

JOURNAL
OF THE
HOUSE OF DELEGATES
EIGHTY-FOURTH
LEGISLATURE
OF
WEST VIRGINIA



VOLUME III
REGULAR SESSION, 2019

WEST VIRGINIA HOUSE OF DELEGATES
HONORABLE ROGER HANSHAW
SPEAKER OF THE HOUSE

COMPILED AND PUBLISHED
UNDER THE DIRECTION
OF

STEPHEN J. HARRISON
CLERK OF THE HOUSE



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10th Day	Monday	December 10.....	Senate only

Saturday, March 2, 2019

FIFTY-THIRD DAY

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

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

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

The Clerk proceeded to read the Journal of Friday, March 1, 2019, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Committee Reports

Delegate Hamrick, Chair of the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration:

S. B. 670, Relating to WV College Prepaid Tuition and Savings Program,

And reports the same back with the recommendation that it do pass, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (S. B. 670) was referred to the Committee on Finance.

Delegate Hamrick, Chair of the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration:

Com. Sub. for S. B. 553, Relating to federal funds for land-grant institutions,

And reports the same back with the recommendation that it do pass, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (Com. Sub. for S. B. 553) was referred to the Committee on Finance.

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

Your Committee on Finance has had under consideration:

S. B. 587, Relating to PEIA reimbursement of air ambulance providers,

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

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

Your Committee on Finance has had under consideration:

Com. Sub. for S. B. 1, Increasing access to career education and workforce training,

And reports the same back, with amendment, with the recommendation that it do pass, as amended.

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

Your Committee on Finance has had under consideration:

S. B. 617, Relating to method of payment to Municipal Pensions Security Fund,

And reports the same back, with amendment, with the recommendation that it do pass, as amended.

Messages from the Executive

Delegate Hanshaw (Mr. Speaker) presented a communication from His Excellency, the Governor, advising that on March 1, 2019, he approved **S. B. 377**, **Com. Sub. for S. B. 489**, **Com. Sub.**

for H. B. 2324, H. B. 2351, Com. Sub. for H. B. 2607, H. B. 2666 and H. B. 2668.

Messages from the Senate

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, a bill of the House of Delegates as follows:

Com. Sub. for H. B. 2204, Prohibiting state licensing boards from hiring lobbyists.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, a bill of the House of Delegates as follows:

H. B. 2510, Relating to special funds of boards of examination or registration.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, a bill of the House of Delegates as follows:

H. B. 2608, Repealing the requirement of printing the date a consumer deposit account was opened on paper checks.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, a bill of the House of Delegates as follows:

Com. Sub. for H. B. 2737, Relating to training of State Tax Division employees.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, a bill of the House of Delegates as follows:

H. B. 2743, Eliminating reference to municipal policemen's pension and relief funds and firemen's pension and relief funds in section restricting investment.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, a bill of the House of Delegates as follows:

H. B. 2829, Relating to the termination of severance taxes on limestone and sandstone.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, a bill of the House of Delegates as follows:

Com. Sub. for H. B. 2848, Relating to the West Virginia ABLE Act.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, a bill of the House of Delegates as follows:

Com. Sub. for H. B. 2854, Exempting sales from the consumers sales and service tax and use tax by not for profit volunteer school support groups raising funds for schools.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, a bill of the House of Delegates as follows:

H. B. 3093, Relating to standards for factory-built homes.

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the amendment of the House of Delegates and the passage, as amended, of

S. B. 453, Relating to background checks of certain financial institutions.

Delegate Summers asked and obtained unanimous consent that the House proceed to bills on third reading.

Special Calendar

Third Reading

Com. Sub. for S. B. 60, Licensing practice of athletic training; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 404**), and there were—yeas 93, nays 2, absent and not voting 5, with the nays and absent and not voting being as follows:

Nays: Howell and McGeehan.

Absent and Not Voting: Angelucci, Cooper, Hornbuckle, Longstreth and Porterfield.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 60) passed.

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

Com. Sub. for S. B. 310, Establishing certain requirements for dental insurance; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 405**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Angelucci, Cooper, Hornbuckle, Longstreth and Porterfield.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 310) passed.

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

Com. Sub. for S. B. 310 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-6-39, relating to dental insurance plans; defining terms; prohibiting insurers from requiring dentists to provide a

discount on noncovered services; prohibiting dentists from charging covered persons more for noncovered services than his or her customary or usual rate for the services; providing that insurers may not provide for a nominal reimbursement for a service in order to claim that the service or material is covered; and providing an effective date.”

Delegate Summers moved that the bill take effect July 1, 2019.

On this question, the yeas and nays were taken (**Roll No. 406**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Angelucci, Cooper, Longstreth and Porterfield.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 310) takes effect from July 1, 2019.

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

Com. Sub. for S. B. 408, Determining indigency for public defender services; on third reading, coming up in regular order, was reported by the Clerk.

Delegate Shott asked and obtained unanimous consent to amend the bill on third reading, and the rule was suspended to permit the offering and consideration of such.

On motion of Delegate Shott, the bill was amended on page two, section sixteen, beginning on line twenty-eight, by striking out the following sentence:

“In circuits in which a public defender office is in operation, all determinations of indigency shall be made by a public defender office employee designated by the executive director.”

The bill was then read a third time.

Delegate Hicks requested to be excused from voting on Com. Sub. for S. B. 408 under the provisions of House Rule 49.

The Speaker replied that the Delegate was a member of a class of persons possibly to be affected by the passage of the bill and directed the Member to vote.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 407**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Angelucci, Cooper, Longstreth and Porterfield.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 408) passed.

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

Com. Sub. for S. B. 641, Relating to Primary Care Support Program; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 408**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Angelucci, Cooper, Longstreth and Porterfield.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 641) passed.

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

On this question, the yeas and nays were taken (**Roll No. 409**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Angelucci, Cooper, Longstreth and Porterfield.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 641) takes effect from its passage.

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

Com. Sub. for H. B. 2020, Budget Bill, making appropriations of public money out of the treasury in accordance with section fifty-one, article six of the Constitution; on third reading, coming up in regular order, with the right to amend, was reported by the Clerk.

On motion of Delegate Householder, the bill was amended on page one hundred one, line twelve, following the words “Medical Services Trust Fund (Fund”, by striking out the number “5158” and inserting in lieu thereof the number “5185”.

On page one hundred eighty-nine, at the bottom of the page, by striking out the words “(WV Code Chapter 46A)” and inserting in lieu thereof the words “(WV Code Chapter 29)”.

On page one hundred eighty-nine, line five, following the words “Medical Services Trust Fund (Fund”, by striking out the number “5158” and inserting in lieu thereof the number “5185”.

On page one hundred ninety, at the top of the page, by striking out the words “Fund 1509 FY 2020 Org 0218” and inserting in lieu thereof the words “Fund 2367 FY 2020 Org 0218”.

On page one hundred ninety, line two, following the words “Directed Transfer (Fund”, by striking out the number “1509” and inserting in lieu thereof the number “2367”.

And,

On page one hundred ninety, line four, following the words “Medical Services Trust Fund (Fund”, by striking out the number “5158” and inserting in lieu thereof the number “5185”.

Delegates Lavender-Bowe, Zukoff, Walker, Brown, Estep-Burton and Fleischauer moved to amend the bill on page one hundred eighty-seven, following the first line on the page that provides Glenville State College \$500,000 from general revenue fund surplus, by inserting the following:

“58 – Division of Health –

Central Office

(WV Code Chapter 16)

Fund 0407 FY 2020 Org 0506

Sexual Assault Intervention and Prevention –

Surplus ##### 125,000.00”

And,

By reconciling page one hundred eighty-seven, line two, “Total Title II, Section 9 - Surplus Accrued” accordingly.

On the adoption of the amendment, Delegate Fleischauer demanded the yeas and nays, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 410**), and there were—yeas 89, nays 7, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Anderson, Atkinson, Bibby, Butler, Cadle, McGeehan and Wilson.

Absent and Not Voting: Angelucci, Cooper, Longstreth and Porterfield.

So, a majority of the members present and voting having voted in the affirmative, the amendment was adopted.

Delegates Byrd and Capito moved to amend the bill on page one hundred eight-seven, following the first line on the page that provides Glenville State College \$500,000 from general revenue fund surplus, by inserting the following:

“58 – Division of Health –

Central Office

(WV Code Chapter 16)

Fund 0407 FY 2020 Org 0506

New Born Screening testing –

Surplus##### 200,000.00”

And,

By reconciling page one hundred eighty-seven, line two, “Total Title II, Section 9 - Surplus Accrued” accordingly.

On the adoption of the amendment, Delegate Byrd demanded the yeas and nays, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 411**), and there were—yeas 58, nays 38, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Anderson, Atkinson, Bibby, Butler, Cadle, Cowles, Criss, Ellington, Espinosa, Fast, Foster, Graves, Hanna, Hardy, Harshbarger, Hollen, Hott, Householder, D. Jeffries, J. Jeffries, Jennings, D. Kelly, J. Kelly, C. Martin, P. Martin, Maynard, McGeehan, Pack, Paynter, Phillips, Rowan, Summers, Sypolt, Toney, Waxman, Wilson, Worrell and Hanshaw (Mr. Speaker).

Absent and Not Voting: Angelucci, Cooper, Longstreth and Porterfield.

So, a majority of the members present and voting having voted in the affirmative, the amendment was adopted.

Having been engrossed, the bill was read a third time.

On the passage of the bill, the yeas and nays were taken (**Roll No. 412**), and there were, including pairs—yeas 92, nays 5, absent and not voting 3, with the nays, paired and absent and not voting being as follows:

Pursuant to House Rule 43, the following pairing was filed and announced by the Clerk:

Paired:

Yea: Longstreth Nay: Kump

Nays: Butler, J. Jeffries, McGeehan and Wilson.

Absent and Not Voting: Angelucci, Cooper and Porterfield.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2020) passed.

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

On this question, the yeas and nays were taken (**Roll No. 413**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Angelucci, Cooper, Longstreth and Porterfield.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2020) takes effect from its passage.

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

Second Reading

Com. Sub. for S. B. 3, Establishing WV Small Wireless Facilities Deployment Act; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on the Judiciary, was reported by the Clerk and adopted, amending the bill on page one, immediately following the enacting section, by striking out the remainder of the bill and inserting in lieu thereof the following:

“CHAPTER 11. TAXATION.**ARTICLE 6L. SPECIAL METHOD FOR VALUATION OF CERTAIN WIRELESS TECHNOLOGY PROPERTY.****§11-6L-1. Short title.**

This article shall be known and cited as the Wireless Technology Business Property Valuation Act.

§11-6L-2. Definitions.

For the purposes of this article:

(1) ‘Tower’ means a structure which hosts an antenna or other equipment used for the purposes of transmitting cellular or wireless signals for communications purposes, including telephonically, or for computing purposes, including any antenna and all associated equipment, and which is constructed or erected between July 1, 2019 and July 1, 2024; and

(2) ‘Salvage value’ means five percent of original cost.

§11-6L-3. Limited-time valuation of certain specialized wireless technology property.

Notwithstanding any other provision of this code to the contrary, for five years immediately following the date of its erection, the value of a tower is its salvage value, and the correlated value determined under a unit valuation approach shall be reduced

by the difference between the original cost and the salvage value of a tower.

§11-6L-4. Initial determination; Protest and appeal.

The valuation and assessment of any tower subject to this article, including the process of protest and appeal from any such valuation shall be conducted the manner set forth and more fully described in Article 6, Chapter 11 of this Code and any applicable legislative rules.

§11-6L-5. Effective date.

This article is effective on and after July 1, 2019.

**CHAPTER 31G. BROADBAND ENHANCEMENT AND
EXPANSION POLICIES.**

ARTICLE 4. MAKE-READY POLE ACCESS.

§31G-4-4. Public Service Commission jurisdiction; rulemaking; enforcement.

(a) The Public Service Commission shall possess and exercise regulatory jurisdiction over the provisions of this article. The commission shall administer and adjudicate disputes relating to the issues and procedures provided for under this article.

(b) The commission shall adopt the rates, terms and conditions of access to and use of poles, ducts, conduits and rights-of-way as provided in 47 U.S.C. § 224 and 47 C.F.R. § 1.1401 – 1.1415, inclusive of the dispute resolution process incorporated by reference in those regulations and any subsequent modifications or additions to the provisions of the United States Code or Code of Federal Regulations provisions referenced herein.

(c) The commission shall certify to the Federal Communications Commission that this state, as evidenced by the enactment of this article, hereby exercises jurisdiction over the regulation of pole attachments. The certification shall include notice that the State of West Virginia hereby:

(1) Regulates the rates, terms, and conditions related to pole attachments, and

(2) In so regulating such rates, terms, and conditions, the state has the authority to consider and does consider the interests of the subscribers of the services offered via such attachments, as well as the interests of the consumers of the services.

§31G-4-5. Electric power utilities; feasibility study for providing broadband services; Public Service Commission to assist; proposed legislation to be developed. Report.

(a) For purposes of this section:

(1) ‘Commission’ shall mean the West Virginia Public Service Commission.

(2) ‘Council’ shall mean the Broadband Enhancement Council, as defined in §31G-1-1 of this Code.

(3) ‘Electric Utility’ shall mean any electric utility operating within this state that is regulated by the commission.

(4) ‘Project’ shall mean a middle-mile broadband infrastructure expansion project proposed by an electric utility.

(b) Each electric utility may investigate the feasibility of constructing and operating a project within the electric utility distribution system and, if it so elects, may submit a feasibility study of a proposed project to the Council on or before December 1, 2019. Additional feasibility studies may be submitted to the Council after December 1, 2019, without penalty.

(c) The Council and the Commission shall assist each such electric utility in its preparation of such a feasibility study.

(d) The feasibility study shall include an evaluation of the following:

(1) The scope of the proposed project for which the feasibility study is conducted, which shall include but not be limited to:

(A) The route of the middle-mile infrastructure proposed for the project, the number of fiber strands that would be utilized in connection with the proposed project and dedicated to serve as the middle mile, the location of the electric utility's distribution infrastructure that will be utilized in connection with the proposed project, the capacity of the middle mile broadband infrastructure that will be available to lease to last-mile broadband Internet providers upon completion of the proposed project;

(B) The estimated cost of the proposed project, including but not limited to engineering costs, construction costs, permitting costs, materials and labor, right of way costs, and a reasonable rate of return to the electric utility;

(C) The proposed schedule of construction of the proposed project; and

(D) The method of attachment and connection of the middle-mile broadband fiber assets to the electric utility's distribution infrastructure;

(2) The regulatory and legal barriers to an electric utility constructing a project and operating middle-mile broadband infrastructure to provide access to unserved areas of the state, as defined in §31G-1-2 of this Code, and any underserved areas of the state, and proposed legislation to address such regulatory barriers;

(3) Whether it is in the public interest and the interest of the electric utility to make improvements to the distribution grid in furtherance of providing such middle-mile broadband Internet services in conjunction with its program of electric distribution projects;

(4) Whether it is in the public interest and the interest of the electric utility to operate middle-mile broadband Internet assets to provide access to unserved and underserved areas of the state;

(5) Whether it is in the public interest and the interest of the electric utility to permit a third-party to lease such capacity to provide last-mile broadband Internet services to unserved and underserved areas of the state;

(6) Whether construction of middle-mile broadband Internet infrastructure utilizing electric utility distribution systems is feasible with respect to the maturity of the relevant technology, the compatibility of such services with existing electric services, and the financial requirements to undertake such project;

(7) The anticipated level of rate adjustment necessary to allow the electric utility to recover its costs associated with the proposed project, and a reasonable rate of return, on an expedited basis, that will be recovered by the electric utility through a rate adjustment at the Commission; and

(8) Such other information that is pertinent to the project;

(e) Upon receipt of a feasibility study, the Council shall post the same on the Council website for written public comment for a period of seven days and then shall render a determination, by a majority vote of the Council, as to the feasibility of the proposed project.

(f) In its consideration of the feasibility of a project, the Council shall identify one or more last-mile broadband Internet providers that may lease the middle-mile broadband Internet capacity created by the proposed project pursuant to lease terms and conditions set by the Council.

(g) The Council shall render such feasibility determination within 60 days from the date the feasibility study is submitted to the Council.

(h) Commencing January 1, 2020, and each year thereafter, the Council shall give a report of its consideration of feasibility studies submitted pursuant to this section of the code to the Governor, the President of the Senate, the Speaker of the House of Delegates, and the Joint Committee on Government and Finance.

§31G-4-6. Severability.

Pursuant to §2-2-10 of this code, if any provision of this article or the application thereof to any person or circumstance is held unconstitutional or invalid, such unconstitutionality or invalidity

shall not affect other provisions or applications of the article, and to this end the provisions of this article are declared to be severable.

**CHAPTER 31H. SMALL WIRELESS FACILITIES
DEPLOYMENT ACT.**

**ARTICLE 1. WEST VIRGINIA SMALL WIRELESS
FACILITIES DEPLOYMENT ACT.**

§31H-1-1. Legislative findings.

(a) The deployment of reliable small wireless facilities and other next generation wireless and broadband network technology is a matter of statewide concern and critical to the continued economic development and diversification in the state of West Virginia.

(b) Small wireless facilities are critical to delivering wireless access to advanced technology, broadband, and 911 services to homes, businesses, and schools throughout the state of West Virginia.

(c) Because of the integral role that the delivery of broadband and wireless technology plays in the economic vitality of the state of West Virginia and in the lives of its citizens, the Legislature has determined that a law addressing the further deployment of wireless technology is of vital interest to the state.

(d) Small wireless facilities, including facilities commonly referred to as small cells and distributed antenna systems, may often be deployed most effectively in public rights-of-way.

(e) To meet the key objectives of this chapter, wireless providers must have access to certain public rights-of-way and the ability to attach or collocate on existing infrastructure that will permit these providers to offer next generation wireless and broadband technology.

(f) To ensure that public and private West Virginia consumers may benefit from these services as soon as possible and to ensure that providers of wireless access have a fair and predictable process

for the deployment of small wireless facilities in a manner consistent with the character of the area in which the small wireless facilities are deployed, the Legislature is enacting this chapter, which specifies the regulatory authority for the collocation of small wireless facilities.

§31H-1-2. Definitions.

As used in this chapter, the following words and phrases have the meanings given to them in this section unless the context clearly indicates otherwise:

(1) ‘Antenna’ means communications equipment that transmits or receives electromagnetic radio frequency signals used in the provision of wireless services;

(2) ‘Applicable codes’ means uniform building, fire, electrical, plumbing, or mechanical codes adopted by a recognized national code organization or local amendments to those codes, including the National Electric Safety Code;

(3) ‘Applicant’ means any person who submits an application and is a wireless provider;

(4) ‘Application’ means a request submitted by an applicant to an authority for a permit to collocate small wireless facilities or to approve the installation, modification, or replacement of a utility pole or wireless support structure;

(5) ‘Authority’ means the State of West Virginia or a political subdivision that has jurisdiction and control for use of public rights-of-way as provided by this code for placements within public rights-of-way or has zoning or land use control for placements not within public rights-of-way;

(6) ‘Authority utility pole’ means a utility pole owned or operated by an authority in a public right-of-way;

(7) ‘Collocate’ or ‘collocation’ means to install, mount, maintain, modify, operate, or replace wireless facilities on or adjacent to a wireless support structure or utility pole;

(8) 'Commissioner' means the Commissioner of the West Virginia Division of Highways;

(9) 'Communications facilities' means the set of equipment and network components, including wires, cables, antennas, and associated facilities, used by a communications service provider to provide communications service;

(10) 'Communications service' means cable service, as defined in 47 U.S.C. 522(6), as amended; information service, as defined in 47 U.S.C. 153(24), as amended; telecommunications service, as defined in 47 U.S.C. 153(53), as amended; mobile service, as defined in 47 U.S.C. 153(33), as amended; or wireless service other than mobile service;

(11) 'Communications service provider' means any entity that provides communications service;

(12) 'Decorative pole' means an authority utility pole that is specially designed and placed for aesthetic purposes and on which no appurtenances or attachments, other than a small wireless facility, or specially designed informational, or directional signage, or temporary holiday or special event attachments have been placed, or are permitted to be placed, according to nondiscriminatory municipal rules or codes;

(13) 'Division' means the West Virginia Division of Highways;

(14) 'FCC' means the Federal Communications Commission of the United States;

(15) 'Fee' means a one-time, nonrecurring charge;

(16) 'Historic district' means a group of buildings, properties, or sites that are either listed in the National Register of Historic Places or formally determined eligible for listing by the Keeper of the National Register, the individual who has been delegated the authority by the federal agency to list properties and determine their eligibility for the National Register, in accordance with

Section VI.D.1.a.i-v of the Nationwide Programmatic Agreement codified at 47 C.F.R. Part 1, Appendix C;

(17) ‘Law’ means a federal or state statute, common law, code, rule, regulation, order, or a local ordinance or resolution;

(18) ‘Micro wireless facility’ means a small wireless facility that is not larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height and that has an exterior antenna, if any, that is no longer than 11 inches;

(19) ‘Permit’ means a written authorization required by an authority to perform an action or initiate, continue, or complete a project;

(20) ‘Person’ means an individual, corporation, limited liability company, partnership, association, trust, or other entity or organization, including an authority;

(21) ‘Rate’ means a recurring charge;

(22) ‘Right-of-way’ means the area on, below, or above a public roadway, highway, street, sidewalk, alley, utility easement, or similar property, but not including a federal interstate highway;

(23) ‘Small wireless facility’ means a wireless facility that meets both of the following qualifications:

(A) Each antenna could fit within an imaginary enclosure of no more than 6 cubic feet; and

(B) All other wireless equipment associated with the facility is cumulatively no more than 28 cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: Electric meter, concealment elements, telecommunications demarcation box, ground-based enclosures, grounding equipment, power transfer switch, cut-off switch, and vertical cable runs for the connection of power and communications services;

(24) ‘Utility pole’ means a pole or similar structure that is or may be used, in whole or in part, by a communication services provider or for electric distribution, lighting, traffic control, signage (if the pole is 15 feet or taller), or a similar function, or for the collocation of small wireless facilities. However, “utility pole” does not include wireless support structures or electric transmission structures;

(25) ‘Wireless facility’ means equipment at a fixed location that enables wireless communications between user equipment and a communications network, including:

(A) Equipment associated with wireless communications; and

(B) Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration. “Wireless facility” includes small wireless facilities. “Wireless facility” does not include:

(i) The structure or improvements on, under, or within which the equipment is collocated; or

(ii) Wireline backhaul facilities, coaxial or fiber-optic cable that is between wireless support structures or utility poles, or coaxial or fiber-optic cable that is otherwise not immediately adjacent to, or directly associated with, an antenna;

(26) ‘Wireless infrastructure provider’ means any person, including a person authorized to provide telecommunications service in the state, that builds or installs wireless communication transmission equipment, wireless facilities, wireless support structures, or utility poles, but that is not a wireless provider;

(27) ‘Wireless provider’ means a wireless infrastructure provider or a wireless provider;

(28) ‘Wireless services’ means any services, using licensed or unlicensed spectrum, including the use of WiFi, whether at a fixed location or mobile location, provided to the public using wireless facilities;

(29) ‘Wireless service provider’ means a person who provides wireless services;

(30) ‘Wireless support structure’ means a structure, such as a monopole; tower, either guyed or self-supporting; billboard; or other existing or proposed structure designed to support or capable of supporting wireless facilities. “Wireless support structure” does not include a utility pole; and

(31) ‘Wireline backhaul facility’ is a facility used for the transport of communications service or any other electronic communications by coaxial, fiber-optic cable, or any other wire.

ARTICLE 2. ACCESS TO PUBLIC RIGHTS-OF-WAY.

§31H-2-1. Use of rights-of-way for small wireless facilities and utility poles; other structures.

(a) The provisions of this section shall only apply to activities of a wireless provider within the right-of-way.

(b) Except as provided in this chapter, an authority may not prohibit, regulate, or charge for the collocation of small wireless facilities or the installation of utility poles and associated small wireless facilities.

(c) An authority may not enter into an exclusive arrangement with any person for use of the right-of-way for the collocation of small wireless facilities or the installation, operation, marketing, modification, maintenance, or replacement of utility poles.

(d) An authority may only charge a wireless provider a rate or fee for the use of the right- of-way with respect to the collocation of small wireless facilities or the installation, maintenance, modification, operation, or replacement of a utility pole in the right-of-way if the authority charges other entities for similar use of the right-of-way. Notwithstanding any provision of this article to the contrary, an authority is permitted, on a nondiscriminatory basis, to refrain from charging any rate to a wireless provider for the use of the right-of-way. The rate for occupancy and use of the right-of-way may not initially exceed \$25 per year per small

wireless facility. An authority may adjust this rate up to 10 percent every five years.

(e) Subject to the provisions of this section, a wireless provider has the right, as a permitted use not subject to zoning review or approval, to collocate small wireless facilities and install, maintain, modify, and replace its own utility poles or, with the permission of the owner, a third party's utility pole, along, across, upon, and under the right-of-way. Such structures and facilities shall be so installed and maintained as not to obstruct or hinder the usual travel or public safety on such right-of-way or to obstruct the legal use of such right-of-way by utilities or authorities.

(f) Each new or modified utility pole installed by a wireless provider in the right-of-way may not exceed the greater of:

(1) 10 feet in height above the tallest existing utility pole in place as of the effective date of this chapter located within 500 feet of the new pole in the same right-of-way; or

(2) 50 feet above ground level. New small wireless facilities in the right-of-way may not extend:

(A) More than 10 feet above an existing utility pole in place as of the effective date of this chapter; or

(B) For small wireless facilities on a new utility pole, above the height permitted for a new utility pole pursuant to the provisions of this section. Subject to the provisions of this article, a wireless provider has the right to collocate a small wireless facility and install, maintain, modify, operate, and replace its own utility pole or, with the permission of the owner, a third party's utility pole that exceeds these height limits along, across, upon, and under the right-of-way, subject to applicable zoning regulations.

(g) An authority may adopt reasonable written design guidelines with objective, technically feasible criteria that reasonably match the aesthetics and character of an immediate area regarding all of the following:

(1) The location of any ground-mounted small wireless facilities;

(2) The location of a small wireless facility on a utility pole or wireless support structure;

(3) The appearance and concealment of small wireless facilities, including those relating to materials used for arranging, screening, or landscaping; and

(4) The design and appearance of a utility pole or wireless support structure.

Any such guidelines shall be applied in a nondiscriminatory manner. Materials utilized to comply with the appearance and concealment criteria established in the guidelines shall not be considered part of the small wireless facility for purposes of facility size restrictions in this chapter. Each new or modified small wireless facility or utility pole installed in the right-of-way shall comply with an authority's current design guidelines.

(h) A wireless provider is permitted to replace decorative poles when necessary to collocate a small wireless facility, but any replacement pole shall reasonably conform to the design aesthetics of the decorative poles being replaced.

(i) A wireless provider shall comply with written, objective, reasonable, and nondiscriminatory requirements that prohibit the installation of structures in the right-of-way in an area designated solely for underground communications and electric lines where:

(1) The authority has required all such lines to be placed underground by a date certain that is three months prior to the submission of the application;

(2) Those utility poles which the authority allows to remain shall be made available to wireless providers for the collocation of small wireless facilities and may be replaced by a wireless provider to accommodate the collocation of small wireless facilities, in compliance with this act; and

(3) A wireless provider may install a new utility pole in the designated area that otherwise complies with the other subsections of this section when it is not able to provide wireless service by collocating on a remaining structure. For small wireless facilities installed before an authority adopts requirements that communications and electric lines be placed underground, an authority adopting such requirements shall:

(A) Permit a wireless provider to maintain the small wireless facilities in place subject to any applicable pole attachment agreement with the utility pole owner; or

(B) permit the wireless provider to replace the associated utility pole within 50 feet of the prior location, subject to the permission of the utility pole owner.

(j) Subject to the provisions of this section, an authority may require reasonable, technically feasible, nondiscriminatory, and technologically neutral design or concealment measures in a historic district. Any such design or concealment measures may not have the effect of prohibiting any provider's technology; nor may any such measures be considered a part of the small wireless facility for purposes of the size restrictions in the definition of small wireless facility.

(k) Any requirements an authority adopts under subsections (g) through (j), inclusive, of this section must be:

(1) Reasonable, in that they are technically feasible and reasonably directed to avoiding or remedying the intangible public harm of unsightly or out-of-character deployments;

(2) No more burdensome than those applied to other types of infrastructure deployments; and

(3) Objective and published in advance. The authority, in the exercise of its administration and regulation related to the management of the right-of-way, must be competitively neutral with regard to other wireless service providers who are users of the right-of-way, including that terms may not be unreasonable or

discriminatory and may not violate any applicable law or effectively prohibit the provision of wireless services.

(l) The authority may require a wireless provider to repair all damage to the right-of-way directly caused by the activities of the wireless provider in the right-of-way and to return the right-of-way to its functional equivalence before the damage, as determined by the authority, pursuant to the competitively neutral, reasonable requirements and specifications of the authority. If the wireless provider fails to make the repairs required by the authority within a reasonable time after written notice, the authority may complete those repairs and charge the applicable party the reasonable, documented cost of such repairs. Regardless of whether the authority or the wireless provider ultimately makes the repairs, the authority may assess an additional fine of \$100 per day that the wireless provider failed to make the required repairs after the wireless provider received written notice until the repairs were completed.

(m) Nothing in this chapter shall be deemed to impose or otherwise affect any rights, controls, tariffs, or contractual obligations that may be established with regard to the utility poles, similar structures, or equipment of any type that are owned or controlled by an investor-owned electric utility whose rates are regulated by the Public Service Commission of West Virginia or any such utility's affiliates, or by an independent transmission company.

§31H-2-2. Permitting process for small wireless facilities.

(a) The provisions of this section shall apply to the permitting of small wireless facilities by a wireless provider in or outside the right-of-way as specified in subsection (b) of this section and to the permitting of the installation, modification, and replacement of utility poles by a wireless provider inside the right-of-way.

(b) Small wireless facilities that meet the requirements of §31H-2-1(f) through §31H-2-1(j) of this code shall be classified as permitted uses and not subject to zoning review or approval if they are collocated:

(1) In the right-of-way in any zone or;

(2) outside the right-of-way in property not zoned exclusively for single-family residential use.

(c) An authority may require an applicant to obtain one or more permits to collocate a small wireless facility that meets the requirements of §31H-2-1(f) through §31H-2-1(j) of this code or to install, modify, or replace a utility pole and associated small wireless facilities that meet the requirements of §31H-2-1(f) through §31H-2-1(j) of this code, provided that the permits are of general applicability. An authority shall receive applications for, process, and issue permits subject to the following requirements:

(1) An authority may not directly or indirectly require an applicant to perform services unrelated to the collocation for which approval is sought, such as in-kind contributions to the authority, including reserving fiber, conduit, or pole space for the authority on the wireless provider's utility pole;

(2) An applicant may not be required to provide more information to obtain a permit than communications service providers that are not wireless providers, provided that an applicant may be required to include construction and engineering drawings and information demonstrating compliance with the criteria set forth in this subsection;

(3) An authority, other than the Division of Highways, may not require the placement of small wireless facilities on any specific utility pole or category of poles or require multiple antenna systems on a single utility pole nor the underground placement of small wireless facilities;

(4) An authority, other than the Division of Highways, may not limit the placement of small wireless facilities by minimum separation distances;

(5) An authority may require an applicant to include an attestation that the small wireless facilities will be operational for use by a wireless provider within one year after the permit issuance date, unless the authority and the applicant agree to extend this

period or delay is caused by lack of commercial power or communications transport facilities to the site;

(6) Within 10 days of receiving an application, an authority must determine and notify the applicant in writing whether the application is complete. If an application is incomplete, an authority must specifically identify the missing information in writing. The processing deadlines in this subsection are tolled from the time the authority sends the notice of incompleteness to the time the applicant provides the missing information. That processing deadline also may be tolled by agreement of the applicant and the authority;

(7) An application shall be processed on a nondiscriminatory basis and deemed approved if the authority fails to approve or deny the application within 60 days of receipt of the application for a collocation of a small wireless facility and 90 days for an application for the installation, modification, or replacement of a utility pole in the right-of-way;

(8) An authority may deny a proposed collocation of a small wireless facility or installation, modification, or replacement of a utility pole that meets the requirements of this section only if the proposed application:

(A) Materially interferes with the safe operation of traffic control equipment;

(B) Materially interferes with sight lines or clear zones for transportation or pedestrians;

(C) Materially interferes with compliance with the Americans with Disabilities Act or similar federal or state standards regarding pedestrian access or movement;

(D) Fails to comply with reasonable and nondiscriminatory spacing requirements of general application adopted by legislative rule or ordinance that concern the location of ground-mounted equipment and new utility poles. Such spacing requirements may not prevent a wireless provider from serving any location;

(E) Fails to comply with applicable codes, legislative rule, and generally applicable standards that are consistent with this chapter and adopted by an authority for construction and public safety in the rights-of-way, including reasonable and nondiscriminatory wiring and cabling requirements, grounding requirements, and abandonment and removal provisions;

(F) Fails to comply with applicable design guidelines adopted under §31H-2-1(g) of this code; or

(G) Fails to attest that a small wireless facility will comply with relevant Federal Communications Commission (FCC) regulations concerning:

(1) Radiofrequency emissions from radio transmitters; and

(2) unacceptable interference with the public safety spectrum and CII spectrum, including compliance with the abatement and resolution procedures for interference with the public safety spectrum and CII spectrum established by the FCC set forth in 47 C.F.R. 22.970 through 47 C.F.R. 22.973 and 47 C.F.R. 90.672 through 47 C.F.R. 90.675;

(9) The authority must document the basis for a denial, including the specific code provisions on which the denial was based, and send the documentation to the applicant on or before the day the authority denies an application. The applicant may cure the deficiencies identified by the authority and resubmit the application within 30 days of the denial without paying an additional application fee. The authority shall approve or deny the revised application within 30 days. Any subsequent review shall be limited to the changes made in the resubmission;

(10) An applicant seeking to collocate small wireless facilities within the jurisdiction of a single authority shall be allowed at the applicant's discretion to file a consolidated application and receive a single permit for the collocation of multiple small wireless facilities; the denial of one or more small wireless facilities in a consolidated application may not delay processing of any other small wireless facilities in the same batch;

(11) Installation or collocation for which a permit is granted pursuant to this section shall be completed within one year after the permit issuance date unless the authority and the applicant agree to extend this period or a delay is caused by the lack of commercial power or communications facilities at the site. Approval of an application authorizes the applicant to:

(A) Undertake the installation or collocation; and

(B) Subject to applicable relocation requirements and the applicant's right to terminate at any time, operate and maintain the small wireless facilities and any associated utility pole installed by the wireless provider or authority utility that is covered by the permit for a period of not less than 10 years, which must be renewed for equivalent durations so long as the small wireless facilities and utility pole are in compliance with the criteria set forth in this subsection;

(12) An authority may not institute, either expressly or de facto, a moratorium on filing, receiving, or processing applications or issuing permits or other approvals, if any, for the collocation of small wireless facilities or the installation, modification, or replacement of utility poles to support small wireless facilities.

(d) An authority may require a permit to work within a right-of-way for any activities under this chapter, if applicable, and may prohibit access when a road is closed or its access is limited to the public: *Provided*, That except for this permit, and the other actions explicitly authorized by this chapter, an authority may not require an additional application, approval, or permit, or require any fees or other charges from a communications service provider authorized to occupy the right-of-way, for:

(1) Routine maintenance;

(2) The replacement of wireless facilities with wireless facilities that are substantially similar, the same size, or smaller; or

(3) The installation, placement, maintenance, operation, or replacement of micro wireless facilities that are suspended on existing cables that are strung between existing utility poles in

compliance with applicable safety codes and the pole owner's construction standards and engineering practices.

(e) An authority may revoke a permit at any time if the conditions of the permit required pursuant to this article are no longer being satisfied.

§31H-2-3. Access to authority utility poles; application and permit fees and rates for small wireless facilities.

(a) An authority shall allow the collocation of small wireless facilities on authority utility poles within the right-of-way subject to the provisions of this chapter and the following:

(1) An authority may not enter into an exclusive arrangement with any person for the right to attach small wireless facilities to authority utility poles;

(2) The rates and fees for collocations on authority utility poles shall be nondiscriminatory regardless of the services provided by the collocating person;

(3) An authority may charge an annual recurring rate to collocate small wireless facilities on an authority utility pole that equals \$65 per year per pole. An authority may adjust this rate 10 percent every five years, rounded to the nearest five dollars. Nothing in this subdivision prohibits a wireless provider and an authority from mutually agreeing to an annual recurring rate of less than \$65 to collocate a small wireless facility on an authority utility pole;

(4) The rates, fees, and terms for make-ready work must be nondiscriminatory, competitively neutral, and commercially reasonable and must comply with this section;

(5) An authority shall provide a good faith estimate for any make-ready work necessary to enable the pole to support the requested collocation by a wireless provider, including pole replacement if necessary, within 60 days after receipt of a complete application. Make-ready work including any pole replacement shall be completed within 60 days of written acceptance of the

good faith estimate by the applicant. An authority may require replacement of the authority utility pole only if it demonstrates that the collocation would make the authority utility pole structurally unsound; and

(6) The person owning, managing, or controlling the authority utility pole may not require more make-ready work than is required to meet applicable codes or industry standards. Fees for make-ready work may not include costs related to preexisting or prior damage or noncompliance. Fees for make-ready work including any pole replacement may not exceed the actual costs or the amount charged to other communications service providers for similar work and may not include any consultant fee or expense.

(b) For the purposes of a state-owned right-of-way maintained by the Division of Highways, the commissioner shall propose rules for legislative approval, in accordance with the provisions of §29A-3-1 *et seq.* of this code, to implement the provisions of this article.

(c) Application fees are subject to the following requirements:

(1) An authority may not require a wireless provider to pay any rates, fees, or compensation to the authority or other person other than what is expressly authorized by this chapter;

(2) An authority may charge an application fee for collocation of small wireless facilities on an existing utility pole not to exceed \$200 each for the first five small wireless facilities in the same application and \$100 for each additional small wireless facility in the same application. An authority may adjust this fee 10 percent every five years, rounded to the nearest five dollars;

(3) An authority may charge an application fee for the installation, modification, or replacement of a utility pole and the collocation of an associated small wireless facility that are permitted uses in accordance with the specifications in this chapter not to exceed \$250. An authority may adjust this fee 10 percent every five years, rounded to the nearest five dollars; and

(4) An authority may charge an application fee for the installation, modification, or replacement of a utility pole and the

collocation of an associated small wireless facility that is not a permitted use in accordance with the specifications in this chapter not to exceed \$1,000. An authority may adjust this fee 10 percent every five years, rounded to the nearest five dollars.

§31H-2-4. Local authority; miscellaneous provisions.

(a) Nothing in this chapter may be construed to relieve any person from any requirement:

(1) To obtain a franchise or a state-issued authorization to offer cable television service; or

(2) to obtain any required permission to install, place, maintain, or operate communications facilities, other than small wireless facilities subject to this chapter. The permitting procedures and authorizations set forth in this chapter apply only to the placement of small wireless facilities and associated utility poles, and do not authorize the installation or operation of a wireline backhaul facility.

(b) Except as provided in this chapter or otherwise specifically authorized by state or federal law, an authority shall not adopt or enforce any regulations or requirements on the placement or operation of communications facilities in a right-of-way by a communications service provider authorized by state or local law to operate in a right-of-way.

(c) Except as authorized by federal law, this chapter, and municipal taxation ordinances authorizing collection of business and occupation taxes since at least November 1, 1998, an authority shall not regulate any communications services or impose or collect any tax, fee, or charge for the provision of communications service over the communications service provider's communications facilities in a right-of-way, to the extent the communications service provider is already paying the authority a fee for access to the right-of-way.

(d) Subject to the provisions of this chapter and applicable federal law, an authority may continue to exercise zoning, land use, planning, and permitting authority within its territorial boundaries

with respect to wireless support structures and utility poles; no authority shall have or exercise any jurisdiction or authority over the design, engineering, construction, installation, or operation of any small wireless facility located in an interior structure or upon the site of any campus, stadium, or athletic facility not owned or controlled by the authority, other than to comply with applicable codes; and an authority shall evaluate the structure classification for wireless support structures under the latest version of ANSI/TIA-222. Nothing in this chapter authorizes the state or any political subdivision, including an authority, to require wireless facility deployment or to regulate wireless services.

(e) An authority may adopt an ordinance that makes available to wireless providers rates, fees, and other terms that comply with the provisions of this chapter. Subject to the provisions of this section, in the absence of an ordinance that fully complies with this chapter and until such a compliant ordinance is adopted, if at all, wireless providers may install and operate small wireless facilities and utility poles under the requirements of this chapter. An authority and a wireless provider may enter into a voluntary and nondiscriminatory agreement implementing the provisions of this chapter, but an authority may not require a wireless provider to enter into such an agreement.

(f) An agreement or ordinance that does not fully comply with this chapter may apply only to small wireless facilities and associated utility poles that became operational or were installed before the effective date of this chapter. Such an agreement or ordinance may not be renewed, or extended, unless it is modified to fully comply with this chapter. An agreement or ordinance that applies to small wireless facilities and associated utility poles that became operational or were constructed before the effective date of this chapter is invalid and unenforceable beginning on the 181st day after the effective date of this chapter unless it fully complies with this chapter. If an agreement or ordinance is invalid in accordance with this subsection, in the absence of an agreement or ordinance that fully complies with this chapter and until such a compliant agreement or ordinance is entered or adopted, small wireless facilities and associated utility poles that become

operational or were constructed before the effective date of this chapter may remain installed and be operated under the requirements of this chapter.

(g) An agreement or ordinance that applies to small wireless facilities and utility poles that become operational on or after the effective date of this chapter is invalid and unenforceable beginning on the effective date of this chapter unless it fully complies with this chapter. If an agreement or ordinance is invalid in accordance with this subsection, in the absence of an agreement or ordinance that fully complies with this chapter and until such a compliant agreement or ordinance is entered or adopted, small wireless facilities and utility poles may be installed and operated in the right-of-way or become operational under the requirements of this chapter.

(h) Any wireless provider who owns or operates small wireless facilities or utility poles in the right-of-way shall indemnify, protect, defend, and hold the authority and its elected officials, officers, employees, agents, and volunteers harmless against any and all claims, lawsuits, judgments, costs, liens, losses, expenses, fees to include reasonable attorney fees and costs of defense, proceedings, actions, demands, causes of action, liability and suits of any kind and nature, including personal or bodily injury or death, property damage or other harm for which recovery of damages is sought, to the extent that it is caused by the negligence of the wireless provider who owns or operates small wireless facilities or utility poles in the right-of-way, any agent, officer, director, representative, employee, affiliate, or subcontractor of the wireless provider, or their respective officers, agents, employees, directors, or representatives while installing, repairing, or maintaining facilities in rights-of-way.

(i) Except for a wireless provider with an existing franchise to occupy and operate in the rights-of-way, during the period in which the wireless provider's facilities are located on the authority improvements or rights-of-way, the authority may require the wireless provider to carry, at the wireless provider's own cost and expense, the following insurance:

(1) Property insurance for its property's replacement cost against all risks;

(2) Workers' compensation insurance, as required by law; or

(3) Commercial general liability insurance with respect to its activities on the authority improvements or rights-of-way to afford minimum protection limits consistent with its requirements of other users of authority improvements or rights-of-way, including coverage for bodily injury and property damage. An authority may require a wireless provider to include the authority as an additional insured on the commercial general liability policy and provide certification and documentation of inclusion of the authority in a commercial general liability policy as reasonably required by the authority.

A wireless provider may self-insure all or a portion of the insurance coverage and limit requirements required by an authority. A wireless provider that self-insures is not required, to the extent of the self-insurance, to comply with the requirement for the naming of additional insureds under this section. A wireless provider that elects to self-insure shall provide to the authority evidence sufficient to demonstrate its financial ability to self-insure the insurance coverage and limits required by the authority.

(j) An authority may impose reasonable and nondiscriminatory requirements for bonds, escrow deposits, letters of credit, or any other type of financial surety to ensure removal of abandoned or unused wireless facilities or damage to the right-of-way or authority property caused by the wireless provider or its agent.

(k) On or before December 31, 2026, all Class I and Class II municipalities shall report to the Joint Committee on Government and Finance of the effects of the implementation of this article."

The bill was then ordered to third reading.

Com. Sub. for S. B. 72, Creating Sexual Assault Victims' Bill of Rights; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on the Judiciary, was reported by the Clerk and adopted, amending the bill on page one, after the enacting clause, by striking out the remainder of the bill and inserting in lieu thereof the following:

“ARTICLE 11A. VICTIM PROTECTION ACT ~~OF 1984.~~

§61-11A-9. Sexual Assault Victims’ Bill of Rights.

(a) In addition to those rights afforded victims of crime by other provisions of this code, a sexual assault victim has the following rights:

(1) The right to a personal representative of the victim’s choice to accompany him or her to a hospital or other health care facility and to attend proceedings concerning the alleged assault, including police interviews and court proceedings. *Provided*, That nothing in this subsection shall be construed to violate established forensic interview protocols;

(2) The right to receive a forensic medical examination consistent with the provisions of §61-8B-1(12) of this code conducted by a qualified medical provider in accordance with best practices, taking into consideration the age of the victim and circumstances of the offense;

(3) The right to have a sexual assault evidence collection kit tested and preserved by the investigating law-enforcement agency;

(4) The right to be informed by the investigating law-enforcement agency of any results of the forensic medical examination, if such disclosure would not impede or compromise an ongoing investigation;

(5) The right to be informed in writing of the policies governing the forensic medical examination and preservation of evidence obtained from the examination;

(6) The right to receive, upon his or her written request, notification by United States mail, restricted delivery, to his or her last known address, from the custodian of the evidence obtained

from the forensic medical examination no fewer than 60 days prior to the date of the intended destruction or disposal of the evidence: *Provided*, That notice to a victim which meets the requirements of this subdivision, whether received by the addressee or not, meets all notice requirements imposed by this section;

(7) The right, upon his or her written request, to have the evidence obtained from the forensic medical examination preserved for an additional period not to exceed 10 years; and

(8) The right to be informed of the rights afforded a victim pursuant to this section.

(b) As used in this section, “sexual assault” means any sexual act proscribed by §61-8-1 *et seq.*, §61-8B-1 *et seq.*, and §61-8D-1 *et seq.* of this code.”

The bill was then ordered to third reading.

Com. Sub. for S. B. 393, Protecting right to farm; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on the Judiciary, was reported by the Clerk and adopted, amending the by striking out everything after the enacting clause and inserting in lieu thereof the following:

“ARTICLE 19. PRESERVATION OF AGRICULTURAL PRODUCTION.

§19-19-2. Definitions.

For the purposes of this article:

(a) ‘Agriculture’ shall mean the production of food, fiber and woodland products, by means of cultivation, tillage of the soil and by the conduct of animal, livestock, dairy, apiary, equine or poultry husbandry, and the practice of forestry, silviculture, horticulture, harvesting of silviculture products, packing, shipping, milling, and marketing of agricultural products conducted by the proprietor of the agricultural operation, or any other legal plant or animal

production and all farm practices. ~~the packing, shipping and marketing, but not including any manufacturing, milling, or processing of such products by other than the producer thereof.~~

(b) 'Agricultural land' shall mean ~~not less than five acres~~ any amount of land and the improvements thereupon, used or usable in the production of food, fiber or woodland products of an annual value of \$1,000 or more, by the conduct of the business of agriculture, as defined in subsection (a) of this section.

(c) 'Agricultural operation' shall mean any facility utilized for agriculture.

§19-19-7. Additional limitations on nuisance actions.

(a) The provisions of this section are in addition to the limitations on actions brought against an agricultural operation in §19-19-4 of this code, and shall also apply to any nuisance action brought against an agricultural operation in any court of this state.

(b) A person may not file a nuisance action to recover damages in which an agricultural operation is alleged to be a public or private nuisance unless:

(1) He or she is the majority legal land owner;

(2) He or she owns property adversely affected by agricultural operations within one half mile of the agricultural operation; and

(3) The agricultural operation has materially violated a federal, state, or local law applicable to agriculture.

(c) No agricultural operation within this state which has been in operation for a period of more than one year shall be considered a nuisance, either public or private, as the result of a changed condition in or about the locality where such agricultural operation is located. In any nuisance action, public or private, against an agricultural operation or its principals or employees proof that the agricultural operation has existed for one year or more is an absolute defense to the nuisance action, if the operation is in

compliance with all applicable state and federal laws, regulations, and permits.

(d) No state or local agency may bring a criminal or civil action against an agricultural operation for an activity that is in material compliance with all applicable state and federal laws, regulations, and permits.

(e) No agricultural operation shall be or become a private or public nuisance if the operators are conducting the agricultural operation in a manner consistent with commonly accepted agricultural practice. If the operation is in material compliance with all applicable state and federal laws, regulations, and permits, it shall be presumed to be conducted in a manner consistent with commonly accepted agricultural practice.

(f) No agricultural operation shall be considered a nuisance, private or public, if the agricultural operation makes a reasonable expansion, so long as the operation is in material compliance with all applicable state and federal laws, regulations, and permits.

(1) For the purpose of this section, a reasonable expansion includes, but is not limited to:

(A) Transfer of the agricultural operation;

(B) Purchase of additional land for the agricultural operation;

(C) Introducing technology to an existing agricultural operation including, but not limited to, new activities, practices, equipment, and procedures consistent with technological development within the agricultural industry;

(D) Applying a Natural Resources Conservation Service program or other United States Department of Agriculture program to an existing or future agricultural operation; or,

(E) Any other change that is related and applied to an existing agricultural operation, so long as the change does not affect the agricultural operation's compliance with applicable state and federal laws, regulations, and permits.

(2) The reasonable expansion exemption provided by this subsection cannot apply to an expansion that:

(A) Creates a substantially adverse effect upon the environment; or

(B) Creates a hazard to public health and safety.

(g) A requirement of a municipality does not apply to an agricultural operation situated outside of the municipality's corporate boundaries on the effective date of this chapter. If an agricultural operation is subsequently annexed or otherwise brought within the corporate boundaries of a municipality, the requirements of the municipality do not apply to the agricultural operation.

(h) An agricultural operation is not, nor shall it become, a private or public nuisance after it has been in operation for more than one year, if such operation was not a nuisance at the time the operation began, and the conditions or circumstances complained of as constituting the basis for the nuisance action exist substantially unchanged since the established date of operation. The established date of operation is the date on which an agricultural operation commenced.

(i) The provisions of this section shall not apply in any of the following circumstances:

(1) Whenever a nuisance results from the negligent operation of any such agricultural operation; or

(2) To affect or defeat the right of any person to recover for injuries or damages sustained because of an agricultural operation or portion of an agricultural operation that is conducted in violation of a federal, state, or local statute or governmental requirement that applies to the agricultural operation or portion of agricultural operation.

(j) The protected status of an agricultural operation, once acquired, is assignable, alienable, and inheritable. The protected status of an agricultural operation, once acquired, may not be

waived by the temporary cessation of operations or by diminishing the size of the operation.

§19-19-8. Damages.

(a) A person who brings a nuisance action for damages or injunctive relief against an agricultural operation that has existed for one year or more prior to the date that the action is instituted or who violates the provisions of §19-19-7(h) of this code is liable to the agricultural operation for all costs and expenses incurred in defense of the action, including, but not limited to, attorneys' fees, court costs, travel, and other related incidental expenses incurred in the defense.

(b) In no event shall the total amount of damages in any successful nuisance action exceed the diminished value of the subject property.

(c) The exclusive compensatory damages that may be awarded to a claimant where the alleged nuisance originates from an agricultural operation shall be as follows:

(1) If the nuisance is determined to be a permanent nuisance, compensatory damages shall be limited to the reduction in the fair market value of the claimant's property caused by the nuisance, not to exceed the fair market value of the claimant's property; and

(2) If the nuisance is determined to be a temporary nuisance, compensatory damages shall be limited to the diminution of the fair rental value of the claimant's property caused by the nuisance.

(d) If any claimant or claimant's successor in interest brings a subsequent private nuisance action against any agricultural operation, the combined recovery from all such actions shall not exceed the fair market value of his or her property. This limitation applies regardless of whether the subsequent action or actions were brought against a different defendant than the preceding action or actions.

(e) A claimant shall not be awarded punitive damages for nuisance actions originating from an agricultural operation."

The bill was then ordered to third reading.

Com. Sub. for S. B. 441, Relating to higher education campus police officers; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for S. B. 520, Requiring entities report drug overdoses; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Health and Human Resources, was reported by the Clerk and adopted, amending the bill on page two, section four, line two, after the word, “appropriate”, by inserting the word “information”.

The bill was then ordered to third reading.

S. B. 635, Relating generally to coal mining activities; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Energy, was reported by the Clerk and adopted, amending the bill on page one, immediately following the enacting section, by striking out the remainder of the bill and inserting in lieu thereof the following:

**“CHAPTER 5B. ECONOMIC DEVELOPMENT ACT OF
1985.**

**ARTICLE 2A. OFFICE OF COALFIELD COMMUNITY
DEVELOPMENT.**

§5B-2A-5. Powers and duties.

The office has and may exercise the following duties, powers, and responsibilities:

~~(1) To establish a procedure for developing a community impact statement as provided in section six of this article and to administer the procedure so established;~~

~~(2)~~ (1) To establish a procedure for determining the assets that could be developed in and maintained by the community to foster its long-term viability as provided in §5B-2A-8 of this code and to administer the procedure so established;

~~(3)~~ (2) To establish a procedure for determining the land and infrastructure needs in the general area of the surface mining operations as provided in §5B-2A-9 of this code and to administer the procedure so established;

(4) ~~(3)~~ To establish a procedure to develop action reports and annual updates as provided in §5B-2A-10 of this code and to administer the procedure so established;

~~(5)~~ (4) To determine the need for meetings to be held among the various interested parties in the communities impacted by surface mining operations and, when appropriate, to facilitate the meetings;

~~(6)~~ (5) To establish a procedure to assist property owners in the sale of their property as provided in §5B-2A-11 of this code and to administer the procedure so established;

~~(7)~~ (6) In conjunction with the department, to maintain and operate a system to receive and address questions, concerns, and complaints relating to surface mining; and

~~(8)~~ (7) On its own initiative or at the request of a community in close proximity to a mining operation, or a mining operation, offer assistance to facilitate the development of economic or community assets. Such assistance shall include the preparation of a master land use plan pursuant to the provisions of §5B-2A-9 of this code.

§5B-2A-6. Community impact statement review.

(a)~~(1)~~ The office shall, no less frequently than quarterly, either consult with representatives of the department's Office of Mining and Reclamation or review the department's permit application database(s) to determine whether newly proposed surface mines or significant modifications to existing surface mining operations may present opportunities for mine operators to cooperate with

local landowners and local governmental officials to mine and reclaim properties so as to develop community assets or secure developable land and infrastructure pursuant to this article. The operator shall develop a community impact statement, as described in this section, which shall be submitted to the office within sixty days of the filing of a surface mining application pursuant to the provisions of article three, chapter twenty two of this code. Failure to submit a community impact statement to the office shall be considered a violation under the provisions of section seventeen of said article; and

~~(2) The operator shall provide copies of the community impact statement to the department's Office of Mining Reclamation and Office of Explosives and Blasting and to the county commissions, county clerks' offices and local, county or regional development or redevelopment authorities of the areas to be affected by the surface mining operations.~~

~~(b) The community impact statement, where practicable, shall not be a highly technical or legalistic document, but shall be written in a clear and concise manner understandable to all citizens. The community impact statement shall include the following:~~

~~(1) The amount and location of land to be mined or used in the actual mining operations;~~

~~(2) The expected duration of the mining operations in each area of the community;~~

~~(3) The extent of anticipated mining related property acquisitions, to the extent that such acquisitions are known or knowable;~~

~~(4) The intentions of the surface and mineral owners relative to the acquired property, to the extent that such intentions are known or knowable;~~

~~(5) A statement of the post mining land use for all land within the permit boundary;~~

~~(6) The intended blasting plan and the expected time and duration it will affect each community;~~

~~(7) Information concerning the extent and nature of valley fills and the watersheds to be affected;~~

~~(8) Economic information, such as the number of jobs created and annual coal production resulting from the surface mining operation, the anticipated life of the mining operation and such other information as may be deemed appropriate; and~~

~~(9) An acknowledgment of the recommendations of any approved master land use plan that pertains to the land proposed to be mined, including an acknowledgment of the infrastructure components needed to accomplish the designated post mine land use required by the plan.~~

~~(c) Where the operator makes any significant revision to the permit application under section eighteen, article three, chapter twenty two of this code, which revision substantially affects any of the information provided in subsection (b) of this section, the operator shall revise the affected provisions of its community impact statement and shall submit such revisions as set forth in subsection (a) of this section.~~

~~(d) Within thirty days of receipt of a community impact statement pursuant to subdivision (2), subsection (a) of this section or a revised community impact statement pursuant to subsection (c) of this section, the local, county or regional development or redevelopment authorities of the areas to be affected by the surface mining operations shall provide a written acknowledgment of the receipt of this community impact statement or revised community impact statement to the department's Division of Mining Reclamation, to the county commission or county commissions and to the office.~~

~~(e) (b) The provisions of this section shall apply as follows: to all surface mining permit applications granted after July 1, 2018.~~

~~(1) To all surface mining permits granted after June 11, 1999; and~~

~~(2) At the first renewal date of all previously issued permits: *Provided*, That the permittee shall be afforded ninety days from said date to comply with the provisions of this section.~~

§5B-2A-8. Determining and developing needed community assets.

(a) The office shall determine the community assets that may be developed by the community, county, or region to foster its viability when surface mining operations are completed.

(b) Community assets to be identified pursuant to subsection (a) of this section may include the following:

(1) Water and wastewater services;

(2) Developable land for housing, commercial development, or other community purposes;

(3) Recreation facilities and opportunities; and

(4) Education facilities and opportunities.

~~(c) The operator shall be required to prepare and submit to the office the information set forth in this subsection as follows:~~

~~(1) A map of the area for which a permit under article three, chapter twenty two of this code is being sought or has been obtained;~~

~~(2) The names of the surface and mineral owners of the property to be mined pursuant to the permit; and~~

~~(3) A statement of the post mining land use for all land which may be affected by the mining operations.~~

~~(c)~~ (c) In determining the nature and extent of the needed community assets, the office shall consider at least the following:

(1) An evaluation of the future of the community once mining operations are completed;

(2) The prospects for the long-term viability of any asset developed under this section;

(3) The desirability of foregoing some or all of the asset development required by this section in lieu of the requirements of §5B-2A-9 of this code; and

(4) The extent to which the community, local, state, or the federal government may participate in the development of assets the community needs to assure its viability.

§5B-2A-9. Securing developable land and infrastructure.

(a) The office shall determine the land and infrastructure needs in the general area of the surface mining operations- for which it makes the determination authorized in §5B-2A-6 of this code.

(b) For the purposes of this section, the term ‘general area’ shall mean the county or counties in which the mining operations are being conducted or any adjacent county.

(c) To assist the office, the operator, upon request by the office, shall be required to prepare and submit to the office the information set forth in this subsection as follows:

(1) A map of the area for which a permit under §22-3-1 *et seq.* of this code is being sought or has been obtained;

(2) The names of the surface and mineral owners of the property to be mined pursuant to the permit; and

(3) A statement of the post-mining land use for all land which may be affected by the mining operations.

(d) In making a determination of the land and infrastructure needs in the general area of the mining operations, the office shall consider at least the following:

(1) The availability of developable land in the general area;

(2) The needs of the general area for developable land;

(3) The availability of infrastructure, including, but not limited to, access roads, water service, wastewater service, and other utilities;

(4) The amount of land to be mined and the amount of valley to be filled;

(5) The amount, nature, and cost to develop and maintain the community assets identified in §5B-2A-8 of this code; and

(6) The availability of federal, state, and local grants and low-interest loans to finance all or a portion of the acquisition and construction of the identified land and infrastructure needs of the general area.

(e) In making a determination of the land and infrastructure needs in the general area of the surface mining operations, the office shall give significant weight to developable land on or near existing or planned multilane highways.

(f) The office may secure developable land and infrastructure for a Development Office or county through the preparation of a master land use plan for inclusion into a reclamation plan prepared pursuant to the provisions of §22-3-10 of this code. No provision of this section may be construed to modify requirements of §22-3-1 *et seq.* of this code.

(1) The county commission or other governing body for each county in which there are surface mining operations that are subject to this article shall determine land and infrastructure needs within their jurisdictions through the development of a master land use plan which incorporates post-mining land use needs, including, but not limited to, renewable and alternative energy uses, residential uses, highway uses, industrial uses, commercial uses, agricultural uses, public facility uses, or recreational facility uses. A county commission or other governing body of a county may designate a local, county, or regional development or redevelopment authority to assist in the preparation of a master land use plan. A county commission or other governing body of a county may adopt a

master land use plan developed after July 1, 2009, only after a reasonable public comment period.

(2) Upon the request of a county or designated development or redevelopment authority, the office shall assist the county or development or redevelopment authority with the development of a master land use plan.

(3)(A) The Department of Environmental Protection and the Office of Coalfield Community Development shall review master land use plans existing as of July 1, 2009. If the office determines that a master land use plan complies with the requirements of this article and the rules promulgated pursuant to this article, the office shall approve the plan on or before July 1, 2010.

(B) Master land use plans developed after July 1, 2009, shall be submitted to the department and the office for review. The office shall determine whether to approve a master land use plan submitted pursuant to this subdivision within three months of submission. The office shall approve the plan if it complies with the requirements of this article and the rules promulgated pursuant to this article.

(C) The office shall review a master land use plan approved under this section every three years. No later than six months before the review of a master land use plan, the county or designated development or redevelopment authority shall submit an updated master land use plan to the department and the office for review. The county may submit its updated master land use plan only after a reasonable public comment period. The office shall approve the master land use plan if the updated plan complies with the requirements of this article and the rules promulgated pursuant to this article.

(D) If the office does not approve a master land use plan, the county or designated development or redevelopment authority shall submit a supplemental master land use plan to the office for approval.

(4) The required infrastructure component standards needed to accomplish the designated post-mining land uses identified in a master land use plan shall be developed by the county or its designated development or redevelopment authority. These standards must be in place before the respective county or development or redevelopment authority can accept ownership of property donated pursuant to a master land use plan. Acceptance of ownership of such property by a county or development or redevelopment authority may not occur unless it is determined that: ~~(i) The property use is compatible with adjacent land uses; (ii) the use satisfies the relevant county or development or redevelopment authority's anticipated need and market use; (iii) the property has in place necessary infrastructure components needed to achieve the anticipated use; (iv) the use is supported by all other appropriate public agencies; (v) the property is eligible for bond release in accordance with section twenty-three, article three, chapter twenty-two of this code; and (vi) the use is feasible. Required infrastructure component standards require approval of the relevant county commission, commissions or other county governing body before such standards are accepted. County commission or other county governing body approval may be rendered only after a reasonable public comment period;~~

(A) The property use is compatible with adjacent land uses;

(B) The use satisfies the relevant county or development or redevelopment authority's anticipated need and market use;

(C) The property has in place necessary infrastructure components needed to achieve the anticipated use;

(D) The use is supported by all other appropriate public agencies;

(E) The property is eligible for bond release in accordance with §22-3-23 of this code; and

(F) The use is feasible.

Required infrastructure component standards require approval of the relevant county commission, commissions, or other county

governing body before such standards are accepted. County commission or other county governing body approval may be rendered only after a reasonable public comment period.

(5) The provisions of this subsection shall not take effect until legislative rules are promulgated pursuant to ~~paragraph (C), subdivision (1), subsection (c), section twenty three, article three, chapter twenty two~~ of this code governing bond releases which assure sound future maintenance by the local or regional economic development, redevelopment, or planning agencies.

CHAPTER 22. ENVIRONMENTAL RESOURCES.

ARTICLE 3. SURFACE AND COAL MINING RECLAMATION ACT.

§22-3-14. General environmental protection performance standards for the surface effects of underground mining; application of other provisions of article to surface effects of underground mining.

(a) The director shall promulgate separate rules directed toward the surface effects of underground coal mining operations, embodying the requirements in subsection (b) of this section: *Provided*, That in adopting such rules, the director shall consider the distinct difference between surface coal mines and underground coal mines in West Virginia. Such rules may not conflict with or supersede any provision of the federal or state coal mine health and safety laws or any rule issued pursuant thereto.

(b) Each permit issued by the director pursuant to this article and relating to underground coal mining shall require the operation at a minimum to:

(1) Adopt measures consistent with known technology in order to prevent subsidence causing material damage to the extent technologically and economically feasible, maximize mine stability and maintain the value and reasonably foreseeable use of overlying surface lands, except in those instances where the mining technology used requires planned subsidence in a predictable and

controlled manner: *Provided*, That this subsection does not prohibit the standard method of room and pillar mining;

(2) Seal all portals, entryways, drifts, shafts, or other openings that connect the earth's surface to the underground mine workings when no longer needed for the conduct of the mining operations in accordance with the requirements of all applicable federal and state law and rules promulgated pursuant thereto;

(3) Fill or seal exploratory holes no longer necessary for mining and maximize to the extent technologically and economically feasible, if environmentally acceptable, return of mine and processing waste, tailings, and any other waste incident to the mining operation to the mine workings or excavations;

(4) With respect to surface disposal of mine wastes, tailings, coal processing wastes, and other wastes in areas other than the mine workings or excavations, stabilize all waste piles created by the operator from current operations through construction in compacted layers, including the use of incombustible and impervious materials, if necessary, and assure that any leachate therefrom will not degrade surface or groundwaters below water quality standards established pursuant to applicable federal and state law and that the final contour of the waste accumulation will be compatible with natural surroundings and that the site is stabilized and revegetated according to the provisions of this section;

(5) Design, locate, construct, operate, maintain, enlarge, modify, and remove or abandon, in accordance with the standards and criteria developed pursuant to §22-3-13 of this ~~article~~ code, all existing and new coal mine waste piles consisting of mine wastes, tailings, coal processing wastes, and solid wastes and used either temporarily or permanently as dams or embankments;

(6) Establish on regraded areas and all other disturbed areas a diverse and permanent vegetative cover capable of self-regeneration and plant succession and at least equal in extent of cover to the natural vegetation of the area within the time period prescribed in §22-3-13(b)(20) of this ~~article~~ code;

(7) Protect off-site areas from damages which may result from such mining operations;

(8) Eliminate fire hazards and otherwise eliminate conditions which constitute a hazard to health and safety of the public;

(9) Minimize the disturbance of the prevailing hydrologic balance at the mine site and in associated off-site areas and to the quantity and the quality of water in surface and groundwater systems both during and after mining operations and during reclamation by: (A) Avoiding acid or other toxic mine drainage by such measures as, but not limited to: (i) Preventing or removing water from contact with toxic producing deposits; (ii) treating drainage to reduce toxic content which adversely affects downstream water before being released to water courses; and (iii) casing, sealing, or otherwise managing boreholes, shafts, and wells to keep acid or other toxic drainage from entering ground and surface waters; and (B) conducting mining operations so as to prevent, to the extent possible using the best technology currently available, additional contributions of suspended solids to streamflow or runoff outside the permit area, but in no event shall the contributions be in excess of requirements set by applicable state or federal law, and avoiding channel deepening or enlargement in operations requiring the discharge of water from mines: *Provided*, That in recognition of the distinct differences between surface and underground mining the monitoring of water from underground coal mine workings shall be in accordance with the provisions of the Clean Water Act of 1977;

(10) With respect to other surface impacts of underground mining not specified in this subsection, including the construction of new roads or the improvement or use of existing roads to gain access to the site of such activities and for haulage, repair areas, storage areas, processing areas, shipping areas, and other areas upon which are sited structures, facilities, or other property or materials on the surface, resulting from or incident to such activities, operate in accordance with the standards established under §22-3-13 of this code for such effects which result from surface-mining operations: *Provided*, That the director shall make such modifications in the requirements imposed by this subdivision

as are necessary to accommodate the distinct difference between surface and underground mining in West Virginia;

(11) To the extent possible using the best technology currently available, minimize disturbances and adverse impacts of the operation on fish, aquatic life, wildlife, and related environmental values, and achieve enhancement of such resources where practicable; and

(12) Unless otherwise permitted by the director and in consideration of the relevant safety and environmental factors, locate openings for all new drift mines working in acid producing or iron producing coal seams in a manner as to prevent a gravity discharge of water from the mine.

(c) In order to protect the stability of the land, the director shall suspend underground mining under urbanized areas, cities, towns, and communities and adjacent to industrial or commercial buildings, major impoundments, or permanent streams if he or she finds imminent danger to inhabitants of the urbanized areas, cities, towns, or communities.

(d) The provisions of this article relating to permits, bonds, insurance, inspections, reclamation and enforcement, public review, and administrative and judicial review are also applicable to surface operations and surface impacts incident to an underground mine with such modifications by rule to the permit application requirements, permit approval, or denial procedures and bond requirements as are necessary to accommodate the distinct difference between surface mines and underground mines in West Virginia.

(e) The secretary shall promulgate for review and consideration by the West Virginia Legislature during the regular session of the Legislature, 2020, revisions to legislative rules (38 CSR 2) pertaining to surface owner protection from material damage due to subsidence under this article. The secretary shall specifically consider adoption of the federal standards codified at 30 C.F.R. § 817.121.

ARTICLE 11. WATER POLLUTION CONTROL ACT.**§22-11-10. Water Quality Management Fund established; permit application fees; annual permit fees; dedication of proceeds; rules.**

(a) The special revenue fund designated the Water Quality Management Fund established in the State Treasury on July 1, 1989, is hereby continued.

(b) The permit application fees and annual permit fees established and collected pursuant to this section; any interest or surcharge assessed and collected by the secretary; interest accruing on investments and deposits of the fund; and any other moneys designated by the secretary shall be deposited into the Water Quality Management Fund. The secretary shall expend the proceeds of the Water Quality Management Fund for the review of initial permit applications, renewal permit applications, and permit issuance activities.

(c) The secretary shall propose for promulgation, legislative rules in accordance with the provisions of §29A-1-1 *et seq.* of this code, to establish a schedule of application fees for all applications except for surface coal mining operations as defined in §22-3-13 of this code. The appropriate fee shall be submitted by the applicant to the department with the application filed pursuant to this article for any state water pollution control permit or national pollutant discharge elimination system permit. The schedule of application fees shall be designed to establish reasonable categories of permit application fees based upon the complexity of the permit application review process required by the department pursuant to the provisions of this article and the rules promulgated under this article: *Provided*, That no initial application fee may exceed \$15,000 for any facility nor may any permit renewal application fee exceed \$5,000. The department may not process any permit application pursuant to this article until the required permit application fee has been received.

(d) The secretary shall propose for promulgation legislative rules in accordance with the provisions of §29A-1-1 *et seq.* of this

code; to establish a schedule of permit fees to be assessed annually upon each person holding a state water pollution control permit or national pollutant discharge elimination system permit issued pursuant to this article except for permits held by surface coal mining operations as defined in §22-3-1 *et seq.* of this ~~chapter~~ code. Each person holding a permit shall pay the prescribed annual permit fee to the department pursuant to the rules promulgated under this section: *Provided*, That no person holding a permit for a home aerator of ~~six hundred~~ 600 gallons and under shall be required to pay an annual permit fee. The schedule of annual permit fees shall be designed to establish reasonable categories of annual permit fees based upon the relative potential of categories or permits to degrade the waters of the state: *Provided, however*, That no annual permit fee may exceed \$5,000. The secretary may declare any permit issued pursuant to this article void when the annual permit fee is more than ~~ninety~~ 90 days past due pursuant to the rules promulgated under this section. Voiding of the permit will only become effective upon the date the secretary mails, by certified mail, written notice to the permittee's last known address notifying the permittee that the permit has been voided.

(e) The secretary shall file a quarterly report with the Joint Committee on Government and Finance setting forth the fees established and collected pursuant to this section.

(f) On July 1, 2002, and each year thereafter, a \$1,000 fee shall be assessed for permit applications and renewals submitted pursuant to this article for surface coal mining operations, as defined in §22-3-1 *et seq.* of this code. On July 1, 2002, and each year thereafter, a \$500 fee shall be assessed for application for permit modifications submitted pursuant to this article for surface coal mining operations, as defined in §22-3-1 *et seq.* of this code. Beginning July 1, 2002 and every year thereafter, an annual permit fee shall be assessed on the issuance anniversary dates of all permits issued pursuant to this article for surface coal mining operations as defined in §22-3-1 *et seq.* of this code. The annual permit fee shall be collected as follows: ~~Five hundred dollars~~ \$500 for the fiscal year beginning on July 1, 2002, and \$1,000 for each fiscal year thereafter. For all other categories of permitting actions

pursuant to this article related to surface coal mining operations, the secretary shall propose for promulgation legislative rules in accordance with the provisions of §29A-1-1 et seq. of this code to establish a schedule of permitting fees.

ARTICLE 30. THE ABOVEGROUND STORAGE TANK ACT.

§22-30-3. Definitions.

For purposes of this article:

(1) ‘Aboveground storage tank’ or ‘tank’ or ‘AST’ means a device made to contain an accumulation of more than ~~one thousand three hundred twenty~~ 1,320 gallons of fluids that are liquid at standard temperature and pressure, which is constructed primarily of nonearthen materials, including concrete, steel, plastic, or fiberglass reinforced plastic, which provide structural support, more than ~~ninety percent~~ 90 percent of the capacity of which is above the surface of the ground, and includes all ancillary pipes and dispensing systems up to the first point of isolation. The term includes stationary devices which are permanently affixed, and mobile devices which remain in one location on a continuous basis for ~~three hundred sixty five~~ 365 or more days. A device meeting this definition containing hazardous waste subject to regulation under 40 C. F. R. Parts 264 and 265, exclusive of tanks subject to regulation under 40 C. F. R. § 265.201 is included in this definition but is not a regulated tank. Notwithstanding any other provision of this code to the contrary, the following categories of devices are not subject to the provisions of this article:

(A) Shipping containers that are subject to state or federal laws or regulations governing the transportation of hazardous materials, including, but not limited to, railroad freight cars subject to federal regulation under the Federal Railroad Safety Act, 49 U. S. C. §§20101-2015, as amended, including, but not limited to, federal regulations promulgated thereunder at 49 C. F. R. ~~Parts §§~~§§172, 173, or 174;

(B) Barges or boats subject to federal regulation under the United States Coast Guard, United States Department of Homeland Security, including, but not limited to, federal regulations promulgated at 33 C. F. R. 1, *et seq.* or subject to other federal law governing the transportation of hazardous materials;

(C) Swimming pools;

(D) Process vessels;

(E) Devices containing drinking water for human or animal consumption, surface water or groundwater, demineralized water, noncontact cooling water, or water stored for fire or emergency purposes;

(F) Devices containing food or food-grade materials used for human or animal consumption and regulated under the Federal Food, Drug and Cosmetic Act (21 U. S. C. §301-392);

(G) Except when located in a zone of critical concern, a device located on a farm, the contents of which are used exclusively for farm purposes and not for commercial distribution;

(H) Devices holding wastewater that is being actively treated or processed (e.g., clarifier, chlorine contact chamber, batch reactor, etc.);

(I) Empty tanks held in inventory or offered for sale;

(J) Pipeline facilities, including gathering lines, regulated under the Natural Gas Pipeline Safety Act of 1968 or the Hazardous Liquid Pipeline Safety Act of 1979, or an intrastate pipeline facility regulated by the West Virginia Public Service Commission or otherwise regulated under any state law comparable to the provisions of either the Natural Gas Pipeline Safety Act of 1968 or the Hazardous Liquid Pipeline Safety Act of 1979;

(K) Liquid traps, atmospheric and pressure vessels, or associated gathering lines related to oil or gas production and gathering operations;

(L) Electrical equipment such as transformers, circuit breakers, and voltage regulator transformers;

(M) Devices having a capacity of ~~two hundred ten~~ 210 barrels or less, containing brine water or other fluids produced in connection with hydrocarbon production activities, that are not located in a zone of critical concern; and

(N) Devices having a capacity of 10,000 gallons or less, containing sodium chloride or calcium chloride water for roadway snow and ice pretreatment, that are not located in a zone of critical concern: *Provided*, That all such devices exempted under subdivisions (M) and (N) of this subdivision must still meet the registration requirements contained in §22-30-4 of this code, the notice requirements contained in §22-30-10 of this code, and the signage requirements contained in §22-30-11 of this code.

(2) ‘Department’ means the West Virginia Department of Environmental Protection.

(3) ‘First point of isolation’ means the valve, pump, dispenser, or other device or equipment on or nearest to the tank where the flow of fluids into or out of the tank may be shut off manually or where it automatically shuts off in the event of a pipe or tank failure.

(4) ‘Nonoperational storage tank’ means an empty aboveground storage tank in which fluids will not be deposited or from which fluids will not be dispensed on or after the effective date of this article.

(5) ‘Operator’ means any person in control of, or having responsibility for, the daily operation of an aboveground storage tank.

(6) ‘Owner’ means a person who holds title to, controls, or owns an interest in an aboveground storage tank, including the owner immediately preceding the discontinuation of its use. ‘Owner’ does not mean a person who holds an interest in a tank for financial security unless the holder has taken possession of and operated the tank.

(7) ‘Person’, ‘persons’, or ‘people’ means any individual, trust, firm, owner, operator, corporation, or other legal entity, including the United States government, an interstate commission or other body, the state or any agency, board, bureau, office, department, or political subdivision of the state, but does not include the Department of Environmental Protection.

(8) ‘Process vessel’ means a tank that forms an integral part of a production process through which there is a steady, variable, recurring, or intermittent flow of materials during the operation of the process or in which a biological, chemical, or physical change in the material occurs. This does not include tanks used for storage of materials prior to their introduction into the production process or for the storage of finished products or by-products of the production process.

(9) ‘Public groundwater supply source’ means a primary source of water supply for a public water system which is directly drawn from a well, underground stream, underground reservoir, underground mine, or other primary sources of water supplies which are found underneath the surface of the state.

(10) ‘Public surface water supply source’ means a primary source of water supply for a public water system which is directly drawn from rivers, streams, lakes, ponds, impoundments, or other primary sources of water supplies which are found on the surface of the state.

(11) ‘Public surface water influenced groundwater supply source’ means a source of water supply for a public water system which is directly drawn from an underground well, underground river or stream, underground reservoir, or underground mine, and the quantity and quality of the water in that underground supply source is heavily influenced, directly or indirectly, by the quantity and quality of surface water in the immediate area.

(12) ‘Public water system’ means:

(A) Any water supply or system which regularly supplies or offers to supply water for human consumption through pipes or

other constructed conveyances, if serving at least an average of ~~twenty five~~ 25 individuals per day for at least ~~sixty~~ 60 days per year, or which has at least ~~fifteen~~ 15 service connections, and shall include:

(i) Any collection, treatment, storage, and distribution facilities under the control of the owner or operator of the system and used primarily in connection with the system; and

(ii) Any collection or pretreatment storage facilities not under such control which are used primarily in connection with the system.

(B) A public water system does not include a bathhouse located on coal company property solely for the use of its employees or a system which meets all of the following conditions:

(i) Consists only of distribution and storage facilities (and does not have any collection and treatment facilities);

(ii) Obtains all of its water from, but is not owned or operated by, a public water system which otherwise meets the definition;

(iii) Does not sell water to any person; and

(iv) Is not a carrier conveying passengers in interstate commerce.

(13) ‘Regulated level 1 aboveground storage tank’ or ‘level 1 regulated tank’ means:

(A) An AST located within a zone of critical concern, source water protection area, public surface water influenced groundwater supply source area, or any AST system designated by the secretary as a level 1 regulated tank; or

(B) An AST that contains substances defined in section 101(14) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) as a ‘hazardous substance’ (42 U. S. C. § 9601(14)); or is on EPA’s Consolidated List of Chemicals Subject to the Emergency Planning and

Community Right to Know Act (EPCRA), CERCLA, and §112(r) of the Clean Air Act (CAA) (known as the List of Lists) as provided by 40 C. F. R. §§ 355, 372, 302, and 68) in a concentration of one percent or greater, regardless of the AST's location, except ASTs containing petroleum are not level 1 regulated tanks based solely upon containing constituents recorded on the CERCLA lists; or

(C) An AST with a capacity of 50,000 gallons or more, regardless of its contents or location.

(14) 'Regulated level 2 aboveground storage tank' or 'level 2 regulated tank' means an AST that is located within a zone of peripheral concern that is not a level 1 regulated tank.

(15) 'Regulated aboveground storage tank' or 'regulated tank' means an AST that meets the definition of a level 1 or level 2 regulated tank.

