestic, agricultural, industrial, recreational, scenic and other legitimate beneficial uses thereof.

(b) In establishing, amending, revising or repealing rules and regulations relating to water quality standards and effluent limitations, the board shall follow all relevant procedures provided by article three, chapter twenty-nine-a of the code.

(c) All persons affected by rules and regulations establishing water quality standards and effluent limitations shall promptly comply therewith: Provided, That where necessary and proper, the chief may specify a reasonable time for persons not complying with such standards and limitations to comply therewith, and upon the expiration of any such period of time, the chief shall revoke or modify any permit previously issued which authorized the discharge of treated or untreated sewage, industrial wastes or other wastes into the waters of this state which result in reduction of the quality of such waters below the standards and limitations established therefor by rules and regulations of the board.

§20-5A-4. Cooperation with other governments and agencies.

The division of water resources is hereby designated as the water pollution control agency for this state for all purposes of federal legislation and is hereby authorized to take all action necessary or appropriate to secure to this state the benefits of said legislation. In carrying out the purposes of this section, the chief is hereby authorized to cooperate with the United States environmental protection agency and other agencies of the federal government, other states, interstate agencies and other interested parties in all matters relating to water pollution, including
the development of programs for controlling and reducing water pollution and improving the sanitary conditions of the waters of the state; to apply for and receive, on behalf of this state, funds made available under the aforesaid federal legislation on condition that all moneys received from any federal agency as herein provided shall be paid into the state treasury and shall be expended, under the direction of the chief, solely for purposes for which the grants shall have been made; to approve projects for which applications for loans or grants under the federal legislation are made by any municipality (including any city, town, district or other public body created by or pursuant to the laws of this state and having jurisdiction over the disposal of sewage, industrial wastes or other wastes) or agency of this state or by any interstate agency; and to participate through his authorized representatives in proceedings under the federal legislation to recommend measures for the abatement of water pollution originating in this state. The governor is hereby authorized, in his discretion, to give consent on behalf of this state to requests by the administrator of the United States environmental protection agency to the attorney general of the United States for the bringing of actions for the abatement of such pollution. Whenever a federal law requires the approval or recommendation of a state agency or any political subdivision of the state in any matter relating to the water resources of the state, the director, subject to approval of the Legislature, is hereby designated as the sole person to give the approval or recommendation required by the federal law, unless the federal law specifically requires the approval or recommendation of some other state agency or political subdivision of the state.

PART III. PERMIT.

§20-5A-5. Prohibitions; permits required.

(a) The chief may, after public notice and opportunity for public hearing, issue a permit for the discharge or disposition of any pollutant or combination of pollutants into waters of this state upon condition that such discharge or disposition meets or will meet all applicable state and
(b) It shall be unlawful for any person, unless he holds a permit therefor from the department, which is in full force and effect, to:

(1) Allow sewage, industrial wastes, or other wastes, or the effluent therefrom, produced by or emanating from any establishment to flow into the waters of this state;

(2) Make, cause or permit to be made any outlet, or substantially enlarge or add to the load of any existing outlet, for the discharge of sewage, industrial wastes, or other wastes, or the effluent therefrom, into the waters of this state;

(3) Acquire, construct, install, modify or operate a disposal system or part thereof for the direct or indirect discharge or deposit of treated or untreated sewage, industrial wastes, or other wastes, or the effluent therefrom, into the waters of this state, or any extension to or addition to such disposal system;

(4) Increase in volume or concentration any sewage, industrial wastes or other wastes in excess of the discharges or disposition specified or permitted under any existing permit;

(5) Extend, modify or add to any establishment, the operation of which would cause an increase in the volume or concentration of any sewage, industrial wastes or other wastes discharging or flowing into the waters of the state;

(6) Open, reopen, operate or abandon any mine, quarry or preparation plant, or dispose of any refuse or industrial wastes or other wastes from any such mine or quarry or preparation plant: Provided, That the department’s permit shall only be required wherever the aforementioned activities cause, may cause or might reasonably be expected to cause a discharge into or pollution of waters of the state: Provided, however, That unless waived in writing by the chief, every application for a permit to open, reopen or operate any mine, quarry or preparation plant
or to dispose of any refuse or industrial wastes or other wastes from any such mine or quarry or preparation plant shall contain a plan for abandonment of such facility or operation, which plan shall comply in all respects to the requirements of this article. Such plan of abandonment shall be subject to modification or amendment upon application by the permit holder to the chief and approval of such modification or amendment by the chief;

(7) Operate any disposal well for the injection or reinjection underground of any industrial wastes, including, but not limited to, liquids or gases, or convert any well into such a disposal well or plug or abandon any such disposal well.

(c) Where a person has a number of outlets emerging into the waters of this state in close proximity to one another, such outlets may be treated as a unit for the purposes of this section, and only one permit issued for all such outlets.

§20-5A-6. Form of application for permit; information required; fees.

1 The chief shall prescribe a form of application for all permits for any activity specified in section five of this article and, notwithstanding any other provision of law to the contrary, no other discharge permit or discharge authorization from any other state department, agency, commission, board or officer shall be required for such activity except that which is required from the department of mines by the provisions of chapter twenty-two of this code. All applications must be submitted on a form as prescribed above. An applicant shall furnish all information reasonably required by any such form, including without limiting the generality of the foregoing, a plan of maintenance and proposed method of operation of the activity or activities. Until all such required information is furnished, an application shall not be considered a complete application. The chief and board shall protect any information (other than effluent data) contained in such permit application form, or other records, reports or plans
as confidential upon a showing by any person that such information, if made public, would divulge methods or processes entitled to protection as trade secrets of such person. If, however, the information being considered for confidential treatment is contained in a national pollutant discharge elimination form, the chief or board shall forward such information to the regional administrator of the United States environmental protection agency for his concurrence in any determination of confidentiality. A filing fee, as determined by rules and regulations of the board, but in no case in excess of fifty dollars, shall accompany the application when filed with the division of water resources. The filing fee shall be deposited in the state treasury to the credit of the state general fund. The filing fee shall not be returned to the applicant.

§20-5A-7. Procedure concerning permits required under article; transfer of permits; prior permits.

(a) The chief or his duly authorized representatives shall conduct such investigation as is deemed necessary and proper in order to determine whether any such application should be granted or denied. In making such investigation and determination as to any application pertaining solely to sewage, the chief shall consult with the director of the division of sanitary engineering of the state department of health, and in making such investigation and determination as to any application pertaining to any activity specified in subdivision (7), subsection (b), section five of this article, the chief shall consult with the director of the state geological and economic survey and the deputy director of the oil and gas division of the department of mines, and all such persons shall cooperate with the chief and assist him in carrying out the duties and responsibilities imposed upon him under the provisions of this article and the rules and regulations of the board; such cooperation shall include, but not be limited to, a written recommendation approving or disapproving the granting of the permit and the reason or reasons for such recommendation, which recommendation and the reason or reasons thereof shall be submitted to
The department's permit shall be issued upon such reasonable terms and conditions as the chief may direct if (1) the application, together with all supporting information and data and other evidence, establishes that any and all discharges or releases, escapes, deposits and disposition of treated or untreated sewage, industrial wastes, or other wastes, or the effluent therefrom, resulting from the activity or activities for which the application for a permit was made will not cause pollution of the waters of this state or violate any effluent limitations or any rules and regulations of the board: Provided, That the chief may issue a permit whenever in his judgment the water quality standards of the state may be best protected by the institution of a program of phased pollution abatement which under the terms of the permit may temporarily allow a limited degree of pollution of the waters of the state; and (2) in cases wherein it is required, such applicant shall include the name and address of the responsible agent as set forth in section eight-b of this article.

Each permit issued under this article shall have a fixed term not to exceed five years. Upon expiration of a permit, a new permit may be issued by the chief upon condition that the discharges or releases, escapes, deposits and disposition thereunder meet or will meet all applicable state and federal water quality standards, effluent limitations and all other requirements of this article.

An application for a permit incident to remedial action in accordance with the provisions of section eleven of this article shall be processed and decided as any other application for a permit required under the provisions of section five of this article.

An application for any permit shall be acted upon by the chief, and the department's permit delivered or mailed, or a copy of any order of the chief denying any such application delivered or mailed to the applicant by the chief, within the specified time period prescribed by
rules and regulations of the board, which time period
shall not exceed ninety days.

(f) When it is established that an application for a
permit should be denied, the chief shall make and enter
an order to that effect, which order shall specify the
reasons for such denial, and shall cause a copy of such
order to be served on the applicant by registered or cer-
tified mail. The chief shall also cause a notice to be
served with the copy of such order, which notice shall
advise the applicant of his right to appeal to the board
by filing a notice of appeal on the form prescribed by
the board for such purpose, with the board, in accordance
with the provisions of section fifteen of this article,
within thirty days after the date upon which the appli-
cant received the copy of such order. However, an appli-
cant may alter the plans and specifications for the pro-
posed activity and submit a new application for any such
permit, in which event the procedure hereinbefore out-
lined with respect to an original application shall apply.

(g) Upon the sale of property which includes an
activity for which the department's permit was granted,
the permit shall be transferable to the new owner, but
the transfer shall not become effective until the provisions
of section eight-b of this article are fully complied with,
and until such transfer is made in the records of the
division of water resources.

(h) All permits for the discharge of sewage, industrial
wastes or other wastes into any waters of the state issued
by the water resources board prior to July one, one
thousand nine hundred sixty-four, and all permits here-
tofore issued under the provisions of this article, and
which have not been heretofore revoked, are subject to
review, revocation, suspension, modification and reissu-
ance in accordance with the terms and conditions of this
article and the rules and regulations promulgated there-
under. Any order of revocation, suspension or modifica-
tion made and entered pursuant to this subsection shall
be upon at least twenty days' notice and shall specify the
reasons for such revocation, suspension or modification
and the chief shall cause a copy of such order, together
with a copy of a notice of the right to appeal to the board as provided for in section eight of this article, to be served upon the permit holder as specified in said section eight.

§20-5A-8. Inspections; orders to compel compliance with permits; service of orders.

1 After issuance of the department's permit for any activity, the chief or his duly authorized representatives may make field inspections of the work on the activity, and, after completion thereof, may inspect the completed activity, and, from time to time, may inspect the maintenance and operation of the activity.

2 To compel compliance with the terms and conditions of the department's permit for any activity, the chief is hereby authorized, after at least twenty days' notice, to make and enter an order revoking, suspending or modifying such permit for cause including, but not limited to, the following:

3 (1) Violation of any term or condition of the permit;

4 (2) Obtaining a permit by misrepresentation, or failure to disclose fully all relevant facts; or

5 (3) Change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge, release, escape, deposit or disposition.

6 The chief shall cause a copy of any such order to be served by registered or certified mail or by a conservation officer or other law-enforcement officer upon the person to whom any such permit was issued. The chief shall also cause a notice to be served with the copy of such order, which notice shall advise such person of his right to appeal to the board by filing a notice of appeal on the form prescribed by the board for such purpose, with the board, in accordance with the provisions of section fifteen of this article, within thirty days after the date upon which such person received the copy of such order.

§20-5A-8a. Voluntary water quality monitors; appointment; duties; compensation.

1 The chief is hereby authorized to appoint voluntary
water quality monitors to serve at the will and pleasure of the chief. All such monitors appointed pursuant hereto shall be eighteen years of age or over and shall be bona fide residents of this state.

Such monitors are authorized to take water samples of the waters of this state at such times and at such places as the chief shall direct and to forward such water samples to the chief for analysis.

The chief is authorized to provide such monitors with such sampling materials and equipment as he deems necessary: Provided, That such equipment and materials shall at all times remain the property of the state and shall be immediately returned to the chief upon his direction.

Such monitors shall not be construed to be employees of this state for any purpose except that the chief is hereby authorized to pay such monitors a fee not to exceed fifty cents for each sample properly taken and forwarded to him as hereinabove provided.

The chief shall conduct schools to instruct said monitors in the methods and techniques of water sample taking and issue to said monitors an identification card or certificate showing their appointment and training.

Upon a showing that any water sample as herein provided was taken and analyzed in conformity with standard and recognized procedures, such sample and analysis shall be admissible in any court of this state for the purpose of enforcing the provisions of this article.

§20-5A-10. Orders of chief to stop or prevent discharges or deposits or take remedial action; service of orders.

If the chief, on the basis of investigations, inspections and inquiries, determines that any person who does not have a valid permit issued pursuant to the provisions of this article is causing the pollution of any of the waters of the state, or does on occasions cause pollution or is violating any rule or regulation or effluent limitation of the board, he shall, with the consent of the director, either make and enter an order directing such person to stop
such pollution or the violation of the rule or regulation
or effluent limitation of the board, or make and enter an
order directing such person to take corrective or remedial
action. Such order shall contain findings of fact upon
which the chief based his determination to make and
enter such order. Such order shall also direct such person
to apply forthwith for a permit in accordance with the
provisions of sections five, six and seven of this article.
The chief shall fix a time limit for the completion of
such action. Whether the chief shall make and enter an
order to stop such pollution or shall make and enter an
order to take remedial action, in either case the person
so ordered may elect to cease operations of the establish-
ment deemed to be the source of such discharge or deposits
causing pollution, if the pollution referred to in the chief's
order shall be stopped thereby.
In the sole discretion of the chief, he may postpone
issuing any such order if he feels such pollution can best
be controlled or reduced by cooperative efforts with the
person or persons responsible therefor.
The chief shall cause a copy of any such order to be
served by registered or certified mail or by a conservation
officer or other law-enforcement officer upon such person.
The chief shall also cause a notice to be served with the
copy of such order, which notice shall advise such person
of his right to appeal to the board by filing a notice of
appeal, on the form prescribed by the board for such pur-
pose, with the board, in accordance with the provisions of
section fifteen of this article.

§20-SA-14. Control by state as to pollution; continuing jurisdic-
tion.

No right to violate the rules and regulations of the
board or to continue existing pollution of any of the
waters of the state shall exist nor shall such right be or
be deemed to have been acquired by virtue of past or
future pollution by any person. The right and control of
the state in and over the quality of all waters of the state
are hereby expressly reserved and reaffirmed. It is recog-
nized that with the passage of time, additional efforts may
have to be made by all persons toward control and reduction of the pollution of the waters of the state, irrespective of the fact that such persons may have previously complied with all orders of the chief or board. It is also recognized that there should be continuity and stability respecting pollution control measures taken in cooperation with, and with the approval of, the chief, or pursuant to orders of the chief or board. When a person is complying with the terms and conditions of a permit granted pursuant to the provisions of section seven of this article or when a person has completed remedial action pursuant to an order of the chief or board, additional efforts may be required wherever and whenever the rules and regulations of the board or effluent limitations are violated or the waters of the state are polluted by such person.

PART V. APPEAL AND REVIEW PROCEDURES.

§20-5A-15. Appeal to water resources board.

(a) Any person adversely affected by an order made and entered by the chief in accordance with the provisions of this article, or aggrieved by failure or refusal of the chief to act within the specified time as provided in subsection (e) of section seven of this article on an application for a permit or aggrieved by the terms and conditions of a permit granted under the provisions of this article, may appeal to the water resources board for an order vacating or modifying such order, or for such order, action or terms and conditions as the chief should have entered, taken or imposed. The person so appealing shall be known as the appellant and the chief shall be known as the appellee. If the chief denies a permit because of any disapproval of a permit application by one or more of the public officers required to review such application under the provisions of subsection (a), section seven of this article, such public officers shall be joined as a coappellee or coappellees with the chief in such appeal.

(b) Such appeal shall be perfected by filing a notice of appeal, on the form prescribed by the board for such purpose, with the board within thirty days after date upon
which the appellant received the copy of such order or received such permit, as the case may be. The filing of the notice of appeal shall not stay or suspend the execution of the order appealed from. If it appears to the director or the board that an unjust hardship to the appellant will result from the execution of the chief's order pending determination of the appeal, the director or the board may grant a suspension of such order and fix its terms. The notice of appeal shall set forth the order or terms and conditions complained of and the grounds upon which the appeal is based. A copy of the notice of appeal shall be filed by the board with the chief within three days after the notice of appeal is filed with the board.

(c) Within seven days after receipt of his copy of the notice of appeal, the chief shall prepare and certify to the board a complete record of the proceedings out of which the appeal arises including all documents and correspondence in the chief's file relating to the matter in question. With the consent of the board and upon such terms and conditions as the board may prescribe, any persons affected by any such activity or by such alleged pollution may by petition intervene as a party appellant or appellee. The board shall hear the appeal de novo, and evidence may be offered on behalf of the appellant and appellee, and, with the consent of the board, by any intervenors.

(d) All of the pertinent provisions of article five, chapter twenty-nine-a of this code shall apply to and govern the hearing on appeal authorized by this section and the administrative procedures in connection with and following such hearing, with like effect as if the provisions of said article five were set forth in extenso in this section, with the following modifications or exceptions:

(1) Unless the board directs otherwise, the appeal hearing shall be held in the city of Charleston, Kanawha County, West Virginia; and

(2) In accordance with the provisions of section one, article five of said chapter twenty-nine-a, all of the testimony at any such hearing shall be recorded by steno-
graphic notes and characters or by mechanical means. Such reported testimony shall in every appeal hearing under this article be transcribed.

(e) Any such appeal hearing shall be conducted by a quorum of the board, but the parties may by stipulation agree to take evidence before a hearing examiner employed by the board. For the purpose of conducting such appeal hearing, any member of the board and the chairman thereof shall have the power and authority to issue subpoenas and subpoenas duces tecum in the name of the board, in accordance with the provisions of section one, article five, chapter twenty-nine-a of this code. All subpoenas and subpoenas duces tecum shall be issued and served within the time and for the fees and shall be enforced, as specified in section one, article five of said chapter twenty-nine-a, and all of the said section one provisions dealing with subpoenas and subpoenas duces tecum shall apply to subpoenas and subpoenas duces tecum issued for the purpose of an appeal hearing hereunder.

(f) Any such hearing shall be held within twenty days after the date upon which the board received the timely notice of appeal, unless there is a postponement or continuance. The board may postpone or continue any hearing upon its own motion, or upon application of the appellant, the appellee or any intervenors for good cause shown. The chief shall be represented at any such hearing by the attorney general or his assistants. At any such hearing the appellant and any intervenor may represent himself or be represented by an attorney at law admitted to practice before any circuit court of this state.

(g) After such hearing and consideration of all of the testimony, evidence and record in the case, the board shall make and enter an order affirming, modifying or vacating the order of the chief, or shall make and enter such order as the chief should have entered, or shall make and enter an order approving or modifying the terms and conditions of any permit issued. In determining its course of action, the board shall take into consideration not only the factors which the chief was authorized to consider in making his
order and in fixing the terms and conditions of any permit, but also the economic feasibility of treating and/or controlling the sewage, industrial wastes or other wastes involved.

(h) Such order shall be accompanied by findings of fact and conclusions of law as specified in section three, article five, chapter twenty-nine-a of this code, and a copy of such order and accompanying findings and conclusions shall be served upon the appellant, and any intervenors, and their attorneys of record, if any, and upon the appellee in person or by registered or certified mail.

(i) The board shall also cause a notice to be served with the copy of such order, which notice shall advise the appellant, the appellee and any intervenors of their right to judicial review, in accordance with the provisions of section sixteen of this article. The order of the board shall be final unless vacated or modified upon judicial review thereof in accordance with the provisions of section sixteen of this article.

PART VI. ACTIONS.

§20-5A-17. Civil penalties and injunctive relief.

Any person who violates any provision of any permit issued under or subject to the provisions of this article shall be subject to a civil penalty not to exceed ten thousand dollars per day of such violation, and any person who violates any provision of this article or of any rule and regulation or who violates any standard or order promulgated or made and entered under the provisions of this article shall, after written notice of such violation from the chief and a reasonable period of time as fixed by the chief to achieve compliance, be subject to a civil penalty not to exceed one thousand dollars per day of such violation. Any such civil penalty may be imposed and collected only by a civil action instituted by the chief in the circuit court of the county in which the violation occurred or is occurring or of the county in which the waters thereof are polluted as the result of such violation.
Upon application by the chief, the circuit courts of this state or the judges thereof in vacation may by injunction compel compliance with and enjoin violations of the provisions of this article, the rules and regulations of the board, effluent limitations, the terms and conditions of any permit granted under the provisions of this article, or any order of the chief or board, and the venue of any such action shall be the county in which the violation or noncompliance exists or is taking place or in any county in which the waters thereof are polluted as the result of such violation or noncompliance. The court or the judge thereof in vacation may issue a temporary or preliminary injunction in any case pending a decision on the merits of any injunctive application filed. Any other section of this code to the contrary notwithstanding, the state shall not be required to furnish bond as a prerequisite to obtaining injunctive relief under this article. An application for an injunction under the provisions of this section may be filed and injunctive relief granted notwithstanding that all of the administrative remedies provided for in this article have not been pursued or invoked against the person or persons against whom such relief is sought and notwithstanding that the person or persons against whom such relief is sought have not been prosecuted or convicted under the provisions of this article.