(16) 'Release' means any spilling, leaking, emitting, discharging, escaping, or leaching of fluids from an aboveground storage tank into the waters of the state or escaping from secondary containment.

(17) 'Secondary containment' means a safeguard applied to one or more aboveground storage tanks that prevents the discharge into the waters of the state of the entire capacity of the largest single tank and sufficient freeboard to contain precipitation. In order to qualify as secondary containment, the barrier and containment field must be sufficiently impervious to contain fluids in the event of a release, and may include double-walled tanks, dikes, containment curbs, pits, or drainage trench enclosures that safely confine the release from a tank in a facility catchment basin or holding pond. Earthen dikes and similar containment structures must be designed and constructed to contain, for a minimum of ~~seventy-two~~ 72 hours, fluid that escapes from a tank.

(18) 'Secretary' means the Secretary of the Department of Environmental Protection, or his or her designee.

(19) 'Source water protection area' for a public groundwater supply source is the area within an aquifer that supplies water to a

public water supply well within a five-year time of travel; and is determined by the mathematical calculation of the locations from which a drop of water placed at the edge of the protection area would theoretically take five years to reach the well.

(20) 'Zone of critical concern' for a public surface water supply source and for a public surface water influenced groundwater supply source is a corridor along streams within a watershed that warrants detailed scrutiny due to its proximity to the surface water intake and the intake's susceptibility to potential contaminants within that corridor. The zone of critical concern is determined using a mathematical model that accounts for stream flows, gradient and area topography. The length of the zone of critical concern is based on a five-hour time of travel of water in the streams to the intake. The width of the zone of critical concern is ~~one thousand~~ 1,000 feet measured horizontally from each bank of the principal stream and ~~five hundred~~ 500 feet measured horizontally from each bank of the tributaries draining into the principal stream.

(21) 'Zone of peripheral concern' for a public surface water supply source and for a public surface water influenced groundwater supply source is a corridor along streams within a watershed that warrants scrutiny due to its proximity to the surface water intake and the intake's susceptibility to potential contaminants within that corridor. The zone of peripheral concern is determined using a mathematical model that accounts for stream flows, gradient, and area topography. The length of the zone of peripheral concern is based on an additional five-hour time of travel of water in the streams beyond the perimeter of the zone of critical concern, which creates a protection zone of ~~ten~~ 10 hours above the water intake. The width of the zone of peripheral concern is ~~one thousand~~ 1,000 feet measured horizontally from each bank of the principal stream and ~~five hundred~~ 500 feet measured horizontally from each bank of the tributaries draining into the principal stream.

§22-30-24. Powers and duties of secretary.

(a) In addition to the powers and duties prescribed in this chapter or otherwise provided by law, the secretary has the

exclusive authority to perform all acts necessary to implement this article.

(b) The secretary may receive and expend money from the federal government or any other sources to implement this article.

(c) The secretary may revoke any registration or certificate to operate for a significant violation of this article or the rules promulgated hereunder.

(d) The secretary may issue orders, assess civil penalties, institute enforcement proceedings, and prosecute violations of this article as necessary.

(e) The secretary, in accordance with this article, may order corrective action to be undertaken, take corrective action, or authorize a third party to take corrective action.

(f) The secretary may recover the costs of taking corrective action, including costs associated with authorizing third parties to perform corrective action. Costs may not include routine inspection and administrative activities not associated with a release.

(g) The secretary shall promulgate for review and consideration by the West Virginia Legislature in the regular session of the Legislature, 2020, legislative rules to incorporate the relevant provisions of this article in the Groundwater Protection Rules for Coal Mining, 38 CSR 2F, for tanks and devices located at coal mining operations.

CHAPTER 22A. MINERS' HEALTH, SAFETY, AND TRAINING.

ARTICLE 1. OFFICE OF MINERS' HEALTH, SAFETY, AND TRAINING; ADMINISTRATION; ENFORCEMENT.

§22A-1-21. Penalties.

(a) (1) Any operator of a coal mine in which a violation of any health or safety rule occurs or who violates any other provisions of

this chapter shall be assessed a civil penalty by the director under subdivision (3) of this subsection, which shall be not more than \$5,000, for each violation, unless the director determines that it is appropriate to impose a special assessment for the violation, pursuant to the provisions of subdivision (2), subsection (b) of this section. Each violation constitutes a separate offense. In determining the amount of the penalty, the director shall consider the operator's history of previous violations, whether the operator was negligent, the appropriateness of the penalty to the size of the business of the operator charged, the gravity of the violation, and the demonstrated good faith of the operator charged in attempting to achieve rapid compliance after notification of a violation.

(2) Revisions to the assessment of civil penalties shall be proposed as legislative rules in accordance with the provisions of §29A-3-1 *et seq.* of this code.

(3) Any miner who knowingly violates any health or safety provision of this chapter or health or safety rule promulgated pursuant to this chapter is subject to a civil penalty assessed by the director under subdivision (4) of this subsection which shall not be more than \$250 for each occurrence of the violation. Any miner issued a violation under this subsection shall either appeal the violation or pay the civil penalty within 30 days after receipt of the violation. Any violation not appealed or paid within 30 days shall become delinquent.

Any civil penalty that becomes delinquent on or after July 1, 2019, and has not been paid shall be deemed a failure by the miner to perform a duty mandated pursuant to this article for purposes of §22A-1-31 of this code.

(4) A civil penalty under subdivision (1) or (2), subsection (a) of this section or subdivision (1) or (2), subsection (b) of this section shall be assessed by the director only after the person charged with a violation under this chapter or rule promulgated pursuant to this chapter has been given an opportunity for a public hearing and the director has determined, by a decision incorporating the director's findings of fact in the decision, that a violation did occur and the amount of the penalty which is

warranted and incorporating, when appropriate, an order in the decision requiring that the penalty be paid. Any hearing under this section shall be of record.

(5) If the person against whom a civil penalty is assessed fails to pay the penalty within the time prescribed in the order, the director may file a petition for enforcement of the order in any appropriate circuit court. The petition shall designate the person against whom the order is sought to be enforced as the respondent. A copy of the petition shall immediately be sent by certified mail, return receipt requested, to the respondent and to the representative of the miners at the affected mine or the operator, as the case may be. The director shall certify and file in the court the record upon which the order sought to be enforced was issued. The court has jurisdiction to enter a judgment enforcing, modifying and enforcing as modified, or setting aside, in whole or in part, the order and decision of the director or it may remand the proceedings to the director for any further action it may direct. The court shall consider and determine de novo all relevant issues, except issues of fact which were or could have been litigated in review proceedings before a circuit court under §22A-1-20 of this code and, upon the request of the respondent, those issues of fact which are in dispute shall be submitted to a jury. On the basis of the jury's findings the court shall determine the amount of the penalty to be imposed. Subject to the direction and control of the Attorney General, attorneys appointed for the director may appear for and represent the director in any action to enforce an order assessing civil penalties under this subdivision.

(b) (1) Any operator who knowingly violates a health or safety provision of this chapter or health or safety rule promulgated pursuant to this chapter, or knowingly violates or fails or refuses to comply with any order issued under §22A-1-15 of this ~~article~~ code, or any order incorporated in a final decision issued under this article, except an order incorporated in a decision under §22A-1-22(a) or §22A-1-22(b) of this ~~article~~ code, shall be assessed a civil penalty by the director under subdivision (5), subsection (a) of this section of not more than \$5,000 and for a second or subsequent violation assessed a civil penalty of not more than \$10,000, unless

the director determines that it is appropriate to impose a special assessment for the violation, pursuant to the provisions of subdivision (2) of this subsection.

(2) In lieu of imposing a civil penalty pursuant to the provisions of subsection (a) of this section or subdivision (1) of this subsection, the director may impose a special assessment if an operator violates a health or safety provision of this chapter or health or safety rule promulgated pursuant to this chapter and the violation is of serious nature and involves one or more of the following by the operator:

(A) Violations involving fatalities and serious injuries;

(B) Failure or refusal to comply with any order issued under §22A-1-15 of this code;

(C) Operation of a mine in the face of a closure order;

(D) Violations involving an imminent danger;

(E) Violations involving an extraordinarily high degree of negligence or gravity or other unique aggravating circumstances;
or

(F) A discrimination violation under §22A-1-22 of this code.

In situations in which the director determines that there are factors present which would make it appropriate to impose a special assessment, the director shall assess a civil penalty of at least \$5,000 and not more than \$10,000.

(c) Whenever a corporate operator knowingly violates a health or safety provision of this chapter or health or safety rules promulgated pursuant to this chapter, or knowingly violates or fails or refuses to comply with any order issued under this law or any order incorporated in a final decision issued under this law, except an order incorporated in a decision issued under §22A-1-22(a) or §22A-1-22(b) of this ~~article~~ code, any director, officer, or agent of the corporation who knowingly authorized, ordered or carried out the violation, failure or refusal is subject to the same civil penalties

that may be imposed upon a person under subsections (a) and (b) of this section.

(d) Whoever knowingly makes any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to this law or any order or decision issued under this law is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$10,000 or confined in jail not more than one year, or both fined and confined. The conviction of any person under this subsection shall result in the revocation of any certifications held by the person under this chapter which certified or authorized the person to direct other persons in coal mining by operation of law and bars that person from being issued any license under this chapter, except a miner's certification, for a period of not less than one year or for a longer period as may be determined by the director.

(e) Whoever willfully distributes, sells, offers for sale, introduces, or delivers in commerce any equipment for use in a coal mine, including, but not limited to, components and accessories of the equipment, who willfully misrepresents the equipment as complying with the provisions of this law, or with any specification or rule of the director applicable to the equipment, and which does not comply with the law, specification or rule, is guilty of a misdemeanor and, upon conviction thereof, is subject to the same fine and confinement that may be imposed upon a person under subsection (d) of this section.

(f) Any person who willfully violates any safety standard pursuant to this chapter or a rule promulgated thereunder that causes a fatality or who willfully orders or carries out such violation that causes a fatality is guilty of a felony and, upon conviction thereof, shall be fined not more than \$10,000 or confined in a state correctional facility not less than one year and not more than five years, or both fined and ~~imprisoned~~ confined.

(g) There is continued in the Treasury of the State of West Virginia a Special Health, Safety and Training Fund. All civil penalty assessments collected under this section shall be collected

by the director and deposited with the Treasurer of the State of West Virginia to the credit of the Special Health, Safety and Training Fund. The fund shall be used by the director who is authorized to expend the moneys in the fund for the administration of this chapter.

§22A-1-35. Mine rescue teams.

(a) The operator shall provide mine rescue coverage at each active underground mine.

(b) Mine rescue coverage may be provided by:

(1) Establishing at least two mine rescue teams which are available at all times when miners are underground; or

(2) Entering into an arrangement for mine rescue services which assures that at least two mine rescue teams are available at all times when miners are underground.

(3) A West Virginia Office of Miners' Health, Safety, and Training Mine Rescue Team ~~may~~ shall serve as a second or backup team for mines within the state and qualify as one of the two teams required under subdivision (1) of this subsection and in accordance with 30 CFR, Part 49.20(4) for all mines with no backup team available within a one-hour drive to the mine. The operator shall contact the office and ~~obtain the state's agreement to serve as a backup team in the form of a written notification signed by the director and this notification shall be kept posted at the mine~~ notify them of the need for mine rescue services beginning July 1, 2019. The director shall utilize surplus funds from the West Virginia Office of Miners' Health, Safety, and Training's special revenue fund to provide backup mine rescue services.

(c) As used in this section, mine rescue teams shall be considered available where teams are capable of presenting themselves at the mine site(s) within a reasonable time after notification of an occurrence which might require their services. Rescue team members will be considered available even though performing regular work duties or while in an off-duty capacity. The requirement that mine rescue teams be available does not apply

when teams are participating in mine rescue contests or providing rescue services to another mine.

(d) In the event of a fire, explosion, or recovery operations in or about any mine, the director is hereby authorized to assign any mine rescue team to said mine to protect and preserve life and property. The director may also assign mine rescue and recovery work to inspectors, instructors, or other qualified employees of the office as he or she deems necessary.

(e) The ground travel time between any mine rescue station and any mine served by that station shall not exceed two hours. To ensure adequate rescue coverage for all underground mines, no mine rescue station may provide coverage for more than ~~seventy~~ 70 mines within the two-hour ground travel limit as defined in this subsection.

(f) Each mine rescue team shall consist of five members and one alternate, who are fully qualified, trained, and equipped for providing emergency mine rescue service. Each mine rescue team shall be trained by a state certified mine rescue instructor.

(g) Each member of a mine rescue team must have been employed in an underground mine for a minimum of one year. For the purpose of mine rescue work only, miners who are employed on the surface but work regularly underground meet the experience requirement. The underground experience requirement is waived for those members of a mine rescue team on the effective date of this statute.

(h) An applicant for initial mine rescue training shall pass, on at least an annual basis, a physical examination by a licensed physician certifying his or her fitness to perform mine rescue work. A record that such examination was taken, together with pertinent data relating thereto, shall be kept on file by the operator and a copy shall be furnished to the director.

(i) Upon completion of the initial training, all mine rescue team members shall receive at least ~~forty~~ 40 hours of refresher training annually. This training shall be given at least four hours each

month, or for a period of eight hours every two months, and shall include:

(1) Sessions underground at least once every six months;

(2) The wearing and use of a breathing apparatus by team members for a period of at least two hours, while under oxygen, once every two months;

(3) Where applicable, the use, care, capabilities, and limitations of auxiliary mine rescue equipment, or a different breathing apparatus; and

(4) Mine map training and ventilation procedures.

(j) When engaged in rescue work required by an explosion, fire, or other emergency at a mine, all members of mine rescue teams assigned to rescue operations shall, during the period of their rescue work, be employees of the operator of the mine where the emergency exists, and shall be compensated by the operator at the rate established in the area for such work. In no case shall this rate be less than the prevailing wage rate in the industry for the most skilled class of inside mine labor. During the period of their emergency employment, members of mine rescue teams shall be protected by the workers' compensation subscription of the mine operator.

(k) During the recovery work and prior to entering any mine at the start of each shift, all rescue or recovery teams shall be properly informed of existing conditions and work to be performed by the designated company official in charge.

(1) For every two teams performing rescue or recovery work underground, one six-member team shall be stationed at the mine portal.

(2) Each rescue or recovery team performing work with a breathing apparatus shall be provided with a backup team of equal number, stationed at each fresh air base.

(3) The mine operator shall provide two-way communication and a lifeline or its equivalent at each fresh air base for all mine rescue or recovery teams and no mine rescue team member shall advance more than 1,000 feet in by the fresh air base: *Provided*, That if a life may possibly be saved and existing conditions do not create an unreasonable hazard to mine rescue team members, the rescue team may advance a distance agreed upon by those persons directing the mine rescue or recovery operations: *Provided, however*, That the mine operator shall provide a lifeline or its equivalent in each fresh air base for all mine rescue or recovery teams.

(4) A rescue or recovery team shall immediately return to the fresh air base when the atmospheric pressure of any member's breathing apparatus depletes to ~~sixty~~ 60 atmospheres, or its equivalent.

(1) Mine rescue stations shall provide a centralized storage location for rescue equipment. This storage location may be either at the mine site, affiliated mines, or a separate mine rescue structure. All mine rescue teams shall be guided by the mine rescue apparatus and auxiliary equipment manual. Each mine rescue station shall be provided with at least the following equipment:

(1) Twelve self-contained oxygen breathing apparatuses, each with a minimum of two hours capacity, and any necessary equipment for testing such breathing apparatuses;

(2) A portable supply of liquid air, liquid oxygen, pressurized oxygen, oxygen generating or carbon dioxide absorbent chemicals, as applicable to the supplied breathing apparatuses and sufficient to sustain each team for six hours while using the breathing apparatuses during rescue operations;

(3) One extra, fully charged, oxygen bottle for each self-contained compressed oxygen breathing apparatus, as required under subdivision (1) of this subsection;

(4) One oxygen pump or a cascading system, compatible with the supplied breathing apparatuses;

(5) Twelve permissible cap lamps and a charging rack;

(6) Two gas detectors appropriate for each type of gas which may be encountered at the mines served;

(7) Two oxygen indicators;

(8) One portable mine rescue communication system or a sound-powered communication system. The wires or cable to the communication system shall be of sufficient tensile strength to be used as a manual communication system. The communication system shall be at least ~~one thousand~~ 1,000 feet in length; and

(9) Necessary spare parts and tools for repairing the breathing apparatuses and communication system, as presently prescribed by the manufacturer.

(m) Mine rescue apparatuses and equipment shall be maintained in a manner that will ensure readiness for immediate use. A person trained in the use and care of breathing apparatuses shall inspect and test the apparatuses at intervals not exceeding ~~thirty~~ 30 days and shall certify by signature and date that the inspections and tests were done. When the inspection indicates that a corrective action is necessary, the corrective action shall be made and recorded by said person. The certification and corrective action records shall be maintained at the mine rescue station for a period of one year and made available on request to an authorized representative of the director.

(n) Authorized representatives of the director have the right of entry to inspect any designated mine rescue station.

(o) When an authorized representative finds a violation of any of the mine rescue requirements, the representative shall take appropriate corrective action in accordance with §22A-1-15 of this ~~article~~ code.

(p) Operators affiliated with a station issued an order by an authorized representative will be notified of that order and that their mine rescue program is invalid. The operators shall have ~~twenty-~~

~~four~~ 24 hours to submit to the director a revised mine rescue program.

(q) Every operator of an underground mine shall develop and adopt a mine rescue program for submission to the director within ~~thirty~~ 30 days of the effective date of this statute: *Provided*, That a new program need only be submitted when conditions exist as defined in subsection (p) of this section, or when information contained within the program has changed.

(r) A copy of the mine rescue program shall be posted at the mine and kept on file at the operator's mine rescue station or rescue station affiliate and the state regional office where the mine is located. A copy of the mine emergency notification plan filed pursuant to 30 CFR §49.9(a) will satisfy the requirements of subsection (q) of this section if submitted to the director.

(s) The operator shall immediately notify the director of any changed conditions materially affecting the information submitted in the mine rescue program.

§22A-1-43. Hold harmless clause; decision to enter mine.

(a) If any injury or death shall occur to any person who has entered any mine, whether active workings, inactive workings, or abandoned workings, without permission, neither:

(1) The owner of that mine or property; nor

(2) The State of West Virginia or any of its political subdivisions, or any agency operating under color of law thereunder; nor

(3) Any person, organization, or entity involved in any rescue or attempted rescue of such person who has committed an entry without permission, shall be held liable in any court or other forum for such injury or death.

(b) The director is authorized to make the decision on whether a mine is too dangerous, and this decision is not subject to review by a court of this state.

(c) A company shall not be required or ordered to conduct rescue operations.

§22A-1-44. Temporary exemption for environmental regulations.

In the event of an unauthorized entry by any person or persons into any mine whether active workings, inactive workings, or abandoned workings, neither the owner of that mine or property, nor any other person, organization, or entity involved in any rescue or attempted rescue of such person, may be held liable for any violation of any environmental regulation, if such violation occurred as part of any rescue efforts.

ARTICLE 1A. OFFICE OF MINERS' HEALTH, SAFETY, AND TRAINING; ADMINISTRATION; SUBSTANCE ABUSE.

§22A-1A-1. Substance abuse screening; minimum requirements; standards and procedures for screening.

(a) Every employer of certified persons, as defined in §22A-1-2 of this ~~chapter~~ code, shall implement a substance abuse screening policy and program that shall, at a minimum, include:

(1) A preemployment, ~~ten~~ 10-panel urine test for the following and any other substances as set out in rules adopted by the Office of Miners' Health, Safety, and Training:

- (A) Amphetamines;
- (B) Cannabinoids/THC;
- (C) Cocaine;
- (D) Opiates;
- (E) Phencyclidine (PCP);
- (F) Benzodiazepines;
- (G) Propoxyphene;

- (H) Methadone;
- (I) Barbiturates; and
- (J) Synthetic narcotics.

Split samples shall be collected by providers who are certified as complying with standards and procedures set out in the United States Department of Transportation's rule, 49 C. F. R. Part 40, which may be amended, from time to time, by legislative rule of the Office of Miners' Health, Safety, and Training. Collected samples shall be tested by laboratories certified by the United States Department of Health and Human Services, Substance Abuse and Mental Health Services Administration (SAMHSA) for collection and testing. Notwithstanding the provisions of this subdivision, the mine operator may implement a more stringent substance abuse screening policy and program;

(2) A random substance abuse testing program covering the substances referenced in subdivision (1) of this subsection. 'Random testing' means that each person subject to testing has a statistically equal chance of being selected for testing at random and at unscheduled times. The selection of persons for random testing shall be made by a scientifically valid method, such as a random number table or a computer-based random number generator that is matched with the persons' Social Security numbers, payroll identification numbers, or other comparable identifying numbers; and

(3) Review of the substance abuse screening program with all persons required to be tested at the time of employment, upon a change in the program and annually thereafter.

(b) For purposes of this subsection, preemployment testing shall be required upon hiring by a new employer, rehiring by a former employer following a termination of the employer/employee relationship or transferring to a West Virginia mine from an employer's out-of-state mine to the extent that any substance abuse test required by the employer in the other jurisdiction does not comply with the minimum standards for

substance abuse testing required by this article. Furthermore, the provisions of this section apply to all employers that employ certified persons who work in mines, regardless of whether that employer is an operator, contractor, subcontractor or otherwise.

(c) Any employee involved in an accident that results in physical injuries or damage to equipment or property may be subject to a drug test by his or her employer.

~~(e)~~ (d) (1) Every employer shall notify the director, on a form prescribed by the director, within seven days of any of the following:

(A) ~~A Any positive drug or alcohol test of a certified person, whether it be a preemployment test, random test, reasonable suspicion test or post-accident test.~~ However, for purposes of determining whether a drug test is positive the certified employee may not rely on a prescription dated more than one year prior to the date of the drug test result;

(B) The refusal of a certified person to submit a sample;

(C) A certified person possessing a substituted sample or an adulterated sample; or

(D) A certified person submitting a substituted sample or an adulterated sample.

(2) With respect to any certified person subject to a collective bargaining agreement, the employer shall notify the director, on a form prescribed by the director, within seven days of any of the following:

(A) ~~A Any positive drug or alcohol test of a certified person, whether it be a preemployment test, random test, reasonable suspicion test or post-accident test.~~ However, for purposes of determining whether a drug test is positive the certified employee may not rely on a prescription dated more than one year prior to the date of the drug test result;

(B) The refusal of a certified person to submit a sample;

(C) A certified person possessing a substituted sample or an adulterated sample; or

(D) A certified person submitting a substituted sample or an adulterated sample.

(3) When the employer submits the completed notification form prescribed by the director, the employer shall also submit a copy of the laboratory test results showing the substances tested for and the results of the test.

(4) Notice shall result in the immediate temporary suspension of all certificates held by the certified person who failed the screening, pending a hearing before the board of appeals pursuant to §22A-1-2 of this ~~article~~ code.

~~(d)~~ (e) Suspension or revocation of a certified person's certificate as a miner or other miner specialty in another jurisdiction by the applicable regulatory or licensing authority for substance abuse-related matters shall result in the director's immediately and temporarily suspending the certified person's West Virginia certificate until such time as the certified person's certification is reinstated in the other jurisdiction.

~~(e)~~ (f) The provisions of this article shall not be construed to preclude an employer from developing or maintaining a drug and alcohol abuse policy, testing program, or substance abuse program that exceeds the minimum requirements set forth in this section. The provisions of this article shall also not be construed to require an employer to alter, amend, revise or otherwise change, in any respect, a previously established substance abuse screening policy and program that meets or exceeds the minimum requirements set forth in this section. The provisions of this article shall require an employer to subject its employees who as part of their employment are regularly present at a mine and who are employed in a safety-sensitive position to preemployment and random substance abuse tests: *Provided*, That each employer shall retain the discretion to establish the parameters of its substance abuse screening policy and program so long as it meets the minimum requirements of this article. For purposes of this section, a 'safety-sensitive position'

means an employment position where the employee's job responsibilities include duties and activities that involve the personal safety of the employee or others working at a mine.

§22A-1A-2. Board of Appeals hearing procedures.

(a) Any hearing conducted after the temporary suspension of a certified person's certificate pursuant to this article, shall be conducted within ~~sixty~~ 60 days of the temporary suspension. The Board of Appeals shall make every effort to hold the hearing within ~~forty~~ 40 days of the temporary suspension.

(b) All hearings of the Board of Appeals pursuant to this section shall be conducted in accordance with the provisions of §22A-1-31 of this ~~chapter~~ code. In addition to the rules and procedures in §22A-1-31 of this ~~chapter~~ code in hearings under this section, the Board of Appeals may accept as evidence a notarized affidavit of drug testing procedures and results from a Medical Review Officer (MRO) in lieu of live testimony by the MRO. If the Board of Appeals desires testimony in lieu of a notarized affidavit, the MRO may testify under oath telephonically or by an Internet-based program in lieu of physically attending the hearing. The Board of Appeals may suspend the certificate or certificates of a certified person for violation of this article or for any other violation of this chapter pertaining to substance abuse. The Board of Appeals may impose further disciplinary actions for repeat violations. The director shall have the authority to propose legislative rules for promulgation in accordance with §29A-3-1 *et seq.* of this code to establish the disciplinary actions referenced in this section following the receipt of recommendations from the Board of Coal Mine Health and Safety following completion of the study required pursuant to §22A-6-14 of this ~~chapter~~ code. The legislative rules authorized by this subsection shall not, however, include any provisions requiring an employer to take or refrain from taking any specific personnel action or mandating any employer to establish or maintain an employer-funded substance abuse rehabilitation program.

(c) No person whose certification is suspended or revoked under this section may perform any duties under any other

certification issued under this chapter; during the period of the suspension imposed by the Board of Appeals. For all miners determined to have a positive drug or alcohol test as determined pursuant to the provisions of this article, the board shall suspend the miner's certification card(s) for a minimum of six months from the date of the drug test. This six-month minimum suspension shall also apply to miners who enter into a treatment program after testing positive in a drug test administered pursuant to the provisions of this article and are placed under probationary treatment and testing agreements by the board. The director shall promulgate an emergency rule and legislative rule by July 1, 2019, requiring all miners who have a positive drug or alcohol test shall have their miner certification card(s) suspended for a minimum of six months.

(d) Any party adversely affected by a final order or decision issued by the Board of Appeals hereunder is entitled to judicial review thereof pursuant to §29A-5-4 of this code.

ARTICLE 2. UNDERGROUND MINES.

§22A-2-2. Submittal of detailed ventilation plan to director.

~~(a) A mine operator shall submit a detailed ventilation plan and any addenda to the director for review and comment. The mine operator shall review the plan with the director and address concerns to the extent practicable. The operator shall deliver to the miners' representative employed by the operator at the mine, if any, a copy of the operator's proposed annual ventilation plan at least 10 days prior to the date of submission. The miners' representative, if any, shall be afforded the opportunity to submit written comments to the operator prior to such submission; in addition, the miners' representative, if any, may submit written comments to the director. The director shall submit any concern that is not addressed to the United States Department of Labor Mine Safety and Health Administration (MSHA) through comments to the plan. The mine operator shall provide a copy of the plan to the director 10 days prior to the submittal of the plan to MSHA. The MSHA approved plan shall serve as the state approved plan: Provided, That the~~

~~MSHA-approved plan shall comply with all provisions of state mining law as set forth in state code or code of state rules.~~

~~(b) (a)~~ The A mine operator shall give the director a copy of the MSHA United States Department of Labor's Mine Safety and Health Administration (MSHA)-approved plan and any addenda as soon as the operator receives the approval from MSHA. The MSHA-approved plan shall serve as the state-approved plan: *Provided*, That the MSHA-approved plan shall comply with all provisions of state mining law as set forth in this code or state rules.

~~(e) (b)~~ In the event of an unforeseen situation requiring immediate action on a plan revision, the operator shall submit the proposed revision to the director and the miners' representative, if any, employed by the operator at the mine when the proposed revision is submitted to MSHA. The director shall work with the operator to review and comment on the proposed plan revision to MSHA as quickly as possible.

~~(d) (c)~~ Upon approval by MSHA, the plan is enforceable by the director. The approved plan and all revisions and addenda thereto shall be posted on the mine bulletin board and made available for inspection by the miners at that mine for the period of time that they are in effect.

§22A-2-12. Instruction of employees and supervision of apprentices; annual examination of persons using approved methane-detecting devices; records of examination; maintenance of methane detectors, etc.

(a) The Office of Miners' Health, Safety, and Training shall prescribe and establish a course of instruction in mine safety and particularly in dangers incident to employment in mines and in mining laws and rules, which course of instruction shall be successfully completed within ~~twelve~~ 12 weeks after any person is first employed as a miner. It is further the duty and responsibility of the Office of Miners' Health, Safety, and Training to see that the course is given to all persons as above provided after their first being employed in any mine in this state. In addition to other enforcement actions available to the director, upon a finding by the

director of the existence of a pattern of conduct creating a hazardous condition at a mine, the director shall notify the ~~Board of Miners' Training, Education and Certification~~ Board of Coal Mine Health and Safety, which shall cause additional training to occur at the mine addressing such safety issue or issues identified by the director, pursuant to §22A-7-1 *et seq.* of this ~~chapter~~ code. The Director of the Office of Miners' Health, Safety, and Training is authorized to promulgate emergency and legislative rules establishing a course of instruction.

(b) It is the duty of the mine foreman or the assistant mine foreman of every coal mine in this state to see that every person employed to work in the mine is, before beginning work therein, instructed in the particular danger incident to his or her work in the mine, and furnished a copy of the mining laws and rules of the mine. It is the duty of every mine operator who employs apprentices, as that term is used in §22A-8-3 and §22A-8-4 of this ~~chapter~~ code to ensure that the apprentices are effectively supervised with regard to safety practices and to instruct apprentices in safe mining practices. Every apprentice shall work under the direction of the mine foreman or his or her assistant mine foreman and they are responsible for his or her safety. The mine foreman or assistant mine foreman may delegate the supervision of an apprentice to an experienced miner, but the foreman and his or her assistant mine foreman remain responsible for the apprentice. During the first ~~one hundred twenty~~ 120 days of employment in a mine, the apprentice shall work within sight and sound of the mine foreman, assistant mine foreman, or an experienced miner, and in a location that the mine foreman, assistant mine foreman, or experienced miner can effectively respond to cries for help of the apprentice; Provided, That if the apprentice has completed an approved training program as certified by the Board of Coal Mine Health and Safety, this period may be reduced by an amount not to exceed 30 days. The location shall be on the same side of any belt, conveyor, or mining equipment.

(c) Persons whose duties require them to use an approved methane-detecting device or other approved methane detectors shall be examined at least annually as to their competence by a

qualified official from the Office of Miners' Health, Safety, and Training and a record of the examination shall be kept by the operator and the office. Approved methane-detecting devices and other approved methane detectors shall be given proper maintenance and shall be tested before each working shift. Each operator shall provide for the proper maintenance and care of the permissible approved methane-detecting device or any other approved device for detecting methane and oxygen deficiency by a person trained in the maintenance, and, before each shift, care shall be taken to ensure that the approved methane-detecting device or other device is in a permissible condition and maintained according to manufacturer's specifications.

§22A-2-13. Daily inspection of working places; records.

Before the beginning of any shift upon which they shall perform supervisory duties, the mine foreman or his or her assistant shall review carefully and countersign all books and records reflecting the conditions and the areas under their supervision, exclusive of equipment logs, which the operator is required to keep under this chapter. The mine foreman, assistant mine foreman, or fire boss shall visit and carefully examine each working place in which miners will be working at the beginning of each shift before any face equipment is energized and shall examine each working place in the mine at least once every two hours each shift while such miners are at work in such places, and shall direct that each working place shall be secured by props, timbers, roof bolts, or other approved methods of roof support or both where necessary to the end that the working places shall be made safe. The mine foreman or his or her assistants upon observing a violation or potential violation of §22A-2-1 *et seq.* of this ~~chapter~~ code or any regulation or any plan or agreement promulgated or entered into thereunder shall arrange for the prompt correction thereof. The foreman shall not permit any miner other than a certified foreman, fire boss, assistant mine foreman, assistant mine foreman-fire boss or pumper to be on a working section by himself or herself. Should the mine foreman or his or her assistants find a place to be in a dangerous condition, they shall not leave the place until it is made

safe; or shall remove the persons working therein until the place is made safe by some competent person designated for that purpose.

He or she shall place his or her initials, time and the date at or near each place he or she examines. He or she shall also record any dangerous conditions and practices found during his or her examination in a book provided for that purpose.

Notwithstanding any other law to the contrary, the director may use any data collected from a tracking device as evidence that a person designated to perform daily examinations under this section neglected or failed to perform a duty mandated by this section under §22A-1-31 of this code and may decertify any miner who is found to have failed to perform his or her duties.

§22A-2-80. Existing regulations to be revised.

By August 31, 2019, all existing rules or regulations under authority of this article shall be revised to reflect the changes enacted during the 2019 Regular Session of the Legislature.

ARTICLE 8. CERTIFICATION OF UNDERGROUND AND SURFACE COAL MINERS.

§22A-8-5. Supervision of apprentices.

Each holder of a permit of apprenticeship shall be known as an apprentice. Any miner holding a certificate of competency and qualification may have one person working with him or her, and under his or her supervision and direction, as an apprentice, for the purpose of learning and being instructed in the duties and calling of mining. Any mine foreman or fire boss, or assistant mine foreman or fire boss, may have three persons working with him or her under his or her supervision and direction, as apprentices, for the purpose of learning and being instructed in the duties and calling of mining: *Provided*, That a mine foreman, assistant mine foreman, or fire boss supervising apprentices in an area where no coal is being produced or which is outby the working section may have as many as five apprentices under his or her supervision and direction, as apprentices, for the purpose of learning and being instructed in the duties and calling of mining or where the operator

is using a production section under program for training of apprentice miners, approved by the ~~Board of Miner Training, Education and Certification~~ Board of Coal Mine Health and Safety.

Every apprentice working at a surface mine shall be at all times under the supervision and control of at least one person who holds a certificate of competency and qualification.

In all cases, it is the duty of every mine operator who employs apprentices to ensure that such persons are effectively supervised and to instruct such persons in safe mining practices. Each apprentice shall wear a red hat which identifies the apprentice as such while employed at or near a mine. No person shall be employed as an apprentice for a period in excess of eight months, except that in the event of illness or injury, time extensions shall be permitted as established by the Director of the Office of Miners' Health, Safety, and Training.

§22A-8-10. Loss of certification for unlawful trespass.

Upon a conviction under the provisions of §61-3B-6 of this code, the certification of any person certified under the provision of §22A-8-1 et seq. of this code, including a safety sensitive certification issued pursuant to 56 CSR 19, shall be deemed revoked and person shall be permanently barred from holding a certification under the provisions of §22A-8-1 et seq. of this code.

CHAPTER 61. CRIMES AND THEIR PUNISHMENT.

ARTICLE 3. CRIMES AGAINST PROPERTY.

§61-3-12. Entry of building other than dwelling; entry of railroad, traction or motorcar, steamboat, or other vessel; penalties; counts in indictment.

If any person shall, at any time, break and enter, or shall enter without breaking, any office, shop, ~~underground coal mine~~, storehouse, warehouse, banking house, or any house or building, other than a dwelling house or outhouse adjoining thereto or occupied therewith, any railroad or traction car, propelled by steam, electricity or otherwise, any steamboat or other boat or

vessel, or any commercial, industrial or public utility property enclosed by a fence, wall, or other structure erected with the intent of the property owner of protecting or securing the area within and its contents from unauthorized persons, within the jurisdiction of any county in this state, with intent to commit a felony or any larceny, he or she shall be deemed guilty of a felony and, upon conviction, shall be confined in a state correctional facility not less than one nor more than 10 years. And if any person shall, at any time, break and enter, or shall enter without breaking, any automobile, motorcar, or bus, with like intent, within the jurisdiction of any county in this state, he or she shall be guilty of a misdemeanor and, upon conviction, shall be confined in jail not less than two nor more than 12 months and be fined not exceeding \$100.

An indictment for burglary may contain one or more counts for breaking and entering, or for entering without breaking, the house or building mentioned in the count for burglary under the provisions of this section and §61-3-11 of this code.

ARTICLE 3B. TRESPASS.

§61-3B-6. Mine trespass; penalties.

(a) A person who willfully enters an underground coal mine, whether active workings, inactive workings, or abandoned workings, without permission, is guilty of a felony and, upon conviction thereof shall be imprisoned in a correctional facility not less than one year and nor more than 10 years and shall be fined not less than \$5,000 nor more than \$10,000: *Provided*, That for any conviction pursuant to this subsection, any inactive or abandoned underground workings must be either: (1) sealed; or (2) clearly identified by signage at some conspicuous place near the entrance of the mine that includes a notice that the unauthorized entry into the mine is a felony criminal offense.

(b) A person who willfully enters a surface coal mine, whether active workings, inactive workings or abandoned workings, without permission, and with the intent to commit a felony or any larceny, is guilty of a misdemeanor and, upon conviction thereof,

shall be confined in jail not less than one week and not more than one month and shall be fined not less than \$1,000 nor more than \$5,000. For a second conviction, pursuant to this subsection, the person shall be guilty of a felony and shall be confined in a correctional facility not less than one year and not more than five years and shall be fined not less than \$5,000 nor more than \$10,000. For a third or subsequent conviction, pursuant to this subsection, the person shall be guilty of a felony and shall be confined in a correctional facility not less than five year and not more than 10 years and shall be fined not less than \$10,000, nor more than \$25,000.

(c) If a person violates subsections (a) or (b) of this section, and during any rescue efforts for any such person, there occurs an injury that causes substantial physical pain, illness, or any impairment of physical condition to any person other than himself or herself, then that person is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not less than one week and not more than one year and shall be fined not less than \$1,000 nor more than \$5,000: *Provided*, That such jail term shall include actual confinement of not less than seven days.

(d) If a person violates subsections (a) or (b) of this section, and during any rescue efforts for any such person, there occurs an injury that creates a substantial risk of death, causes serious or prolonged disfigurement, prolonged impairment of health, or prolonged loss or impairment of the function of any bodily organ to any person other than himself or herself, then that person is guilty of a felony and, upon conviction thereof, shall be imprisoned in a correctional facility for not less than two nor more than 10 years and shall be fined not less than \$5,000 nor more than \$10,000.

(e) If a person violates subsections (a) or (b) of this section, and during any rescue efforts of such person, the death of any other person occurs, then that person is guilty of a felony and, upon conviction thereof, shall be imprisoned in a correctional facility for not less than three nor more than 15 years and shall be fined not less than \$10,000 nor more than \$25,000.

(f) Notwithstanding and in addition to any other penalties provided by law, any person who performs or causes damage to property in the course of a willful trespass in violation of this section is liable to the property owner in the amount of twice the amount of such damage.

(g) The terms ‘mine’, ‘active workings’, ‘inactive workings,’ and ‘abandoned workings’ have the same meaning ascribed to such terms as set forth in §22A-1-2 of this code.

(h) Nothing in this section shall be construed to prevent lawful assembly and petition for the lawful redress of grievances, during any dispute, including, but not limited to, activities protected by the West Virginia Constitution or the United States Constitution or any statute of this state or the United States.”

The bill was ordered to third reading.

S. B. 636, Authorizing legislative rules for Higher Education Policy Commission; on second reading, coming up in regular order, was read a second time and ordered to third reading.

S. B. 668, Relating to physician assistants collaborating with physicians in hospitals; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Health and Human Resources, was reported by the Clerk and adopted, amending the bill on page three, section three, line nine, by striking out the words “at the direction of his or her collaborating physician,” and the comma.

On page four, section three, line twenty-five, by striking “or practice notification”.

On page four, section three, line thirty-seven, by striking out “or practice notification”.

On page five, section nine, line thirteen, by striking out “or practice notification”.

And,

On page fifty, by striking out section ten-a and inserting in lieu thereof the following:

“§30-3E-10a. Practice notification requirements.

(a) A physician assistant shall collaborate with physicians in a hospital only after the physician assistant is notified by the appropriate licensing board that a complete practice notification has been filed with the Board.

(b) The licensing boards shall promulgate emergency rules to establish the content and criteria for submission of practice notifications for physician assistant hospital practice.

(c) A physician assistant shall notify the Board, in writing, within ten days of the termination of a practice notification. Failure to provide timely notice of the termination constitutes unprofessional conduct and disciplinary proceedings may be instituted by the appropriate licensing board.”

On page six, line two, by striking out the word “or”.

On page seven, line twenty-one subsection (c) after the period by striking the remainder of the subsection.

On page seven, line twenty-five, by striking out subsection (d) and inserting a new subsection (d) to read as follows:

(d) Every licensed physician assistant shall be individually responsible and liable for the care they provide. This article does not relieve physician assistants or collaborating physicians of responsibility and liability which otherwise may exist for acts and omissions occurring during collaboration.

On page seven, after line twenty-seven, by inserting the following:

“§30-3E-12. Scope of practice.

(a) A license issued to a physician assistant by the appropriate state licensing board shall authorize the physician assistant to perform medical acts:

(1) Pursuant to a practice notification or delegated to the physician assistant as part of an authorized practice agreement;

(2) Appropriate to the education, training and experience of the physician assistant;

(3) Customary to the practice of the collaborating physician;
and

(4) Consistent with the laws of this state and rules of the boards.

(b) This article does not authorize a physician assistant to perform any specific function or duty delegated by this code to those persons licensed as chiropractors, dentists, dental hygienists, optometrists or pharmacists, or certified as nurse anesthetists.”

And,

On page seven, line four, by striking out the word “primary”.

The bill was then ordered to third reading.

First Reading

The following bills on first reading, coming up in regular order, were each read a first time and ordered to second reading:

Com. Sub. for S. B. 100, Increasing court fees to fund law-enforcement standards training and expenses,

Com. Sub. for S. B. 101, Equalizing penalties for intimidating and retaliating against certain public officers and other persons,

Com. Sub. for S. B. 154, Using school facilities for funeral and memorial services for certain community members,

Com. Sub. for S. B. 163, Authorizing DEP promulgate legislative rules,

Com. Sub. for S. B. 175, Authorizing DHHR promulgate legislative rules,

S. B. 190, DOH rule relating to employment procedures,

Com. Sub. for S. B. 223, Authorizing Department of Commerce promulgate legislative rules,

Com. Sub. for S. B. 237, Improving ability of law enforcement to locate and return missing persons,

Com. Sub. for S. B. 316, Preserving previously approved state Municipal Policemen's or Firemen's pensions,

Com. Sub. for S. B. 330, Requiring contact information be listed on agency's online directory and website,

Com. Sub. for S. B. 344, Relating to operation of state-owned farms,

Com. Sub. for S. B. 360, Relating to third-party litigation financing,

Com. Sub. for S. B. 373, Relating to financial responsibility of inmates,

And,

Com. Sub. for S. B. 481, Relating to Judicial Vacancy Advisory Commission.

Com. Sub. for S. B. 491, Extending effective date for voter registration in conjunction with driver licensing; on first reading, coming up in regular order, was read a first time.

Pursuant to House Rule 103, Delegate Robinson moved that the bill be rejected on first reading.

The question being, "Shall the bill be rejected?", the yeas and nays were demanded, which demand was sustained.

Having been ordered, the yeas and nays were taken (**Roll No. 414**), and there were—yeas 38, nays 57, absent and not voting 5, with the yeas and absent and not voting being as follows:

Yeas: Barrett, Bates, Boggs, N. Brown, S. Brown, Byrd, Campbell, Canestraro, Caputo, Diserio, Doyle, Estep-Burton, Evans, Fleischauer, Fluharty, Hansen, Hartman, Hicks, Hornbuckle, Lavender-Bowe, Lovejoy, Miley, Miller, Pethtel, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Skaff, Sponaugle, Swartzmiller, C. Thompson, R. Thompson, Tomblin, Walker, Williams and Zukoff.

Absent and Not Voting: Angelucci, Cooper, Longstreth, Porterfield and Staggers.

So, a majority of the members present and voting not having voted in the affirmative, the motion to reject the bill on first reading did not prevail.

The bill was then ordered to second reading:

S. B. 519, Requiring county emergency dispatchers complete course for telephonic cardiopulmonary resuscitation; on first reading, coming up in regular order, was read a first time and ordered to second reading.

S. B. 531, Relating generally to workers' compensation claims; on first reading, coming up in regular order, was read a first time and ordered to second reading.

Com. Sub. for S. B. 624, Allowing county boards of education use alternative assessment provided in Every Student Succeeds Act; on first reading, coming up in regular order, was read a first time and ordered to second reading.

S. B. 664, Authorizing certain members of federal judiciary perform marriages; on first reading, coming up in regular order, was read a first time and ordered to second reading.

S. B. 667, Creating WV Motorsport Committee; on first reading, coming up in regular order, was read a first time and ordered to second reading.

At 12:44 p.m., the House of Delegates recessed until 4:00 p.m.

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Afternoon Session

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

In the absence of objection, the House returned to the Seventh Order of Business for the purpose of introducing resolutions.

Resolutions Introduced

Delegates Cooper, Dean, Toney, J. Kelly, Paynter, Hott, Rohrbach, Campbell, Pack, R. Thompson and Lavender-Bowe offered the following resolution, which was read by its title and referred to the Committee on Education then Rules:

H. C. R. 89 - "Requesting the Joint Committee on Government and Finance to study the feasibility of designating teachers and school superintendents to identify issues confronting the school system of the state and potential solutions to solving these issues."

Whereas, The school system of West Virginia has had unsolved problems for decades that include, among other issues, pay and insurance. The current session of the Legislature has attempted to deal with a variety of these problems with an "omnibus education bill" that, rather than provide solutions to problems, has led to dissention among the many stakeholders and persons affected by the legislation; and

Whereas, An alternative addressing the many issues and problems may be the designation of "focus" groups consisting of classroom teachers in one group and county superintendents and the state school superintendent in another group brain-storming

ideas to identify the five most important problems or issues facing the education system in this state; and

Whereas, This might be accomplished by having one designated focus group consisting of currently employed teachers who are active in the class room, who will hold meetings in five separate areas or zones of the state to identify and discuss the five greatest problems or issues facing the education system and to propose solutions to these problems. At the same time, designate, separate from the teachers' meetings, that county superintendents and the state superintendent meet to discuss the five greatest problems and issues and develop solutions. Then, the five teachers' groups would meet with the superintendents to compare their five problems or issues that need to be solved and their answers to these problems; striving to arrive at solutions to the five most important issues. These are to be presented to the Legislature, in the hope that workable legislation will devolve; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to study the problems and issues within the state's school system and using some or all of the suggestions contained in this resolution; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2020, on its findings, conclusions and recommendations, together with drafts of any legislation necessary to effectuate its recommendations; and, be it

Further Resolved, That the expenses necessary to conduct this study, to prepare a report and to draft necessary legislation be paid from legislative appropriations to the Joint Committee on Government and Finance.

Delegate Wilson offered the following resolution, which was read by its title and referred to the Committee on the Judiciary then Rules:

H. C. R. 90 - “Requesting the Joint Committee on Government and Finance study the authority and proper circumstances for mobilization of the National Guard into active duty for combat.”

Whereas, Article I, Section 8 of the Constitution of the United States vests in the United States Congress the exclusive power of war; and

Whereas, In spite of the clear language of the United States Constitution, vesting the power over war exclusively in the United States Congress, the United States Executive Branch has assumed that power without the constitutional declaration required of the United States Congress; and

Whereas, Though the United States Congress has not declared war in over 70 years, the nation has since gone to war repeatedly at the whim of the executive branch; and

Whereas, When such unconstitutional actions are taken by the federal government, it is the proper role of the states themselves to take action to remedy such situations, as outlined in the Kentucky and Virginia Resolutions of 1798; and

Whereas, George Washington, once wrote: “The Constitution vests the power of declaring war in Congress; therefore, no offensive expedition of importance can be undertaken until after they shall have deliberated upon the subject and authorized such a measure”; and

Whereas, The Father of the Constitution, James Madison, once wrote: “The Constitution supposes, what the History of all Governments demonstrates, that the Executive is the branch of power most interested in war, and most prone to it. It has accordingly with studied care vested the question of war to the Legislature”; and

Whereas, The author of the Declaration of Independence, Thomas Jefferson, once wrote: “We have already given in example one effectual check to the dog of war by transferring the power of letting him loose from the Executive to the Legislative body. . .” and “Considering that Congress alone is constitutionally invested

with the power of changing our condition from peace to war, I have thought it my duty to await their authority for using force in any degree which could be avoided”; and

Whereas, Another constitutional framer, Alexander Hamilton, once wrote: “The Congress shall have the power to declare war; the plain meaning of which is, that it is the peculiar and exclusive duty of Congress, when the nation is at peace, to change that state into a state of war...”; and

Whereas, Mobilization of the West Virginia National Guard to active duty for combat without lawful congressional authorization usurps the authority of the state, drains the financial resources of the country, and unnecessarily risks the lives of citizens of West Virginia; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance study the authority and proper circumstances for mobilization of the National Guard into active duty for combat; and, be it

Further Resolved, That in conducting the study, the committee include an evaluation of the necessary and lawful means through which the state may assert and require that the constitutional processes be followed before its citizens are deployed for combat; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2020, on its findings, conclusions and recommendations, together with drafts of any legislation necessary to effectuate its recommendations; and, be it

Further Resolved, That the expenses necessary to conduct this study, to prepare a report, and to draft necessary legislation be paid from legislative appropriations to the Joint Committee on Government and Finance.

In the absence of objection, the House of Delegates returned to the Third Order of Business for the purpose of receiving committee reports.

Committee Reports

Delegate Butler, Chair of the Committee on Technology and Infrastructure, submitted the following report, which was received:

Your Committee on Technology and Infrastructure has had under consideration:

S. B. 297, Extending expiration of military members' spouses' driver's license,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (S. B. 297) was referred to the Committee on Finance.

Delegate Shott, Chair of the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration:

Com. Sub. for S. B. 285, Relating to sale of homemade food items,

And reports the same back, with amendment, with the recommendation that it do pass, as amended.

Delegate Shott, Chair of the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration:

Com. Sub. for S. B. 187, Authorizing Department of Revenue to promulgate legislative rules,

And,

S. B. 675, Requiring DEP create and implement Adopt-A-Stream Program,

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

Delegate Ellington, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

Com. Sub. for S. B. 564, Expanding comprehensive coverage for pregnant women through Medicaid,

And reports the same back with the recommendation that it do pass, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (Com. Sub. for S. B. 564) was referred to the Committee on Finance.

Delegate Ellington, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

Com. Sub. for S. B. 574, Permitting authorized physician order involuntary hospitalization of individual if physician believes addicted or mentally ill,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bill (Com. Sub. for S. B. 574) was referred to the Committee on the Judiciary.

Delegate Ellington, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

Com. Sub. for S. B. 546, Relating to health care provider taxes,

And reports the same back, with amendment, with the recommendation that it do pass, as amended.

Delegate Ellington, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

Com. Sub. for S. B. 537, Creating workgroup to review hospice need standards,

And,

Com. Sub. for S. B. 653, Relating generally to practice of medical corporations,

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

Leaves of Absence

At the request of Delegate Summers, and by unanimous consent, leaves of absence for the day were granted Delegates Angelucci, Cooper, Longstreth and Porterfield.

Miscellaneous Business

At 4:15 p.m., the House of Delegates adjourned until 11:00 a.m., Monday, March 4, 2019.

Monday, March 4, 2019

FIFTY-FIFTH DAY

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

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

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

The Clerk proceeded to read the Journal of Saturday, March 2, 2019, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Committee Reports

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

Your Committee on Finance has had under consideration:

S. B. 596, Adjusting voluntary contribution amounts on certain DMV forms,

And reports the same back, with amendment, with the recommendation that it do pass, as amended.

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

Your Committee on Finance has had under consideration:

S. B. 421, Relating to annual legislative review of economic development tax credit.

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

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

Your Committee on Finance has had under consideration:

Com. Sub. for S. B. 318, Transferring Medicaid Fraud Control Unit to Attorney General's office,

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

Delegate Howell, Chair of the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration:

Com. Sub. for S. B. 4, Relating generally to Municipal Home Rule Program,

And reports the same back, with amendment, with the recommendation that it do pass, as amended.

Delegate Shott, Chair of the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration:

Com. Sub. for S. B. 238, Increasing certain penalties for passing stopped school bus,

Com. Sub. for S. B. 404, Relating generally to sediment control during commercial timber harvesting operations,

S. B. 493, Correcting terminology referring to racing vehicles illegally on street,

And,

Com. Sub. for S. B. 657, Providing consumer protection regarding self-propelled farm equipment,

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

Delegate Shott, Chair of the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration:

Com. Sub. for S. B. 199, Authorizing certain miscellaneous agencies and boards promulgate legislative rules,

And,

Com. Sub. for S. B. 600, Relating to preservation of biological evidence obtained through criminal investigations and trials,

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

Delegate Shott, Chair of the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration:

Com. Sub. for S. B. 485, Clarifying notification requirements for property insurance purposes,

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

Delegate Howell, Chair of the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration:

Com. Sub. for S. B. 396, Waiving occupational licensing fees for low-income individuals and military families,

And reports the same back with the recommendation that it do pass, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (Com. Sub. for S. B. 396) was referred to the Committee on Finance.

Delegate Howell, Chair of the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration:

Com. Sub. for S. B. 615, Providing ongoing mechanism for county commissioners to allow compensation increases for elected officials every two years,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (Com. Sub. for S. B. 615) was referred to the Committee on Finance.

Delegate Howell, Chair of the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration:

S. B. 658, Relating to motor vehicle salesperson licenses,

And,

S. B. 676, Relating to off-road vehicle recreation,

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

Delegate Howell, Chair of the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration:

Com. Sub. for S. B. 357, Relating generally to Division of Administrative Services,

Com. Sub. for S. B. 392, Relating to payment of invoices received by Division of Corrections and Rehabilitation for contract work,

Com. Sub. for S. B. 511, Creating alternating wine proprietorships,

Com. Sub. for S. B. 597, Conforming state law to federal law for registration of appraisal management companies,

S. B. 625, Clarifying and defining authority of State Athletic Commission,

And,

S. B. 655, Relating to conservation districts generally,

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

Delegate Howell, Chair of the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration:

Com. Sub. for S. B. 496, Transferring authority to regulate milk from DHHR to Department of Agriculture,

And reports the same back, with amendment, with the recommendation that it do pass, as amended.

Delegate Howell, Chair of the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration:

S. B. 233, Relating to age requirements for deputy sheriff,

Com. Sub. for S. B. 241, Permitting county court clerks scan certain documents in electronic form,

Com. Sub. for S. B. 317, Authorizing three or more adjacent counties form multicounty trail network authority,

Com. Sub. for S. B. 400, Allowing Board of Dentistry create specialty licenses,

Com. Sub. for S. B. 402, Authorizing Division of Forestry investigate and enforce timber theft violations,

Com. Sub. for S. B. 405, Increasing limit on additional expenses incurred in preparing notice list for redemption,

And,

S. B. 633, Authorizing Board of Physical Therapy conduct criminal background checks on applicants for licenses,

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

Delegate Hamrick, Chair of the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration:

S. B. 605, Permitting Secondary Schools Athletic Commission discipline schools for not following protocol for concussions and head injuries,

S. B. 672, Authorizing School Building Authority to promulgate legislative rules,

And,

S. B. 673, Relating to public higher education accountability and planning,

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

Delegate Shott, Chair of the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration:

Com. Sub. for S. B. 90, Transferring Safety and Treatment Program from DHHR to DMV,

And reports the same back, with amendment, with the recommendation that it do pass, as amended.

Delegate Howell, Chair of the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration:

S. B. 566, Relating to compensation for State Athletic Commission members,

And reports the same back, with amendment, with the recommendation that it do pass, as amended.

Messages from the Senate

A message from the Senate, by

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

Com. Sub. for H. B. 3007, Authorizing the Commissioner of Agriculture to require background checks.

Delegate Summers moved that the House of Delegates concur, with further title amendment, in the following Senate title amendment:

Com. Sub. for H. B. 3007 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §19-1-3b, relating to authorizing the Commissioner of Agriculture to require background checks as a condition of employment; legislative finding; describing background check procedure; making background check results confidential;

providing exception; designating background checks and related documents not to be considered public records under chapter 29B of said code; prohibiting disqualification of applicant for criminal conviction not bearing rational nexus to employment category; barring consideration of crimes of moral turpitude in hiring; allowing reapplication after disqualification from employment; establishing procedure for individual obtaining preapplication determination if criminal record will disqualify individual from employment; and requiring rulemaking.

On motion of Delegate Summers, the House concurred in the Senate title amendment with the following further title amendment:

Com. Sub. for H. B. 3007 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §19-1-3b, relating to authorizing the Commissioner of Agriculture to require background checks as a condition of employment; providing legislative findings; describing background check procedure; making background check results confidential; providing exceptions; designating background checks and related documents not to be considered public records under chapter 29B of said code; prohibiting disqualification of applicant for criminal conviction not bearing rational nexus to employment category; barring consideration of crimes of moral turpitude in hiring; allowing reapplication after disqualification from employment; establishing procedure for individual obtaining preapplication determination if criminal record will disqualify individual from employment; and requiring rulemaking.”

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 415**), and there were—yeas 93, nays 3, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Estep-Burton, Pushkin and Rowe.

Absent and Not Voting: Malcolm, Rodighiero, R. Thompson and Tomblin.

So, a majority of the members elected and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3007) passed.

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

A message from the Senate, by

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

H. B. 3140, Relating to the Division of Natural Resources Infrastructure.

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

On page six, section seven, line one hundred twenty-two, after the word “state”, by inserting the following: including, completing the feasibility study for the Beech Fork State Park Lodge as follows:

(A) The director shall convene, prior to October 1, 2019, two public hearings:

(i) An initial public hearing shall be for the purpose of seeking public input regarding options for the construction of a lodge and a conference center, including all available public, private, or public-private partnership (PPP) funding and financing options; and

(ii) A subsequent public hearing at which the feasibility study and any recommendation shall be available for public comment;

(B) The public hearings required by this subdivision must be held in a suitable location reasonably close to Beech Fork State Park so as to accommodate public participation from the citizens of Cabell, Lincoln, and Wayne counties; and

(C) Upon completion of the feasibility study it shall be submitted by the director to the Joint Committee on Government and Finance on or before December 1, 2019.”

And,

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

H. B. 3140 - “A Bill to amend and reenact §20-1-7 of the Code of West Virginia, 1931, as amended; and to amend and reenact §20-5-4 of said code, all related to the ability of the Director of the Division of Natural Resources to authorize repair, renovation and rehabilitation for existing facilities, buildings, amenities, and infrastructure and exempting these certain Division of Natural Resource’s purchases from review and approval of the Division of Purchasing; adding state forests to the definition of recreational facilities; authorizing the completing the feasibility study for the Beech Fork State Park Lodge; requiring two public hearings; and requiring the completed feasibility study to be submitted to the Joint Committee on Government and Finance.”

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 416**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Rodighiero, R. Thompson and Tomblin.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 3140) passed.

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

On this question, the yeas and nays were taken (**Roll No. 417**), and there were—yeas 100, nays none, absent and not voting none.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 3140) takes effect from its passage.

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

A message from the Senate, by

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

Com. Sub. for H. B. 2359, Relating to exemptions to the commercial driver's license requirements.

Delegate Summers moved that the House of Delegates concur, with further amendment and title amendment, in the following amendment of the bill by the Senate:

On page one, section eight-a, line nine, by striking out the words "enumerated in 49 C.F.R. Part §383.3(f)" and inserting in lieu thereof the following: and restrictions set forth in 49 C.F.R. § 383.3(f), including any seasonal periods defined by the commissioner;

(c) The fee for the issuance of a restricted commercial driver's license pursuant to this section is \$10 per seasonal period."

And,

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

Com. Sub. for H. B. 2359 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17E-1-8a, relating to providing for a restricted commercial driver's license for employees of designated farm-related service industries; establishing fee for the issuance of such license; and authorizing the Commissioner of Motor Vehicles to define seasonal periods."

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

On page one, by striking out subdivision (c) in its entirety.

And,

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

Com. Sub for H. B. 2359 – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17E-1-8a, relating to providing for a restricted commercial driver’s license for employees of designated farm-related service industries; and authorizing the Commissioner of Motor Vehicles to define seasonal periods.”

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 418**), and there were—yeas 100, nays none, absent and not voting none.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2359) passed.

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

A message from the Senate, by

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

Com. Sub. for H. B. 2476, Relating to the valuation of a motor vehicle involved in an insurance claim.

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

On page one, section thirty-three, line eight, after the word “code”, by changing the comma to a period and striking out the remainder of the bill.

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 419**), and there were—yeas 99, nays 1, absent and not voting none, with the nays being as follows:

Nays: Fast.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2476) passed.

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

A message from the Senate, by

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

H. B. 2547, Relating to the election prohibition zone.

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

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

“ARTICLE 1. GENERAL PROVISIONS AND DEFINITIONS.

§3-1-37. Restrictions on presence and conduct at polls.

(a) Except as otherwise provided in this section, no person, other than the election officers and voters going to the election room to vote and returning therefrom, may be or remain within ~~one hundred~~ 200 feet of the outside entrance to the building housing the polling place while the polls are open. This subsection does not apply to persons who reside or conduct business within such distance of the entrance to the building housing the polling place, while in the discharge of their legitimate business, or to persons

whose business requires them to pass and repass within ~~one hundred~~ 200 feet of such entrance.

(b) A person who is delivering a voter to a polling place by motor vehicle may drive such vehicle to a convenient and accessible location to discharge the voter, notwithstanding that the location is within ~~one hundred~~ 200 feet of the outside entrance to the building housing the polling place. Upon discharging such voter from the vehicle, the person shall remove the vehicle from within ~~one hundred~~ 200 feet of the entrance until such time as the voter is to be transported from the polling place or another voter delivered: *Provided*, That vehicles delivering voters who require assistance by reason of blindness, disability, or advanced age may remain within ~~one hundred~~ 200 feet of the entrance until such time as the voter is to be transported from the polling place.

(c) The election commissions shall limit the number of voters in the election room so as to preserve order. No person may approach nearer than five feet to any booth or compartment while the election is being held, except the voters to prepare their ballots, or the poll clerks when called on by a voter to assist in the preparation of his or her ballot, and no person, other than election officers and voters engaged in receiving, preparing and depositing their ballots, may be permitted to be within five feet of any ballot box, except by authority of the board of election commissioners, and then only for the purpose of keeping order and enforcing the law.

(d) Not more than one person may be permitted to occupy any booth or compartment at one time. No person may remain in or occupy a booth or compartment longer than may be necessary to prepare his or her ballot, and in no event longer than five minutes, except that any person who claims a disability pursuant to §3-1-34 of this code shall have additional time, up to 10 additional minutes, to prepare his or her ballot. No voter, or person offering to vote, may hold any conversation or communication with any person other than the poll clerks or commissioners of election, while in the election room.

(e) The provisions of this section do not apply to persons rendering assistance to blind voters as provided in §3-1-34 of this code or to any child 14 years of age or younger who accompanies a parent, grandparent, or legal guardian who is voting. Any dispute concerning the age of a child accompanying a parent, grandparent, or legal guardian who is voting shall be determined by the election commissioners.

ARTICLE 9. OFFENSES AND PENALTIES.

§3-9-6. Unauthorized presence in election room; ~~three hundred~~ 200 foot limit; penalties.

If any person, not herein authorized so to do, enters or attempts to enter the election room, except upon a lawful errand and for a proper purpose, or remains within ~~three hundred~~ 200 feet of the outside entrance to the building housing the polling place, contrary to the provisions of this chapter, ~~he~~ the person shall be guilty of a misdemeanor and, on conviction thereof, shall be fined not less than \$50 nor more than \$500, or confined in the county jail for not more than 30 days.

Excepting those individuals provided for expressly in this or other sections of the code, only full-time employees of the Secretary of State's office or full-time employees of the respective county offices of the county clerk or the county prosecutor may enter or otherwise disturb the polling place.

§3-9-9. Electioneering defined; unlawful acts at polling places; exceptions; penalties.

(a) As used in this section, "electioneering" means the displaying of signs or other campaign paraphernalia, the distribution of campaign literature, cards, or handbills, the soliciting of signatures to any petition, or the solicitation of votes for or against any bona fide candidate or ballot question in a manner which expressly advocates the election or defeat of the candidate or expressly advocates the passage or defeat of the ballot question. "Electioneering" does not include exit polling, so long as persons conducting exit polling are not otherwise engaging in

electioneering activities described above, or bumper stickers or signs affixed to a person's vehicle which is parked within or passing through a distance of ~~one hundred~~ 200 feet of the entrance to a polling place while such person is voting or transporting any voter to the polls.

(b) No officer of election may disclose to any person the name of any candidate for whom a voter has voted. No officer of election may do any electioneering on election day.

(c) No person may do any electioneering on election day within any polling place, or within ~~one hundred~~ 200 feet of the outside entrance to the building housing the polling place. No person may do any electioneering in the polling place or within ~~one hundred~~ 200 feet of the outside entrance of any polling place where early voting is conducted during the period in which early voting is offered during the hours while such early voting is actually taking place. Nothing in this subsection shall prohibit a citizen from doing any electioneering upon his or her own private property, regardless of distance from the polling place, so long as that electioneering conforms to other existing laws and ordinances.

(d) No person may apply for or receive any ballot in any polling place, other than that in which the person is entitled to vote, nor may any person examine a ballot which any voter has prepared for voting, or solicit the voter to show the same, nor ask, nor make any arrangement, directly or indirectly, with any voter, to vote an open ballot. No person, except a commissioner of election, may receive from any voter a ballot prepared by him or her for voting. No voter may receive a ballot from any person other than one of the poll clerks; nor may any person other than a poll clerk deliver a ballot to a commissioner of election to be voted by such commissioner. No voter may deliver any ballot to a commissioner of election to be voted, except the one he or she receives from the poll clerk. No voter may place any mark upon his or her ballot or suffer or permit any other person to do so, by which it may be afterward identified as the ballot voted by him or her.

(e) Whoever violates any provision of this section shall be guilty of a misdemeanor and, on conviction thereof, shall be fined

not less than \$100 nor more than \$1,000, or confined in jail for not more than one year, or both fined and confined.”

And,

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

H. B. 2547 - “A Bill to amend and reenact §3-1-37 of the Code of West Virginia, 1931, as amended; and to amend and reenact §3-9-6 and §3-9-9 of said code, all relating to restrictions on presence and conduct at or within 200 feet of polling places; prohibiting persons other than voters and election officials from being or remaining within 200 feet of entrance of polling place while polls are open; permitting person delivering voter to polling place to discharge voter within 200 feet of entrance of polling place; requiring person delivering voter to remove vehicle 200 feet until the voter with is to be transported from polling place or another voter delivered; permitting vehicles delivering voters who require assistance to remain within 200 feet of entrance until voter is to be transported from polling place; providing that a person violating restrictions on remaining within 200 feet of a polling place is guilty of a misdemeanor and subject to criminal penalties; prohibiting electioneering in or within 200 feet of polling place on election day; prohibiting electioneering in or within 200 feet of early voting polling places during early voting periods; and providing that person electioneering within 200 feet of polling places or early voting polling places is guilty of a misdemeanor and is subject to criminal penalties.”

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

A message from the Senate, by

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

H. B. 2691, Providing that a license to carry a concealed deadly weapon expires on the holder’s birthday.

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

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

“ARTICLE 7. DANGEROUS WEAPONS.

§61-7-4. License to carry deadly weapons; how obtained.

(a) Except as provided in §61-7-4(h) of this code, any person desiring to obtain a state license to carry a concealed deadly weapon shall apply to the sheriff of his or her county for the license, and pay to the sheriff, at the time of application, a fee of \$75, of which \$15 of that amount shall be deposited in the Courthouse Facilities Improvement Fund created by §29-26-6 of this code. Concealed weapons license may only be issued for pistols and revolvers. Each applicant shall file with the sheriff a complete application, as prepared by the Superintendent of the West Virginia State Police, in writing, duly verified, which sets forth only the following licensing requirements:

(1) The applicant’s full name, date of birth, Social Security number, a description of the applicant’s physical features, the applicant’s place of birth, the applicant’s country of citizenship and, if the applicant is not a United States citizen, any alien or admission number issued by the United States Bureau of Immigration and Customs Enforcement, and any basis, if applicable, for an exception to the prohibitions of 18 U.S.C. § 922(g)(5)(B);

(2) That, on the date the application is made, the applicant is a bona fide United States citizen or legal resident thereof and resident of this state and of the county in which the application is made and has a valid driver’s license or other state-issued photo identification showing the residence;

(3) That the applicant is twenty-one years of age or older;

(4) That the applicant is not addicted to alcohol, a controlled substance or a drug and is not an unlawful user thereof as evidenced

by either of the following within the three years immediately prior to the application:

(A) Residential or court-ordered treatment for alcoholism or alcohol detoxification or drug treatment; or

(B) Two or more convictions for driving while under the influence or driving while impaired;

(5) That the applicant has not been convicted of a felony unless the conviction has been expunged or set aside or the applicant's civil rights have been restored or the applicant has been unconditionally pardoned for the offense;

(6) That the applicant has not been convicted of a misdemeanor crime of violence other than an offense set forth in subdivision (7) of this subsection in the five years immediately preceding the application;

(7) That the applicant has not been convicted of a misdemeanor crime of domestic violence as defined in 18 U.S.C. § 921(a)(33), or a misdemeanor offense of assault or battery either under §61-2-28 of this code or §61-2-9(b) or §61-2-9(c) of this code, in which the victim was a current or former spouse, current or former sexual or intimate partner, person with whom the defendant cohabits or has cohabited, a parent or guardian, the defendant's child or ward or a member of the defendant's household at the time of the offense, or a misdemeanor offense with similar essential elements in a jurisdiction other than this state;

(8) That the applicant is not under indictment for a felony offense or is not currently serving a sentence of confinement, parole, probation or other court-ordered supervision imposed by a court of any jurisdiction or is the subject of an emergency or temporary domestic violence protective order or is the subject of a final domestic violence protective order entered by a court of any jurisdiction;

(9) That the applicant has not been adjudicated to be mentally incompetent or involuntarily committed to a mental institution. If the applicant has been adjudicated mentally incompetent or

involuntarily committed the applicant must provide a court order reflecting that the applicant is no longer under such disability and the applicant's right to possess or receive a firearm has been restored;

(10) That the applicant is not prohibited under the provisions of §61-7-7 of this code or federal law, including 18 U.S.C. § 922(g) or (n), from receiving, possessing, or transporting a firearm;

(11) That the applicant has qualified under the minimum requirements set forth in subsection (d) of this section for handling and firing the weapon: *Provided*, That this requirement shall be waived in the case of a renewal applicant who has previously qualified; and

(12) That the applicant authorizes the sheriff of the county, or his or her designee, to conduct an investigation relative to the information contained in the application.

(b) For both initial and renewal applications, the sheriff shall conduct an investigation including a nationwide criminal background check consisting of inquiries of the National Instant Criminal Background Check System, the West Virginia criminal history record responses and the National Interstate Identification Index and shall review the information received in order to verify that the information required in subsection (a) of this section is true and correct. A license may not be issued unless the issuing sheriff has verified through the National Instant Criminal Background Check System that the information available to him or her does not indicate that receipt or possession of a firearm by the applicant would be in violation of the provisions of §61-7-7 of this code or federal law, including 18 U.S.C. § 922(g) or (n).

(c) Sixty dollars of the application fee and any fees for replacement of lost or stolen licenses received by the sheriff shall be deposited by the sheriff into a concealed weapons license administration fund. The fund shall be administered by the sheriff and shall take the form of an interest-bearing account with any interest earned to be compounded to the fund. Any funds deposited in this concealed weapon license administration fund are to be

expended by the sheriff to pay the costs associated with issuing concealed weapons licenses. Any surplus in the fund on hand at the end of each fiscal year may be expended for other law-enforcement purposes or operating needs of the sheriff's office, as the sheriff considers appropriate.

(d) All persons applying for a license must complete a training course in handling and firing a handgun, which includes the actual live firing of ammunition by the applicant. The successful completion of any of the following courses fulfills this training requirement: *Provided*, That the completed course includes the actual live firing of ammunition by the applicant:

(1) Any official National Rifle Association handgun safety or training course;

(2) Any handgun safety or training course or class available to the general public offered by an official law-enforcement organization, community college, junior college, college or private or public institution or organization or handgun training school utilizing instructors certified by the institution;

(3) Any handgun training or safety course or class conducted by a handgun instructor certified as such by the state or by the National Rifle Association;

(4) Any handgun training or safety course or class conducted by any branch of the United States military, reserve or National Guard or proof of other handgun qualification received while serving in any branch of the United States military, reserve or National Guard.

A photocopy of a certificate of completion of any of the courses or classes or an affidavit from the instructor, school, club, organization or group that conducted or taught the course or class attesting to the successful completion of the course or class by the applicant or a copy of any document which shows successful completion of the course or class is evidence of qualification under this section and shall include the instructor's name, signature and NRA or state instructor identification number, if applicable.

(e) All concealed weapons license applications must be notarized by a notary public duly licensed under §39-4-1 *et seq.* of this code. Falsification of any portion of the application constitutes false swearing and is punishable under §61-5-2 of this code.

(f) The sheriff shall issue a license unless he or she determines that the application is incomplete, that it contains statements that are materially false or incorrect or that applicant otherwise does not meet the requirements set forth in this section. The sheriff shall issue, reissue, or deny the license within 45 days after the application is filed if all required background checks authorized by this section are completed.

(g) Before any approved license is issued or is effective, the applicant shall pay to the sheriff a fee in the amount of \$25 which the sheriff shall forward to the Superintendent of the West Virginia State Police within 30 days of receipt. ~~The license is valid for five years throughout the state, unless sooner revoked~~ A license in effect as of the effective date of the amendments to this section enacted during the 2019 regular session of the Legislature shall, subject to revocation for cause, be valid until the licensee's birthday during the fifth year from the date of issuance or five years from the date of issuance, whichever is later in time. Renewals of such licenses and licenses newly issued after the effective date of the amendments to this section enacted during the 2019 regular session of the Legislature shall, subject to revocation for cause, be valid for a period of five years from the licensees' most recent birthday.

(h) Each license shall contain the full name and address of the licensee and a space upon which the signature of the licensee shall be signed with pen and ink. The issuing sheriff shall sign and attach his or her seal to all license cards. The sheriff shall provide to each new licensee a duplicate license card, in size similar to other state identification cards and licenses, suitable for carrying in a wallet, and the license card is considered a license for the purposes of this section. All duplicate license cards issued on or after July 1, 2017, shall be uniform across all 55 counties in size, appearance and information and shall feature a photograph of the licensee.

(i) The Superintendent of the West Virginia State Police, in cooperation with the West Virginia Sheriffs' Bureau of Professional Standards, shall prepare uniform applications for licenses and license cards showing that the license has been granted and shall do any other act required to be done to protect the state and see to the enforcement of this section.

(j) If an application is denied, the specific reasons for the denial shall be stated by the sheriff denying the application. Any person denied a license may file, in the circuit court of the county in which the application was made, a petition seeking review of the denial. The petition shall be filed within 30 days of the denial. The court shall then determine whether the applicant is entitled to the issuance of a license under the criteria set forth in this section. The applicant may be represented by counsel, but in no case is the court required to appoint counsel for an applicant. The final order of the court shall include the court's findings of fact and conclusions of law. If the final order upholds the denial, the applicant may file an appeal in accordance with the Rules of Appellate Procedure of the Supreme Court of Appeals. If the findings of fact and conclusions of law of the court fail to uphold the denial, the applicant may be entitled to reasonable costs and attorney's fees, payable by the sheriff's office which issued the denial.

(k) If a license is lost or destroyed, the person to whom the license was issued may obtain a duplicate or substitute license for a fee of \$5 by filing a notarized statement with the sheriff indicating that the license has been lost or destroyed.

(l) Whenever any person after applying for and receiving a concealed weapon license moves from the address named in the application to another county within the state, the license remains valid for the remainder of the five years unless the sheriff of the new county has determined that the person is no longer eligible for a concealed weapon license under this article, and the sheriff shall issue a new license bearing the person's new address and the original expiration date for a fee not to exceed \$5: *Provided*, That the licensee, within 20 days thereafter, notifies the sheriff in the new county of residence in writing of the old and new addresses.

(m) The sheriff shall, immediately after the license is granted as aforesaid, furnish the Superintendent of the West Virginia State Police a certified copy of the approved application. The sheriff shall furnish to the Superintendent of the West Virginia State Police at any time so requested a certified list of all licenses issued in the county. The Superintendent of the West Virginia State Police shall maintain a registry of all persons who have been issued concealed weapons licenses.

(n) The sheriff shall deny any application or revoke any existing license upon determination that any of the licensing application requirements established in this section have been violated by the licensee.

(o) A person who is engaged in the receipt, review or in the issuance or revocation of a concealed weapon license does not incur any civil liability as the result of the lawful performance of his or her duties under this article.

(p) Notwithstanding subsection (a) of this section, with respect to application by a former law-enforcement officer honorably retired from agencies governed by §7-14-1 *et seq.* of this code; §8-14-1 *et seq.* of this code; §15-2-1 *et seq.* of this code; and §20-7-1 *et seq.* of this code, an honorably retired officer is exempt from payment of fees and costs as otherwise required by this section. All other application and background check requirements set forth in this section are applicable to these applicants.

(q) Information collected under this section, including applications, supporting documents, permits, renewals or any other information that would identify an applicant for or holder of a concealed weapon license, is confidential: *Provided*, That this information may be disclosed to a law-enforcement agency or officer: (i) To determine the validity of a license; (ii) to assist in a criminal investigation or prosecution; or (iii) for other lawful law-enforcement purposes. A person who violates this subsection is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$50 or more than \$200 for each offense.

(r) A person who pays fees for training or application pursuant to this article after the effective date of this section is entitled to a tax credit equal to the amount actually paid for training not to exceed \$50: *Provided*, That if such training was provided for free or for less than \$50, then such tax credit may be applied to the fees associated with the initial application.

(s) Except as restricted or prohibited by the provisions of this article or as otherwise prohibited by law, the issuance of a concealed weapon license issued in accordance with the provisions of this section authorizes the holder of the license to carry a concealed pistol or revolver on the lands or waters of this state.”

And,

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

H. B. 2691 - “A Bill to amend and reenact §61-7-4 of the Code of West Virginia, 1931, as amended, relating to providing that a license to carry a concealed deadly weapon currently in effect expires on the holder’s birthday occurring during the fifth year of licensure or five years from the date of issuance, whichever is later in time; providing that renewals of such licenses and licenses newly issued after the effective date of the amendments to this section are valid for five years from the licensee’s birthday, and maintaining provisions making licenses subject to revocation for cause.”

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 420**), and there were—yeas 100, nays none, absent and not voting none.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2691) passed.

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

On this question, the yeas and nays were taken (**Roll No. 421**), and there were—yeas 100, nays none, absent and not voting none.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2691) takes effect from its passage.

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

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the amendment of the House of Delegates and the passage, as amended, to take effect from passage, of

S. B. 545, Relating to HIV testing.

Special Calendar

Third Reading

Com. Sub. for S. B. 3, Establishing WV Small Wireless Facilities Deployment Act; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 422**), and there were—yeas 98, nays 1, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Steele.

Absent and Not Voting: Capito.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 3) passed.

An amendment to the title of the bill, recommended by the Committee on the Judiciary, was reported by the Clerk and adopted, amending the title to read as follows:

Com. Sub. for S. B. 3 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-6L-1, §11-6L-2, §11-6L-3, §11-6L-4, and §11-6L-5, to amend said code by adding thereto three new sections, designated §31G-4-4, §31G-4-5, and §31G-4-6, and to amend said code by adding thereto a new chapter, designated §31H-1-1, §31H-1-2, §31H-2-1, §31H-2-2, §31H-2-3, and §31H-2-4, all relating to wireless telecommunication technology facilities generally; providing a special method for valuation of certain wireless technology property for property taxes; defining terms; providing mandated salvage valuation of certain wireless businesses’ property; specifying method for valuation of certain property; requiring initial determination and specifying procedure for protest and appeal of determination; establishing and delineating Public Service Commission jurisdiction over make-ready pole access within the state; relating to the determination of the feasibility of electric utilities constructing and operating middle-mile broadband internet projects to serve certain unserved and underserved areas; defining certain terms; delineating the factors that must be contained in certain feasibility studies; requiring the Broadband Enhancement Council and the Public Service Commission to assist electric utilities in the determination of the feasibility of certain proposed middle-mile broadband development projects; requiring that the Broadband Enhancement Council render a judgment as to the feasibility of middle-mile broadband internet projects within a certain period of time; requiring certain reports be submitted to certain officials and committees; and providing for severability; the establishment of the West Virginia Small Wireless Facilities Deployment Act; making legislative findings; defining terms; providing for access to public rights-of-way for the collocation of small wireless facilities; providing for certain permit requirements; authorizing and limiting access to collocation sites, structures and equipment; requiring permits to be issued on a nondiscriminatory basis; providing for the collection of fees and setting the amount of fees; and providing for certain zoning, indemnification, insurance, and bonding requirements.”

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

On this question, the yeas and nays were taken (**Roll No. 423**), and there were—yeas 97, nays 2, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Fleischauer and Steele.

Absent and Not Voting: Capito.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 3) takes effect from its passage.

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

Com. Sub. for S. B. 72, Creating Sexual Assault Victims' Bill of Rights; on third reading, coming up in regular order, was reported by the Clerk.

Delegate Criss asked and obtained unanimous consent to amend the bill on third reading, and the rule was suspended to permit the offering and consideration of such.

On motion of Delegate Criss, the bill was amended on page one, after the enacting clause, by inserting the following:

“PREAMBLE: This act shall be known as Hazel’s Law.”

The bill was then read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 424**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Capito.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 72) passed.

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

Com. Sub. for S. B. 393, Protecting right to farm; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 425**), and there were—yeas 97, nays 1, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Robinson.

Absent and Not Voting: S. Brown and Capito.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 393) passed.

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

Com. Sub. for S. B. 393 - “A Bill to amend and reenact §19-19-2 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto two new sections, designated §19-19-7 and §19-19-8, all relating to the right to farm; providing for amended definitions of “agriculture” and “agricultural land”; defining the term “agricultural operation”; limiting persons who may file a nuisance action against an agricultural operation; providing for protections to agricultural operations from nuisance actions under certain circumstances; prohibiting state and local agencies from bringing actions against agricultural operations for activities that are in material compliance with applicable state and federal laws, regulations, and permits; exempting agricultural operations from municipal requirements under certain circumstances; providing that protections from nuisance actions do not apply under certain circumstances; permitting that the protected status of an agricultural operation is assignable, alienable, and inheritable; making a person who brings a nuisance action against a protected agricultural operation liable for the costs and expenses

of the agricultural operation in defending the action; limiting total damages to the diminished value of the subject property; providing for the exclusive compensatory damages that may be awarded to a claimant where the alleged nuisance originates from an agricultural operation; providing that the combined recovery of any claimant or claimant's successor in interest against an agricultural operation shall not exceed the fair market value of his or her property; and prohibiting punitive damages being awarded to a claimant for nuisance actions originating from an agricultural operation.”

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

Com. Sub. for S. B. 441, Relating to higher education campus police officers; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 426**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Boggs, Capito and Linville.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 441) passed.

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

Com. Sub. for S. B. 520, Requiring entities report drug overdoses; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 427**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Boggs and Capito.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 520) passed.

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

S. B. 635, Relating generally to coal mining activities; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 428**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Capito.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 635) passed.

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

S. B. 635 - “A Bill to amend and reenact §5B-2A-5, §5B-2A-6, §5B-2A-8, and §5B-2A-9 of the Code of West Virginia, 1931, as amended; to amend and reenact §22-3-14 of said code; to amend and reenact §22-11-10 of said code; to amend and reenact §22-30-3 and §22-30-24 of said code; to amend and reenact §22A-1-21 and §22A-1-35 of said code; to amend said code by adding thereto two new sections, designated §22A-1-43 and §22A-1-44; to amend and reenact §22A-1A-1 and §22A-1A-2 of said code; to amend and reenact §22A-2-2, §22A-2-12, and §22A-2-13 of said code; to amend said code by adding thereto a new section, designated, §22A-2-80; to amend and reenact §22A-8-5 of said code; to amend said code by adding thereto a new section, designated §22A-8-10; to amend and reenact §61-3-12 of said code; and to amend said code by adding thereto a new section, designated §61-3B-6, all relating generally to coal mining activities; eliminating the

requirement for submission of the community impact statement; requiring review of new mining activity for submission to the Office of Coalfield Community Development; eliminating requirements for submission of certain additional information; requiring the submission of certain information related to land and infrastructure needs upon request of the Office of Coalfield Community Development; requiring and authorizing the Secretary of the Department of Environmental Protection to promulgate rules relating to mine subsidence protection for dwelling owners; authorizing the Secretary of the Department of Environmental Protection to promulgate rules for permit modification and renewal fees for surface mining operations pursuant to the Water Pollution Control Act; authorizing the Secretary of the Department of Environmental Protection to promulgate rules relating to exemptions pursuant to the Aboveground Storage Tank Act; requiring a miner who was issued an assessment to either pay the fine or appeal a violation within 30 days; requiring the Office of Miners' Health, Safety, and Training Mine Rescue Team be provided to a coal operation where the operation has no mine rescue team available within one hour's drive; permitting employers to drug test an employee involved in an accident that results in physical injuries or damage to equipment or property; requiring miners testing positive for drug use to undergo a mandatory minimum six-month suspension; eliminating timing requirements for submission of a detailed mine ventilation plan to the Director of the Office of Miners' Health, Safety, and Training; authorizing the Director of the Office of Miners' Health, Safety, and Training to promulgate emergency rules for establishing a course of instruction for apprentice miners; requiring apprentice miners to work 90 days in a mine within sight and sound of a mine foreman or assistant foreman; permitting the Director of the Office of Miners' Health, Safety, and Training to decertify miners who fail to perform daily examinations; allowing the Director of the Office of Miners' Health, Safety, and Training to use the employer's tracking data of the designated daily examiner; authorizing the Director of the Office of Miners' Health, Safety, and Training to promulgate rules generally; allowing certified competent miners to supervise up to two apprentice miners; holding mine owners, the state, and person or entities engaged in

rescue operations harmless for injury or death; authorizing a temporary exemption from environmental regulations during rescue operations; revoking certifications of persons convicted of mine trespass; removing underground coal mines from those places subject to the crime of unlawful entry of building other than a dwelling; creating the new criminal misdemeanor and felony offenses of mine trespass; establishing penalties for mine trespass including enhanced penalties for bodily injury or death during rescue operations; authorizing increased liability for damages caused during a mine trespass; and exempting lawful activities under the West Virginia and United States Constitutions, and state and federal law from the operation of the mine trespass criminal statute.”

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

On this question, the yeas and nays were taken (**Roll No. 429**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Capito.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 635) takes effect from its passage.

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

S. B. 636, Authorizing legislative rules for Higher Education Policy Commission; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 430**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Capito.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 636) passed.

Delegate Summers moved that the bill take effect its passage.

On this question, the yeas and nays were taken (**Roll No. 431**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Capito.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 636) takes effect from its passage.

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

S. B. 668, Relating to physician assistants collaborating with physicians in hospitals; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 432**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Capito.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 668) passed.

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

Second Reading

Com. Sub. for S. B. 100, Increasing court fees to fund law-enforcement standards training and expenses; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for S. B. 101, Equalizing penalties for intimidating and retaliating against certain public officers and other persons; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for S. B. 154, Using school facilities for funeral and memorial services for certain community members; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for S. B. 163, Authorizing DEP promulgate legislative rules; on second reading, coming up in regular order, was read a second time.

Delegates Hansen, Fleischauer, S. Brown, Estep-Burton, Williams, Walker, Rowe, Pyles, Doyle and Pushkin moved to amend the bill on page three, section one, lines twenty-seven through thirty-eight, by striking out subsection (h) in its entirety, and inserting in lieu thereof the following:

“(h) The legislative rule filed in the State Register on July 27, 2018, authorized under the authority of §22-11-4 of this code, relating to the Department of Environmental Protection (requirements governing water quality standards, 47 CSR 2), is authorized.”

Delegate J. Jeffries requested to be excused from voting on S. B. 163 under the provisions of House Rule 49.

The Speaker replied that the Delegate was a member of a class of persons possibly to be affected by the passage of the bill and directed the Member to vote.

On the adoption of the amendment, Delegate Fleischauer demanded the yeas and nays, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 433**), and there were—yeas 34, nays 64, absent and not voting 2, with the yeas and absent and not voting being as follows:

Yeas: Angelucci, Bates, Boggs, S. Brown, Campbell, Canestraro, Caputo, Diserio, Doyle, Estep-Burton, Evans, Fleischauer, Fluharty, Hansen, Hicks, Hornbuckle, Lavender-Bowe, Longstreth, Lovejoy, Miley, Miller, Pushkin, Pyles, Rodighiero, Rohrbach, Rowe, Sponaule, Staggers, C. Thompson, R. Thompson, Tomblin, Walker, Williams and Zukoff.

Absent and Not Voting: Barrett and Capito.

So, a majority of the members present and voting not having voted in the affirmative, the amendment was rejected.

The bill was then ordered to third reading.

Com. Sub. for S. B. 175, Authorizing DHHR promulgate legislative rules; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on the Judiciary, was reported by the Clerk and adopted, amending the bill on page two, line sixteen, by inserting the following:

On page twenty-two, by adding a new subsection 4.11 to read as follows:

“4.11 For the purposes of substance use disorder services, if a provider is enrolled to accept West Virginia Medicaid and is authorized to provide behavioral health services in its state, the Office of Health Facility Licensure and Certification may through reciprocity authorize it as a West Virginia Behavioral Health Center under this rule.”

And,

On page three, section one, line forty-six, by removing the period and inserting “with the following amendments:

On page thirty-nine, by inserting a subsection, 22.9 to read as follows, “Each OBMAT program shall provide or make referrals for each patient to obtain contraceptive drugs, devices or procedures.”

The bill was then ordered to third reading.

S. B. 190, DOH rule relating to employment procedures; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for S. B. 223, Authorizing Department of Commerce promulgate legislative rules; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Shott, the bill was amended on page three, section three, line five, after the word “authorized”, by striking out the period and inserting in lieu thereof “with the following amendment:

On page nineteen, after subsection 14.6.1., by striking out all of section fifteen, and renumbering the remaining sections accordingly.”

The bill was then ordered to third reading.

Com. Sub. for S. B. 237, Improving ability of law enforcement to locate and return missing persons; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for S. B. 316, Preserving previously approved state Municipal Policemen’s or Firemen’s pensions; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for S. B. 330, Requiring contact information be listed on agency’s online directory and website; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for S. B. 344, Relating to operation of state-owned farms; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for S. B. 360, Relating to third-party litigation financing; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on the Judiciary, was reported by the Clerk on page one, by striking out everything after the enacting clause and inserting in lieu thereof the following:

“ARTICLE 6N. CONSUMER LITIGATION FUNDING.

§46A-6N-1. Definitions.

For purposes of this article:

(1) ‘Consumer’ means any natural person who resides, is present, or is domiciled in this state;

(2) ‘Litigation financier’ means a person, entity, or partnership engaged in the business of litigation financing; and

(3) ‘Litigation financing’ or ‘litigation financing transaction’:

(A) Means a nonrecourse transaction in which financing is provided to a consumer in return for a consumer’s assigning to the litigation financier a contingent right to receive an amount of the potential proceeds of the consumer’s judgment, award, settlement, or verdict obtained with respect to the consumer’s legal claim; and

(B) Does not include:

(i) Legal services provided on a contingency fee basis, or advanced legal costs, where such services or costs are provided to or on behalf of a consumer by an attorney representing the consumer in the dispute and in accordance with the West Virginia Rules of Professional Conduct;

(ii) A consumer loan, as defined by §46A-1-102 of this code;

(iii) A commercial tort claim, as defined by §46-9-102 of this code;

(iv) A claim under the Workers' Compensation Law, compiled in chapter 23 of this code; or

(v) Normal or course of business lending or financing arrangements between an attorney or law firm and a lending institution.

§46A-6N-2. Litigation financier; registration; bond; public record; rules.

(a)(1) No litigation financier shall engage in a litigation financing transaction in this state unless it is registered as a litigation financier in this state.

(2) A litigation financier that is a business entity or partnership is registered in this state if:

(A) It is in compliance with the bond requirements of §46A-6N-2(b) of this code;

(B) It has a status of active and is in good standing as reflected in the records of the Secretary of State; and

(C) Its charter, articles of organization, certificate of limited partnership, or other organizational document, or, if a foreign entity, its West Virginia application for a certificate of authority, contains a statement that it shall be designated as a litigation financier pursuant to this article.

(3) A litigation financier that is not a business entity or partnership is registered in this state if:

(A) It is in compliance with the bond requirements of §46A-6N-2(b) of this code; and

(B) It files an application for registration as a litigation financier on a form prescribed by the Secretary of State that contains the following:

(i) Applicant's full legal name;

(ii) Business name of applicant, if any;

(iii) Physical street address and mailing address of the applicant;

(iv) A telephone number through which the applicant can be reached;

(v) The name, physical street address, mailing address, and telephone number for a West Virginia registered agent appointed to accept service of process on behalf of the applicant;

(vi) A statement that the applicant shall be designated as a litigation financier pursuant to this article; and

(vii) Any other information the Secretary of State deems necessary.

(b)(1) Each litigation financier shall file with the Secretary of State and have approved by the Office of the West Virginia Attorney General a surety bond or irrevocable letter of credit issued and confirmed by a financial institution authorized by law to transact business in the State of West Virginia in an amount not less than \$50,000.

(2) Such bond shall be payable to this state for the use of the Attorney General and any person who may have a cause of action against the obligor of the bond for any violation of this article. The bond shall continue in effect so long as a litigation financier is designated as a litigation financier in the records of the Secretary of State.

(c) A litigation financier shall amend its registration with the Secretary of State within 30 days whenever the information contained in such record changes or becomes inaccurate or incomplete in any respect.

(d) The Secretary of State, as appropriate, may promulgate rules in implementing this article, including, but not limited to, the adoption of fees to cover any administrative costs relating to administering this article.

§46A-6N-3. Litigation financier requirements.

A litigation financier shall fulfill each of the following requirements when engaged in litigation financing:

(1) The terms of the litigation financing transaction shall be set forth in a written contract that is completely filled in with no incomplete sections when the contract is offered or presented to the consumer;

(2) The litigation financing contract shall contain a right of rescission, allowing the consumer to cancel the litigation financing contract without penalty or further obligation if, within five business days following the consumer's receipt of the funds, or execution of the litigation financing contract, whichever is later, the consumer gives notice of the rescission and returns any money already provided to the consumer by the litigation financier;

(3) The litigation financing contract shall contain a written acknowledgment by the consumer of whether the consumer is represented by an attorney in the dispute;

(4) If the consumer acknowledges that the consumer is represented by an attorney in the dispute, the litigation financing contract shall include a written acknowledgment executed by the consumer's attorney in the dispute in which the attorney acknowledges all of the following:

(A) The attorney has had the opportunity to review the litigation financing contract on behalf of the consumer;

(B) The attorney is representing the consumer with regard to the dispute that is the subject of the litigation financing contract;

(C) The attorney has neither received nor paid a referral fee or any other consideration from or to the litigation financier, nor will the attorney in the future; and

(D) In the event that proceeds are paid into a settlement fund or trust, the litigation financier shall notify the administrator of the fund or trust of any outstanding liens arising from the litigation financing contract.

§46A-6N-4. Litigation financier prohibitions.

A litigation financier shall not:

(1) Pay or offer to pay commissions, referral fees, or other forms of consideration to any attorney, law firm, medical provider, chiropractor, physical therapist, or any of their employees for referring a consumer to a litigation financier;

(2) Accept any commissions, referral fees, rebates, or other forms of consideration from an attorney, law firm, medical provider, chiropractor, physical therapist, or any of their employees;

(3) Advertise false or misleading information regarding its products or services;

(4) Refer a consumer or potential consumer to a specific attorney, law firm, medical provider, chiropractor, physical therapist, or any of their employees: *Provided*, That if a consumer does not have legal representation, the provider may refer the consumer to a local or state bar referral service operated by a bar association;

(5) Fail to promptly supply copies of any and all complete litigation financing contracts to the consumer and the attorney representing the consumer in the dispute;

(6) Attempt to obtain in the litigation for which the litigation financing transaction exists, a waiver of any remedy, including, but not limited to, compensatory, statutory, or punitive damages, that the consumer might otherwise have;

(7) Attempt to effect in the litigation for which the litigation financing transaction exists mandatory arbitration or otherwise effect waiver of a consumer's right;

(8) Offer or provide legal advice to the consumer regarding the litigation financing or the underlying dispute;

(9) Assign, which includes securitizing, a litigation financing contract, in whole or in part, to a third party; however:

(A) §46A-6N-4(9) of this code does not prevent a litigation financier that retains responsibility for collecting payment, administering, or otherwise enforcing the litigation financing contract from making an assignment that is:

(i) To a wholly owned subsidiary of the litigation financier;

(ii) To an affiliate of the litigation financier that is under common control with the litigation financier; or

(iii) A grant of a security interest that is pursuant to §46-9-1 *et seq.* of this code or is otherwise permitted by law; and

(B) If an assignment is authorized and made pursuant to §46A-6N-4(9) of this code, for purposes of this section, “litigation financier” includes a successor-in-interest to a litigation financing contract;

(10) Report a consumer to a credit reporting agency if insufficient funds remain from the net proceeds to repay the company;

(11) An attorney or law firm retained by a consumer shall not have a financial interest in a company offering litigation funding to the consumer and shall not receive a referral fee or other consideration from the company, its employees, or its affiliates;

(12) A personal injury attorney or law firm, practicing in the State of West Virginia, retained by a consumer shall not have a financial interest in a company offering litigation financing to consumers and shall not receive a referral fee or other consideration from the company, its employees, or its affiliates; or

(13) Receive any right to, nor make any decisions with respect to, the conduct of the consumer’s legal claim or any settlement or resolution. The right to make such decisions shall remain solely with the consumer and his or her attorney.

§46A-6N-5. Litigation financing contracts; disclosures.

(a) Litigation financing contracts shall contain the disclosures specified in this section, which shall constitute material terms of the litigation financing contract.

(b) Unless otherwise specified, the disclosures shall be typed in at least 14-point, bold font and be placed clearly and conspicuously within the litigation financing contract, as follows:

(1) Each contract shall include consumer disclosures on the first two pages, to the extent possible. The consumer disclosures shall include:

(A) Notification that some or all of the funded amount may be taxable;

(B) A description of the consumer's right of rescission;

(C) The total funded amount provided to the consumer under the contract;

(D) An itemization of charges; and

(E) The total amount due from the consumer, in six-month intervals for 36 months, including all charges and fees;

(i) A statement that there are no charges or fees to be paid by the consumer other than what is disclosed on the disclosure form;

(ii) In the event the consumer seeks more than one litigation financing contract, a disclosure providing the cumulative amount due from the consumer for all transactions, including charges under all contracts, if repayment is made any time after the contracts are executed;

(F) A statement that if there is no recovery of any money from the consumer's legal claim, the consumer shall owe nothing to the company; and

(G) A statement that if the net proceeds of the claim are insufficient to repay the consumer's indebtedness to the company,

defined as the complete funded amount and charges, the company shall accept as full payment of its funded amount and charges a reduced sum;

(H) The following:

Consumer's Right to Cancellation: You may cancel this contract without penalty or further obligation within five (5) business days from the date you signed this contract or received financing from [insert name of the litigation financier] by: returning the funds to [insert name, office address, and office hours of the litigation financier] or by U. S. mail [insert name and mailing address of litigation financier]. For purposes of the return deadline by U. S. mail, the postmark date on the returned funds or, if mailed by registered or certified mail, the date of the return receipt requested shall be considered the date of return.

(2) Within the body of the litigation financing contract, the following:

The litigation financier agrees that it has no right to and will not make any decisions about the conduct of your lawsuit or dispute and that the right to make those decisions remains solely with you and your attorney;

(3) Within the body of the litigation financing contract, in all capital letters contained within a box the following:

THE FUNDED AMOUNT AND AGREED-TO CHARGES SHALL BE PAID ONLY FROM THE PROCEEDS OF YOUR LEGAL CLAIM AND SHALL BE PAID ONLY TO THE EXTENT THAT THERE ARE AVAILABLE PROCEEDS FROM YOUR LEGAL CLAIM. YOU WILL NOT OWE (INSERT NAME OF THE CONSUMER LITIGATION FUNDER) ANYTHING IF THERE ARE NO PROCEEDS FROM YOUR LEGAL CLAIM, UNLESS YOU HAVE VIOLATED ANY MATERIAL TERM OF THIS AGREEMENT OR YOU HAVE COMMITTED FRAUD AGAINST THE CONSUMER LITIGATION FUNDER.

(4) Located immediately above the place on the litigation financing contract where the consumer's signature is required, the litigation financing contract shall include the following:

DO NOT SIGN THIS CONTRACT BEFORE YOU READ IT COMPLETELY. IF THIS CONTRACT CONTAINS ANY INCOMPLETE SECTIONS, YOU ARE ENTITLED TO A COMPLETELY FILLED-IN COPY OF THE CONTRACT PRIOR TO SIGNING IT. BEFORE YOU SIGN THIS CONTRACT, YOU SHOULD OBTAIN THE ADVICE OF AN ATTORNEY. DEPENDING ON THE CIRCUMSTANCES YOU MAY WANT TO CONSULT A TAX ADVISOR, A FINANCIAL PROFESSIONAL, OR AN ACCOUNTANT.

§46A-6N-6. Third-party agreements.

Except as otherwise stipulated or ordered by the court, a party shall, without awaiting a discovery request, provide to the other parties any agreement under which any litigation financier, other than an attorney permitted to charge a contingent fee representing a party, has a right to receive compensation that is contingent on and sourced from any proceeds of the civil action, by settlement, judgment, or otherwise.

§46A-6N-7. Violation; enforcement.

(a) Any violation of this article shall make the litigation financing contract unenforceable by the litigation financier, the consumer, or any successor-in-interest to the litigation financing contract. The court may, in the event that judgment is awarded to the plaintiff, assess costs of the action, including reasonable attorneys' fees, against the defendant.

(b) Nothing in this article shall be construed to limit the exercise of powers or the performance of the duties of the Attorney General, including those provided by the West Virginia Consumer Credit and Protection Act, which the Attorney General is otherwise authorized or required to exercise or perform by law.

§46A-6N-8. Contingency rights; assignments; priority of lien, subrogation interest, or right of reimbursement.

(a) The contingent right to receive an amount of the potential proceeds of a legal claim may be assigned by a consumer, and that assignment is valid for the purposes of obtaining litigation financing from a litigation financier.

(b) The lien of a litigation financier on a consumer's legal claim has priority over liens that attach and take effect subsequent to the attachment of the litigation financier's lien to the consumer's legal claim, except for the following:

(1) Attorney liens, insurance carrier liens, medical provider liens, or liens based upon subrogation interests or rights of reimbursement related to the consumer's legal claim; and

(2) Child support, Medicare, tax, or any other statutory or governmental lien.

§46A-6N-9. Fees; terms; incorporation of obligations in agreement.

(a) A litigation financier may not charge the consumer an annual fee of more than 18 percent of the original amount of money provided to the consumer for the litigation financing transaction.

(b) Litigation financiers shall not charge a consumer the annual fee authorized by §46A-6N-9(a) of this code more than one time each year with regard to any single legal claim regardless of the number of litigation financing transactions that the litigation financier enters into with the consumer with respect to such legal claim.

(c) Fees assessed by a litigation funding provider may compound semiannually but may not compound based on any lesser time period.

(d) In calculating the annual percentage fee or rate of return, a litigation funding provider must include all charges payable directly or indirectly by the consumer, and must compute the rate based only on amounts actually received and retained by a consumer.

(e) A litigation funding provider may not assess fees for any period exceeding 42 months from the date of the contract with the civil litigant.

(f) Litigation financiers shall not enter into an agreement with a consumer that has the effect of incorporating the consumer's obligations to the litigation financier that are contained in the original litigation financing transaction into a subsequent litigation financing transaction.

(g) Litigation financiers shall not knowingly provide funding to a consumer who has previously assigned and/or sold a portion of the consumer's right to proceeds from his or her legal claim without first making payment to and/or purchasing a prior unsatisfied litigation financing company's entire funded amount and contracted charges unless a lesser amount is otherwise expressly agreed to in writing by the litigation financing companies; except multiple companies may agree to contemporaneously provide funding to a consumer provided that the consumer and the consumer's attorney consent to the agreement in writing."

Delegate Malcolm moved to amend the strike and insert amendment on page one, section one, line seven, following the words "financing is", by adding the following language: "used to pay for attorney's fees, costs and litigation expenses to prosecute the civil action or claim, and is".

On the adoption of the amendment to the amendment, Delegate Malcolm demanded the yeas and nays, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 434**), and there were—yeas 11, nays 87, absent and not voting 2, with the yeas and absent and not voting being as follows:

Yeas: Butler, Cadle, D. Jeffries, Jennings, Kump, Malcolm, C. Martin, P. Martin, McGeehan, Paynter and Porterfield.

Absent and Not Voting: Capito and Nelson.

So, a majority of the members present and voting not having voted in the affirmative, the amendment to the amendment was rejected.

The Judiciary Committee amendment was then adopted.

The bill was then ordered to third reading.

Com. Sub. for S. B. 373, Relating to financial responsibility of inmates; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for S. B. 481, Relating to Judicial Vacancy Advisory Commission; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on the Judiciary, was reported by the Clerk and adopted, amending the bill on page two, section three-a, line thirty, by striking out subdivision (1) in its entirety and inserting in lieu thereof the following:

“(1) No more than three appointed members of the commission may be residents of the same congressional district: *Provided, That, if the number of congressional districts in the state is reduced to two, then no more than four appointed members of the commission may be residents of the same congressional district.*”

The bill was then ordered to third reading.

Com. Sub. for S. B. 491, Extending effective date for voter registration in conjunction with driver licensing; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on the Judiciary, was reported by the Clerk on page one, immediately following the enacting section, by striking out the remainder of the bill and inserting in lieu thereof the following:

“ARTICLE 2. REGISTRATION OF VOTERS.

§3-2-11. Registration in conjunction with driver licensing.

(a) The Division of Motor Vehicles or other division or department that may be established by law to perform motor vehicle driver licensing services shall obtain as an integral and simultaneous part of every process of application for the issuance, renewal, or change of address of a motor vehicle driver's license, or official identification card pursuant to the provisions of §17B-2-1 *et seq.* of this code, when the division's regional offices are open for regular business, the following information from each qualified registrant:

(1) Full name, including first, middle, last, and any premarital names;

(2) Date of birth;

(3) Residence address and mailing address, if different;

(4) The applicant's electronic signature;

(5) Telephone number, if available;

(6) Email address, if available;

(7) Political party membership, if any;

(8) Driver's license number and last four digits of Social Security number;

(9) A notation that the applicant has attested that he or she meets all voter eligibility requirements; ~~including United States citizenship;~~

(10) United States citizenship status;

~~(10)~~ (11) Whether the applicant affirmatively declined to become registered to vote during the transaction with the Division of Motor Vehicles;

~~(11)~~ (12) Date of application; and

~~(12)~~ (13) Any other information specified in rules adopted to implement this section.

(b) Unless the applicant affirmatively declines to become registered to vote or update their voter registration during the transaction with the Division of Motor Vehicles, the Division of Motor Vehicles shall release all of the information obtained pursuant to subsection (a) of this section to the Secretary of State, who shall forward the information to the county clerk for the relevant county to process the newly registered voter or updated information for the already-registered voter pursuant to law. The Division of Motor Vehicles shall notify ~~that~~ the applicant that by submitting his or her signature, the applicant grants written consent for the submission of the information obtained and required to be submitted to the Secretary of State pursuant to this section.

(c) By no later than January 1, 2020, the Division of Motor Vehicles shall create a regular process that allows the Secretary of State to fulfill his or her duties as provided by §3-2-3 of this code to confirm that persons who are non-citizens of the United States have not and cannot register to vote via the Online Voter Registration portal.

~~(e)~~ (d) Information regarding a person's failure to sign the voter registration application is confidential and may not be used for any purpose other than to determine voter registration.

~~(d)~~ (e) A qualified voter who submits the required information or update to his or her voter registration, pursuant to the provisions of subsection (a) of this section, in person at a driver licensing facility at the time of applying for, obtaining, renewing, or transferring his or her driver's license or official identification card and who presents identification and proof of age at that time is not required to make his or her first vote in person or to again present identification in order to make that registration valid.

~~(e)~~ (f) A qualified voter, who submits by mail or by delivery by a third party an application for registration on the form used in conjunction with driver licensing, is required to make his or her first vote in person and present identification as required for other mail registration in accordance with the provisions of §3-2-10(g) of this code. If the applicant has been previously registered in the jurisdiction and the application is for a change of address, change

of name, change of political party affiliation, or other correction, the presentation of identification and first vote in person is not required.

~~(f)~~ (g) An application for voter registration submitted pursuant to the provisions of this section updates a previous voter registration by the applicant and authorizes the cancellation of registration in any other county or state in which the applicant was previously registered.

~~(g)~~ (h) A change of address from one residence to another within the same county which is submitted for driver licensing or nonoperator's identification purposes in accordance with applicable law serves as a notice of change of address for voter registration purposes if requested by the applicant after notice and written consent of the applicant.

~~(h)~~ (i) Completed applications for voter registration or change of address for voting purposes received by an office providing driver licensing services shall be forwarded to the Secretary of State within five days of receipt unless other means are available for a more expedited transmission. The Secretary of State shall remove and file any forms which have not been signed by the applicant and shall forward completed, signed applications to the clerk of the appropriate county commission within five days of receipt.

~~(i)~~ (j) Voter registration application forms containing voter information which are returned to a driver licensing office unsigned shall be collected by the Division of Motor Vehicles, submitted to the Secretary of State, and maintained by the Secretary of State's office according to the retention policy adopted by the Secretary of State.

~~(j)~~ (k) The Secretary of State shall establish procedures to protect the confidentiality of the information obtained from the Division of Motor Vehicles, including any information otherwise required to be confidential by other provisions of this code.

~~(k)~~ (l) A person registered to vote pursuant to this section may cancel his or her voter registration at any time by any method available to any other registered voter.

~~(l)~~ (m) This section ~~shall not be construed as requiring~~ does not require the Division of Motor Vehicles to determine eligibility for voter registration and voting.

~~(m)~~ (n) ~~The changes made to this section during the 2016 Regular Legislative Session shall become effective on July 1, 2019, and any costs associated therewith shall be paid by the Division of Motor Vehicles. If the Division of Motor Vehicles is unable to meet the requirements of this section by February 1, 2019, it shall make a presentation to the Joint Committee on Government and Finance explaining any resources necessary to meet the requirements or any changes to the code that it recommends immediately prior to the 2019 Regular Legislative Session: *Provided*, That the Division of Motor Vehicles shall report to the Joint Committee on Government and Finance by January 1, 2018 with a full and complete list of all infrastructure they require to achieve the purposes of this section.~~

Except for the changes made to subsection (b) of this section during the 2017 regular legislative session, the changes made to this section during the 2016 regular legislative session become effective on July 1, 2021, and any costs associated therewith shall be paid by the Division of Motor Vehicles. The Commissioner of the Division of Motor Vehicles, the Secretary of the Department of Transportation, and the Secretary of State shall each appear before the Joint Committee on Government and Finance and the Joint Standing Committee on the Judiciary, during the first interim meetings of such committees occurring after September 1, 2019, to present written reports containing a full and complete list of any infrastructure each agency requires to achieve the purposes of this section. Along with the report required by this subsection, the Division of Motor Vehicles shall submit a written schedule to both committees outlining how the Division will implement the requirements of this section by July 1, 2021.

~~(n)~~ (o) The Secretary of State shall propose rules for legislative approval in accordance with the provisions of §29A-3-1 *et seq.* of this code ~~in order~~ to implement the requirements of this section.”

Delegate Robinson moved to amend the amendment, on page three, section eleven, lines eighty-four and ninety-two, by striking out the number “2021” and inserting in lieu thereof, the number “2020”.

On the adoption of the amendment to the amendment, Delegate Robinson demanded the yeas and nays, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 435**), and there were—yeas 44, nays 56, absent and not voting none, with the yeas being as follows:

Yeas: Angelucci, Barrett, Bates, Boggs, N. Brown, S. Brown, Byrd, Campbell, Canestraro, Caputo, Diserio, Doyle, Estep-Burton, Evans, Fleischauer, Fluharty, Hansen, Hartman, Hicks, Hornbuckle, Kump, Lavender-Bowe, Longstreth, Lovejoy, P. Martin, McGeehan, Miley, Miller, Pethtel, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Skaff, Sponaugle, Staggers, Swartzmiller, C. Thompson, R. Thompson, Tomblin, Walker, Williams and Zukoff.

So, a majority of the members present and voting not having voted in the affirmative, the amendment to the Judiciary Committee amendment was rejected.

The amendment recommended by the Committee on the Judiciary was then adopted.

The bill was then ordered to third reading.

S. B. 519, Requiring county emergency dispatchers complete course for telephonic cardiopulmonary resuscitation; on second reading, coming up in regular order, was read a second time and ordered to third reading.

S. B. 531, Relating generally to workers' compensation claims; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for S. B. 624, Allowing county boards of education use alternative assessment provided in Every Student Succeeds Act; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Hamrick, the bill was amended on page five, section five, line one hundred five, after the word "Act", by striking out the remainder of the paragraph and inserting in lieu thereof the following:

"The department shall negotiate reasonable per student costs for the delivery and administration of the alternative assessment that is equal to the per-student assessment cost as determined by the statewide assessment contract. The department shall be responsible for the costs of collecting and submitting the evidence needed to satisfy the requirements specified in 20 U.S.C. § 6311 (b)(2)(H) and 34 CFR 200.3. If the U.S. Department of Education determines that an alignment study is needed, the department shall ensure that a holistic alignment approach is used to evaluate the degree of alignment between the assessment and the state academic standards and the study shall include at least three test forms."

The bill was then ordered to third reading.

S. B. 664, Authorizing certain members of federal judiciary perform marriages; on second reading, coming up in regular order, was read a second time and ordered to third reading.

S. B. 667, Creating WV Motorsport Committee; on second reading, coming up in regular order, was read a second time and ordered to third reading.

First Reading

The following bills on first reading, coming up in regular order, were each read a first time and ordered to second reading:

Com. Sub. for S. B. 1, Increasing access to career education and workforce training,

Com. Sub. for S. B. 187, Authorizing Department of Revenue to promulgate legislative rules,

Com. Sub. for S. B. 285, Relating to sale of homemade food items,

Com. Sub. for S. B. 537, Creating workgroup to review hospice need standards,

Com. Sub. for S. B. 546, Relating to health care provider taxes,

S. B. 587, Relating to PEIA reimbursement of air ambulance providers,

S. B. 617, Relating to method of payment to Municipal Pensions Security Fund,

Com. Sub. for S. B. 653, Relating generally to practice of medical corporations,

And,

S. B. 675, Requiring DEP create and implement Adopt-A-Stream Program.

Miscellaneous Business

Delegate R. Thompson announced that he was absent on today when the vote was taken on Roll No. 416, and that had he been present, he would have voted “Yea” thereon.

Delegate Linville announced that he was absent on today when the vote was taken on Roll No. 427, and that had he been present, he would have voted “Yea” thereon.

Delegate Boggs announced that he was absent on today when the votes were taken on Roll Nos. 426 and 427, and that had he been present, he would have voted “Yea” thereon.

At 3:56 p.m., the House of Delegates adjourned until 11:00 a.m., Tuesday, March 5, 2019.

Tuesday, March 5, 2019

FIFTY-SIXTH DAY

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

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

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

The Clerk proceeded to read the Journal of Monday, March 4, 2019, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Committee Reports

Delegate Hamrick, Chair of the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration:

Com. Sub. for S. B. 632, Improving student safety,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, and with the recommendation that second reference to the Committee on Finance be dispensed with.

Delegate Summers asked unanimous consent that second reference of the bill to the Committee on Finance be dispensed with, which consent was not granted, objection being heard.

Delegate Summers then moved that second reference of the bill to the Committee on Finance be dispensed with, and on this motion, the yeas and nays were taken (**Roll No. 436**), and there were—yeas 59, nays 40, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Angelucci, Barrett, Bates, Boggs, N. Brown, S. Brown, Byrd, Campbell, Canestraro, Caputo, Diserio, Doyle, Estep-Burton, Evans, Fleischauer, Fluharty, Hansen, Hartman, Hicks, Lavender-Bowe, Longstreth, Lovejoy, Miley, Miller, Pethtel, Pushkin, Pyles, Robinson, Rodighiero, Rohrbach, Rowe, Skaff, Sponaugle, Staggers, Swartzmiller, C. Thompson, R. Thompson, Tomblin, Walker and Williams.

Absent and Not Voting: Steele.

So, two thirds of the members present and voting not having voted in the affirmative, the motion did not prevail.

Delegate Hamrick, Chair of the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration:

Com. Sub. for S. B. 329, Relating to agricultural education in high schools,

And reports the same back with the recommendation that it do pass, and with the recommendation that second reference to the Committee on Finance be dispensed with.

In the absence of objection, reference of the bill (Com. Sub. for S. B. 329) to the Committee on Finance was abrogated.

Delegate Ellington, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

Com. Sub. for S. B. 640, Regulating sudden cardiac arrest prevention,

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

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

Your Committee on Finance has had under consideration:

Com. Sub. for S. J. R. 5, Clarification of the Judiciary's Role in Impeachment Proceedings Amendment,

And reports the same back, with amendment, with the recommendation that it be adopted, as amended, but that it first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the resolution (Com. Sub. for S. J. R. 5) was referred to the Committee on the Judiciary.

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

Your Committee on Finance has had under consideration:

S. B. 16, Authorizing expenditure of surplus funds by Wyoming County Commission,

Com. Sub. for S. B. 502, Exempting sales of investment metal bullion and coins,

S. B. 535, Allowing City of Buckhannon begin collecting sales and service and use tax on July 1, 2019,

And,

Com. Sub. for S. B. 538, Relating to WV Highway Design-Build Pilot Program,

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

At the respective requests of Delegate Summers, and by unanimous consent, S. B. 535 was taken up for immediate consideration, read a first time and ordered to second reading.

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

Your Committee on Finance has had under consideration:

Com. Sub. for S. B. 103, Relating generally to Public Defender Services,

Com. Sub. for S. B. 147, Shifting funding from Landfill Closure Assistance Fund to local solid waste authorities,

Com. Sub. for S. B. 398, Relating to compensation for senior judges,

S. B. 499, Amending WV tax laws to conform to changes in partnerships for federal income tax purposes,

And,

S. B. 656, Relating to electronic filing of tax returns,

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

Delegate Shott, Chair of the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration:

Com. Sub. for S. B. 124, Creating felony offense for actions of cruelty to animals which causes serious injury or death of animal,

Com. Sub. for S. B. 487, Relating to admissibility of health care staffing requirements in litigation,

Com. Sub. for S. B. 603, Exempting certain activities from licensing requirements for engaging in business of currency exchange,

And,

S. B. 669, Allowing appointment of commissioners to acknowledge signatures,

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

At the respective requests of Delegate Summers, and by unanimous consent, Com. Sub. for S. B. 487 was taken up for immediate consideration, read a first time and ordered to second reading.

Delegate Shott, Chair of the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration:

Com. Sub. for S. B. 369, Relating to generic drug products,

And,

Com. Sub. for S. B. 601, Relating to mandatory supervision of adult inmates,

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

Delegate Butler, Chair of the Committee on Technology and Infrastructure submitted the following report, which was received:

Your Committee on Technology and Infrastructure has had under consideration:

H. C. R. 5, U. S. Army T/5 Maurice V. Mann Memorial Bridge,

And reports back a committee substitute therefor, with a new title, as follows:

Com. Sub. for H. C. R. 5 - "Requesting the Division of Highways name bridge number 32-122-7.94 (32A054) (37.54070, -80.66364), locally known as Indian Creek Bridge #1, carrying

W.Va. Route 122 over Indian Creek in Monroe County, the ‘U. S. Army T/5 Maurice V. Mann Memorial Bridge’,”

H. C. R. 49, U. S. Marine Corps PFC Danny Marshall Memorial Bridge,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. C. R. 49 - “Requesting the Division of Highways to name bridge number 54-14-24.76 (54A039), locally known as Big Run Bridge, carrying WV 14 over Big Run in Wood County, the ‘U. S. Marine Corps PFC Danny Marshall Memorial Bridge’,”

H. C. R. 52, Dr. H. Luke Eye Memorial Bridge,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. C. R. 52 - “Requesting the Division of Highways name bridge number 36-33-33.85 (36A165), carrying U. S. Route 33 over the South Branch of the Potomac River in Pendleton County, the ‘Dr. H. Luke Eye Memorial Bridge’,”

H. C. R. 53, Ray P. Reip Memorial Bridge,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. C. R. 53 - “Requesting the Division of Highways name northbound and southbound bridges numbered 04-79-54.18 (04A109, 04A110), locally known as the Co 21 Overpass Bridges, carrying Interstate 79 over County Route 21 in Braxton County, the ‘Ray P. Reip Memorial Bridge’,”

H. C. R. 55, U. S. Navy Seaman 1st Class Brady William Milam Memorial Bridge,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. C. R. 55 - "Requesting the Division of Highways name bridge number 18-77-119.86 NB & SB (18A150, 18151) locally known as Goldtown Interchange Bridges, carrying Interstate 77 over County Route 21 and Pocatlico Creek in Jackson County, the 'U. S. Navy Seaman 1st Class Brady William Milam Memorial Bridge',"

H. C. R. 70, Danny Wayne Marks Memorial Bridge,

And reports back a committee substitute therefor, with a new title, as follows:

Com. Sub. for H. C. R. 70 - "Requesting the Division of Highways name bridge number: 44-119-9.04 (44A109), locally known as Walton Bridge, carrying U. S. 119 over the Pocatlico River in Roane County, the 'Danny Wayne Marks Memorial Bridge',"

H. C. R. 76, Reverend Lonnie Ramsey Memorial Bridge

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. C. R. 76 - "Requesting the Division of Highways name bridge Number :04-1-4.02 (04A001), locally known as Orlando Bridge, carrying County Route 1 over Oil Creek in Braxton County, the 'Reverend Lonnie Ramsey Memorial Bridge',"

H. C. R. 79, U. S. Army PFC Homer Jacob Day Memorial Bridge,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. C. R. 79 - "Requesting the Division of Highways name bridge number 42-25-0.04 (42A185), locally known as Glenmore Bridge, carrying County Route 25 over Isner Creek in Randolph County, the 'U. S. Army PFC Homer Jacob Day Memorial Bridge',"

And,

H. C. R. 82, U. S. Navy Veteran Samuel H. Slack, Jr. Memorial Bridge,

And reports back a committee substitute therefor, with a new title, as follows:

Com. Sub. for H. C. R. 82 - "Requesting the Division of Highways to name bridge number 20-60-22.55 EB & WB (20A346, 20A680), locally known as Campbells Creek Overpass EB & WB, carrying US 60 (EB & WB) over Port Amherst Drive and Railroad in Kanawha County, the 'U. S. Navy GM1 Samuel H. Slack, Jr. Memorial Bridge',"

With the recommendation that the committee substitutes each be adopted, but that they first be referred to the Committee on Rules.

In accordance with the former direction of the Speaker, the resolutions (Com. Sub. for H. C. R. 5, Com. Sub. for H. C. R. 49, Com. Sub. for H. C. R. 52, Com. Sub. for H. C. R. 53, Com. Sub. for H. C. R. 55, Com. Sub. for H. C. R. 70, Com. Sub. for H. C. R. 76, Com. Sub. for H. C. R. 79 and Com. Sub. for H. C. R. 82) were each referred to the Committee on Rules.

Delegate Butler, Chair of the Committee on Technology and Infrastructure, submitted the following report, which was received:

Your Committee on Technology and Infrastructure has had under consideration:

Com. Sub. for S. C. R. 4, US Marine Corps Lt. Col. Dennis Ray Blankenship Memorial Road,

Com. Sub. for S. C. R. 28, US Army SP5 James Henry Caruthers Memorial Road,

And,

Com. Sub. for S. C. R. 40, US Army CPL Roy E. Clark Memorial Bridge,

And reports the same back, with amendment, with the recommendation that they each be adopted, as amended, but that they first be referred to the Committee on Rules.

In accordance with the former direction of the Speaker, the resolutions (Com. Sub. for S. C. R. 4, Com. Sub. for S. C. R. 28 and Com. Sub. for S. C. R. 40) were each referred to the Committee on Rules.

Delegate Butler, Chair of the Committee on Technology and Infrastructure, submitted the following report, which was received:

Your Committee on Technology and Infrastructure has had under consideration:

H. C. R. 28, Charleston Police Capt. Jerry D. Hill Memorial Bridge,

H. C. R. 46, PVT Jack C. Evans Memorial Bridge,

S. C. R. 5, Home of Coach Bob Bolen Mountain State University 2004 NAIA Champions sign,

S. C. R. 6, US Army SP4 Darrell Gregory Triplett Memorial Bridge,

S. C. R. 9, US Army PFC Winten L. Wayts Memorial Bridge,

S. C. R. 16, US Army SP4 Wilbur Allen Smith Memorial Bridge,

S. C. R. 17, Sardis District Veterans Memorial Bridge,

S. C. R. 20, US Air Force SSGT Ryan David Hammond Memorial Bridge,

S. C. R. 23, Jeffrey Alan Clovis Memorial Bridge,

Com. Sub. for S. C. R. 24, Hazel Dickens Memorial Bridge,

Com. Sub. for S. C. R. 25, US Army PFC Andrew “Bo” Martin Harper Memorial Bridge,

Com. Sub. for S. C. R. 34, US Army SPC Julian Lee Berisford Memorial Bridge,

And,

Com. Sub. for S. C. R. 36, US Army CPL Cory M. Hewitt Memorial Bridge,

And reports the same back with the recommendation that they each be adopted, but that they first be referred to the Committee on Rules.

In accordance with the former direction of the Speaker, the resolutions (H. C. R. 28, H. C. R. 46, S. C. R. 5, S. C. R. 6, S. C. R. 9, S. C. R. 16, S. C. R. 17, S. C. R. 20, S. C. R. 23, Com. Sub. for S. C. R. 24, Com. Sub. for S. C. R. 25, Com. Sub. for S. C. R. 34 and Com. Sub. for S. C. R. 36) were each referred to the Committee on Rules.

Delegate Capito, Chair of the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled and, on the 4th day of March, 2019, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

H. B. 2036, Permitting vehicles displaying disabled veterans' special registration plates to park in places where persons with mobility impairments may park,

And,

Com. Sub. for H. B. 2821, Updating provisions for command, clerical and other pay.

Delegate Capito, Chair of the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled and, on the 5th day of March, 2019, presented to His

Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

Com. Sub. for H. B. 2690, Relating to guaranty associations,

H. B. 2746, Relating to administration of estates,

And,

H. B. 2827, Removing the residency requirements for hiring deputy assessors.

Messages from the Senate

A message from the Senate, by

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

Com. Sub. for H. B. 2183, Clarifying where a charge of DUI may be brought against an individual.

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

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

“ARTICLE 5. SERIOUS TRAFFIC OFFENSES.

§17C-5-2. Driving under influence of alcohol, controlled substances or drugs; penalties.

(a) *Definitions-*

(1) ‘Impaired state’ means a person:

(A) Is under the influence of alcohol;

(B) Is under the influence of any controlled substance;

(C) Is under the influence of any other drug or inhalant substance;

(D) Is under the combined influence of alcohol and any controlled substance or any other drug; or

(E) Has an alcohol concentration in his or her blood of eight hundredths of one percent or more, by weight.

(2) 'Bodily Injury' means injury that causes substantial physical pain, illness or any impairment of physical condition.

(3) 'Serious Bodily Injury' means bodily injury that creates a substantial risk of death, that causes serious or prolonged disfigurement, prolonged impairment of health or prolonged loss or impairment of the function of any bodily organ.

(b) Any person who drives a vehicle in this state while he or she is in an impaired state and such impaired state proximately causes the death of any person is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for not less than three nor more than 15 years and shall be fined not less than \$1,000 nor more than \$3,000: *Provided*, That any death charged under this subsection must occur within one year of the offense.

(c) Any person who drives a vehicle in this state while he or she is in an impaired state and such impaired state proximately causes serious bodily injury to any person other than himself or herself, is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for not less than two nor more than 10 years and shall be fined not less than \$1,000 nor more than \$3,000.

(d) Any person who drives a vehicle in this state while he or she is in an impaired state and such impaired state proximately causes a bodily injury to any person other than himself or herself, is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not less than one day more than one year and shall be fined not less than \$200 nor more than \$1,000: *Provided*, That such jail term shall include actual confinement of not less than 24 hours: *Provided, however*, That a person sentenced pursuant to

this subsection shall receive credit for any period of actual confinement he or she served upon arrest for the subject offense.

(e) Any person who drives a vehicle in this state: (i) While he or she is in an impaired state or (ii) while he or she is in an impaired state but has an alcohol concentration in his or her blood of less than fifteen hundredths of one percent by weight, is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for up to six months and shall be fined not less than \$100 nor more than \$500: *Provided*, That a person sentenced pursuant to this subsection shall receive credit for any period of actual confinement he or she served upon arrest for the subject offense.

(f) Any person who drives a vehicle in this state while he or she has an alcohol concentration in his or her blood of fifteen hundredths of one percent or more, by weight, is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not less than two days nor more than six months, which jail term is to include actual confinement of not less than 24 hours, and shall be fined not less than \$200 nor more than \$1,000. A person sentenced pursuant to this subdivision shall receive credit for any period of actual confinement he or she served upon arrest for the subject offense.

(g) Any person who, being a habitual user of narcotic drugs or amphetamine or any derivative thereof, drives a vehicle in this state is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not less than one day nor more than six months, which jail term is to include actual confinement of not less than 24 hours, and shall be fined not less than \$100 nor more than \$500. A person sentenced pursuant to this subdivision shall receive credit for any period of actual confinement he or she served upon arrest for the subject offense.

(h) Any person who knowingly permits his or her vehicle to be driven in this state by any other person who is in an impaired state is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not more than six months and shall be fined not less than \$100 nor more than \$500.

(i) Any person who knowingly permits his or her vehicle to be driven in this state by any other person who is a habitual user of narcotic drugs or amphetamine or any derivative thereof is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not more than six months and shall be fined not less than \$100 nor more than \$500.

(j) Any person under the age of 21 years who drives a vehicle in this state while he or she has an alcohol concentration in his or her blood of two hundredths of one percent or more, by weight, but less than eight hundredths of one percent, by weight, for a first offense under this subsection is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$25 nor more than \$100. For a second or subsequent offense under this subsection, the person is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for 24 hours and shall be fined not less than \$100 nor more than \$500. A person who is charged with a first offense under the provisions of this subsection may move for a continuance of the proceedings, from time to time, to allow the person to participate in the Motor Vehicle Alcohol Test and Lock Program as provided in §17C-5A-3a of this code. Upon successful completion of the program, the court shall dismiss the charge against the person and expunge the person's record as it relates to the alleged offense. In the event the person fails to successfully complete the program, the court shall proceed to an adjudication of the alleged offense. A motion for a continuance under this subsection may not be construed as an admission or be used as evidence.

A person arrested and charged with an offense under the provisions of this subsection or subsection (b), (c), (d), (e), (f), (g), (h) or (i) of this section may not also be charged with an offense under this subsection arising out of the same transaction or occurrence.

(k) Any person who drives a vehicle in this state while he or she is in an impaired state and has within the vehicle one or more other persons who are unemancipated minors who have not yet reached their 16th birthday is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not less than two

days nor more than 12 months, and shall be fined not less than \$200 nor more than \$1,000: *Provided*, That such jail term shall include actual confinement of not less than 48 hours: *Provided, however*, That a person sentenced pursuant to this subdivision shall receive credit for any period of actual confinement he or she served upon arrest for the subject offense.

(l) A person violating any provision of subsection (d), (e), (f), (g), (h), or (j) of this section, for the second offense under this section, is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not less than six months nor more than one year and the court may, in its discretion, impose a fine of not less than \$1,000 nor more than \$3,000.

(m) A person violating any provision of subsection (d), (e), (f), (g), (h) or (j) of this section, for the third or any subsequent offense under this section, is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for not less than two nor more than five years and the court may, in its discretion, impose a fine of not less than \$3,000 nor more than \$5,000.

(n) For purposes of subsections (l) and (m) of this section relating to second, third and subsequent offenses, the following events shall be regarded as offenses under this section:

(1) Any conviction under the provisions of subsection (b), (c), (d), (e), (f), (g) or (h) of this section or under a prior enactment of this section for an offense which occurred within the 10-year period immediately preceding the date of arrest in the current proceeding;

(2) Any conviction under a municipal ordinance of this state or any other state or a statute of the United States or of any other state of an offense which has the same elements as an offense described in subsection (b), (c), (d), (e), (f), (g), (h) or (i) of this section, which offense occurred within the 10-year period immediately preceding the date of arrest in the current proceeding; and,

(3) Any period of conditional probation imposed pursuant to §17C-5-2b of this code for violation of subsection (e) of this

section, which violation occurred within the 10-year period immediately preceding the date of arrest in the current proceeding.

(o) A person may be charged in a warrant or indictment or information for a second or subsequent offense under this section if the person has been previously arrested for or charged with a violation of this section which is alleged to have occurred within the applicable time period for prior offenses, notwithstanding the fact that there has not been a final adjudication of the charges for the alleged previous offense. In that case, the warrant or indictment or information must set forth the date, location and particulars of the previous offense or offenses. No person may be convicted of a second or subsequent offense under this section unless the conviction for the previous offense has become final, or the person has previously had a period of conditional probation imposed pursuant to §17C-5-2b of this article.

(p) The fact that any person charged with a violation of subsection (b), (c), (d), (e), (f) or (g) of this section, or any person permitted to drive as described under subsection(h) or (i) of this section, is or has been legally entitled to use alcohol, a controlled substance or a drug does not constitute a defense against any charge of violating subsection (b), (c), (d), (e), (f), (g), (h) or (i) of this section.

(q) For purposes of this section, the term ‘controlled substance’ has the meaning ascribed to it in §60A-1-101 *et seq.* of this code.

(r) The sentences provided in this section upon conviction for a violation of this article are mandatory and are not subject to suspension or probation: *Provided*, That the court may apply the provisions of §62-11A-1 *et seq.* of this code to a person sentenced or committed to a term of one year or less for a first offense under this section: *Provided, however*, That the court may impose a term of conditional probation pursuant to §17C-5-2b of this code to persons adjudicated thereunder. An order for home detention by the court pursuant to the provisions of §62-11B-1 *et seq.* of this code may be used as an alternative sentence to any period of incarceration required by this section for a first or subsequent offense: *Provided further*, That for any period of home

incarceration ordered for a person convicted of a second offense under this section, electronic monitoring shall be required for no fewer than five days of the total period of home confinement ordered and the offender may not leave home for those five days notwithstanding the provisions of §62-11B-5 of this code: *And provided further*, That for any period of home incarceration ordered for a person convicted of a third or subsequent violation of this section, electronic monitoring shall be included for no fewer than 10 days of the total period of home confinement ordered and the offender may not leave home for those 10 days notwithstanding §62-11B-5 of this code.

(s) As used in subsections (e), (f), (g), (h), (i), and (j) of this section, the words ‘drives a vehicle in this state’ do not mean or include driving or operating a vehicle solely and exclusively on one’s own property.”

And,

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

Com. Sub. for H. B. 2183- “A Bill to amend and reenact §17C-5-2 of the Code of West Virginia, 1931, as amended, relating to driving a vehicle under the influence of alcohol, controlled substances, drugs, or a combination thereof; and clarifying that certain misdemeanor offenses of driving under the influence do not encompass or include operating a vehicle solely and exclusively on one’s own property.”

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 437**), and there were—yeas 98, nays 1, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Porterfield.

Absent and Not Voting: Hicks.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2183) passed.

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

Having voted on the prevailing side, Delegate Bates moved that the House of Delegates reconsider the vote to dispense with the second reference of **Com. Sub. for S. B. 632** to the Committee on Finance, which motion prevailed.

The question being on dispensing with the second reference of **Com. Sub. for S. B. 632** to the Committee on Finance, the yeas and nays were taken (**Roll No. 438**), and there were—yeas 99, nays 1, absent and not voting none, with the nays being as follows:

Nays: Barrett.

So, two thirds of the members present and voting having voted in the affirmative, second reference of the bill (Com. Sub. for S. B. 632) to the Committee on Finance was abrogated.

A message from the Senate, by

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

Com. Sub. for H. B. 2531, Permitting trained nurses to provide mental health services in a medication-assisted treatment program.

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

On page three, section five, line sixty, after the word “counselor” and the colon, by striking out the word “or”.

And,

On page three, section five, line sixty-two, after the word “specialist”, by changing the period to a semicolon and inserting “or

(8) Be a psychiatry CAQ-certified physician assistant.”

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 439**), and there were—yeas 100, nays none, absent and not voting none.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2531) passed.

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, a bill of the House of Delegates as follows:

Com. Sub. for H. B. 2609, Relating to presumptions of abandonment and indication of ownership in property.

A message from the Senate, by

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

H. B. 3083, Adding temporary work during the legislative session as exclusion to the term employment for purposes of unemployment compensation.

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

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

~~“ARTICLE 1. UNEMPLOYMENT COMPENSATION.~~
ARTICLE 1A. DEFINITIONS.

§21A-1A-17. Exclusions from employment.

The term 'employment' does not include:

(1) Service performed in the employ of the United States or any instrumentality of the United States exempt under the Constitution of the United States from the payments imposed by this law, except that to the extent that the Congress of the United States permits states to require any instrumentalities of the United States to make payments into an unemployment fund under a state unemployment compensation law, all of the provisions of this law are applicable to the instrumentalities and to service performed for the instrumentalities in the same manner, to the same extent, and on the same terms as to all other employers, employing units, individuals, and services: *Provided*, That if this state is not certified for any year by the Secretary of Labor under 26 U.S.C. § 3404, subsection (c), the payments required of the instrumentalities with respect to the year shall be refunded by the commissioner from the fund in the same manner and within the same period as is provided in §21A-5-19 of this code with respect to payments erroneously collected;

(2) Service performed with respect to which unemployment compensation is payable under the Railroad Unemployment Insurance Act and service with respect to which unemployment benefits are payable under an unemployment compensation system for maritime employees established by an Act of Congress. The Commissioner may enter into agreements with the proper agency established under an Act of Congress to provide reciprocal treatment to individuals who, after acquiring potential rights to unemployment compensation under an Act of Congress or who have, after acquiring potential rights to unemployment compensation under an act of Congress, acquired rights to benefit under this chapter. Such agreement shall become effective 10 days after the publications which shall comply with the general rules of the Department;

(3) Service performed by an individual in agricultural labor, except as provided in §21A-1A-16(12) of this code, the definition of 'employment'. For purposes of this subdivision, the term 'agricultural labor' includes all services performed:

(A) On a farm, in the employ of any person, in connection with cultivating the soil, or in connection with raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training and management of livestock, bees, poultry, and fur-bearing animals and wildlife;

(B) In the employ of the owner or tenant or other operator of a farm, in connection with the operation, management, conservation, improvement, or maintenance of the farm and its tools and equipment, or in salvaging timber or clearing land of brush and other debris left by a hurricane, if the major part of the service is performed on a farm;

(C) In connection with the production or harvesting of any commodity defined as an agricultural commodity in section fifteen (g) of the Agricultural Marketing Act, as amended, as codified in 12 U.S.C. § 1141j, subsection (g), or in connection with the ginning of cotton, or in connection with the operation or maintenance of ditches, canals, reservoirs, or waterways, not owned or operated for profit, used exclusively for supplying and storing water for farming purposes;

(D) (i) In the employ of the operator of a farm in handling, planting, drying, packing, packaging, processing, freezing, grading, storing, or delivering to storage or to market or to a carrier for transportation to market, in its unmanufactured state, any agricultural or horticultural commodity; but only if the operator produced more than one half of the commodity with respect to which the service is performed; or (ii) in the employ of a group of operators of farms (or a cooperative organization of which the operators are members) in the performance of service described in subparagraph (i) of this paragraph, but only if the operators produced more than one half of the commodity with respect to which the service is performed; but the provisions of subparagraphs (i) and (ii) of this paragraph are not applicable with respect to service performed in connection with commercial canning or commercial freezing or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption;

(E) On a farm operated for profit if the service is not in the course of the employer's trade or business or is domestic service in a private home of the employer. As used in this subdivision, the term 'farm' includes stock, dairy, poultry, fruit, fur-bearing animals, truck farms, plantations, ranches, greenhouses, ranges, and nurseries, or other similar land areas or structures used primarily for the raising of any agricultural or horticultural commodities;

(4) Domestic service in a private home except as provided in §21A-1A-16(13) of this code, the definition of 'employment';

(5) Service performed by an individual in the employ of his or her son, daughter, or spouse;

(6) Service performed by a child under the age of 18 years in the employ of his or her father or mother;

(7) Service as an officer or member of a crew of an American vessel, performed on or in connection with the vessel, if the operating office, from which the operations of the vessel operating on navigable waters within or without the United States are ordinarily and regularly supervised, managed, directed, and controlled, is without this state;

(8) Service performed by agents of mutual fund broker-dealers or insurance companies, exclusive of industrial insurance agents, or by agents of investment companies, who are compensated wholly on a commission basis;

(9) Service performed: (A) In the employ of a church or convention or association of churches, or an organization which is operated primarily for religious purposes and which is operated, supervised, controlled, or principally supported by a church or convention or association of churches; or (B) by a duly ordained, commissioned, or licensed minister of a church in the exercise of his or her ministry or by a member of a religious order in the exercise of duties required by the order; or (C) by an individual receiving rehabilitation or remunerative work in a facility conducted for the purpose of carrying out a program of either: (i)

Rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury; or (ii) providing remunerative work for individuals who because of their impaired physical or mental capacity cannot be readily absorbed in the competitive labor market: *Provided*, That this exemption does not apply to services performed by individuals if they are not receiving rehabilitation or remunerative work on account of their impaired capacity; or (D) as part of an unemployment work-relief or work-training program assisted or financed, in whole or in part, by any federal agency or an agency of a state or political subdivision thereof, by an individual receiving the work relief or work training; or (E) by an inmate of a custodial or penal institution;

(10) Service performed in the employ of a school, college, or university, if the service is performed: (A) By a student who is enrolled and is regularly attending classes at the school, college, or university; or (B) by the spouse of a student, if the spouse is advised, at the time the spouse commences to perform the service, that: (i) The employment of the spouse to perform the service is provided under a program to provide financial assistance to the student by the school, college, or university; and (ii) the employment will not be covered by any program of unemployment insurance;

(11) Service performed by an individual who is enrolled at a nonprofit or public educational institution which normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in attendance at the place where its educational activities are carried on as a student in a full-time program, taken for credit at the institution, which combines academic instruction with work experience, if the service is an integral part of the program and the institution has so certified to the employer, except that this subdivision does not apply to service performed in a program established for or on behalf of an employer or group of employers;

(12) Service performed in the employ of a hospital, if the service is performed by a patient of the hospital, as defined in this article;

(13) Service in the employ of a governmental entity referred to in §21A-1A-16(9) of this code, the definition of ‘employment’, if the service is performed by an individual in the exercise of duties: (A) As an elected official; (B) as a member of a legislative body, or a member of the judiciary, of a state or political subdivision; (C) as an employee serving on a temporary basis for the legislature during, or in support of, the legislative session; (D) as a member of the state National Guard or air National Guard, except as provided in §21A-1A-28 of this code; ~~(D)~~ (E) as an employee serving on a temporary basis in case of fire, storm, snow, earthquake, flood, or similar emergency; ~~(E)~~ (F) in a position which, under or pursuant to the laws of this state, is designated as: (i) A major nontenured policymaking or advisory position; or (ii) a policymaking or advisory position the performance of the duties of which ordinarily does not require more than eight hours per week; or ~~(F)~~ (G) as any election official appointed to serve during any municipal, county, or state election, if the amount of remuneration received by the individual during the calendar year for services as an election official is less than \$1,000;

(14) Service performed by a bona fide partner of a partnership for the partnership; and

(15) Service performed by a person for his or her own sole proprietorship.

Notwithstanding the foregoing exclusions from the definition of ‘employment’, services, except agricultural labor and domestic service in a private home, are in employment if with respect to the services a tax is required to be paid under any federal law imposing a tax against which credit may be taken for contributions required to be paid into a State Unemployment Compensation Fund, or which as a condition for full tax credit against the tax imposed by the federal Unemployment Tax Act are required to be covered under this chapter.”

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

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 440**), and there were—yeas 72, nays 28, absent and not voting none, with the nays being as follows:

Nays: Angelucci, Barrett, Bates, Boggs, N. Brown, S. Brown, Campbell, Canestraro, Caputo, Diserio, Doyle, Estep-Burton, Fleischauer, Fluharty, Hansen, Lavender-Bowe, Longstreth, Lovejoy, Pethtel, Pyles, Robinson, Sponaule, Staggers, C. Thompson, R. Thompson, Walker, Williams and Zukoff.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 3083) passed.

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

A message from the Senate, by

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

H. B. 3148, Making a supplementary appropriation to the Department of Health and Human Resources, Division of Human Services.

A message from the Senate, by

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

Com. Sub. for S. B. 295, Relating to crimes against public justice.

On motion of Delegate Summers, the House of Delegates refused to recede from its amendment and requested the Senate to agree to the appointment of a Committee of Conference of three from each house on the disagreeing votes of the two houses.

Whereupon,

The Speaker appointed as conferees on the part of the House of Delegates the following:

Delegates Hollen, D. Kelly and Miller.

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

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the House of Delegates title amendment, and the passage, as amended, to take effect July 1, 2019, of

Com. Sub. for S. B. 310, Establishing certain requirements for dental insurance.

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the House of Delegates amendment, and the passage, as amended, of

Com. Sub. for S. B. 408, Determining indigency for public defender services.

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the House of Delegates amendment, and the passage, as amended, to take effect from passage, of

Com. Sub. for S. B. 641, Relating to Primary Care Support Program.

Resolutions Introduced

Delegate Hanna offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 91 - "Requesting the Division of Highways name bridge number :51-20-39.84 (51A084), locally known as Hacker Valley Truss, carrying WV Route 20 over the Left Fork of Holly River in Webster County, the 'U. S. Army SGT. Robert Henry Waggy Memorial Bridge'."

Whereas, Robert Henry Waggy was born on February 23, 1922, in Erbacon, Webster County. He married Anna Lee Mearns. They had two sons, Robert Henry Waggy II and David Linn Waggy; and

Whereas, Robert Henry Waggy enlisted in the Army Air Force and served during World War II with the rank of Sergeant with the 500th Bomb Squadron; and

Whereas, On March 15, 1945, the plane in which SGT. Waggy was serving as an Armorer Gunner was hit by the debris of an enemy ship blowing up under the B-25 Mitchell Bomber causing it to crash into a ridge killing SGT Waggy and four other crew members; and

Whereas, It is fitting that an enduring memorial be established to commemorate U. S. Army SGT. Robert Henry Waggy for his supreme sacrifice and his contributions to our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number :51-20-39.84 (51A084) (38.65282, 80.38369), locally known as Hacker Valley Truss, carrying WV Route 20 over the Left Fork of Holly River in Webster County, the “U. S. Army SGT. Robert Henry Waggy Memorial Bridge”; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “U. S. Army SGT. Robert Henry Waggy Memorial Bridge”; and, be it

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

Delegates Boggs, Sponaugle, Butler, Hartman, Hill, Hardy, Caputo and Barrett offered the following resolution, which was read by its title and referred to the Committee on the Judiciary then Rules:

H. C. R. 92 - “Requesting the Joint Committee on Government and Finance to study the impacts of current sentencing, fines, and punishments for driving under the influence of controlled substances and appropriate means of restoring driving privileges after a program of recovery.”

Whereas, The crippling drug epidemic that has descended on this state has multifaceted impacts including causing thousands of state resident drivers to have their license suspended for driving while under the influence of controlled substances, with no way to allow them after recovery to regain limited driving privileges similar to those who lost their license due to alcohol consumption; and

Whereas, Technology has not advanced enough to create alternatives such as driver interlock systems or other protocols used after conviction of driving under the influence of alcohol to benefit both the driver and ensure the safety of other civilians; and

Whereas, Revoking the license of a West Virginian convicted of driving under the influence of a controlled substance for up to five years on a second offense makes it much more burdensome for he/she to get a job, raise a family, take their children to school, and be a productive citizen; and

Whereas, Many citizens reside in communities and regions of West Virginia which do not have public transportation to allow for transportation to and from employment; and

Whereas, Changes in the laws on driving under the influence of controlled substances in West Virginia should be studied to allow convicted West Virginians to regain limited driving privileges more promptly to improve the efficiency of their recovery in a manner that protects the public while allowing persons in recovery to be able to go to work, school, or otherwise necessary activities and therefore return to being a contributing member of our society; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to study the impacts of current sentencing, fines, and punishments for driving under the influence of controlled substances and appropriate means of restoring driving privileges after a program of recovery; and, be it

Further Resolved, That in conducting the study, the committee shall solicit data, information and recommendations from persons with a background and knowledge or experience in drug rehabilitation, criminal law and/or driving under the influence of a controlled substance including, but not limited to, representatives of the Division of Motor Vehicles, the State Police and other law enforcement agencies, rehabilitation specialists, and any other experts in drug abuse, interlock or other technology that would monitor driver impairment; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2020, on its findings, conclusions and recommendations, together with drafts of any legislation necessary to effectuate its recommendations; and, be it

Further Resolved, That the expenses necessary to conduct this study, to prepare a report, and to draft necessary legislation be paid from legislative appropriations to the Joint Committee on Government and Finance.

Special Calendar

Third Reading

Com. Sub. for S. B. 100, Increasing court fees to fund law-enforcement standards training and expenses; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 441**), and there were—yeas 90, nays 10, absent and not voting none, with the nays being as follows:

Nays: Fast, Hornbuckle, Kump, C. Martin, P. Martin, McGeehan, Paynter, Pushkin, Sponaule and C. Thompson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 100) passed.

An amendment to the title of the bill, recommended by the Committee on Finance, was reported by the Clerk and adopted, amending the title to read as follows:

Com. Sub. for S. B. 100 - “A Bill to amend and reenact §30-29-4 of the Code of West Virginia, 1931, as amended, relating to increasing certain fees used to fund certain law-enforcement training and certification and professional development programs and expenses related thereto; increasing a fee added to the usual court costs of all criminal proceedings; and increasing fee added to the amount of any cash or property bond posted for violation of any criminal law.”

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

Com. Sub. for S. B. 101, Equalizing penalties for intimidating and retaliating against certain public officers and other persons; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 442**), and there were—yeas 99, nays 1, absent and not voting none, with the nays being as follows:

Nays: McGeehan.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 101) passed.

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

Com. Sub. for S. B. 154, Using school facilities for funeral and memorial services for certain community members; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 443**), and there were—yeas 99, nays 1, absent and not voting none, with the nays being as follows:

Nays: Kump.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 154) passed.

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

Com. Sub. for S. B. 154 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-13d, relating to the use of school facilities; recognizing schools are integral parts of communities and the death of certain community members can have a significant impact on communities; requiring county board to allow school facilities use for funeral and memorial services of certain community members; permitting county boards to establish process for requesting the use of school facilities for funeral and memorial services; providing that county boards of education are not responsible for additional costs associated with such funeral and memorial services that are held at school facilities; and prohibiting such funeral and memorial services held at school facilities from disrupting or interfering with classroom instruction, scheduled school event or activity, or governmental use.”

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

Com. Sub. for S. B. 163, Authorizing DEP promulgate legislative rules; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 444**), and there were—yeas 78, nays 22, absent and not voting none, with the nays being as follows:

Nays: S. Brown, Campbell, Diserio, Doyle, Estep-Burton, Evans, Fleischauer, Fluharty, Hansen, Hicks, Hornbuckle, Lavender-Bowe, Lovejoy, Pushkin, Pyles, Rohrbach, Rowe, Sponaugle, Staggers, C. Thompson, Walker and Williams.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 163) passed.

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

On this question, the yeas and nays were taken (**Roll No. 445**), and there were—yeas 90, nays 10, absent and not voting none, with the nays being as follows:

Nays: S. Brown, Doyle, Estep-Burton, Fleischauer, Hansen, Pushkin, Pyles, Staggers, C. Thompson and Walker.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 163) takes effect from its passage.

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

Com. Sub. for S. B. 175, Authorizing DHHR promulgate legislative rules; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 446**), and there were—yeas 100, nays none, absent and not voting none.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 175) passed.

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

On this question, the yeas and nays were taken (**Roll No. 447**), and there were—yeas 100, nays none, absent and not voting none.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 175) takes effect from its passage.

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

S. B. 190, DOH rule relating to employment procedures; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 448**), and there were—yeas 100, nays none, absent and not voting none.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 190) passed.

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

On this question, the yeas and nays were taken (**Roll No. 449**), and there were—yeas 100, nays none, absent and not voting none.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 190) takes effect from its passage.

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

Com. Sub. for S. B. 223, Authorizing Department of Commerce promulgate legislative rules; on third reading, coming up in regular order, was read a third time.

Delegate Householder requested to be excused from voting on Com. Sub. for S. B. 223 under the provisions of House Rule 49.

The Speaker replied that the Delegate was a member of a class of persons possibly to be affected by the passage of the bill and directed the Member to vote.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 450**), and there were—yeas 100, nays none, absent and not voting none.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 223) passed.

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

On this question, the yeas and nays were taken (**Roll No. 451**), and there were—yeas 100, nays none, absent and not voting none.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 223) takes effect from its passage.

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

Com. Sub. for S. B. 237, Improving ability of law enforcement to locate and return missing persons; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 452**), and there were—yeas 100, nays none, absent and not voting none.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 237) passed.

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

Com. Sub. for S. B. 316, Preserving previously approved state Municipal Policemen's or Firemen's pensions; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 453**), and there were—yeas 100, nays none, absent and not voting none.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 316) passed.

An amendment to the title of the bill, recommended by the Committee on Finance, was reported by the Clerk and adopted, amending the title to read as follows:

Com. Sub. for S. B. 316 - "A Bill to amend and reenact §8-22-27a of the Code of West Virginia, 1931, as amended, relating to the corrections of overpayments made to retirants or beneficiaries of retirants; authorizing municipalities to continue certain overpayments; and authorizing a municipality to appoint additional members to a firemen's or a policemen's pension and relief fund board."

Com. Sub. for S. B. 330, Requiring contact information be listed on agency's online directory and website; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 454**), and there were—yeas 100, nays none, absent and not voting none.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 330) passed.

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

Com. Sub. for S. B. 330 - "A Bill to amend and reenact §5F-1-5 of the Code of West Virginia, 1931, as amended, relating to

certain contact information being listed on the online state phone directory; clarifying the listing requirements to include employee job title and agency-provided mobile phone number; providing an exemption for listing mobile phone information; and requiring the information to be posted on the agency website.”

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

Com. Sub. for S. B. 344, Relating to operation of state-owned farms; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 455**), and there were—yeas 100, nays none, absent and not voting none.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 344) passed.

Delegate Summers moved that the bill take effect from passage.

On this question, the yeas and nays were taken (**Roll No. 456**), and there were—yeas 100, nays none, absent and not voting none.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 344) takes effect from passage.

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

Com. Sub. for S. B. 360, Relating to third-party litigation financing; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 457**), and there were—yeas 95, nays 5, absent and not voting none, with the nays being as follows:

Nays: Jennings, Kump, Malcolm, McGeehan and Paynter.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 360) passed.

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

Com. Sub. for S. B. 373, Relating to financial responsibility of inmates; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 458**), and there were—yeas 100, nays none, absent and not voting none.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 373) passed.

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

Com. Sub. for S. B. 481, Relating to Judicial Vacancy Advisory Commission; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 459**), and there were—yeas 100, nays none, absent and not voting none.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 481) passed.

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

Com. Sub. for S. B. 481 - “A Bill to amend and reenact §3-10-3a of the Code of West Virginia, 1931, as amended, relating to the Judicial Vacancy Advisory Commission; altering the in-state residency requirements for members of the commission; providing that no more than four of its appointed members may be residents of the same congressional district; providing further that if the number of congressional districts is reduced to two that no more than three of its appointed members may be residents of the same congressional district; providing that no more than two of its appointed members may be residents of the same state senatorial district; clarifying that current commission members will not be disqualified from serving for the remainder of their terms based on amendments to in-state residency requirements; and deleting obsolete language.”

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

Com. Sub. for S. B. 491, Extending effective date for voter registration in conjunction with driver licensing; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 460**), and there were—yeas 61, nays 38, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Angelucci, Barrett, Bates, Boggs, N. Brown, S. Brown, Campbell, Canestraro, Caputo, Diserio, Doyle, Estep-Burton, Evans, Fleischauer, Fluharty, Hansen, Hartman, Hicks, Hornbuckle, Lavender-Bowe, Longstreth, Lovejoy, McGeehan, Miley, Miller, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Sponaugle, Staggers, C. Thompson, R. Thompson, Tomblin, Walker, Williams and Zukoff.

Absent and Not Voting: Foster.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 491) passed.

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

Com. Sub. for S. B. 491 - “A Bill to amend and reenact §3-2-11 of the Code of West Virginia, 1931, as amended, relating generally to automatic voting registration through the Division of Motor Vehicles; adding United States citizenship status to information that applicants must provide; requiring the Division of Motor Vehicles to develop a regular process by January 1, 2020 that allows the Secretary of State to fulfill his or her duties as provided by §3-2-3 of this code to confirm that persons who are non-citizens of the United States have not and cannot register to vote via the Online Voter Registration portal; delaying the effective date for automatic voter registration in conjunction with certain Division of Motor Vehicle transactions until July 1, 2021; and requiring the Division of Motor Vehicles, the Department of Transportation, and the Secretary of State to file certain reports with and appear before the Joint Committee on Government and Finance and the Joint Standing Committee on the Judiciary during the first interim meetings occurring after September 1, 2019.”

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

On this question, the yeas and nays were taken (**Roll No. 461**), and there were—yeas 83, nays 17, absent and not voting none, with the nays being as follows:

Nays: Angelucci, Barrett, S. Brown, Caputo, Diserio, Doyle, Estep-Burton, Fleischauer, Fluharty, Hansen, Hornbuckle, Lavender-Bowe, Longstreth, Rowe, Sponaugle, Walker and Williams.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 491) takes effect from its passage.

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

S. B. 519, Requiring county emergency dispatchers complete course for telephonic cardiopulmonary resuscitation; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 462**), and there were—yeas 100, nays none, absent and not voting none.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 519) passed.

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

Delegate Summers asked and obtained unanimous consent to return to further consideration of **Com. Sub. for S. B. 316**.

Delegate Summers then moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 463**), and there were—yeas 100, nays none, absent and not voting none.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 316) takes effect from its passage.

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

S. B. 531, Relating generally to workers' compensation claims; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 464**), and there were—yeas 64, nays 35, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Angelucci, Barrett, Bates, Boggs, N. Brown, S. Brown, Byrd, Campbell, Canestraro, Caputo, Diserio, Doyle, Fleischauer, Fluharty, Hansen, Hartman, Hicks, Hornbuckle, Lavender-Bowe, Longstreth, Lovejoy, Miley, Miller, Pethtel, Pushkin, Pyles, Robinson, Rowe, Sponaule, Stagers, C. Thompson, R. Thompson, Walker, Williams and Zukoff.

Absent and Not Voting: Linville.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 531) passed.

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

S. B. 531 - “A Bill to amend and reenact §23-5-7 of the Code of West Virginia, 1931, as amended, relating to compromise and settlement of certain workers’ compensation claims; and providing that occupational hearing loss and hearing impairment claims are not nonorthopedic occupational disease claims for the purpose of the requirement that a claimant be represented by counsel in a settlement for medical benefits.”

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

Com. Sub. for S. B. 624, Allowing county boards of education use alternative assessment provided in Every Student Succeeds Act; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 465**), and there were—yeas 86, nays 14, absent and not voting none, with the nays being as follows:

Nays: S. Brown, Doyle, Fleischauer, Fluharty, Hansen, Hornbuckle, Lavender-Bowe, Pushkin, Pyles, Rowe, C. Thompson, Toney, Walker and Williams.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 624) passed.