The judgment of the circuit court upon any application filed or in any civil action instituted under the provisions of this section shall be final unless reversed, vacated or modified on appeal to the supreme court of appeals. Any such appeal shall be sought in the manner provided by law for appeals from circuit courts in other civil cases, except that the petition seeking review in any injunctive proceeding must be filed with said supreme court of appeals within ninety days from the date of entry of the judgment of the circuit court.

Legal counsel and services for the chief or the board in all civil penalty and injunction proceedings in the circuit courts and in the supreme court of appeals of this state shall be provided by the attorney general or his
assistants and by the prosecuting attorneys of the several counties as well, all without additional compensation, or the chief or the board, with the written approval of the attorney general, may employ counsel to represent him or it in a particular proceeding.

PART VII. VIOLATIONS AND PENALTIES.


Any person who causes pollution or who fails or refuses to discharge any duty imposed upon him by this article or by any rule or regulation of the board, promulgated pursuant to the provisions and intent of this article, or by any order of the chief or board, or who fails or refuses to apply for and obtain a permit as required by the provisions of this article, or who fails or refuses to comply with any term or condition of such permit, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars, or by imprisonment in the county jail for a period not exceeding six months, or by both such fine and imprisonment.

Any person who shall intentionally misrepresent any material fact in an application, record, report, plan or other document filed or required to be maintained under the provisions of this article or any rules and regulations promulgated by the board thereunder shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not more than ten thousand dollars or by imprisonment in the county jail not exceeding six months or by both such fine and imprisonment.

Any person who willfully or negligently violates any provision of any permit issued under or subject to the provisions of this article or who willfully violates any provision of this article or any rule or regulation of the board or any effluent limitation or any order of the chief or board shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than one thousand dollars nor more than twenty-five thousand dollars per day of violation or by imprisonment in the
AN ACT to amend and reenact sections nine and thirteen, article sixteen, chapter five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to public employees insurance; providing ten thou-
sand dollars life and accidental death insurance for every employee, and providing the percentage of the cost of the employees' total insurance package which shall be paid as the state's contribution for employees of the state and county boards of education.

Be it enacted by the Legislature of West Virginia:

That sections nine and thirteen, article sixteen, chapter five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted, all to read as follows:

ARTICLE 16. WEST VIRGINIA PUBLIC EMPLOYEES INSURANCE ACT.

§5-16-9. Authorization to execute contracts for group hospital and surgical insurance, group major medical insurance, and group life and accidental death insurance; limitations; awarding of contracts; reinsurance; certificates for covered employees; discontinuance of contracts.

§5-16-13. Payment of costs by employer; schedule of insurance; special funds created; duties of treasurer with respect thereto.

§5-16-9. Authorization to execute contracts for group hospital and surgical insurance, group major medical insurance, and group life and accidental death insurance; limitations; awarding of contracts; reinsurance; certificates for covered employees; discontinuance of contracts.

The board is hereby given exclusive authorization to execute such contract or contracts as are necessary to carry out the provisions of this article and to provide the plan or plans of group hospital and surgical insurance coverage, group major medical insurance coverage, and group life and accidental death insurance coverage selected in accordance with the provisions of this article, such contract or contracts to be executed with one or more agencies, corporations, insurance companies or service organizations licensed to sell group hospital and surgical insurance, group major medical insurance, and group life and accidental death insurance in this state.

The group life and accidental death insurance herein provided for shall be in the amount of ten thousand dol-
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15 lars for every employee. The amount of the group life
16 and accidental death insurance to which an employee
17 would otherwise be entitled shall be reduced to five thou-
18 sand dollars upon such employee attaining age sixty-five.
19
20 All of the insurance coverage to be provided for under
21 this article may be included in one or more similar con-
22 tracts issued by the same or different carriers.
23
24 The provisions of article three, chapter five-a of this
25 code, relating to the division of purchases of the depart-
26 ment of finance and administration, shall not apply to
27 any contracts for any insurance coverage authorized to
28 be executed under the provisions of this article; however,
29 before entering into any contract for any insurance cover-
30 age, as herein authorized, said board shall invite compe-
31 tent bids from all qualified and licensed insurance com-
32 panies or carriers, who may wish to offer plans for the
33 insurance coverage desired. The board shall deal directly
34 with insurers in presenting specifications and receiving
35 quotations for bid purposes. No commission or finder's
36 fee, or any combination thereof, shall be paid to any indi-
37 vidual or agent; but this shall not preclude an under-
38 writing insurance company or companies, at their own
39 expense, from appointing a licensed resident agent, within
40 this state, to service the companies' contracts awarded
41 under the provisions of this article. Commissions reason-
42 ably related to actual service rendered for such agent or
43 agents may be paid by the underwriting company or
44 companies: *Provided,* That in no event shall payment
45 be made to any agent or agents when no actual services
46 are rendered or performed. The board shall award such
47 contract or contracts on a competitive basis. In awarding
48 the contract or contracts the board shall take into account
49 the experience of the offering agency, corporation, insur-
50 ance company or service organization in the group hos-
51 pital and surgical insurance field, group major medical
52 insurance field, and group life and accidental death in-
53 surance field, and its facilities for the handling of claims.
54
55 In evaluating these factors, the board may employ the
56 services of impartial, professional insurance analysts or
57 actuaries or both. Any contract executed by the board
with a selected carrier shall be a contract to govern all eligible employees subject to the provisions of this article. Nothing contained in this article shall prohibit any insurance carrier from soliciting employees covered hereunder to purchase additional hospital and surgical, major medical or life and accidental death insurance coverage.

The board may authorize the carrier with whom a primary contract is executed to reinsure portions of such contract with other carriers which elect to be a reinsurer and who are legally qualified to enter into a reinsurance agreement under the laws of this state.

Each employee who is covered under any such contract or contracts shall receive a certificate setting forth a fee schedule of the hospital, surgical or medical benefits to which such employee, his spouse and his dependents are entitled hereunder, to whom such benefits shall be payable, to whom claims shall be submitted, and a summary of the provisions of any such contract or contracts as they affect the employee, his spouse and his dependents.

The board may at the end of any contract period discontinue any contract or contracts it has executed with any carrier and replace the same with a contract or contracts with any other carrier or carriers meeting the requirements of this article.

§5-16-13. Payment of costs by employer; schedule of insurance; special funds created; duties of treasurer with respect thereto.

1 The Legislature shall appropriate annually from the general revenue fund such sums as may be required to pay the state's share of the premium costs of those spending units operating from the general revenue fund, and each spending unit operating from special revenue funds, or federal funds, or both, shall pay to the board their share of premium costs from their personal services budget. All other employers not operating from the state general revenue fund shall pay to the board their share of premium costs from their respective budgets. The state's contribution for employees of the
state of West Virginia, its boards, agencies, commissions, departments, institutions, or spending units and county boards of education, shall be, effective July one, one thousand nine hundred seventy-four, all or that portion of the total costs of premiums for each employees' complete insurance and medical benefits package as follows:

(a) For each employee who has elected to participate in the plan prior to July one, one thousand nine hundred seventy-four, and is currently employed on and after July one, one thousand nine hundred seventy-four, as an employee of an employer as hereinabove specified, the state's contribution shall be one hundred percent of the total costs of premiums;

(b) For all other employees of employers as hereinabove specified, who elect to participate in the plan on and after July one, one thousand nine hundred seventy-four, the state's contribution shall be seventy percent of the total costs of premiums for a period of one year from the date of such election and shall be one hundred percent of the total costs of premiums for all periods thereafter.

The contribution of other employers (namely: A county, city or town in the state; any separate corporation or instrumentality established by one or more counties, cities or towns, as permitted by law; any corporation or instrumentality supported in most part by counties, cities or towns; any public corporation charged by law with the performance of a governmental function and whose jurisdiction is coextensive with one or more counties, cities or towns; any organization or agency established by, or approved by the department of mental health for the provision of community health or mental retardation services, and which is supported in part by state, county or municipal funds; and a combined city-county health department created pursuant to article two, chapter sixteen of the code) shall be such percentage of the cost of the employees' insurance package as the employers deem reasonable and proper under their own particular circumstances.
The employee's proportionate share of the premium or cost shall be withheld or deducted by the employer from such employee's salary or wages as and when paid and such sums shall be forwarded to the board with such supporting data as the board may require.

All moneys received by the board shall be deposited in a special fund or funds as are necessary in the state treasury and the treasurer of the state shall be custodian of such fund or funds and shall administer such fund or funds in accordance with the provisions of this article or as the board may from time to time direct. The treasurer shall pay all warrants issued by the state auditor against such fund or funds as the board may direct in accordance with the provisions of this article.

CHAPTER 10
(S. B. 38—Originating in the Senate Committee on Finance)

[Passed July 3, 1974; in effect July 1, 1974. Approved by the Governor.]

AN ACT to amend article ten, chapter five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section twenty-two-a, relating to computation of benefits under the public employees retirement act; granting increases to annuitants who retired prior to the first day of July, one thousand nine hundred seventy-three.

Be it enacted by the Legislature of West Virginia:

That article ten, chapter five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section twenty-two-a, to read as follows:

ARTICLE 10. WEST VIRGINIA PUBLIC EMPLOYEES RETIREMENT ACT.

§5-10-22a. Supplemental benefits for certain annuitants.

1 As an additional supplement to other retirement allow-
ances provided, each annuitant who on July 1, 1974, is receiving a retirement annuity less than four thousand two hundred dollars annually, and whose retirement allowance became effective during the respective dates indicated in this section shall receive, upon application, an increased amount, payable monthly, which is the product of his present retirement allowance multiplied by the percentage increase applicable, according to the effective date of retirement and according to the plan of retirement, as provided by the schedule below.