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

Com. Sub. for S. B. 624 - “A Bill to amend and reenact §18-2E-5 of the Code of West Virginia, 1931, as amended, relating to allowing county boards of education to use alternative assessment pursuant to the locally selected assessment option provided for in the Every Student Succeeds Act; requiring per-student costs for delivery and administration of alternative assessment equal to per-student assessment costs in statewide assessment contract; making department responsible for costs of collecting and submitting evidence to satisfy requirements in federal law and regulation; providing for alignment study if needed that uses certain approach and includes various test forms; and making technical corrections.”

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

On this question, the yeas and nays were taken (**Roll No. 466**), and there were—yeas 91, nays 8, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: S. Brown, Doyle, Fleischauer, Hansen, Pyles, C. Thompson, Walker and Williams.

Absent and Not Voting: Lavender-Bowe.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 624) takes effect from its passage.

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

S. B. 664, Authorizing certain members of federal judiciary perform marriages; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 467**), and there were—yeas 98, nays 1, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Wilson.

Absent and Not Voting: Lavender-Bowe.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 664) passed.

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

On this question, the yeas and nays were taken (**Roll No. 468**), and there were—yeas 98, nays 1, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Wilson.

Absent and Not Voting: Lavender-Bowe.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 664) takes effect from its passage.

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

S. B. 667, Creating WV Motorsport Committee; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 469**), and there were—yeas 96, nays 4, absent and not voting none, with the nays being as follows:

Nays: Byrd, McGeehan, Pushkin and Robinson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 667) passed.

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

Second Reading

Com. Sub. for S. B. 1, Increasing access to career education and workforce training; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Finance, was reported by the Clerk on page one, after the enacting clause, striking out the remainder of the bill and inserting in lieu thereof the following:

“CHAPTER 18. EDUCATION.

ARTICLE 2. STATE BOARD OF EDUCATION.

§18-2-6. Classification and standardization of schools; standards for degrees and diplomas; certificates of proficiency; establishment of alternative education programs.

(a) The state board shall promulgate rules for the accreditation, classification, and standardization of all schools in the state, except institutions of higher education, and shall determine the minimum standards for granting diplomas, advanced certifications, and certificates of proficiency by those schools.

(1) The certificates of proficiency shall include specific information regarding the graduate’s skills, competence, and readiness for employment, or honors and advanced education and shall be granted, along with the diploma, to every eligible high school graduate.

(2) The certificate of proficiency shall include the program of study major completed by the student only for those students who have completed the required major courses, or higher level courses,

advanced placement courses, college courses, or other more rigorous substitutes related to the major, and the recommended electives.

(3) Students who have completed a secondary education program in a public, private, or home school and have continued to be enrolled in a program leading to an advanced certification or an advanced career education program shall be considered adults enrolled in regular secondary programs in accordance with §18-9A-2(i) of this code: *Provided*, That the State Superintendent of Schools, the Chancellor for the Council for Community and Technical College Education, the Chancellor of the Higher Education Policy Commission, and the Secretary of the Department of Commerce may designate additional programs that provide valuable workplace credentials and students enrolled in such programs shall also be considered adults enrolled in regular secondary programs in accordance with §18-9A-2(i) of this code.

(b) An institution of less than collegiate or university status may not grant any diploma or certificate of proficiency on any basis of work or merit below the minimum standards prescribed by the state board.

(c) A charter or other instrument containing the right to issue diplomas or certificates of proficiency may not be granted by the State of West Virginia to any institution or other associations or organizations of less than collegiate or university status within the state until the condition of granting or issuing the diplomas or other certificates of proficiency has first been approved in writing by the state board.

(d) The state board shall promulgate a rule for the approval of alternative education programs for disruptive students who are at risk of not succeeding in the traditional school structure.

(1) This rule may provide for the waiver of other policies of the state board, the establishment and delivery of a nontraditional curriculum, the establishment of licensure requirements for alternative education program teachers, and the establishment of performance measures for school accreditation.

(2) This rule shall provide uniform definitions of disruptive student behavior and uniform standards for the placement of students in alternative settings or providing other interventions including referrals to local juvenile courts to correct student behavior so that they can return to a regular classroom without engaging in further disruptive behavior.

(e) The state board shall establish up to five pilot projects at the elementary or middle school levels, or both, that employ alternative schools or other placements for disruptive students to learn appropriate behaviors so they can return to the regular classroom without further disrupting the learning environment. The state board shall report to the Legislative Oversight Commission on Education Accountability by December 1, 2010, on its progress in establishing the pilot projects and by December 1 in each year after that for the duration of the pilot projects on the effect of the projects on maintaining student discipline.

(f) If a student attends an approved alternative education program or the Mountaineer Challenge Academy, which is designated as a special alternative education program pursuant to §15-1B-24 of this code, and the student graduates or passes the ~~General Equivalency Development~~ high school equivalency tests within five years of beginning ninth grade, that student shall be considered graduated for the purposes of calculating the high school graduation rate used for school accreditation and school system approval, subject to the following:

(1) The student shall be considered graduated only to the extent that this is not in conflict with any provision of federal law relating to graduation rates;

(2) If the state board determines that this is in conflict with a provision of federal law relating to graduation rates, the state board shall request a waiver from the United States Department of Education; and

(3) If the waiver is granted, notwithstanding the provisions of §18-2-6(f)(1) of this code, the student graduating or passing the

~~General Educational Development~~ high school equivalency tests within five years shall be considered graduated.

(g) The state board shall promulgate a rule to support the operation of the National Guard Youth Challenge Program operated by the Adjutant General and known as the Mountaineer Challenge Academy which is designated as a special alternative education program pursuant to §15-1B-24 of this code for students who are at risk of not succeeding in the traditional school structure. The rule shall set forth policies and procedures applicable only to the Mountaineer Challenge Academy that provide for, but are not limited to, the following:

(1) Implementation of provisions set forth in §15-1B-24 of this code;

(2) Precedence of the policies and procedures designated by the National Guard Bureau for the operation of the Mountaineer Challenge Academy special alternative education program;

(3) Consideration of a student participating in the Mountaineer Challenge Academy special alternative education program at full enrollment status in the referring county for the purposes of funding and calculating attendance and graduation rates, subject to the following:

(A) The student shall be considered at full enrollment status only for the purposes of calculating attendance and graduation rates to the extent that this is not in conflict with any provision of federal law relating to attendance or graduation rates;

(B) If the state board determines that this is in conflict with a provision of federal law relating to attendance or graduation rates, the state board shall request a waiver from the United States Department of Education;

(C) If the waiver is granted, notwithstanding the provisions of §18-2-6(g)(3)(A) of this code, the student shall be considered at full enrollment status in the referring county for the purposes of calculating attendance and graduation rates; and

(D) Consideration of the student at full enrollment status in the referring county is for the purposes of funding and calculating attendance and graduation rates only. For any other purpose, a student participating in the academy is considered withdrawn from the public school system;

(4) Articulation of the knowledge, skills, and competencies gained through alternative education so that students who return to regular education may proceed toward attainment or may attain the standards for graduation without duplication;

(5) Consideration of eligibility to take the ~~General Educational Development~~ high school equivalency tests by qualifying within the extraordinary circumstances provisions established by state board rule for a student participating in the Mountaineer Challenge Academy special alternative education program who does not meet any other criteria for eligibility; and

(6) Payment of tuition by a county board to the Mountaineer Challenge Academy for each student graduating from the academy with a high school diploma that resides in that county board's school district. For purposes of this subdivision, 'tuition' means an amount equal to 75 percent of the amount allotted per pupil under the school aid formula.

(h) Nothing in this section or the rules promulgated under this section compels the Mountaineer Challenge Academy to be operated as a special alternative education program or to be subject to any other laws governing the public schools except by its consent.

(i) The Legislature makes the following findings regarding students at risk:

(1) *Defeated and discouraged learners.* —

(A) Any child who is unlikely to graduate on schedule with both the skills and self-esteem necessary to exercise meaningful options in the areas of work, leisure, culture, civic affairs, and personal relationships may be defined as being an at-risk student;

(B) Problems associated with students at risk often begin for them in the early grades as they gradually fall further behind in the essential skills of reading, writing, and math;

(C) These problems may be accompanied by such behavior patterns as poor attendance, inattentiveness, negative attitudes, and acting out in class. These patterns are both symptoms of and added catalysts for students to become increasingly defeated and discouraged learners;

(D) By the middle grades, students with growing skill deficits usually know they are behind other students and have good reason to feel discouraged. A growing lack of self-confidence and self-worth, limited optimism for the future, avoidance of school and adults, and a dimming view of the relationship between effort and achievement are among the characteristics of defeated and discouraged learners;

(E) Public schools are expected to address the needs of all students, minimizing the likelihood that they will become at risk and giving additional attention to those who do; however, the circumstances involved with a ~~child~~ becoming at risk often are complex and may include influences both within and outside of the school environment; and

(F) In fragile homes, a child who is at risk and is becoming a discouraged and defeated learner often lacks adequate support and may develop peer relationships that further exacerbate the difficulty of reengaging him or her in learning, school, and responsible social behavior.

(2) The Legislature further finds that the public schools should not be deterred from seeking and assisting with enrollment of students in an alternative program that helps remedy the discouragement, lessens skill deficits, and facilitates a successful return to public school.

(i) For this purpose, subject to approval of the county superintendent, a student enrolled in the public schools of the

county may continue to be enrolled while also enrolled in an alternative program subject to the following conditions:

(1) The alternative program is approved by the state board;

(2) The student meets the general description of an at-risk student and exhibits behaviors and characteristics associated with a discouraged and defeated learner;

(3) The alternative program complies with all requests of the county superintendent for information on the educational program and progress of the student;

(4) The alternative program includes a family involvement component in its program. This component shall include, but is not limited to, providing for student and parent participation in activities that help address the challenging issues that have hindered the student's engagement and progress in learning;

(5) The alternative program includes an on-site boarding option for students;

(6) The alternative program provides an individualized education program for students that is designed to prepare them for a successful transition back into the public schools; and

(7) The parents or legal guardian of the student make application for enrollment of the student in the alternative program, agree to the terms and conditions for enrollment, and enroll the student in the program.

ARTICLE 2E. HIGH QUALITY EDUCATIONAL PROGRAMS.

§18-2E-11. Advanced Career Education.

(a) The Legislature hereby makes the following findings:

(1) Preparing West Virginia students to achieve post-secondary career education and to excel in the workforce is a responsibility shared among all state education agencies and institutions. The state's education agencies and institutions can fulfill this

responsibility by establishing partnerships that enable students to attain advanced career education and valuable workforce skills in a more efficient and advantageous manner;

(2) The formation of partnerships between public secondary schools and community and technical colleges or public baccalaureate institutions which establish advanced career education programs would ensure that a full range of community and technical college programs and services are provided in all areas of the state;

(3) Programs which create clear and efficient pathways that begin during secondary education and lead to obtaining advanced certifications and associate degrees will increase the number of students that ultimately obtain a post-secondary credential or degree; and

(4) West Virginia's economic prosperity is directly tied to the level and quality of its workforce career education. Providing the students of this state with increased access to career education will not only improve the general well-being of its citizens, but greatly enhance the economic prosperity of the state.

(b) The purpose of this section and the Advanced Career Education (ACE) programs authorized herein is to connect secondary schools with community and technical colleges or public baccalaureate institutions that provide associate degrees to accomplish the following:

(1) Prepare secondary students for success in post-secondary education and the workforce; and

(2) Provide more opportunities for secondary students to earn post-secondary college credits, certifications, and associate degrees.

(c) To effectuate the purposes set forth in §18-2E-11(b) of this code, community and technical colleges, public baccalaureate institutions, career technical education centers, and county boards of education, or any combination of such secondary and postsecondary entities, shall establish partnerships that provide for

ACE programs which feature defined pathways that begin when a student is in secondary education and that ultimately lead to advanced certifications or associate degrees awarded by community and technical colleges or baccalaureate institutions. ACE programs shall be equally available to public, nonpublic, and homeschool students.

(d) ACE programs shall include pathways that consist of a curriculum of courses leading to advanced certifications or an associate degree that have been deemed to satisfy a workforce need as determined by the Department of Commerce.

(1) The Department of Commerce shall, on occasion, but at least annually, provide written notification to the State Board of Education, the West Virginia Council for Community and Technical College Education and the West Virginia Higher Education Policy Commission of a determination of areas of workforce need within the state.

(2) The Department of Commerce, in consultation with the council, the commission and business partners, will develop a hierarchy of high demand skilled professions and workforce needs with shortages. The program will issue the funds to community and technical colleges or public baccalaureate institutions for students pursuing certificates or associate degrees that apply directly to those fields.

(e) The State Superintendent of Schools, the Chancellor of the Council for Community and Technical College Education, and the Chancellor of the Higher Education Policy Commission, or their designees, shall facilitate the ACE programs. At a minimum, an ACE program shall satisfy the following objectives:

(1) Provide additional opportunities to students in this state to attain advanced certifications and college credentials leading to associate degrees through ACE pathways;

(2) Increase the number of students in this state that attain advanced certifications and college credentials leading to associate degrees through ACE pathways;

(3) Allow students in this state to attain advanced certifications and college credentials leading to associate degrees through ACE pathways at little or no cost;

(4) Ensure that ACE pathways provide a clear roadmap to the courses and requirements necessary to attain advanced certifications and college credentials leading to associate degrees; and

(5) Ensure that course requirements within ACE pathways are not duplicated.

(f) The board and council shall jointly promulgate guidelines for the administration of ACE programs and pathways, which must be affirmatively adopted by the board and the council. At a minimum, such guidelines shall provide for the following:

(1) That ACE program partnerships established between community and technical colleges, public baccalaureate institutions, career technical education centers, and county boards of education, or any combination of such secondary and postsecondary entities, shall be reduced to written partnership agreements;

(2) The information required to be contained within partnership agreements;

(3) That ACE programs and pathways must meet the requirements of the accrediting entity for the community and technical college or public baccalaureate institution awarding the associate degrees or advanced certificates;

(4) That partnership agreements shall be approved by the State Superintendent of Schools, the Chancellor for the Council for Community and Technical College Education and the Chancellor of the Higher Education Policy Commission; and

(5) Any other provisions necessary to effectuate the purposes of this section.

(g) The board and the council shall maintain and annually report to the Governor and the Legislative Oversight Commission on Education Accountability the following information about ACE programs:

(1) The identity and number of partnership agreements;

(2) The ACE programs and pathways that are being utilized by career technical education centers, county boards of education, community and technical colleges, and public baccalaureate institutions; and

(3) The nature and number of degrees and certifications awarded to students participating in ACE programs by each community and technical college, public baccalaureate institution and career technical education center.

ARTICLE 9A. PUBLIC SCHOOL SUPPORT.

§18-9A-2. Definitions.

For the purpose of this article:

(a) ‘State board’ means the West Virginia Board of Education.

(b) ‘County board’ or ‘board’ means a county board of education.

(c) ‘Professional salaries’ means the state legally mandated salaries of the professional educators as provided in §18A-4-1 *et seq.* of this code.

(d) ‘Professional educator’ shall be synonymous with and shall have the same meaning as ‘teacher’ as defined in §18-1-1 of this code, and includes technology integration specialists.

(e) ‘Professional instructional personnel’ means a professional educator whose regular duty is as that of a classroom teacher, librarian, attendance director, or school psychologist. A professional educator having both instructional and administrative or other duties shall be included as professional instructional personnel for that ratio of the school day for which he or she is

assigned and serves on a regular full-time basis in appropriate instruction, library, attendance, or psychologist duties.

(f) ‘Professional student support personnel’ means a ‘teacher’ as defined in §18-1-1 of this code who is assigned and serves on a regular full-time basis as a counselor or as a school nurse with a bachelor’s degree and who is licensed by the West Virginia Board of Examiners for Registered Professional Nurses. For all purposes except for the determination of the allowance for professional educators pursuant to §18-9A-4 of this code, professional student support personnel are professional educators.

(g) ‘Service personnel salaries’ means the state legally mandated salaries for service personnel as provided in §18A-4-8a of this code.

(h) ‘Service personnel’ means all personnel as provided in §18A-4-8 of this code. For the purpose of computations under this article of ratios of service personnel to net enrollment, a service employee shall be counted as that number found by dividing his or her number of employment days in a fiscal year by 200: *Provided*, That the computation for any service person employed for three and one-half hours or fewer per day as provided in §18A-4-8a of this code shall be calculated as one-half an employment day.

(i) ‘Net enrollment’ means the number of pupils enrolled in special education programs, kindergarten programs, and grades one to 12, inclusive, of the public schools of the county. Net enrollment further shall include:

(1) Adults enrolled in regular secondary vocational programs ~~existing as of the effective date of this section~~, subject to the following:

(A) Net enrollment includes no more than ~~one thousand~~ 2,500 of those adults counted on the basis of full-time equivalency and apportioned annually to each county to support Advanced Career Education programs, as provided in §18-2E-11 of this code, in proportion to the adults participating in regular secondary vocational programs in the prior year counted on the basis of full-

time equivalency: Provided, That beginning with the 2021 fiscal year and every year thereafter, a career technical education center may only receive the funding for enrollment as authorized by this paragraph if the center has satisfied the requirements of §18-2E-11 of this code; and

(B) Net enrollment does not include any adult charged tuition or special fees beyond that required of the regular secondary vocational student;

(2) Students enrolled in early childhood education programs as provided in §18-5-44 of this code, counted on the basis of full-time equivalency;

(3) ~~No pupil shall~~ A pupil may not be counted more than once by reason of transfer within the county or from another county within the state, and ~~no pupil shall~~ a pupil may not be counted who attends school in this state from another state;

(4) The enrollment shall be modified to the equivalent of the instructional term and in accordance with the eligibility requirements and rules established by the state board; and

(5) For the purposes of determining the county's basic foundation program only, for any county whose net enrollment as determined under all other provisions of this definition is less than 1,400, the net enrollment of the county shall be increased by an amount to be determined in accordance with the following:

(A) Divide the state's lowest county student population density by the county's actual student population density;

(B) Multiply the amount derived from the calculation in §18-9A-2(i)(5)(A) of this code by the difference between 1,400 and the county's actual net enrollment;

(C) If the increase in net enrollment as determined under this subdivision plus the county's net enrollment as determined under all other provisions of this subsection is greater than 1,400, the increase in net enrollment shall be reduced so that the total does not exceed 1,400; and

(D) During the 2008-2009 interim period and every three interim periods thereafter, the Legislative Oversight Commission on Education Accountability shall review this subdivision to determine whether or not these provisions properly address the needs of counties with low enrollment and a sparse population density.

(j) ‘Sparse-density county’ means a county whose ratio of net enrollment, excluding any increase in the net enrollment of counties, pursuant to §18-9A-2(i)(5) of this code, of the definition of ‘net enrollment’, to the square miles of the county is less than five.

(k) ‘Low-density county’ means a county whose ratio of net enrollment, excluding any increase in the net enrollment of counties, pursuant to §18-9A-2(i)(5) of this code, of the definition of ‘net enrollment’, to the square miles of the county is equal to or greater than five but less than 10.

(l) ‘Medium-density county’ means a county whose ratio of net enrollment, excluding any increase in the net enrollment of counties, pursuant to §18-9A-2(i)(5) of this code, of the definition of ‘net enrollment’, to the square miles of the county is equal to or greater than 10 but less than 20.

(m) ‘High-density county’ means a county whose ratio of net enrollment, excluding any increase in the net enrollment of counties, pursuant to §18-9A-2(i)(5) of this code, of the definition of ‘net enrollment’, to the square miles of the county is equal to or greater than 20.

(n) ‘Levies for general current expense purposes’ means 90 percent of the levy rate for county boards of education calculated or set by the Legislature pursuant to §11-8-6f of this code.

(o) ‘Technology integration specialist’ means a professional educator who has expertise in the technology field and is assigned as a resource teacher to provide information and guidance to classroom teachers on the integration of technology into the curriculum.

(p) ‘State aid eligible personnel’ means all professional educators and service personnel employed by a county board in positions that are eligible to be funded under this article and whose salaries are not funded by a specific funding source such as a federal or state grant, donation, contribution, or other specific funding source not listed.

CHAPTER 18C. STUDENT LOANS; SCHOLARSHIPS AND STATE AID.

ARTICLE 9. WEST VIRGINIA INVESTS GRANT PROGRAM.

§18C-9-1. Short title.

This article shall be known and may be cited as the WV Invests Grant Program.

§18C-9-2. Legislative findings and purpose.

(a) The Legislature hereby finds and declares that:

(1) Every West Virginian should have access to education and training that will lead directly to quality employment opportunities within the state. In order for West Virginia to retain and attract business and industry, it must ensure that its workforce has such education and training;

(2) West Virginia currently faces a human capital crisis, as the state regularly ranks amongst the lowest states in the nation in workforce participation rates. Improving the state’s workforce participation rates and the level of the workforce’s career education is critical to economic development and making West Virginia a more prosperous state;

(3) The 2017 West Virginia Forward Report, a strategy for economic development and job growth, found that ‘investments in improving human capital are considered the most significant opportunity for improvement in West Virginia, especially because access to a specialized workforce is a significant factor for investment attraction...’;

(4) According to the United States Department of Labor's Bureau of Labor Statistics, the median yearly earnings of an individual with an associate's degree is approximately \$6,604 more than an individual with only a high school diploma. Therefore, any investment by the state into a citizen obtaining such a degree would be repaid multiple times over through the citizen's increased contributions to the economy and tax base;

(5) West Virginia is currently facing a devastating drug epidemic, and the hope that comes with increased access to career education and higher quality employment opportunities is an indispensable tool against the spread of drug addiction; and

(6) An investment by the state into increasing access to post-secondary career education will provide its citizens the hope and opportunity for better career opportunities, and provide the state with the trained workforce needed to attract significant economic development.

(b) The purpose of this article is to provide West Virginians with hope and economic prosperity by increasing access to a higher level of career education that is needed to fulfill the needs of today's workforce and provide for further economic development.

§18C-9-3. Definitions.

As used in this article:

'Council' means the West Virginia Council for Community and Technical College Education;

'Commission' means the West Virginia Higher Education Policy Commission;

'Eligible institution' means a public community and technical college under the authority of the West Virginia Council for Community and Technical College Education or a public baccalaureate institution that grants associate degrees satisfying the requirements of participating in Advanced Career Education (ACE) program partnerships in accordance with §18-2E-11 of this code;

‘Eligible post-secondary program’ means a curriculum of courses leading to a certificate or associate degree at an eligible institution which satisfies a course of study that has been deemed by the Department of Commerce to satisfy a workforce need as determined by the department in accordance with §18-2E-11(d) of this code; and

‘Tuition’ means the semester or term charges imposed by an eligible institution and, additionally, all mandatory fees required as a condition of enrollment by all students.

§18C-9-4. WV Invests Grant Program.

(a) There is hereby created a grant program known as the WV Invests Grant Program, which shall be administered by the vice chancellor for administration in accordance with this article.

(b) The council shall award WV Invests Grants pursuant to the following terms and conditions:

(1) A WV Invests Grant may only be awarded to applicants satisfying the requirements provided in §18C-9-5 of this code;

(2) The maximum amount of a WV Invests Grant shall be the cost of tuition charged to all students for coursework leading to completion of the chosen associate degree or certificate, less all other state and federal scholarships and grants for which the student is eligible. All other state and federal scholarships and grants for which the grant recipient is eligible shall be deducted from the amount of the WV Invests Grant for each individual student. The amount of a WV Invests Grant at an eligible public baccalaureate institution shall not exceed the average cost of tuition and mandatory fees of the community and technical colleges.

(3) Grant payments shall be made directly to the eligible institutions;

(4) If a grant recipient transfers from one eligible institution to another, the grant is transferable only with approval of the vice chancellor for administration;

(5) A WV Invests Grant may be used at any eligible institution to seek an associate degree or certificate in an eligible post-secondary program. An institution is not required to accept a grant recipient for enrollment and may enforce its own admission requirements, standards, and policies; and

(6) If a WV Invests Grant recipient terminates enrollment for any reason during the academic year, the unused portion of the grant shall be returned by the institution to the council in accordance with the council's policy for issuing refunds. The council shall transfer such funds to the WV Invests Fund for allocation and expenditure.

(c) On or before January 1 annually, the council shall provide to the Legislature and the Governor a report on the WV Invests Grant Program, which shall include, but not be limited to, research and data concerning student success and grant retention.

(d) The council shall propose legislative rules for legislative approval pursuant to §29A-3A-1 *et seq.* of this code to implement the provisions of this article, which shall provide for:

(1) Application requirements and deadlines fully implementing requirements of this article;

(2) Appeal procedures for the denial or revocation of the grant; and

(3) Any other provisions necessary to effectuate the purposes of this article.

(e) The Legislature hereby declares that an emergency situation exists and, therefore, the council may establish, by emergency rule, under the procedures of §29A-3A-1 *et seq.* of this code, a rule to implement the provisions of this article.

(f) Beginning with the 2021 fiscal year, and for every fiscal year thereafter, any appropriation by the Legislature to support and or alleviate the cost to citizens in this state to obtain advanced certifications and associate degrees shall only be distributed to those community and technical colleges or public baccalaureate

institutions that form one or more partnerships to establish ACE programs and pathways. Once distributed, such funds may be used to support any eligible post-secondary program or pathway provided by an eligible institution leading to the award of such degree or certification.

§18C-9-5. Eligibility requirements; agreements.

(a) To be eligible for a WV Invests Grant, an individual must satisfy the following requirements:

(1) Be a citizen or legal resident of the United States and have been a resident of West Virginia for at least one year immediately preceding the date of application for a grant;

(2) Have completed a secondary education program in a public, private, or home school;

(3) Have not been previously awarded a post-secondary degree;

(4) Be at least 18 years of age: *Provided*, That individuals younger than 18 years of age may qualify for the grant upon completion of a secondary education program in a public, private, or home school;

(5) Meet the admission requirements of, and be admitted into, an eligible institution;

(6) Satisfactorily meet any additional qualifications of enrollment, academic promise, or achievement as established by the council through rule;

(7) Have filed a completed free application for federal student aid for the academic year in which the grant award is sought;

(8) Be enrolled in an eligible post-secondary program;

(9) Be enrolled in at least six credit hours per semester;

(10) Have completed a WV Invests Grant application as provided by the council in accordance with a schedule established by the council; and

(11) Have, prior to the start of each semester, satisfactorily passed a drug test administered by the eligible institution: *Provided*, That the applicant shall be responsible for the actual cost of the drug test.

(b) Each grant may be renewed until the course of study is completed as long as the following qualifications, as determined by the vice chancellor for administration and the council, are satisfied:

(1) Maintaining satisfactory academic standing, including a cumulative grade point average of at least 2.0;

(2) Making adequate progress toward completion of the eligible post-secondary program;

(3) Satisfactory participation in a community service program authorized by the council. The council shall include in the legislative rules, required by §18C-9-4 of this code, provisions for the administration of community service requirements, including, but not limited to, requiring completion of at least eight hours of unpaid community service during the time of study, which may include, but is not limited to, participating with nonprofit, governmental, institutional, or community-based organizations designed to improve the quality of life for community residents, meet the needs of community residents, or foster civic responsibility;

(4) Continued satisfaction of eligibility requirements provided by §18C-9-5(a) of this code; and

(5) Satisfaction of any additional eligibility criteria established by the council through legislative rule.

(c) Each recipient of a WV Invests Grant shall enter into an agreement with the vice chancellor for administration, which shall require repayment of an amount of the grant or grants awarded to the recipient, in whole or in part, if a recipient chooses to reside

outside the state within two years following obtainment of the degree or certificate for which the grant or grants were awarded. The council may not require a recipient to repay grants, in whole or in part, unless the prospective recipient has been informed of this requirement in writing before initial acceptance of the grant award. Each WV Invests Grant agreement shall include the following:

(1) Disclosure of the full terms and conditions under which assistance under this article is provided and under which repayment may be required; and

(2) A description of the appeals procedure required to be established under this article.

(d) WV Invests Grant recipients found to be in noncompliance with the agreement entered into under §18C-9-5(c) of this code shall be required to repay the amount of the grant awards received, plus interest, and, where applicable, reasonable collection fees, on a schedule and at a rate of interest prescribed in rules promulgated by the council. The council shall also provide for proration of the amount to be repaid by a recipient who maintains employment in the state for a period of time within the time period required under §18C-9-5(c) of this code.

(e) A recipient is not in violation of an agreement entered into pursuant to §18C-9-5(c) of this code during any period in which the recipient is meeting any of the following conditions:

(1) Pursuing a half-time course of study at an accredited institution of higher education;

(2) Serving as a member of the armed services of the United States;

(3) Failing to comply with the terms of the agreement due to death or permanent or temporary disability as established by sworn affidavit of a qualified physician; or

(4) Satisfying the provisions of any additional repayment exemptions prescribed by the council through rule.

§18C-9-6. WV Invests Fund; established.

(a) The WV Invests Fund is hereby created in the State Treasury as a special revenue account. The fund shall be administered by the vice chancellor for administration and may consist of:

(1) All appropriations by the Legislature for the WV Invests Fund;

(2) Any gifts, grants, or contributions received for the WV Invests Fund; and

(3) All interest or other income earned from investment of the WV Invests Fund.

(b) The WV Invests Fund shall be expended for the purpose of administering the WV Invests Grant Program, including the awarding of grants authorized by this article. Any funds remaining in the fund at the close of the fiscal year are carried forward for use in the next fiscal year.

(c) Nothing in this section requires any specific level of funding by the Legislature nor guarantees or entitles any individual to any benefit or grant of funds.”

There being two conflicting amendments and the adoption of one precluding adoption of the other, the Speaker informed the House that, in the absence of objection, both would be presented before the first was voted upon.

Delegates Doyle, Hornbuckle, Zukoff, Lavender-Bowe, Estep-Burton, Evans, Campbell, C. Thompson, R. Thompson and Rodighiero moved to amend the Committee on Finance amendment on page one, by striking out all of the amendment recommended by the Committee on Finance and inserting in lieu thereof, the following:

“CHAPTER 18. EDUCATION.**ARTICLE 2. STATE BOARD OF EDUCATION.**

§18-2-6. Classification and standardization of schools; standards for degrees and diplomas; certificates of proficiency; establishment of alternative education programs.

(a) The state board shall promulgate rules for the accreditation, classification, and standardization of all schools in the state, except institutions of higher education, and shall determine the minimum standards for granting diplomas, advanced certifications, and certificates of proficiency by those schools.

(1) The certificates of proficiency shall include specific information regarding the graduate's skills, competence, and readiness for employment, or honors and advanced education and shall be granted, along with the diploma, to every eligible high school graduate.

(2) The certificate of proficiency shall include the program of study major completed by the student only for those students who have completed the required major courses, or higher level courses, advanced placement courses, college courses, or other more rigorous substitutes related to the major, and the recommended electives.

(3) Students who have completed a secondary education program in a public, private, or home school and have continued to be enrolled in a program leading to an advanced certification or an advanced career education program shall be considered adults enrolled in regular secondary programs in accordance with §18-9A-2(i) of this code: *Provided*, That the State Superintendent of Schools, the Chancellor for the Council for Community and Technical College Education, the Chancellor of the Higher Education Policy Commission, and the Secretary of the Department of Commerce may designate additional programs that provide valuable workplace credentials and students enrolled in such programs shall also be considered adults enrolled in regular secondary programs in accordance with §18-9A-2(i) of this code.

(b) An institution of less than collegiate or university status may not grant any diploma or certificate of proficiency on any basis

of work or merit below the minimum standards prescribed by the state board.

(c) A charter or other instrument containing the right to issue diplomas or certificates of proficiency may not be granted by the State of West Virginia to any institution or other associations or organizations of less than collegiate or university status within the state until the condition of granting or issuing the diplomas or other certificates of proficiency has first been approved in writing by the state board.

(d) The state board shall promulgate a rule for the approval of alternative education programs for disruptive students who are at risk of not succeeding in the traditional school structure.

(1) This rule may provide for the waiver of other policies of the state board, the establishment and delivery of a nontraditional curriculum, the establishment of licensure requirements for alternative education program teachers, and the establishment of performance measures for school accreditation.

(2) This rule shall provide uniform definitions of disruptive student behavior and uniform standards for the placement of students in alternative settings or providing other interventions including referrals to local juvenile courts to correct student behavior so that they can return to a regular classroom without engaging in further disruptive behavior.

(e) The state board shall establish up to five pilot projects at the elementary or middle school levels, or both, that employ alternative schools or other placements for disruptive students to learn appropriate behaviors so they can return to the regular classroom without further disrupting the learning environment. The state board shall report to the Legislative Oversight Commission on Education Accountability by December 1, 2010, on its progress in establishing the pilot projects and by December 1 in each year after that for the duration of the pilot projects on the effect of the projects on maintaining student discipline.

(f) If a student attends an approved alternative education program or the Mountaineer Challenge Academy, which is designated as a special alternative education program pursuant to §15-1B-24 of this code, and the student graduates or passes the ~~General Equivalency Development~~ high school equivalency tests within five years of beginning ninth grade, that student shall be considered graduated for the purposes of calculating the high school graduation rate used for school accreditation and school system approval, subject to the following:

(1) The student shall be considered graduated only to the extent that this is not in conflict with any provision of federal law relating to graduation rates;

(2) If the state board determines that this is in conflict with a provision of federal law relating to graduation rates, the state board shall request a waiver from the United States Department of Education; and

(3) If the waiver is granted, notwithstanding the provisions of §18-2-6(f)(1) of this code, the student graduating or passing the ~~General Educational Development~~ high school equivalency tests within five years shall be considered graduated.

(g) The state board shall promulgate a rule to support the operation of the National Guard Youth Challenge Program operated by the Adjutant General and known as the Mountaineer Challenge Academy which is designated as a special alternative education program pursuant to §15-1B-24 of this code for students who are at risk of not succeeding in the traditional school structure. The rule shall set forth policies and procedures applicable only to the Mountaineer Challenge Academy that provide for, but are not limited to, the following:

(1) Implementation of provisions set forth in §15-1B-24 of this code;

(2) Precedence of the policies and procedures designated by the National Guard Bureau for the operation of the Mountaineer Challenge Academy special alternative education program;

(3) Consideration of a student participating in the Mountaineer Challenge Academy special alternative education program at full enrollment status in the referring county for the purposes of funding and calculating attendance and graduation rates, subject to the following:

(A) The student shall be considered at full enrollment status only for the purposes of calculating attendance and graduation rates to the extent that this is not in conflict with any provision of federal law relating to attendance or graduation rates;

(B) If the state board determines that this is in conflict with a provision of federal law relating to attendance or graduation rates, the state board shall request a waiver from the United States Department of Education;

(C) If the waiver is granted, notwithstanding the provisions of §18-2-6(g)(3)(A) of this code, the student shall be considered at full enrollment status in the referring county for the purposes of calculating attendance and graduation rates; and

(D) Consideration of the student at full enrollment status in the referring county is for the purposes of funding and calculating attendance and graduation rates only. For any other purpose, a student participating in the academy is considered withdrawn from the public school system;

(4) Articulation of the knowledge, skills, and competencies gained through alternative education so that students who return to regular education may proceed toward attainment or may attain the standards for graduation without duplication;

(5) Consideration of eligibility to take the ~~General Educational Development~~ high school equivalency tests by qualifying within the extraordinary circumstances provisions established by state board rule for a student participating in the Mountaineer Challenge Academy special alternative education program who does not meet any other criteria for eligibility; and

(6) Payment of tuition by a county board to the Mountaineer Challenge Academy for each student graduating from the academy

with a high school diploma that resides in that county board's school district. For purposes of this subdivision, 'tuition' means an amount equal to 75 percent of the amount allotted per pupil under the school aid formula.

(h) Nothing in this section or the rules promulgated under this section compels the Mountaineer Challenge Academy to be operated as a special alternative education program or to be subject to any other laws governing the public schools except by its consent.

(i) The Legislature makes the following findings regarding students at risk:

(1) *Defeated and discouraged learners.* —

(A) Any child who is unlikely to graduate on schedule with both the skills and self-esteem necessary to exercise meaningful options in the areas of work, leisure, culture, civic affairs, and personal relationships may be defined as being an at-risk student;

(B) Problems associated with students at risk often begin for them in the early grades as they gradually fall further behind in the essential skills of reading, writing, and math;

(C) These problems may be accompanied by such behavior patterns as poor attendance, inattentiveness, negative attitudes, and acting out in class. These patterns are both symptoms of and added catalysts for students to become increasingly defeated and discouraged learners;

(D) By the middle grades, students with growing skill deficits usually know they are behind other students and have good reason to feel discouraged. A growing lack of self-confidence and self-worth, limited optimism for the future, avoidance of school and adults, and a dimming view of the relationship between effort and achievement are among the characteristics of defeated and discouraged learners;

(E) Public schools are expected to address the needs of all students, minimizing the likelihood that they will become at risk

and giving additional attention to those who do; however, the circumstances involved with a ~~child~~ becoming at risk often are complex and may include influences both within and outside of the school environment; and

(F) In fragile homes, a child who is at risk and is becoming a discouraged and defeated learner often lacks adequate support and may develop peer relationships that further exacerbate the difficulty of reengaging him or her in learning, school, and responsible social behavior.

(2) The Legislature further finds that the public schools should not be deterred from seeking and assisting with enrollment of students in an alternative program that helps remedy the discouragement, lessens skill deficits, and facilitates a successful return to public school.

(j) For this purpose, subject to approval of the county superintendent, a student enrolled in the public schools of the county may continue to be enrolled while also enrolled in an alternative program subject to the following conditions:

(1) The alternative program is approved by the state board;

(2) The student meets the general description of an at-risk student and exhibits behaviors and characteristics associated with a discouraged and defeated learner;

(3) The alternative program complies with all requests of the county superintendent for information on the educational program and progress of the student;

(4) The alternative program includes a family involvement component in its program. This component shall include, but is not limited to, providing for student and parent participation in activities that help address the challenging issues that have hindered the student's engagement and progress in learning;

(5) The alternative program includes an on-site boarding option for students;

(6) The alternative program provides an individualized education program for students that is designed to prepare them for a successful transition back into the public schools; and

(7) The parents or legal guardian of the student make application for enrollment of the student in the alternative program, agree to the terms and conditions for enrollment, and enroll the student in the program.

ARTICLE 2E. HIGH QUALITY EDUCATIONAL PROGRAMS.

§18-2E-11. Advanced Career Education.

(a) The Legislature hereby makes the following findings:

(1) Preparing West Virginia students to achieve post-secondary career education and to excel in the workforce is a responsibility shared among all state education agencies and institutions. The state's education agencies and institutions can fulfill this responsibility by establishing partnerships that enable students to attain advanced career education and valuable workforce skills in a more efficient and advantageous manner;

(2) The formation of partnerships between public secondary schools and community and technical colleges or baccalaureate institutions which establish advanced career education programs would ensure that a full range of community and technical college programs and services are provided in all areas of the state;

(3) Programs which create clear and efficient pathways that begin during secondary education and lead to obtaining advanced certifications and associate degrees will increase the number of students that ultimately obtain a post-secondary credential or degree; and

(4) West Virginia's economic prosperity is directly tied to the level and quality of its workforce career education. Providing the students of this state with increased access to career education will not only improve the general well-being of its citizens, but greatly enhance the economic prosperity of the state.

(b) The purpose of this section and the Advanced Career Education (ACE) programs authorized herein is to connect secondary schools with community and technical colleges or baccalaureate institutions including accredited not-for-profit private institutions to accomplish the following:

(1) Prepare secondary students for success in post-secondary education and the workforce; and

(2) Provide more opportunities for secondary students to earn post-secondary college credits, certifications, and associate degrees.

(c) To effectuate the purposes set forth in §18-2E-11(b) of this code, community and technical colleges, baccalaureate institutions, career technical education centers, and county boards of education, or any combination of such secondary and postsecondary entities, shall establish partnerships that provide for ACE programs which feature defined pathways that begin when a student is in secondary education and that ultimately lead to advanced certifications or associate degrees awarded by community and technical colleges or baccalaureate institutions. ACE programs shall be equally available to public, nonpublic, and homeschool students.

(d) ACE programs shall include pathways that consist of a curriculum of courses leading to advanced certifications or an associate degree that have been deemed to satisfy a workforce need as determined by the Department of Commerce.

(1) The Department of Commerce shall, on occasion, but at least annually, provide written notification to the State Board of Education, the West Virginia Council for Community and Technical College Education and the West Virginia Higher Education Policy Commission a determination of areas of workforce need within the state.

(2) The Department of Commerce, in consultation with the council, the commission and business partners, will develop a hierarchy of high demand skilled professions and workforce needs with shortages. The program will issue the funds to community

and technical colleges or baccalaureate institutions for students pursuing certificates or associate degrees that apply directly to those fields.

(e) The State Superintendent of Schools, the Chancellor of the Council for Community and Technical College Education, and the Chancellor of the Higher Education Policy Commission, or their designees, shall facilitate the ACE programs. At a minimum, an ACE program shall satisfy the following objectives:

(1) Provide additional opportunities to students in this state to attain advanced certifications and college credentials through ACE pathways;

(2) Increase the number of students in this state that attain advanced certifications and college credentials through ACE pathways;

(3) Allow students in this state to attain advanced certifications and college credentials through ACE pathways at little or no cost;

(4) Ensure that ACE pathways provide a clear roadmap to the courses and requirements necessary to attain advanced certifications and college credentials; and

(5) Ensure that course requirements within ACE pathways are not duplicated.

(f) The board and council shall jointly promulgate guidelines for the administration of ACE programs and pathways, which must be affirmatively adopted by the board and the council. At a minimum, such guidelines shall provide for the following:

(1) That ACE program partnerships established between community and technical colleges, baccalaureate institutions, career technical education centers, and county boards of education, or any combination of such secondary and postsecondary entities, shall be reduced to written partnership agreements;

(2) The information required to be contained within partnership agreements;

(3) That ACE programs and pathways must meet the requirements of the accrediting entity for the community and technical college or baccalaureate institution awarding the associate degrees or advanced certificates;

(4) That partnership agreements shall be approved by the State Superintendent of Schools, the Chancellor for the Council for Community and Technical College Education and the Chancellor of the Higher Education Policy Commission; and

(5) Any other provisions necessary to effectuate the purposes of this section.

(g) The Division of Vocational Education and the council shall maintain and annually report to the Governor and the Legislative Oversight Commission on Education Accountability the following information about ACE programs:

(1) The identity and number of partnership agreements;

(2) The ACE programs and pathways that are being utilized by career technical education centers, county boards of education, community and technical colleges, and baccalaureate institutions; and

(3) The nature and number of degrees and certifications awarded to students participating in ACE programs by each community and technical college, baccalaureate institution and career technical education center.

ARTICLE 9A. PUBLIC SCHOOL SUPPORT.

§18-9A-2. Definitions.

For the purpose of this article:

(a) ‘State board’ means the West Virginia Board of Education.

(b) ‘County board’ or ‘board’ means a county board of education.

(c) ‘Professional salaries’ means the state legally mandated salaries of the professional educators as provided in §18A-4-1 *et seq.* of this code.

(d) ‘Professional educator’ shall be synonymous with and shall have the same meaning as ‘teacher’ as defined in §18-1-1 of this code, and includes technology integration specialists.

(e) ‘Professional instructional personnel’ means a professional educator whose regular duty is as that of a classroom teacher, librarian, attendance director, or school psychologist. A professional educator having both instructional and administrative or other duties shall be included as professional instructional personnel for that ratio of the school day for which he or she is assigned and serves on a regular full-time basis in appropriate instruction, library, attendance, or psychologist duties.

(f) ‘Professional student support personnel’ means a ‘teacher’ as defined in §18-1-1 of this code who is assigned and serves on a regular full-time basis as a counselor or as a school nurse with a bachelor’s degree and who is licensed by the West Virginia Board of Examiners for Registered Professional Nurses. For all purposes except for the determination of the allowance for professional educators pursuant to §18-9A-4 of this code, professional student support personnel are professional educators.

(g) ‘Service personnel salaries’ means the state legally mandated salaries for service personnel as provided in §18A-4-8a of this code.

(h) ‘Service personnel’ means all personnel as provided in §18A-4-8 of this code. For the purpose of computations under this article of ratios of service personnel to net enrollment, a service employee shall be counted as that number found by dividing his or her number of employment days in a fiscal year by 200: *Provided*, That the computation for any service person employed for three and one-half hours or fewer per day as provided in §18A-4-8a of this code shall be calculated as one-half an employment day.

(i) 'Net enrollment' means the number of pupils enrolled in special education programs, kindergarten programs, and grades one to 12, inclusive, of the public schools of the county. Net enrollment further shall include:

(1) Adults enrolled in regular secondary vocational programs ~~existing as of the effective date of this section~~, subject to the following:

(A) Net enrollment includes no more than ~~one thousand~~ 2,500 of those adults counted on the basis of full-time equivalency and apportioned annually to each county to support Advanced Career Education programs, as provided in §18-2E-11 of this code, in proportion to the adults participating in regular secondary vocational programs in the prior year counted on the basis of full-time equivalency: Provided, That beginning with the 2021 fiscal year and every year thereafter, a career technical education center may only receive the funding for enrollment as authorized by this paragraph if the center has satisfied the requirements of §18-2E-11 of this code; and

(B) Net enrollment does not include any adult charged tuition or special fees beyond that required of the regular secondary vocational student;

(2) Students enrolled in early childhood education programs as provided in §18-5-44 of this code, counted on the basis of full-time equivalency;

(3) ~~No pupil shall~~ A pupil may not be counted more than once by reason of transfer within the county or from another county within the state, and ~~no pupil shall~~ a pupil may not be counted who attends school in this state from another state;

(4) The enrollment shall be modified to the equivalent of the instructional term and in accordance with the eligibility requirements and rules established by the state board; and

(5) For the purposes of determining the county's basic foundation program only, for any county whose net enrollment as determined under all other provisions of this definition is less than

1,400, the net enrollment of the county shall be increased by an amount to be determined in accordance with the following:

(A) Divide the state's lowest county student population density by the county's actual student population density;

(B) Multiply the amount derived from the calculation in §18-9A-2(i)(5)(A) of this code by the difference between 1,400 and the county's actual net enrollment;

(C) If the increase in net enrollment as determined under this subdivision plus the county's net enrollment as determined under all other provisions of this subsection is greater than 1,400, the increase in net enrollment shall be reduced so that the total does not exceed 1,400; and

(D) During the 2008-2009 interim period and every three interim periods thereafter, the Legislative Oversight Commission on Education Accountability shall review this subdivision to determine whether or not these provisions properly address the needs of counties with low enrollment and a sparse population density.

(j) 'Sparse-density county' means a county whose ratio of net enrollment, excluding any increase in the net enrollment of counties, pursuant to §18-9A-2(i)(5) of this code, of the definition of 'net enrollment', to the square miles of the county is less than five.

(k) 'Low-density county' means a county whose ratio of net enrollment, excluding any increase in the net enrollment of counties, pursuant to §18-9A-2(i)(5) of this code, of the definition of 'net enrollment', to the square miles of the county is equal to or greater than five but less than 10.

(l) 'Medium-density county' means a county whose ratio of net enrollment, excluding any increase in the net enrollment of counties, pursuant to §18-9A-2(i)(5) of this code, of the definition of 'net enrollment', to the square miles of the county is equal to or greater than 10 but less than 20.

(m) ‘High-density county’ means a county whose ratio of net enrollment, excluding any increase in the net enrollment of counties, pursuant to §18-9A-2(i)(5) of this code, of the definition of ‘net enrollment’, to the square miles of the county is equal to or greater than 20.

(n) ‘Levies for general current expense purposes’ means 90 percent of the levy rate for county boards of education calculated or set by the Legislature pursuant to §11-8-6f of this code.

(o) ‘Technology integration specialist’ means a professional educator who has expertise in the technology field and is assigned as a resource teacher to provide information and guidance to classroom teachers on the integration of technology into the curriculum.

(p) ‘State aid eligible personnel’ means all professional educators and service personnel employed by a county board in positions that are eligible to be funded under this article and whose salaries are not funded by a specific funding source such as a federal or state grant, donation, contribution, or other specific funding source not listed.

CHAPTER 18C. STUDENT LOANS; SCHOLARSHIPS AND STATE AID.

ARTICLE 9. WEST VIRGINIA INVESTS GRANT PROGRAM.

§18C-9-1. Short title.

This article shall be known and may be cited as the WV Invests Grant Program.

§18C-9-2. Legislative findings and purpose.

(a) The Legislature hereby finds and declares that:

(1) Every West Virginian should have access to education and training that will lead directly to quality employment opportunities within the state. In order for West Virginia to retain and attract

business and industry, it must ensure that its workforce has such education and training:

(2) West Virginia currently faces a human capital crisis, as the state regularly ranks amongst the lowest states in the nation in workforce participation rates. Improving the state's workforce participation rates and the level of the workforce's career education is critical to economic development and making West Virginia a more prosperous state;

(3) The 2017 West Virginia Forward Report, a strategy for economic development and job growth, found that 'investments in improving human capital are considered the most significant opportunity for improvement in West Virginia, especially because access to a specialized workforce is a significant factor for investment attraction...';

(4) According to the United States Department of Labor's Bureau of Labor Statistics, the median yearly earnings of an individual with an associate's degree is approximately \$6,604 more than an individual with only a high school diploma. Therefore, any investment by the state into a citizen obtaining such a degree would be repaid multiple times over through the citizen's increased contributions to the economy and tax base;

(5) West Virginia is currently facing a devastating drug epidemic, and the hope that comes with increased access to career education and higher quality employment opportunities is an indispensable tool against the spread of drug addiction; and

(6) An investment by the state into increasing access to post-secondary career education will provide its citizens the hope and opportunity for better career opportunities, and provide the state with the trained workforce needed to attract significant economic development.

(b) The purpose of this article is to provide West Virginians with hope and economic prosperity by increasing access to a higher level of career education that is needed to fulfill the needs of today's workforce and provide for further economic development.

§18C-9-3. Definitions.

As used in this article:

‘Council’ means the West Virginia Council for Community and Technical College Education;

‘Commission’ mean the West Virginia Higher Education Policy Commission;

‘Eligible institution’ means a public community and technical college or a baccalaureate institution including accredited not-for-profit private institutions, satisfying the requirements of participating in Advanced Career Education (ACE) program partnerships in accordance with §18-2E-11 of this code;

‘Eligible post-secondary program’ means a curriculum of courses leading to a certificate or associate degree at an eligible institution which satisfies a course of study that has been deemed by the Department of Commerce to satisfy a workforce need as determined by it in accordance with §18-2E-11(d) of this code; and

‘Tuition’ means the semester or term charges imposed by an eligible institution and, additionally, all mandatory fees required as a condition of enrollment by all students.

§18C-9-4. WV Invests Grant Program.

(a) There is hereby created a grant program known as the WV Invests Grant Program, which shall be administered by the vice chancellor for administration in accordance with this article.

(b) The council shall award WV Invests Grants pursuant to the following terms and conditions:

(1) A WV Invests Grant may only be awarded to applicants satisfying the requirements provided in §18C-9-5 of this code;

(2) The maximum amount of a WV Invests Grant shall be the cost of tuition charged to all students for coursework leading to completion of the chosen associate degree or certificate, less all other state and federal scholarships and grants for which the student

is eligible. All other state and federal scholarships and grants for which the grant recipient is eligible shall be deducted from the amount of the WV Invests Grant for each individual student. The amount of a WV Invests Grant at an eligible baccalaureate institution shall not exceed the average cost of tuition and mandatory fees of the community and technical colleges.

(3) Grant payments shall be made directly to the eligible institutions;

(4) If a grant recipient transfers from one eligible institution to another, the grant is transferable only with approval of the vice chancellor for administration;

(5) A WV Invests Grant may be used at any eligible institution to seek an associate degree or certificate in an eligible post-secondary program. An institution is not required to accept a grant recipient for enrollment and may enforce its own admission requirements, standards, and policies; and

(6) If a WV Invests Grant recipient terminates enrollment for any reason during the academic year, the unused portion of the grant shall be returned by the institution to the council in accordance with the council's policy for issuing refunds. The council shall transfer such funds to the WV Invests Fund for allocation and expenditure.

(c) On or before January 1 annually, the council shall provide to the Legislature and the Governor a report on the WV Invests Grant Program, which shall include, but not be limited to, research and data concerning student success and grant retention.

(d) The council shall propose legislative rules for legislative approval pursuant to §29A-3A-1 *et seq.* of this code to implement the provisions of this article, which shall provide for:

(1) Application requirements and deadlines fully implementing requirements of this article;

(2) Appeal procedures for the denial or revocation of the grant; and

(3) Any other provisions necessary to effectuate the purposes of this article.

(e) The Legislature hereby declares that an emergency situation exists and, therefore, the council may establish, by emergency rule, under the procedures of §29A-3A-1 et seq. of this code, a rule to implement the provisions of this article.

(f) Beginning with the 2021 fiscal year, and for every fiscal year thereafter, any appropriation by the Legislature to support and or alleviate the cost to citizens in this state to obtain advanced certifications and associate degrees shall only be distributed to those community and technical colleges or baccalaureate institution that form one or more partnerships to establish ACE programs and pathways. Once distributed, such funds may be used to support any eligible post-secondary program or pathway leading to the award of such degree or certification.

§18C-9-5. Eligibility requirements; agreements.

(a) To be eligible for a WV Invests Grant, an individual must satisfy the following requirements:

(1) Be a citizen or legal resident of the United States and have been a resident of West Virginia for at least one year immediately preceding the date of application for a grant;

(2) Have completed a secondary education program in a public, private, or home school;

(3) Have not been previously awarded a post-secondary degree;

(4) Be at least 18 years of age: *Provided*, That individuals younger than 18 years of age may qualify for the grant upon completion of a secondary education program in a public, private, or home school;

(5) Meet the admission requirements of, and be admitted into, an eligible institution;

(6) Satisfactorily meet any additional qualifications of enrollment, academic promise, or achievement as established by the council through rule;

(7) Have filed a completed free application for federal student aid for the academic year in which the grant award is sought;

(8) Be enrolled in an eligible post-secondary program;

(9) Be enrolled in at least six credit hours per semester;

(10) Have completed a WV Invests Grant application as provided by the council in accordance with a schedule established by the council; and

(11) Have, prior to the start of each semester, satisfactorily passed a drug test administered by the eligible institution: *Provided*, That the applicant shall be responsible for the actual cost of the drug test.

(b) Each grant may be renewed until the course of study is completed as long as the following qualifications, as determined by the vice chancellor for administration, council are satisfied:

(1) Maintaining satisfactory academic standing, including a cumulative grade point average of at least 2.0;

(2) Making adequate progress toward completion of the eligible post-secondary program;

(3) Satisfactory participation in a community service program authorized by the council The council shall include in the legislative rules, required by §18C-9-4 of this code, provisions for the administration of community service requirements, including, but not limited to, requiring completion of at least eight hours of unpaid community service during the time of study, which may include, but is not limited to, participating with nonprofit, governmental, institutional, or community-based organizations designed to improve the quality of life for community residents, meet the needs of community residents, or foster civic responsibility;

(4) Continued satisfaction of eligibility requirements provided by §18C-9-5(a) of this code; and

(5) Satisfaction of any additional eligibility criteria established by the council through legislative rule.

(c) Each recipient of a WV Invests Grant shall enter into an agreement with the vice chancellor for administration, which shall require repayment of an amount of the grant(s) awarded to the recipient, in whole or in part, if a recipient chooses to reside outside the state within two years following obtainment of the degree or certificate for which the grant(s) was awarded. The council may not require a recipient to repay grants, in whole or in part, unless the prospective recipient has been informed of this requirement in writing before initial acceptance of the grant award. Each WV Invests Grant agreement shall include the following:

(1) Disclosure of the full terms and conditions under which assistance under this article is provided and under which repayment may be required; and

(2) A description of the appeals procedure required to be established under this article.

(d) WV Invests Grant recipients found to be in noncompliance with the agreement entered into under §18C-9-5(c) of this code shall be required to repay the amount of the grant awards received, plus interest, and, where applicable, reasonable collection fees, on a schedule and at a rate of interest prescribed in rules promulgated by the council. The council shall also provide for proration of the amount to be repaid by a recipient who maintains employment in the state for a period of time within the time period required under §18C-9-5(c) of this code.

(e) A recipient is not in violation of an agreement entered into pursuant to §18C-9-5(c) of this code during any period in which the recipient is meeting any of the following conditions:

(1) Pursuing a half-time course of study at an accredited institution of higher education;

(2) Serving as a member of the armed services of the United States;

(3) Failing to comply with the terms of the agreement due to death or permanent or temporary disability as established by sworn affidavit of a qualified physician; or

(4) Satisfying the provisions of any additional repayment exemptions prescribed by the council through rule.

§18C-9-6. WV Invests Fund; established.

(a) There is hereby created in the State Treasury a special revenue fund to be known as the WV Invests Fund, which may consist of:

(1) All appropriations by the Legislature for the WV Invests Fund;

(2) Any gifts, grants, or contributions received for the WV Invests Fund; and

(3) All interest or other income earned from investment of the WV Invests Fund.

(b) The WV Invests Fund shall be expended for the purpose of administering the WV Invests Grant Program, including the awarding of grants authorized by this article. Any funds remaining in the fund at the close of the fiscal year are carried forward for use in the next fiscal year.

(c) Nothing in this section requires any specific level of funding by the Legislature nor guarantees or entitles any individual to any benefit or grant of funds.

(d) The vice chancellor for administration may expend the moneys in the fund to implement the provisions of this article.”

Delegate Sponaugle moved to amend the amendment recommended by the Committee on Finance, by striking out the amendment and inserting in lieu thereof, the following:

“ARTICLE 7. WEST VIRGINIA PROVIDING REAL OPPORTUNITIES FOR MAXIMIZING IN-STATE STUDENT EXCELLENCE SCHOLARSHIP PROGRAM.

§18C-7-1. Title; provision to expire.

This article shall be known and may be cited as the ‘West Virginia providing real opportunities for maximizing in-state student excellence (PROMISE) Scholarship Program’. Except as provided in §18C-8-1 et seq. of this code, the provisions of this article expire and are no longer in force or effect beginning January 1, 2020.

ARTICLE 9. WEST VIRGINIA EDUCATE, EMPLOY AND RETAIN SCHOLARSHIP PROGRAM.

§18C-9-1. Legislative findings and purpose.

(a) The Legislature finds and declares that:

(1) West Virginia must have an educated workforce in order to retain and attract high-wage, high-skill jobs;

(2) The population decline of this state in the last several decades has included many West Virginia residents who grew up and were educated in and by the educational system of our state;

(3) West Virginia will continue to lose a large percentage of West Virginia residents who graduate from the state’s colleges and universities and do not remain in West Virginia, and new incentives must be created to encourage these graduates to stay and work in West Virginia;

(4) The Promise Scholarship has helped many West Virginians’ receive college educations but has not resulted in sufficient retention of these students in-state after graduation;

(5) The Promise Scholarship with its high academic standards for eligibility, has assisted students most inclined to attend college and has done nothing to incentivize all other students to attend state

colleges and universities, and these students are in the greatest need of assistance and encouragement to pursue a higher education; and

(6) That a new approach is needed to stop the brain drain of our state, and rewarding all resident college students who remain in West Virginia after graduation by establishing a new program that provides scholarships for residents who agree to stay and work in West Virginia after graduation is a better solution for West Virginia.

(b) It is the purpose of this article to redirect existing PROMISE scholarship funding to the Promise for All Scholarship, established pursuant to this article. These scholarships will be available to all residents who enroll in a state institution and maintain a 2.0 grade-point average during their collegiate career. The scholarships may not exceed \$10,000 each scholastic year and shall provide for no longer than four years for an undergraduate degree and two years for an associate degree, and will be annually proportionally released from repayment for each year the resident remains and works in West Virginia following graduation.

§18C-9-2. Definitions.

(a) *General.* — For the purposes of this article, terms have the meaning ascribed to them in §18C-1-2 of this code, unless the context in which the term is used clearly requires a different meaning or a specific definition is provided in this section.

(b) *Definitions* – (1) ‘Enrolled’ means either currently enrolled or in the process of enrolling in an eligible institution.

(2) ‘Eligible institution’ means:

(A) A state institution of higher education as defined in §18B-1-2 of this code;

(B) Alderson-Broaddus College, Appalachian Bible College, Bethany College, Davis and Elkins College, Ohio Valley University, the University of Charleston, West Virginia Wesleyan College and Wheeling Jesuit University, all in West Virginia. Any

institution listed in this subdivision ceases to be an eligible institution if it meets either of the following conditions:

(i) It loses regional accreditation; or

(ii) It changes its status as a private, not-for-profit institution;

(C) Any other public or private regionally accredited institution in this state approved by the commission.

(3) ‘Room and Board’ means the annual cost, as established by the accredited institution as the cost of housing and food while attending as a full-time student.

(4) ‘Tuition’ means the quarter, semester or term charges imposed by an eligible state institution of higher education and, additionally, all mandatory fees required as a condition of enrollment by all students. For the purposes of this article, the following conditions apply:

(A) West Virginia University, Potomac State College and West Virginia University Institute of Technology are considered separate institutions for purposes of determining tuition rates; and

(B) The tuition amount paid by undergraduate health sciences students at West Virginia University is considered to be the same as the amount of tuition paid by all other West Virginia University undergraduate students.

§18C-9-3. Powers and duties of the West Virginia Higher Education Policy Commission regarding the West Virginia Educate, Employ and Retain Scholarship Program.

(a) Powers of commission. — In addition to the powers granted by any other provision of this code, the commission has the powers necessary or convenient to carry out the purposes and provisions of this article including, but not limited to, the following:

(1) To promulgate legislative rules in accordance with the provisions of §29A-3A-1 *et seq.* of this code to effectuate the purposes of this article;

(2) To invest any of the funds of the Promise for All Scholarship Fund established pursuant to §18C-9-6 of this code with the West Virginia Investment Management Board in accordance with the provisions of §12-6-1 et seq. of this code. Any investments made pursuant to this article shall be made with the care, skill, prudence and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with such matters would use in conducting an enterprise of a like character and with like aims. Fiduciaries shall diversify plan investments to the extent permitted by law to minimize the risk of large losses, unless under the circumstances it is clearly prudent not to do so;

(3) To execute contracts and other necessary instruments;

(4) To impose reasonable requirements for residency for students applying for the Promise for All scholarship. Except as provided in §18C-1-4 of this code, a student shall have met the following requirements to be eligible:

(A) Completed at least one half of the credits required for high school graduation in a public or private high school in this state; or

(B) Received instruction in the home or other approved place pursuant to §18-8-1(c) of this code for the two years immediately preceding application;

(C) This subsection does not establish residency requirements for matriculation or fee payment purposes at state institutions of higher education;

(5) To contract for necessary goods and services, to employ necessary personnel and to engage the services of private persons for administrative and technical assistance in carrying out the responsibilities of the scholarship program. Any services provided or secured to implement or administer the provisions of this section remain under the direction and authority of the Vice Chancellor for Administration;

(6) To solicit and accept gifts, including bequests or other testamentary gifts made by will, trust or other disposition, grants,

loans and other aid from any source and to participate in any federal, state or local governmental programs in carrying out the purposes of this article;

(7) To define the terms and conditions under which scholarships are awarded with the minimum requirements being set forth in §18C-9-6 of this code; and

(8) To establish other policies, procedures and criteria necessary to implement and administer the provisions of this article.

(b) Duties of commission. — In addition to any duty required by any other provision of this code, the commission has the following responsibilities:

(1) To operate the program in a fiscally responsible manner and within the limits of available funds;

(2) To maintain contact with students and graduates who have received Promise for All scholarships and to provide a written statement of intent notifying them that acceptance of the scholarship entails a responsibility to comply with the following:

(i) Continue to live in West Virginia after graduation;

(ii) Obtain employment in West Virginia after graduation;

(iii) To repay the scholarship as a loan if the graduate leaves West Virginia or fails to graduate within required time periods;

(iv) For Promise for All recipients who enroll in post-graduate education programs, the name of the state in which each post-graduate institution is located; and

(v) Any other relevant information the commission reasonably requests to implement the provisions of this subdivision.

§18C-9-4. Promise for All program requirements.

(a) A Promise for All award recipients shall meet the following conditions:

(1) For a student enrolled in a state institution of higher education or other eligible institution, the annual award shall only be given to eligible students enrolled in a state institution of higher education and shall not exceed the annual estimated cost of tuition, room and board except that a student who was awarded and used a PROMISE scholarship annual award prior to January 1, 2019, shall continue to receive the annual award calculated under the same terms and conditions that applied on the day before the effective date of this article: *Provided*, That eligible students attending less than full time shall only be eligible for awards for tuition and any other qualifications, conditions or limitations as established by commission rules;

(2) The annual award shall be used by an eligible institution to supplement, but may not supplant, a tuition and fee waiver for which the individual is eligible pursuant to §18B-10-5 of this code and §18B-10-6a, §18B-10-7 and §18B-10 7b of this code.

(b) The total cost of all awards granted by the commission in any year may not exceed the amount of funds available to the commission during the fiscal year, but in no case may be more than \$10,000 in one scholastic year.

(c) In order to be eligible to receive a Promise for All award an individual shall:

(1) Submit an award application to the commission:

(A) Within two years of graduating from high school or within two years of acquiring a general equivalency degree if provided instruction in the home or other approved place pursuant to §18-9-1(c) of this code; or

(B) Within seven years of initially entering military service, and within one year of discharge from military service, if the individual has entered the United States armed services within two years after graduating from high school;

(2) Apply for and submit a Free Application for Federal Student Aid;

(3) Maintain appropriate academic progress toward the completion of a degree at the undergraduate education level as determined by the commission if the individual has completed more than one semester or term at an institution of higher education, excluding credits earned in advanced placement, international baccalaureate, dual credit and comparable courses while the student is enrolled in high school and graduate;

(4) Be a United States citizen or legal immigrant to the United States;

(5) Meet additional objective standards the commission considers necessary to promote academic excellence and to maintain the financial stability of the fund; and

(6) Enroll in an eligible institution. A student enrolled at an eligible institution who receives a Promise for All award may retain and renew the scholarship to complete his or her undergraduate education at that institution or any other eligible institution under the following circumstances:

(A) The institution at which the student is enrolled loses its status as an eligible institution as defined in §18C-9-2 of this code; and

(B) The student meets all other renewal requirements of this code and of commission rules.

(d) Upon the withdrawal of the student from an eligible institution before completing program requirements and failure to timely enroll in another eligible institution, or upon graduation, failure to remain in the state or gain full-time employment within a reasonable period of time as established by the commission, the recipient shall be required to repay the state the amount of the scholarship, and the scholarship shall be treated as, and administered pursuant to the Guaranteed Student Loan Program, as established in §18C-2-1 *et seq.* of this code.

(e) It is the intent of the Legislature that the commission shall strongly encourage prospective candidates for the Promise for All award to perform at least 20 hours of unpaid community service

while in high school to help prepare them for success in post-secondary education. The community service may include, but is not limited to, participation with nonprofit, governmental or community-based organizations designed with any or all of the following purposes:

- (1) Improving the quality of life for community residents;
- (2) Meeting the needs of community residents; or
- (3) Fostering civic responsibility.

§18C-9-5. Legislative rules.

(a) The commission shall promulgate legislative rules in accordance with the provisions of §29A-3A-1 et seq. of this code, which shall include:

(1) The amount of a Promise for All award in combination with aid from all other sources may not exceed the cost of education at the institution the recipient is attending. This provision does not apply to members of the West Virginia National Guard, recipients of an Underwood-Smith teacher scholarship and recipients of a West Virginia engineering, science and technology scholarship;

(2) Additional objective standards the commission considers necessary:

- (A) To promote academic excellence;
- (B) To maintain the financial stability of the fund; and
- (C) To operate the program within the limits of available funds.

(3) Provisions for making the highest and best use of the Promise for All Program in conjunction with the West Virginia College Prepaid Tuition and Savings Program Act set forth in §18-30-1 et seq. of this code;

(4) A provision defining the relationship of Promise for All scholarships to all other sources of student financial aid to ensure maximum coordination. The provision shall include the following:

(A) Methods to maximize student eligibility for federal student financial aid;

(B) A requirement that Promise for All Awards not supplant tuition and fee waivers; and

(C) Clarifications as needed of the relationship between the Promise for All Program, tuition savings plans and other state-funded student financial aid programs.

(5) A method for making Promise for All awards within the limits of available appropriations, including circumstances when program funds are not sufficient to provide awards to all eligible applicants. The commission may not use any of the following methods:

(A) Providing for an annual Promise for All award that is less than the amounts provided in this section; or

(B) Eliminating any current recipient from eligibility; and

(C) A method for applicants to appeal determinations of eligibility and renewal.

(b) The rule may provide for or require the following at the commission's discretion:

(1) Requiring repayment of the amount of the scholarship, in whole or in part, if a scholarship recipient chooses to work outside the state after graduation or fails within a reasonable period to obtain full-time employment in the state. The rule may not require a recipient to repay an award, in whole or in part, unless the prospective recipient has been informed of this requirement in writing before initial acceptance of the award. The commission may grant extensions or make other exceptions regarding scholarship repayment by persons who did not graduate or otherwise failed to fulfill the requirements for discharge or repayment of scholarship funds when undue hardship to the recipient will occur;

(2) Targeting a portion of the scholarship funds to be used for applicants enrolled in an engineering, science, technology or other designated program;

(3) Determining what other sources of funding for higher education are to be deducted from the Promise for All award; and

(4) Providing additional criteria as determined by the commission.

(c) The Legislature finds that an emergency exists and, therefore, the commission shall file any rule to implement the provisions of this section as an emergency rule pursuant to the provisions of §29A-3A-1 *et seq.* of this code necessary to have the program fully operational for the 2019 school year.

§18C-9-6. Promise for All Award Fund created.

(a) The special revenue fund in the State Treasury designated and known as the Promise for All Award Fund is created. The fund consists of moneys from the following sources:

(1) All appropriations to the fund from the West Virginia Lottery, video lottery and taxes on amusement devices previously dedicated to the PROMISE scholarship program;

(2) All remaining appropriations by the Legislature for the PROMISE Scholarship Fund not needed to fulfill current Promise Scholarship awards as provided pursuant to this article;

(3) All appropriations by the Legislature for the Promise for All Award Fund;

(4) Any gifts, grants or contributions received for the Promise for All Award Program; and

(5) All interest or other income earned from investment of the fund.

(b) The allocations to the fund are subject to appropriation by the Legislature. Nothing in this article requires any specific level

of funding by the Legislature nor guarantees nor entitles any individual to any benefit or grant of funds.

(c) The commission may expend the moneys in the fund to implement the provisions of this article.”

Delegate Hanna requested to be excused from voting on Com. Sub. for S. B. 1 under the provisions of House Rule 49.

The Speaker replied that the Delegate was a member of a class of persons possibly to be affected by the passage of the bill and directed the Member to vote.

Following discussion of both of the amendments to the amendment, the question before the House was the adoption of the amendment offered by Delegates Doyle, Hornbuckle, Zukoff, Lavender-Bowe, Estep-Burton, Evans, Campbell, C. Thompson, R. Thompson and Rodighiero.

On the adoption of the amendment to the Committee on Finance amendment, Delegate Doyle demanded the yeas and nays, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 470**), and there were—yeas 43, nays 56, absent and not voting 1, with the yeas and absent and not voting being as follows:

Yeas: Angelucci, Barrett, Bates, Boggs, N. Brown, S. Brown, Butler, Byrd, Campbell, Canestraro, Caputo, Diserio, Doyle, Estep-Burton, Evans, Fleischauer, Fluharty, Hansen, Hartman, Hicks, Hornbuckle, Lavender-Bowe, Longstreth, Lovejoy, P. Martin, Miley, Miller, Paynter, Pethtel, Pushkin, Pyles, Rodighiero, Rowe, Skaff, Sponaule, Staggers, Swartzmiller, C. Thompson, R. Thompson, Tomblin, Walker, Williams and Zukoff.

Absent and Not Voting: Capito.

So, a majority of the members present and voting not having voted in the affirmative, the amendment to the amendment was rejected.

The question then before the House was the adoption of the amendment offered by Delegate Sponaugle.

On the adoption of the amendment to the Committee on Finance amendment, Delegate Sponaugle demanded the yeas and nays, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 471**), and there were—yeas 40, nays 59, absent and not voting 1, with the yeas and absent and not voting being as follows:

Yeas: Angelucci, Barrett, Bates, Boggs, S. Brown, Byrd, Campbell, Canestraro, Caputo, Diserio, Doyle, Estep-Burton, Evans, Fleischauer, Fluharty, Hansen, Hartman, Hicks, Hornbuckle, Lavender-Bowe, Longstreth, Lovejoy, P. Martin, Miley, Miller, Pethtel, Pushkin, Pyles, Rodighiero, Rowe, Skaff, Sponaugle, Staggers, Swartzmiller, C. Thompson, R. Thompson, Tomblin, Walker, Williams and Zukoff.

Absent and Not Voting: Capito.

So, a majority of the members present and voting not having voted in the affirmative, the amendment to the amendment was rejected.

Delegates C. Thompson and Phillips moved to amend the amendment recommended by the Committee on Finance, on page seven, section eleven, line twenty after the word “public”, by inserting the words “or private”.

On page seven, section eleven, line twenty-six after the word “public”, by inserting the words “or private”.

On page eight, section eleven, line forty-two after the word “public”, by inserting the words “or private”.

On page nine, section eleven, line sixty-two after the word “public”, by inserting the words “or private”.

On page nine, section eleven, line sixty-seven after the word “public”, by inserting the words “or private”.

On page nine, section eleven, line seventy-eight after the word “public”, by inserting the words “or private”.

On page nine, section eleven, line eighty-one after the word “public”, by inserting the words “or private”.

On page fourteen, section three, line six after the word “public”, by inserting the words “or private”.

On page fifteen, section four, line thirteen after the word “public”, by inserting the words “or private”.

And,

On page sixteen, section four, line forty after the word “public”, by inserting the words “or private”.

On the adoption of the amendment to the Committee on Finance amendment, Delegate C. Thompson demanded the yeas and nays, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 472**), and there were—yeas 41, nays 54, absent and not voting 5, with the yeas and absent and not voting being as follows:

Yeas: Angelucci, Barrett, Bates, N. Brown, S. Brown, Butler, Campbell, Canestraro, Caputo, Dean, Diserio, Doyle, Estep-Burton, Evans, Fast, Fleischauer, Fluharty, Hansen, Hartman, Hicks, Hornbuckle, Lavender-Bowe, Longstreth, Lovejoy, C. Martin, P. Martin, Miley, Paynter, Pethtel, Phillips, Pushkin, Rowe, Skaff, Sponaule, Stagers, Swartzmiller, C. Thompson, R. Thompson, Walker, Williams and Zukoff.

Absent and Not Voting: Boggs, Byrd, Capito, Pyles and Rodighiero.

So, a majority of the members present and voting not having voted in the affirmative, the amendment to the amendment was rejected.

On motion of Delegate Hamrick, the strike and insert amendment was amended on page eight, section eleven, line forty-one, after

the word ‘shortages’, by striking out the period and the remainder of the paragraph and inserting a comma and ‘which shall be given priority in administration of the program.’”

Delegate Butler moved to amend the Committee on Finance amendment on page sixteen, section four, lines thirty-seven through forty-two, by striking out paragraph (f) in its entirety and inserting in lieu thereof:

“(f) Beginning with the 2021 fiscal year, and for every fiscal year thereafter, any funding under this Article shall only be distributed to those community and technical colleges or public baccalaureate institutions that form one or more partnerships to establish ACE programs and pathways. Once distributed, such funds may be used to support any eligible post-secondary program or pathway provided by an eligible institution leading to the award of such degree or certification.”

On page nineteen, section six, line sixty-six, by striking out subsection (1) in its entirety.

On page nineteen, section six, line sixty-seven after the word “Fund”, by inserting a comma and the words “excluding any appropriations from the Legislature”.

And

By renumbering the subsections.

On the adoption of the amendment to the Committee on Finance amendment, Delegate Butler demanded the yeas and nays, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 473**), and there were—yeas 14, nays 81, absent and not voting 5, with the yeas and absent and not voting being as follows:

Yeas: Bibby, Butler, Cadle, Dean, Fast, Foster, Hill, C. Martin, P. Martin, McGeehan, Nelson, Paynter, Toney and Wilson.

Absent and Not Voting: Boggs, Capito, Hartman, Queen and R. Thompson.

So, a majority of the members present and voting not having voted in the affirmative, the amendment to the amendment was rejected.

Delegate Butler moved to amend the Committee on Finance amendment on page seventeen, section five, line fourteen, after the word “sought”, by striking out the semicolon and inserting in lieu thereof “and must be eligible and receive federal student aid”.

On the adoption of the amendment to the Committee on Finance amendment, Delegate Butler demanded the yeas and nays, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 474**), and there were—yeas 27, nays 69, absent and not voting 4, with the yeas and absent and not voting being as follows:

Yeas: Anderson, Azinger, Bibby, Butler, Cadle, Cooper, Dean, Doyle, Fast, Graves, Hansen, Hollen, Hornbuckle, Kessinger, Kump, Linville, C. Martin, P. Martin, Nelson, Paynter, Phillips, Pyles, Storch, Tomblin, Toney, Waxman and Wilson.

Absent and Not Voting: Boggs, Capito, Queen and C. Thompson.

So, a majority of the members present and voting not having voted in the affirmative, the amendment to the amendment was rejected.

Delegate Butler moved to amend the Committee on Finance amendment on page fifteen, section four, line twelve, after the word “student”, by inserting the following:

“The amount of a WV Invests Grant at an eligible institution as defined in §18C-9-3 may not exceed the tuition as of January 1, 2019; thereafter, the tuition may not increase by an amount greater than the percent increase in the consumer price index as calculated

by the United States Department of Labor Bureau of Statistics, for the previous year.”

On the adoption of the amendment to the Committee on Finance amendment, Delegate Butler demanded the yeas and nays, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 475**), and there were—yeas 36, nays 61, absent and not voting 3, with the yeas and absent and not voting being as follows:

Yeas: Azinger, Bates, Bibby, Butler, Cadle, Cooper, Dean, Ellington, Fast, Fluharty, Foster, Graves, Hanna, Harshbarger, Hill, Hollen, Hornbuckle, Howell, Kump, Linville, Lovejoy, Mandt, C. Martin, P. Martin, Nelson, Pack, Paynter, Phillips, Robinson, Rohrbach, Tomblin, Toney, Waxman, Westfall, Wilson and Worrell.

Absent and Not Voting: Boggs, Hicks and Walker.

So, a majority of the members present and voting not having voted in the affirmative, the amendment to the amendment was rejected.

Delegate Diserio moved to amend the Committee on Finance amendment on page thirteen, after the period on line eighty-seven, by inserting a new section, to read as follows:

“CHAPTER 18B. HIGHER EDUCATION.

ARTICLE 3C. COMMUNITY AND TECHNICAL COLLEGE SYSTEM.

§18B-3C-16. Encouragement of collaborative agreements between community and technical colleges and federally registered apprenticeship programs.

(a) The Legislature finds that apprenticeship programs provide a valuable educational opportunity that can be enhanced by community and technical colleges that offer associate degrees. Accordingly, the Legislature hereby encourages, but is not

requiring, community and technical colleges that offer associate degrees to enter into collaborative agreements with federally registered apprenticeship programs that are registered with the United States Department of Labor.

(b) On or before January 1 of each year, the council shall provide to the Legislature and the Governor a report regarding the collaborative agreements between community and technical colleges and federally registered apprenticeships programs. The report should identify those community and technical colleges that have entered into a collaborative agreement with federally registered apprenticeship programs, the number of students participating in such apprenticeship programs, the number of community and technical colleges credits earned by students in such apprenticeship programs, the number of students employed in a relevant field of study during such apprenticeship programs and for the year after completion of such apprenticeship programs, and the average compensation of the students employed in a relevant field of study during their enrollment in such apprenticeship programs and for the year after completion of such apprenticeship programs.”

On the adoption of the amendment to the Committee on Finance amendment, Delegate Diserio demanded the yeas and nays, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 476**), and there were—yeas 54, nays 44, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Atkinson, Azinger, Bibby, Capito, Cooper, Cowles, Criss, Ellington, Espinosa, Fast, Foster, Graves, Hamrick, Hanna, Hardy, Harshbarger, Higginbotham, Hill, Hollen, Householder, Howell, D. Jeffries, Jennings, D. Kelly, J. Kelly, Kessinger, Linville, Mandt, C. Martin, Maynard, McGeehan, Pack, Phillips, Porterfield, Queen, Rowan, Shott, Steele, Summers, Sypolt, Waxman, Westfall, Wilson and Hanshaw (Mr. Speaker).

Absent and Not Voting: Malcolm and Nelson.

So, a majority of the members present and voting having voted in the affirmative, the amendment was adopted.

The Committee on Finance amendment, as amended, was then adopted.

The bill was then ordered to third reading.

At 2:16 p.m., the House of Delegates recessed until 7:00 p.m.

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Evening Session

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

Special Calendar

Second Reading

-continued-

Com. Sub. for S. B. 187, Authorizing Department of Revenue to promulgate legislative rules; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for S. B. 285, Relating to sale of homemade food items; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on the Judiciary, was reported by the Clerk and adopted, amending the bill on page one, immediately following the enacting section, by striking out the remainder of the bill and inserting in lieu thereof the following:

“ARTICLE 35. FARMERS MARKETS AND COTTAGE FOODS.

§19-35-2. Definitions.

For purposes of this article:

‘Consignment farmers market’ means a farmers market in which two or more vendors deliver their own farm and food products to a common location maintained by a third party that markets the vendors’ products and receives a percentage share of the profits from sales, with the individual vendor retaining ownership of the farm and food product until it is sold. A consignment farmers market may be mobile or in a stationary location.

‘Delivered’ means transferred to the consumer, either immediately upon sale or at a time thereafter.

‘Department’ means the Department of Agriculture.

‘Farm and food product’ means any agriculture, horticulture, agroforestry, animal husbandry, dairy, livestock, cottage food, beekeeping, or other similar product. Farm and food products are to be properly labeled.

‘Farmers market’ means:

(1) A traditional farmers market in which two or more vendors gather to sell farm and food products directly to consumers at a fixed location;

(2) An on-farm market or farm stand run by an individual producer that sells farm and food products;

(3) An online farmers market in which two or more vendors collectively market farm and food products and retain ownership of those products until they are sold; or

(4) A consignment farmers market as defined herein.

‘Farmers market vendor’ or ‘vendor’ means a person or entity that sells farm and food products at a farmers market.

‘Homemade food item’ means a nonpotentially hazardous food item, including a nonalcoholic beverage, which is produced and/or packaged at the private residence of the producer.

‘Nonpotentially hazardous’ means food that does not require time/temperature control for safety to limit pathogenic microorganism growth or toxin formation.

‘Produce’ means to prepare a food item by cooking, baking, drying, mixing, cutting, fermenting, preserving, dehydrating, growing, raising, or other process.

‘Producer’ means the person who produces a homemade food item.

‘Retailer’ means and includes every person engaging in the business of selling, leasing, or renting tangible personal property.

‘Seller’ means the person who sells a homemade food item to a consumer. The seller of the homemade food item may be the producer of the item, an agent of the producer, or a third-party vendor, such as a retail shop or grocery store.

§19-35-6. Direct sale of homemade food items.

(a) The production and sale of homemade food items, when done in conformity with this section, are exempt from licensing, permitting, inspection, packaging, and labeling laws of this state.

(b) The following conditions apply to the sale and delivery of homemade food items:

(1) The homemade food item must be sold by the producer to the consumer, whether in person or remotely, or by an agent of the producer or a third-party vendor; and

(2) The homemade food items must be delivered to the consumer by the producer, an agent of the producer, a third-party vendor, or a third-party carrier.

(c) The following information must be provided to the consumer, in the format required by subsection (d) of this section:

(1) The name, home address, and telephone number of the producer of the homemade food item;

(2) The common or usual name of the homemade food item;

(3) The ingredients of the homemade food item in descending order of predominance; and

(4) The following statement: ‘This product was produced at a private residence that is exempt from State licensing and inspection. This product may contain allergens.’

(d) The information required by subsection (c) of this section must be provided:

(1) On a label affixed to the package, if the homemade food item is packaged;

(2) On a label affixed to the container, if the homemade food item is offered for sale from a bulk container;

(3) On a placard displayed at the point of sale, if the homemade food item is neither packaged nor offered for sale from a bulk container;

(4) On the webpage on which the homemade food item is offered for sale, if the homemade food item is offered for sale on the Internet; or

(5) On a receipt or other document provided to the customer with the homemade food item.

(e) The homemade food item must not be meat, meat byproduct, meat food product, poultry, poultry byproduct, or poultry food product, as those terms are defined for purposes of the federal Meat Inspection Act and federal Poultry Products Inspection Act, unless the production and sale of the items are within the exemption in 9 C.F.R. §303.1(d), §381.10(c), or §381.10(d) and comply with other applicable federal regulations.

(f) This section shall not be construed to:

(1) Impede the authority of a local health department or the department to investigate or cease the production or sale of food items reported to have caused a foodborne illness;

(2) Preclude the department from providing assistance, consultation, or inspection at the request of the producer of a homemade food item;

(3) Preclude the production or sale of food items otherwise allowed by law;

(4) Exempt a producer, seller, third-party vendor, or third-party agent from any applicable tax law;

(5) Exempt producers or sellers of homemade food items from any law that requires the producer, seller, third-party vendor, or third-party agent to register its business name, address, and other identification information with the state;

(6) Exempt producers or sellers of homemade food items from any applicable law of the federal government, including any federal law prohibiting the sale of certain food items in interstate commerce; or

(7) Exempt producers or sellers of homemade food items from any applicable law of another state.

(g) This section preempts county, municipal, and other political jurisdictions from prohibiting and regulating the production and sale of homemade food items: *Provided*, That such preemption shall not include space rentals at governmental owned or operated facilities, governmental sanctioned or operated events, or product placement agreements with governmentally owned facilities as well as temporary events 14 days or less in duration.”

The bill was then ordered to third reading.

Com. Sub. for S. B. 537, Creating workgroup to review hospice need standards; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Health and Human Resources, was reported by the Clerk and adopted, amending the bill on page two, line thirty-seven, by striking out

“June 30, 2020” and inserting in lieu thereof “September 30, 2019”.

On page three, line thirty-eight, by striking out “March 31, 2021” and inserting in lieu thereof “December 31, 2019”.

On page three, line forty-one, by striking out “December 31, 2020” and inserting in lieu thereof “December 1, 2019”.

On page three, line forty-three, by striking out “90” and inserting in lieu thereof “30”.

On page three, line forty-five, after the period, by striking out the remainder of subsection (d).

And,

On page three, line forty-eight, by striking out subsection (e) and inserting a new subsection (e) to read as follows:

“(e) The need standards regulating hospice services and home health services shall be those that were in effect on January 1, 2018, and shall remain in effect until the Governor approves the new standards no sooner than December 31, 2019.”

On motion of Delegate Ellington, the bill was amended on page one, section thirty-one, line four, after the word “Authority”, by inserting the words “or designee”.

The bill was then ordered to third reading.

Com. Sub. for S. B. 546, Relating to health care provider taxes; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Health and Human Resources, was reported by the Clerk on page one, line two, by striking out the word “is” and inserting in lieu thereof “shall be”.

On page one, line four, by striking out the words “eligible acute care hospitals and health systems that provide” and inserting in lieu thereof “an eligible acute care hospital that provides”.

On page one, line six, by striking out the words “and health system”.

On page one, beginning on line fourteen, by striking out the words “and health systems”.

On page two, beginning on line twenty-four, by striking out subsection (e) in its entirety and inserting in lieu thereof the following: “The amount of taxes collected under this section, including any interest, additions to tax and penalties collected under article ten of this chapter, less the amount of allowable refunds, the amount of any interest payable with respect to such refunds, and costs of administration and collection, shall be deposited into the Medicaid State Share Fund and shall not revert to general revenue. The Tax Commissioner shall establish and maintain a separate account and accounting for the funds collected under this section, in an account to be designated as the “Eligible Acute Care Practitioner Enhancement Account.” The amounts collected shall be deposited, within fifteen days after receipt by the tax commissioner, into the Eligible Acute Care Practitioner Enhancement Account. Disbursements from the Eligible Acute Care Practitioner Enhancement Account within the Medicaid State Share Fund may be used only to support increasing practitioner payment fee schedules for practitioners employed by eligible acute care hospitals.”

On page two, line thirty-three, by striking out the words “medical or”.

On page two, line forty, by striking out the words “and health systems”.

And,

On page two, line forty-two, by striking out the word “Fund” and inserting in lieu thereof “Account”.

On motion of Delegate Ellington, the Health and Human Resources amendment was amended by striking out the inserted subsection (e) and inserting a new subsection (e) to read as follows:

“(e) There is hereby created a special fund known as the “Acute Care Clearing Fund”. The amount of taxes collected under this section and under §11-27-38 of this code, including any interest, additions to tax and penalties collected under article ten of this chapter, less the amount of allowable refunds, the amount of any interest payable with respect to such refunds, and costs of administration and collection, shall be deposited into the Acute Care Clearing Fund created by this section. The Tax Commissioner shall establish and maintain the funds collected under this section and then periodically distribute the same by the fifth day of the month following the end of the calendar quarter in which the taxes were collected. Provided, that notwithstanding any provision of the code to the contrary, the portion attributable to the taxes, any interest, additions to tax and penalties associated with the tax imposed under §11-27-38 of this code shall be distributed into the Eligible Acute Care Provider Enhancement Account created under that section and the portion attributable to the taxes, any interest, additions to tax and penalties associated with the tax imposed under this section shall be distributed into a new account to be created under the Medicaid State Share Fund to be designated as the “Eligible Acute Care Practitioner Enhancement Account.” Disbursements from the Eligible Acute Care Practitioner Enhancement Account within the Medicaid State Share Fund may be used only to support increasing practitioner payment fee schedules for practitioners employed by eligible acute care hospitals.”

The Committee on Health and Human Resources amendment, as amended, was then adopted.

The bill was then ordered to third reading.

S. B. 587, Relating to PEIA reimbursement of air ambulance providers; on second reading, coming up in regular order, was read a second time and ordered to third reading.

S. B. 617, Relating to method of payment to Municipal Pensions Security Fund; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Finance, was reported by the Clerk and adopted, amending the bill on page three, section nineteen, line fifty-nine, following the words “~~chapter thirty-three~~”, by striking out the words “§8-22-18(b) and §33-3-14(b)” and inserting in lieu thereof the words “§8-22-18b and §33-3-14d”.

On page four, section nineteen, line eighty-two, following the word “§8-22-18b”, by striking out “(c)”.

And,

On page four, section nineteen, line eighty-two, following the words “allocable portion of”, by striking out the words “the Municipal Pensions and Protection Fund or.”

The bill was then ordered to third reading.

Com. Sub. for S. B. 653, Relating generally to practice of medical corporations; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Health and Human Resources, was reported by the Clerk on page six following line one hundred eighteen, by inserting the following:

“ARTICLE 14. OSTEOPATHIC PHYSICIANS AND SURGEONS.

§30-14-9a. Osteopathic medical corporations — Application for registration; fee; notice to Secretary of State of issuance of certificate; action by secretary of state.

(a) ~~When~~ One or more osteopathic physicians, allopathic physicians or duly licensed to practice osteopathic medicine in the State of West Virginia or physician assistants wish to may form an osteopathic medical corporation. ~~such osteopathic physician or surgeon, or osteopathic physicians or surgeons~~ An osteopathic

physician or osteopathic physician assistant shall file a written application with the board on a form prescribed by the board, and shall furnish proof satisfactory to the board that the signer or all of the signers of such application is or are ~~a duly licensed osteopathic physician or surgeon or osteopathic physicians or surgeons~~. A reasonable fee, ~~the amount of such reasonable fee~~ to be set by the board rules, shall accompany ~~each such~~ the application, no part of which shall be returnable.

(b) If the board finds that the signer or all of the signers of ~~such~~ the application are ~~duly~~ licensed, the board shall notify the Secretary of State that a certificate of authorization has been issued. ~~to the individual or individuals signing such application.~~

(c) When the Secretary of State receives notification from the board that a certain individual or individuals has or have been issued a certificate of authorization, he or she shall attach ~~such~~ the authorization to the corporation application and upon compliance by the corporation with §31-1-1 *et seq.* of this code, the Secretary of State shall notify the incorporators that ~~such~~ the corporation, ~~through a duly licensed osteopathic physician, or surgeon or duly licensed osteopathic physicians and surgeons, license allopathic physician~~ may engage in the appropriate practice. ~~of osteopathic medicine and surgery.”~~

On motion of Delegate Ellington, the amendment recommended by the Committee on Health and Human Resources was amended on page one, section nine-a, line six, by reinserting the stricken words “duly licensed”.

The amendment offered by the Committee on Health and Human Resources, as amended, was then adopted.

The bill was then ordered to third reading.

S. B. 675, Requiring DEP create and implement Adopt-A-Stream Program; on second reading, coming up in regular order, was read a second time and ordered to third reading.

First Reading

The following bills on first reading, coming up in regular order, were each read a first time and ordered to second reading:

Com. Sub. for S. B. 4, Relating generally to Municipal Home Rule Program,

Com. Sub. for S. B. 90, Transferring Safety and Treatment Program from DHHR to DMV,

Com. Sub. for S. B. 199, Authorizing certain miscellaneous agencies and boards promulgate legislative rules,

S. B. 233, Relating to age requirements for deputy sheriff,

Com. Sub. for S. B. 238, Increasing certain penalties for passing stopped school bus,

Com. Sub. for S. B. 241, Permitting county court clerks scan certain documents in electronic form,

Com. Sub. for S. B. 317, Authorizing three or more adjacent counties form multicounty trail network authority,

Com. Sub. for S. B. 318, Transferring Medicaid Fraud Control Unit to Attorney General's office,

Com. Sub. for S. B. 357, Relating generally to Division of Administrative Services,

Com. Sub. for S. B. 392, Relating to payment of invoices received by Division of Corrections and Rehabilitation for contract work,

Com. Sub. for S. B. 400, Allowing Board of Dentistry create specialty licenses,

Com. Sub. for S. B. 402, Authorizing Division of Forestry investigate and enforce timber theft violations,

Com. Sub. for S. B. 404, Relating generally to sediment control during commercial timber harvesting operations,

Com. Sub. for S. B. 405, Increasing limit on additional expenses incurred in preparing notice list for redemption,

S. B. 421, Relating to annual legislative review of economic development tax credit,

Com. Sub. for S. B. 485, Clarifying notification requirements for property insurance purposes,

S. B. 493, Correcting terminology referring to racing vehicles illegally on street,

Com. Sub. for S. B. 496, Transferring authority to regulate milk from DHHR to Department of Agriculture,

Com. Sub. for S. B. 511, Creating alternating wine proprietorships,

S. B. 566, Relating to compensation for State Athletic Commission members,

S. B. 596, Adjusting voluntary contribution amounts on certain DMV forms,

Com. Sub. for S. B. 597, Conforming state law to federal law for registration of appraisal management companies,

Com. Sub. for S. B. 600, Relating to preservation of biological evidence obtained through criminal investigations and trials,

S. B. 605, Permitting Secondary Schools Athletic Commission discipline schools for not following protocol for concussions and head injuries,

S. B. 625, Clarifying and defining authority of State Athletic Commission,

S. B. 633, Authorizing Board of Physical Therapy conduct criminal background checks on applicants for licenses,

S. B. 655, Relating to conservation districts generally,

Com. Sub. for S. B. 657, Providing consumer protection regarding self-propelled farm equipment,

S. B. 658, Relating to motor vehicle salesperson licenses,

S. B. 672, Authorizing School Building Authority to promulgate legislative rules,

S. B. 673, Relating to public higher education accountability and planning,

And,

S. B. 676, Relating to off-road vehicle recreation.

On motion of Delegate Butler, **S. B. 153**, Providing greater flexibility for making infrastructure project grants, was discharged from the Committee on Finance, taken up for immediate consideration, read a first time and ordered to second reading.

In the absence of objection, the House of Delegates returned to the Third Order of Business for the purpose of receiving committee reports.

Committee Reports

Delegate Shott, Chair of the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration:

Com. Sub. for S. B. 340, Repealing obsolete provisions of code relating to WV Physicians Mutual Insurance Company,

Com. Sub. for S. B. 613, Requiring DNR include election of organ donation on hunting licenses,

And,

Com. Sub. for S. B. 622, Relating generally to regulation and control of financing elections,

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

Delegate Hollen, Chair of the Committee on Pensions and Retirement, submitted the following report, which was received:

Your Committee on Pensions and Retirement has had under consideration:

S. B. 36, Allowing adjustment of gross income for calculating personal income liability for certain retirees,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (S. B. 36) was referred to the Committee on Finance.

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

Your Committee on Finance has had under consideration:

Com. Sub. for S. B. 264, Requiring courts to order restitution to crime victims where economically practicable,

And,

Com. Sub. for S. B. 396, Waiving occupational licensing fees for low-income individuals and military families,

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

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

Your Committee on Finance has had under consideration:

Com. Sub. for S. B. 291, Relating generally to survivor benefits for emergency response providers,

Com. Sub. for S. B. 30, Eliminating tax on annuity considerations collected by life insurer,

Com. Sub. for S. B. 543, Relating generally to automobile warranties and inspections,

And,

S. B. 550, Declaring certain claims to be moral obligations of state,

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

Delegate Byrd moved, that pursuant to House Rule 100, **Com. Sub. for S. B. 543** be committed to the Committee on the Judiciary.

On this question, the yeas and nays were demanded, which demand was sustained.

Having been ordered, the yeas and nays were taken (**Roll No. 477**), and there were—yeas 36, nays 62, absent and not voting 2, with the yeas and absent and not voting being as follows:

Yeas: Anderson, Angelucci, Barrett, Bates, Boggs, N. Brown, S. Brown, Byrd, Campbell, Caputo, Diserio, Doyle, Estep-Burton, Evans, Fleischauer, Hansen, Hartman, Hornbuckle, Lavender-Bowe, Longstreth, Miley, Pethtel, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Shott, Sponaule, Staggers, Swartzmiller, C. Thompson, R. Thompson, Walker, Williams and Zukoff.

Absent and Not Voting: Hicks and C. Martin.

So, a majority of the members present and voting not having voted in the affirmative, the motion to commit Com. Sub. for S. B. 543 to the Committee on the Judiciary was rejected.

Delegate Shott, Chair of the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration:

Com. Sub. for S. B. 561, Permitting Alcohol Beverage Control Administration request assistance of local law enforcement,

And reports the same back, with amendment, with the recommendation that it do pass, as amended.

Delegate Anderson, Chair of the Committee on Energy, submitted the following report, which was received:

Your Committee on Energy has had under consideration:

S. B. 665, Allowing for expedited oil and gas well permitting,

And reports the same back, with amendment, with the recommendation that it do pass, as amended.

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

Your Committee on Finance has had under consideration:

Com. Sub. for S. B. 152, Relating generally to criminal offense expungement,

Com. Sub. for S. B. 40, Establishing Military Service Members Court program,

And,

Com. Sub. for S. B. 539, Relating to accrued benefit of retirees in WV State Police Retirement System Plan B,

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

At the respective requests of Delegate Summers, and by unanimous consent, the House returned to further consideration of **S. B. 36**, and second reference of the bill to the Committee on Finance was abrogated.

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

Your Committee on Finance has had under consideration:

S. B. 461, Providing for personal income tax withholding on certain lottery winnings,

And,

S. B. 670, Relating to WV College Prepaid Tuition and Savings Program,

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

Messages from the Senate

A message from the Senate, by

The Clerk of the Senate, announced concurrence by the Senate in the amendment of the House of Delegates to the amendment of the Senate, and the passage, as amended, of

Com. Sub. for H. B. 2359, Relating to exemptions to the commercial driver's license requirements.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, a bill of the House of Delegates as follows:

Com. Sub. for H. B. 2439, Relating to fire service equipment and training funds for volunteer and part-volunteer fire companies.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, a bill of the House of Delegates as follows:

Com. Sub. for H. B. 2538, Providing banking services for medical cannabis.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, a bill of the House of Delegates as follows:

Com. Sub. for H. B. 2734, Relating to reduced rates for low-income residential customers of privately owned sewer and combined water and sewer utilities.

A message from the Senate, by

The Clerk of the Senate, announced concurrence by the Senate in the amendment of the House of Delegates to the amendment of the Senate, and the passage, as amended, of

Com. Sub. for H. B. 3007, Authorizing the Commissioner of Agriculture to require background checks.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, a bill of the House of Delegates as follows:

Com. Sub. for H. B. 3021, Relating to the disposition of permit fees, registration fees and civil penalties imposed against thoroughbred horse racing licensees.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, a bill of the House of Delegates as follows:

H. B. 3045, Exempting certain complimentary hotel rooms from hotel occupancy tax.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, a bill of the House of Delegates as follows:

H. B. 3095, Establishing a minimum monthly retirement annuity for certain retirants.

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the amendment of the House of Delegates and the passage, as amended, of

Com. Sub. for S. B. 3, Establishing WV Small Wireless Facilities Deployment Act.

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the amendment of the House of Delegates and the passage, as amended, of

Com. Sub. for S. B. 72, Creating Sexual Assault Victims' Bill of Rights.

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the amendment of the House of Delegates and the passage, as amended, of

Com. Sub. for S. B. 393, Protecting right to farm.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title and referred to the Committee on the Judiciary then Rules:

S. C. R. 48 - "Requesting the Joint Committee on the Judiciary study whether the Legislature should eliminate the use of subminimum wages for people with intellectual, developmental, or other disabilities."

Whereas, Section 14(c) of the Fair Labor Standards Act authorizes the payment of subminimum wages to persons with intellectual, developmental, and other disabilities; and

Whereas, At least 264 employees with disabilities receive subminimum wages in West Virginia; and

Whereas, Members of the workforce with intellectual, developmental, or other disabilities are contributing members of society; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on the Judiciary is hereby requested to study whether the Legislature should eliminate the use of subminimum wages for people with intellectual, developmental, or other disabilities; and, be it

Further Resolved, That the Joint Committee on the Judiciary enlist the assistance of the Division of Rehabilitation Services in conducting the study; and, be it

Further Resolved, That the study include an examination of whether requiring a minimum wage to be paid to persons with intellectual, developmental, or other disabilities would have the negative consequence of reducing or eliminating jobs and employment for persons with these disabilities; and, be it

Further Resolved, That the Joint Committee on the Judiciary report to the regular session of the Legislature, 2020, on its findings, conclusions, and recommendations together with drafts of any legislation necessary to effectuate its recommendations; and, be it

Further Resolved, That the expenses necessary to conduct this study, prepare a report, and to draft necessary legislation be paid from legislative appropriations to the Joint Committee on Government and Finance.

Miscellaneous Business

Pursuant to House Rule 132, consent was requested and obtained to print the remarks of the following Members in the Appendix to the Journal:

- Delegate Lovejoy regarding Com. Sub. for S. B. 175

Pursuant to House Rule 94b, a form was filed with the Clerk's Office to be added as a cosponsor of the following:

- Delegate Rowan for H. C. R. 89

At 7:32 p.m., the House of Delegates adjourned until 11:00 a.m., Wednesday, March 6, 2019.

Wednesday, March 6, 2019

FIFTY-SEVENTH DAY

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

The House of Delegates met at 11:00 a.m., and was called to order by the Honorable Roger Hanshaw, Speaker.

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

The Clerk proceeded to read the Journal of Tuesday, March 5, 2019, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Committee Reports

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

Your Committee on Finance has had under consideration:

Com. Sub. for S. B. 564, Expanding comprehensive coverage for pregnant women through Medicaid,

And,

S. B. 627, Relating generally to Rural Rehabilitation Loan Program,

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

In the absence of objection, the bills (Com. Sub. for S. B. 564 and S. B. 627) were taken up for immediate consideration, read a first time and ordered to second reading.

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

Your Committee on Finance has had under consideration:

Com. Sub. for S. B. 345, Relating to fire service equipment and training funds for VFDs,

Com. Sub. for S. B. 352, Relating to Division of Corrections and Rehabilitation acquiring and disposing of services, goods, and commodities,

Com. Sub. for S. B. 522, Creating Special Road Repair Fund,

And,

S. B. 554, Removing salary caps for director of State Rail Authority,

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

In the absence of objection, the bills (Com. Sub. for S. B. 345, Com. Sub. for S. B. 352, Com. Sub. for S. B. 522 and S. B. 554) were taken up for immediate consideration, read a first time and ordered to second reading.

Reordering of the Calendar

Delegate Summers announced that the Committee on Rules had transferred Com. Sub. for S. B. 529, on second reading, House Calendar, to the Special Calendar; S. B. 535 and S. B. 605, on second reading, Special Calendar, to the House Calendar; and Com. Sub. for S. B. 124, on first reading, Special Calendar, to the House Calendar

Messages from the Senate

A message from the Senate, by

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

H. B. 2311, Exempting short-term license holders to submit information to the State Tax Commission once the term of the permit has expired.

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

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

“ARTICLE 1. SUPERVISION.

§11-1-9. Holders of short-term permits and licenses to sell; rulemaking.

(a) Notwithstanding any provision of this chapter to the contrary, holders of short-term permits or licenses to sell specific items, e.g., fireworks, beer, food, or wine at festivals, may not be required to submit any information to the Tax Commissioner after the term of the permit or license has expired: *Provided*, That the permit or license holder has filed with the Tax Commissioner all necessary information specific to the time period the permit or license was authorized and remitted to the Tax Commissioner and the permit or license holder has remitted all taxes and fees that are due under this code. This section does not prevent the Tax Commissioner from auditing the books and records of the license or permit holder for compliance with the provisions of this code.

(b) The Tax Commissioner shall propose rules for legislative approval in accordance with §29A-3-1 *et seq.* of this code to implement this section.”

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 478**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Boggs and Householder.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2311) passed.

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

A message from the Senate, by

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

Com. Sub. for H. B. 2405, Imposing a healthcare related provider tax on certain health care organizations.

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

On pages two through four, by striking out all of section three and inserting in lieu thereof a new section, designated section three, to read as follows:

“§11-27-3. Definitions.

(a) *General.* — When used in this article, words defined in subsection (b) of this section have the meaning ascribed to them in this section, except in those instances where a different meaning is distinctly expressed or the context in which the word is used clearly indicates that a different meaning is intended.

(b) *Definitions.* — ‘Business’ includes all health care activities engaged in, or caused to be engaged in, with the object of gain or economic benefit, direct or indirect, and whether engaged in for profit, or not for profit, or by a governmental entity. ~~Provided that~~ ‘Business’ does not include services rendered by an employee within the scope of his or her contract of employment. Employee services, services by a partner on behalf of his or her partnership, and services by a member of any other business entity on behalf of that entity, are the business of the employer, or partnership, or other business entity, as the case may be, and reportable as such for purposes of the taxes imposed by this article.

‘Broad-based health care related tax’ means a broad-based health care related tax as defined in Section 1903 of the Social Security Act, including a health-care related tax for which a waiver from the broad-based or uniformity requirements has been granted

and is in effect by the federal Centers for Medicare and Medicaid Services pursuant to the provisions of Section 1903 of the Social Security Act and implementing regulations.

‘Corporation’ includes associations, joint-stock companies and insurance companies. It also includes governmental entities when and to the extent such governmental entities engaged in activities taxable under this article.

‘Department’ means the West Virginia Department of Health and Human Resources.

‘Includes’ and ‘including’ when used in a definition contained in this article shall not be deemed to exclude other things otherwise within the meaning of the term being defined.

‘Partner’ includes a member in a ‘partnership’, as defined in this section.

‘Partnership’ includes a syndicate, group, pool, joint venture or other unincorporated organization through or by means of which any privilege taxable under this article is exercised, and which is not within the meaning of this article a trust or estate or corporation. It includes a limited liability company when such company is treated as a partnership for federal income tax purposes.

‘Person’ means any individual, partnership, association, company, corporation or other entity engaging in a privilege taxed under this article.

‘Secretary’ means the Secretary of West Virginia Department of Health and Human Resources.

‘Social Security Act’ means the Social Security Act of the United States, as amended by ~~Public Law 102-234~~ Public Law 109-171, and codified in Title 42, Section 1396b of the United States Code.

‘Tax’ means any tax imposed by this article and, for purposes of administration and collection of such tax, includes any interest,

additions to tax or penalties imposed with respect thereto under article 10 of this chapter.

‘Taxable year’ means the calendar year, or the fiscal year ending during such calendar year, upon the basis of which the tax imposed by this article is computed. In the case of a return made under this article, or regulations of the Tax Commissioner, for a fractional part of a year, the term ‘taxable year’ means the period for which such return is made.

‘Taxpayer’ means any person subject to any tax imposed by this article.

‘This code’ means the Code of West Virginia, 1931, as amended.

‘This state’ means the State of West Virginia.;

And,

On pages four and five, section ten-a, lines five through twelve, by striking out all of subsection (b) and inserting in lieu thereof a new subsection, designated subsection (b), to read as follows:

(b) *Rate and measure of tax.* — The tax imposed by this section shall be based on the following rates applied to each taxable health plan’s total Medicaid member months within tiers I, II and III, and to non-Medicaid member months within tiers IV and V:

(1) Tier I — \$17.00 for each Medicaid member month under 250,000;

(2) Tier II — \$15.00 for each Medicaid member month between 250,000 and 500,000;

(3) Tier III — \$7.00 for each Medicaid member month greater than 500,000;

(4) Tier IV — \$0.25 for each non-Medicaid member month under 150,000; and

(5) Tier V — \$0.10 for each non-Medicaid member month of 150,000 or more.”

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 479**), and there were—yeas 90, nays 8, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Bibby, Kessinger, C. Martin, P. Martin, McGeehan, Pack, Paynter and Wilson.

Absent and Not Voting: Boggs and Householder.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2405) passed.

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

A message from the Senate, by

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

H. B. 2525, Tobacco Cessation Therapy Access Act.

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

On page two, section four, line one, by striking out the word “may” and inserting in lieu thereof the words “or designee shall”;

And,

On page three, section six, after line nineteen, by adding a new subsection, designated subsection (c), to read as follows:

(c) The Board of Pharmacy regulates a pharmacist who dispenses a tobacco cessation noncontrolled prescription

medication, over-the-counter medication, or other professional service.”

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 480**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Boggs and Householder.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2525) passed.

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had receded from its amendments, and passed, a bill of the House of Delegates as follows:

H. B. 2547, Relating to the election prohibition zone.

A message from the Senate, by

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

Com. Sub. for H. B. 2907, Requiring a form of a certified commitment order to the Division of Corrections and Rehabilitation.

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

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

“ARTICLE 7. EXECUTION OF SENTENCES; STAYS.

§62-7-10. Prison Commitment paper order.

The clerk of a circuit court in which a person is sentenced to serve a period of incarceration in a state ~~correctional facility~~ prison shall transmit to the Commissioner of the Division of Corrections and ~~the West Virginia Regional Jail Authority~~ Rehabilitation a certified commitment order ~~in the same as, or similar to, the form provided for~~ in this section. A person may not be committed to a prison unless the commitment order is signed by the circuit judge with jurisdiction over the matter. The amendments to this section enacted during the 2019 regular session of the Legislature are effective July 1, 2019. If a commitment order in a form other than the one provided in this section is issued, the commitment order is required, at a minimum, to contain the same information.

IN THE CIRCUIT COURT OF _____ COUNTY,
WEST VIRGINIA

State of West Virginia

v. _____ circuit court Case No. _____

Defendant: _____

DOB: _____ SSN: XXX-XX-_____

Gender: _____ Male/ _____ Female

WEST VIRGINIA DIVISION OF CORRECTIONS AND REHABILITATION CERTIFIED PRISON COMMITMENT ORDER

On the _____ day of _____, 20____, the State of _____ West _____ Virginia, _____ by _____, and the defendant appeared _____ in _____ person _____ and _____ with counsel, _____.

The defendant has been convicted of the following offense(s):

The defendant is committed to the custody of the Commissioner of Corrections and Rehabilitation for a period of:

_____.

Conviction Date: _____

Sentence Date: _____

Effective Sentence Date: _____ Resentence Date:
_____ Consecutive to: ____ Concurrent with:

Credit for Jail/Prison Time Served: _____ days Credit for Home Incarceration: _____ days

Credit for Home Incarceration Parole: _____ days Other NonPenal Credit: _____ days

Additionally, the court finds:

The defendant shall be transported to and held in a ~~West Virginia Regional Jail Authority~~ facility ~~until transfer into the physical custody of the Commissioner~~ under the control of the Commissioner of the Division of Corrections and Rehabilitation. The court further orders that the cost of incarceration in the ~~regional~~ jail pending transfer shall be paid by the Commissioner ~~from the date entry of this order forward~~ consistent with the provisions of §15A-3-16 of this code.

Special Instructions:

It is further ordered that the Circuit Clerk shall immediately transmit a certified copy of this commitment order to the ~~West Virginia Regional Jail Authority~~ and to the Central Office Inmate

Records Manager of the Division of Corrections and Rehabilitation by facsimile at (fax number), by email at (email address) or other electronic transmission, or by mail at (street address).

Enter this _____ day of _____, 2_____.

Circuit Judge

§62-7-10a. Jail Commitment order.

The clerk of a circuit court or magistrate court in which a person is sentenced to serve a period of incarceration in a jail facility under the control of the Commissioner of Corrections and Rehabilitation shall transmit to the Commissioner of the Division of Corrections and Rehabilitation a certified commitment order in the form provided for in this section. A person may not be committed to a jail unless the commitment order is signed by the circuit court judge or magistrate with jurisdiction over the matter. The amendments to this section enacted during the 2019 regular session of the Legislature are effective on July 1, 2019.

IN THE CIRCUIT/MAGISTRATE COURT OF
COUNTY, WEST VIRGINIA

State of West Virginia

v. _____ circuit/magistrate court Case No. _____

Defendant: _____

DOB: _____ SSN: XXX-XX- _____

Gender: _____ Male/ _____ Female

WEST VIRGINIA DIVISION OF CORRECTIONS AND
REHABILITATION CERTIFIED JAIL COMMITMENT
ORDER

On the _____ day of _____, 20_____, the State of
West Virginia, by _____.

and the defendant appeared in person and with counsel,

The defendant has been convicted of the following offense(s):

The defendant is committed to the custody of the Commissioner of Corrections and Rehabilitation for a period of:

Conviction Date: _____

Sentence Date: _____

Effective Sentence Date: _____

Resentence Date: _____

Consecutive to: _____

Concurrent with: _____

Credit for Time Served: _____ days

Credit for Home Incarceration: _____ days

Credit for Home Incarceration Parole: _____ days

Other NonPenal Credit: _____ days

Additionally, the court finds:

The defendant shall be transported to and held in a jail facility for the prescribed period of confinement in accordance with law. The court further orders that the cost of incarceration of misdemeanants sentenced to confinement in a jail shall be paid in accordance with the provisions of §15A-3-16 of this code.

Special Instructions:

It is further ordered that the Circuit Clerk or Magistrate Court Clerk shall immediately transmit a certified copy of this commitment order to the Central Office Inmate Records Manager of the Division of Corrections and Rehabilitation by facsimile at (fax number), by email at (email address) or other electronic transmission, or by mail at (street address).

Enter this _____ day of _____, 2_____.

Circuit Judge/Magistrate

And,

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

Com. Sub. for H. B. 2907 - “A Bill to amend and reenact §62-7-10 of the Code of West Virginia, 1931, as amended; and to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section designated §62-7-10a, all relating to commitment order forms; providing forms for state correctional facility and jail commitments; requiring use of statutory forms after July 1, 2019; requiring magistrate court and circuit court clerks immediately provide judicially entered orders to the Division of Corrections and Rehabilitation; requiring that orders sent to prisons must be signed by the circuit judge with jurisdiction over the matter; requiring that orders sent to jails must be signed by the circuit court judge or magistrate with jurisdiction over the matter; acknowledging that the costs of incarceration in jail pending transfer to a state correctional facility shall be paid by the Commissioner from the calendar date following the date of the conviction forward as of July 1, 2019; clarifying the method of

transmittal of commitment orders; and establishing an internal effective date.”

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 481**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Boggs and Householder.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2907) passed.

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

On this question, the yeas and nays were taken (**Roll No. 482**), and there were—yeas 97, nays 1, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Nelson.

Absent and Not Voting: Boggs and Householder.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2907) takes effect from from its passage.

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

A message from the Senate, by

The Clerk of the Senate, announced that, upon reconsideration the Senate had amended and again passed, in an effort to meet the objections of the Governor, and requested the concurrence of the House of Delegates in the same, as to

Com. Sub. for S. B. 61, Adding certain crimes for which prosecutor may apply for wiretap.

Messages from the Executive

A communication from His Excellency, the Governor, setting forth his disapproval of a bill heretofore passed by both houses, was read by the Clerk:

STATE OF WEST VIRGINIA
OFFICE OF THE GOVERNOR
CHARLESTON

March 1, 2019

Veto Message

The Honorable Roger Hanshaw
Speaker, West Virginia House of Delegates
Room 228M, Building 1
State Capitol
Charleston, West Virginia 25305

Re: Enrolled Committee Substitute for Senate Bill 61

Dear Speaker Hanshaw:

Pursuant to the provisions of section fourteen, article VII of the Constitution of West Virginia, I hereby disapprove and return Enrolled Committee Substitute for Senate Bill 61. This bill purports to add extortion to the list of criminal offenses for which a prosecutor may seek a wiretap to investigate.

The bill is technically flawed because its title is defective. See *State ex rel. Davis v. Oakley*, 156 W.Va. 154, 191 S.E.2d 610 (1972) (requiring bill titles to provide notice of a bill's contents). Specifically, there are two section that are not referenced in the title, W.Va. Code 562-1 D-6, which would provide that the evidence obtained by the wiretap can be received in any court of competent jurisdiction, and W.Va. Code 562-1 D-9, which

provides that information about the evidence obtained through wiretap may be presented in federal criminal proceedings.

As a result of this flaw, I disapprove and return Enrolled Committee Substitute for Senate Bill 61.

Sincerely,

Jim Justice,
Governor.

The House of Delegates proceeded to reconsider the bill and, on motion of Delegate Summers, concurred in the following amendment of the bill by the Senate, in an effort to meet the objections of the Governor:

On page one, by amending the title to read as follows:

Enr. Com. Sub. for S. B. 61- “An Act to amend and reenact 62-1D-6, §62-1D-8, and §62-1D-9 of the Code of West Virginia, 1931, as amended, relating to including the crime of extortion to the list of crimes for which a prosecutor may apply for a court order authorizing interception of communications; permitting for the lawful disclosure of lawfully intercepted communications in court proceedings including federal court; and permitting the use of derivative crime evidence to obtain an arrest warrant or indictment.”

The question now being, “Shall the bill pass, in an effort to meet the objections of the Governor?”, the yeas and nays were taken (**Roll No. 483**), and there were—yeas 86, nays 12, absent and not voting 2, with the yeas, nays and absent and not voting being as follows:

Yeas: Anderson, Angelucci, Atkinson, Azinger, Barrett, Bates, N. Brown, S. Brown, Butler, Byrd, Cadle, Campbell, Canestraro, Caputo, Cooper, Cowles, Criss, Diserio, Doyle, Ellington, Espinosa, Estep-Burton, Evans, Fast, Fleischauer, Fluharty, Foster, Hamrick, Hanna, Hansen, Harshbarger, Hartman, Hicks, Higginbotham, Hill, Hollen, Hornbuckle, Hott, Howell, D. Jeffries, J. Jeffries, Jennings, D. Kelly, J. Kelly, Kessinger, Kump,

Lavender-Bowe, Linville, Longstreth, Lovejoy, Malcolm, Mandt, C. Martin, Maynard, Miley, Miller, Nelson, Pack, Pethtel, Phillips, Porterfield, Queen, Robinson, Rodighiero, Rohrbach, Rowan, Rowe, Shott, Skaff, Sponaugle, Staggers, Steele, Storch, Summers, Swartzmiller, Sypolt, C. Thompson, R. Thompson, Tomblin, Toney, Waxman, Westfall, Williams, Worrell, Zukoff and Hanshaw (Mr. Speaker).

Nays: Bibby, Capito, Dean, Graves, Hardy, P. Martin, McGeehan, Paynter, Pushkin, Pyles, Walker and Wilson.

Absent and Not Voting: Boggs and Householder.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Enr. Com. Sub. for S. B. 61) passed, as a result of the objections of the Governor.

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

Resolutions Introduced

Delegates Rowe, Estep-Burton, Hansen, Pushkin, Walker, Robinson, Longstreth, Byrd, Williams, Zukoff, Pyles, Lavender-Bowe, Skaff, Bates, Canestraro, Fleischauer, Diserio, Pethtel, Angelucci, Boggs, C. Thompson, Sponaugle, S. Brown, Hornbuckle, Evans and Fluharty offered the following resolution, which was read by its title and referred to the Committee on Health and Human Resources then Rules:

H. R. 18 - “Supporting federal law protections for the health care of thousands of West Virginians and objecting to a federal court order to end those protections.”

Whereas, On December 14, 2018, the United States District Court for the Northern District of Texas, in the case of *Texas, et al, v. United States of America*, entered a ruling to end many current federal law protections for affordable healthcare; and

Whereas, That federal court ruling would end federal law protections among others relied on by (1) West Virginians with

preexisting conditions such as diabetes, high blood pressure, high cholesterol, and other conditions; (2) West Virginians who are enrolled in the expansion of Medicaid; (3) young West Virginians who need health coverage through their parent's policies until the of age 26; and (4) West Virginians on Medicare who need protection against out of control prescription drug costs; and

Whereas, This court ruling would end health care protections and threaten the well-being of most all West Virginians, including 740,000 people with preexisting conditions, 90,600 of whom are children; 540,000 West Virginians enrolled in expanded Medicaid; 410,000 West Virginians on Medicare; and thousands of other young West Virginians who have been insured through their parent's policies; and

Whereas, An appeal from this court ruling is now in process; and

Whereas, The House of Delegates, on behalf of the health and welfare of all West Virginians, should take a stand against that federal court ruling in order to protect federal law protections on health care for most all West Virginians; therefore, be it

Resolved by the House of Delegates:

That, On behalf of the health and well-being of all West Virginians, the House of Delegates supports the duly-enacted federal law protections for preexisting condition coverage; expanded Medicaid coverage; adult children coverage through age 26; and Medicare prescription drug coverage; and, be it

Further Resolved, That the House of Delegates objects to the federal district court's ruling to end those and other current federal law protections as contrary to the best interests of the people of West Virginia; and, be it

Further Resolved, That the House of Delegates supports reversal of the ruling of the United States District Court for the Northern District of Texas through the appeal now pending.

Delegates Foster and Kessinger offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 93 - "Requesting the Joint Committee on Energy study legislation relating to the deregulation of natural gas for certain high-volume natural gas consumers."

Whereas, The abundance of natural gas resources in West Virginia provides the unique opportunity to attract significant downstream manufacturing industries to the state; and

Whereas, The production and use of natural gas in West Virginia provides jobs for West Virginia and generates additional income and property taxes for our governments; and

Whereas, More than twenty states provide some level of natural gas deregulation by removing or simplifying the government rules and regulations that constrain the operation of market forces in the natural gas industry; and

Whereas, The Federal Energy Regulatory Commission frequently approves bypass of local utilities and permits construction of interstate pipeline facilities to directly serve end use customers from an interstate pipeline; and

Whereas, The deregulation of natural gas for certain high-volume ultimate consumers has the possibility of facilitating the further use of West Virginia gas in state; and

Whereas, Ultimate consumers of natural gas who use a significant volume of natural gas annually are sophisticated commercial consumers of natural gas capable of choosing their source of natural gas supply; and

Whereas, The ability of large natural gas users to choose among gas suppliers without regulatory supervision creates the opportunity to save economic resources, foster competition in state, and create additional incentives for new businesses to locate in state and employ West Virginians; and

Whereas, Public Service Commission approval of natural gas service is unnecessary for such high-volume ultimate consumers of natural gas; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Energy is hereby requested to study legislation relating to the deregulation of natural gas for certain high-volume natural gas consumers; and, be it

Further Resolved, That the Joint Committee on Energy shall study and report to the regular session of the Legislature, 2020, any additional findings, conclusions, or recommendations with respect to the benefits that deregulation of the natural gas industry could have on West Virginia and its citizens, together with drafts of any legislation necessary to effectuate its recommendations; and, be it

Further Resolved, That the expenses necessary to conduct this study, prepare a report, and draft necessary legislation be paid from legislative appropriations to the Joint Committee on Energy.

Special Calendar

Third Reading

Com. Sub. for S. B. 1, Increasing access to career education and workforce training; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 484**), and there were—yeas 85, nays 13, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Bibby, Butler, Cadle, Cooper, Dean, Foster, Hill, Kessinger, P. Martin, McGeehan, Phillips, Wilson and Worrell.

Absent and Not Voting: Boggs and Householder.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 1) passed.

A title amendment offered by the Committee on Finance, was reported by the Clerk.

Whereupon,

Delegate Criss obtained unanimous consent that the amendment be withdrawn.

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

Com. Sub. for S. B. 1 - “A Bill to amend and reenact §18-2-6 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §18-2E-11; to amend and reenact §18-9A-2 of said code; to amend said code by adding thereto a new section, designated §18B-3C-16; and to amend said code by adding thereto a new article, designated §18C-9-1, §18C-9-2, §18C-9-3, §18C-9-4, §18C-9-5, and §18C-9-6, all relating generally to increasing access to career education and workforce training; requiring State Board of Education to promulgate rules for advanced certifications; providing that certain individuals who have completed a secondary education program in a public, private, or home school shall be considered adults enrolled in regular secondary programs for funding purposes; redesignating certain qualifying tests as high school equivalency tests; requiring pathways and other additional requirements for Advanced Career Education programs; requiring community and technical colleges, public baccalaureate institutions, career technical education centers and county boards of education, or any combination of such secondary and postsecondary entities, to establish partnerships that provide for Advanced Career Education programs; providing requirements for Advanced Career Education programs and pathways; requiring Department of Commerce to provide written notification to State Board of Education, West Virginia Council for Community and Technical College Education and West Virginia Higher Education Policy Commission of a determination of areas of workforce need within the state and to develop a hierarchy therefore; requiring State Superintendent of Schools, Chancellor of the Council for Community and Technical College Education, Chancellor of the Higher Education Policy

Commission and the Chancellor of the Higher Education Policy Commission to facilitate the Advanced Career Education programs; requiring State Board of Education and West Virginia Council for Community and Technical College Education to jointly promulgate certain guidelines and maintain and report certain information to Governor and Legislative Oversight Commission on Education Accountability; requiring State Superintendent of Schools, Chancellor for the Council for Community and Technical College Education and Chancellor of the Higher Education Policy Commission to approve written partnership agreements; modifying definition of net enrollment to increase number of Advanced Career Education programs students for which secondary education funding may be provided and imposing conditions on certain institutions to receive funding; encouraging community and technical colleges that offer associate degrees to enter into collaborative agreements with federally registered apprenticeship programs and requiring a report regarding such collaborative agreements be provided to the Legislature and Governor annually; establishing WV Invests Grant Program; providing findings and purposes; defining terms; providing for administration of program by vice chancellor for administration; requiring West Virginia Council for Community and Technical College Education to award WV Invests grants under certain terms and conditions; requiring the council to report certain information on WV Invests Grant Program to Governor and Legislature; requiring the council to propose legislative rules and authorizing emergency rules; limiting eligibility for funding beginning fiscal year 2021; providing eligibility and renewal requirements for a WV Invests Grant; requiring applicants enter into certain agreements; and establishing the WV Invests Fund.”

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

Com. Sub. for S. B. 187, Authorizing Department of Revenue to promulgate legislative rules; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 485**), and there were—yeas 92, nays 6, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Cadle, Dean, McGeehan, Paynter, Porterfield and Worrell.

Absent and Not Voting: Boggs and Householder.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 187) passed.

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

On this question, the yeas and nays were taken (**Roll No. 486**), and there were—yeas 93, nays 5, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Fast, McGeehan, Paynter, Porterfield and Worrell.

Absent and Not Voting: Boggs and Householder.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 187) takes effect from its passage.

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

Com. Sub. for S. B. 285, Relating to sale of homemade food items; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 487**), and there were—yeas 93, nays 5, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Canestraro, Kump, Mandt, Robinson and Williams.

Absent and Not Voting: Boggs and Householder.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 285) passed.

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

Com. Sub. for S. B. 285 - “A Bill to amend and reenact §19-35-2 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §19-35-6, all relating to the sale of homemade food items; defining terms; authorizing production and sale of homemade food items under certain circumstances; establishing conditions for exemption from licensure, permitting, inspection, packaging, and labeling laws; providing required notices to consumer; defining manner of providing notices; exempting certain products from the scope of this provision; permitting local health departments and the Department of Agriculture to investigate and cease production or sale of food items reported to have caused a foodborne illness; authorizing Department of Agriculture to provide assistance, consultation, or inspection at request of producer; providing for preemption of county, local, and municipal ordinances; providing that preemption does not apply to space rentals at governmental owned or operated facilities, governmental sanctioned or operated events, or product placement agreements with governmentally owned facilities as well as temporary events 14 days or less in duration; and providing for exemptions.”

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

Com. Sub. for S. B. 537, Creating workgroup to review hospice need standards; on third reading, coming up in regular order, was, on motion of Delegate Summers, postponed one day.

Com. Sub. for S. B. 546, Relating to health care provider taxes; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 488**), and there were—yeas 84, nays 14, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Bibby, Foster, Graves, J. Jeffries, Kessinger, Kump, C. Martin, P. Martin, Maynard, McGeehan, Pack, Paynter, Steele and Wilson.

Absent and Not Voting: Boggs and Householder.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 546) passed.

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

Com. Sub. for S. B. 546 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-27-39, relating to creating a tax on certain acute care hospitals; defining terms; imposing a tax on eligible acute care hospitals; providing exceptions to the tax; creating a fund; providing for how the funds may be spent; permitting the tax to be eligible to be matched by federal funds; providing an effective date; and providing an expiration date for the tax.”

Delegate Summers moved that the bill take effect July 1, 2019.

On this question, the yeas and nays were taken (**Roll No. 489**), and there were—yeas 91, nays 6, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Bibby, Kump, McGeehan, Paynter, Steele and Wilson.

Absent and Not Voting: Boggs, Householder and Phillips.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 546) takes effect from July 1, 2019.

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

S. B. 587, Relating to PEIA reimbursement of air ambulance providers; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 490**), and there were—yeas 96, nays 3, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Bibby, Fast and Wilson.

Absent and Not Voting: Boggs.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 587) passed.

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

S. B. 617, Relating to method of payment to Municipal Pensions Security Fund; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 491**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Boggs.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 617) passed.

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

Com. Sub. for S. B. 653, Relating generally to practice of medical corporations; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 492**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Boggs.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 653) passed.

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

Com. Sub. for S. B. 653 - “A Bill to amend and reenact §30-3-15 of the Code of West Virginia, 1931, as amended, and to amend and reenact §30-14-9a of said, all relating to medical corporations; updating terminology; providing that medical corporations may only practice medicine through certain licensees; permitting certain licensees to be employees of medical corporations; and providing that licensed hospitals do not need to obtain a certificate of authorization so long as the hospital does not exercise control of the independent medical judgment of a licensee.”

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

S. B. 675, Requiring DEP create and implement Adopt-A-Stream Program; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 493**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Boggs.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 675) passed.

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

On this question, the yeas and nays were taken (**Roll No. 494**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Boggs.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 675) takes effect from its passage.

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

Second Reading

Com. Sub. for S. B. 4, Relating generally to Municipal Home Rule Program; on second reading, coming up in regular order, was read a second time.

At the request of Delegate Summers, and by unanimous consent, the bill was advanced to third reading with amendments pending and the restricted right to amend jointly by Delegates Howell and Pyles, and the rule was suspended to permit the consideration of amendments on that reading.

Com. Sub. for S. B. 90, Transferring Safety and Treatment Program from DHHR to DMV; on second reading, coming up in regular order, was, on motion of Delegate Summers, postponed one day.

S. B. 153, Providing greater flexibility for making infrastructure project grants; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for S. B. 199, Authorizing certain miscellaneous agencies and boards promulgate legislative rules; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on the Judiciary, was reported by the Clerk and adopted, amending the bill on page four, section two, line thirty-one, after the word “authorized”, by striking out the period and inserting in lieu thereof the words “with the following amendment:

On page 4, after subdivision 5.6.b. by inserting a new subsection 5.7. to read as follows:

“5.7. All applications for tax credits must be received by the Department of Agriculture no later than January 31 of the year following the year in which the donation was made.”

And,

On page 5, section 2, line 41, after the word “authorized”, by striking out the period and inserting in lieu thereof the words “with the following amendment:

On page 8, by striking out paragraph “11.2.a.” in its entirety and renumbering the remaining paragraphs accordingly;

On page 6, section 5, line 3, after the words “is authorized”, by striking out the period and inserting in lieu thereof a comma, and the following:

“with the following amendments:

On page 16, by striking paragraph “18.1.hh.2” in its entirety and renumber the remaining paragraphs accordingly;

And,

On page 6, section 6, line 6, after the words “is authorized”, by striking out the period and inserting in lieu thereof a comma, and the following:

“with the following amendments:

On page 5, subsection 4.2 after the words, “minimum of” by striking out “960” and inserting in lieu thereof “500”;

On page 5, subsection 4.2 after the words, “within a” by striking out “15” and inserting in lieu thereof “12”.

On page 5, subsection 4.3 after the words, “a pharmacy in a” by striking out “960” and inserting in lieu thereof “500”;

On page 6, subdivision 4.4.c after the word, “Within” by striking out “15” and inserting in lieu thereof “12”;

And,

On page 6, subdivision 4.4.e after the words “within the” by striking out “15” and inserting in lieu thereof “12”.

And, on page 7, section 7, line 5, after the words “is authorized”, by striking out the period and inserting in lieu thereof a comma, and the following:

“with the following amendments:

On page 3, subdivision 4.1.d. after the word “misdemeanor” by striking out the words “involving moral turpitude” and inserting in lieu thereof the following: “that bears a rational nexus to the occupation requiring licensure”;

And

On page 29, subdivision 8.2.c. after the word “misdemeanor by striking out the words “involving moral turpitude” and inserting in lieu thereof the following: “that bears a rational nexus to the occupation requiring licensure;

And on page 30, subdivision 9.2.f. after the word “misdemeanor” by striking out the words “involving moral turpitude” and inserting in lieu thereof the following: “that bears a rational nexus to the occupation requiring licensure.”

And on page 8, section 9, line 4, after the words “is authorized”, by striking out the period and inserting in lieu thereof a comma, and the following:

“with the following amendments:

On page 4, subdivision 5.1, after the words “New series rules” by striking out the word “may” and inserting in lieu thereof the word “shall”.

The bill was then ordered to third reading.

S. B. 233, Relating to age requirements for deputy sheriff; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Government Organization, was reported by the Clerk on page one, section eight, line one, by striking out the remainder of the bill and inserting in lieu thereof the following:

“(a) The Civil Service Commission in each county shall require persons applying for the position of deputy sheriff to file a formal application, under oath or affirmation, which shall state the applicant’s:

(1) Full name, residence, and post-office address;

(2) United States citizenship, age, and the place and date of birth;

(3) Health and physical capacity for the position of deputy sheriff; and,

(4) Previous employment, residences, and any businesses for at least the previous three years.

(b) The commission may request additional information for each applicant relative to the applicant's qualifications and fitness as a deputy sheriff including, but not limited to, certificates from citizens, physicians, or other relevant persons with knowledge concerning the applicant's ability to serve as a deputy sheriff. No application for original appointment or reinstatement may be accepted by the commission if the applicant is less than 18 years of age or over 65 years of age.

(c) The commission shall provide blank application forms to any person who requests an application.

(d) Any applicant who formerly served as a deputy sheriff for more than six months before resignation is eligible for reinstatement by appointment if:

(1) No charges of misconduct or other misfeasance are pending against the applicant;

(2) The applicant seeks reinstatement within two years of resignation as a deputy sheriff;

(3) The applicant resides in the same county as the original appointment; and

(4) The applicant completes a medical and psychological examination to certify the applicant can perform the duties of a deputy sheriff.

The commission may reinstate the applicant without a competitive examination in the commission's discretion.

(e) If an applicant is successfully reinstated as a deputy sheriff pursuant to subsection (d), the applicant shall be the lowest in rank in the sheriff's office."

On the adoption of the amendment, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 495**), and there were—yeas 62, nays 36, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Atkinson, Azinger, S. Brown, Cadle, Canestraro, Capito, Cowles, Criss, Doyle, Fast, Hardy, Harshbarger, Hollen, Hornbuckle, Householder, D. Kelly, J. Kelly, Kessinger, Linville, Lovejoy, Mandt, Maynard, McGeehan, Miller, Queen, Robinson, Rodighiero, Rohrbach, Shott, Steele, Storch, Tomblin, Toney, Westfall, Wilson and Worrell.

Absent and Not Voting: Boggs and Skaff.

So, a majority of the members present and voting having voted in the affirmative, the amendment was adopted.

The bill was ordered to third reading.

Com. Sub. for S. B. 238, Increasing certain penalties for passing stopped school bus; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for S. B. 241, Permitting county court clerks scan certain documents in electronic form; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Government Organization, was reported by the Clerk and adopted, amending the bill on page one, section eleven, line eight, by striking the words “scan and record” and inserting in lieu thereof the following:

“scan, record, and make available online when determined to be financially feasible by the county commission”.

And,

On page one, section eleven, line twelve, after the words “are followed” by striking out the period and inserting in lieu thereof a colon and by inserting the following proviso to read as follows:

“: *Provided further*, That any documents in an electronic format are stored on a server off site, such as a cloud based server, to retain a backup copy of electronic documents.”

The bill was then ordered to third reading.

Com. Sub. for S. B. 317, Authorizing three or more adjacent counties form multicounty trail network authority; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Government Organization, was reported by the Clerk and adopted, amending the bill on page one, after the enacting clause, by striking out the remainder of the bill and inserting in lieu thereof the following:

“ARTICLE 17. MULTICOUNTY TRAIL NETWORK AUTHORITIES.

§20-17-1. Legislative findings.

The West Virginia Legislature finds that outdoor recreation is an increasingly vital part of the state’s economy and that outdoor recreation participants spend billions of dollars annually in the state and support a significant number of local jobs.

The Legislature further finds that well-managed areas for trail-oriented recreation in the state will increase outdoor recreational tourism, increasing revenue to the state and creating more jobs for West Virginia citizens.

The Legislature further finds that, with the cooperation of private landowners, there is an opportunity to provide citizens and recreational tourists with greater access to trail-oriented recreation by incorporating private property into recreational trail systems and areas throughout West Virginia to provide significant economic and recreational benefits to communities in the state.

The Legislature further finds that, under an appropriate contractual and management scheme, well-managed trail systems may exist on private property without diminishing the landowner’s

interest, control, or profitability in the land and without increasing the landowner's exposure to liability.

The Legislature further finds that creating and empowering multicounty trail network authorities, that can work with the landowners, county officials, community leaders, state and federal government agencies, recreational user groups, and other interested parties to expand trail systems will greatly assist in improving and linking recreational trail systems.

The Legislature further finds that it is in the best interests of the state to encourage private landowners to make land available for public use, through multicounty trail network authorities, for recreational purposes by limiting landowner liability for injury to persons entering thereon, by limiting landowner liability for injury to the property of persons entering thereon, and by limiting landowner liability to persons who may be injured or otherwise damaged by the acts or omissions of persons entering thereon.

§20-17-2. Definitions.

Unless the context clearly requires a different meaning, the terms used in this article have the following meanings:

(1) 'Adjacent county' means a nonparticipating county that directly borders any participating county in a multicounty trail network authority;

(2) 'Authority' means a multicounty trail network authority created pursuant to this article;

(3) 'Board' means the board of a multicounty trail network authority;

(4) 'Contiguous counties' means a group of counties in which each county shares the border of at least one other county in the group;

(5) 'Fee' means the amount of money asked in return for an invitation to enter or go upon a recreational area of a trail network, including a one-time fee for a particular event, amusement,

occurrence, adventure, incident, experience, or occasion as set by an authority, which may differ in amount for different categories of participants;

(6) 'Land' or 'property' includes, but is not limited to, roads, water, watercourses, private ways, buildings, premises, structures, and machinery or equipment, when attached to the realty;

(7) 'Owner' or 'owner of land' means a person vested with title to real estate and those with the ability to exercise control over real estate and includes, but is not limited to, a tenant, lessee, licensee, holder of a dominant estate, or other lawful occupant;

(8) 'Participant' means any person using a recreational area of a trail network for recreational purposes;

(9) 'Person' means any public or private corporation, institution, association, society, firm, organization, or company organized or existing under the laws of this or any other state or country; the State of West Virginia; any state governmental agency; any political subdivision of the state or of its counties or municipalities; a sanitary district; a public service district; a drainage district; a conservation district; a watershed improvement district; a partnership, trust, or estate; a person or individual; a group of persons or individuals acting individually or as a group; any other legal entity; or any authorized agent, lessee, receiver, or trustee of any of the foregoing;

(10) 'Participating county' means one of the three or more counties forming a multicounty trail network authority;

(11) 'Recreational area' means the recreational trails and appurtenant facilities, including trail head centers, parking areas, camping facilities, picnic areas, recreational areas, historic or cultural interpretive sites, and other facilities or attractions that are a part of a multicounty trail network authority system; and

(12) 'Recreational purposes' means:

(A) Any outdoor activity undertaken, or practice or instruction in any such activity, for the purpose of exercise, relaxation, or

pleasure, including, but not limited to any one or any combination of the following noncommercial recreational activities: Hunting, fishing, swimming, boating, kayaking, camping, picnicking, hiking, rock climbing, bouldering, bicycling, horseback riding, spelunking, nature study, water skiing, winter sports, and visiting, viewing, or enjoying historical, archaeological, scenic, or scientific sites, aircraft, or ultralight operations on private airstrips or farms, or otherwise using land for purposes of the user;

(B) Parking on or traversing land, outside of the state road system, for the purpose of engaging in a recreational activity described in paragraph (A) of this subdivision; or

(C) Maintaining or making improvements on land, including, but not limited to, artificial improvements for the purpose of making the land accessible or usable for a recreational activity described in paragraph (A) of this subdivision.

§20-17-3. Multicounty trail network authorities authorized; addition of counties; merger of existing authorities.

(a) For the purposes of this article, three or more contiguous counties may, upon approval of the county commission of each county desiring to participate, form a multicounty trail network authority. An authority established pursuant to this section is a public corporation and a joint development entity existing for the purpose of facilitating the development and operation of a system of recreational trails and areas throughout the participating counties. Such trails will be designated and made available for recreational purposes with significant portions of the trails system being located on private property throughout West Virginia, made available for use through lease, license, easement, or other appropriate legal form by a willing landowner.

(b) An adjacent county may join a multicounty trail network authority as a participating county upon approval of both the board of the authority and the county commission of the adjacent county wishing to become a participating county.

(c) Two or more existing authorities may merge and become a single authority encompassing the participating counties in each merging authority upon approval of the board of each authority. Upon merger of two or more authorities, the board of the newly created authority will be composed of all board members serving on the board of each merging authority at the time the merger takes place. Thereafter, the authority will fill any vacancies and appoint board members as required by §20-17-4 of this code. The board of the newly created authority shall adopt appropriate procedures and bylaws to ensure that the newly created authority complies with all requirements of this article.

§20-17-4. Board; quorum; executive director; expenses; application of state Freedom of Information Act.

(a) The board is the governing body of an authority and the board shall exercise all the powers given the authority in this article. The county commission of each participating county shall appoint two members to the board, as follows:

(1) Each participating county shall appoint one member who represents and is associated with a corporation or individual landowner whose land is being used or is expected to be used in the future as part of the authority's recreational area. This member shall be appointed to a four-year term.

(2) Each participating county shall appoint one member who is an experienced instructor, guide, or participant in recreational activities in the county or an individual who represents and is associated with travel, tourism, economic development, land surveying, or relevant engineering efforts within the county. The initial appointment for this member shall be for a two-year term, but all subsequent appointments shall be for a four-year term.

(3) Any appointed member whose term has expired shall serve until his or her successor has been duly appointed and qualified. Any person appointed to fill a vacancy shall serve only for the unexpired term. Any appointed member is eligible for reappointment. Members of the board are not entitled to compensation for services performed as members but are entitled

to reimbursement for all reasonable and necessary expenses actually incurred in the performance of their duties.

(b) Upon joining an existing authority as a participating county pursuant to §20-17-3 of this code, the newly participating county shall appoint board members only for the length of the unexpired terms of the authority's board members serving at the time the county joins the authority. Thereafter, the county shall appoint board members according to the regular appointment procedure provided in subsection (a) of this section.

(c) The board shall meet quarterly, unless a special meeting is called by its chairman. During the first meeting of each fiscal year beginning in an odd-numbered year, or as soon as feasible thereafter, the board shall elect a chairman, secretary, and treasurer from among its own members to serve for two-year terms.

(d) A majority of the members of the board constitutes a quorum and a quorum shall be present for the board to conduct business.

(e) The board may prescribe, amend, and repeal bylaws and rules governing the use of the trail system, safety standards for participants, and the manner in which the business of the authority is conducted.

(f) The board shall review and approve an annual budget. The fiscal year for an authority begins on July 1 and ends on the 30th day of the following June.

(g) The board shall appoint an executive director to act as its chief executive officer, to serve at the will and pleasure of the board. The board, acting through its executive director, may employ any other personnel considered necessary and retain such temporary legal, engineering, financial, and other consultants or technicians as may be required for any special study or survey consistent with the provisions of this article. The executive director shall carry out plans to implement the provisions of this article and to exercise those powers enumerated in the bylaws. The executive director shall prepare an annual budget to be submitted to the board

for its review and approval prior to the commencement of each fiscal year. The budget shall contain a detailed account of all planned and proposed revenue and expenditures for the authority for the upcoming fiscal year, including a detailed list of employees by title, salary, cost of projected benefits, and total compensation. Before August 15 of each year, the executive director shall provide to the board and the county commission for each participating county a detailed list of actual expenditures and revenue, by account and recipient name, for the previous fiscal year and a copy of the approved budget for the current fiscal year.

(h) All costs incidental to the administration of the authority, including office expenses, personal services expenses, and current expenses, shall be paid in accordance with guidelines issued by the board from funds accruing to the authority.

(i) All expenses incurred by an authority in carrying out the provisions of this article shall be payable solely from funds that have accrued to the authority pursuant to this article. An authority may not incur liability or an obligation above the amount of funds that have accrued to the authority pursuant to this article.

(j) A multicounty trail network authority and the board is a 'public body' for purposes of the West Virginia Freedom of Information Act, as provided in §29B-1-1 *et seq.* of this code.

§20-17-5. Financial review and oversight.

(a) An authority shall contract for and obtain an annual financial audit to be conducted by a private accounting firm in compliance with generally accepted government auditing standards. When complete, the audit shall be transmitted to the board, the president of the county commission of each participating county, and the Legislative Auditor. The cost of the audit shall be paid by the authority.

(b) If an authority receives any funds from the Legislature by appropriation or grant, the Legislative Auditor shall have the power and authority to examine the revenues, expenditures, and performance of the authority, and, for these purposes, shall have

the power to inspect the properties, equipment, and facilities of the authority and to request, inspect, and obtain copies of any records of the authority. For each fiscal year in which the authority receives any funds from the Legislature by appropriation or grant, the executive director shall provide to the Legislative Auditor and Secretary of Revenue a detailed list of actual expenditures and revenue by account and recipient name for the previous fiscal year within 45 days of the close of that fiscal year.

§20-17-6. Powers of an authority.

An authority, as a public corporation and joint development entity, may exercise all powers necessary or appropriate to carry out the purposes of this article, including, but not limited to, the power:

(1) To acquire, own, hold, and dispose of property, real and personal, tangible and intangible;

(2) To lease property, whether as lessee or lessor, and to acquire or grant through easement, license, or other appropriate legal form, the right to develop and use property and open it to the public;

(3) To mortgage or otherwise grant security interests in its property;

(4) To procure insurance against any losses in connection with its property, licenses, easements, operations, assets, or contracts, including hold-harmless agreements, in such amounts and from such insurers as the authority considers desirable;

(5) To maintain such sinking funds and reserves as the board determines appropriate for the purposes of meeting future monetary obligations and needs of the authority;

(6) To sue and be sued, implead and be impleaded, and complain and defend in any court;

(7) To contract for the provision of legal services by private counsel and, notwithstanding the provisions of §5-3-1 *et seq.* of

this code, the counsel may, in addition to the provisions of other legal services, represent the authority in court, negotiate contracts and other agreements on behalf of the authority, render advice to the authority on any matter relating to the authority, prepare contracts and other agreements, and provide such other legal services as may be requested by the authority;

(8) To adopt, use, and alter at will a corporate seal;

(9) To make, amend, repeal, and adopt bylaws for the management and regulation of the authority's affairs;

(10) To appoint officers, agents, and employees and to contract for and engage the services of consultants;

(11) To make contracts of every kind and nature and to execute all instruments necessary or convenient for carrying out the purposes of this article, including contracts with any other governmental agency of this state or of the federal government or with any person, individual, partnership, or corporation;

(12) Without in any way limiting any other subdivision of this section, to accept grants and loans from, and enter into contracts and other transactions with, any federal agency;

(13) To maintain an office at such place or places within the state as it may designate;

(14) To borrow money, to issue notes, to provide for the payment of notes, to provide for the rights of the holders of notes, and to purchase, hold, and dispose of any of its notes;

(15) To issue notes payable solely from the revenue or other funds available to the authority, which may be issued in such principal amounts as necessary to provide funds for any purpose under this article, including:

(A) The payment, funding, or refunding of the principal of, interest on, or redemption premiums on notes issued by it, whether the notes or interest to be funded or refunded have or have not become due; and

(B) The establishment or increase of reserves to secure or to pay notes, or the interest on the notes, and all other costs or expenses of the authority incident to and necessary or convenient to carry out its corporate purposes and powers. Notes may be additionally secured by a pledge of any revenues, funds, assets, or moneys of the authority from any source;

(16) To issue renewal notes, except that no renewal notes may be issued to mature more than 10 years from the date of issuance of the notes renewed;

(17) To apply the proceeds from the sale of renewal notes to the purchase, redemption, or payment of the notes to be refunded;

(18) To accept gifts or grants of property, funds, security interests, money, materials, labor, supplies, or services from the federal government or from any governmental unit or any person, firm, or corporation, and to take appropriate measures in procuring, accepting, or disposing of gifts or grants;

(19) To the extent permitted under its contracts with the holders of notes of the authority, to consent to any modification of the rate of interest, time of payment of any installment of principal or interest, security or any other term of any note, contract or agreement of any kind to which the authority is a party;

(20) To construct, reconstruct, improve, maintain, repair, operate, and manage the recreational areas at the locations within the participating counties as may be determined by the authority;

(21) To enter into an agreement with the West Virginia Division of Natural Resources for natural resources police officers to provide law-enforcement services within the authority's recreational area and to reimburse the Division of Natural Resources for its costs therefor;

(22) To exercise all power and authority provided in this article necessary and convenient to plan, finance, construct, renovate, maintain, and operate or oversee the operation of the authority at such locations within the participating counties as may be determined by the authority;

(23) To exercise all of the powers which a corporation may lawfully exercise under the laws of this state;

(24) To develop, maintain, and operate or contract for the development, maintenance, and operation of the authority;

(25) To enter into contracts with landowners and other persons holding an interest in the land being used for its recreational facilities to hold those landowners and other persons harmless with respect to any claim in tort growing out of the use of the land for recreational purposes or growing out of the recreational activities operated or managed by the authority from any claim except a claim for damages proximately caused by the willful or malicious conduct of the landowner or any of his or her agents or employees;

(26) To assess and collect a reasonable fee from those persons who use the trails, parking facilities, visitor centers, or other facilities which are part of the recreational area and to retain and utilize that revenue for any purposes consistent with this article: *Provided, That such fee does not constitute a 'charge' or a 'fee' within the meaning and for the purposes of §19-25-5 of this code: Provided, however, That the authority may not charge a fee for any user to enter or go upon any trail that is already open for use by the public without fee as of January 1, 2019;*

(27) To enter into contracts or other appropriate legal arrangements with landowners under which land is made available for use as part of the recreational area;

(28) To directly operate and manage recreation activities and facilities within the recreational area;

(29) To promulgate and publish rules governing the use of the recreational area and the safety of participants, including rules designating particular trails or segments of trails within the recreational area for certain activities and limiting use of designated trails to such activities;

(30) To coordinate and conduct athletic races, competitions, or events within the recreational area, in cooperation with the county

commissions of participating counties in which such events will take place; and

(31) To exercise such other and additional powers as may be necessary or appropriate to carry out the purposes of this article.

§20-17-7. Requirements for trail users and prohibited acts; criminal penalties.

(a) A person may not enter or remain upon a recreational area without a valid, nontransferable user permit issued by the appropriate authority and properly displayed, except properly identified landowners or leaseholders or their officers, employees, or agents while on the land that the person owns or leases for purposes related to the ownership or lease of the land.

(b) An authority may require recreational users to wear protective helmets or use safety equipment that the authority determines to be appropriate for the recreational activity in which the user is engaged.

(c) Each trail user operating a bicycle or mountain bicycle shall obey all traffic laws, traffic-control devices, and signs within the recreational area, including those which restrict trails to certain types of bicycles or mountain bicycles.

(d) Each trail user shall at all times remain within and on a designated and marked trail while within the recreational area.

(e) A person may not ignite or maintain any fire within the recreational area except in a designated camp site.

(f) A person may not operate a motor vehicle within the recreational area unless the person is authorized to operate a motor vehicle in the area to perform maintenance services or emergency response.

(g) A person who violates any provision of this section is guilty of a misdemeanor and, upon conviction, shall be fined not more than \$100. Prosecution or conviction for the misdemeanor described in this subsection shall not prevent or disqualify any

other civil or criminal remedies for the conduct prohibited by this section.

§20-17-8. Limiting liability.

(a) An owner of land used by an authority owes no duty of care to keep his or her land safe for entry or use by others for recreational purposes, or to give any warning of a dangerous or hazardous condition, use, structure, activity, or wild animal on such land to persons entering or going upon the land for such purposes. The provisions of this section apply regardless of whether the person entering or going upon the leased land is permitted to enter the land or is a trespasser.

(b) Unless otherwise agreed in writing, an owner of land who grants a lease, easement, or license of land to an authority for recreational purposes does not, by giving a lease, easement or license: (1) Extend any assurance to any person using the land that the land is safe for any purpose; (2) confer upon those persons the legal status of a party to whom a duty of care is owed; or (3) assume responsibility for or incur liability for any injury to person or property or death caused by an act or omission of a person who enters upon the leased land. The provisions of this section apply whether the person entering or going upon the leased land is permitted to enter the land or is a trespasser.

(c) Nothing in this section limits in any way any liability which otherwise exists for deliberate, willful, or malicious infliction of injury to persons or property: *Provided*, That nothing herein limits in any way the obligation of a person entering upon or using the land of another for recreational purposes to exercise due care in his or her use of the land and in his or her activities thereon, so as to prevent the creation of hazards or the commission of waste by himself or herself.

§20-17-9. Purchasing and bidding procedures; criminal penalties.

(a) *Purchasing and bidding procedures; criminal penalties.* —

(1) Whenever an authority proposes to purchase or contract for commodities or services reasonably anticipated to equal or exceed \$25,000 in cost, the purchase or contract shall be based on competitive bidding. Where the purchase of particular commodities or services is reasonably anticipated to be less than \$25,000, the executive director may, on behalf of the authority, solicit bids or price quotes in any manner that the executive director deems appropriate and the authority shall obtain its commodities or services by the lowest bid. In lieu of seeking bids or quotes for commodities or services in this price range, the authority may purchase those commodities and services pursuant to state master contracts as provided in §5A-3-10e of this code.

(2) Where the cost for the purchase of commodities or services is reasonably anticipated to exceed \$25,000, the executive director shall solicit sealed bids for such commodities or services: *Provided*, That the executive director may permit bids by electronic transmission to be accepted in lieu of sealed bids. Bids shall be solicited by public notice. The notice shall be published as a Class II legal advertisement in all participating counties in compliance with the provisions of §59-3-1 *et seq.* of this code and by such other means as the executive director deems appropriate. The notice shall state the general character of the work and general character of the materials to be furnished, the place where plans and specifications therefor may be examined, and the time and place for receiving bids. After all bids are received, the authority shall enter into a written contract with the lowest responsible bidder; however, the authority may reject any or all bids that fail to meet the specifications required by the authority or that exceed the authority's budget estimation for those commodities or services. If the executive director determines in writing that there is only one responsive and responsible bidder and that there has been sufficient public notice to attract competitive bids, he or she may negotiate the price for a noncompetitive award or the specifications for a noncompetitive award based solely on the original purpose of the solicitation.

(3) For any contract that exceeds \$25,000 in total cost, the authority shall require the vendors to post a bond, with form and

surety to be approved by the authority, in an amount equal to at least 50 percent of the contract price conditioned upon faithful performance and completion of the contract.

(4) The bidding requirements specified in this section do not apply to any leases for real property upon which the authority makes improvements for public access to the recreational area, information distribution, and welcome centers. This exemption does not apply to leases for offices, vehicle and heavy equipment storage, or administrative facilities.

(5) Any person who violates a provision of this subsection is guilty of a misdemeanor and, upon conviction, shall be confined in jail not less than 10 days nor more than one year, or fined not less than \$10 nor more than \$1,000, or both fined and confined.

(b) Conflicts of interest in contracts prohibited. —

An authority or any of its board members, officers, employees, or agents may not enter into any contracts, agreements, or arrangements for purchases of services or commodities violating the requirements of §6B-2-5 or §61-10-15 of this code.

(c) Civil remedies. —

The county commission of a participating county in an authority may challenge the validity of any contract or purchase entered, solicited, or proposed by the authority in violation of this section by seeking declaratory or injunctive relief in the circuit court of the county of the challenging party. If the court finds by a preponderance of evidence that the provisions of those sections have been violated, the court may declare the contract or purchase to be void and may grant any injunctive relief necessary to correct the violations and protect the funds of the authority as a joint development entity.

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

§20-17A-1. Legislative findings; purpose.

The Legislature further finds that, with the cooperation of private landowners, there is an opportunity to provide trail-oriented recreation facilities primarily on private property in the mountainous terrain of the Potomac Highlands and north central West Virginia and that the facilities will provide significant economic and recreational benefits to the state and to the communities in the Potomac Highlands and north central West Virginia through increased tourism in the same manner as whitewater rafting, snow skiing, and utility terrain motor vehicle riding benefit the state and communities surrounding those activities.

The Legislature further finds that the creation and empowering of a joint development entity to work with the landowners, county officials and community leaders, state and federal government agencies, recreational user groups, and other interested parties to enable and facilitate the implementation of the facilities will greatly assist in the realization of these potential benefits.

The purpose of this article is to provide additional opportunities and regulatory authorization for recreational trail networks and to provide for increased access to recreational areas, including, but not limited to, creating a contiguous trail system that connects to the Chesapeake and Ohio Canal Tow Path.

§20-17A-2. Creation of Mountaineer Trail Network Recreation Authority and establishment of recreation area.

There is hereby created the ‘Mountaineer Trail Network Recreation Authority’ consisting of representatives from the counties of Barbour, Grant, Harrison, Marion, Mineral, Monongalia, Preston, Randolph, Taylor, and Tucker organized pursuant to the provisions of §20-17-1 *et seq.* of this code. This authority is authorized to establish a Mountaineer Trail Network Recreation Area within the jurisdictions of those counties and the authority shall be subject to the powers, duties, immunities, and restrictions provided in §20-17-1 *et seq.* of this code. Visitors and participants in recreational activities within the trail network shall, in similar respects, be subject to the user requirements and prohibitions of §20-17-7 of this code.

§20-17A-3. Recreational purposes.

The allowed recreational purposes for the Mountaineer Trail Network Recreation Area include, but are not limited to, any one or any combination of the following noncommercial recreational activities: Hunting, fishing, swimming, boating, camping, picnicking, hiking, bicycling, mountain bicycling, running, cross-country running, nature study, winter sports and visiting, viewing or enjoying historical, archaeological, scenic, or scientific sites.

§20-17A-4. Governing body and expenses.

(a) The governing body of the authority shall be a board constituted according to the provisions of §20-17-4 of this code.

(b) All costs incidental to the administration of the authority, including office expenses, personal services expenses and current expenses, shall be paid in accordance with guidelines issued by the board from funds accruing to the authority.

(c) All expenses incurred in carrying out the provisions of this article shall be payable solely from funds provided under the authority of this article and under §20-17-1 *et seq.* of this code. No liability or obligation may be incurred by the authority under this article beyond the extent to which moneys have been provided under the authority of this article.

§20-17A-5. Protection for private landowners.

Owners of land used by the authority shall have the full benefit of the limitations of liability provided in §20-17-8 of this code.”

The bill was then ordered to third reading.