<table>
<thead>
<tr>
<th>Effective Date: of Retirement</th>
<th>Percentage of Retirement Allowance Increase</th>
</tr>
</thead>
<tbody>
<tr>
<td>July 1, 1961 through June 30, 1962</td>
<td>24.00</td>
</tr>
<tr>
<td>July 1, 1962 through June 30, 1963</td>
<td>22.00</td>
</tr>
<tr>
<td>July 1, 1963 through June 30, 1964</td>
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<tr>
<td>July 1, 1964 through June 30, 1965</td>
<td>18.00</td>
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<td>July 1, 1965 through June 30, 1966</td>
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<td>July 1, 1966 through June 30, 1967</td>
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<td>July 1, 1967 through June 30, 1968</td>
<td>12.00</td>
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<tr>
<td>July 1, 1968 through June 30, 1969</td>
<td>10.00</td>
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<tr>
<td>July 1, 1969 through June 30, 1970</td>
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<td>July 1, 1970 through June 30, 1971</td>
<td>6.00</td>
</tr>
<tr>
<td>July 1, 1971 through June 30, 1972</td>
<td>4.00</td>
</tr>
<tr>
<td>July 1, 1972 through June 30, 1973</td>
<td>2.00</td>
</tr>
</tbody>
</table>

Any additional benefit conferred herein shall not be retroactive to the time of retirement but shall become effective the first day of July, one thousand nine hundred seventy-four.

In no event, however, when the amount of an annuity is affected by this section, shall the total of the additional benefit herein provided and other retirement allowances provided elsewhere in this article exceed the sum of four thousand two hundred dollars annually.
AN ACT to amend and reenact section twenty-five, article ten, chapter five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the service required by public employees to become eligible for disability retirement.

Be it enacted by the Legislature of West Virginia:

That section twenty-five, article ten, chapter five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 10. WEST VIRGINIA PUBLIC EMPLOYEES RETIREMENT ACT.

§5-10-25. Disability retirement.

(a) Upon the application of a member or former member of the retirement system, or his present or past employing authority, any member or former member who (1) is or was in the employ of a participating public employer, (2) has ten or more years of credited service of which three years is contributing service, and (3) becomes totally and permanently incapacitated for employment, by reason of a personal injury or disease, may be retired by the board of trustees if after a medical examination of the said member or former member, made by or under the direction of a medical committee consisting of two physicians, one of whom shall be named by the board, and one by the said member or former member, the said medical committee reports, in writing, to the board that (1) the said member or former member is physically or mentally totally incapacitated for employment, (2) that such incapacity will probably be permanent, and (3) that the said member or former member should be retired. In the event the two above-mentioned physicians do not agree in their findings, then the board of trustees may, at its discretion, appoint a third physician to examine said member or former member and, based upon the
third physician's report in writing, the board may retire said
member or former member.

(b) A member with less than ten years of credited service
shall have the service requirement provided for in subsection
(a) above (including the requirement of three years contribut-
ing service) waived in the event (1) the board of trustees finds
his total and permanent disability to be the natural and prox-
imate result of a personal injury or disease arising out of and in
the course of his actual performance of duty in the employ of a
participating public employer, and (2) he is in receipt of work-
men's compensation on account of such physical or mental
disability.

(c) For those members or former members retiring and
those members retired, as of March one, one thousand nine
hundred seventy, he shall receive a straight life annuity com-
puted according to section twenty-two hereof and he shall have
the right to elect an option provided for in section twenty-four
hereof: Provided, That his straight life annuity payable to his
attainment of age sixty-five years shall not be less than fifty
percent of his final average salary; and his said straight life
annuity payable from and after his attainment of age sixty-five
years shall not be less than twenty percent of his final average
salary: Provided, however, That his said annuity shall be sub-
ject to section twenty-six hereof.

CHAPTER 12
(S. B. 12—By Mr. Hubbard)

[Passed June 24, 1974; in effect from passage. Approved by the Governor.]

AN ACT to amend article three, chapter twenty-four of the
code of West Virginia, one thousand nine hundred thirty-
one, as amended, by adding thereto a new section, design-
nated section seven, relating to the abandonment by rail-
roads of service and operation of lines affecting public
service and requiring permission therefor.
Be it enacted by the Legislature of West Virginia:

That article three, chapter twenty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section seven, to read as follows:

ARTICLE 3. DUTIES AND PRIVILEGES OF PUBLIC UTILITIES SUBJECT TO REGULATIONS OF COMMISSION.

§24-3-7. Permit to abandon service; certificate.

1 No railroad shall abandon all or any portion of its service to the public or the operation of any of its lines which would affect the service it is rendering the public unless and until there shall first have been filed with the public service commission of this state an application for a permit to abandon service and obtained from the commission an order stating that the present and future public convenience and necessity permits such abandon-
ment.

CHAPTER 13

(H. B. 102—By Mr. Seibert)

[Passed July 3, 1974; in effect from passage. Approved by the Governor.]

AN ACT authorizing the issuance and sale by the governor of bonds of the state of West Virginia, under authority of the Better Highways Amendment of 1973, in a total amount not to exceed one hundred fifty million dollars and in several issuances, each in an amount not to exceed fifty million dollars, and with a period of one hundred eighty days to elapse between the first and second issuances and between each and every issuance thereafter, for the sole purpose of raising funds for bridge replacement and improvement program, completion of the Appalachian highway system, upgrading sections of trunkline and feeder systems, upgrading West Virginia State Route 2, upgrading state and local service roads, and the construction, reconstruction, improving and upgrading of U. S. Route 52 be-
between Huntington and Bluefield, West Virginia, as provided for by the constitution and the laws enacted thereunder; specifying the powers of and limitations upon the governor in the issuance and sale of such bonds; prescribing the duties of the auditor and treasurer with respect to such bonds; providing for transfer and registration fees with respect to registered bonds and the disposition of such fees; providing for places of payment of principal and interest on such bonds; exempting such bonds from taxation by the state, or by any county, district or municipality thereof; setting forth the form of coupon and registered bonds and coupons; stating what moneys shall be paid into the state road fund; providing for the disposition and investment of the state road fund; providing a covenant between the state and the bondholders; providing that the proceeds from the sale of the bonds shall be paid into a separate and distinct account within the state road fund and providing that said account shall contain six (6) subaccounts, their purposes and the percentage amount of the total proceeds of each bond sale to be deposited therein and for expenditures from said account; providing for annual accountability status report; providing that the plates, etc., from which the bonds are produced or made shall be the property of the state; providing for interim certificates in lieu of permanent bonds; providing for the state treasurer to be financial advisor; providing for the attorney general or his duly appointed legal representative to serve as bond counsel; and providing that all necessary expenses, including legal expenses approved by the attorney general, incurred in the execution of this act shall be paid out of the state road fund on warrants of the auditor of the state drawn on the state treasurer.

Be it enacted by the Legislature of West Virginia:

ISSUANCE AND SALE OF ROAD BONDS.

§1. Road bonds; amount; purposes and percentage amounts; when may issue.
§2. Transfer fee; registration fee; where payable; interest rate; tax exempt.
§3. Form of bond.
§4. Form of coupon.
§5. Listing by auditor.
§6. State road fund sources used to pay bonds and interest; investment of remainder.
§7. Covenants of state.
§8. Sale by governor; minimum price.
§9. Proceeds paid into a separate and distinct account within the state road fund; subaccounts and restriction on transfer of funds; expenditures; investment; annual accountability status report.

§10. Plates, etc., property of state.

§11. Auditor to be custodian of unsold bonds.

§12. Interim certificates.

§13. State treasurer to be financial advisor.

§14. Attorney general or his duly appointed legal representative to serve as bond counsel.

§15. Approval and payment of all necessary expenses.

§1. Road bonds; amount; purposes and percentage amounts; when may issue.

Bonds of the state of West Virginia, under authority of the Better Highways Amendment of 1973, of the par value not to exceed one hundred fifty million dollars are hereby authorized to be issued and sold for the sole purpose of raising funds for the building, construction, reconstruction, improving, upgrading and completion of state roads and highways and for bridge replacement and improvement as provided for by the constitution and the laws enacted thereunder. The total proceeds of each bond sale shall be deposited in the manner hereinafter provided for in this act and shall be earmarked, designated and used for the following purposes and in the following percentage amounts:

(1) Twenty-four (24%) percent for bridge replacement and improvement program;

(2) Twenty-six (26%) percent for completion of the Appalachian highway system;

(3) Ten (10%) percent for upgrading sections of trunkline and feeder systems;

(4) Ten (10%) percent for upgrading West Virginia State Route 2;

(5) Twenty (20%) percent for upgrading state and local service roads;

(6) Ten (10%) percent for construction, reconstruction, improving and upgrading of U. S. Route 52 between Huntington and Bluefield, West Virginia.
Such bonds may be issued by the governor in such amounts, in coupon or registered form, in such denominations, at such time, bearing such date or dates, as the governor may determine, based upon an examination of the West Virginia department of highways' yearly program which justifies the issuance by the governor of said bonds, and shall become due and payable serially, annually or semiannually, in such amounts and mature in such years as the governor may determine: Provided, That such bonds be sold in increments not to exceed fifty million dollars and with a period of one hundred eighty days to elapse between the first and second issuances and between each and every issuance thereafter: Provided, however, That such bonds shall mature within and not exceeding twenty-five years from their date: Provided further, That the governor must offer said bonds for competitive bids from recognized financial investment institutions before said bonds may be sold.

§2. Transfer fee; registration fee; where payable; interest rate; tax exempt.