Com. Sub. for S. B. 318, Transferring Medicaid Fraud Control Unit to Attorney General’s office; on second reading, coming up in regular order, was read a second time.

Delegates Fleischauer and Sponaugle moved to amend the bill on page two, section one, line twenty-nine following the words “accrued benefits”, by inserting a comma and “including seniority,

annual and sick leave, and any service designations pursuant to §29-6-1 *et seq.* of this code.”

On the adoption of the amendment, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 496**), and there were—yeas 40, nays 58, absent and not voting 2, with the yeas and absent and not voting being as follows:

Yeas: Barrett, Bates, N. Brown, S. Brown, Byrd, Campbell, Canestraro, Caputo, Diserio, Doyle, Estep-Burton, Evans, Fleischauer, Fluharty, Hansen, Hartman, Hicks, Hornbuckle, Kump, Lavender-Bowe, Longstreth, Lovejoy, Miley, Miller, Pethtel, Pushkin, Pyles, Robinson, Rohrbach, Rowe, Skaff, Sponaugle, Staggers, Swartzmiller, C. Thompson, R. Thompson, Tomblin, Walker, Williams and Zukoff.

Absent and Not Voting: Angelucci and Boggs.

So, a majority of the members present and voting not having voted in the affirmative, the amendment was rejected.

The bill was then ordered to third reading.

Com. Sub. for S. B. 357, Relating generally to Division of Administrative Services; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for S. B. 392, Relating to payment of invoices received by Division of Corrections and Rehabilitation for contract work; on second reading, coming up in regular order, was, on motion of Delegate Summers, postponed one day.

Com. Sub. for S. B. 400, Allowing Board of Dentistry create specialty licenses; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Government Organization, was reported by the Clerk and adopted, amending the bill on page eight, section eight, line twenty, after the

semi-colon after the words “clinical setting”, by striking out the word “and”.

On page eight, section eight, line twenty-two, after the semi-colon at the end of the sentence by adding the word “and” and by adding the following new paragraph “(E)” to read as follows:

“(E) The Board may consider clinical examinations taken prior to July 1, 2019, or individual state clinical examinations as equivalent which demonstrates competency.”

And,

On page nine, section eight-a, line two, after the words “to practice as a specialist” by striking out the words “in a dental specialty” and inserting in lieu thereof the following words “upon proper application and fee for each specialty and as provided pursuant to the provisions of this article.”

The bill was then ordered to third reading.

Com. Sub. for S. B. 402, Authorizing Division of Forestry investigate and enforce timber theft violations; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Government Organization, was reported by the Clerk and adopted, amending the bill on page two, section fifty-two, line sixteen, by striking the dollar amount “\$1,000” and inserting in lieu thereof the dollar amount “\$2,500”.

On page two, section fifty-two, line seventeen, by striking the dollar amount “1,000” and inserting in lieu thereof the dollar amount “\$2,500”;

On page two, section fifty-two, line twenty, by striking the dollar amount “\$1,000” and inserting in lieu thereof the dollar amount “\$2,500”;

And,

On page two, section fifty-two, line twenty-one, after the word “violation” by inserting the words “within ten years”.

The bill was then ordered to third reading.

Com. Sub. for S. B. 404, Relating generally to sediment control during commercial timber harvesting operations; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for S. B. 405, Increasing limit on additional expenses incurred in preparing notice list for redemption; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Government Organization, was reported by the Clerk on page one, after the enacting clause, by striking out the remainder of the bill and inserting in lieu thereof the following:

**“ARTICLE 3. SALE OF TAX LIENS AND NONENTERED,
ESCHEATED AND WASTE AND UNAPPROPRIATED
LANDS.**

§11A-3-23. Redemption from purchase; receipt; list of redemptions; lien; lien of person redeeming interest of another; record.

(a) After the sale of any tax lien on any real estate pursuant to §11A-3-5 of this code, the owner of, or any other person who was entitled to pay the taxes on, any real estate for which a tax lien on the real estate was purchased by an individual may redeem at any time before a tax deed is issued for the real estate. In order to redeem, he or she shall pay to the State Auditor the following amounts:

(1) An amount equal to the taxes, interest and charges due on the date of the sale, with interest at the rate of one percent per month from the date of sale;

(2) All other taxes which have since been paid by the purchaser, his or her heirs or assigns, with interest at the rate of one percent per month from the date of payment;

(3) Any additional expenses incurred from January 1 of the year following the sheriff's sale to the date of redemption for the preparation of the list of those to be served with notice to redeem and any written documentation used for the preparation of the list, with interest at the rate of one percent per month from the date of payment for reasonable legal expenses incurred for the services of an attorney who has performed an examination of the title to the real estate and rendered written documentation used for the preparation of the list: ~~Provided, That the~~ The maximum amount the owner or other authorized person shall pay, excluding the interest, for the expenses incurred for the preparation of the list of those to be served required by §11A-3-19 of this code is ~~\$300~~ \$500: ~~Provided however, That the~~ An attorney may only charge a fee for legal services actually performed and must certify that he or she conducted an examination to determine the list of those to be served required by §11A-3-19 of this code; and

(4) All additional statutory costs paid by the purchaser.

(b) Where the State Auditor has not received from the purchaser satisfactory proof of the expenses incurred in preparing the notice to redeem, and any written documentation used for the preparation of the list of those to be served with notice to redeem, including the certification required in subdivision (3), subsection (a) of this section, incident thereto, in the form of receipts or other evidence of legal expenses, incurred as provided in section nineteen of this article, the person redeeming shall pay the State Auditor the sum of ~~\$300~~ \$500 plus interest at the rate of one percent per month from January 1 of the year following the sheriff's sale for disposition by the sheriff pursuant to the provisions of §11A-3-10, §11A-3-24, §11A-3-25, and §11A-3-32 of this code.

(c) The person redeeming shall be given a receipt for the payment and the written opinion or report used for the preparation of the list of those to be served with notice to redeem required by section nineteen of this article.

(d) Any person who, by reason of the fact that no provision is made for partial redemption of the tax lien on real estate purchased by an individual, is compelled in order to protect himself or herself

to redeem the tax lien on all of the real estate when it belongs, in whole or in part, to some other person, shall have a lien on the interest of that other person for the amount paid to redeem the interest. He or she shall lose his or her right to the lien, however, unless within thirty days after payment he or she files with the clerk of the county commission his or her claim in writing against the owner of the interest, together with the receipt provided in this section. The clerk shall docket the claim on the judgment lien docket in his or her office and properly index the claim. The lien may be enforced as other judgment liens are enforced.

(e) Before a tax deed is issued, the county clerk may accept, on behalf of the State Auditor, the payment necessary to redeem any real estate encumbered with a tax lien and write a receipt. The amount of the payment necessary to redeem any real estate encumbered with a tax lien shall be provided by the State Auditor and the State Auditor shall update the required payments plus interest at least monthly.

(f) On or before the tenth day of each month, the county clerk shall deliver to the State Auditor the redemption money paid and the name and address of the person who redeemed the property on a form prescribed by the State Auditor.

§11A-3-25. Distribution of surplus to purchaser.

(a) Where the land has been redeemed in the manner set forth in §11A-3-23 of this code, and the State Auditor has delivered the redemption money to the sheriff pursuant to §11A-3-24 of this code, the sheriff shall, upon receipt of the sum necessary to redeem, promptly notify the purchaser or his or her heirs or assigns, by mail, of the fact of the redemption and pay to the purchaser or his or her heirs or assigns the following amounts:

(1) From the sale of tax lien surplus fund provided by §11A-3-10 of this code:

(A) The surplus of money paid in excess of the amount of the taxes, interest and charges paid by the purchaser to the sheriff at the sale; and

(B) The amount of taxes, interest and charges paid by the purchaser on the date of the sale, plus the interest at the rate of one percent per month from the date of sale to the date of redemption;

(2) All other taxes on the land which have since been paid by the purchaser or his or her heirs or assigns, with interest at the rate of one percent per month from the date of payment to the date of redemption;

(3) Any additional reasonable expenses that the purchaser may have incurred from January 1 of the year following the sheriff's sale to the date of redemption for the preparation of the list of those to be served with notice to redeem and any written documentation used for the preparation of the list, in accordance with §11A-3-19 of this code, with interest at the rate of one percent per month from the date of payment, but the amount which shall be paid, excluding the interest, for the expenses incurred for the preparation of the list of those to be served with notice to redeem required by §11A-3-19 of this code shall not exceed the amount actually incurred by the purchaser or ~~\$300~~ \$500, whichever is less: *Provided*, That the attorney may only charge a fee for legal services actually performed and must certify that he or she conducted an examination to determine the list of those to be served required by §11A-3-19 of this code; and

(4) All additional statutory costs paid by the purchaser.

(b) (1) The notice shall include:

(A) A copy of the redemption certificate issued by the State Auditor;

(B) An itemized statement of the redemption money to which the purchaser is entitled pursuant to the provisions of this section; and

(C) Where, at the time of the redemption, the State Auditor has not received from the purchaser satisfactory proof of the expenses incurred in preparing the list of those to be served with notice to redeem and any written documentation used for the preparation of the list in accordance with §11A-3-19 of this code, the State

Auditor shall also include instructions to the purchaser as to how these expenses may be claimed.

(2) Subject to the limitations of this section, the purchaser is entitled to recover any expenses incurred in preparing the list of those to be served with notice to redeem and any written documentation used for the preparation of the list from January 1 of the year following the sheriff's sale to the date of the sale to the date of the redemption.

(c) Where, pursuant to §11A-3-23 of this code, the State Auditor has not received from the purchaser satisfactory proof of the expenses incurred in preparing the list of those to be served with notice to redeem, including written documentation used for preparation of the list, in the form of receipts or other evidence within thirty days from the date of notification by the State Auditor, the sheriff shall refund the amount to the person redeeming and the purchaser is barred from any claim. Where, pursuant to that section, the State Auditor has received from the person redeeming and therefore delivered to the sheriff the sum of ~~\$300~~ \$500 plus interest at the rate of one percent per month from January 1 of the year following the sheriff's sale to the date of the sale to the date of redemption, and the purchaser provides the sheriff within thirty days from the date of notification satisfactory proof of the expenses, and the amount of the expenses is less than the amount paid by the person redeeming, the sheriff shall refund the difference to the person redeeming.

§11A-3-36. Operating fund for land department in Auditor's office.

(a) The Auditor shall establish a special operating fund for the land department in his or her office. He or she shall pay into such fund all redemption fees, all publication or other charges collected by him or her, if such charges were paid by or were payable to him or her, the unclaimed surplus proceeds received by him or her from the sale of delinquent and other lands pursuant to this article, and all payments made to him or her under the provisions of §11A-3-64 and §11A-3-65 of this code, except such part thereof as represents state taxes and interest. All payments so excepted shall

be credited by the Auditor to the general school fund or other proper state fund.

(b) The operating fund shall be used by the Auditor in cases of deficits in land sales to pay any balances due to deputy commissioners for services rendered, and any unpaid costs including those for publication which have accrued or will accrue under the provisions of this article, to pay fees due surveyors under the provisions of §11A-3-43, and to pay for the operation and maintenance of the land department in his or her office. ~~The surplus over and above the amount of \$100,000, remaining in the fund at the end of any fiscal year, shall be paid by the Auditor into the general school fund. The surplus over and above the amount of 20 percent of gross revenue from operation of the fund from the prior year, remaining at the end of any fiscal year, shall be paid by the Auditor into the General School Fund.~~

§11A-3-56. Redemption from purchase; receipt; list of redemptions; lien; lien of person redeeming interest of another; record.

(a) After the sale of any tax lien on any real estate pursuant to 11A-3-45 or §11A-3-48 of this code, the owner of, or any other person who was entitled to pay the taxes on, any real estate for which a tax lien thereon was purchased by an individual, may redeem at any time before a tax deed is issued therefor. In order to redeem, he or she must pay to the deputy commissioner the following amounts:

(1) An amount equal to the taxes, interest and charges due on the date of the sale, with interest thereon at the rate of one percent per month from the date of sale;

(2) ~~all~~ All other taxes thereon, which have since been paid by the purchaser, his or her heirs or assigns, with interest at the rate of one percent per month from the date of payment;

(3) ~~such~~ Such additional expenses as may have been incurred in preparing the list of those to be served with notice to redeem, and for any licensed attorney's title examination incident thereto,

with interest at the rate of one percent per month from the date of payment, but the amount he or she shall be required to pay, excluding said interest, for such expenses incurred for the preparation of the list of those to be served with notice to redeem required by §11A-3-52 of this code, and for any licensed attorney's title examination incident thereto, shall not exceed \$200 \$500. An attorney may only charge a fee for legal services actually performed and must certify that he or she conducted an examination to determine the list of those to be served required by §11A-3-52 of this code;

(4) ~~all~~ All additional statutory costs paid by the purchaser; and

(5) ~~the~~ The deputy commissioner's fee and commission as provided by §11A-3-66 of this code. Where the deputy commissioner has not received from the purchaser satisfactory proof of the expenses incurred in preparing the notice to redeem, ~~and any examination of title~~ or of any licensed attorney's title examination incident thereto, in the form of receipts or other evidence thereof, the person redeeming shall pay the deputy commissioner the sum of ~~\$200~~ \$500 plus interest thereon at the rate of one percent per month from the date of the sale for disposition pursuant to the provisions of §11A-3-57, §11A-3-58, and §11A-3-64 of this code. Upon payment to the deputy commissioner of those and any other unpaid statutory charges required by this article, and of any unpaid expenses incurred by the sheriff, the Auditor and the deputy commissioner in the exercise of their duties pursuant to this article, the deputy commissioner shall prepare an original and five copies of the receipt for the payment and shall note on said receipts that the property has been redeemed. The original of such receipt shall be given to the person redeeming. The deputy commissioner shall retain a copy of the receipt and forward one copy each to the sheriff, assessor, the Auditor and the clerk of the county commission. The clerk shall endorse on the receipt the fact and time of such filing and note the fact of redemption on his or her record of delinquent lands.

(b) Any person who, by reason of the fact that no provision is made for partial redemption of the tax lien on real estate purchased by an individual, is compelled in order to protect himself or herself

to redeem the tax lien on all of such real estate when it belongs, in whole or in part, to some other person, shall have a lien on the interest of such other person for the amount paid to redeem such interest. He or she shall lose his or her right to the lien, however, unless within thirty days after payment he or she shall file with the clerk of the county commission his or her claim in writing against the owner of such interest, together with the receipt provided for in this section. The clerk shall docket the claim on the judgment lien docket in his or her office and properly index the same. Such lien may be enforced as other judgment liens are enforced.

§11A-3-57. Notice of redemption to purchaser; moneys received by sheriff.

(a) Upon payment of the sum necessary to redeem, the deputy commissioner shall promptly deliver to the sheriff the redemption money paid and the name and address of the purchaser, his or her heirs or assigns.

(b) Of the redemption money received by the sheriff pursuant to this section, the sheriff shall hold as surplus to be disposed of pursuant to §11A-3-64 of this code an amount thereof equal to the amount of taxes, interest and charges due on the date of the sale, plus the interest at the rate of one percent per month thereon from the date of sale to the date of redemption.

§11A-3-58. Distribution to purchaser.

(a) Where the land has been redeemed in the manner set forth in §11A-3-56 of this code, and the deputy commissioner has delivered the redemption money to the sheriff pursuant to §11A-3-57 of this code, the sheriff shall, upon delivery of the sum necessary to redeem, promptly notify the purchaser, his or her heirs or assigns, by mail, of the redemption and pay to the purchaser, his or her heirs or assigns, the following amounts:

(1) The amount paid to the deputy commissioner at the sale;

(2) All other taxes thereon, which have since been paid by the purchaser, his or her heirs or assigns, with interest at the rate of one percent per month from the date of payment;

(3) Such additional expenses as may have been incurred in preparing the list of those to be served with notice to redeem, and for any licensed attorney's title examination incident thereto, with interest at the rate of one percent per month from the date of payment, but the amount which shall be paid, excluding said interest, for such expenses incurred for the preparation of the list of those to be served with notice to redeem required by §11A-3-52 of this code, and for any licensed attorney's title examination incident thereto, shall not exceed ~~\$200~~ \$500; and

(4) All additional statutory costs paid by the purchaser.

(b) (1) The notice shall include:

(A) A copy of the redemption certificate issued by the deputy commissioner;

(B) An itemized statement of the redemption money to which the purchaser is entitled pursuant to the provisions of this section; and

(C) Where, at the time of the redemption, the deputy commissioner has not received from the purchaser satisfactory proof of the expenses incurred in preparing the list of those to be served with notice to redeem ~~and any~~ or for any licensed attorney's title examination incident thereto, the deputy commissioner shall also include instructions to the purchaser as to how these expenses may be claimed.

(2) Subject to the limitations of this section, the purchaser is entitled to recover any expenses incurred in preparing the list of those to be served with notice to redeem and for any licensed attorney's title examination incident thereto from the date of the sale to the date of the redemption.

(c) Where, pursuant §11A-3-56 of this code, the deputy commissioner has not received from the purchaser satisfactory proof of the expenses incurred in preparing the notice to redeem, in the form of receipts or other evidence of legal expenses, and any or for any licensed attorney's title examination and rendered written documentation used for the preparation of the list incident

thereto, in the form of receipts or other evidence thereof, and therefore received from the purchaser as required by said section and delivered to the sheriff the sum of ~~\$200~~ \$500 plus interest thereon at the rate of one percent per month from the date of the sale to the date of redemption, and the sheriff has not received from the purchaser such satisfactory proof of such expenses within thirty days from the date of notification, the sheriff shall refund such amount to the person redeeming and the purchaser is barred from any claim thereto. Where, pursuant to §11A-3-56 of this code, the deputy commissioner has received from the purchaser and therefore delivered to the sheriff said sum of ~~\$200~~ \$500 plus interest thereon at the rate of one percent per month from the date of the sale to the date of redemption, and the purchaser provides the sheriff within thirty days from the date of notification such satisfactory proof of such expenses, and the amount of such expenses is less than the amount paid by the person redeeming, the sheriff shall refund the difference to the person redeeming.”

Delegate Porterfield moved to amend the Committee on Government Organization amendment, on page five, following section thirty-six, following line sixteen by inserting a new section to read as follows:

“§11A-3-52. What purchaser must do before he can secure a deed.

(a) Within forty-five days following the approval of the sale by the auditor pursuant to section fifty-one of this article, the purchaser, his heirs or assigns, in order to secure a deed for the real estate purchased, shall:

(1) Prepare a list of those to be served with notice to redeem and request the deputy commissioner to prepare and serve the notice as provided in sections fifty-four and fifty-five of this article;

(2) When the real property subject to the tax lien was classified as Class II property, provide the deputy commissioner with the actual mailing address of the property that is subject to the tax lien or liens purchased; and

(3) Deposit, or offer to deposit, with the deputy commissioner a sum sufficient to cover the costs of preparing and serving the notice.

(b) If the purchaser fails to fulfill the requirements set forth in paragraph (a) of this section, the purchaser shall lose all the benefits of his or her purchase.

(c) After the requirements of paragraph (a) of this section have been satisfied, the deputy commissioner may then sell the property in the same manner as he sells lands which have been offered for sale at public auction but which remain unsold after such auction, as provided in section forty-eight of this article.

(d) If the person requesting preparation and service of the notice is an assignee of the purchaser, he shall, at the time of the request, file with the deputy commissioner a written assignment to him of the purchaser's rights, executed, acknowledged and certified in the manner required to make a valid deed.

(e) The purchaser shall have unlimited access to inspect and secure the real property upon the payment of final costs and fees required by this section. At this point, the prior owner has no right of access to the real property for any purpose."

On the adoption of the amendment to the Committee on Government Organization amendment, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 497**), and there were—yeas 52, nays 46, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Angelucci, Barrett, Bates, N. Brown, S. Brown, Byrd, Campbell, Canestraro, Capito, Caputo, Dean, Diserio, Doyle, Estep-Burton, Evans, Fleischauer, Fluharty, Hansen, Hartman, Hicks, Higginbotham, Hornbuckle, Lavender-Bowe, Longstreth, Lovejoy, Malcolm, Miley, Miller, Pethtel, Phillips, Pushkin, Pyles, Robinson, Rowe, Sponaugle, Staggers, Steele, Storch, Swartzmiller, Sypolt, C. Thompson, R. Thompson, Walker, Westfall, Williams and Zukoff.

Absent and Not Voting: Boggs and Skaff.

So, a majority of the members present and voting having voted in the affirmative, the amendment to the amendment was adopted.

The Committee on Government Organization amendment, as amended, was then adopted.

The bill was then ordered to third reading.

S. B. 421, Relating to annual legislative review of economic development tax credit; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for S. B. 485, Clarifying notification requirements for property insurance purposes; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for S. B. 487, Relating to admissibility of health care staffing requirements in litigation; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on the Judiciary, was reported by the Clerk on page one, immediately following the enacting clause, by striking out the remainder of the bill and inserting in lieu thereof the following:

ARTICLE 7B. MEDICAL PROFESSIONAL LIABILITY.

§55-7B-7a. Admissibility and use of certain information.

(a) In an action brought, there is a rebuttable presumption that the following information may not be introduced unless it applies specifically to the injured person or it involves substantially similar conduct that occurred within one year of the particular incident involved:

(1) A state or federal survey, audit, review, or other report of a health care provider or health care facility;

(2) Disciplinary actions against a health care provider's license, registration, or certification;

(3) An accreditation report of a health care provider or health care facility; and

(4) An assessment of a civil or criminal penalty.

(b) In any action brought alleging inappropriate staffing or inadequate supervision, if the health care facility or health care provider demonstrates compliance with the minimum staffing requirements under state and federal law, the health care facility or health care provider is entitled to a ~~rebuttable~~ conclusive presumption that appropriate staffing was provided, and a rebuttable presumption that adequate supervision of patients to prevent accidents was provided, and the jury shall be instructed accordingly.

(c) If staffing is less than the requirements dictated by state and federal law ~~the applicable regulations~~, then there is a rebuttable presumption that there was inadequate supervision of patients and that inadequate staffing or inadequate supervision was a contributing cause of the patient's fall and injuries or death arising therefrom, and the jury shall be instructed accordingly.

(d) Information under this section may only be introduced in a proceeding if it is otherwise admissible under the West Virginia Rules of Evidence.”

On the adoption of the amendment, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 498**), and there were—yeas 54, nays 45, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Anderson, Atkinson, Bibby, Butler, Cadle, Capito, Cooper, Cowles, Ellington, Espinosa, Foster, Graves, Hamrick, Hanna, Hardy, Harshbarger, Hicks, Higginbotham, Hill, Hollen, Hott, Howell, D. Jeffries, J. Jeffries, Jennings, Kessinger, Malcolm, Mandt, C. Martin, P. Martin, Maynard, McGeehan,

Nelson, Paynter, Phillips, Porterfield, Queen, Rohrbach, Storch, Summers, Sypolt, Waxman, Westfall, Wilson and Worrell.

Absent and Not Voting: Boggs.

So, a majority of the members present and voting having voted in the affirmative, the amendment was adopted.

The bill was then ordered to third reading.

S. B. 493, Correcting terminology referring to racing vehicles illegally on street; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for S. B. 496, Transferring authority to regulate milk from DHHR to Department of Agriculture; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Government Organization, was reported by the Clerk and adopted, amending the bill on page fifteen, section seventeen, by striking out section seventeen in its entirety and inserting in lieu thereof a new section seventeen to read as follows:

“§19-11E-17. Transfer of milk regulation authority from Department of Health and Human Resources (DHHR) to Department of Agriculture (WVDA).

(a) Effective July 1, 2019, authority for the regulation, including enforcement, of Grade ‘A’ milk is hereby transferred to the commissioner from the Department of Health and Human Resources.

(b) Prior to July 1, 2019, the commissioner and the Department of Health and Human Resources shall enter into an agreement to provide for the orderly transition of regulatory operations from the Department of Health and Human Resources to the commissioner. Said agreement shall provide:

(1) For the transfer of records and equipment related to the milk regulation program to the commissioner;

(2) For the continued provision of services by staff of the Department of Health and Human Resources to the commissioner under the terms of the agreement;

(3) For transition, upon notice to Department of Health and Human Resources, of functions from the Department of Health and Human Resources to the commissioner; and

(4) For the completion of the transfer of all responsibilities from the Department of Health and Human Resources to the commissioner no later than December 31, 2019.

(c) During a period from July 1, 2019, to December 31, 2019, the Department of Health and Human Resources shall cooperate fully with the commissioner to ensure a smooth transition of authority, knowledge, and resources to guarantee that milk regulation in West Virginia suffers no gap or failure in regulation.

(d) All legislative rules issued by the Department of Health and Human Resources pursuant to its authority to regulate milk shall remain in effect until superseded by the commissioner's regulations."

The bill was then ordered to third reading.

Com. Sub. for S. B. 511, Creating alternating wine proprietorships; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for S. B. 529, Clarifying provisions of Nonintoxicating Beer Act; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Howell, the bill was amended on page one, after the enacting clause, by striking out the remainder of the bill and inserting in lieu thereof the following:

“ARTICLE 16. NONINTOXICATING BEER.

§11-16-3. Definitions.

For the purpose of this article, except where the context clearly requires differently:

(1) ‘Brand’ means a nonintoxicating beer product manufactured, brewed, mixed, concocted, blended, bottled or otherwise produced, ~~or~~ imported, or transshipped by a brewer or manufacturer, the labels of which have been registered and approved by the commissioner, that is being offered for sale or sold in West Virginia by a distributor who has been appointed in a valid franchise agreement or a valid amendment thereto.

(2) ‘Brewer’ or ‘manufacturer’ means any person manufacturing, otherwise producing, importing, or transshipping nonintoxicating beer or nonintoxicating craft beer for sale at wholesale to any licensed distributor. Brewer or manufacturer may be used interchangeably throughout this article. A brewer may obtain only one brewer’s license for its nonintoxicating beer or nonintoxicating craft beer.

(3) ‘Brewpub’ means a place of manufacture of nonintoxicating beer or nonintoxicating craft beer owned by a resident brewer, subject to federal and state regulations and guidelines, a portion of which premises ~~are~~ is designated for retail sales of nonintoxicating beer or nonintoxicating craft beer by the resident brewer owning the brewpub.

(4) ‘Class A retail license’ means a retail license permitting the retail sale of liquor at a freestanding liquor retail outlet licensed pursuant to chapter 60 of this code.

(5) ‘Class B retail license’ means a retail license permitting the retail sale of liquor at a mixed retail liquor outlet licensed pursuant to chapter 60 of this code.

(6) ‘Commissioner’ means the West Virginia Alcohol Beverage Control Administration Commissioner.

(7) ‘Distributor’ means and includes any person jobbing or distributing nonintoxicating beer or nonintoxicating craft beer to retailers at wholesale and whose warehouse and chief place of business shall be within this state. For purposes of a distributor

only, the term ‘person’ means and includes an individual, firm, trust, partnership, limited partnership, limited liability company, association or corporation. Any trust licensed as a distributor or any trust that is an owner of a distributor licensee, and the trustee or other persons in active control of the activities of the trust relating to the distributor license, is liable for acts of the trust or its beneficiaries relating to the distributor license that are unlawful acts or violations of §11-11-1 *et seq.* of this code notwithstanding the liability of trustees in §44D-10-1 *et seq.* of this code.

(8) ‘Franchise agreement’ means the written agreement between a brewer and a distributor that is identical as to terms and conditions between the brewer and all its distributors, which agreement has been approved by the commissioner. The franchise agreement binds the parties so that a distributor, appointed by a brewer, may distribute all of the brewer’s nonintoxicating beer products, brands or family of brands imported and offered for sale in West Virginia, including, but not limited to, existing brands, line extensions, and new brands all in the brewer’s assigned territory for the distributor. All brands and line extensions being imported or offered for sale in West Virginia must be listed by the brewer in the franchise agreement or a written amendment to the franchise agreement. A franchise agreement may be amended by mutual written agreement of the parties as approved by the commissioner with identical terms and conditions for a brewer and all of its distributors. Any approved amendment to the franchise agreement becomes a part of the franchise agreement. A brewer and a distributor may mutually agree in writing to cancel a franchise agreement. A distributor terminated by a brewer as provided in this article and the promulgated rules no longer has a valid franchise agreement. If a brewer has reached an agreement to cancel a distributor or has terminated a distributor, then a brewer may appoint a successor distributor who accedes to all the rights of the cancelled or terminated distributor.

(9) ‘Franchise distributor network’ means the distributors who have entered into a binding written franchise agreement, identical as to terms and conditions, to distribute nonintoxicating beer products, brands, and line extensions in an assigned territory for a

brewer. A brewer may only have one franchise distributor network: *Provided*, That a brewer that has acquired the manufacturing, bottling, or other production rights for the sale of nonintoxicating beer at wholesale from a selling brewer as specified in §11-16-21(a)(2) of this code shall continue to maintain and be bound by the selling brewer's separate franchise distributor's network for any of its existing brands, line extensions, and new brands.

(10) 'Freestanding liquor retail outlet' means a retail outlet that sells only liquor, wine, beer, nonintoxicating beer, and other alcohol-related products, as defined pursuant to §60-3A-4 of this code.

(11) 'Growler' means a container or jug that is made of glass, ceramic, metal, or other material approved by the commissioner, that may be no larger than 128 fluid ounces in size and must be capable of being securely sealed. The growler is utilized by an authorized licensee for purposes of off-premise sales only of nonintoxicating beer or nonintoxicating craft beer for personal consumption not on a licensed premise and not for resale. Notwithstanding any other provision of this code to the contrary, a securely sealed growler is not an open container under federal, state, and local law. A growler with a broken seal is an open container under federal, state, and local law unless it is located in an area of the motor vehicle physically separated from the passenger compartment. The secure sealing of a growler requires the use of a tamper-resistant seal, security tape, or other material, as approved by the commissioner, placed on or over the growler's opening, which seal, security tape or other material is clearly marked with the date of the secure sealing by the authorized licensee who is selling the growler.

(12) 'Line extension' means any nonintoxicating beer product that is an extension of brand or family of brands that is labeled, branded, advertised, marketed, promoted, or offered for sale with the intent or purpose of being manufactured, imported, associated, contracted, affiliated, or otherwise related to a brewer's existing brand through the use of a brewer, its subsidiaries, parent entities, contracted entities, affiliated entities, or other related entities. In determining whether a nonintoxicating beer product is a line

extension, the commissioner may consider, but is not limited to, the following factors: Name or partial name; trade name or partial trade name; logos; copyrights; trademarks or trade design; product codes; advertising promotion; or pricing.

(13) ‘Nonintoxicating beer’ means all natural cereal malt beverages or products of the brewing industry commonly referred to as beer, lager beer, ale and all other mixtures and preparations produced by the brewing industry, including malt coolers and nonintoxicating craft beers with no caffeine infusion or any additives masking or altering the alcohol effect containing at least one half of one percent alcohol by volume, but not more than ~~nine and six tenths~~ 11.9 percent of alcohol by weight, or ~~12~~ 15 percent alcohol by volume, whichever is greater. The word ‘liquor’ as used in chapter 60 of this code does not include or embrace nonintoxicating beer nor any of the beverages, products, mixtures, or preparations included within this definition.

(14) ‘Nonintoxicating beer floor plan extension’ means a temporary one-day extension of an existing Class A licensee’s floor plan to a contiguous, adjoining and bounded area, such as a parking lot or outdoor area, which shall for the temporary period encompass the licensee’s licensed premises; further such license shall be endorsed or approved by the county or municipality where the license is located; such license shall be in good standing with the commissioner, and further such temporary event shall cease on or before midnight of the approved temporary one-day event.

(15) ‘Nonintoxicating beer sampling event’ means an event approved by the commissioner for a Class A retail licensee to hold a nonintoxicating beer sampling authorized pursuant to §11-16-11a of this code.

~~(15)~~ (16) ‘Nonintoxicating beer sampling day’ means any days and hours of the week where Class A retail licensees may sell nonintoxicating beer pursuant to §11-16-11a and §11-16-18(a)(1) of this code, and is approved, in writing, by the commissioner to conduct a nonintoxicating beer sampling event.

~~(16)~~ (17) ‘Nonintoxicating craft beer’ means any beverage obtained by the natural fermentation of barley, malt, hops, or any other similar product or substitute and containing not less than one half of one percent by volume and not more than ~~12~~ 15 percent alcohol by volume or ~~nine and six-tenths~~ 11.9 percent alcohol by weight with no caffeine infusion or any additives masking or altering the alcohol effect.

~~(17)~~ (18) ‘Original container’ means the container used by a resident brewer or brewer at the place of manufacturing, bottling, or otherwise producing nonintoxicating beer or nonintoxicating craft beer for sale at wholesale.

~~(18)~~ (19) ‘Person’ means and includes an individual, firm, partnership, limited partnership, limited liability company, association, or corporation.

~~(19)~~ (20) ‘Private club’ means a license issued pursuant to §60-7-1 *et seq.* of this code.

~~(20)~~ (21) ‘Resident brewer’ means any brewer or manufacturer of nonintoxicating beer or nonintoxicating craft beer whose principal place of business and manufacture is located in the State of West Virginia and which does not brew or manufacture more than 25,000 barrels of nonintoxicating beer or nonintoxicating craft beer annually, and does not self-distribute more than 10,000 barrels thereof in the State of West Virginia annually.

~~(21)~~ (22) ‘Retailer’ means any person selling, serving, or otherwise dispensing nonintoxicating beer and all products regulated by this article, including, but not limited to, malt coolers at his or her established and licensed place of business.

~~(22)~~ (23) ‘Tax Commissioner’ means the Tax Commissioner of the State of West Virginia or the commissioner’s designee.

§11-16-5. State license required; alcoholic content of beer manufactured for sale without state.

No person shall manufacture, tender, sell, possess for sale, transport, or distribute nonintoxicating beer except in accordance

with the provisions of this article, and after first obtaining a state license therefor, as provided in this article. ~~Nothing contained in this article shall prohibit any brewer located within the state from manufacturing or transporting for sale without the state beer of an alcoholic strength greater than that of nonintoxicating beer~~

§11-16-6a. Brewer and resident brewer license to manufacture, sell, and provide complimentary samples.

(a) *Legislative findings.* — The Legislature hereby finds that it is in the public interest to regulate, control, and support the brewing, manufacturing, distribution, sale, consumption, transportation, and storage of nonintoxicating beer and nonintoxicating craft beer and its industry in this state in order to protect the public health, welfare, and safety of the citizens of this state, and promote hospitality and tourism. Therefore, this section authorizes a licensed brewer or resident brewer with its principal place of business and manufacture located in this state to have certain abilities in order to promote the sale of nonintoxicating beer and nonintoxicating craft beer manufactured in this state for the benefit of the citizens of this state, the state's growing brewing industry, and the state's hospitality and tourism industry, all of which are vital components for the state's economy.

(b) *Sales of nonintoxicating beer.* — A licensed brewer or resident brewer with its principal place of business and manufacture located in the State of West Virginia may offer only nonintoxicating beer or nonintoxicating craft beer manufactured by the licensed brewer or resident brewer for retail sale to customers from the brewer's or resident brewer's licensed premises for consumption off of the licensed premises only in the form of kegs, bottles, cans, or growlers for personal consumption and not for resale. A licensed brewer or resident brewer may not sell, give or furnish nonintoxicating beer for consumption on the premises of the principal place of business and manufacture located in the State of West Virginia, except for the limited purpose of complimentary samples as permitted in subsection (c) of this section.

(c) *Complimentary samples.* — A licensed brewer or resident brewer with its principal place of business and manufacture located

in the State of West Virginia may only offer complimentary samples of nonintoxicating beer or nonintoxicating craft beer brewed at the brewer's or resident brewer's principal place of business and manufacture located in the State of West Virginia. The complimentary samples may be no greater than two ounces per sample per patron, and a sampling shall not exceed 10 complimentary two-ounce samples per patron per day. A licensed brewer or resident brewer providing complimentary samples shall provide complimentary food items to the patron consuming the complimentary samples; and prior to any sampling, verify, using proper identification, that the patron sampling is 21 years of age or over and that the patron is not visibly intoxicated.

(d) *Retail sales.* — Every licensed brewer or resident brewer under this section shall comply with all the provisions of this article as applicable to nonintoxicating beer retailers when conducting sales of nonintoxicating beer or nonintoxicating craft beer and shall be subject to all applicable requirements and penalties in this article.

(e) *Payment of taxes and fees.* — A licensed brewer or resident brewer under this section shall pay all taxes and fees required of licensed nonintoxicating beer retailers, in addition to any other taxes and fees required, and meet applicable licensing provisions as required by this chapter and by rule of the commissioner.

(f) *Advertising.* — A licensed brewer or resident brewer under this section may advertise a particular brand or brands of nonintoxicating beer or nonintoxicating craft beer produced by the licensed brewer or resident brewer and the price of the nonintoxicating beer or nonintoxicating craft beer subject to state and federal requirements or restrictions. The advertisement may not encourage intemperance.

(g) *Growler requirements.* — A licensed brewer or resident brewer under this section must fill a growler and patrons are not permitted to access the secure area or fill a growler. A licensed brewer or resident brewer under this section must sanitize, fill, securely seal, and label any growler prior to its sale. A licensed brewer or resident brewer under this section may only offer for

retail sale ~~up to two 64-ounce, or four 32-ounce,~~ growlers no larger than 128 fluid ounces of nonintoxicating beer or nonintoxicating craft beer manufactured by the licensed brewer or resident brewer ~~per customer per day~~ for personal consumption off of the licensed premises and not for resale. A licensed brewer or resident brewer under this section may refill a growler subject to the requirements of this section. A licensed brewer or resident brewer shall visually inspect any growler before filling or refilling it. A licensed brewer or resident brewer may not fill or refill any growler that appears to be cracked, broken, unsafe or otherwise unfit to serve as a sealed beverage container.

(h) *Growler labeling.* — A licensed brewer or resident brewer under this section selling growlers shall affix a conspicuous label on all sold and securely sealed growlers listing the name of the licensee selling the growler, the brand of the nonintoxicating beer or nonintoxicating craft beer in the growler, the alcohol content by volume of the nonintoxicating beer or nonintoxicating craft beer in the growler and the date the growler was filled or refilled, and, further, all labeling on the growler shall be consistent with all federal labeling and warning requirements.

(i) *Growler sanitation.* — A licensed brewer or resident brewer authorized under this section shall clean and sanitize all growlers he or she fills or refills in accordance with all state and county health requirements prior to its sealing. In addition, the licensed brewer or resident brewer shall sanitize, in accordance with all state and county health requirements, all taps, tap lines, pipe lines, barrel tubes and any other related equipment used to fill or refill growlers. Failure to comply with this subsection may result in penalties under §11-16-23 of this code.

(j) *Fee.* — There is no additional fee for a licensed brewer or resident brewer authorized under this section to sell growlers.

(k) *Limitations on licensees.* — To be authorized under this section, a licensed brewer or resident brewer may not produce more than 25,000 barrels per calendar year at the brewer's or resident brewer's principal place of business and manufacture located in the State of West Virginia. No more than one brewer or resident brewer

license may be issued to a single person or entity and no person may hold both a brewer and a resident brewer license. A licensed brewer or resident brewer under this section may only conduct tours, give complimentary samples and sell growlers during the hours of operation set forth in §11-16-18(a)(1) of this code. A licensed brewer or resident brewer authorized under this section shall be subject to the applicable penalties under §11-16-23 of this code for violations of this section.

(l) *Rules.* — The commissioner, in consultation with the Bureau for Public Health concerning sanitation, is authorized to propose rules for legislative approval, pursuant to §29A-3-1 *et seq.* of this code, to implement this section.

§11-16-6b. Brewpub, Class A retail dealer, Class B retail dealer, private club, Class A retail licensee, and Class B retail licensee’s authority to sell growlers.

(a) *Legislative findings.* — The Legislature hereby finds that it is in the public interest to regulate, control and support the brewing, manufacturing, distribution, sale, consumption, transportation, and storage of nonintoxicating beer and nonintoxicating craft beer and its industry in this state in order to protect the public health, welfare, and safety of the citizens of this state and promote hospitality and tourism. Therefore, this section authorizes a licensed brewpub, Class A retail dealer, Class B retail dealer, private club, Class A retail licensee, or Class B retail licensee to have certain abilities in order to promote the sale of nonintoxicating beer and nonintoxicating craft beer manufactured in this state for the benefit of the citizens of this state, the state’s growing brewing industry, and the state’s hospitality and tourism industry, all of which are vital components for the state’s economy.

(b) *Sales of nonintoxicating beer.* — A licensed brewpub, Class A retail dealer, Class B retail dealer, private club, Class A retail licensee, or Class B retail licensee who pays the fee in subsection (i) of this section and meets the requirements of this section may offer nonintoxicating beer or nonintoxicating craft beer for retail sale to patrons from their licensed premises in a growler for personal consumption only off of the licensed premises and not for

resale. Prior to the sale, the licensee shall verify, using proper identification, that any patron purchasing nonintoxicating beer or nonintoxicating craft beer is 21 years of age or over and that the patron is not visibly intoxicated. A licensee authorized under this section may not sell, give or furnish alcoholic liquors, including wine, for consumption off of its licensed premises, unless it is a private club licensed to sell sealed wine for consumption off of the licensed premises and meets the requirements set out in §60-8-3(j) and §60-8-3(l) of this code, for the sale of wine, not liquor.

(c) *Retail sales.* — Every licensee authorized under this section shall comply with all the provisions of this article as applicable to nonintoxicating beer retailers when conducting sales of nonintoxicating beer or nonintoxicating craft beer and shall be subject to all applicable requirements and penalties in this article.

(d) *Payment of taxes and fees.* — A licensee authorized under this section shall pay all taxes and fees required of licensed nonintoxicating beer retailers, in addition to any other taxes and fees required, and meet applicable licensing provisions as required by this chapter and by rule of the commissioner.

(e) *Advertising.* — A licensee authorized under this section may advertise a particular brand or brands of nonintoxicating beer or nonintoxicating craft beer and the price of the nonintoxicating beer or nonintoxicating craft beer subject to state and federal requirements or restrictions. The advertisement may not encourage intemperance.

(f) *Growler requirements.* — A licensee authorized under this section must fill a growler and patrons are not permitted to access the secure area or fill a growler. A licensee authorized under this section must sanitize, fill, securely seal, and label any growler prior to its sale. A licensee authorized under this section may only offer for retail sale ~~up to two 64 ounce, or four 32 ounce,~~ growlers no larger than 128 fluid ounces of nonintoxicating beer or nonintoxicating craft beer ~~per customer per day~~ for personal consumption off of the licensed premises and not for resale. A licensee under this section may refill a growler subject to the requirements of this section. A licensee shall visually inspect any

growler before filling or refilling it. A licensee may not fill or refill any growler that appears to be cracked, broken, unsafe, or otherwise unfit to serve as a sealed beverage container.

(g) *Growler labeling.* — A licensee authorized under this section selling growlers shall affix a conspicuous label on all sold and securely sealed growlers listing the name of the licensee selling the growler, the brand of the nonintoxicating beer or nonintoxicating craft beer in the growler, the alcohol content by volume of the nonintoxicating beer or nonintoxicating craft beer in the growler, and the date the growler was filled or refilled, and, further, all labeling on the growler shall be consistent with all federal labeling and warning requirements.

(h) *Growler sanitation.* — A licensed brewer or resident brewer authorized under this section shall clean and sanitize all growlers he or she fills or refills in accordance with all state and county health requirements prior to its sealing. In addition, the licensed brewer or resident brewer shall sanitize, in accordance with all state and county health requirements, all taps, tap lines, pipe lines, barrel tubes, and any other related equipment used to fill or refill growlers. Failure to comply with this subsection may result in penalties under §11-16-23 of this code.

(i) *Fee Fees.* — Commencing July 1, 2015, and by every July 1 thereafter, there is an annual \$100 nonrefundable fee for a licensee, except for a licensed brewpub, to sell growlers as provided by this section. The licensee must be in good standing with the state at the time of paying the fee.

(j) *Complimentary samples.* — A licensee authorized under this section may provide complimentary samples which may be no greater than one ounce per sample and a sampling shall not exceed three different nonintoxicating beer or nonintoxicating craft beer complimentary one-ounce samples per patron per day. A licensee authorized under this section providing complimentary samples shall prior to any sampling verify, using proper identification, that the patron sampling is 21 years of age or over and that the patron is not visibly intoxicated. All nonintoxicating beer and

nonintoxicating craft beer utilized for sampling purposes must be purchased from the licensee's inventory.

(k) *Limitations on licensees.* — A licensee under this section may only sell growlers during the hours of operation set forth in §11-16-18(a)(1) of this code. Any licensee licensed under this section must maintain a secure area for the sale of nonintoxicating beer or nonintoxicating craft beer in a growler. The secure area must only be accessible by the licensee. Any licensee licensed under this section shall be subject to the applicable penalties under §11-16-23 of this code for violations of this section.

~~(k)~~ (l) *Nonapplicability of certain statutes.* — Notwithstanding any other provision of this code to the contrary, licensees under this section are permitted to break the seal of the original container for the limited purpose of filling a growler or providing complimentary samples as provided in this section. Any unauthorized sale of nonintoxicating beer or nonintoxicating craft beer or any consumption not permitted on the licensee's licensed premises is subject to penalties under this article.

(h) (m) *Rules.* — The commissioner is authorized to propose rules for legislative approval, pursuant to §29A-3-1 *et seq.* of this code, to implement this section.

§11-16-6c. Class B retail dealer which is a grocery store, mobile application, or web-based sales privilege permit; fee.

(a) A Class B retail dealer who is licensed to sell nonintoxicating beer or nonintoxicating craft beer and who operates a grocery store containing over \$100,000 of fresh produce and saleable food and food products fit for human consumption in a combination of displayed and stored inventory may apply for a Class B license privilege granting the licensee the ability to complete the sale of such nonintoxicating beer or nonintoxicating craft beer in the original sealed container for off-premises consumption to a person purchasing the nonintoxicating beer or nonintoxicating craft beer from a vehicle:

(1) If the vehicle is parked in a licensed parking area which is contiguous to the Class B licensee's licensed premises; or

(2) If the vehicle is parked in a licensed parking area which is within 500 feet of the Class B licensee.

(b) The parking area referenced in subsection (a) of this section shall be designated by signage solely for the use of persons who have previously ordered items including, but not limited to, nonintoxicating beer or nonintoxicating craft beer using a mobile application or web-based software program.

(c) No nonintoxicating beer or nonintoxicating craft beer may be loaded into a vehicle under this section unless the Class B licensee or such licensee's staff have verified that both the person placing the order, and, if different from the person placing the order, the person picking up the order are 21 years of age or older and not noticeably intoxicated; and

(d) To operate under this section, a Class B retail dealer licensee must be in good standing with the commissioner, apply, qualify, pay the Class B license privilege fee and obtain the permit for the Class B licensee privilege for nonintoxicating beer or nonintoxicating craft beer sales at a designated parking area. The Class B license privilege permit nonrefundable and non-prorated annual fee is \$250. For purposes of criminal enforcement of the provisions of this article, persons placing orders and picking up orders are deemed to be purchasers.

(e) The licensee shall be subject to all requirements, penalties and sanctions of this article.

§11-16-8. Form of application for license; fee and bond; refusal of license.

(a) A license may be issued by the commissioner to any person who submits an application, accompanied by a license fee and, where required, a bond, and states under oath:

(1) The name and residence of the applicant, the duration of such residency, that the applicant has been a resident of the state

for a period of two years preceding the date of the application and that the applicant is 21 years of age. If the applicant is a firm, association, partnership, limited partnership, limited liability company, or corporation, the application shall include the residence of the members or officers for a period of two years preceding the date of such application. If a person, firm, partnership, limited partnership, limited liability company, association, corporation, or trust applies for a license as a distributor, such person, or in the case of a firm, partnership, limited partnership, limited liability company, association or trust, the members, officers, trustees or other persons in active control of the activities of the limited liability company, association or trust relating to the license, shall state under oath that each has been a bona fide resident of the state for four years preceding the date of such application. If the applicant is a trust or has a trust as an owner, the trustees or other persons in active control of the activities of the trust relating to the license shall provide a certification of trust as described in §44D-10-1013 of this code. This certification of trust shall include the excerpts described in §44D-10-1013(e), of this code and shall further state, under oath, the names, addresses, Social Security numbers and birth dates of the beneficiaries of the trust and certify that the trustee and beneficiaries are 21 years of age or older. If a beneficiary is not 21 years of age, the certification of trust must state that such beneficiary's interest in the trust is represented by a trustee, parent, or legal guardian who is 21 years of age and who will direct all actions on behalf of such beneficiary related to the trust with respect to the distributor until the beneficiary is 21 years of age. Any beneficiary who is not 21 years of age or older shall have his or her trustee, parent, or legal guardian include in the certification of trust and state under oath his or her name, address, Social Security number and birth date;

(2) The place of birth of applicant, that he or she is a citizen of the United States and of good moral character and, if a naturalized citizen, when and where naturalized. If the applicant is a corporation organized or authorized to do business under the laws of the state, the application must state when and where incorporated, the name and address of each officer, and that each officer is a citizen of the United States and a person of good moral

character. If the applicant is a firm, association, limited liability company, partnership, limited partnership, trust or has a trust as an owner, the application shall provide the place of birth of each member of the firm, association, limited liability company, partnership or limited partnership and of the trustees, beneficiaries or other persons in active control of the activities of the trust relating to the license and that each member or trustee, beneficiary or other persons in active control of the activities of the trust relating to the license is a citizen of the United States, and if a naturalized citizen, when and where naturalized, each of whom must qualify and sign the application. The requirements as to residence do not apply to the officers of a corporation applying for a retailer's license but the officers, agent, or employee who manages and is in charge of the licensed premises shall possess all of the qualifications required of an individual applicant for a retailer's license including the requirement as to residence;

(3) The particular place for which the license is desired and a detailed description thereof;

(4) The name of the owner of the building and, if the owner is not the applicant, that the applicant is the actual and bona fide lessee of the premises;

(5) That the place or building in which is proposed to do business conforms to all applicable laws of health, fire and zoning regulations and is a safe and proper place or building not within 300 feet of a school or church measured from front door to front door, along the street or streets. This requirement does not apply to a Class B license or to a place occupied by a beer licensee so long as it is continuously so occupied. The prohibition against locating a proposed business in a place or building within 300 feet of a school does not apply to a college or university that has notified the commissioner, in writing, that it has no objection to the location of a proposed business in a place or building within 300 feet of the college or university;

(6) That the applicant is not incarcerated and has not during the five years preceding the date of said application been convicted of a felony;

(7) That the applicant is the only person in any manner pecuniarily interested in the business so asked to be licensed and that no other person is in any manner pecuniarily interested during the continuance of the license; and

(8) That the applicant has not during five years preceding the date of the application had a nonintoxicating beer license revoked.

(b) In the case of an applicant that is a trust or has a trust as an owner, a distributor license may be issued only upon submission by the trustees or other persons in active control of the activities of the trust relating to the distributor license of a true and correct copy of the written trust instrument to the commissioner for his or her review. Notwithstanding any provision of law to the contrary, the copy of the written trust instrument submitted to the commissioner pursuant to this section is confidential and is not a public record and is not available for release pursuant to the West Virginia Freedom of Information Act codified in 29B-1-1 *et seq.* of this code.

(c) The provisions and requirements of subsection (a) of this section are mandatory prerequisites for the issuance and, if any applicant fails to qualify, the license shall be refused. In addition to the information furnished in any application, the commissioner may make such additional and independent investigation of each applicant and of the place to be occupied as necessary or advisable and, for this reason, all applications, with license fee and bond, must be filed ~~thirty days prior to the beginning of any fiscal year. If the application is for an unexpired portion of a fiscal year, the issuance of license may be withheld for such reasonable time as necessary for investigation~~ submitted with all true and correct information. For the purpose of conducting such independent investigation, the commissioner may withhold the granting or refusal to grant such license for a 30-day period or until the applicant has completed the conditions set forth in this section. If it shall appear that such applicant meets the requirements in the code and the rules, including, but not limited to, being a suitable person of good reputation and morals; having made no false statements or material misrepresentations; involving no hidden ownership; and having no persons with an undisclosed pecuniary

interest contained in such application; and if there are no other omissions or failures by the applicant to complete the application, as determined by the commissioner, the commissioner shall issue a license authorizing the applicant to sell nonintoxicating beer or nonintoxicating craft beer.

(d) The commissioner may refuse a license to any applicant under the provisions of this article if the commissioner is of the opinion:

(1) That the applicant is not a suitable person to be licensed;

(2) That the place to be occupied by the applicant is not a suitable place or is within 300 feet of any school or church measured from front door to front door along the street or streets. This requirement does not apply to a Class B licensee or to a place now occupied by a beer licensee so long as it is continuously so occupied. The prohibition against locating any such place within 300 feet of a school does not apply to a college or university that has notified the commissioner, in writing, that it has no objection to the location of any such place within 300 feet; or

(3) That the license should not be issued for reason of conduct declared to be unlawful by this article.

§11-16-9. Amount of license tax; Class A and Class B retail dealers; purchase and sale of nonintoxicating beer permitted; distributors; brewers; brewpubs.

(a) All retail dealers, distributors, brewpubs, brewers and resident brewers of nonintoxicating beer and of nonintoxicating craft beer shall pay an annual fee to maintain an active license as required by this article. The license period begins on July 1 of each year and ends on June 30 of the following year. If the license is granted for a shorter period, then the license fee shall be computed semiannually in proportion to the remainder of the fiscal year: Provided, That if a licensee fails to complete a renewal application and make payment of its annual license fee in renewing its license on or before June 30 of any subsequent year, after initial application, then an additional \$150 reactivation fee shall be

charged and paid by the licensee; the fee may not be prorated or refunded, prior to the processing of any renewal application and applicable full year annual license fee; and furthermore a licensee who continues to operate upon the expiration of its license is subject to all fines, penalties and sanctions available in §11-16-23 of this code, all as determined by the commissioner.

(b) The annual license fees are as follows:

(1) Retail dealers shall be divided into two classes: Class A and Class B.

(A) For a Class A retail dealer, the license fee is \$150 for each place of business; the license fee for social, fraternal or private clubs not operating for profit, and having been in continuous operation for two years or more immediately preceding the date of application, is \$150: *Provided*, That railroads operating in this state may dispense nonintoxicating beer upon payment of an annual license tax of \$10 for each dining, club or buffet car in which the beer is dispensed.

Class A licenses issued for railroad dining, club or buffet cars authorize the licensee to sell nonintoxicating beer at retail for consumption only on the licensed premises where sold. All other Class A licenses authorize the licensee to sell nonintoxicating beer at retail for consumption on or off the licensed premises.

(B) For a Class B retail dealer, the license fee, authorizing the sale of both chilled and unchilled beer, is \$150 for each place of business. A Class B license authorizes the licensee to sell nonintoxicating beer at retail in bottles, cans or other sealed containers only, and only for consumption off the licensed premises. A Class B retailer may sell to a patron, for personal use and not for resale, quantities of draught beer in original containers that are no larger in size than one-half barrel for off-premises consumption.

A Class B license may be issued only to the proprietor or owner of a grocery store. For the purpose of this article, the term 'grocery store' means any retail establishment commonly known as a

grocery store or delicatessen, and caterer or party supply store, where food or food products are sold for consumption off the premises, and includes a separate and segregated portion of any other retail store which is dedicated solely to the sale of food, food products and supplies for the table for consumption off the premises. Caterers or party supply stores are required to purchase the appropriate licenses from the Alcohol Beverage Control Administration.

(2) For a distributor, the license fee is \$1,000 for each place of business.

(3) For a brewer or a resident brewer with its principal place of business or manufacture located in this state and who produces:

(A) Twelve thousand five hundred barrels or less of nonintoxicating beer or nonintoxicating craft beer, the license fee is \$500 for each place of manufacture;

(B) Twelve thousand five hundred one barrels and up to 25,000 barrels of nonintoxicating beer or nonintoxicating craft beer, the license fee is \$1,000 for each place of manufacture;

(C) More than 25,001 barrels of nonintoxicating beer or nonintoxicating craft beer, the license fee is \$1,500 for each place of manufacture.

(4) For a brewer whose principal place of business or manufacture is not located in this state, the license fee is \$1,500. The brewer is exempt from the requirements set out in subsections (c), (d) and (e) of this section: *Provided*, That a brewer whose principal place of business or manufacture is not located in this state that produces less than 25,000 barrels of nonintoxicating beer or nonintoxicating craft beer may choose to apply, in writing, to the commissioner to be subject to the variable license fees of subdivision (3), subsection (b) of this section and the requirements set out in subsections (c), (d) and (e) of this section subject to investigation and approval by the commissioner as to brewer requirements.

(5) For a brewpub, the license fee is \$500 for each place of manufacture.

(c) As part of the application or renewal application and in order to determine a brewer or resident brewer's license fee pursuant to this section, a brewer or resident brewer shall provide the commissioner, on a form provided by the commissioner, with an estimate of the number of nonintoxicating beer or nonintoxicating craft beer barrels and gallons it will produce during the year based upon the production capacity of the brewer's or resident brewer's manufacturing facilities, and the prior year's production and sales volume of nonintoxicating beer or nonintoxicating craft beer.

(d) On or before July 15 of each year, every brewer or resident brewer who is granted a license shall file a final report, on a form provided by the commissioner, that is dated as of June 30 of each year, stating the actual volume of nonintoxicating beer or nonintoxicating craft beer in barrels and gallons produced at its principal place of business and manufacture during the prior year.

(e) If the actual total production of nonintoxicating beer or nonintoxicating craft beer by the brewer or resident brewer exceeded the brewer's or resident brewer's estimate that was filed with the application or renewal for a brewer's or resident brewer's license for that period, then the brewer or resident brewer shall include a remittance for the balance of the license fee pursuant to this section that would be required for the final, higher level of production.

(f) Any brewer or resident brewer failing to file the reports required in subsections (c) and (d) of this section, and who is not exempt from the reporting requirements, shall, at the discretion of the commissioner, be subject to the penalties set forth in §11-16-23 of this code.

(g) Notwithstanding subsections (a) and (b) of this section, the license fee per event for a nonintoxicating beer floor plan extension is \$100, and the fee may not be prorated or refunded, and must be accompanied with a license application, certification that the event

meets certain requirements in the code and rules, and such other information as the commissioner may reasonably require, at least 15 days prior to the event, all as determined by the commissioner.

§11-16-10. Brewer's license for foreign corporation; application; bond; contents of application; limitations; licensed representatives for brewers, resident brewers, and distributors; annual license fee; renewal; suspension; license fee for sales representatives; transportation permits; container label registration; and Beer License Operations Fund created; and implementation operations of fee.

(a) A brewer's license shall be issued by the commissioner to a foreign corporation which submits an application therefor accompanied by the license fee hereinafter prescribed, ~~the bond required by section nine of this article~~ a certified copy of the certificate of authority issued by the Secretary of State authorizing such foreign corporation to transact business in the state, and a certified copy of its most recent corporation charter. Such application shall be verified and shall state:

- (1) The name of the corporation and the state under the laws of which it is incorporated;
- (2) The date of incorporation;
- (3) The address of the principal office of the corporation;
- (4) The names and respective addresses of the directors and officers of the corporation;
- (5) The date that such foreign corporation qualified to transact business in this state; and
- (6) Such other information as the commissioner, by rule or regulation, may require.

(b) So long as the foreign corporation remains qualified to transact business in this state so that the Secretary of State can accept service of notice and process for such foreign corporation,

then, notwithstanding any other provision of this article to the contrary, none of the officers and directors of such foreign corporation need be residents of this state.

(c) The license fee for a brewer's license for a foreign corporation selling any nonintoxicating beer product within this state, whether or not its principal place of business be located in this state, shall be \$1,500 per annum. The license period shall begin on July 1 of each year and end on June 30 of the following year, and if granted for a lesser period, the same shall be prorated semiannually in proportion to the remainder of the fiscal year.

(d) As of July 1, 2019, there is an annual nonrefundable and non-prorated operational fee for all brewers, resident brewers, Class A retail dealers, Class B retail dealers, and distributors of \$100 which shall be paid on or before July 1, 2019 and every July 1 thereafter. All fees collected by the commissioner pursuant to this subsection shall be deposited in a special revenue account in the State Treasury, hereby created, to be known as the Beer License Operations Fund. Moneys in the fund may only be expended by the commissioner for the administration of this article, and as appropriated by law.

(e) All sales representatives ~~for~~ engaged in the selling, marketing, merchandising, or the conducting of any other sales on behalf of any brewer, ~~or manufacturer~~ resident brewer or distributor of nonintoxicating beer shall be issued a permit license by the commissioner. ~~The permit for each sales representative of or employed by a licensed brewer or manufacturer shall be \$50. A licensee is subject to the provisions of §11-16-23 of this code for violations of this article and the rules promulgated thereunder. It is a violation of the code and rules to operate without such license and is punishable by the penalties available under this article. The commissioner shall prescribe forms to complete such licensure.~~

(f) Any brewer, resident brewer, distributor or any person transporting nonintoxicating beer or nonintoxicating craft beer for resale, and not for personal use, in or through this state on behalf of such licensees or persons, or by contract or other means, who is operating in this state may only transport nonintoxicating beer or

nonintoxicating craft beer available for resale, and not personal use, in or through this state. All vehicles transporting nonintoxicating beer or nonintoxicating craft beer shall be issued a nonintoxicating beer transportation permit. Transporting nonintoxicating beer or nonintoxicating craft beer for resale, and not for personal use, in or through this state without a nonintoxicating beer transportation permit is in violation of law and the penalties prescribed under §11-16-18 and §11-16-23 of this code are applicable for any violation. The commissioner shall prescribe forms to complete such permitting.

(g) Any brewer or resident brewer offering nonintoxicating beer or nonintoxicating craft beer for sale under this article shall register, prior to offering such beer for sale in the state, with the commissioner each nonintoxicating beer or nonintoxicating craft beer container label. No nonintoxicating beer or nonintoxicating craft beer brand may be sold under this article unless all of such nonintoxicating beer or nonintoxicating craft beer brand's container labels for the product intended for sale in the state have been registered and reviewed by the commissioner. Prior to registration of any nonintoxicating beer or nonintoxicating craft beer container labels, this review shall include, but not be limited to, a review of the alcohol content, corporate or product information, marketing and advertising so that the nonintoxicating beer or nonintoxicating craft beer container label is not intended to be marketed to persons less than 21 years of age. The commissioner shall remove all nonrenewed nonintoxicating beer or nonintoxicating craft beer container labels, and any licensee who sells nonintoxicating beer or nonintoxicating craft beer with nonrenewed container labels shall be subject to the penalties under §11-16-23 of this code. Failure to register, obtain a review, and a certification for a nonintoxicating beer or nonintoxicating craft beer container label and failure to register such labels will subject the brewer or resident brewer to penalties under said section. The commissioner shall prescribe forms to complete such registration.

(e)(h) The licenses and permits issued under the provisions of this section shall be renewed annually upon application for renewal

on a form prescribed by the commissioner and payment of the annual license fee.

~~(f)~~(i) If at any time ~~such~~ a foreign corporation is no longer qualified to transact business in this state, the Secretary of State shall notify the commissioner of such fact and the commissioner shall thereupon suspend the brewer's license issued to such foreign corporation until such time as such foreign corporation has again qualified to transact business in this state and has otherwise complied with the provisions of this section.

~~(g)~~(j) Notwithstanding any other provision of this article to the contrary, any corporation issued a brewer's license under the provisions of this article shall not engage in the business of a distributor or retailer as defined in this article.

§11-16-11b. Special license for one-day charitable events; application; license subject to provisions of article; exception.

(1) The commissioner may issue a special one-day license to be designated a Class S1 license for the retail sale of nonintoxicating beer and nonintoxicating craft beer to a duly-organized nonprofit corporation, limited liability entity, or an association having received federal tax exempt status allowing the sale and serving of nonintoxicating beer or nonintoxicating craft beer when raising money for artistic, athletic, charitable, educational, or religious purposes. The commissioner may not charge a fee to the applicant that meets requirements for licensure. The special license shall be issued for a term no longer than one day. No more than six licenses may be issued to any single licensee during any calendar year. The license application shall contain a copy of the documents showing approved federal tax-exempt status and other information required by the commissioner and shall be submitted to the commissioner at least 15 days prior to the event. Nonintoxicating beer served and sold during the event shall be purchased from a licensed distributor, or resident brewer, acting in the limited capacity of a distributor for its own products, that services the location where the festival, fair, or other event is occurring. All distributors and resident brewers in the area must be

notified in writing by mail, facsimile or electronic mail of the event in advance and be presented with the opportunity to participate in the event. Licensed representatives of distributors, brewers, or resident brewers may attend the one-day event and discuss their products, but may not engage in the serving or selling of the nonintoxicating beer or nonintoxicating craft beer. A licensee licensed by this section may use bona fide employees or volunteers of the charitable entity to sell and serve nonintoxicating beer and nonintoxicating craft beer.

(2) A license issued under the provisions of this section and the licensee holding the license are subject to all other provisions of this article and the rules and orders of the commissioner relating to the special license: *Provided*, That the commissioner may by rule or order allow certain waivers or exceptions with respect to those provisions, rules, or orders as the circumstances of each event requires, including, without limitation, the right to revoke or suspend any license issued pursuant to this section prior to any notice or hearing notwithstanding the provisions of §11-16-24 of this code: *Provided, however*, That under no circumstances may the provisions §11-16-18(a)(1), §11-16-18(a)(2), or §11-16-18(a)(3) of this code, be waived or an exception granted with respect to those provisions.

§11-16-12. When bond not required; bond of brewer, distributor and a Class A retail dealer; action on bond of retail dealer upon revocation of license; duty of prosecuting attorney.

~~(a) In addition to furnishing the information required by this article, each brewer or distributor applying for a license under this article shall furnish, as prerequisite to a license, a bond with some solvent surety company as surety, to be approved by the commissioner, payable to the state of West Virginia, conditioned for the payment of any and all additional taxes accruing during the period of such license, and conditioned further for the faithful observance of the provisions of this article, the rules, regulations and orders promulgated pursuant thereto and of any other laws of the state of West Virginia generally relating to the sale, transportation, storage and distribution of nonintoxicating beer,~~

~~which said bonds shall be forfeited to the state upon the revocation of the license of any such brewer or distributor. The amount of such bond in the case of a resident brewer or brewpub shall be not less than \$5,000 nor more than \$10,000 and in the case of a distributor, not less than \$2,000 nor more than \$5,000 for each place of business licensed and conducted within the state, the amount of such bond, between the minimum and maximum amounts, to be determined in the discretion of the commissioner. There shall be no bond for a brewer, resident brewer, distributor, Class S brewpub license, as the license privilege itself secures the payment of taxes and is subject to suspension and revocation for failure to pay said taxes. In the case of brewers shipping nonintoxicating beer into the state, any brewer must also furnish a bond in a penalty of not less than \$5,000 nor more than \$25,000 conditioned as hereinabove in this subsection provided and any bond furnished pursuant hereto shall be forfeited to the state in the full amount of said bond upon revocation of license of any such brewer or distributor. Such money received by the state shall be credited to the State Fund, General Revenue~~

(b) Each Class A retail dealer, in addition to furnishing the information required by this article, shall furnish, as prerequisite to obtaining a license, a bond with some solvent surety company as surety, to be approved by the commissioner, payable to the State of West Virginia, in the amount not less than \$500 nor more than \$1,000 within the discretion of the commissioner. All such bonds shall be conditioned for the faithful observance of the provisions of this article, the rules, regulations and orders promulgated pursuant thereto and of any other laws of the State of West Virginia generally relating to the distribution, sale and dispensing of nonintoxicating beer and shall be forfeited to the state in the full amount of said bond upon the revocation of the license of any such retail dealer. Such money received by the state shall be credited to the State Fund, General Revenue.

(c) Upon the revocation of the license of any Class A retail dealer by the commissioner or by any court of competent jurisdiction, the commissioner or the clerk of said court shall notify the prosecuting attorney of the county wherein such retail dealer's

place of business is located, or the prosecuting attorney of the county wherein the licensee resides, of such revocation, and, upon receipt of said notice, it shall be the duty of such prosecuting attorney forthwith to institute appropriate proceedings for the collection of the full amount of said bond. Upon request of such prosecuting attorney, the commissioner shall deliver the bond to him. Willful refusal without just cause therefor by the prosecuting attorney to perform said duty hereby imposed shall subject him or her to removal from office by the circuit court of the county for which said prosecuting attorney was elected upon proper proceedings and proof in the manner provided by law.

§11-16-17a. Commissioner to investigate, review, and approve or deny franchise agreements, labels, brands, and line extensions.

(a) The commissioner shall investigate and review:

(1) All franchise agreements and any amendments to a franchise agreement to verify compliance with this article and the promulgated rules.

(2) The registration of all container labels for brands manufactured, imported or sold in West Virginia, as further specified in §11-16-10(g) of this code.

(3) The registration of all brands and line extensions with the commissioner that are the subject of a franchise agreement or an amendment to a franchise agreement.

(4) The appointment of all brands or line extensions to a distributor in a brewer's established franchise distributor network and to that distributor's assigned territory from the brewer.

(5) The appointment of all brands or line extensions acquired by a brewer as either an acquiring brewer, successor brewer and also any successor entities of a brewer, as specified in §11-16-21(a)(3) of this code, to the distributor in the selling brewer's established franchise distributor network and to that distributor's assigned territory.

(b) The commissioner's investigation and review under subsection (a) of this section may include, but is not limited to: the brewer, its subsidiaries, parent entities, contracted entities, affiliated entities, associated entities or any other related entities, the brewer's corporate structure, the nature of the relatedness of various entities, ownership, trade names or partial trade names, logos, copyrights, trademarks or trade design, product codes, marketing and advertising, promotion or pricing.

(c) The commissioner may approve or deny any item listed in subsection (a) of this section as determined by the commissioner in accordance with this article, the promulgated rules as the facts and circumstances dictate.

(d) Any brewer adversely affected by a denial as specified in subdivision (3) or (4), subsection (a) of this section, may request, in writing, a final written determination from the commissioner.

(e) Upon receipt of final determination as provided in subsection (d) of this section, a brewer may request an administrative hearing by filing a written petition and as otherwise required per §11-16-24 of this code and the rules promulgated by the commissioner. Upon filing a written petition, the brewer shall file a \$1,000 hearing deposit, via certified check or money order, to cover the costs of the hearing. Such certified check or money order shall be made payable to the commissioner. In any such hearing held by the request of a brewer, the burden of proof is on the brewer and the standard of review for the administrative hearing is by a preponderance of the evidence.”

The bill was then ordered to third reading.

S. B. 566, Relating to compensation for State Athletic Commission members; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Government Organization, was reported by the Clerk.

Delegate J. Kelly requested to be excused from voting on S. B. 566 under the provisions of House Rule 49.

The Speaker replied that the Delegate was a member of a class of persons possibly to be affected by the passage of the bill and directed the Member to vote.

The Committee on Government Organization amendment was adopted, amending the bill on page one, section one, line ten, by striking out the following:

“The members shall serve without pay except that each member shall receive \$100 for each day that he or she attends and participates in a public meeting in which the commission makes or deliberates towards an official act: *Provided*, That the total compensation a member may receive during each fiscal year may not exceed \$1,500.”

And, inserting in lieu thereof the following: “Each member is entitled to receive compensation for attending official meetings or engaging in official duties not to exceed the amount paid to members of the Legislature for their interim duties as recommended by the Citizens Legislative Compensation Commission and authorized by law. A board member may not receive compensation for travel days that are not on the same day as the official meeting or official duties.”

The bill was then ordered to third reading.

S. B. 596, Adjusting voluntary contribution amounts on certain DMV forms; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Finance, was reported by the Clerk and adopted, amending the bill on page one after the enacting clause, by striking out the remainder of the bill and inserting in lieu thereof the following:

“ARTICLE 2. DIVISION OF MOTOR VEHICLES.

§17A-2-12a. Commissioner of Motor Vehicles — commissioner shall prescribe forms providing for veteran contributions.

(a) Notwithstanding §17A-2-12 of this code, the commissioner shall prescribe and provide suitable forms of application which provide the following applicants the ability to make a contribution of \$3, \$5, ~~or~~ \$10, or any amount of the applicant's choosing to the West Virginia Department of Veterans Assistance, the West Virginia Farm Bureau Foundation, the West Virginia University Foundation, reserved for 4 H Youth Education Program, or the West Virginia Future Farmers of America Education Foundation:

(1) Applicants for original or renewal driver's licenses or identification cards; and

(2) Applicants for a renewal of a vehicle registration.

(b) A contribution under §17A-2-12a(a) of this code shall be added, as appropriate, to the regular fee for:

(1) An original or renewal driver's license or identification card; and

(2) A renewal of a vehicle registration.

(c) Contributions to the West Virginia Department of Veterans Assistance ~~under §17A-2-12a(a) of this code~~ shall be used exclusively for purposes set forth in §9A-1-1 *et seq.* of this code.

(d) (1) The division shall determine on a monthly basis the total amount collected for the West Virginia Department of Veterans Assistance under this section and report and transfer said amount to the State Treasurer. The State Treasurer shall transfer the amount collected under this section to the West Virginia Department of Veterans Assistance.

(2) The division shall determine on a biannual basis the total amount collected for the West Virginia Farm Bureau Foundation, the West Virginia University Foundation, reserved for 4 H Youth Education Program, and the West Virginia Future Farmers of America Education Foundation under this section and report and transfer said amount to the State Treasurer on July 1 and January 1 each fiscal year. The State Treasurer shall transfer the funds collected for the West Virginia Farm Bureau Foundation, the West

Virginia University Foundation, reserved for 4 H Youth Education Program, and the West Virginia Future Farmers of America Education Foundation under this section in equal amounts to the West Virginia Farm Bureau Foundation, the West Virginia University Foundation, reserved for 4 H Youth Education Program, and the West Virginia Future Farmers of America Education Foundation.

~~(e) The West Virginia Department of Veterans Assistance shall reimburse the Motor Vehicle Fees Fund for the actual costs incurred by the division in the administration of this section. The division may deduct from all contributions under this section no more than two percent as an administrative fee to recover processing costs prior to transferring any money to the State Treasurer or to any foundation.~~”

The bill was then ordered to third reading.

Com. Sub. for S. B. 597, Conforming state law to federal law for registration of appraisal management companies; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for S. B. 600, Relating to preservation of biological evidence obtained through criminal investigations and trials; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on the Judiciary, was reported by the Clerk and adopted, amending the bill on page one by striking out the section caption and inserting a new section caption to read as follows:

“§15A-1-8. Preservation of biological evidence from criminal cases; directing Secretary to undertake a study and report to the Legislature.”

The bill was then ordered to third reading.

S. B. 625, Clarifying and defining authority of State Athletic Commission; on second reading, coming up in regular order, was read a second time and ordered to third reading.

S. B. 633, Authorizing Board of Physical Therapy conduct criminal background checks on applicants for licenses; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Government Organization, was reported by the Clerk and adopted, amending the bill on page one, after the article heading, by striking out the section heading and the remainder of the bill in its entirety and inserting in lieu thereof the following:

“§30-41-4. West Virginia Board of Physical Therapy criminal history record checks.

(a) The West Virginia Board of Physical Therapy is authorized to require state and national criminal history record checks for the purpose of issuing licenses. The West Virginia Board of Physical Therapy shall require an applicant, including physical therapists and physical therapy assistants, as a condition of eligibility for initial license to submit to a state and national criminal history record check as set forth in this section.

(b) The applicant shall meet all requirements necessary to accomplish the state and national criminal history record check, including:

(1) Submitting fingerprints for the purposes set forth in this subsection; and

(2) Authorizing the board, the West Virginia State Police and the Federal Bureau of Investigation to use all records submitted and produced for the purpose of screening the applicant for a license.

(c) The results of the state and national criminal history record check may not be released to or by a private entity except:

(1) To the individual who is the subject of the criminal history record check;

(2) With the written authorization of the individual who is the subject of the criminal history record check; or

(3) Pursuant to a court order.

(d) The criminal history record check and related records are not public records for the purposes of Chapter 29B of this code.

(e) The applicant shall ensure that the criminal history record check is completed as soon as possible after the date of the original application for registration.

(f) The applicant shall pay the actual costs of the fingerprinting and criminal history record check.

(g) The board may not disqualify an applicant for initial licensure because of a prior criminal conviction that has not been reversed unless that conviction is for a crime that bears a rational nexus to the occupation requiring licensure.

(h) The board may not use crimes involving moral turpitude in making licensure determinations.

(i) If an applicant is disqualified for licensure because of a criminal conviction that has not been reversed, the board shall afford the applicant the opportunity to reapply for licensure after the expiration of five years from the date of conviction or date of release from the penalty that was imposed, whichever is later, if the individual has not been convicted of any other crime during that period of time: *Provided*, That convictions for violent or sexual offenses or offenses shall subject an individual to a longer period of disqualification, to be determined by the board.

(j) An individual with a criminal record who has not previously applied for licensure, certification or registration may petition the board at any time for a determination of whether the individual's criminal record will disqualify the individual from obtaining a license or other authorization to practice. This petition shall include sufficient details about the individual's criminal record to enable the board to identify the jurisdiction where the conviction occurred, the date of the conviction and the specific nature of the conviction.

The board shall inform the individual of his or her standing within 60 days of receiving the petition from the applicant. The board may charge a fee established by rule to recoup its costs for each petition.

(k) The board shall propose rules or amendments to existing rules for legislative approval to comply with the provisions of this section. These rules or amendments to rules shall be proposed pursuant to the provisions of §29A-3-1 *et seq.* of this code within the applicable time limit to be considered by the Legislature during its regular session in the year 2020.”

The bill was then ordered to third reading.

S. B. 655, Relating to conservation districts generally; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for S. B. 657, Providing consumer protection regarding self-propelled farm equipment; on second reading, coming up in regular order, was read a second time and ordered to third reading.

S. B. 658, Relating to motor vehicle salesperson licenses; on second reading, coming up in regular order, was read a second time and ordered to third reading.

S. B. 672, Authorizing School Building Authority to promulgate legislative rules; on second reading, coming up in regular order, was read a second time and ordered to third reading.

S. B. 673, Relating to public higher education accountability and planning; on second reading, coming up in regular order, was read a second time.

On motion of Delegates Hamrick and Summers, the bill was amended on page one, by striking out everything after the enacting clause and inserting in lieu thereof the following:

“CHAPTER 18B. HIGHER EDUCATION.

ARTICLE 1. GOVERNANCE.

§18B-1-2. Definitions.

The following words when used in this chapter and chapter eighteen-c of this code have the meanings ascribed to them unless the context clearly indicates a different meaning:

(1) ‘Administratively linked community and technical college’ means a state institution of higher education delivering community and technical college education and programs which has maintained a contractual agreement to receive essential services from another accredited state institution of higher education prior to July 1, 2008;

(2) ‘Advanced technology center’ means a facility established under the direction of an independent community and technical college or the council for the purpose of implementing and delivering education and training programs for high-skill, high-performance Twenty-first Century workplaces;

(3) ‘Approve’ or ‘approval’, when used in reference to action by the Commission or the Council, means action in which the governance rationale of a governing board under its jurisdiction is given due consideration, and the action of the Commission is to additionally establish whether the proposed institutional action is consistent with law and established policy and is an appropriate advancement of the public interest;

(4) ‘Board of visitors’ means the advisory board previously appointed for the West Virginia Graduate College and the advisory board previously appointed for West Virginia University Institute of Technology, which provide guidance to the Marshall University Graduate College and West Virginia University Institute of Technology, respectively;

(5) ‘Broker’ or ‘brokering’ means serving as an agent on behalf of students, employers, communities or responsibility areas to obtain education services not offered at that institution. These services include courses, degree programs or other services contracted through an agreement with a provider of education services either in-state or out-of-state;

(6) ‘Chancellor’ means the Chancellor for Higher Education where the context refers to a function of the Higher Education Policy Commission. ‘Chancellor’ means the Chancellor for Community and Technical College Education where the context refers to a function of the West Virginia Council for Community and Technical College Education;

(7) ‘Chancellor for Community and Technical College Education’ means the chief executive officer of the West Virginia Council for Community and Technical College Education employed pursuant to section three, article two-b of this chapter;

(8) ‘Chancellor for Higher Education’ means the chief executive officer of the Higher Education Policy Commission employed pursuant to section five, article one-b of this chapter;

(9) ‘Collaboration’ means entering into an agreement with one or more providers of education services in order to enhance the scope, quality or efficiency of education services;

(10) ‘Community and technical college’, in the singular or plural, means the free-standing community and technical colleges and other state institutions of higher education which deliver community and technical college education. This definition includes Blue Ridge Community and Technical College, Bridgemont Community and Technical College, Eastern West Virginia Community and Technical College, Kanawha Valley Community and Technical College, Mountwest Community and Technical College, New River Community and Technical College, Pierpont Community and Technical College, Southern West Virginia Community and Technical College, West Virginia Northern Community and Technical College and West Virginia University at Parkersburg;

(11) ‘Community and technical college education’ means the programs, faculty, administration and funding associated with the delivery of community and technical college education programs;

(12) ‘Community and technical college education program’ means any college-level course or program beyond the high school

level provided through a public institution of higher education resulting in or which may result in a two-year associate degree award including an associate of arts, an associate of science and an associate of applied science; certificate programs and skill sets; developmental education; continuing education; collegiate credit and noncredit workforce development programs; and transfer and baccalaureate parallel programs. All programs are under the jurisdiction of the council. Any reference to ‘post-secondary vocational education programs’ means community and technical college education programs as defined in this subsection;

(13) ‘Confirm’ or ‘confirmation’, when used in reference to action by the Commission, means action in which substantial deference is allocated to the governing authority of a governing board under its jurisdiction and the action of the Commission is to review whether the proposed institutional action is consistent with law and established policy;

(14) ‘Council’ means the West Virginia Council for Community and Technical College Education created by article two-b of this chapter;

(15) ‘Dual credit course’ or ‘dual enrollment course’ means a credit-bearing college-level course offered in a high school by a state institution of higher education for high school students in which the students are concurrently enrolled and receiving credit at the secondary level.