The auditor and the treasurer are hereby authorized to arrange for the transfer of registered bonds and for each such transfer a fee of one dollar shall be charged by and paid to the state of West Virginia, to the credit of the state road fund. Bonds taken in exchange shall be canceled by the auditor and treasurer and be carefully preserved by the treasurer. The treasurer shall make provisions for registering "payable to bearer" bonds, and for each bond registered a fee of one dollar shall likewise be charged by and paid to the state of West Virginia, to the credit of the state road fund. All such bonds shall be payable at the office of the treasurer of the state of West Virginia, or, at the option of the holder, at a bank in the city of New York to be designated by the governor, or, at the option of the holder at such other bank or banks, within the state as may be designated or approved by the governor. The bonds shall bear interest, payable semiannually, to bearer, at the office of the treasurer of the state of West Virginia, at the capitol of the state, or at the banks designated and approved by the governor, upon presentation and surrender of interest coupons then due, in the case of coupon bonds. For the payment of interest on registered bonds,
the treasurer of the state of West Virginia shall requisition a warrant from the auditor of the state to be drawn on the state treasurer, and shall mail the check to the registered owner at the address as shown by the record of registration. Both the principal and interest of the bonds shall be made payable in lawful money of the United States of America and the bonds shall be exempt from taxation by the state of West Virginia, or by any county, district or municipality thereof, which facts shall appear on the face of the bonds as part of the contract with the holder thereof.

§3. Form of bond.

The bonds shall be executed on behalf of the state of West Virginia, by the manual or facsimile signature of the treasurer thereof, under the great seal of the state or a facsimile thereof, and countersigned by the manual or facsimile signature of the auditor of the state: Provided, That one of said signatures on said bonds shall be a manual signature and said bonds shall be in the following form or to the following effect, as nearly as may be, namely:

COUPON ROAD BOND
(or registered road bond, as the case may be)

OF THE
STATE OF WEST VIRGINIA

The state of West Virginia, under and by virtue of authority of an amendment to the constitution, which was proposed by Senate Joint Resolution No. 17, adopted the thirteenth day of April, one thousand nine hundred seventy-three, and was ratified by a vote of the people at the special election on the sixth day of November, one thousand nine hundred seventy-three, which is hereby made a part hereof as fully as if set forth at length herein, acknowledges itself to be indebted to and hereby promises to pay to the bearer hereof (in case of a coupon bond) or to _________________ or assigns (the owner of record, in case of registered bonds) on the __________ day of ______________, 19____., in lawful money of the United States of America at the office of the treasurer of the state of West Virginia at the
capitol of said state, or, at _____________ bank in the city of
New York, or, at _____________ bank, at the option of the
holder, the sum of _____________ dollars, with interest thereon
at __________ percent a year from the date, payable semiannually in like lawful money of the United States of America
at the treasurer's office or banks aforesaid, on the first day of
_____________ and the first day of _______________ of each
year (and in the case of coupon bonds) according to the tenor
of the annexed coupons bearing the facsimile signature of the
treasurer of the state of West Virginia, upon surrender of
such coupons. This bond (in case of a coupon bond) may be
exchanged for a registered bond of like tenor upon application
to the treasurer of the state of West Virginia.

(Re redemption provisions, if any, to be inserted here).

To secure the payment of the principal and interest of this
bond, the state of West Virginia covenants and agrees with the
holder as follows: (1) That this bond shall constitute a direct
and general obligation of the state of West Virginia; (2) that
the full faith and credit of the state is pledged to secure the
payment of the principal and interest of this bond; (3) that an
annual state tax shall be collected in an amount sufficient to
pay as it may accrue the interest on this bond and the principal
thereof; and (4) that such tax shall be levied in any year only
to the extent that the moneys in the state road fund irreversibly set aside and appropriated for and applied to the pay-
ment of the interest on and principal of this bond becoming
due and payable in such year are insufficient therefor.

This bond is hereby made exempt from any taxation by the
state of West Virginia, or by any county, district or municipal
corporation thereof.

In testimony whereof, witness the manual or facsimile sig-
nature of the treasurer of the state of West Virginia, and the
manual or facsimile countersignature of the auditor of the
state, hereto affixed according to law, dated the ___ day of
_____________, one thousand nine hundred ___________, and
the seal of the state of West Virginia or a facsimile thereof.

______________________________
Treasurer of the State of West Virginia
(SEAL)
§4. Form of coupon.

The form of coupon shall be substantially as follows, to wit:

STATE OF WEST VIRGINIA

Bond No. ___________________ Coupon No. ___________________

On the first day of ___________________, 19_____, the state of West Virginia will pay to the bearer, in lawful money of the United States of America, at the office of the treasurer of the state, or, at ___________________ bank in the city of New York, or, at ___________________ bank, at the option of the holder, the sum of ___________________ dollars, the same being semiannual interest on Road Bond No. ___________________.

Treasurer of the State of West Virginia

The signature of the treasurer to such coupon shall be by his facsimile signature and the coupons shall be numbered in the order of their maturity, from number one consecutively. The bonds and coupons may be signed, as provided in this act, by the present treasurer and auditor, or by any of their respective successors in office, and the bonds signed by the persons now in the office may be sold by the governor or his successor in office without being signed by the successor in office of the present treasurer or auditor.

§5. Listing by auditor.

All coupons and registered bonds issued under this act shall be separately listed by the auditor of the state in books provided for the purpose, in each case giving the date, number, character and amount of obligations issued, and in case of registered bonds, the name and post-office address of the person, firm or corporation registered as the owner thereof.

§6. State road fund sources used to pay bonds and interest; investment of remainder.

Into the state road fund there shall be paid all
money from any and all appropriations made by the state from the state road fund for the purpose of paying the interest on such bonds or paying off and retiring the bonds, from transfer and registration fees as herein provided, and from any other source whatsoever which is made liable by law for the payment of the principal of such bonds or the interest thereon.

All such funds shall be kept by the treasurer in a separate account, under the designation aforesaid, and all moneys belonging to the fund shall be deposited in the state treasury to the credit thereof.

Such fund shall be applied by the treasurer of the state first to the payment of the semiannual interest on such bonds as it shall become due as herein provided. The remainder of the fund shall be invested by the state treasurer in obligations of the government of the United States, bonds of the state of West Virginia, or any political subdivision thereof: Provided, That bonds or other obligations so purchased by the state treasurer shall mature so as to provide sufficient money to pay off all bonds herein provided to be issued as they become due; and the money so paid into the state road fund under the provisions of this act shall be expended for the purpose of paying the interest and principal of the bonds hereby provided for as they severally become due and payable.

§7. Covenants of state.

The state of West Virginia covenants and agrees with the holders of the bonds issued pursuant hereto as follows: (1) That such bonds shall constitute a direct and general obligation of the state of West Virginia; (2) that the full faith and credit of the state is hereby pledged to secure the payment of the principal and interest of such bonds; (3) that an annual state tax shall be collected in an amount sufficient to pay as it may accrue the interest on such bonds and the principal thereof; and (4) that such tax shall be levied in any year only to the extent that the moneys in the state road fund irrevocably set aside and appropriated for and applied to the payment of the interest on and principal of said bonds becoming due and payable in such year are insufficient therefor.
§8. Sale by governor; minimum price.

1 The governor shall sell the bonds herein authorized at such
time or times, within the specified periods, as he may deter-
mine necessary to provide funds for the building, construction,
reconstruction, improving, upgrading and completion of state
roads and highways, and for bridge replacement and improve-
ment as herein provided, upon the recommendation of the
West Virginia commissioner of highways, and after reviewing
the program of the West Virginia department of highways and
subject to the limitations contained in this act. All sales shall
be at not less than par and accrued interest. All interest cou-
pons becoming payable prior to the sale date shall be cancelled
by the treasurer and rendered ineffective before the delivery
of the bonds so sold.

§9. Proceeds paid into a separate and distinct account within the
state road fund; subaccounts and restriction on transfer of
funds; expenditures; investment; annual accountability status
report.

1 The proceeds of the sale of each issue of bonds herein autho-
rized shall be paid into a separate and distinct account within
the state road fund, and in order to control expenditures, said
account shall contain six subaccounts to be designated as fol-
 lows: Bridge replacement and improvement subaccount; Ap-
palachian highway system completion subaccount; Trunkline
and feeder system upgrading subaccount; State Route 2 up-
grading subaccount; State and local service roads upgrading
subaccount; Construction, reconstruction, improving, and up-
grading of U. S. Route 52 between Huntington and Bluefield
subaccount.

12 It is the express intent of the Legislature that when the pro-
ceeds of each issue of bonds sold have been deposited, as
aforesaid, and distributed to each subaccount in the manner
provided for in section one of this act, there shall be no trans-
fer of funds thereafter among the six subaccounts. The proceeds
of each sale of bonds shall be allocated to the subaccounts, as
designated above, and used and appropriated solely for ex-
penditure in the manner as hereinbefore directed.

20 Except for such sums necessary for current operating bal-
ances, any excess cash in any one or more of said subaccounts may be combined and shall be invested by the state treasurer in obligations of the government of the United States, bonds of the state of West Virginia, or any political subdivision thereof: Provided, That no such investment may adversely offset the current operating balances of such fund: Provided, however, That all interest accruing from such investment shall be paid into the state road fund for debt service on the bonds issued.

On or before the thirty-first day of January of each year, the commissioner of the department of highways shall submit to the legislative auditor an accountability status report of all moneys received or expended within the state road fund, and the six separate subaccounts herein provided and any other information required to fully account in respect to the handling of bonds issued and moneys expended under the authority of the "Better Highways Amendment of 1973." No moneys shall be expended by the commissioner other than as authorized in said amendment.

§10. Plates, etc., property of state.

The plates, casts, dies or other forms from which the bonds authorized by this act are produced or made shall be the property of the state of West Virginia.

§11. Auditor to be custodian of unsold bonds.

The state auditor shall be the custodian of all unsold bonds issued pursuant to the provisions of this act.

§12. Interim certificates.

The governor may authorize the issuance of interim certificates to be issued to the purchasers of such bonds to be held by them in lieu of permanent bonds, for a period not to exceed eighteen months. When interim certificates are so issued, they shall become full and legal obligations of the state of West Virginia under all of the provisions of this act just as fully and completely as the permanent bonds.

§13. State treasurer to be financial advisor.

The state treasurer shall serve as financial advisor to the governor for the issuance and sale of such bonds.
§14. Attorney general or his duly appointed legal representative to serve as bond counsel.

The attorney general, or his duly appointed legal representative, shall serve as bond counsel and shall be responsible for the issuance of a final approving opinion regarding the legality of the sale of such bonds.

§15. Approval and payment of all necessary expenses.

All necessary expenses, including legal expenses approved by the attorney general, incurred in the execution of this act shall be paid out of the state road fund on warrants of the auditor of the state drawn on the state treasurer.