(16) ‘Essential conditions’ means those conditions which shall be met by community and technical colleges as provided in section three, article three-c of this chapter;

(17) ‘Exempted schools’ means West Virginia University, including West Virginia University Potomac State College and West Virginia University Institute of Technology; Marshall University; Fairmont State University; Shepherd University; and the West Virginia School of Osteopathic Medicine;

(18) ‘Free-standing community and technical colleges’ means Southern West Virginia Community and Technical College, West

Virginia Northern Community and Technical College, and Eastern West Virginia Community and Technical College, which may not be operated as branches or off-campus locations of any other state institution of higher education;

(19) ‘Governing boards’ or ‘boards’ means the institutional boards of Governors created by section one, article two-a of this chapter;

(20) ‘Higher Education Policy Commission’, ‘Policy Commission’ or ‘Commission’ means the commission created by section one, article one-b of this chapter;

(21) ‘Independent community and technical college’ means a state institution of higher education under the jurisdiction of the council which is independently accredited, is governed by its own independent governing board, and may not be operated as a branch or off-campus location of any other state institution of higher education. This definition includes Blue Ridge Community and Technical College, Bridgemont Community and Technical College, Eastern West Virginia Community and Technical College, Kanawha Valley Community and Technical College, Mountwest Community and Technical College, New River Community and Technical College, Pierpont Community and Technical College, Southern West Virginia Community and Technical College, West Virginia Northern Community and Technical College, and West Virginia University at Parkersburg;

(22) ‘Institutional compact’ means the compact developed by a state institution of higher education, consistent with the public policy agenda for higher education;

(23) ‘Institutional operating budget’ or ‘operating budget’ means for any fiscal year an institution’s total unrestricted education and general funding from all sources, including, but not limited to, tuition and fees and legislative appropriation, and any adjustments to that funding as approved by the commission or council based on comparisons with peer institutions or to reflect consistent components of peer operating budgets;

(24) ‘Rule’ or ‘rules’ means a regulation, standard, policy or interpretation of general application and future effect;

(25) ‘Sponsoring institution’ means a state institution of higher education that maintained an administrative link to a community and technical college providing essential services prior to July 1, 2008. This definition includes institutions whose governing boards had under their jurisdiction a community and technical college, regional campus or a division delivering community and technical college education and programs;

(26) ‘State college and university’ means Bluefield State College, Concord University, Fairmont State University, Glenville State College, Shepherd University, West Liberty University or West Virginia State University;

(27) ‘State institution of higher education’ means any university, college or community and technical college under the jurisdiction of a governing board as that term is defined in this section;

(28) ‘Statewide network of independently accredited community and technical colleges’ or ‘community and technical college network’ means the state institutions of higher education under the jurisdiction of the West Virginia Council for Community and Technical College Education which are independently accredited, each governed by its own independent governing board, and each having a core mission of providing affordable access to and delivering high quality community and technical education in every region of the state; and

(29) ‘Vice Chancellor for Administration’ means the person employed in accordance with section two, article four of this chapter. Any reference in this chapter or chapter eighteen-c of this code to ‘Senior Administrator’ means Vice Chancellor for Administration.

CHAPTER 18B. HIGHER EDUCATION.

ARTICLE 1D. HIGHER EDUCATION ACCOUNTABILITY.

§18B-1D-1. Master plan repealed; accountability system continued.

(a) The Legislature finds that:

(1) Accountability and strategic planning are valuable and necessary components of establishing and achieving goals for higher education in this state and fulfilling missions of the institutions;

(2) To be most effective and efficient, the accountability and strategic planning process should be coordinated, streamlined, and nonduplicative; and

(3) Redundant reporting requirements exist in the accountability and strategic planning process which serve to waste scarce resources and decrease efficiency.

(b) It is the intent of the Legislature that the accountability and strategic planning process for public higher education in this state continues in a unified and comprehensive manner while utilizing the resources of the higher education systems in an economical and efficient manner. To that end:

(1) The requirement for a statewide master plan for public higher education is repealed, and any provision of this code regarding the plan is void and of no effect;

(2) The requirements for state and institutional compacts for public higher education are repealed, and any provision of this code regarding the compacts are void and of no effect; and

(3) When collecting data from an institution, the commission and council first shall consider data generated from the unit-record student, registration, course and personnel files, the audited financial statements, and any source previously submitted formally to the commission or council from which the requested data may be obtained, so long as the data or information available through these sources reflects the most current reporting period.

§18B-1D-2. Definitions.

[Repealed]

§18B-1D-3. State vision for public higher education; findings; establishment of objectives.

[Repealed]

§18B-1D-4. Responsibilities of Higher Education Policy Commission and Council for Community and Technical College Education; development of public policy agendas; reports; institutional responsibilities.

[Repealed.]

§18B-1D-5. Master plans; reports; approval process.

[Repealed]

§18B-1D-8. ~~Institutional and system report cards~~ Publication of institution and system data.

(a) The purpose of the institutional and statewide ~~report cards~~ data reporting system is to make information available through the official websites of the commission and council to parents, students, faculty, staff, state policymakers, and the general public on the quality and performance of public higher education. ~~The focus of the report cards is to determine annual progress of the commission, the council and institutions under their respective jurisdictions toward achieving state goals and objectives identified in this article and section one a, article one of this chapter and system goals and objectives contained in the statewide master plans of the commission and council created pursuant to section five of this article.~~

(b) The information ~~contained in the report cards~~ provided through the reporting system shall be consistent and comparable between and among state institutions of higher education. If applicable, the information shall allow for easy comparison with higher education-related data collected and disseminated by the Southern Regional Education Board, the United States Department of Education and other education data-gathering and data-disseminating organizations upon which state policymakers frequently rely in setting policy.

(c) The rules required by ~~subsection (c), section one~~ of this article shall provide for the collection, analysis, and dissemination of information on the performance of the state institutions of higher education, including health sciences education, in relation to the findings, goals, and objectives set forth in this article and §18B-1-1a of this code. ~~and those contained in the statewide master plans of the commission and council developed pursuant to section five of this article~~

(1) The objective of this portion of the rule is to ensure that the Legislative Oversight Commission on Education Accountability and others identified in subsection (a) of this section are provided with full and accurate information while minimizing the institutional burden of recordkeeping and reporting.

(2) This portion of the rule shall identify various indicators of student and institutional performance that, at a minimum, must be reported annually, set forth general guidelines for the collection and reporting of data, and provide for the preparation ~~printing and distribution of report cards under this section~~ and publication of the statewide data and reports.

~~(d)~~ The report cards statewide annual report shall be analysis-driven, rather than simply data-driven, and shall present information in a format that can inform education policymaking. ~~They shall include an executive summary which outlines~~ It shall outline significant trends, ~~identifies~~ identify major areas of concern, and ~~discusses~~ discuss progress toward meeting state and system goals and objectives. ~~They~~ It shall be brief and concise, reporting required information in nontechnical language. ~~Any technical or supporting material to be included shall be contained in a separate appendix.~~

~~(e)~~ (d) The statewide ~~report card~~ data reporting system shall include the data for each separately listed, applicable indicator identified in the rule promulgated pursuant to subsection (c) of this section and the aggregate of the data for all public institutions of higher education.

~~(f)~~ (e) A statewide annual report ~~eard~~ shall be prepared using actual institutional, state, regional, and national data, as applicable and available, indicating the present performance of the individual institutions, the governing boards, and the state systems of higher education. The statewide report eards shall be based upon information for the current school year or for the most recent school year for which the information is available, in which case the year shall be clearly noted.

~~(g)~~ (f) The president or chief executive officer of each state institution of higher education shall prepare and submit annually all requested data to the commission at the times established by the commission.

~~(h)~~ (g) The higher education central office staff, under the direction of the vice chancellor for administration, shall provide technical assistance to each institution and governing board in data collection and reporting and is responsible for assembling the statewide annual report ~~eard~~ from information submitted by each governing board.

~~(i)~~ (h) Current data shall be published to the statewide data reporting system prior to January 1 annually. The statewide annual report shall be completed and disseminated with copies to the Legislative Oversight Commission on Education Accountability prior to January 1 ~~of each year~~ annually, and the staff of the commission and the council shall prepare a report highlighting specifically the trends, progress toward meeting goals and objectives, and major areas of concern for public higher education, including medical education, for presentation to the Legislative Oversight Commission on Education Accountability annually at the interim meetings in January. ~~2009, and annually thereafter.~~

~~(j)~~ For a reasonable fee

(i) The vice chancellor for administration shall make ~~copies a~~ digital copy of the statewide annual report ~~eards, including any appendices of supporting material, available to any individual requesting them~~ available to the public for download from the official websites of the commission and council.

ARTICLE 7. PERSONNEL GENERALLY.**§18B-7-8. Reporting.**

[Repealed]

**CHAPTER 18C. STUDENT LOANS; SCHOLARSHIPS
AND STATE AID.****ARTICLE 1. FINANCIAL ASSISTANCE GENERALLY.****§18C-1-1. Legislative findings; purpose; administration generally; reporting.**

(a) The Legislature makes the following findings:

(1) Although enrollments in institutions of higher education in this state and throughout the nation continue to increase at a rapid pace, West Virginia has not developed sufficiently the state's human talent and resources because many able, but needy, students are not able to finance a higher education program;

(2) The state can achieve its full economic and social potential only when the following elements are in place:

(A) Every individual has the opportunity to contribute to the full extent of his or her capability; and

(B) The state assists in removing financial barriers to the individual's education goals that remain after he or she has used all resources and work opportunities available;

(b) The ultimate state goal in providing student financial aid is to create a culture that values education, to improve the quality of the workforce, and to enhance the quality of life for the citizens of West Virginia.

(c) The vice chancellor for administration has a ministerial duty to administer, oversee, and monitor all state and federal student financial aid programs administered at the state level in accordance with established rules under the direction of the commission and

council and in consultation with the Higher Education Student Financial Aid Advisory Board.

(d) These programs include, but are not limited to, the following programs:

(1) The Guaranteed Student Loan Program, which may be administered by a private nonprofit agency;

(2) The Medical Student Loan Program;

(3) The Underwood-Smith Teacher Scholarship Program;

(4) The Engineering, Science and Technology Scholarship Program;

(5) The West Virginia Higher Education Grant Program;

(6) The Higher Education Adult Part-Time Student Grant Program;

(7) The West Virginia Providing Real Opportunities for Maximizing In-State Student Excellence (PROMISE) Scholarship Program;

(8) The Higher Education Student Assistance Loan Program established pursuant to ~~article twenty-two d, chapter eighteen~~ §18-22D-1 et seq. of this code;

(9) The West Virginia College Prepaid Tuition and Savings Program established pursuant to ~~article thirty, chapter eighteen~~ §18-30-1 et seq. of this code, which is administered by the state Treasurer;

(10) The state aid programs for students of optometry, pursuant to ~~article three~~ §18C-3-1 et seq. of this ~~chapter~~ code;

(11) The state aid programs for students of veterinary medicine pursuant to ~~section six-a, article eleven, chapter eighteen~~ §18-11-6a of this code;

(12) Any reciprocal program and contract program for student aid established pursuant to ~~sections three and four, article four, chapter eighteen b~~ §18B-4-3 and §18B-4-4 of this code;

(13) Any other state-level student aid programs in this code; and

(14) Any federal grant or contract student assistance or support programs administered at the state level.

(e) Notwithstanding any provision of this chapter to the contrary, the Vice Chancellor for Administration shall ~~prepare a single, comprehensive report~~ publish comprehensive data to the official websites of the commission and council regarding the implementation of the financial aid programs identified in subsection (d) of this section which are administered under his or her supervision. ~~The~~ A concise summary report shall be provided to the commission and the council and shall be presented to the Legislative Oversight Commission on Education Accountability no later than ~~November 30, 2009, and annually thereafter~~ January 1 annually. The report shall address all financial aid issues for which reports are required in this code, as well as any findings and recommendations.”

The bill was then ordered to third reading.

S. B. 676, Relating to off-road vehicle recreation; on second reading, coming up in regular order, was read a second time and ordered to third reading.

First Reading

The following bills on first reading, coming up in regular order, were each read a first time and ordered to second reading:

S. B. 16, Authorizing expenditure of surplus funds by Wyoming County Commission,

Com. Sub. for S. B. 30, Eliminating tax on annuity considerations collected by life insurer,

S. B. 36, Allowing adjustment of gross income for calculating personal income liability for certain retirees,

Com. Sub. for S. B. 40, Establishing Military Service Members Court program,

Com. Sub. for S. B. 103, Relating generally to Public Defender Services,

Com. Sub. for S. B. 147, Shifting funding from Landfill Closure Assistance Fund to local solid waste authorities,

Com. Sub. for S. B. 152, Relating generally to criminal offense expungement,

Com. Sub. for S. B. 264, Requiring courts to order restitution to crime victims where economically practicable,

Com. Sub. for S. B. 291, Relating generally to survivor benefits for emergency response providers,

Com. Sub. for S. B. 329, Relating to agricultural education in high schools,

Com. Sub. for S. B. 340, Repealing obsolete provisions of code relating to WV Physicians Mutual Insurance Company,

Com. Sub. for S. B. 369, Relating to generic drug products,

Com. Sub. for S. B. 396, Waiving occupational licensing fees for low-income individuals and military families,

Com. Sub. for S. B. 398, Relating to compensation for senior judges,

S. B. 461, Providing for personal income tax withholding on certain lottery winnings,

S. B. 499, Amending WV tax laws to conform to changes in partnerships for federal income tax purposes,

Com. Sub. for S. B. 502, Exempting sales of investment metal bullion and coins,

Com. Sub. for S. B. 538, Relating to WV Highway Design-Build Pilot Program,

Com. Sub. for S. B. 539, Relating to accrued benefit of retirees in WV State Police Retirement System Plan B,

Com. Sub. for S. B. 543, Relating generally to automobile warranties and inspections,

S. B. 550, Declaring certain claims to be moral obligations of state,

Com. Sub. for S. B. 561, Permitting Alcohol Beverage Control Administration request assistance of local law enforcement,

Com. Sub. for S. B. 601, Relating to mandatory supervision of adult inmates,

Com. Sub. for S. B. 603, Exempting certain activities from licensing requirements for engaging in business of currency exchange,

Com. Sub. for S. B. 613, Requiring DNR include election of organ donation on hunting licenses,

Com. Sub. for S. B. 622, Relating generally to regulation and control of financing elections,

Com. Sub. for S. B. 632, Improving student safety,

Com. Sub. for S. B. 640, Regulating sudden cardiac arrest prevention,

S. B. 656, Relating to electronic filing of tax returns,

S. B. 665, Allowing for expedited oil and gas well permitting,

S. B. 669, Allowing appointment of commissioners to acknowledge signatures,

And,

S. B. 670, Relating to WV College Prepaid Tuition and Savings Program.

At 1:33 p.m., the House of Delegates recessed until 4:30 p.m.

* * * * *

Afternoon Session

* * * * *

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

In the absence of objection, the House of Delegates returned to the Third Order of Business for the purpose of receiving committee reports.

Committee Reports

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

Your Committee on Finance has had under consideration:

S. B. 544, Increasing salaries for members of WV State Police over three-year period,

And reports the same back, with amendment, with the recommendation that it do pass, as amended.

In the absence of objection, the bill (S. B. 544) was taken up for immediate consideration, read a first time and ordered to second reading.

Delegate Capito, Chair of the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled and, on the 6th day of March, 2019, presented to His Excellency, the Governor, for his action, the following bill,

signed by the President of the Senate and the Speaker of the House of Delegates.

H. B. 2759, Providing for the ancillary administration of West Virginia real estate owned by nonresidents by affidavit and without administration.

Delegate Capito, Chair of the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled and, on the 6th day of March, 2019, presented to His Excellency, the Governor, for his action, the following bill(s), signed by the President of the Senate and the Speaker of the House of Delegates.

Com. Sub. for H. B. 2740, Barring a parent from inheriting from a child in certain instances.

Delegate Capito, Chair of the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled and, on the 6th day of March, 2019, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates.

Com. Sub. for H. B. 2476, Relating to the valuation of a motor vehicle involved in an insurance claim,

And

H. B. 2691, Providing that a license to carry a concealed deadly weapon expires on the holder's birthday.

Delegate Shott, Chair of the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration:

H. C. R. 33, Applying to the Congress of the United States to call a convention for proposing amendments pursuant to Article V,

And,

H. C. R. 61, Applying to and urging Congress to call a convention of the states to limit the terms of office,

And reports the same back with the recommendation that they each be adopted, but that they first be referred to the Committee on Rules.

The Speaker referred the resolutions (H. C. R. 33 and H. C. R. 61) to the Committee on Rules.

Mr. Speaker (Mr. Hanshaw), Chair of the Committee on Rules, submitted the following report, which was received:

Your Committee on Rules has had under consideration:

H. C. R. 10, Resiliency Week,

H. C. R. 14, U. S. Army CPT Benjamin Ronk Memorial Bridge,

H. C. R. 28, Charleston Police Capt. Jerry D. Hill Memorial Bridge,

H. C. R. 36, SPEC 5 Garry Monzel ‘Michael’ Shannon Memorial Bridge,

Com. Sub. for H. C. R. 42, U. S. Navy Petty Officer 2d Class Joseph Allen Ashley Memorial Bridge,

H. C. R. 54, U. S. Navy AOAN David ‘Wayne’ Cornell Memorial Bridge,

Com. Sub. for H. C. R. 64, U. S. Army CPL Jerry Lee Noble Memorial Bridge,

H. C. R. 68, Bluefield Police Lt. Aaron L. Crook Memorial Road,

Com. Sub. for H. C. R. 72, U. S. Army PFC Harold Paul Cottle Memorial Highway,

H. C. R. 73, U. S. Army SGT Matthew T. Miller Memorial Bridge,

Com. Sub. for H. C. R. 76, Reverend Lonnie Ramsey Memorial Bridge,

H. C. R. 85, Requesting the Joint Committee on Government and Finance study the feasibility of combining the volunteer fire departments,

H. C. R. 86, Requesting study of municipal and county governments for efficiencies and economies of scale,

H. C. R. 87, Requesting the Joint Committee on Government and Finance study the Public Service Commission,

H. C. R. 88, Requesting the Joint Committee on Government and Finance study the Board of Risk and Insurance Management,

H. C. R. 91, U. S. Army SGT. Robert Henry Waggy Memorial Bridge,

H. R. 11, Recognizing the importance of the Atlantic Coast Pipeline,

H. R. 6, Recognizing the importance of West Virginia's energy resources and critical energy infrastructure to support economic development and national security,

S. C. R. 23, Jeffrey Alan Clovis Memorial Bridge,

And,

Com. Sub. for S. C. R. 25, US Army PFC Andrew "Bo" Martin Harper Memorial Bridge,

And reports the same back with the recommendation that they each be adopted.

Messages from the Executive

The following Proclamation of His Excellency, the Governor, was laid before the House of Delegates and read by the Clerk:

STATE OF WEST VIRGINIA
EXECUTIVE DEPARTMENT
Charleston

A P R O C L A M A T I O N

By the Governor

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

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

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

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

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

WHEREAS, the Budget Bill has not been finally acted upon by the Legislature as of this sixth day of March, two thousand nineteen.

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

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



DONE at the Capitol in the City of Charleston, State of West Virginia, on this the sixth day of March, in the year of our Lord, Two Thousand Nineteen, and in the One Hundred Fifty-Sixth year of the State.

James Justice,
Governor

By the Governor

MAC WARNER
Secretary of State

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

State of West Virginia
OFFICE OF THE GOVERNOR
Charleston, WV

**HOUSE EXECUTIVE MESSAGE NO. 2
2019 REGULAR SESSION**

The Honorable Roger Hanshaw
Speaker, West Virginia House of Delegates
Building 1, Room M-228
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305

Dear Speaker Hanshaw:

The following amends and replaces the “FY 2019 Official Estimate General Revenue – Statement of Revenues by Source” which I submitted to you on January 9, 2019 as part of my Budget Document for the fiscal year ending June 30, 2019:

General Revenue Fund

Statement of Revenues by Source

(Expressed in Thousands)

	FY 2019
	Official
<u>Source of Revenue</u>	<u>Estimate Revised</u>
Business and Occupation Tax	\$ 117,500
Consumer Sales & Service and Use Tax	1,358,000
Personal Income Tax	2,054,000
Liquor Profit Transfers	20,800
Beer Tax and Licenses	7,500
Tobacco Products Tax	179,700
Business Franchise Fees	670
Property Transfer Tax	13,000

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Property Tax		6,900
Insurance Tax		123,500
Departmental Collections		23,600
Corporate Net Income Tax		155,713
Miscellaneous Transfers		1,000
Interest Income		23,000
Severance Tax		424,000
Miscellaneous Receipts		10,700
HB102 – Lottery Transfers		65,000
Special Revenue Transfers		13,250
Senior Citizen Tax Credit Reimbursement		<u>10,000</u>
Total General Revenue		<u>\$ 4,607,833</u>

Note: The Governor’s official Revenue Estimates for Fiscal Year 2019 were revised upward by \$25.913 million at the beginning of March. The changes include an increase in the Consumer Sales & Service Tax and Use Tax estimate, Corporate Net Income Tax estimate, and the Severance Tax estimate. These revisions are reflected in the estimates for the first eight months of the fiscal year. As a result of these revisions, cumulative revenue collections at the end of February were \$27.143 million above the cumulative estimate.

The following amends and replaces the FY 2019 “General Revenue Fund – Statement of Revenues, Expenditures, and Changes in Cash Balance” which I submitted to you on January 9, 2019 as part of my Budget Document for the fiscal year ending June 30, 2020:

General Revenue Fund

Statement of Revenues, Expenditures, and Changes in Cash
Balance

(Nearest Dollar)

Actual Beginning Cash Balance July 1, 2018	\$377,650,037
Less: 31 Day Disbursements (July 1, 2018 - July 31, 2018)	(42,888,978)
Plus: Prior Year Reimbursements (July 1, 2018 - July 31, 2018)	27,203
Less: Prior Year Appropriations Forwarded	(297,422,832)
Less: Cash Balance - Adjustments and Accruals	<u>(1,337,913)</u>
Accumulated Surplus from FY 2018 @ July 31, 2018	\$36,027,517
Less: Transfer to Revenue Shortfall Reserve Fund (Statutory)	(18,013,759)
Less: FY 2019 Surplus Appropriation (FY 2019 Budget Bill)	(13,765,000)
Plus: Prior Year Reimbursements and adjustments	
(August 1, 2018 – February 22, 2019)	<u>391,340</u>
Estimated Unappropriated Surplus Balance @ June 30, 2019	\$4,640,098
Plus: FY 2019 Revenue Estimate	\$4,439,920,000
Plus: FY 2019 Revision to Revenue Estimate (2019 Regular Session)	142,000,000
Plus: FY 2019 Revision to Revenue Estimate (2019 Regular Session) 3/5/2019	25,913,000

2019]

HOUSE OF DELEGATES

2573

Less: FY 2019 Appropriations (FY 2019 Budget Bill)
(2018 Regular Session) (4,381,808,884)

Plus: FY 2019 Appropriations (FY 2019 Budget Bill) veto 0

Less: **Recommended** FY 2019 increases to
FY 2019 Appropriations (2019 Regular Session)(226,023,199)

Estimated Unappropriated Balance from FY 2019
Activity @ June 30, 2019 **\$917**

Plus: FY 2020 Revenue Estimate \$4,675,820,000

Less: **Recommended** FY 2020 Appropriations
(FY 2020 Budget Bill)
(2019 Regular Session) (4,675,361,773)

Estimated Unappropriated Balance from
FY 2020 Activity @ June 30, 2020 **\$458,227**

Total Estimated Unappropriated Balance @ June 30, 2020 **\$5,099,242**

Thank you for your cooperation in this matter.

Sincerely,

Jim Justice
Governor

Messages from the Senate

A message from the Senate, by

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

H. B. 2009, Creating a new category of Innovation in
Education grant program.

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

On page two, section eight, line thirty-two, by striking out the word “assess” and inserting in lieu thereof the word “assesses”.

On page two, section eight, line thirty-two, by striking out the word “allow” and inserting in lieu thereof the word “allows”.

On page two, section eight, line thirty-three, by striking out the words “create an” and inserting in lieu thereof the words “creates a”.

On page two, section eight, line thirty-seven, before the words “Incubator process” by inserting “(1)”.

On page three, section eight, line forty-four, after the word “education” by changing the period to a semicolon and adding the word “and”.

On page three, section eight, line forty-five, before the words “Mastery-based education”, by inserting “(2)”.

On page three, section eight, line fifty-seven, by striking out the word “and” and inserting in lieu thereof the word “or”.

On page three, section eight, after line fifty-seven, by inserting a new paragraph, designated paragraph (G), to read as follows:

“(G) May include an educational method or technique not meeting all other aspects of this definition if the state board determines that the method or technique is proven to advance student achievement more than other education systems meeting all aspects of this definition.”

On page four, section eight, lines seventy-five through seventy-eight, by striking out all of subdivision (3) and inserting in lieu thereof the following:

“(3) Legislative appropriations made for Innovation in Education/Mastery-Based schools shall be deposited in the

Innovation in Education Fund created in §18-5D-7 of this code and may be distributed consistent with §18-5E-7 of this code.”

And,

On page four, section eight, line eighty, by striking out the words “Schools/Mastery-Based” and inserting in lieu thereof the words “Education/Mastery-Based”.

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

A message from the Senate, by

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

Com. Sub. for H. B. 2193, Providing a specific escheat of US savings bonds.

Delegate Summers moved that the House concur in the following amendment by the Senate, with further amendment:

On page six, after line forty-five, by adding a new subsection, designated subsection (g), to read as follows:

“(g) Notwithstanding the provisions of §36-8-15 and §36-8-16 of this code, any person making a claim for the United States savings bonds escheated to the State of West Virginia under this section, or for the proceeds from such bonds, may file a claim with the administrator pursuant to §36-8-15 of this code. Upon providing sufficient proof of the validity of such person’s claim, the administrator may, in his or her sole discretion, pay such claim less any expenses and costs which have been incurred by the state in securing full title and ownership of such property by escheat. If payment has been made to any claimant, no action thereafter may be maintained by any other claimant against the state or any officer thereof, for, or on account of, such funds.”

On motion of Delegate Summers, the House concurred in the Senate amendment with further amendment, on page one, after the

enacting clause, by striking out the remainder of the bill and inserting in lieu thereof the following:

“ARTICLE 8. UNIFORM UNCLAIMED PROPERTY ACT.

§36-8-1. Definitions.

As used in this article:

(1) ‘Administrator’ means the State Treasurer.

(2) ‘Apparent owner’ means a person whose name appears on the records of a holder as the person entitled to property held, issued or owing by the holder.

(3) ‘Business association’ means a corporation, joint stock company, investment company, partnership, unincorporated association, joint venture, limited liability company, business trust, trust company, safe deposit company, financial organization, insurance company, mutual fund, utility or other business entity consisting of one or more persons, whether or not for profit.

(4) ‘Domicile’ means the state of incorporation of a corporation and the state of the principal place of business of a holder other than a corporation.

(5) ‘Financial organization’ means a savings and loan association, bank, banking organization or credit union.

(6) ‘Holder’ means a person obligated to hold for the account of, or deliver or pay to, the owner property that is subject to this article.

(7) ‘Insurance company’ means an association, corporation, or fraternal or mutual benefit organization, whether or not for profit, engaged in the business of providing life endowments, annuities or insurance, including accident, burial, casualty, credit life, contract performance, dental, disability, fidelity, fire, health, hospitalization, illness, life, malpractice, marine, mortgage, surety, wage protection and workers’ compensation insurance.

(8) 'Mineral' means gas; oil; coal; other gaseous, liquid and solid hydrocarbons; oil shale; cement material; sand and gravel; road material; building stone; chemical raw material; gemstone; fissionable and nonfissionable ores; colloidal and other clay; steam and other geothermal resource; or any other substance defined as a mineral by the law of this state.

(9) 'Mineral proceeds' means amounts payable for the extraction, production or sale of minerals, or, upon the abandonment of those payments, all payments that become payable thereafter. The term includes amounts payable:

(i) For the acquisition and retention of a mineral lease, including bonuses, royalties, compensatory royalties, shut-in royalties, minimum royalties and delay rentals;

(ii) For the extraction, production or sale of minerals, including net revenue interests, royalties, overriding royalties, extraction payments and production payments; and

(iii) Under an agreement or option, including a joint operating agreement, unit agreement, pooling agreement and farm-out agreement.

(10) 'Money order' includes an express money order and a personal money order, on which the remitter is the purchaser. The term does not include a bank money order or any other instrument sold by a financial organization if the seller has obtained the name and address of the payee.

(11) 'Owner' means a person who has a legal or equitable interest in property subject to this article or the person's legal representative. The term includes a depositor in the case of a deposit, a beneficiary in the case of a trust other than a deposit in trust, and a creditor, claimant or payee in the case of other property.

(12) 'Person' means an individual, business association, financial organization, estate, trust, government, governmental subdivision, agency or instrumentality, or any other legal or commercial entity.

(13) ‘Property’ means tangible personal property described in section three of this article or a fixed and certain interest in intangible personal property that is held, issued or owed in the course of a holder’s business, or by a government, governmental subdivision, agency or instrumentality, and all income or increments therefrom. The term includes property that is referred to as or evidenced by:

(i) Money, a check, draft, warrant for payment issued by the State of West Virginia, deposit, interest or dividend;

(ii) Credit balance, customer’s overpayment, gift certificate, security deposit, refund, credit memorandum, unpaid wage, unused ticket, mineral proceeds or unidentified remittance;

(iii) Stock or other evidence of ownership of an interest in a business association or financial organization;

(iv) A bond, debenture, note or other evidence of indebtedness;

(v) Money deposited to redeem stocks, bonds, coupons or other securities or to make distributions;

(vi) An amount due and payable under the terms of an annuity or insurance policy, including policies providing life insurance, property and casualty insurance, workers’ compensation insurance or health and disability insurance; and

(vii) An amount distributable from a trust or custodial fund established under a plan to provide health, welfare, pension, vacation, severance, retirement, death, stock purchase, profit sharing, employee savings, supplemental unemployment insurance or similar benefits.

(14) ‘Record’ means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(15) ‘State’ means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico or any territory or insular possession subject to the jurisdiction of the United States.

(16) ‘United States savings bond’ means property, tangible or intangible, in the form of a savings bond issued by the United States Treasury whether in paper form, electronic or paperless form, along with the proceeds thereof.

~~(16)~~ (17) ‘Utility’ means a person who owns or operates for public use any plant, equipment, real property, franchise or license for the transmission of communications or the production, storage, transmission, sale, delivery or furnishing of electricity, water, steam or gas as defined in §24-1-2 of this code.

§36-8-2a. Escheat of United States savings bonds.

(a) Notwithstanding any other section of this article or any other section of this code to the contrary, United States savings bonds held or owing in this state by any person, or issued, or owed, in the course of a holder’s business, by a state or other government, governmental subdivision, agency, or instrumentality, and all proceeds thereof, shall be presumed abandoned in the state if:

(1) The last known address of the owner of the United States savings bond is in this state; and

(2) The United States savings bond has remained unclaimed and unredeemed for a period of five years after final maturity.

(b) United States savings bonds which are presumed abandoned under §36-8-2a(a) of this code, including bonds in the possession of the administrator, and those lost, stolen or destroyed bonds registered to persons with last known addresses in this state, shall, upon satisfaction by the administrator of the requirements of §36-8-2a(c) through (e) of this code, escheat to the State of West Virginia one year after such bonds are presumed abandoned, and all property rights and legal title to, and ownership of, the United States savings bonds or proceeds from the bonds, including all rights, powers and privileges of survivorship of any owner, co-owner, or beneficiary, shall vest solely in the State of West Virginia, subject only to the provisions of §36-8-15 and §36-8-16 of this code.

(c) After the expiration of the one-year period prescribed in §36-8-2a(b) of this code, if no claim has been filed pursuant to the provisions of §36-8-15 and §36-8-16 of this code for such United States savings bonds, but before such savings bonds escheat to the State of West Virginia, a civil action must be commenced by the administrator in the circuit court of Kanawha County, or in any other court of competent jurisdiction, for a determination that such United States savings bonds shall escheat to the State of West Virginia.

(d) The administrator shall make service by publication of the civil action in accordance with Rule 4(e) of the West Virginia Rules of Civil Procedure.

(e) Any person claiming ownership, including all persons claiming rights, powers and privileges of survivorship and any co-owner or beneficiary, or his or her agent, may appear and defend his or her rights to the subject bond or bonds, and if the court is satisfied that the claimant is entitled to the bond or bonds, the court may award judgment in the claimant's favor. If no person files a claim or appears at the hearing to substantiate a claim, or if the court determines that a claimant is not entitled to the property claimed by such claimant, then the court, if satisfied by evidence that the administrator has substantially complied with this section, shall enter a judgment that the subject United States savings bonds have escheated to the State of West Virginia, and all property rights and legal title to and ownership of such United States savings bonds or proceeds from such bonds, including all rights, powers and privileges of survivorship of any owner, co-owner or beneficiary, shall vest solely in the State of West Virginia.

(f) Upon being awarded a judgment that the United States savings bond or bonds have escheated to the State of West Virginia, the administrator shall redeem such United States savings bonds. Upon recovery of the proceeds of any United States savings bonds, the administrator shall first pay all costs incident to the collection and recovery of such proceeds from the proceeds of such United States savings bonds and shall thereafter promptly deposit the remaining balance of such proceeds into the Unclaimed Property Fund pursuant to §36-8-13 of this code.

(g) Notwithstanding any other section of this article or any other section of this code to the contrary, any person making a claim for a United States savings bond escheated to the State of West Virginia under this section, or for the proceeds of such bond, may file a claim with the administrator pursuant to §36-8-15 of this code. Upon receipt of sufficient proof of the validity of such person's claim, the administrator may, in his or her sole discretion, pay such claim less any expenses and costs which have been incurred by the state in securing full title and ownership of such property by escheat. If payment has been made to any claimant, no action thereafter may be maintained by any other claimant against the state or any officer thereof, for, or on account of, such funds."

And,

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

Com. Sub. for H. B. 2193 - "A Bill to amend and reenact §36-8-1 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §36-8-2a, all relating to providing for the specific escheat of United States savings bonds and all rights and legal title thereto; defining 'United States savings bond'; providing that a United States savings bond held or owing in West Virginia shall be presumed abandoned if the last known address of the owner is in West Virginia and the United States savings bond has remained unclaimed and unredeemed for a period of five years after final maturity; setting forth a procedure by which abandoned, lost, stolen and destroyed United States savings bonds may escheat to the state; requiring the State Treasurer to commence a civil action for a determination that a United States savings bond shall escheat to the state; requiring service by publication; providing that claimants may appear in court to defend their right to the subject bond or bonds; requiring the court to enter a judgment vesting title in the state if the State Treasurer has substantially complied with required procedure and no valid claim is made for a United States savings bond; requiring the Treasurer to redeem United States savings bonds that have escheated to the state; permitting the State Treasurer to pay collection and recovery costs from United States savings bond proceeds; requiring the State Treasurer to deposit remaining balance of proceeds into the Unclaimed Property Fund; permitting

persons to file claims for escheated United States savings bonds or proceeds thereof after a United States savings bond has escheated to the state; and barring subsequent actions against the state after payment has been made to a claimant.”

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 499**), and there were—yeas 72, nays 22, absent and not voting 6, with the nays and absent and not voting being as follows:

Nays: Angelucci, Barrett, Bates, Bibby, S. Brown, Campbell, Caputo, Doyle, Fleischauer, Fluharty, Hansen, Hornbuckle, J. Jeffries, Lavender-Bowe, Linville, Longstreth, Paynter, Pyles, Sponaugle, Walker, Williams and Wilson.

Absent and Not Voting: Boggs, Harshbarger, Queen, Storch, C. Thompson and Westfall.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2193) passed.

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

A message from the Senate, by

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

Com. Sub. for H. B. 2362, Ardala Miller Memorial Act.

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

On page one, by striking out everything after the article heading and inserting in lieu thereof the following:

“§3-3-1. Persons eligible to vote absentee ballots.

(a) All registered and other qualified voters of the county may vote an absentee ballot during the period of early voting in person.

(b) Registered voters and other qualified voters in the county are authorized to vote an absentee ballot by mail in the following circumstances:

(1) Any voter who is confined to a specific location and prevented from voting in person throughout the period of voting in person because of:

(A) Illness, injury, or other medical reason;

(B) Physical disability or immobility due to extreme advanced age; or

(C) Incarceration or home detention: *Provided*, That the underlying conviction is not for a crime which is a felony or a violation of §3-9-12, §3-9-13, or §3-9-16 of this code involving bribery in an election;

(2) Any voter who is absent from the county throughout the period and available hours for voting in person because of:

(A) Personal or business travel;

(B) Attendance at a college, university, or other place of education or training; or

(C) Employment which because of hours worked and distance from the county seat make voting in person impossible;

(3) Any voter absent from the county throughout the period and available hours for voting in person and who is an absent uniformed services voter or overseas voter, as defined by 42 U.S.C. §1973, *et seq.*, the Uniformed and Overseas Citizens Absentee Voting Act of 1986, including members of the uniformed services on active duty, members of the merchant marine, spouses and dependents of those members on active duty and persons who reside outside the United States and are qualified to vote in the last place in which the person was domiciled before leaving the United States;

(4) Any voter who is required to dwell temporarily outside the county and is absent from the county throughout the time for voting in person because of:

(A) Serving as an elected or appointed federal or state officer;
or

(B) Serving in any other documented employment assignment of specific duration of four years or less;

(5) Any voter for whom the designated area for absentee voting within the county courthouse or annex of the courthouse and the voter's assigned polling place are inaccessible because of his or her physical disability; and

(6) Any voter who is participating in the Address Confidentiality Program as established by §48-28A-103 of this code.

(c) Registered voters and other qualified voters in the county may, in the following circumstances, vote an emergency absentee ballot, subject to the availability of the services as provided in this article:

(1) Any voter who is confined or expects to be confined in a hospital or other duly licensed health care facility within the county of residence or other authorized area, as provided in this article, on the day of the election;

(2) Any voter who resides in a nursing home within the county of residence and would be otherwise unable to vote in person, providing the county commission has authorized the services if the voter has resided in the nursing home for a period of less than 30 days; ~~and~~

(3) Any voter who becomes confined, on or after the seventh day preceding an election, to a specific location within the county because of illness, injury, physical disability, immobility due to advanced age, or another medical reason: *Provided*, That the county clerk may require a written confirmation by a licensed physician, physician's assistant, or advanced practice registered

nurse that the voter meets the criteria of this subdivision before permitting such voter to vote an emergency absentee ballot; and

~~(3)~~ (4) Any voter who is working as a replacement poll worker and is assigned to a precinct out of his or her voting district, if the assignment was made after the period for voting an absentee ballot in person has expired.

§3-3-5c. Procedures for voting an emergency absentee ballot by qualified voters.

(a) Notwithstanding any other provision of this chapter, a person qualified to vote an emergency absentee ballot, as provided in §3-3-1(c) of this code, may vote an emergency absentee ballot under the procedures established in this section. The county commission may adopt a policy extending the emergency absentee voting procedures to: (1) Qualified voters in hospitals or other duly licensed health care facilities within an adjacent county or within 35 miles of the county seat; ~~or~~ (2) qualified voters in nursing homes within the county; or (3) qualified voters who become confined, on or after the seventh day preceding an election, to a specific location within the county because of illness, injury, physical disability, immobility due to advanced age, or another medical reason: *Provided,* That the policy is to be adopted by the county commission at least 90 days prior to the election that will be affected and a copy of the policy is to be filed with the Secretary of State.

(b) On or before the 56th day preceding the date on which any election is to be held, the official designated to supervise and conduct absentee voting shall notify the county commission of the number of sets of emergency absentee ballot commissioners which he or she determines necessary to perform the duties and functions pursuant to this section.

(c) A set of emergency absentee ballot commissioners at-large shall consist of two persons with different political party affiliations appointed by the county commission in accordance with the procedure prescribed for the appointment of election commissioners under the provisions of §3-1-1 *et seq.* of this code.

Emergency absentee ballot commissioners have the same qualifications and rights and take the same oath required under the provisions of this chapter for commissioners of elections. Emergency absentee ballot commissioners are to be compensated for services and expenses in the same manner as commissioners of election or poll clerks obtaining and delivering election supplies under the provisions of §3-1-44 of this code.

(d) Upon request of the voter or a member of the voter's immediate family or, when the county commission has adopted a policy to provide emergency absentee voting services to nursing home residents within the county, upon request of a staff member of the nursing home, the official designated to supervise and conduct absentee voting, upon receiving a proper request for voting an emergency absentee ballot no earlier than the seventh day next preceding the election and no later than noon of election day shall supply to the emergency absentee ballot commissioners the application for voting an emergency absentee ballot and the balloting materials. The emergency absentee ballot application is to be prescribed by the Secretary of State and is to include the name, residence address and political party affiliation of the voter, the date, location and reason for confinement in the case of an emergency, and the name of the attending physician.

(e) The application for an emergency absentee ballot is to be signed by the person applying. If the person applying for an emergency absentee ballot is unable to sign his or her application because of illiteracy or physical disability, he or she is to make his or her mark on the signature line provided for an illiterate or disabled applicant, the mark is to be witnessed. The person assisting the voter and witnessing the mark of the voter shall sign his or her name in the space provided.

(f) A declaration is to be completed and signed by each of the emergency absentee ballot commissioners, stating their names, the date on which they appeared at the place of confinement of the person applying for an emergency absentee ballot, and the particulars of the confinement.

(g) At least one of the emergency absentee ballot commissioners receiving the balloting materials shall sign a receipt which is to be attached to the application form. Each of the emergency absentee ballot commissioners shall deliver the materials to the absent voter, await his or her completion of the application and ballot and return the application and the ballot to the official designated to supervise and conduct absentee voting. Upon delivering the application and the voted ballot to the official, the emergency absentee ballot commissioners shall sign an oath that no person other than the absent voter voted the ballot. The application and the voted ballot are to be returned to the official designated to supervise and conduct absentee voting prior to the close of the polls on election day. Any ballots received by the official after the time that delivery may reasonably be made but before the closing of the polls are to be delivered to the canvassing board along with the absentee ballots challenged in accordance with the provisions of §3-3-10 of this code.

(h) Upon receiving the application and emergency absentee ballot, the official designated to supervise and conduct absentee voting shall ascertain whether the application is complete, whether the voter appears to be eligible to vote an emergency absentee ballot, and whether the voter is properly registered to vote with the office of the clerk of the county commission. If the voter is found to be properly registered in the precinct shown on the application, the ballot is to be delivered to the precinct election commissioner pursuant to §3-3-7 of this code. If the voter is found not to be registered or is otherwise ineligible to vote an emergency ballot, the ballot is to be challenged for the appropriate reason provided for in §3-3-10 of this code.

(i) If either or both of the emergency absentee ballot commissioners refuse to sign any application for voting an emergency absentee ballot, the voter may vote as an emergency absentee and the ballot will be challenged in accordance with the provisions of §3-3-10 of this code, in addition to those absentee ballots subject to challenge as provided in that section.

(j) Any voter who receives assistance in voting an emergency absentee ballot shall comply with the provisions of §3-3-6 of this

code. Any other provisions of this chapter relating to absentee ballots not altered by the provisions of this section are to govern the treatment of emergency absentee ballots.”

And,

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

Com. Sub. for H. B. 2362 - “A Bill to amend and reenact §3-3-1 and §3-3-5c of the Code of West Virginia, 1931, as amended, all relating to emergency absentee ballots; providing that persons who become confined to a particular location on or after the seventh day preceding an election, because of illness, injury, physical disability, immobility due to extreme advanced age, or other medical reason, may vote an emergency absentee ballot; providing that a county commission may adopt a policy extending emergency absentee voting procedures to qualified voters who are eligible to vote an emergency absentee ballot; and providing that a county clerk may require written confirmation by certain licensed medical professionals that a voter meets the criteria to vote an emergency absentee ballot based on confinement.”

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 500**), and there were—yeas 94, nays none, absent and not voting 6, with the absent and not voting being as follows:

Absent and Not Voting: Boggs, Harshbarger, Queen, Storch, C. Thompson and Westfall.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2362) passed.

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

A message from the Senate, by

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

H. B. 2509, Clarifying that theft of a controlled substance is a felony.

On motion of Delegate Summers, the House of Delegates concurred in the following Senate title amendment:

H. B. 2509 - “A Bill to amend and reenact §60A-4-403 of the Code of West Virginia, 1931, as amended, relating to creating the felony offense of a theft of a controlled substance; and establishing penalties.”

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 501**), and there were—yeas 67, nays 27, absent and not voting 6, with the nays and absent and not voting being as follows:

Nays: Angelucci, Barrett, Bates, N. Brown, S. Brown, Byrd, Campbell, Caputo, Cowles, Diserio, Estep-Burton, Fleischauer, Fluharty, Hansen, Hill, Lavender-Bowe, Linville, Longstreth, McGeehan, Miley, Pethtel, Pushkin, Pyles, Robinson, Rowe, Sponaugle and Walker.

Absent and Not Voting: Boggs, Harshbarger, Queen, Storch, C. Thompson and Westfall.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2509) passed.

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

A message from the Senate, by

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

H. B. 2530, Creating a voluntary certification for recovery residences.

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

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

“ARTICLE 56. CERTIFICATION OF RECOVERY RESIDENCES

§16-56-1. Definitions

As used in this article, the term:

(1) ‘Certificate of compliance’ means a certificate that is issued to a recovery residence by the Department’s appointed certifying agency.

(2) ‘Certified recovery residence’ means a recovery residence that holds a valid certificate of compliance.

(3) ‘Department’ means the Department of Health and Human Resources.

(4) ‘Recovery residence’ means a single family, drug-free and alcohol-free residential dwelling unit, or other form of group housing, that is offered or advertised by any person or entity as a residence that provides a drug-free and alcohol-free living environment for the purposes of promoting sustained, long-term recovery from substance use disorder.

§16-56-2. Voluntary Certification of Recovery Residences.

(a) The Department shall contract with an entity to serve as the certifying agency for a voluntary certification program for drug-free and alcohol-free recovery residences based upon standards determined by the National Alliance for Recovery Residences (NARR) or a similar entity. The certifying agency shall establish and implement an accreditation program for drug-free and alcohol-free recovery residences that shall maintain nationally-recognized standards that:

(1) Uphold industry best practices and support a safe, healthy and effective recovery environment;

(2) Evaluate the residence's ability to assist persons in achieving long-term recovery goals;

(3) Protect residents of drug and alcohol free housing against unreasonable and unfair practices in setting and collecting fee payments.

(b) The Department shall require the recovery residence to submit the following:

(1) Documentation verifying certification as specified and administered by the certifying agency;

(2) If a municipality or county offers or requires verification of compliance with local building, maximum occupancy, fire safety and sanitation codes applicable to single family housing, documentation of verification by the municipality or county where the recovery residence is located stating that the recovery residence is in compliance.

(c) If a municipality or county offers or requires verification of compliance with local building, maximum occupancy, fire safety and sanitation codes applicable to single family housing, the municipality or county must perform requested or required inspections within 30 days of receiving a request for verification. If a residence is located within a municipality or county that offers or requires verification of compliance with local building, maximum occupancy, fire safety and sanitation codes applicable to single family housing, and the municipality or county fails to perform requested or required inspections within 30 days of receiving a request for verification, the residence may apply for and be granted certification directly through the certifying agency without the aforementioned verification.

(d) Upon receiving a complete application, the certifying agency shall evaluate the residence to determine if the residence is in compliance with national best-practice standards and safety requirements. Additionally, any application of the items specified in this section, must comply with the Fair Housing Act, 42 U.S.C.

§ 3601 et seq. and the Americans with Disabilities Act of 2008, 42 U.S.C. § 12101 et seq.

(1) If it is determined that the residence is in compliance, the certification agency shall issue a certificate of compliance to the recovery residence operator for the specific recovery residence location set forth in the application.

(2) Each residence location, even if operated by the same person or entity, must maintain a certificate of compliance for the purposes of this article.

(e) The certifying agency may suspend or revoke a certificate of compliance if the recovery residence is not in compliance with any provision of this section or has failed to remedy any deficiency identified in writing and served by certified mail. Suspension or revocation may take place after a notice of deficiency is served and has existed for at least 30 days.

(f) The certifying agency shall implement and maintain a process by which a residence whose certification has been suspended or revoked may apply for and be granted reinstatement. If a municipality or county offers or requires verification of compliance with local building, maximum occupancy, fire safety and sanitation codes applicable to single family housing, and if the residence's certification suspended or revoked for non-compliance with local building, maximum occupancy, fire safety and sanitation codes applicable to single family housing the municipality or county may charge a fee of up to \$100.00 for any requested re-inspection of a recovery residence by the residence seeking reinstatement.

(g) The Department shall periodically evaluate the quality, integrity, and efficacy of the accreditation program developed. The certifying agency, in consultation with the Department, shall promulgate rules subject to legislative approval in accordance with §29A-3-1 et seq. of this code to implement this section that shall include a process for receiving complaints against drug-free and alcohol-free recovery residences and criteria by which such residences' certifications can be revoked.

(h) A person may not advertise to the public, any recovery residence as a 'certified recovery residence' unless the recovery residence has first secured a certificate of compliance under this section. A person who violates this subsection commits a misdemeanor, punishable by a fine of not less than \$1,000.00 nor more than \$5,000.00 for each infraction.

(i) Nothing herein shall be read to require any recovery residence to obtain certifications set forth herein in order to conduct operations.

§16-56-3 Referrals to Recovery Residences; Prohibitions; Receipt of State Funds.

(a) The certifying agency shall maintain, publish and disseminate a list of drug and alcohol free housing certified pursuant to this section. This list shall be disseminated to the Department for use by each state agency or vendor with a statewide contract that provides substance use disorder treatment services. The list shall also be posted on the website maintained by the certifying agency.

(b) The Division of Corrections and Rehabilitation, the Parole Board, county probation offices, day report centers, municipal courts, and a medical or clinical treatment facility that receives any funds for its operations from the state treasury, may not make a referral of any prisoner, parolee, probationer, or prospective, current, or discharged patient or client to a recovery residence unless the recovery residence holds a valid certificate of compliance as provided in §16-56-2 of this code.

(c) No recovery residence is eligible to receive funds from any source within the state treasury unless it holds a valid certificate of compliance as provided in §16-56-2.

(d) A state agency and a medical or clinical treatment facility that receive funds for its operation from the state treasury, that make referrals to recovery residences shall maintain records of referrals to or from recovery residences.

(e) Nothing in this section requires a state agency or a clinical or medical provider to make a referral of a person to a recovery residence.

(f) A person who violates this section commits a misdemeanor, punishable by a fine of not less than \$500.00 nor more than \$1,000.00.”

And,

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

H. B. 2530 - “A Bill to amend the Code of West Virginia, 1931, as amended by adding thereto a new article, designated §16-56-1, §16-56-2, and §16-56-3, all relating to regulation of recovery residences; providing voluntary certification procedures; providing voluntary inspection standards; providing requirements for the referral of persons; providing criminal penalties and fines; permitting rulemaking; requiring compliance with the Fair Housing Act and Americans with Disabilities Act; and providing for the payment of state funds to recovery residences in certain circumstances.”

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 502**), and there were—yeas 94, nays none, absent and not voting 6, with the absent and not voting being as follows:

Absent and Not Voting: Boggs, Harshbarger, Queen, Storch, C. Thompson and Westfall.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2530) passed.

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

A message from the Senate, by

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

H. B. 2872, Authorizing law-enforcement officers to assist the State Fire Marshal.

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

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

“ARTICLE 3. FIRE PREVENTION AND CONTROL ACT.

§29-3-12. Powers and duties of State Fire Marshal.

(a) *Enforcement of laws.* — The State Fire Marshal and any other person authorized to enforce the provisions of this article under the supervision and direction of the State Fire Marshal ~~has the authority to~~ may enforce all laws of the state having to do with:

(1) Prevention of fire;

(2) The storage, sale, and use of any explosive, combustible, or other dangerous article or articles in solid, flammable liquid, or gas form;

(3) The installation and maintenance of equipment of all sorts intended to extinguish, detect, and control fires;

(4) The means and adequacy of exit, in case of fire, from buildings and all other places in which persons work, live, or congregate, from time to time, for any purpose, except buildings used wholly as dwelling houses for no more than two families;

(5) The suppression of arson; and

(6) Any other thing necessary to carry into effect the provisions of this article including, but not limited to, confiscating any materials, chemicals, items, or personal property owned, possessed, or used in direct violation of the State Fire Code.

(b) *Assistance upon request.* — Upon request, the State Fire Marshal shall assist any chief of any recognized fire company or department. Upon the request of any federal law-enforcement

officer, state police officer, Natural Resources police officer, or any county or municipal law-enforcement officer, the State Fire Marshal, any deputy state fire marshal, or assistant state fire marshal employed pursuant to §29-3-11 of this code and any person deputized pursuant to subsection (j) of this section may assist in the lawful execution of the requesting officer's official duties: *Provided*, That the State Fire Marshal, or other person authorized to act under this subsection, shall at all times work under the direct supervision of the requesting officer.

(c) *Enforcement of rules.* — The State Fire Marshal shall enforce the rules promulgated by the State Fire Commission as authorized by this article.

(d) *Inspections generally.* — The State Fire Marshal shall inspect all structures and facilities, other than one- and two-family dwelling houses, subject to the State Fire Code and this article, including, but not limited to, state, county, and municipally owned institutions, all public and private schools, health care facilities, theaters, churches, and other places of public assembly to determine whether the structures or facilities are in compliance with the State Fire Code.

(e) *Right of entry.* — The State Fire Marshal may, at all reasonable hours, enter any building or premises, other than dwelling houses, for the purpose of making an inspection which he or she may consider necessary under the provisions of this article. The State Fire Marshal and any deputy state fire marshal or assistant state fire marshal approved by the State Fire Marshal may enter upon any property, or enter any building, structure or premises, including dwelling houses during construction and prior to occupancy, for the purpose of ascertaining compliance with the conditions set forth in any permit or license issued by the office of the State Fire Marshal pursuant to §29-3-12b(A)(1) of this code or §29-3B-1 *et seq.* of this code.

(f) *Investigations.* — The State Fire Marshal may, at any time, investigate as to the origin or circumstances of any fire or explosion or attempt to cause fire or explosion occurring in the state. The State Fire Marshal has the authority at all times of the day or night,

in performance of the duties imposed by the provisions of this article, to investigate where any fires or explosions or attempt to cause fires or explosions may have occurred, or which at the time may be burning. Notwithstanding the above provisions of this subsection, prior to entering any building or premises for the purposes of the investigation, the State Fire Marshal shall obtain a proper search warrant: *Provided*, That a search warrant is not necessary where there is permissive waiver or the State Fire Marshal is an invitee of the individual having legal custody and control of the property, building or premises to be searched.

(g) *Testimony.* — The State Fire Marshal, in making an inspection or investigation when in his or her judgment the proceedings are necessary, may take the statements or testimony under oath of all persons who may be cognizant of any facts or have any knowledge about the matter to be examined and inquired into and may have the statements or testimony reduced to writing; and shall transmit a copy of the statements or testimony so taken to the prosecuting attorney for the county wherein the fire or explosion or attempt to cause a fire or explosion occurred. Notwithstanding the above, no person may be compelled to testify or give any statement under this subsection.

(h) *Arrests; warrants.* — The State Fire Marshal, any full-time deputy fire marshal, or any full-time assistant fire marshal employed by the State Fire Marshal pursuant to §29-3-11 of this code is hereby authorized and empowered and any person deputized pursuant to §29-3-11 of this code may be authorized and empowered by the State Fire Marshal:

(1) To arrest any person anywhere within the confines of the State of West Virginia, or have him or her arrested, for any violation of the arson-related offenses of §61-3-1 *et seq.* of this code or of the explosives-related offenses of §61-3E-1 *et seq.* of said code: *Provided*, That any and all persons so arrested shall be forthwith brought before the magistrate or circuit court; *Provided, however*, that the State Fire Marshal, any full-time deputy fire marshal or any full-time assistant fire marshal is authorized to arrest persons for violations of §61-5-17 of this code.

(2) To make complaint in writing before any court or officer having jurisdiction and obtain, serve, and execute an arrest warrant when knowing or having reason to believe that anyone has committed an offense under any provision of this article, of the arson-related offenses of §61-3-1 *et seq.* of this code or of the explosives-related offenses of §61-3E-1 *et seq.* of this code. Proper return shall be made on all arrest warrants before the tribunal having jurisdiction over the violation.

(3) To make complaint in writing before any court or officer having jurisdiction and obtain, serve, and execute a warrant for the search of any premises that may possess evidence or unlawful contraband relating to violations of this article, of the arson-related offenses of §61-3-1 *et seq.* of this code or of the explosives-related offenses of §61-3E-1 *et seq.* of said code. Proper return shall be made on all search warrants before the tribunal having jurisdiction over the violation.

(4) Any member of the West Virginia State Police, Natural Resources Police Officer, or any county or municipal law-enforcement officer may assist, upon request, the State Fire Marshal or any of his or her employees authorized to enforce the provisions of this section in any duties for which the State Fire Marshal has jurisdiction.

(i) *Witnesses and oaths.* — The State Fire Marshal is ~~empowered and authorized to~~ may issue subpoenas and subpoenas duces tecum to compel the attendance of persons before him or her to testify in relation to any matter which is, by the provision of this article, a subject of inquiry and investigation by the State Fire Marshal and cause to be produced before him or her such papers as he or she may require in making the examination. The State Fire Marshal ~~is hereby authorized to~~ may administer oaths and affirmations to persons appearing as witnesses before him or her. False swearing in any matter or proceeding ~~aforsaid~~ is considered perjury and is punishable as perjury.

(j) *Deputizing members of fire departments in this state.* — The State Fire Marshal may deputize a member of any fire department, duly organized and operating in this state, who is approved by the

chief of his or her department and who is properly qualified to act as his or her assistant for the purpose of making inspections with the consent of the property owner or the person in control of the property and the investigations as may be directed by the State Fire Marshal, and the carrying out of orders as may be prescribed by him or her, to enforce and make effective the provisions of this article and any and all rules promulgated by the State Fire Commission under authority of this article: *Provided*, That in the case of a volunteer fire department, only the chief thereof or his or her single designated assistant may be so deputized.

(k) *Written report of examinations.* — The State Fire Marshal shall, at the request of the county commission of any county or the municipal authorities of any incorporated municipality in this state, make to them a written report of the examination made by him or her regarding any fire happening within their respective jurisdictions.

(l) *Report of losses by insurance companies.* — ~~It is the duty of each~~ Each fire insurance company or association doing business in this state, within 10 days after the adjustment of any loss sustained by it that exceeds \$1,500, ~~to shall~~ report to the State Fire Marshal information regarding the amount of insurance, the value of the property insured, and the amount of claim as adjusted. This report is in addition to any information required by the State Insurance Commissioner. Upon the request of the owner or insurer of any property destroyed or injured by fire or explosion, or in which an attempt to cause a fire or explosion may have occurred, the State Fire Marshal shall report in writing to the owner or insurer the result of the examination regarding the property.

(m) *Issuance of permits and licenses.* — The State Fire Marshal ~~is authorized to~~ may issue permits, documents, and licenses in accordance with the provisions of this article or §29-3B-1 *et seq.* of this code: *Provided*, That unless otherwise provided, the State Fire Marshall shall take final action upon any completed permit applications within 30 days of receipt if the application is uncontested, or within 90 days if the application is contested. The State Fire Marshal may require any person who applies for a permit to use explosives, other than an applicant for a license to be a

pyrotechnic operator under ~~§29-3-24~~ §29-3E-6 of this code, to be fingerprinted and to authorize the State Fire Marshal to conduct a criminal records check through the criminal identification bureau of the West Virginia State Police and a national criminal history check through the Federal Bureau of Investigation. The results of any criminal records or criminal history check shall be sent to the State Fire Marshal.

(n) *Issuance of citations for fire and life safety violations.* — The State Fire Marshal, any deputy fire marshal, and any assistant fire marshal employed pursuant to §29-3-11 of this code ~~are hereby authorized~~, and any person deputized pursuant to subsection (j) of this section may be authorized by the State Fire Marshal to issue citations, in his or her jurisdiction, for fire and life safety violations of the State Fire Code and as provided for by the rules promulgated by the State Fire Commission in accordance with §29-3-1 *et seq.* of this code: *Provided*, That a summary report of all citations issued pursuant to this section by persons deputized under subsection (j) of this section shall be forwarded monthly to the State Fire Marshal in the form and containing information as he or she may by rule require, including the violation for which the citation was issued, the date of issuance, the name of the person issuing the citation, and the person to whom the citation was issued. The State Fire Marshal may at any time revoke the authorization of a person deputized pursuant to subsection (j) of this section to issue citations, if in the opinion of the State Fire Marshal, the exercise of authority by the person is inappropriate.

Violations for which citations may be issued include, but are not limited to:

- (1) Overcrowding places of public assembly;
- (2) Locked or blocked exits in public areas;
- (3) Failure to abate a fire hazard;
- (4) Blocking of fire lanes or fire department connections; and

(5) Tampering with, or rendering inoperable except during necessary maintenance or repairs, on-premise firefighting equipment, fire detection equipment, and fire alarm systems.

(o) *Required training; liability coverage.* — No person deputized pursuant to subsection (j) of this section may be authorized to issue a citation unless that person has satisfactorily completed a law-enforcement officer training course designed specifically for fire marshals. The course shall be approved by the Law-enforcement Training Subcommittee of the Governor's Committee on Criminal Justice and Highway Safety and the State Fire Commission. In addition, no person deputized pursuant to subsection (j) of this section may be authorized to issue a citation until evidence of liability coverage of the person has been provided, in the case of a paid municipal fire department, by the municipality wherein the fire department is located, or in the case of a volunteer fire department, by the county commission of the county wherein the fire department is located or by the municipality served by the volunteer fire department and that evidence of liability coverage has been filed with the State Fire Marshal.

(p) *Statewide contracts.* — The State Fire Marshal may cooperate with the Department of Administration, Purchasing Division, to establish one or more statewide contracts for equipment and supplies utilized by fire companies and departments in accordance with §5A-3-1 *et seq.* of this code.

(1) Any statewide contract established hereunder shall be made available to any fire company and department in this state, as well as any other state agency or political subdivision that has a need for the equipment or supplies included in those contracts.

(2) The State Fire Marshal may develop uniform standards for equipment and supplies used by fire companies and departments in accordance with §5A-3-1 *et seq.* of this code.

(3) The State Fire Commission shall propose legislative rules for promulgation in accordance with §29A-3-1 *et seq.* of this code to effectuate the provisions of this subsection.

(q) *Penalties for violations.* — Any person who violates any fire and life safety rule of the State Fire Code is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$100 nor more than \$1,000, or confined in jail not more than 90 days, or both fined and confined. ~~Each and every~~ Every day during which any violation of the provisions of this article continues after knowledge or official notice that ~~same~~ it is illegal is a separate offense.

(r) The State Fire Marshal, any full-time deputy fire marshal, or any full-time assistant fire marshal employed by the State Fire Marshal pursuant to §29-3-11 of this code may carry a firearm while acting in the course of his or her official duties, if he or she has successfully completed a firearms training and certification program equivalent to that provided to officers attending the entry level law-enforcement certification course provided at the West Virginia State Police Academy. The person shall thereafter successfully complete an annual firearms qualification course equivalent to that required of certified law-enforcement officers as established by legislative rule. The State Fire Marshal may reimburse the person for the cost of the training and requalification.”

And,

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

H. B. 2872 - “A Bill to amend and reenact §29-3-12 of the Code of West Virginia, 1931, as amended, relating to authorizing any member of the West Virginia State Police, Natural Resources Police Officer, or any county or municipal law-enforcement officer to assist the State Fire Marshal or any of his or her employees in any duties for which the State Fire Marshal has jurisdiction; granting the State Fire Marshal, any full-time deputy and assistant fire marshal the power of arrest for obstructing them in their official duties; authorizing the State Fire Marshal, any full-time deputy fire marshal, or any full-time assistant fire marshal employed by the State Fire Marshal to carry a firearm in the course of official duties; and establishing requirements for annual requalification.”

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 503**), and there were—yeas 94, nays none, absent and not voting 6, with the absent and not voting being as follows:

Absent and Not Voting: Boggs, Harshbarger, Queen, Storch, C. Thompson and Westfall.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2872) passed.

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

A message from the Senate, by

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

H. B. 2958, Authorizing the State Auditor to conduct regular financial examinations or audits of all volunteer fire companies.

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

On page one, section seven-a, line three, by striking out the words “should be so” and inserting in lieu thereof the words “shall be”;

On page one, section seven-a, line six, by striking out the word “that” and inserting in lieu thereof the words “the five-year”.

And,

On page one, section seven-a, line ten, after the word “company” by changing the period to a colon and inserting the following proviso: *Provided, however*, That the State Auditor shall implement internal policies to ensure that any costs associated with an audit under this section of the code may be carried by the State Auditor or may be recouped by the volunteer fire company.

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 504**), and there were—yeas 93, nays 1, absent and not voting 6, with the nays and absent and not voting being as follows:

Nays: McGeehan.

Absent and Not Voting: Boggs, Harshbarger, Queen, Storch, C. Thompson and Westfall.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2958) passed.

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

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the amendment of the House of Delegates, with further amendment, and the passage, as amended, of

Com. Sub. for S. B. 60, Licensing practice of athletic training.

On motion of Delegate Summers, the House of Delegates concurred in the following further amendment of the bill by the Senate:

On page fifteen, subdivision (8), after the words “July 1, 2011” by changing the semicolon to a colon and inserting the following proviso: “*Provided further*, That this provision only applies to persons practicing athletic training certified by the West Virginia Board of Education prior to July 1, 2011, and any additional persons practicing athletic training excluding these specified individuals, shall meet the provisions of this article” and a semicolon.

The question then being on the passage of the bill, the yeas and nays were taken (**Roll No. 505**), and there were—yeas 91, nays 3,

absent and not voting 6, with the nays and absent and not voting being as follows:

Nays: Howell, C. Martin and McGeehan.

Absent and Not Voting: Boggs, Harshbarger, Queen, Storch, C. Thompson and Westfall.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 60) passed.

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

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the House of Delegates amendment, with further title amendment, and the passage, as amended, of

S. B. 668, Relating to physician assistants collaborating with physicians in hospitals.

On motion of Delegate Summers, the House of Delegates concurred in the following Senate title amendment:

S. B. 668 - “A Bill to amend and reenact §30-3E-1, §30-3E-3, §30-3E-9, §30-3E-11, §30-3E-12, and §30-3E-13 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §30-3E-10a, all relating to physician assistants collaborating with physicians in hospitals; requiring written notice to the appropriate licensing board; requiring rulemaking; amending scope of practice; providing for disciplinary proceedings for failure to provide timely notice of termination of practice notification; and specifying practice requirements.”

The question then being on the passage of the bill, the yeas and nays were taken (**Roll No. 506**), and there were—yeas 94, nays none, absent and not voting 6, with the absent and not voting being as follows:

Absent and Not Voting: Boggs, Harshbarger, Queen, Storch, C. Thompson and Westfall.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 668) passed.

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

Leaves of Absence

At the request of Delegate Summers, and by unanimous consent, leave of absence for the day was granted Delegate Boggs.

Miscellaneous Business

Pursuant to House Rule 132, consent was requested and obtained to print the remarks of the following Members in the Appendix to the Journal:

- Delegate Fleischauer regarding Jan Lilly-Stewart and David Stewart

At 5:28 p.m., the House of Delegates adjourned until 9:00 a.m., Thursday, March 7, 2019.

Thursday, March 7, 2019

FIFTY-EIGHTH DAY

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

The House of Delegates met at 9:00 a.m., and was called to order by the Honorable Roger Hanshaw, Speaker.

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

The Clerk proceeded to read the Journal of Wednesday, March 6, 2019, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Reordering of the Calendar

Delegate Summers announced that the Committee on Rules had transferred S. B. 233, on third reading, Special Calendar, to the House Calendar; and S. B. 605, on second reading, House Calendar, to the Special Calendar.

On motion of Delegate Summers, the House of Delegates proceeded to consideration of bills on third reading.

Special Calendar

Third Reading

Com. Sub. for S. B. 4, Relating generally to Municipal Home Rule Program; on third reading, coming up in regular order, with amendment pending and restricted right to amend jointly by Delegates Howell and Pyles, was reported by the Clerk.

An amendment, recommended by the Committee on Government Organization, was reported by the Clerk on page one, after the enacting clause, by striking out the remainder of the bill in its entirety and inserting in lieu thereof the following:

**“ARTICLE 1. PURPOSE AND SHORT TITLE;
DEFINITIONS; GENERAL PROVISIONS;
CONSTRUCTION.**

§8-1-5a. Municipal Home Rule ~~Pilot~~ Program.

(a) *Legislative findings.*— The Legislature finds and declares that:

(1) The initial Municipal Home Rule Pilot Program brought innovative results, including novel municipal ideas that became municipal ordinances which later resulted in new statewide statutes;

(2) The initial Municipal Home Rule Pilot Program also brought novel municipal ideas that resulted in court challenges against some of the participating municipalities;

(3) The Municipal Home Rule Board was an essential part of the initial Municipal Home Rule Pilot Program, but it lacked some needed powers and duties;

(4) Municipalities still face challenges delivering services required by federal and state law or demanded by their constituents;

(5) Municipalities are sometimes restrained by state statutes, policies, and rules that challenge their ability to carry out their duties and responsibilities in a cost-effective, efficient, and timely manner;

(6) ~~Continuing the Municipal Home Rule Pilot Program is in the public interest~~ Establishing the Municipal Home Rule Pilot Program as a permanent program is in the public interest; and

(7) Increasing the powers and duties of the Municipal Home Rule Board, subject to the limitations set forth herein, will enhance the Municipal Home Rule ~~Pilot~~ Program.

(b) ~~Continuance of pilot program.~~— ~~The Municipal Home Rule Pilot Program is continued until July 1, 2019. The ordinances enacted by the participating municipalities pursuant to the 1~~

~~Municipal Home Rule Pilot Program may remain in effect, subject to the requirements of this section, until the ordinances are repealed: *Provided*, That any ordinance enacting a municipal occupation tax is hereby null and void.~~

(b) The Municipal Home Rule Pilot Program is established as a permanent program and shall be identified as the Municipal Home Rule Program. Any plan or amendment to a plan approved by the board during the period of the Municipal Home Rule Pilot Program is continued. Any ordinance, act, resolution, rule, or regulation enacted by a participating municipality under the provisions of this section during the period of the Municipal Home Rule Pilot Program shall continue in full force and effect unless and until repealed: *Provided*, That municipalities that are participants in the Municipal Home Rule Program shall update their ordinances, acts, resolutions, rules, and regulations to comply with any additions or modifications to subsection (i), subsection (j), or subsection (k) of this section.

~~(c) *Authorizing participation.* —~~

~~(1) Commencing July 1, 2015 July 1, 2019, 30 any Class I, Class II, and or Class III municipalities municipality that is and four Class IV municipalities that are current in payment of all state fees may apply to participate in the Municipal Home Rule Pilot Program pursuant to the provisions of this section. Also, commencing July 1, 2019, up to four applications per year from Class IV municipalities may be approved by the board for participation in the Municipal Home Rule Program pursuant to the provisions of this section, provided the Class IV municipality is current in payment of all state fees.~~

(2) The municipalities participating in the ~~pilot program~~ Municipal Home Rule Pilot Program on the effective date of the amendment and reenactment of this section are hereby authorized to continue in the ~~pilot program~~ Municipal Home Rule Program, subject to the requirements of this section, and may amend current written plans and/or submit new written plans in accordance with the provisions of this section.

(3) On July 1, 2019, all municipalities currently participating in the Municipal Home Rule Pilot Program shall pay an annual assessment of \$2,000 for the operation and administration of the Home Rule Board. On July 1 of each year thereafter, all municipalities participating in the Municipal Home Rule Program as of that date shall pay the annual assessment. Any participating municipality that fails to timely remit its assessment when due may be assessed a penalty of an additional \$2,000 by the board.

(4) There is created in the office of the State Treasurer a special revenue account fund to be known as the Home Rule Board Operations Fund. The assessments required by the provisions of subdivision (3) of this subsection shall be deposited into the fund, and expenditures from the fund shall be made in accordance with appropriation of the Legislature under the provisions of §12-3-1 *et seq.* of this code, and in compliance with the provisions of §11B-2-1 *et seq.* of this code: *Provided*, That legislative appropriation is not required during fiscal year 2019.

(5) Any balance in the fund created under subdivision (4) of this subsection at the end of a fiscal year shall not revert to the General Revenue Fund but shall remain in the special revenue account for uses consistent with the provisions of this section.

(6) All costs and expenses lawfully incurred by the board may be paid from the fund created under subdivision (4) of this subsection.

(7) Notwithstanding any provision of this section to the contrary, if at the end of a fiscal year the unencumbered balance of the fund created in subdivision (4) of this subsection is \$200,000 or more, then annual assessments shall be suspended until the board determines that the unencumbered balance in the fund is insufficient to meet operational expenses. The board shall notify all participating municipalities of the suspension of the annual assessment prior to the end of the fiscal year and provide an estimate of when payment of annual assessments will resume.

(d) *Municipal Home Rule Board.*— The Municipal Home Rule Board is hereby continued. ~~Effective July 1, 2015, the~~ The

Municipal Home Rule Board shall consist of the following five voting members:

- (1) The Governor, or a designee, who shall serve as chair;
- (2) The Executive Director of the West Virginia Development Office, or a designee;
- (3) One member representing the Business and Industry Council, appointed by the Governor with the advice and consent of the Senate;
- (4) One member representing the largest labor organization in the state, appointed by the Governor with the advice and consent of the Senate; and
- (5) One member representing the West Virginia Chapter of the American ~~Institute of Certified Planners~~ Planning Association, appointed by the Governor with the advice and consent of the Senate.

The Chair of the Senate Committee on Government Organization and the Chair of the House Committee on Government Organization shall ~~continue to be~~ serve as ex officio nonvoting members of the board.

(e) ~~*Board's powers and duties.*~~ — The Municipal Home Rule Board ~~has the following powers and duties~~ shall:

- (1) Review, evaluate, make recommendations, and approve or reject, for any lawful reason, by a majority vote of the board, each aspect of the written plan, or the written plan in its entirety, submitted by a municipality;
- (2) By a majority vote of the board, select, based on the municipality's written plan, new Class I, Class II, Class III, and/or Class IV municipalities to participate in the Municipal Home Rule ~~Pilot~~ Program;
- (3) Review, evaluate, make recommendations, and approve or reject, for any lawful reason, by a majority vote of the board, the

amendments to the existing approved written plans submitted by municipalities: Provided, That any new application or amendment that does not reasonably demonstrate the municipality's ability to manage its associated costs or liabilities shall be rejected;

(4) Consult with any agency affected by the written plans or the amendments to the existing approved written plans; and

(5) Perform any other powers or duties necessary to effectuate the provisions of this section: Provided, That any administrative rules established by the board for the operation of the Municipal Home Rule Program shall be published on the Municipal Home Rule Board's website, and made available to the public in print upon request.

(f) *Written plan.*— Any Class I, Class II, Class III, or Class IV municipality desiring to participate in the Municipal Home Rule ~~Pilot~~ Program, or any municipality desiring to amend its existing approved written plan, shall submit a written plan to the board stating in detail the following:

(1) The specific laws, acts, resolutions, policies, rules, or regulations which prevent the municipality from carrying out its duties in the most cost-efficient, effective, and timely manner;

(2) The problems created by ~~the~~ those laws, acts, resolutions, policies, rules, or regulations;

(3) The proposed solutions to the problems, including all proposed changes to ordinances, acts, resolutions, rules, and regulations: *Provided,* That the specific municipal ordinance instituting the solution does not have to be included in the written plan; and

(4) A written opinion, by an attorney licensed to practice in the State of West Virginia, stating that the proposed written plan does not violate the provisions of this section.

(g) *Public hearing on written plan.*— Prior to submitting its written plan, or an amendment to an existing approved written plan, to the board, the municipality shall:

(1) Hold a public hearing on the written plan or the amendment to the existing approved written plan;

(2) Provide notice of the public hearing at least 30 days prior to the public hearing by a Class II legal advertisement: Provided, That on or before the first day of publication, the municipality shall send a copy of the notice by certified mail to the Municipal Home Rule Board and the cabinet secretary of every state department;

(3) Make a copy of the written plan or amendment available for public inspection at least 30 days prior to the public hearing; and

(4) After the public hearing, adopt an ordinance authorizing the municipality to submit a written plan or amendment to the Municipal Home Rule Board: ~~after~~ Provided, That the proposed ordinance has been read two times, as required by §8-11-4 of this code.

(h) ~~Selection of municipalities.~~— ~~On or after June 1, 2015, by~~ By a majority vote, the Municipal Home Rule Board may select from the municipalities that submitted written plans and were approved by the board by majority vote new Class I, Class II, Class III, and/or Class IV municipalities to participate in the Municipal Home Rule ~~Pilot~~ Program.

(i) ~~Powers and duties of municipalities.~~— The municipalities participating in the Municipal Home Rule ~~Pilot~~ Program ~~have the authority to~~ may not pass an ordinance, act, resolution, rule, or regulation, under the provisions of this section, that is ~~not~~ contrary to the following:

(1) Environmental law;

(2) Laws governing bidding on government construction and other contracts;

(3) The Freedom of Information Act;

(4) The Open Governmental Proceedings Act;

(5) Laws governing wages for construction of public improvements;

(6) The provisions of this section;

(7) The provisions of §8-12-5a of this code;

(8) The municipality's written plan;

(9) The Constitution of the United States or the Constitution of the State of West Virginia;

(10) Federal law, including those governing ~~of~~ crimes and punishment;

(11) Chapters 60A, 61, and 62 of this code or any other provisions of this code governing state crimes and punishment;

(12) Laws governing pensions or retirement plans;

(13) Laws governing annexation;

(14) Laws governing taxation: *Provided*, That a participating municipality may enact a municipal sales tax up to one percent if it reduces or eliminates its municipal business and occupation tax: *Provided, however*, That if a municipality subsequently reinstates or raises the municipal business and occupation tax it previously reduced or eliminated under the Municipal Home Rule Pilot Program or the Municipal Home Rule Program, it shall reduce or eliminate the municipal sales tax enacted under the Municipal Home Rule Pilot Program or the Municipal Home Rule Program in an amount comparable to the revenue estimated to be generated by the reinstated tax: *Provided further*, That any municipality that imposes a municipal sales tax pursuant to this section shall use the services of the Tax Commissioner to administer, enforce, and collect the tax ~~in the same manner as the state consumers sales and service tax and use tax under~~ required by the provisions of §11-15-1 *et seq.*, §11-15A-1 *et seq.*, and §11-15B-1 *et seq.* of this code and all applicable provisions of the Streamlined Sales and Use Tax Agreement: *And provided further*, That ~~such the tax will~~ does not apply to the sale of motor fuel or motor vehicles;

(15) Laws governing tax increment financing;

(16) Laws governing extraction of natural resources; ~~and~~

(17) Marriage and divorce laws;

(18) Laws governing professional licensing or certification, including the administration and oversight of those laws, by state agencies to the extent required by law;

(19) Laws, rules, or regulations governing the enforcement of state building or fire codes;

(20) Federal laws, regulations, or standards that would affect the state's required compliance or jeopardize federal funding;

(21) Laws or rules governing procurement of architectural and engineering services;

(22) The provisions of chapter 17C of this code; or

(23) Laws, rules, or regulations governing communication technologies or telecommunications carriers, as the term 'telecommunications carrier' is defined by the Federal Communications Commission in 47 U.S.C. §153 or as determined by the Public Service Commission of West Virginia.