CHAPTER 14

(H. B. 131—By Mr. Speaker, Mr. McManus, and Mr. Seibert)

[Passed June 26, 1974; in effect from passage. Approved by the Governor.]

AN ACT to amend article five, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section twelve-a, relating to county boards of education; construction contracts; competitive bidding; rules and regulations.

Be it enacted by the Legislature of West Virginia:

That article five, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section twelve-a, to read as follows:

ARTICLE 5. COUNTY BOARD OF EDUCATION.

§18-5-12a. Competitive bids required for certain construction contracts.

County boards may enter into construction contracts of five thousand dollars or less in amount in the open market, but construction contracts of over five thousand dollars in total cost
shall be based on competitive bids, except in case of emergency or except where either no bid or only one bid is received within thirty days after the same has been advertised: Provided, 
That the foregoing provisions of this section shall not under any circumstances whatever be construed as in any way limiting the right of a county board to undertake and complete any construction project of such board by the use of such board’s own employees.

The county board of any county is hereby authorized and empowered to promulgate rules and regulations governing the procedure of competitive bids.

CHAPTER 15
(S. B. 1—By Mr. Hubbard)

[Passed July 3, 1974; in effect July 1, 1974. Approved by the Governor.]

AN ACT to amend article seven-a, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section twenty-six-g, relating to computation of benefits under the state teachers retirement system, by granting increases to teachers who retired prior to the first day of July, one thousand nine hundred seventy.

Be it enacted by the Legislature of West Virginia:

That article seven-a, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section twenty-six-g, to read as follows:

ARTICLE 7A. STATE TEACHERS RETIREMENT SYSTEM.

§18-7A-26g. Supplemental benefits for certain annuitants.

1 From an appropriation of general revenue funds made annually by the Legislature for this purpose and as an additional supplement to other retirement allowances, each annuitant whose retirement allowance became ef-
effective during the respective dates indicated in this
section shall receive, upon application, an amount which
is the product of his present retirement allowance, in-
cluding all of the supplemental benefits provided in the
preceding section of this article, multiplied by the per-
centage increase applicable, according to the effective
date of retirement and according to the plan of retire-
ment, as provided by the schedule below.

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<th>Effective Date</th>
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<td>July 1, 1953 through June 30, 1963</td>
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<td>July 1, 1963 through June 30, 1965</td>
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<tr>
<td>July 1, 1965 through June 30, 1966</td>
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<td>July 1, 1966 through June 30, 1968</td>
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<td>July 1, 1969 through June 30, 1970</td>
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Any additional benefit conferred herein shall not be
retroactive to the time of retirement, but shall be paid
beginning the first day of July, one thousand nine hundred
seventy-five.

CHAPTER 16
(H. B. 105—By Mr. Seibert)

[Passed June 26, 1974; in effect July 1, 1974. Approved by the Governor.] 

AN ACT to amend and reenact section six, article twenty-two-b,
chapter eighteen of the code of West Virginia, one thousand
nine hundred thirty-one, as amended, relating to recip-
ients, awards and distribution of awards of scholarships estab-
lished and authorized by said article twenty-two-b, and provid-
ing limitations on such scholarships.

_Be it enacted by the Legislature of West Virginia:_

That section six, article twenty-two-b, chapter eighteen of the code
of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 22B. STATE SCHOLARSHIP PROGRAM.

§18-22B-6. Recipients, awards and distribution of awards of scholarships.

1 The scholarship recipient shall be free to attend any approved institution of higher education in this state. The institution is not required to accept the scholarship recipient for enrollment, but is free to exact compliance with its own admission requirements, standards and policies.

2 Scholarship grants shall be made to undergraduate students only.

3 Each scholarship is renewable until the course of study is completed, but not to exceed an additional three academic years beyond the first year of the award. These may not necessarily be consecutive years and the scholarship will be terminated if the student receives his degree in a shorter period of time. Qualifications for renewal will include maintaining satisfactory academic standing, making normal progress toward completion of the course of study and continued eligibility, as determined by the commission.

4 Scholarship awards shall be made without regard to the applicant’s race, creed, color, sex, national origin or ancestry; and in making scholarship awards, the commission shall treat all approved institutions of higher education in a fair and equitable manner. The commission from time to time shall identify areas of professional, vocational and technical expertise that are, or will be, of critical need in this state and, to the extent feasible, may direct scholarship grants to students that are pursuing instruction in those areas.

5 Scholarship awards shall be limited to the lesser of the payment of tuition and those related compulsory fees charged by an institution to all West Virginia undergraduate students, or an amount equal to the average state general fund support for each full-time equivalent student in the state four-year colleges for the preceding academic year as calculated by the board of regents.
Payments of scholarships shall be made directly to the institution.

In the event that a scholarship recipient transfers from one approved institution of higher education to another, his scholarship shall be transferable only with the approval of the commission.

Should the recipient terminate his enrollment for any reason during the academic year, the unused portion of the scholarship shall be returned to the commission by the institution according to the institution's own policy for issuing refunds.

CHAPTER 17

(Com. Sub. for S. B. 19—By Mr. Brotherton, Mr. President)

[Passed June 25, 1974; in effect July 1, 1974. Became a law without the approval of the Governor.]

AN ACT to amend and reenact sections two and eight, article four, chapter eighteen-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to further amend said article by adding thereto a new section, designated section eight-a, relating to state minimum salaries for teachers and classification and compensation of school service and auxiliary personnel.

Be it enacted by the Legislature of West Virginia:

That sections two and eight, article four, chapter eighteen-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; and that said article be further amended by adding thereto a new section, designated section eight-a, all to read as follows:

ARTICLE 4. SALARIES, WAGES AND OTHER BENEFITS.

§18A-4-2. State minimum salaries.
§18A-4-8. Minimum monthly pay for service and auxiliary personnel.
§18A-4-8a. Use of foundation allowance.
§18A-4-2. State minimum salaries.

STATE MINIMUM SALARY SCHEDULE

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§18A-4-8. Minimum monthly pay for service and auxiliary personnel.

1. The purpose of this section is to establish a state minimum monthly pay scale and employment term for auxiliary and service personnel. The employment term for auxiliary and service personnel shall be no less than ten months, a month being defined as twenty employment days: Provided, That the county board of education may contract with all or part of such personnel for a longer term. The beginning and closing dates of the ten-month term shall not exceed forty-three weeks. Auxiliary and service personnel employed on a yearly or twelve-month basis may be employed by calendar months. Whenever there is a change in job assignment during the school year, the minimum pay scale and any county supplement shall be applicable.

15. Upon the change in classification or upon meeting the
requirements of an advanced classification of or by any employee, his salary shall be made to comply with the requirements of this article, and to any county salary schedule in excess of the minimum requirements of this article, based upon his advanced classification and allowable years of employment.

An employee's contract as provided in sections four and five, article two of this chapter shall state the appropriate monthly salary the employee is to be paid based on the class title as provided in this article and any county salary schedule in excess of the minimum requirements of this article.

The column heads of the state minimum pay scale and class titles, set forth below are defined as follows:

"Pay grade" means the monthly salary applicable to class titles of auxiliary and service personnel.

"Years of employment" means the number of years which an employee classified as auxiliary or service personnel has been employed by a board of education in any position prior to or subsequent to the effective date of this section and including service in the armed forces of the United States if the employee were employed at the time of his induction. For the purpose of this section, years of employment shall be limited to the number of years shown and allowed under the state minimum pay scale set forth hereinafter.

"Class title" means the name of the position or job held by auxiliary and service personnel.

"Aide I" means auxiliary personnel as defined in section one, article one of this chapter.

"Aide II" means auxiliary personnel as defined in section one, article one of this chapter who have completed a training program approved by the state board of education.

"Custodian I" means personnel employed to keep buildings clean and free of refuse.

"Custodian II" means personnel employed as a watchman or groundsman.
“Custodian III” means personnel employed to keep buildings clean and free of refuse, to operate the heating or cooling systems and to make minor repairs.

“Custodian IV” means personnel employed as head custodians. In addition to providing services as defined in “Custodian III”, their duties may include supervising other custodian personnel.

“Carpenter I” means personnel classified as a carpenter’s helper.

“Carpenter II” means personnel classified as a journeyman carpenter.

“Electrician I” means personnel employed as an apprentice electrician and helper or holds an electrician helper license issued by the state fire marshal.

“Electrician II” means personnel employed as an electrician journeyman or holds a journeyman electrician license issued by the state fire marshal.

“Foreman” means skilled persons employed for supervision of personnel who work in the areas of repair and maintenance of school property and equipment.

“General Maintenance” means personnel employed as helpers to skilled maintenance employees and to perform minor repairs to equipment and buildings of a county school system.

“Groundsmen” means personnel employed to perform duties that relate to the appearance, repair and general care of school grounds in a county school system. Additional assignments may include the operation of a small heating plant and routine cleaning duties in buildings.

“Handyman” means personnel employed to perform routine manual tasks in any operation of the county school system.

“Lubrication Man” means personnel employed to lubricate and service gasoline or diesel-powered equipment of a county school system.
"Machinist" means personnel employed to perform machinist tasks which include the ability to operate lathes, planer, shaper, threading machine and wheel press. Such personnel should also have ability to work from blueprints and drawings.

"Mechanic" means personnel employed who can independently perform skilled duties in the maintenance and repair of automobiles, school buses and other mechanical and mobile equipment to use in a county school system.

"Mechanic Assistant" means personnel employed as a mechanic apprentice and helper.

"Office Equipment Repairman I" means personnel employed as an office equipment repairman apprentice or helper.

"Office Equipment Repairman II" means personnel responsible for servicing and repairing all office machines and equipment. Such personnel shall be responsible for parts being purchased necessary for the proper operation of a program of continuous maintenance and repair.

"Painter" means a person employed to perform duties of painting, finishing and decorating of wood, metal and concrete surfaces of buildings, other structures, equipment, machinery and furnishings of a county school system.

"Plumber I" means personnel employed as an apprentice plumber and helper.

"Plumber II" means personnel employed as a journeyman plumber.

"Supervisor of Maintenance" means skilled personnel not defined as professional personnel or professional educators as in section one, article one of this chapter. His responsibilities would include directing the upkeep of buildings and shops, issuing instructions to subordinates relating to cleaning, repairs and maintenance of all structures, mechanical and electrical equipment of a board of education.

"Truck Driver" means personnel employed to operate light or heavy duty gasoline and diesel-powered vehicles.
"Watchman" means personnel employed to protect school property against damage or theft. Additional assignments may include operation of a small heating plant and routine cleaning duties.

"Clerk I" means personnel employed to perform clerical tasks.

"Clerk II" means personnel employed to perform general clerical tasks, prepare reports and tabulations and operate office machines.

"Secretary I" means personnel employed to transcribe from notes or mechanical equipment, receive callers, perform clerical tasks, prepare reports and operate office machines.

"Secretary II" means personnel employed as school, office or program secretaries to perform general clerical tasks, transcribe, prepare reports, receive callers and refer them to proper persons, operate office machines, keep records and handle routine correspondence.

"Secretary III" means personnel assigned to the county board of education office administrators in charge of various departments or have particular responsibilities of purchasing and financial control.

"Cafeteria Manager" means personnel employed to direct the operation of a food services program in a school, including assigning duties to employees, approving requisitions for supplies and repairs, keeping inventories, inspecting areas to maintain high standards of sanitation, preparing financial reports and keeping records pertinent to food services of a school.

"Cook I" means personnel employed as a cook's helper.

"Cook II" means personnel employed to interpret menus, to prepare and serve meals in a lunch program of a school system.

"Cook III" means personnel employed to prepare and serve meals, make reports, prepare requisitions for supplies, order equipment and repairs for a lunch program of a school system.
"Food Services Supervisor" means qualified personnel not defined as professional personnel or professional educator as in section one, article one of this chapter, employed to manage and supervise a county school system's food service or school lunch program. The duties would include preparing in-service training programs for cooks and food service employees, instructing personnel in the areas of quantity cooking with economy and efficiency, keeping aggregate records and reports.

"Bus Operator" means personnel employed to operate school buses and other school transportation vehicles as provided by the state board of education.

"School Bus Supervisor" means qualified personnel employed to assist in selecting school bus operators and routing and scheduling of school buses, operate a bus when needed, relay instructions to bus operators, plan emergency routing of buses and promote good relationships with parents, pupils, bus operators and other employees.

The minimum monthly pay for regular full-time auxiliary and service personnel as provided in section one (i), article one, chapter eighteen of this code shall be in accordance with the following minimum pay scale:
### STATE MINIMUM PAY SCALE

#### YEARS OF EMPLOYMENT

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#### CLASS TITLE

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From the effective date of this section, the county boards of education pay scale for each classification of regular full-time auxiliary and service personnel shall not be less than the state minimum pay scale heretofore set forth.

Auxiliary and service personnel whose years of employment exceed the number of years shown and provided for under the state minimum pay scale heretofore set forth shall not be paid less than the amount shown for the maximum years of employment shown and provided for in the classification in which he is employed.

The county board of education may establish salary schedules which shall be in excess of the state minimum fixed by this article, such county schedules to be uniform throughout the county with regard to any training classifications, experience, years of employment, responsibility, duties, pupil participation, pupil enrollment, size of buildings, operation of equipment or other requirements. Uniformity shall apply to any additional salary increments or compensation for all persons performing like assignments and duties within the county. In establishing such local salary schedules, no county, from the effective date of this article, shall reduce local funds allocated for auxiliary and service personnel salaries used for supplementing federal and state funds provided for such salaries.

The state board of education is hereby authorized to establish other class titles of auxiliary and service personnel positions and jobs not listed in this section. The state board of education is further authorized to provide appropriate pay grades for such positions and jobs but pay shall be established within the minimum salary scale of this section.

Any board failing to comply with the provisions of this article may be compelled to do so by mandamus.

The provisions of this section shall become effective July one, one thousand nine hundred seventy-five.

§18A-4.8a. Use of foundation allowance.

The foundation allowance as provided in section five, article nine-a, chapter eighteen of the code shall be used
for the employment, adjustment of and increase in the pay of such personnel: Provided, That in any year when there is a percentage increase in the state minimum salary schedules for teachers as provided for in section two, article four, chapter eighteen-a of this code, the total increase in the allowance for other personnel over the previous year as computed in section five, article nine-a, chapter eighteen of the code, shall be used solely to provide a uniform percentage salary increase of existing salaries for all such personnel included under the provisions of this section. Such percentage of salary increase shall be the same as that granted to increase the state minimum salary schedule for teachers as contained in section two of this article.

CHAPTER 18
(S. B. 30—Originating in the Senate Committee on Finance)

[Passed June 28, 1974; in effect ninety days from passage. Approved by the Governor.]

AN ACT authorizing the issuance and sale by the governor, on and after the twentieth day of February, one thousand nine hundred seventy-five, of bonds of the state of West Virginia, under authority of the Vietnam Veterans Bonus Amendment of 1973, in an amount not exceeding forty million dollars, less any appropriations of the Legislature made, for the purpose of raising funds, in combination with appropriations of the Legislature, for the payment of a cash bonus to veterans, including the cost of administration necessarily incident thereto; specifying the powers of and limitations upon the governor in the issuance and sale of such bonds; prescribing the duties of the auditor and treasurer with respect to such bonds; providing for transfer and registration fees with respect to registered bonds and the disposition of such fees; providing for places of payment of principal and interest on such bonds; exempting such bonds from taxation by the state, or by any county, district or municipality thereof; setting forth the
form of coupon and registered bonds and coupons; creating
the Vietnam veterans bonus sinking fund and stating what
moneys shall be paid into such fund, providing for the
disposition and investment of the Vietnam veterans bonus
sinking fund; providing a covenant between the state and
the bondholders; creating the Vietnam veterans bonus fund
and providing that all moneys as appropriated and made
available by the Legislature and the proceeds from the
sale of the bonds shall be paid into such fund, for expendi­
ture from such fund and investment thereof, and dispo­
sition of any unexpended balance; providing that the
plates, etc., from which the bonds are produced or made
shall be the property of the state; providing for interim
certificates in lieu of permanent bonds; providing for the
state treasurer to be financial advisor; providing for the
attorney general or his duly appointed legal representa­
tive to serve as bond counsel; and providing that all
necessary expenses, including legal expenses approved by
the attorney general, incurred in the execution of this act
shall be paid out of the Vietnam veterans bonus fund on
warrants of the auditor of the state drawn on the state
treasurer.

Be it enacted by the Legislature of West Virginia:

ISSUANCE AND SALE OF VIETNAM VETERANS BONUS BONDS.

§1. Vietnam veterans bonus bonds; amount; authority to issue.
§2. Transfer fee; registration fee; where payable; interest rate; tax exempt.
§3. Form of bond.
§4. Form of coupon.
§5. Listing by auditor.
§6. Vietnam veterans bonus sinking fund for payment of bonds and interest;
   investment thereof.
§7. Covenants of state.
§8. Sale by governor; minimum price.
§9. Legislative appropriations and bond sale proceeds paid into Vietnam
   veterans bonus fund; expenditures; investment thereof; unexpended
   balance.
§10. Plates, etc., property of state.
§11. Auditor to be custodian of unsold bonds.
§12. Interim certificates.
§13. State treasurer to be financial advisor.
§14. Attorney general or his duly appointed legal representative to serve as
   bond counsel.
§15. Approval and payment of all necessary expenses.
§1. Vietnam veterans bonus bonds; amount; authority to issue.

Bonds of the state of West Virginia, under authority of the Vietnam Veterans Bonus Amendment of 1973, of the par value not to exceed forty million dollars, less any appropriations of the Legislature made for the payment of a cash bonus to veterans as provided in said amendment, are hereby authorized to be issued and sold, on and after the twentieth day of February, one thousand nine hundred seventy-five, for the purpose of raising funds in combination with the appropriations of the Legislature as aforesaid for the payment of a cash bonus to veterans as provided for in said amendment, including the cost of administration necessarily incident thereto. Such bonds may be issued by the governor in such amounts, in coupon or registered form, in such denominations, at such times on and after the twentieth day of February, one thousand nine hundred seventy-five, and bearing such date or dates as the governor may determine, and shall become due and payable serially, annually or semiannually, beginning one year and ending not more than twenty-five years from the date thereof: Provided, That the governor must offer such bonds for competitive bids from recognized financial investment institutions before said bonds may be sold.

§2. Transfer fee; registration fee; where payable; interest rate; tax exempt.

The auditor and the treasurer are hereby authorized to arrange for the transfer of registered bonds, and for each such transfer a fee of one dollar shall be charged by and paid to the state of West Virginia, to the credit of the Vietnam veterans bonus sinking fund. Bonds taken in exchange shall be cancelled by the auditor and treasurer and be carefully preserved by the treasurer. The treasurer shall make provisions for registering "payable to bearer" bonds, and for each bond registered a fee of one dollar shall likewise be charged by and paid to the state of West Virginia, to the credit of the sinking fund. All of such bonds shall be payable at the office of the treasurer of the state of West Virginia, or, at the option of the holder, at a bank in the city of New York to be designated by the governor, or, at the option of the holder at such other bank
or banks, within the state as may be designated or ap­
proved by the governor. The bonds shall bear interest,
payable semiannually, to bearer, at the office of the trea­
surer of the state of West Virginia, at the capitol of the
state, or at the banks designated and approved by the
governor, upon presentation and surrender of interest
coupons then due, in the case of coupon bonds. For the
payment of interest of registered bonds, the treasurer of
the state of West Virginia shall requisition a warrant
from the auditor of the state to be drawn on the state
treasurer, and shall mail such warrant to the registered
owner at the address as shown by the record of registra­
tion. Both the principal and interest of the bonds shall be
made payable in lawful money of the United States of
America and the bonds shall be exempt from taxation
by the state of West Virginia, or by any county, district
or municipality thereof, which facts shall appear on the
face of the bonds as part of the contract with the holder
thereof.

§3. Form of bond.

The bonds shall be executed on behalf of the state of
West Virginia, by the manual or facsimile signature of
the treasurer thereof, under the great seal of the state or a
facsimile thereof, and countersigned by the manual or
facsimile signature of the auditor of the state: Provided,
That one of said signatures on said bonds shall be a
manual signature and said bonds shall be in the following
form or to the following effect, as nearly as may be,
namely:

VIETNAM VETERANS BONUS
COUPON BOND
(Or registered bond, as the case may be)
OF THE
STATE OF WEST VIRGINIA

The state of West Virginia, under and by virtue of
authority of an amendment to the constitution, which was
proposed by House Joint Resolution No. 5, adopted the
fourteenth day of April, one thousand nine hundred seven-
ty-three, and was ratified by a vote of the people at the
special election on the sixth day of November, one thou-
sand nine hundred seventy-three, which is hereby made
a part hereof as fully as if set forth at length herein,
acknowledges itself to be indebted to and hereby promises
to pay to the bearer hereof (in case of a coupon bond)
or to __________________________ or assigns (the owner of
record, in case of registered bonds) on the ________________
day of ____________________, 19___, in lawful money of
the United States of America at the office of the treasurer
of the state of West Virginia at the capitol of said state, or,
at __________________________ bank in the city of New York,
or, at __________________________ bank, within the state, at
the option of the holder the sum of ______________ dollars,
with interest thereon at __________ percent a year from
the date, payable semiannually in like lawful money of the
United States of America at the treasurer's office or banks
aforesaid, on the first day of ________________ and the
first day of ________________ of each year (and in the
case of coupon bonds) according to the tenor of the an-
 nexed coupons bearing the facsimile signature of the
treasurer of the state of West Virginia, upon surrender
of such coupons. This bond (in case of a coupon bond)
may be exchanged for a registered bond of like tenor upon
application to the treasurer of the state of West Virginia.

(Redemption provisions, if any, to be inserted here).

This bond is hereby made exempt from any taxation
by the state of West Virginia, or by any county, district
or municipal corporation thereof.

In testimony whereof, witness the manual or facsimile
signature of the treasurer of the state of West Virginia,
and the manual or facsimile countersignature of the audi-
tor of the state, hereto affixed according to law, dated the
____ day of ____________________, one thousand nine hundred
_________________________, and the seal of the state of West
Virginia or a facsimile thereof.

________________________________________
Treasurer of the State of West Virginia
§4. Form of coupon.

1. The form of coupon shall be substantially as follows, to wit:

   STATE OF WEST VIRGINIA

2. Bond No. _______________  Coupon No. _______________.

3. On the first day of ____________, 19____, the state of West Virginia will pay to the bearer, in lawful money of the United States of America, at the office of the treasurer of the state, or, at _______________ bank in the city of New York, or, at _______________ within the state, at the option of the holder, the sum of _______________ dollars, the same being semiannual interest on Vietnam Veterans Bonus Bond No. _______________.

   Treasurer of the State of West Virginia

4. The signature of the treasurer to such coupon shall be by his facsimile signature and the coupons shall be numbered in the order of their maturity, from number one consecutively. The bonds and coupons may be signed, as provided in this act, by the present treasurer and auditor, or by any of their respective successors in office, and the bonds signed by the persons now in the office may be sold by the governor or his successor in office without being signed by the successor in office of the present treasurer or auditor.

§5. Listing by auditor.

1. All coupons and registered bonds issued under this act shall be separately listed by the auditor of the state in books provided for the purpose, in each case giving the date, number, character and amount of obligations issued, and in case of registered bonds, the name and post-office address of the person, firm or corporation registered as the owner thereof.
§6. Vietnam veterans bonus sinking fund for payment of bonds and interest; investment thereof.

There is hereby created a Vietnam veterans bonus sinking fund. Into such fund there shall be paid all moneys received from all taxes or charges made applicable by law to the payment of such bonds or the interest thereon, from transfer and registration fees as herein provided, and from any other source whatsoever which is made liable by law for the payment of the principal of such bonds or the interest thereon.

All such funds shall be kept by the treasurer in a separate account under the designation aforesaid, and all money belonging to the fund shall be deposited in the state treasury to the credit thereof.

Such fund shall be applied by the treasurer of the state, first to the payment of the principal and semiannual interest on such bonds as it shall become due as herein provided. The remainder of the fund shall be invested by the state treasurer in obligations of the government of the United States, bonds of the state of West Virginia, or any political subdivision thereof. The bonds or other obligations so purchased by the state treasurer shall mature so as to provide sufficient money to pay off all bonds herein provided to be issued as they become due; and the money so paid into the Vietnam veterans bonus sinking fund under the provisions of this act shall be expended for the purpose of paying the interest and principal of the bonds hereby provided for as they severally become due and payable and for no other purpose except that the fund may be invested until needed, as herein provided.

§7. Covenants of state.

The state of West Virginia hereby covenants and agrees with the holders of the bonds issued pursuant hereto as follows: (1) That all the provisions of this act shall be and constitute an irrevocable contract with the holders of such bonds from time to time; (2) that the additional charge on the sale of each bottle of alcoholic liquor, otherwise provided by law for payment of such bonds, shall
not be reduced so long as any of the bonds, or any interest
thereon, are outstanding and unpaid, unless the payment
thereof has been adequately provided for; (3) that if in
any fiscal year the amount of money derived from such
charge is insufficient to meet all principal and interest
payments due on such bonds during that year, it will levy
and collect such additional charge on alcoholic liquor in
such an amount as may be required to produce sufficient
revenue to meet such payments as the same shall become
due, or that in lieu of such increased charge on alcoholic
liquor, it may levy and collect an additional cigarette tax,
or a tax on any other tobacco product, or an additional
tax on nonintoxicating beer, or an additional general con-
sumers sales tax, or a graduated income tax, or any
combination of one or more of such taxes and charges, or
such other dedicated tax as the Legislature may deter-
mine, in such amount as may be required for payment
of principal and interest; (4) that all such additional taxes
or charges so levied or collected shall be irrevocably
dedicated for the payment of the principal of and interest
on such bonds until such principal of and interest on such
bonds are finally paid and discharged; and (5) to the
full extent permitted by the constitution of West Virginia,
any of the covenants, agreements or provisions in the
acts of the Legislature providing for such levying or
collection of such taxes or charges shall be enforceable
in any court of competent jurisdiction by any of the
holders of such bonds or of any interest coupon appertain-
ing thereto.

§8. Sale by governor; minimum price.

1 The governor shall sell the bonds herein authorized at
such time or times on and after the twentieth day of Feb-
uary, one thousand nine hundred seventy-five, as he may
determine necessary to provide funds for the payment of
the bonus as herein provided. All sales shall be at not
less than par and accrued interest. All interest coupons
becoming payable prior to the sale date shall be cancelled
by the treasurer and rendered ineffective, before the
delivery of the bonds so sold.
§9. Legislative appropriations and bond sale proceeds paid into Vietnam veterans bonus fund; expenditures; investment thereof; unexpended balance.

1 All moneys as appropriated and made available by the Legislature for the payment of a cash bonus to veterans as provided in said amendment and the proceeds of all sales of bonds herein authorized shall be paid into the Vietnam veterans bonus fund which is hereby created in the office of the state treasurer and such fund shall be expended solely for the payment of such veterans bonus and the cost of administration necessarily incident thereto. Except for such sums necessary for current operating balances, such fund shall be invested and reinvested in short-term obligations of the United States treasury: Provided, That no such investment or reinvestment shall adversely affect the current operating balances of such fund.

2 Any unexpended balance remaining in this fund after payment of all legal bonuses have been made or adequately provided for shall be available for further legislative appropriation, unless bonds shall have been issued, in which case such unexpended balance shall be transferred to the Vietnam veterans bonus sinking fund and used solely for payment of the bonus bonds.

§10. Plates, etc., property of state.

1 The plates, casts, dies or other forms from which the bonds authorized by this act are produced or made shall be the property of the state of West Virginia.

§11. Auditor to be custodian of unsold bonds.

1 The state auditor shall be the custodian of all unsold bonds issued pursuant to the provisions of this act.

§12. Interim certificates.

1 For the purpose of facilitating the payment of Vietnam veterans bonus awards, prior to the issuance of any permanent bonds, the governor may authorize issuance by the state treasurer of short-term interim certificates to purchasers, on and after the twentieth day of February,
one thousand nine hundred seventy-five, for a period not
to exceed eighteen months and in sufficient amount as
required to meet bonus award obligations. During the
period such interim certificates are outstanding, as speci-
fied, it shall be ascertained, as near as may be, the total
number of persons entitled to such awards who have not
been or cannot be paid out of legislative appropriations
for such purpose, the total cost of such awards remaining
to be made, and the most favorable time for market and
sale of permanent bonds, with sale of permanent bonds
to thereupon occur and with the resultant retirement of
said interim certificates. The interim certificates, when
issued and outstanding, shall be full and legal obligations
of the state of West Virginia under all of the provisions
of this act just as fully and completely as permanent
bonds.

§13. **State treasurer to be financial advisor.**

1 The state treasurer shall serve as financial advisor to
2 the governor for the issuance and sale of such bonds.

§14. **Attorney general or his duly appointed legal representa-
tive to serve as bond counsel.**

1 The attorney general, or his duly appointed legal repre-
2 sentative, shall serve as bond counsel and shall be re-
3 sponsible for the issuance of a final approving opinion
4 regarding the legality of the sale of such bonds.

§15. **Approval and payment of all necessary expenses.**

1 All necessary expenses, including legal expenses ap-
2 proved by the attorney general, incurred in the execution
3 of this act shall be paid out of the Vietnam veterans bonus
4 fund on warrants of the auditor of the state drawn on
5 the state treasurer.
DISPOSITION OF BILLS ENACTED

The first column gives the number of the bill and the second column gives the chapter assigned to it.

Regular Session, 1975

HOUSE BILLS

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## Disposition of Bills

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- Approval of supreme court
- Sitting at other location
- Created
- Duties
  - Required to devote full time to duties
- Election
- Number
- Oath
- Qualifications
- Salary
  - Paid by state
- Service out of county
  - Expenses
- Sheriff
  - Bailiff
- Duties
- Service of process
- Temporary service in other county of circuit
  - Jurisdiction and authority

### MARRIAGE:
- When marriage revokes will

### MARSHALL COUNTY:
- Activities Development Authority
  - Creation, purposes, management, etc.

### MENTAL HEALTH:
- Department authorized to transfer certain real property

### MENTALLY ILL:
- Arrest
  - Escaped patients
  - Return of escapees
  - Readmission of patients
- Bonds, surety
  - Custody by responsible persons
- Delivery to responsible person to take care of committed person
- Circuit courts
  - Hospitalization upon circuit court order
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