(j) ~~Municipalities~~ The municipalities participating in the Municipal Home Rule Program may not pass an ordinance, act, resolution, rule, or regulation under the provisions of this section that:

(1) Affects persons or property outside the boundaries of the municipality: *Provided*, That this prohibition under the Municipal Home Rule ~~Plan~~ Program does not limit a municipality's powers outside its boundary lines to the extent permitted under other provisions of this section, other sections of this chapter, other chapters of this code, or court decisions; ~~or~~

(2) Enacts an occupation tax, fee, or assessment payable by a nonresident of a municipality; or

(3) Imposes duties on another governmental entity, unless the performance of the duties is part of a legally executed agreement between the municipality and the other governmental entity, or is otherwise permitted by state law;

(k) Municipalities may not prohibit or effectively limit the rental of a property, in whole or in part, or regulate the duration, frequency, or location of such rental, in whole or in part. A municipality may regulate activities that arise when a property is used as a rental: *Provided*, That such regulation applies uniformly to all properties, without regard to whether such properties are used as a rental: *Provided, however*, That nothing in this subdivision may be construed to prohibit a municipality from imposing a hotel occupancy tax as prescribed in §7-18-1 *et seq.* of this code.

(l) ~~Amendments to written plans.~~— A municipality participating in the Municipal Home Rule Pilot Program may amend its written plan at any time subject to the requirements of this section.

(~~l~~) (m) ~~Amendments to ordinances, acts, resolutions, rules, or regulations.~~— A municipality participating in the Municipal Home Rule Pilot Program may amend any ordinance, act, resolution, rule, or regulation enacted pursuant to the municipality's approved written plan at any time ~~so~~ as long as any the amendment is consistent with the municipality's approved written plan, as modified by any amendments adopted pursuant to this section, complies with the provisions of subsections (i) and (j) of this section, and the municipality complies with all applicable state law procedures for enacting municipal legislation.

(~~m~~) (n) ~~Reporting requirements.~~— ~~Commencing~~ On or before December 1, 2015, and of each year thereafter, each participating municipality shall give a written progress report to the Municipal Home Rule Board, and commencing on or before January 1, 2016, and of each year thereafter, the Municipal Home Rule Board shall give a summary report of all the participating municipalities to the Joint Committee on Government and Finance.

~~(n) *Termination of the pilot program.*—The Municipal Home Rule Pilot Program terminates on July 1, 2019. An ordinance, act, resolution, rule or regulation enacted by a participating municipality under the provisions of this section during the period of the Municipal Home Rule Pilot Program shall continue in full force and effect until repealed~~

(o) In the event 30 percent of the qualified voters of the municipality, by petition duly signed by them in their own handwriting and filed with the duly elected recorder or clerk of the municipality within 45 days after the enactment or amendment by the governing body of an ordinance, act, resolution, rule, or regulation enacted or amended pursuant to the Municipal Home Rule Program, protest against the ordinance, act, resolution, rule, or regulation, enacted or amended pursuant to the Municipal Home Rule Program, the ordinance, act, resolution, rule, or regulation enacted or amended pursuant to the Municipal Home Rule Program shall not be issued or become effective until it is ratified by a majority of the legal votes cast by the qualified voters of the municipality at a regular municipal election or special municipal election, as the governing body directs: *Provided*, That if the charter or enacted ordinances of the municipality contains provisions enabling voters in the municipality to protest an ordinance, act, resolution, rule, or regulation enacted or amended by the governing body, this section (n) shall not apply to such municipality. The governing body of a municipality including such election in a regular municipal election or calling a special municipal election as herein provided shall do so by ordinance duly enacted, which ordinance shall specify the date of the election, the form of publication calling the election as herein provided, and the form of ballot to be used for the election. Following the enactment of such ordinance, the governing body of the municipality shall publish notice of the election as a Class II legal advertisement in compliance with the provisions of §59-3-1 *et seq.* of this code, and the publication area for such publication shall be the municipality. Such notice shall be published not later than fourteen days prior to the election. All the provisions of the law concerning general elections shall apply so far as they are practicable, except as follows:

(1) Where a special election is held, the governing body, having due regard to the minimum expense involved, shall determine the number of election officials necessary to properly conduct said election, which number shall in no case be less than three commissioners and two clerks, and shall appoint the same and fix and pay their compensation, but otherwise the election officials shall be such as are appointed to serve with respect to the general election held at the same time; and

(2) The governing body shall provide the election supplies necessary for such election and shall canvass the returns thereof.

(p) Each bond for which the proceeds from a sales and use tax enacted under this section are specifically pledged to pay the debt service must be ratified by a majority of the legal votes cast by the qualified voters of the municipality at a regular municipal election or special municipal election, as the governing body directs, before it may become effective. Voting shall not take place until after notice of the submission is given by publication as a Class II legal advertisement in compliance with the provisions of §59-3-1 *et seq.* of this code: *Provided*, That this subsection shall not apply retroactively to existing bonds: *Provided, however*, That bonds may be refunded without being ratified by election.

~~(q)~~ (q) Notwithstanding any other provision of this code to the contrary, ~~on and after the effective date of the enactment of this provision in 2015,~~ no a distributee under the provisions of this section may not seek from the Tax Division of the Department of Revenue a refund of revenues or moneys collected by, or remitted to, the Tax Division of the Department of Revenue, nor seek a change in past amounts distributed, or any other retrospective adjustment relating to any amount distributed, to the extent that the moneys in question have been distributed by the Tax Division to another distributee, regardless of whether those distributions were miscalculated, mistaken, erroneous, misdirected, or otherwise inaccurate or incorrect. For purposes of this section, the term ‘distributee’ means any municipality that has enacted a sales and use tax under this section or as otherwise permitted by law that receives or is authorized to receive a specific distribution of

revenues or moneys collected by, or remitted to, the Tax Division of the Department of Revenue pursuant to this section.”

There being two conflicting amendments to the amendment and the adoption of one precluding adoption of the other, the Speaker informed the House that both would be explained before the first was voted upon.

Delegate J. Jeffries moved to amend the amendment recommended by the Committee on Government Organization on page nine, section five-a, line two hundred twelve following the word “event”, by striking out the “30 percent of the qualified voters” and inserting in lieu thereof the following “15 percent of the qualified voters, voting in the last election”.

On page nine, section five-a, line two hundred fourteen by striking out “within 45 days”.

Delegate Fast moved to amend the amendment recommended by the Committee on Government Organization on page nine, line two hundred twelve, after the words “In the event”, by striking out “30” and inserting in lieu thereof “15”.

And,

On page nine, line two hundred fourteen, by striking out “within 45 days”.

Following discussion of both of the amendments to the amendment, the question before the House was the adoption of the amendment offered by Delegate J. Jefferies.

On the adoption of the amendment to the Committee on Government Organization amendment, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 507**), and there were—yeas 23, nays 75, absent and not voting 2, with the yeas and absent and not voting being as follows:

Yeas: Bibby, Butler, Cooper, Fast, Foster, Graves, Hanna, Hardy, Hollen, Howell, D. Jeffries, J. Jeffries, Jennings, C. Martin,

P. Martin, Maynard, McGeehan, Paynter, Phillips, Porterfield, Toney, Waxman and Worrell.

Absent and Not Voting: Kessinger and Rohrbach.

So, a majority of the members present and voting not having voted in the affirmative, the amendment to the amendment was rejected.

The question then before the House was the adoption of the amendment offered by Delegate Fast.

On the adoption of the amendment to the Committee on Government Organization amendment, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 508**), and there were—yeas 40, nays 58, absent and not voting 2, with the yeas and absent and not voting being as follows:

Yeas: Anderson, Azinger, Bibby, Butler, Cadle, Cooper, Cowles, Espinosa, Fast, Foster, Graves, Hanna, Hardy, Harshbarger, Hollen, Hott, Howell, D. Jeffries, J. Jeffries, Jennings, Kump, Linville, Malcolm, Mandt, C. Martin, P. Martin, Maynard, McGeehan, Pack, Paynter, Phillips, Porterfield, Rowan, Summers, Sypolt, Toney, Waxman, Wilson, Worrell and Hanshaw (Mr. Speaker).

Absent and Not Voting: Kessinger and Rohrbach.

So, a majority of the members present and voting not having voted in the affirmative, the amendment to the amendment was rejected.

Delegates Westfall, Storch, Fluharty and Higginbotham moved to amend the bill on page nine, section five-a, line two hundred twelve, by striking subsections (o) and (p) in their entirety.

And,

By renumbering the remaining subsections accordingly.

On the adoption of the amendment, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 509**), and there were—yeas 56, nays 42, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Atkinson, Bibby, Butler, Cadle, Cowles, Criss, Dean, Ellington, Espinosa, Fast, Foster, Graves, Hamrick, Hanna, Hardy, Hollen, Hott, Howell, D. Jeffries, J. Jeffries, Jennings, D. Kelly, J. Kelly, Kump, Linville, Malcolm, C. Martin, P. Martin, Maynard, McGeehan, Pack, Paynter, Phillips, Porterfield, Rowan, Steele, Summers, Sypolt, Toney, Waxman, Wilson and Hanshaw (Mr. Speaker).

Absent and Not Voting: Kessinger and Rohrbach.

So, a majority of the members present and voting having voted in the affirmative, the amendment was adopted.

Delegate Phillips, Steele and Foster moved to amend the bill on page eight, section five-a, line one hundred seventy-seven, by inserting a new subdivision (24) to read as follows:

“(24) Laws governing the sale, transfer, possession, use, storage, taxation, registration, licensing or carrying firearms, ammunition or accessories thereof.”

Delegate Rowe arose to a point of order as to the germaneness of the amendment.

The Speaker ruled that the amendment was germane to the purpose of the bill.

On the adoption of the amendment, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 510**), and there were—yeas 72, nays 22, absent and not voting 6, with the nays and absent and not voting being as follows:

Nays: Bates, S. Brown, Byrd, Campbell, Fleischauer, Hansen, Hartman, Hicks, Hornbuckle, Lavender-Bowe, Lovejoy, Pethtel, Pushkin, Pyles, Rowe, Skaff, Staggers, Tomblin, Toney, Walker, Williams and Zukoff.

Absent and Not Voting: Doyle, Householder, Kessinger, Mandt, Rohrbach and Sponaugle.

So, a majority of the members present and voting having voted in the affirmative, the amendment was adopted.

On motion of Delegates Nelson, Capito, Skaff, Byrd, Pushkin, Rowe, Robinson and Estep-Burton the Committee on Government Organization amendment was amended on page seven, section five-a, line one hundred seventy-one, after the word “services”, by replacing the semicolon with a colon and inserting the following proviso: “*Provided*, That notwithstanding any other provision of this section to the contrary, the change made in this subdivision applies prospectively and any ordinance enacted by the participating municipalities prior to the effective date of the amendments to this section during the 2019 Regular Legislative Session and pursuant to the Municipal Home Rule Pilot Program remains in effect.”

An amendment by Delegate Fast was pending to amend the bill on page eleven, line two hundred seventy-three, after the words “Joint Committee on Government and Finance” and the period, by inserting three new subsections, designated (n), (o) and (p), to read as follows:

“(n) On or before December 1 of each year thereafter, each participating municipality shall give a written progress report to the Municipal Home Rule Board, and on or before January 1 of each year thereafter, the Municipal Home Rule Board shall give a summary report of all the participating municipalities to the Joint Committee on Government and Finance.

(o) In the event 30 percent of the qualified voters of the municipality, by petition duly signed by them in their own handwriting and filed with the duly elected recorder or clerk of the

municipality within 45 days after the enactment or amendment by the governing body of an ordinance, act, resolution, rule, or regulation enacted or amended pursuant to the Municipal Home Rule Program, protest against the ordinance, act, resolution, rule, or regulation, enacted or amended pursuant to the Municipal Home Rule Program, the ordinance, act, resolution, rule, or regulation enacted or amended pursuant to the Municipal Home Rule Program shall not be issued or become effective until it is ratified by a majority of the legal votes cast by the qualified voters of the municipality at a regular municipal election or special municipal election, as the governing body directs: *Provided*, That if the charter or enacted ordinances of the municipality contains provisions enabling voters in the municipality to protest an ordinance, act, resolution, rule, or regulation enacted or amended by the governing body, this section (n) shall not apply to such municipality. The governing body of a municipality including such election in a regular municipal election or calling a special municipal election as herein provided shall do so by ordinance duly enacted, which ordinance shall specify the date of the election, the form of publication calling the election as herein provided, and the form of ballot to be used for the election. Following the enactment of such ordinance, the governing body of the municipality shall publish notice of the election as a Class II legal advertisement in compliance with the provisions of §59-3-1 *et seq.* of this code, and the publication area for such publication shall be the municipality. Such notice shall be published not later than fourteen days prior to the election. All the provisions of the law concerning general elections shall apply so far as they are practicable, except as follows:

(1) Where a special election is held, the governing body, having due regard to the minimum expense involved, shall determine the number of election officials necessary to properly conduct said election, which number shall in no case be less than three commissioners and two clerks, and shall appoint the same and fix and pay their compensation, but otherwise the election officials shall be such as are appointed to serve with respect to the general election held at the same time; and

(2) The governing body shall provide the election supplies necessary for such election and shall canvass the returns thereof.

(p) Each bond for which the proceeds from a sales and use tax enacted under this section are specifically pledged to pay the debt service must be ratified by a majority of the legal votes cast by the qualified voters of the municipality at a regular municipal election or special municipal election, as the governing body directs, before it may become effective. Voting shall not take place until after notice of the submission is given by publication as a Class II legal advertisement in compliance with the provisions of §59-3-1 *et seq.* of this code: *Provided*, That this subsection shall not apply retroactively to existing bonds: *Provided, however*, That bonds may be refunded without being ratified by election.”

And,

By renumber the following subsection “(q)”.

It being the intent of Delegate Fast for the amendment to be considered only if the Committee on Government Organization amendment was rejected, the question now before the House was on the adoption of the Government Organization amendment, as amended.

On this question, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 511**), and there were—yeas 66, nays 32, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Bibby, Butler, Cadle, Cowles, Dean, Espinosa, Fast, Foster, Graves, Hamrick, Hanna, Hill, Hollen, Hott, Householder, Howell, D. Jeffries, J. Jeffries, Jennings, Kump, Malcolm, C. Martin, P. Martin, Maynard, McGeehan, Pack, Paynter, Porterfield, Summers, Toney, Waxman and Wilson.

Absent and Not Voting: Kessinger and Rohrbach.

So, a majority of the members present and voting having voted in the affirmative, the amendment was adopted.

The bill was then read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 512**), and there were—yeas 87, nays 11, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Bibby, Cowles, Dean, Fast, Hanna, D. Jeffries, J. Jeffries, Malcolm, P. Martin, Toney and Waxman.

Absent and Not Voting: Kessinger and Rohrbach.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 4) passed.

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

S. B. 153, Providing greater flexibility for making infrastructure project grants; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 513**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Kessinger and Rohrbach.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 153) passed.

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

Com. Sub. for S. B. 199, Authorizing certain miscellaneous agencies and boards promulgate legislative rules; on third reading, coming up in regular order, was read a third time.

Delegate J. Kelly requested to be excused from voting on Com. Sub. for S. B. 199 under the provisions of House Rule 49.

The Speaker replied that the Delegate was a member of a class of persons possibly to be affected by the passage of the bill and directed the Member to vote.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 514**), and there were—yeas 88, nays 2, absent and not voting 10, with the nays and absent and not voting being as follows:

Nays: McGeehan and Paynter.

Absent and Not Voting: Angelucci, Boggs, Byrd, Estep-Burton, Kessinger, Longstreth, Nelson, Rohrbach, Skaff and Williams.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 199) passed.

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

On this question, the yeas and nays were taken (**Roll No. 515**), and there were—yeas 90, nays 1, absent and not voting 9, with the nays and absent and not voting being as follows:

Nays: McGeehan.

Absent and Not Voting: Angelucci, Boggs, Byrd, Kessinger, Longstreth, Nelson, Rohrbach, Skaff and Williams.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 199) takes effect from its passage.

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

Com. Sub. for S. B. 238, Increasing certain penalties for passing stopped school bus; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 516**), and there were—yeas 90, nays 1, absent and not voting 9, with the nays and absent and not voting being as follows:

Nays: McGeehan.

Absent and Not Voting: Angelucci, Boggs, Byrd, Kessinger, Longstreth, Nelson, Rohrbach, Skaff and Williams.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 238) passed.

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

Com. Sub. for S. B. 241, Permitting county court clerks scan certain documents in electronic form; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 517**), and there were—yeas 94, nays none, absent and not voting 6, with the absent and not voting being as follows:

Absent and Not Voting: Boggs, Byrd, Kessinger, Nelson, Rohrbach and Skaff.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 241) passed.

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

Com. Sub. for S. B. 317, Authorizing three or more adjacent counties form multicounty trail network authority; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 518**), and there were—yeas 94, nays none, absent and not voting 6, with the absent and not voting being as follows:

Absent and Not Voting: Byrd, D. Kelly, Kessinger, Nelson, Skaff and Wilson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 317) passed.

An amendment to the title of the bill, recommended by the Committee on Government Organization, was reported by the Clerk and adopted, amending the title to read as follows:

Com. Sub. for S. B. 317 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §20-17-1, §20-17-2, §20-17-3, §20-17-4, §20-17-5, §20-17-6, §20-17-7, §20-17-8 and §20-17-9; and to amend said code by adding thereto a new article, designated §20-17A-1, §20-17A-2, §20-17A-3, §20-17A-4, §20-17A-5, all relating generally to forming multicounty trail network authorities; creating a framework for establishment of multicounty trail network authorities and authorizing the formation of the Mountaineer Trail Network Recreation Authority; providing legislative findings; defining terms; providing that an authority is a public corporation and joint development entity; providing procedures for counties to join a trail network authority as a participating county and providing for the merger of two established authorities; providing for appointment of individuals to the board of an authority and for the filling of vacancies in the board; establishing the terms of

appointment to a board; requiring quarterly meetings of a board; describing how a quorum is established; authorizing a board to promulgate bylaws and rules; providing that an authority is subject to Freedom of Information Act laws; describing the powers and duties of an authority; requiring a board to appoint an executive director; describing powers and duties of an executive director; authorizing employment of authority staff; requiring creation of an annual budget; providing for payment of an authority's expenses; allowing reimbursement of board member expenses; establishing financial audit requirements; requiring reporting and oversight of state funds; prohibiting certain actions by users of recreational area land and providing criminal penalties; limiting the liability of owners of land used by an authority; setting forth purchasing and bidding procedures for authority contracts and purchases; providing criminal penalties for violation of purchasing and bidding requirements; clarifying that certain provisions of the code prohibiting certain officers from having a pecuniary interest in contracts applies to board members, officers, personnel, and agents of an authority; providing civil remedies for participating counties challenging purchasing contracts violating certain requirements; establishing the Mountaineer Trail Network Recreation Authority and authorizing the creation of the Mountaineer Trail Network Recreation Area; identifying participating counties; providing legislative findings and purposes for this authority; listing the recreational purposes for the recreation area; specifying manner of governance and payment of expenses; and ensuring liability protections for cooperating land owners.”

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

Com. Sub. for S. B. 318, Transferring Medicaid Fraud Control Unit to Attorney General's office; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 519**), and there were—yeas 58, nays 42, absent and not voting none, with the nays being as follows:

Nays: Angelucci, Barrett, Bates, Boggs, N. Brown, S. Brown, Byrd, Campbell, Canestraro, Caputo, Diserio, Doyle, Estep-Burton, Evans, Fleischauer, Fluharty, Hansen, Hartman, Hicks, Hornbuckle, Lavender-Bowe, Longstreth, Lovejoy, Miley, Miller, Pethtel, Pushkin, Pyles, Robinson, Rodighiero, Rohrbach, Rowe, Skaff, Sponaugle, Staggers, Swartzmiller, C. Thompson, R. Thompson, Tomblin, Walker, Williams and Zukoff.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 318) passed.

Delegate Byrd moved that the bill take effect July 1, 2021.

On this question, the yeas and nays were taken (**Roll No. 520**), and there were—yeas 40, nays 59, absent and not voting 1, with the yeas and absent and not voting being as follows:

Yeas: Angelucci, Barrett, Bates, Boggs, N. Brown, S. Brown, Byrd, Campbell, Canestraro, Caputo, Diserio, Doyle, Estep-Burton, Evans, Fleischauer, Fluharty, Hansen, Hartman, Hicks, Hornbuckle, Lavender-Bowe, Longstreth, Lovejoy, Miley, Miller, Pethtel, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Skaff, Sponaugle, Staggers, Swartzmiller, C. Thompson, R. Thompson, Walker, Williams and Zukoff.

Absent and Not Voting: Tomblin.

So, two thirds of the members present and voting not having voted in the affirmative, the motion was rejected.

Delegate Summers moved that the bill take effect October 1, 2019.

On this question, the yeas and nays were taken (**Roll No. 521**), and there were—yeas 73, nays 23, absent and not voting 4, with the yeas and absent and not voting being as follows:

Nays: Byrd, Campbell, Capito, Doyle, Estep-Burton, Evans, Fleischauer, Hansen, Hartman, Lavender-Bowe, Longstreth, Pushkin, Pyles, Robinson, Rodighiero, Skaff, Staggers,

Swartzmiller, C. Thompson, R. Thompson, Walker, Williams and Zukoff.

Absent and Not Voting: N. Brown, Hicks, Linville and Tomblin.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 318) takes effect October 1, 2019.

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

Com. Sub. for S. B. 357, Relating generally to Division of Administrative Services; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 522**), and there were—yeas 93, nays none, absent and not voting 7, with the absent and not voting being as follows:

Absent and Not Voting: N. Brown, Hamrick, Hicks, Householder, Linville, Pyles and Tomblin.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 357) passed.

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

Com. Sub. for S. B. 400, Allowing Board of Dentistry create specialty licenses; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 523**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Barrett and Tomblin.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 400) passed.

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

Com. Sub. for S. B. 402, Authorizing Division of Forestry investigate and enforce timber theft violations; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 524**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Tomblin.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 402) passed.

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

Com. Sub. for S. B. 404, Relating generally to sediment control during commercial timber harvesting operations; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 525**), and there were—yeas 95, nays 3, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Cadle, Foster and McGeehan.

Absent and Not Voting: J. Kelly and Robinson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 404) passed.

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

Com. Sub. for S. B. 405, Increasing limit on additional expenses incurred in preparing notice list for redemption; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 526**), and there were—yeas 95, nays 5, absent and not voting none, with the nays being as follows:

Nays: Estep-Burton, Paynter, Pushkin, Robinson and Rowe.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 405) passed.

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

S. B. 421, Relating to annual legislative review of economic development tax credit; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 527**), and there were—yeas 99, nays 1, absent and not voting none, with the nays being as follows:

Nays: Paynter.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 421) passed.

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

Com. Sub. for S. B. 485, Clarifying notification requirements for property insurance purposes; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 528**), and there were—yeas 98, nays 2, absent and not voting none, with the nays being as follows:

Nays: Bates and Fluharty.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 485) passed.

Delegate Summers moved that the bill take effect from passage.

On this question, the yeas and nays were taken (**Roll No. 529**), and there were—yeas 100, nays none, absent and not voting none.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 485) takes effect from passage.

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

Com. Sub. for S. B. 487, Relating to admissibility of health care staffing requirements in litigation; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 530**), and there were—yeas 69, nays 31, absent and not voting none, with the nays being as follows:

Nays: Angelucci, Barrett, Bates, Boggs, S. Brown, Byrd, Canestraro, Caputo, Diserio, Estep-Burton, Fleischauer, Fluharty, Hansen, Hicks, Hornbuckle, Jennings, Lavender-Bowe, Longstreth, Miley, Pethtel, Pushkin, Pyles, Robinson, Rowe,

Sponaugle, Staggers, C. Thompson, R. Thompson, Walker, Williams and Zukoff.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 487) passed.

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

Com. Sub. for S. B. 487 - “A Bill to amend and reenact §55-7B-7a of the Code of West Virginia, 1931, as amended, relating to the admissibility of health care staffing requirements in medical professional liability litigation; providing that compliance with minimum staffing requirements under state and federal law creates a conclusive presumption that appropriate staffing was provided and a rebuttable presumption that adequate supervision of patients to prevent accidents was provided; requiring that if staffing is less than requirements dictated by state and federal law then there is a rebuttable presumption that there was inadequate supervision of patients and that inadequate staffing or inadequate supervision was a contributing cause of the patient’s fall and resulting injuries or death; and, requiring the jury be instructed accordingly.”

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

S. B. 493, Correcting terminology referring to racing vehicles illegally on street; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 531**), and there were—yeas 90, nays 9, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: N. Brown, Byrd, Canestraro, Fluharty, Pushkin, Robinson, Rowe, Skaff and Steele.

Absent and Not Voting: Fleischauer.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 493) passed.

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

Com. Sub. for S. B. 496, Transferring authority to regulate milk from DHHR to Department of Agriculture; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 532**), and there were—yeas 96, nays 4, absent and not voting none, with the nays being as follows:

Nays: Fleischauer, Fluharty, Robinson and Rowe.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 496) passed.

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

On this question, the yeas and nays were taken (**Roll No. 533**), and there were—yeas 96, nays 4, absent and not voting none, with the nays being as follows:

Nays: Byrd, Estep-Burton, Fleischauer and Robinson.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 496) takes effect from passage.

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

Com. Sub. for S. B. 511, Creating alternating wine proprietorships; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 534**), and there were—yeas 93, nays 7, absent and not voting none, with the nays being as follows:

Nays: Fast, Hollen, D. Jeffries, Kump, Porterfield, Toney and Worrell.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 511) passed.

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

Com. Sub. for S. B. 529, Clarifying provisions of Nonintoxicating Beer Act; on third reading, coming up in regular order, was read a third time.

Delegate C. Martin requested to be excused from voting on Com. Sub. for S. B. 529 under the provisions of House Rule 49.

The Speaker replied that the Delegate was a member of a class of persons possibly to be affected by the passage of the bill and directed the Member to vote.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 535**), and there were—yeas 84, nays 16, absent and not voting none, with the nays being as follows:

Nays: Azinger, Butler, Cooper, Fast, Graves, Hollen, D. Jeffries, Jennings, Kump, Mandt, P. Martin, Pack, Porterfield, Toney, Worrell and Hanshaw (Mr. Speaker).

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 529) passed.

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

Com. Sub. for S. B. 537, Creating workgroup to review hospice need standards; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 536**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Malcolm and Skaff.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 537) passed.

S. B. 566, Relating to compensation for State Athletic Commission members; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 537**), and there were—yeas 96, nays 1, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Kump.

Absent and Not Voting: Hansen, Malcolm and Skaff.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 566) passed.

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

S. B. 596, Adjusting voluntary contribution amounts on certain DMV forms; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 538**), and there were—yeas 98, nays none,

absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Malcolm and Skaff.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 596) passed.

An amendment to the title of the bill, recommended by the Committee on Finance, was reported by the Clerk and adopted, amending the title to read as follows:

S. B. 596 - “A Bill to amend and reenact §17A-2-12a of the Code of West Virginia, 1931, as amended, relating to allowing persons to donate to the West Virginia Farm Bureau, the West Virginia 4 H Program, and the West Virginia Future Farmers of America Education Foundation, in addition to the Department of Veterans Assistance, when renewing a driver’s license or vehicle registration, altering the amounts which may be donated under the section to all organizations, and allowing DMV to retain 2% of the donations for administrative costs.”

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

Com. Sub. for S. B. 597, Conforming state law to federal law for registration of appraisal management companies; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 539**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Malcolm and Skaff.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 597) passed.

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

Com. Sub. for S. B. 600, Relating to preservation of biological evidence obtained through criminal investigations and trials; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 540**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Malcolm and Skaff.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 600) passed.

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

Com. Sub. for S. B. 600 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15A-1-8, relating generally to preservation of biological evidence obtained through criminal investigations and criminal trials; directing the Secretary of Military Affairs and Public Safety to investigate methods of storage and preservation of biological materials obtained by law enforcement in criminal investigations and criminal prosecutions; directing the Secretary of Military Affairs and Public Safety to submit to the Senate President and Speaker of the House of Delegates a proposed plan, along with proposed legislation, creating a program for the centralized storage and preservation of biological evidence obtained in criminal investigations and criminal trials throughout the state; requiring that such plan and proposed legislation be submitted on or before January 1, 2020; and defining terms.”

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

On this question, the yeas and nays were taken (**Roll No. 541**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Malcolm and Skaff.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 600) takes effect from its passage.

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

S. B. 625, Clarifying and defining authority of State Athletic Commission; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 542**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Malcolm and Skaff.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 625) passed.

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

S. B. 633, Authorizing Board of Physical Therapy conduct criminal background checks on applicants for licenses; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 543**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Malcolm and Skaff.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 633) passed.

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

S. B. 655, Relating to conservation districts generally; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 544**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: S. Brown, Malcolm and Skaff.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 655) passed.

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

Com. Sub. for S. B. 657, Providing consumer protection regarding self-propelled farm equipment; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 545**), and there were—yeas 98, nays 1, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: McGeehan.

Absent and Not Voting: Malcolm.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 657) passed.

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

S. B. 658, Relating to motor vehicle salesperson licenses; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 546**), and there were—yeas 85, nays 13, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Bibby, Boggs, Butler, Fast, Graves, D. Jeffries, J. Jeffries, Jennings, C. Martin, P. Martin, Pack, Toney and Wilson.

Absent and Not Voting: Malcolm and Williams.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 658) passed.

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

On this question, the yeas and nays were taken (**Roll No. 547**), and there were—yeas 95, nays 4, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: D. Jeffries, C. Martin, P. Martin and McGeehan.

Absent and Not Voting: Williams.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 658) takes effect from its passage.

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

S. B. 672, Authorizing School Building Authority to promulgate legislative rules; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 548**), and there were—yeas 85, nays 15, absent and not voting none, with the nays being as follows:

Nays: Bibby, Cadle, Fleischauer, Hanna, Hansen, J. Jeffries, Jennings, Malcolm, C. Martin, Maynard, Paynter, Pethtel, C. Thompson, Walker and Waxman.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 672) passed.

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

On this question, the yeas and nays were taken (**Roll No. 549**), and there were—yeas 100, nays none, absent and not voting none.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 672) takes effect from its passage.

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

S. B. 673, Relating to public higher education accountability and planning; on third reading, coming up in regular order, was reported by the Clerk.

On motion of Delegate Doyle, the bill was moved to the foot of all bills.

S. B. 676, Relating to off-road vehicle recreation; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 550**), and there were—yeas 98, nays 2, absent and not voting none, with the nays being as follows:

Nays: Hansen and Kump.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 676) passed.

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

On this question, the yeas and nays were taken (**Roll No. 551**), and there were—yeas 98, nays 2, absent and not voting none, with the nays being as follows:

Nays: Hansen and Kump.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 676) takes effect from its passage.

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

In the absence of objection, the House of Delegates returned to further consideration of **Com. Sub. for S. B. 537**.

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

Com. Sub. for S. B. 537 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-29B-31, relating to establishing health care standards by the Health Care Authority; establishing a workgroup to review certain standards in this state; designating members of workgroup; providing for duties of workgroup; providing that the West Health Care Authority provide staff for the workgroup; providing for public hearings; providing for the submission of a final report; establishing a termination date of the workgroup; providing a time frame to review health care standards; freezing current standards for a period of time; and establishing a time frame to complete the review.”

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

At 12:04 p.m., the House of Delegates recessed until 5:00 p.m.

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Evening Session

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

Messages from the Executive

Delegate Hanshaw (Mr. Speaker) presented a communication from His Excellency, the Governor, advising that on March 6, 2019, he approved **Com. Sub. for H. B. 2612**.

Messages from the Senate

A message from the Senate, by

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

Com. Sub. for H. B. 2020, Budget Bill, making appropriations of public money out of the treasury in accordance with section fifty-one, article six of the Constitution.

The following Senate amendment was reported by the Clerk:

On page one, by striking out everything after the enacting clause and inserting in lieu thereof the provisions of Engrossed Committee Substitute for Senate Bill 150:

TITLE I – GENERAL PROVISIONS.

1 **Section 1. General policy.** – The purpose of this bill is to
2 appropriate money necessary for the economical and efficient

3 discharge of the duties and responsibilities of the state and its
4 agencies during the fiscal year 2020.

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

2 “Governor” shall mean the Governor of the State of West
3 Virginia.

4 “Code” shall mean the Code of West Virginia, one thousand
5 nine hundred thirty-one, as amended.

6 “Spending unit” shall mean the department, bureau, division,
7 office, board, commission, agency or institution to which an
8 appropriation is made.

9 The “fiscal year 2020” shall mean the period from July 1, 2019,
10 through June 30, 2020.

11 “General revenue fund” shall mean the general operating fund
12 of the state and includes all moneys received or collected by the
13 state except as provided in W.Va. Code §12-2-2 or as otherwise
14 provided.

15 “Special revenue funds” shall mean specific revenue sources
16 which by legislative enactments are not required to be accounted
17 for as general revenue, including federal funds.

18 “From collections” shall mean that part of the total
19 appropriation which must be collected by the spending unit to be
20 available for expenditure. If the authorized amount of collections
21 is not collected, the total appropriation for the spending unit shall
22 be reduced automatically by the amount of the deficiency in the
23 collections. If the amount collected exceeds the amount designated
24 “from collections,” the excess shall be set aside in a special surplus
25 fund and may be expended for the purpose of the spending unit as
26 provided by Article 2, Chapter 11B of the Code.

1 **Sec. 3. Classification of appropriations.** — An appropriation
2 for:

3 “Personal services” shall mean salaries, wages and other
4 compensation paid to full-time, part-time and temporary
5 employees of the spending unit but shall not include fees or
6 contractual payments paid to consultants or to independent
7 contractors engaged by the spending unit. “Personal services” shall
8 include “annual increment” for “eligible employees” and shall be
9 disbursed only in accordance with Article 5, Chapter 5 of the Code.

10 Unless otherwise specified, appropriations for “personal
11 services” shall include salaries of heads of spending units.

12 “Employee benefits” shall mean social security matching,
13 workers’ compensation, unemployment compensation, pension
14 and retirement contributions, public employees insurance
15 matching, personnel fees or any other benefit normally paid by the
16 employer as a direct cost of employment. Should the appropriation
17 be insufficient to cover such costs, the remainder of such cost shall
18 be paid by each spending unit from its “unclassified” appropriation,
19 or its “current expenses” appropriation or other appropriate
20 appropriation. Each spending unit is hereby authorized and
21 required to make such payments in accordance with the provisions
22 of Article 2, Chapter 11B of the Code.

23 Each spending unit shall be responsible for all contributions,
24 payments or other costs related to coverage and claims of its
25 employees for unemployment compensation and workers
26 compensation. Such expenditures shall be considered an employee
27 benefit.

28 “BRIM Premiums” shall mean the amount charged as
29 consideration for insurance protection and includes the present
30 value of projected losses and administrative expenses. Premiums
31 are assessed for coverages, as defined in the applicable policies, for
32 claims arising from, inter alia, general liability, wrongful acts,
33 property, professional liability and automobile exposures.

34 Should the appropriation for “BRIM Premium” be insufficient
35 to cover such cost, the remainder of such costs shall be paid by each
36 spending unit from its “unclassified” appropriation, its “current
37 expenses” appropriation or any other appropriate appropriation to

38 the Board of Risk and Insurance Management. Each spending unit
39 is hereby authorized and required to make such payments. If there
40 is no appropriation for “BRIM Premium” such costs shall be paid
41 by each spending unit from its “current expenses” appropriation,
42 “unclassified” appropriation or other appropriate appropriation.

43 West Virginia Council for Community and Technical College
44 Education and Higher Education Policy Commission entities
45 operating with special revenue funds and/or federal funds shall pay
46 their proportionate share of the Board of Risk and Insurance
47 Management total insurance premium cost for their respective
48 institutions.

49 “Current expenses” shall mean operating costs other than
50 personal services and shall not include equipment, repairs and
51 alterations, buildings or lands. Each spending unit shall be
52 responsible for and charged monthly for all postage meter service
53 and shall reimburse the appropriate revolving fund monthly for all
54 such amounts. Such expenditures shall be considered a current
55 expense.

56 “Equipment” shall mean equipment items which have an
57 appreciable and calculable period of usefulness in excess of one
58 year.

59 “Repairs and alterations” shall mean routine maintenance and
60 repairs to structures and minor improvements to property which do
61 not increase the capital assets.

62 “Buildings” shall include new construction and major
63 alteration of existing structures and the improvement of lands and
64 shall include shelter, support, storage, protection or the
65 improvement of a natural condition.

66 “Lands” shall mean the purchase of real property or interest in
67 real property.

68 “Capital outlay” shall mean and include buildings, lands or
69 buildings and lands, with such category or item of appropriation to
70 remain in effect as provided by W.Va. Code §12-3-12.

71 From appropriations made to the spending units of state
72 government, upon approval of the Governor there may be
73 transferred to a special account an amount sufficient to match
74 federal funds under any federal act.

75 Appropriations classified in any of the above categories shall
76 be expended only for the purposes as defined above and only for
77 the spending units herein designated: *Provided*, That the secretary
78 of each department shall have the authority to transfer within the
79 department those general revenue funds appropriated to the various
80 agencies of the department: *Provided, however*, That no more than
81 five percent of the general revenue funds appropriated to any one
82 agency or board may be transferred to other agencies or boards
83 within the department: and no funds may be transferred to a
84 “personal services and employee benefits” appropriation unless the
85 source funds are also wholly from a “personal services and
86 employee benefits” line, or unless the source funds are from
87 another appropriation that has exclusively funded employment
88 expenses for at least twelve consecutive months prior to the time
89 of transfer and the position(s) supported by the transferred funds
90 are also permanently transferred to the receiving agency or board
91 within the department: *Provided further*, That the secretary of each
92 department and the director, commissioner, executive secretary,
93 superintendent, chairman or any other agency head not governed
94 by a departmental secretary as established by Chapter 5F of the
95 Code shall have the authority to transfer funds appropriated to
96 “personal services and employee benefits,” “current expenses,”
97 “repairs and alterations,” “equipment,” “other assets,” “land,” and
98 “buildings” to other appropriations within the same account and no
99 funds from other appropriations shall be transferred to the
100 “personal services and employee benefits” or the “unclassified”
101 appropriation: *And provided further*, That no authority exists
102 hereunder to transfer funds into appropriations to which no funds
103 are legislatively appropriated: *And provided further*, That if the
104 Legislature consolidates, reorganizes or terminates agencies,
105 boards or functions, the secretary or other appropriate agency head,
106 or in the case of the termination of a spending unit of the state, the
107 Director of the State Budget Office, in the absence of general law
108 providing otherwise, may transfer the funds formerly appropriated

109 to such agency, board or function, allocating items of appropriation
110 as may be necessary if only part of the item may be allocated, in
111 order to implement such consolidation, reorganization or
112 termination. No funds may be transferred from a Special Revenue
113 Account, dedicated account, capital expenditure account or any
114 other account or fund specifically exempted by the Legislature
115 from transfer, except that the use of the appropriations from the
116 State Road Fund for the office of the Secretary of the Department
117 of Transportation is not a use other than the purpose for which such
118 funds were dedicated and is permitted.

119 Appropriations otherwise classified shall be expended only
120 where the distribution of expenditures for different purposes cannot
121 well be determined in advance or it is necessary or desirable to
122 permit the spending unit the freedom to spend an appropriation for
123 more than one of the above classifications.

1 **Sec. 4. Method of expenditure.** — Money appropriated by
2 this bill, unless otherwise specifically directed, shall be
3 appropriated and expended according to the provisions of Article
4 3, Chapter 12 of the Code or according to any law detailing a
5 procedure specifically limiting that article.

1 **Sec. 5. Maximum expenditures.** — No authority or
2 requirement of law shall be interpreted as requiring or permitting
3 an expenditure in excess of the appropriations set out in this bill.

TITLE II – APPROPRIATIONS.

ORDER OF SECTIONS

- SECTION 1. Appropriations from general revenue.
- SECTION 2. Appropriations from state road fund.
- SECTION 3. Appropriations from other funds.
- SECTION 4. Appropriations from lottery net profits.
- SECTION 5. Appropriations from state excess lottery revenue.

- SECTION 6. Appropriations of federal funds.
- SECTION 7. Appropriations from federal block grants.
- SECTION 8. Awards for claims against the state.
- SECTION 9. Appropriations from General Revenue surplus accrued
- SECTION 10. Appropriations from lottery net profits surplus accrued.
- SECTION 11. Appropriations from state excess lottery revenue surplus accrued.
- SECTION 12. Special revenue appropriations.
- SECTION 13. State improvement fund appropriations.
- SECTION 14. Specific funds and collection accounts.
- SECTION 15. Appropriations for refunding erroneous payment.
- SECTION 16. Sinking fund deficiencies.
- SECTION 17. Appropriations for local governments.
- SECTION 18. Total appropriations.
- SECTION 19. General school fund.

1 **Section 1. Appropriations from general revenue.** – From the
2 State Fund, General Revenue, there are hereby appropriated
3 conditionally upon the fulfillment of the provisions set forth in
4 Article 2, Chapter 11B the following amounts, as itemized, for
5 expenditure during the fiscal year 2020.

LEGISLATIVE

1 - Senate

Fund 0165 FY 2020 Org 2100

	Appropriation		General Revenue Fund
1	Compensation of Members (R).....	00300	\$ 1,010,000
2	Compensation and Per Diem of Officers		
3	and Employees (R)	00500	4,011,332
4	Current Expenses and		
5	Contingent Fund (R).....	02100	276,392
6	Repairs and Alterations (R)	06400	50,000
7	Computer Supplies (R)	10100	20,000
8	Computer Systems (R).....	10200	60,000
9	Printing Blue Book (R)	10300	125,000
10	Expenses of Members (R).....	39900	370,000
11	BRIM Premium (R)	91300	<u>29,482</u>
12	Total.....		\$ 5,952,206

13 The appropriations for the Senate for the fiscal year 2019 are
 14 to remain in full force and effect and are hereby reappropriated to
 15 June 30, 2020. Any balances so reappropriated may be transferred
 16 and credited to the fiscal year 2019 accounts.

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

20 The Clerk of the Senate, with the approval of the President, is
 21 authorized to draw his or her requisitions upon the Auditor, payable
 22 out of the Current Expenses and Contingent Fund of the Senate, for
 23 any bills for supplies and services that may have been incurred by
 24 the Senate and not included in the appropriation bill, for supplies
 25 and services incurred in preparation for the opening, the conduct of
 26 the business and after adjournment of any regular or extraordinary
 27 session, and for the necessary operation of the Senate offices, the
 28 requisitions for which are to be accompanied by bills to be filed
 29 with the Auditor.

30 The Clerk of the Senate, with the approval of the President, or
 31 the President of the Senate shall have authority to employ such staff
 32 personnel during any session of the Legislature as shall be needed

33 in addition to staff personnel authorized by the Senate resolution
 34 adopted during any such session. The Clerk of the Senate, with the
 35 approval of the President, or the President of the Senate shall have
 36 authority to employ such staff personnel between sessions of the
 37 Legislature as shall be needed, the compensation of all staff
 38 personnel during and between sessions of the Legislature,
 39 notwithstanding any such Senate resolution, to be fixed by the
 40 President of the Senate. The Clerk is hereby authorized to draw his
 41 or her requisitions upon the Auditor for the payment of all such
 42 staff personnel for such services, payable out of the appropriation
 43 for Compensation and Per Diem of Officers and Employees or
 44 Current Expenses and Contingent Fund of the Senate.

45 For duties imposed by law and by the Senate, the Clerk of the
 46 Senate shall be paid a monthly salary as provided by the Senate
 47 resolution, unless increased between sessions under the authority
 48 of the President, payable out of the appropriation for Compensation
 49 and Per Diem of Officers and Employees or Current Expenses and
 50 Contingent Fund of the Senate.

51 The distribution of the blue book shall be by the office of the
 52 Clerk of the Senate and shall include 75 copies for each member of
 53 the Legislature and two copies for each classified and approved
 54 high school and junior high or middle school and one copy for each
 55 elementary school within the state.

56 Included in the above appropriation for Senate (fund 0165,
 57 appropriation 02100), an amount not less than \$5,000 is to be used
 58 for the West Virginia Academy of Family Physicians – Doc of the
 59 Day Program.

60 Included in the above appropriation for Senate (fund 0165,
 61 appropriation 02100), an amount not less than \$5,000 is to be used
 62 for the West Virginia Academy of Family Physicians - Doc of the
 63 Day Program.

2 - House of Delegates

Fund 0170 FY 2020 Org 2200

1 Compensation of Members (R)..... 00300 \$ 3,000,000

2	Compensation and Per Diem of Officers		
3	and Employees (R)	00500	575,000
4	Current Expenses and		
5	Contingent Fund (R).....	02100	3,899,031
6	Expenses of Members (R).....	39900	1,350,000
7	BRIM Premium (R)	91300	<u>80,000</u>
8	Total.....		\$ 8,904,031

9 The appropriations for the House of Delegates for the fiscal
10 year 2019 are to remain in full force and effect and are hereby
11 reappropriated to June 30, 2020. Any balances so reappropriated
12 may be transferred and credited to the fiscal year 2019 accounts.

13 Upon the written request of the Clerk of the House of
14 Delegates, the Auditor shall transfer amounts between items of the
15 total appropriation in order to protect or increase the efficiency of
16 the service.

17 The Clerk of the House of Delegates, with the approval of the
18 Speaker, is authorized to draw his or her requisitions upon the
19 Auditor, payable out of the Current Expenses and Contingent Fund
20 of the House of Delegates, for any bills for supplies and services
21 that may have been incurred by the House of Delegates and not
22 included in the appropriation bill, for bills for services and supplies
23 incurred in preparation for the opening of the session and after
24 adjournment, and for the necessary operation of the House of
25 Delegates' offices, the requisitions for which are to be
26 accompanied by bills to be filed with the Auditor.

27 The Speaker of the House of Delegates, upon approval of the
28 House committee on rules, shall have authority to employ such
29 staff personnel during and between sessions of the Legislature as
30 shall be needed, in addition to personnel designated in the House
31 resolution, and the compensation of all personnel shall be as fixed
32 in such House resolution for the session, or fixed by the Speaker,
33 with the approval of the House committee on rules, during and
34 between sessions of the Legislature, notwithstanding such House
35 resolution. The Clerk of the House of Delegates is hereby
36 authorized to draw requisitions upon the Auditor for such services,
37 payable out of the appropriation for the Compensation and Per

38 Diem of Officers and Employees or Current Expenses and
39 Contingent Fund of the House of Delegates.

40 For duties imposed by law and by the House of Delegates,
41 including salary allowed by law as keeper of the rolls, the Clerk of
42 the House of Delegates shall be paid a monthly salary as provided
43 in the House resolution, unless increased between sessions under
44 the authority of the Speaker, with the approval of the House
45 committee on rules, and payable out of the appropriation for
46 Compensation and Per Diem of Officers and Employees or Current
47 Expenses and Contingent Fund of the House of Delegates.

48 Included in the above appropriation for House of Delegates
49 (fund 0170, appropriation 02100), an amount not less than \$5,000
50 is to be used for the West Virginia Academy of Family Physicians
51 - Doc of the Day Program.

3 - Joint Expenses

(WV Code Chapter 4)

Fund 0175 FY 2020 Org 2300

1	Joint Committee on		
2	Government and Finance (R).....	10400	\$ 6,725,138
3	Legislative Printing (R).....	10500	260,000
4	Legislative Rule-Making		
5	Review Committee (R).....	10600	147,250
6	Legislative Computer System (R).....	10700	1,447,500
7	Legislative Fees and Dues (R)	xxxxx	600,000
8	BRIM Premium (R)	91300	<u>60,569</u>
9	Total.....		\$ 9,240,457

10 The appropriations for the Joint Expenses for the fiscal year
11 2019 are to remain in full force and effect and are hereby
12 reappropriated to June 30, 2020. Any balances reappropriated may
13 be transferred and credited to the fiscal year 2019 accounts.

14 Upon the written request of the Clerk of the Senate, with the
15 approval of the President of the Senate, and the Clerk of the House
16 of Delegates, with the approval of the Speaker of the House of

17 Delegates, and a copy to the Legislative Auditor, the Auditor shall
 18 transfer amounts between items of the total appropriation in order
 19 to protect or increase the efficiency of the service.

JUDICIAL

4 - Supreme Court –

General Judicial

Fund 0180 FY 2020 Org 2400

1	Personal Services		
2	and Employee Benefits (R).....	00100	
3	Pers Serv Perm Pos		
4	(W/ Pr Deduct)	1200	\$ 82,744,330
5	Pers Serv Temp Pos		
6	(W/O Pr Deduct)	1201	65,000
7	Annual Increment	1206	804,355
8	Social Security Matching	2202	6,305,791
9	Public Employees Ins	2203	6,892,244
10	Workers Compensation	2205	150,000
11	Pension And Retirement.....	2207	8,383,002
12	WV Opeb Contribution	2208	2,348,573
13	Unemployment		
14	Compensation.....	2206	<u>156,705</u>
15	Appropriation	00100	
16	Total		\$ 107,850,000
17	Intermediate Court of Appeals.....	09001	<u>4,058,200</u>
18	Appropriation 09001 Total		\$ 4,058,200
19	Mental Health and Military Service		
20	Member Court Program	xxxxx	<u>\$ 323,000</u>
21	Appropriation xxxxx Total		\$ 323,000
22	Current Expenses (R)	13000	
23	Office Expenses	3200	\$ 950,000
24	Utilities	3203	15,000
25	Telecommunications.....	3204	1,500,000
26	Contractual Services	3206	1,000,000
27	Travel Employee.....	3211	1,090,000
28	Computer Services Internal	3213	400,000

29	Rental (Machine & Misc)	3217	800,000
30	Assoc Dues & Prof Members	3218	120,000
31	Advertising & Promotional.....	3224	100,000
32	Vehicle Operating Exp	3225	20,000
33	Routine Maint Contracts.....	3229	175,000
34	Cellular Charges	3232	150,000
35	Hospitality.....	3233	150,000
36	Energy Exp Mtr Veh/Air.	3235	30,000
37	Energy Expense Utilities	3238	40,000
38	Training & Dev - In State	3242	250,000
39	Postal.....	3244	200,000
40	Supplies-Computer	3246	165,000
41	Computer Equipment.....	3248	950,000
42	Misc Equipment Purchases.....	3252	35,000
43	Bank Costs	3263	121,400
44	Rent Exp (Real Prop) Bldg	3202	1,380,000
45	Printing And Binding.....	3201	6,000
46	Computer Services External	3214	1,221,216
47	Peia Reserve Transfer	3272	779,500
48	Witness Fees	8208	29,000
49	Professional Services	3207	1,200,000
50	Atty Legal Service Pymts	3250	3,000,000
51	Atty Reimbursable Expense	3251	120,000
52	Travel Non Employee.....	3212	340,000
53	Software Licenses	3247	1,092,000
54	Other Court Expenses	8215	116,500
55	Drug Testing	8211	300,000
56	Internet Service.....	3205	110,000
57	Interpreters Fees.....	8216	100,000
58	Court Reporter Fees	8206	778,000
59	Jury Fees	8207	<u>1,150,000</u>
60	Appropriation 13000 Total		\$ 19,983,616
61	Repairs and Alterations (R)	06400	
62	Other Repairs And Alt	6108	<u>\$ 10,000</u>
63	Appropriation 06400 Total		\$ 10,000
64	Equipment (R).....	07000	
65	Books And Periodicals	5208	\$ 1,400,000
66	Computer Equipment.....	5210	<u>200,000</u>
67	Appropriation 07000 Total		\$ 1,600,000

68	Judges' Retirement System (R).....	11000	
69	Pension And Retirement	2207	\$ 791,000
70	Appropriation 11000 Total		\$ 791,000
71	Buildings (R).....	25800	
72	Building Improvements	7401	\$ 1,000
73	Leasehold Improvements.....	7403	19,000
74	Appropriation 25800 Total		\$ 20,000
75	Other Assets (R).....	69000	
76	Computer Software.....	8203	\$ 200,000
77	Appropriation 69000 Total		\$ 200,000
78	BRIM Premium (R)	91300	
79	Fire/Auto/Bond/ & Othr In	3219	\$ 776,809
80	Appropriation 91300 Total		\$ 776,809
81	Total.....		\$ 135,612,625

82 The appropriations to the Supreme Court of Appeals for the
83 fiscal years 2018 and 2019 are to remain in full force and effect and
84 are hereby reappropriated to June 30, 2020. Any balances so
85 reappropriated may be transferred and credited to the fiscal year
86 2019 accounts.

87 This fund shall be administered by the Administrative Director
88 of the Supreme Court of Appeals, who shall draw requisitions for
89 warrants in payment in the form of payrolls, making deductions
90 there from as required by law for taxes and other items.

91 The appropriation for the Judges' Retirement System (fund
92 0180, appropriation 11000) is to be transferred to the Consolidated
93 Public Retirement Board, in accordance with the law relating
94 thereto, upon requisition of the Administrative Director of the
95 Supreme Court of Appeals.

EXECUTIVE

5 - Governor's Office

(WV Code Chapter 5)

Fund 0101 FY 2020 Org 0100

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 3,250,758
3	Current Expenses (R).....	13000	800,000
4	Repairs and Alterations.....	06400	25,000
5	National Governors Association	12300	60,700
6	Herbert Henderson Office		
7	of Minority Affairs	13400	146,726
8	BRIM Premium.....	91300	<u>183,645</u>
9	Total.....		\$ 4,466,829

10 Any unexpended balances remaining in the appropriations for
 11 Unclassified (fund 0101, appropriation 09900), and Current
 12 Expenses (fund 0101, appropriation 13000) at the close of the fiscal
 13 year 2019 are hereby reappropriated for expenditure during the
 14 fiscal year 2020.

15 The above appropriation for Herbert Henderson Office of
 16 Minority Affairs (fund 0101, appropriation 13400) shall be
 17 transferred to the Minority Affairs Fund (fund 1058).

6 - Governor's Office –

Custodial Fund

(WV Code Chapter 5)

Fund 0102 FY 2020 Org 0100

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 381,293
3	Current Expenses (R).....	13000	183,158
4	Repairs and Alterations.....	06400	<u>5,000</u>
5	Total.....		\$ 569,451

6 Any unexpended balance remaining in the appropriation for
 7 Current Expenses (fund 0102, appropriation 13000) at the close of
 8 the fiscal year 2019 is hereby reappropriated for expenditure during
 9 the fiscal year 2020.

10 Appropriations are to be used for current general expenses,
 11 including compensation of employees, household maintenance,

12 cost of official functions and additional household expenses
13 occasioned by such official functions.

7 - Governor's Office –

Civil Contingent Fund

(WV Code Chapter 5)

Fund 0105 FY 2020 Org 0100

1 Any unexpended balances remaining in the appropriations for
2 Business and Economic Development Stimulus – Surplus (fund
3 0105, appropriation 08400), Civil Contingent Fund – Total (fund
4 0105, appropriation 11400), 2012 Natural Disasters – Surplus
5 (fund 0105, appropriation 13500), Civil Contingent Fund – Total –
6 Surplus (fund 0105, appropriation 23800), Civil Contingent Fund
7 – Surplus (fund 0105, appropriation 26300), Business and
8 Economic Development Stimulus (fund 0105, appropriation
9 58600), Civil Contingent Fund (fund 0105, appropriation 61400),
10 and Natural Disasters – Surplus (fund 0105, appropriation 76400)
11 at the close of the fiscal year 2019 are hereby reappropriated for
12 expenditure during the fiscal year.

13 From this fund there may be expended, at the discretion of the
14 Governor, an amount not to exceed \$1,000 as West Virginia's
15 contribution to the interstate oil compact commission.

16 The above fund is intended to provide contingency funding for
17 accidental, unanticipated, emergency or unplanned events which
18 may occur during the fiscal year and is not to be expended for the
19 normal day-to-day operations of the Governor's Office.

8 - Auditor's Office –

General Administration

(WV Code Chapter 12)

Fund 0116 FY 2020 Org 1200

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 2,797,589
3	Current Expenses (R).....	13000	13,429
4	BRIM Premium.....	91300	<u>12,077</u>
5	Total.....		\$ 2,823,095

6 Any unexpended balance remaining in the appropriation for
7 Current Expenses (fund 0116, appropriation 13000) at the close of
8 the fiscal year 2019 is hereby reappropriated for expenditure during
9 the fiscal year 2020.

10 Included in the above appropriation to Personal Services and
11 Employee Benefits (fund 0116, appropriation 00100), is \$95,000
12 for the Salary of the Auditor.

9 - Treasurer's Office

(WV Code Chapter 12)

Fund 0126 FY 2020 Org 1300

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 2,561,063
3	Unclassified.....	09900	30,415
4	Current Expenses (R).....	13000	472,911
5	Abandoned Property Program.....	11800	41,794
6	Other Assets.....	69000	10,000
7	ABLE Program	69201	150,000
8	BRIM Premium.....	91300	<u>59,169</u>
9	Total.....		\$ 3,325,352

10 Any unexpended balances remaining in the appropriation for
11 Current Expenses (fund 0126, appropriation 13000) at the close of
12 the fiscal year 2019 are hereby reappropriated for expenditure
13 during the fiscal year 2020.

14 Included in the above appropriation to Personal Services and
15 Employee Benefits (fund 0126, appropriation 00100), is \$95,000
16 for the Salary of the Treasurer.

10 - Department of Agriculture

(WV Code Chapter 19)

Fund 0131 FY 2020 Org 1400

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 5,546,674
3	Animal Identification Program	03900	131,942
4	State Farm Museum	05500	87,759
5	Current Expenses (R).....	13000	141,960
6	Gypsy Moth Program (R)	11900	1,003,440
7	WV Farmers Market	12801	150,467
8	Black Fly Control.....	13700	453,698
9	Donated Foods Program	36300	45,000
10	Veterans to Agriculture Program	36301	255,624
11	Predator Control (R)	47000	176,400
12	Bee Research.....	69100	70,634
13	Microbiology Program.....	78500	99,828
14	Moorefield Agriculture Center	78600	975,284
15	Chesapeake Bay Watershed	83000	112,427
16	Livestock Care Standards Board.....	84300	8,820
17	BRIM Premium.....	91300	138,905
18	State FFA-FHA Camp		
19	and Conference Center	94101	638,554
20	Threat Preparedness	94200	73,122
21	WV Food Banks.....	96900	126,000
22	Senior's Farmers' Market		
23	Nutrition Coupon Program	97000	<u>55,835</u>
24	Total.....		\$ 10,292,373

25 Any unexpended balances remaining in the appropriations for
26 Gypsy Moth Program (fund 0131, appropriation 11900), Current
27 Expenses (fund 0131, appropriation 13000), Predator Control
28 (fund 0131, appropriation 47000), and Agricultural Disaster and
29 Mitigation Needs – Surplus (fund 0131, appropriation 85000) at

30 the close of the fiscal year 2019 are hereby reappropriated for
31 expenditure during the fiscal year 2020.

32 Included in the above appropriation to Personal Services and
33 Employee Benefits (fund 0131, appropriation 00100), is \$95,000
34 for the Salary of the Commissioner.

35 The above appropriation for Predator Control (fund 0131,
36 appropriation 47000) is to be made available to the United States
37 Department of Agriculture, Wildlife Services to administer the
38 Predator Control Program.

39 A portion of the Current Expenses appropriation may be
40 transferred to a special revenue fund for the purpose of matching
41 federal funds for marketing and development activities.

42 From the above appropriation for WV Food Banks (fund 0131,
43 appropriation 96900), \$20,000 is for House of Hope and the
44 remainder of the appropriation shall be allocated to the Huntington
45 Food Bank and the Mountaineer Food Bank in Braxton County.

11 - West Virginia Conservation Agency

(WV Code Chapter 19)

Fund 0132 FY 2020 Org 1400

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 794,191
3	Unclassified.....	09900	77,059
4	Current Expenses (R).....	13000	317,848
5	Soil Conservation Projects (R).....	12000	8,799,709
6	BRIM Premium.....	91300	<u>34,428</u>
7	Total.....		\$ 10,023,235

8 Any unexpended balances remaining in the appropriations for
9 Soil Conservation Projects (fund 0132, appropriation 12000), and
10 Current Expenses (fund 0132, appropriation 13000) at the close of

11 the fiscal year 2019 are hereby reappropriated for expenditure
12 during the fiscal year 2020.

12 - Department of Agriculture –

Meat Inspection Fund

(WV Code Chapter 19)

Fund 0135 FY 2020 Org 1400

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 668,030
3	Unclassified.....	09900	7,090
4	Current Expenses	13000	<u>82,605</u>
5	Total.....		\$ 757,725

6 Any part or all of this appropriation may be transferred to a
7 special revenue fund for the purpose of matching federal funds for
8 the above-named program.

13 - Department of Agriculture –

Agricultural Awards Fund

(WV Code Chapter 19)

Fund 0136 FY 2020 Org 1400

1	Programs and Awards for		
2	4-H Clubs and FFA/FHA.....	57700	\$ 15,000
3	Commissioner's Awards		
4	and Programs	73700	<u>39,250</u>
5	Total.....		\$ 54,250

14 - Department of Agriculture –

West Virginia Agricultural Land Protection Authority

(WV Code Chapter 8A)

Fund 0607 FY 2020 Org 1400

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 99,547
3	Unclassified.....	09900	<u>950</u>
4	Total.....		\$ 100,497

15 - Attorney General

(WV Code Chapters 5, 14, 46A and 47)

Fund 0150 FY 2020 Org 1500

1	Personal Services and		
2	Employee Benefits (R)	00100	\$ 2,818,788
3	Unclassified (R)	09900	24,428
4	Current Expenses (R).....	13000	762,097
5	Repairs and Alterations.....	06400	1,000
6	Equipment.....	07000	1,000
7	Criminal Convictions and		
8	Habeas Corpus Appeals (R).....	26000	946,078
9	Better Government Bureau	74000	279,412
10	BRIM Premium.....	91300	<u>120,654</u>
11	Total.....		\$ 4,953,457

12 Any unexpended balances remaining in the above
 13 appropriations for Personal Services and Employee Benefits (fund
 14 0150, appropriation 00100), Unclassified (fund 0150,
 15 appropriation 09900), Current Expenses (fund 0150, appropriation
 16 13000), Criminal Convictions and Habeas Corpus Appeals (fund
 17 0150, appropriation 26000), and Agency Client Revolving
 18 Liquidity Pool (fund 0150, appropriation 36200) at the close of the
 19 fiscal year 2019 are hereby reappropriated for expenditure during
 20 the fiscal year 2020.

21 Included in the above appropriation to Personal Services and
 22 Employee Benefits (fund 0150, appropriation 00100), is \$95,000
 23 for the Salary of the Attorney General.

24 When legal counsel or secretarial help is appointed by the
 25 Attorney General for any state spending unit, this account shall be
 26 reimbursed from such spending units specifically appropriated
 27 account or from accounts appropriated by general language

28 contained within this bill: *Provided*, That the spending unit shall
 29 reimburse at a rate and upon terms agreed to by the state spending
 30 unit and the Attorney General: *Provided, however*, That if the
 31 spending unit and the Attorney General are unable to agree on the
 32 amount and terms of the reimbursement, the spending unit and the
 33 Attorney General shall submit their proposed reimbursement rates
 34 and terms to the Governor for final determination.

16 - Secretary of State

(WV Code Chapters 3, 5 and 59)

Fund 0155 FY 2020 Org 1600

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 118,794
3	Unclassified (R)	09900	9,555
4	Current Expenses (R)	13000	805,948
5	BRIM Premium.....	91300	<u>23,297</u>
6	Total.....		\$ 957,594

7 Any unexpended balances remaining in the appropriations for
 8 Unclassified (fund 0155, appropriation 09900) and Current
 9 Expenses (fund 0155, appropriation 13000) at the close of the fiscal
 10 year 2019 are hereby reappropriated for expenditure during the
 11 fiscal year 2020.

12 Included in the above appropriation to Personal Services and
 13 Employee Benefits (fund 0155, appropriation 00100), is \$95,000
 14 for the Salary of the Secretary of State.

17 - State Election Commission

(WV Code Chapter 3)

Fund 0160 FY 2020 Org 1601

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 2,477
3	Unclassified.....	09900	75
4	Current Expenses	13000	<u>4,956</u>

5 Total..... \$ 7,508

DEPARTMENT OF ADMINISTRATION

18 - Department of Administration –

Office of the Secretary

(WV Code Chapter 5F)

Fund 0186 FY 2020 Org 0201

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 606,584
3	Unclassified.....	09900	9,177
4	Current Expenses	13000	85,009
5	Repairs and Alterations.....	06400	100
6	Equipment.....	07000	1,000
7	Financial Advisor (R)	30400	27,546
8	Lease Rental Payments	51600	15,000,000
9	Design-Build Board	54000	4,000
10	Other Assets	69000	100
11	BRIM Premium.....	91300	<u>6,736</u>
12	Total.....		\$ 15,740,252

13 Any unexpended balance remaining in the appropriation for
14 Financial Advisor (fund 0186, appropriation 30400) at the close of
15 the fiscal year 2019 is hereby reappropriated for expenditure during
16 the fiscal year 2020.

17 The appropriation for Lease Rental Payments (fund 0186,
18 appropriation 51600) shall be disbursed as provided by W.Va.
19 Code §31-15-6b.

19 - Consolidated Public Retirement Board

(WV Code Chapter 5)

Fund 0195 FY 2020 Org 0205

1 The Division of Highways, Division of Motor Vehicles, Public
2 Service Commission and other departments, bureaus, divisions, or

3 commissions operating from special revenue funds and/or federal
 4 funds shall pay their proportionate share of the retirement costs for
 5 their respective divisions. When specific appropriations are not
 6 made, such payments may be made from the balances in the various
 7 special revenue funds in excess of specific appropriations.

20 - Division of Finance

(WV Code Chapter 5A)

Fund 0203 FY 2020 Org 0209

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 64,696
3	Unclassified.....	09900	1,400
4	Current Expenses	13000	66,721
5	GAAP Project (R)	12500	612,666
6	BRIM Premium.....	91300	<u>7,517</u>
7	Total.....		\$ 753,000

8 Any unexpended balance remaining in the appropriation for
 9 GAAP Project (fund 0203, appropriation 12500) at the close of the
 10 fiscal year 2019 is hereby reappropriated for expenditure during the
 11 fiscal year 2020.

21 - Division of General Services

(WV Code Chapter 5A)

Fund 0230 FY 2020 Org 0211

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 2,722,499
3	Unclassified.....	09900	20,000
4	Current Expenses	13000	728,849
5	Repairs and Alterations.....	06400	500
6	Equipment.....	07000	5,000
7	Fire Service Fee	12600	14,000
8	Buildings (R).....	25800	500
9	Preservation and Maintenance of		
10	Statues and Monuments		
11	on Capitol Grounds.....	37100	68,000

12	Capital Outlay, Repairs		
13	and Equipment (R).....	58900	27,078,888
14	Other Assets.....	69000	500
15	Land (R).....	73000	500
16	BRIM Premium.....	91300	<u>129,983</u>
17	Total.....		\$ 30,769,219

18 Any unexpended balances remaining in the above
 19 appropriations for Buildings (fund 0230, appropriation 25800),
 20 Capital Outlay, Repairs and Equipment (fund 0230, appropriation
 21 58900), Capital Outlay, Repairs and Equipment – Surplus (fund
 22 0230, appropriation 67700), and Land (fund 0230, appropriation
 23 73000) at the close of the fiscal year 2019 are hereby
 24 reappropriated for expenditure during the fiscal year 2020.

25 From the above appropriation for Preservation and
 26 Maintenance of Statues and Monuments on Capitol Grounds (fund
 27 0230, appropriation 37100), the Division shall consult the Division
 28 of Culture and History and Capitol Building Commission in all
 29 aspects of planning, assessment, maintenance and restoration.

30 The above appropriation for Capital Outlay, Repairs and
 31 Equipment (fund 0230, appropriation 58900) shall be expended for
 32 capital improvements, maintenance, repairs and equipment for
 33 state-owned buildings.

22 - Division of Purchasing

(WV Code Chapter 5A)

Fund 0210 FY 2020 Org 0213

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 1,055,926
3	Unclassified.....	09900	144
4	Current Expenses	13000	1,285
5	Repairs and Alterations.....	06400	200
6	BRIM Premium.....	91300	<u>6,922</u>
7	Total.....		\$ 1,064,477

8 The Division of Highways shall reimburse Fund 2031 within
9 the Division of Purchasing for all actual expenses incurred
10 pursuant to the provisions of W.Va. Code §17-2A-13.

23 - Travel Management

(WV Code Chapter 5A)

Fund 0615 FY 2020 Org 0215

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 802,363
3	Unclassified.....	09900	12,032
4	Current Expenses	13000	440,247
5	Repairs and Alterations.....	06400	1,000
6	Equipment.....	07000	5,000
7	Buildings (R).....	25800	100
8	Other Assets.....	69000	100
9	Total.....		<u>\$ 1,260,842</u>

10 Any unexpended balance remaining in the appropriation for
11 Buildings (fund 0615, appropriation 25800) at the close of the
12 fiscal year 2019 is hereby reappropriated for expenditure during the
13 fiscal year 2020.

24 - Commission on Uniform State Laws

(WV Code Chapter 29)

Fund 0214 FY 2020 Org 0217

1	Current Expenses	13000	\$ 45,550
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2 To pay expenses for members of the commission on uniform
3 state laws.

25 - West Virginia Public Employees Grievance Board

(WV Code Chapter 6C)

Fund 0220 FY 2020 Org 0219

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 969,627
3	Unclassified.....	09900	1,000
4	Current Expenses	13000	143,754
5	Equipment.....	07000	50
6	BRIM Premium.....	91300	<u>10,281</u>
7	Total.....		\$ 1,124,712

26 - Ethics Commission

(WV Code Chapter 6B)

Fund 0223 FY 2020 Org 0220

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 606,969
3	Unclassified.....	09900	2,200
4	Current Expenses	13000	104,501
5	Repairs and Alterations.....	06400	500
6	Other Assets.....	69000	100
7	BRIM Premium.....	91300	<u>5,574</u>
8	Total.....		\$ 719,844

27 - Public Defender Services

(WV Code Chapter 29)

Fund 0226 FY 2020 Org 0221

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 1,711,081
3	Unclassified.....	09900	314,700
4	Current Expenses	13000	12,740
5	Public Defender Corporations.....	35200	19,213,435
6	Appointed Counsel Fees (R).....	78800	13,223,115
7	BRIM Premium.....	91300	<u>10,575</u>
8	Total.....		\$ 34,485,646

9 Any unexpended balance remaining in the above appropriation
10 for Appointed Counsel Fees (fund 0226, appropriation 78800) at

11 the close of the fiscal year 2019 is hereby reappropriated for
12 expenditure during the fiscal year 2020.

13 The director shall have the authority to transfer funds from the
14 appropriation to Public Defender Corporations (fund 0226,
15 appropriation 35200) to Appointed Counsel Fees (fund 0226,
16 appropriation 78800).

28 - Committee for the Purchase of

Commodities and Services from the Handicapped

(WV Code Chapter 5A)

Fund 0233 FY 2020 Org 0224

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 3,187
3	Current Expenses	13000	<u>868</u>
4	Total.....		\$ 4,055

29 - Public Employees Insurance Agency

(WV Code Chapter 5)

Fund 0200 FY 2020 Org 0225

1	PEIA Subsidy.....	80100	\$ 21,000,000
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2 The Division of Highways, Division of Motor Vehicles, Public
3 Service Commission and other departments, bureaus, divisions, or
4 commissions operating from special revenue funds and/or federal
5 funds shall pay their proportionate share of the public employees
6 health insurance cost for their respective divisions.

7 The above appropriation for PEIA Subsidy (fund 0200,
8 appropriation 80100) may be transferred to a special revenue fund
9 and shall be utilized by the West Virginia Public Employees
10 Insurance Agency for the purposes of offsetting benefit changes to
11 offset the aggregate premium cost-sharing percentage
12 requirements between employers and employees. Such amount
13 shall not be included in the calculation of the plan year aggregate

14 premium cost-sharing percentages between employers and
 15 employees.

30 - West Virginia Prosecuting Attorneys Institute

(WV Code Chapter 7)

Fund 0557 FY 2020 Org 0228

1	Forensic Medical Examinations (R) 68300	\$	141,579
2	Federal Funds/Grant Match (R) 74900		<u>105,074</u>
3	Total.....	\$	246,653

4 Any unexpended balances remaining in the appropriations for
 5 Forensic Medical Examinations (fund 0557, appropriation 68300)
 6 and Federal Funds/Grant Match (fund 0557, appropriation 74900)
 7 at the close of the fiscal year 2019 are hereby reappropriated for
 8 expenditure during the fiscal year 2020.

31 - Real Estate Division

(WV Code Chapter 5A)

Fund 0610 FY 2020 Org 0233

1	Personal Services and		
2	Employee Benefits..... 00100	\$	681,101
3	Unclassified..... 09900		1,000
4	Current Expenses 13000		138,631
5	Repairs and Alterations..... 06400		100
6	Equipment..... 07000		2,500
7	BRIM Premium..... 91300		<u>8,534</u>
8	Total.....	\$	831,866

DEPARTMENT OF COMMERCE

32 - West Virginia Tourism Office

(WV Code Chapter 5B)

Fund 0246 FY 2020 Org 0304

1	Tourism – Brand Promotion	61803	\$	5,000,000
2	Tourism – Public Relations.....	61804		750,000
3	Tourism – Events and Sponsorships	61805		250,000
4	Tourism – Industry Development	61806		250,000
5	State Parks and Recreation			
6	Advertising	61900		<u>750,000</u>
7	Total.....		\$	7,000,000

8 The Executive Director of the West Virginia Tourism Office,
9 with approval from the Secretary of Commerce, shall have the
10 authority to transfer between the above items of appropriation.

33 - Division of Forestry

(WV Code Chapter 19)

Fund 0250 FY 2020 Org 0305

1	Personal Services and			
2	Employee Benefits.....	00100	\$	2,881,455
3	Unclassified.....	09900		21,435
4	Current Expenses	13000		338,953
5	Repairs and Alterations.....	06400		80,000
6	Equipment (R).....	07000		2,061
7	BRIM Premium.....	91300		<u>98,754</u>
8	Total.....		\$	3,422,658

9 Any unexpended balance remaining in the appropriation for
10 Equipment (fund 0250, appropriation 07000) at the close of the
11 fiscal year 2019 is hereby reappropriated for expenditure during the
12 fiscal year 2020.

13 Out of the above appropriations a sum may be used to match
14 federal funds for cooperative studies or other funds for similar
15 purposes.

34 - Geological and Economic Survey

(WV Code Chapter 29)

Fund 0253 FY 2020 Org 0306

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 1,678,448
3	Unclassified.....	09900	27,678
4	Current Expenses	13000	51,524
5	Repairs and Alterations.....	06400	968
6	Mineral Mapping System (R)	20700	1,134,143
7	BRIM Premium.....	91300	<u>24,486</u>
8	Total.....		\$ 2,917,247

9 Any unexpended balance remaining in the appropriation for
 10 Mineral Mapping System (fund 0253, appropriation 20700) at the
 11 close of the fiscal year 2019 is hereby reappropriated for
 12 expenditure during the fiscal year 2020.

13 The above Unclassified and Current Expense appropriations
 14 include funding to secure federal and other contracts and may be
 15 transferred to a special revolving fund (fund 3105) for the purpose
 16 of providing advance funding for such contracts.

35 - West Virginia Development Office

(WV Code Chapter 5B)

Fund 0256 FY 2020 Org 0307

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 4,400,420
3	Unclassified.....	09900	108,055
4	Current Expenses	13000	3,765,277
5	National Youth Science Camp.....	13200	241,570
6	Local Economic Development		
7	Partnerships (R)	13300	1,250,000
8	ARC Assessment	13600	152,585
9	Guaranteed Work Force Grant (R).....	24200	976,579
10	Mainstreet Program.....	79400	167,467
11	BRIM Premium.....	91300	3,157
12	Hatfield McCoy Recreational Trail.....	96000	<u>198,415</u>
13	Total.....		\$ 11,263,525

14 Any unexpended balances remaining in the appropriations for
 15 Sales and Marketing Enhancement – Surplus (fund 0256,

16 appropriation 05099), Unclassified – Surplus (fund 0256,
 17 appropriation 09700), Partnership Grants (fund 0256,
 18 appropriation 13100), Local Economic Development Partnerships
 19 (fund 0256, appropriation 13300), Guaranteed Work Force Grant
 20 (fund 0256, appropriation 24200), Industrial Park Assistance (fund
 21 0256, appropriation 48000), and Local Economic Development
 22 Assistance (fund 0256, appropriation 81900) at the close of the
 23 fiscal year 2019 are hereby reappropriated for expenditure during
 24 the fiscal year 2020.

25 The above appropriation to Local Economic Development
 26 Partnerships (fund 0256, appropriation 13300) shall be used by the
 27 West Virginia Development Office for the award of funding
 28 assistance to county and regional economic development
 29 corporations or authorities participating in the Certified
 30 Development Community Program developed under the provisions
 31 of W.Va. Code §5B-2-14. The West Virginia Development Office
 32 shall award the funding assistance through a matching grant
 33 program, based upon a formula whereby funding assistance may
 34 not exceed \$34,000 per county served by an economic
 35 development or redevelopment corporation or authority.

36 - Division of Labor

(WV Code Chapters 21 and 47)

Fund 0260 FY 2020 Org 0308

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 1,564,676
3	Current Expenses	13000	227,000
4	Repairs and Alterations.....	06400	28,000
5	Equipment.....	07000	15,000
6	BRIM Premium.....	91300	<u>8,500</u>
7	Total.....		\$ 1,843,176

37 - Division of Natural Resources

(WV Code Chapter 20)

Fund 0265 FY 2020 Org 0310

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 16,956,925
3	Unclassified.....	09900	184,711
4	Current Expenses	13000	196,302
5	Repairs and Alterations.....	06400	100
6	Equipment.....	07000	100
7	Buildings.....	25800	100
8	Capital Outlay – Parks (R).....	28800	3,000,000
9	Litter Control Conservation Officers ...	56400	146,986
10	Upper Mud River Flood Control.....	65400	164,791
11	Other Assets.....	69000	100
12	Land (R).....	73000	100
13	Law Enforcement.....	80600	2,552,994
14	BRIM Premium.....	91300	<u>45,141</u>
15	Total.....		\$ 23,248,350

16 Any unexpended balances remaining in the appropriations for
17 Buildings (fund 0265, appropriation 25800), Capital Outlay –
18 Parks (fund 0265, appropriation 28800), Land (fund 0265,
19 appropriation 73000), and State Park Improvements – Surplus
20 (fund 0265, appropriation 76300) at the close of the fiscal year
21 2019 are hereby reappropriated for expenditure during the fiscal
22 year 2020.

23 Any revenue derived from mineral extraction at any state park
24 shall be deposited in a special revenue account of the Division of
25 Natural Resources, first for bond debt payment purposes and with
26 any remainder to be for park operation and improvement purposes.

38 - Division of Miners' Health, Safety and Training

(WV Code Chapter 22)

Fund 0277 FY 2020 Org 0314

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 9,550,243
3	Unclassified.....	09900	111,016
4	Current Expenses	13000	1,396,141
5	Coal Dust and Rock Dust Sampling	27000	487,752

6	BRIM Premium.....	91300		<u>80,668</u>
7	Total.....		\$	11,625,820

8 Included in the above appropriation for Current Expenses (fund
9 0277, appropriation 13000) is \$500,000 to be used for coal mine
10 training activities at an established mine training facility in
11 southern West Virginia.

39 - Board of Coal Mine Health and Safety

(WV Code Chapter 22)

Fund 0280 FY 2020 Org 0319

1	Personal Services and			
2	Employee Benefits.....	00100	\$	233,981
3	Unclassified.....	09900		3,480
4	Current Expenses	13000		<u>118,138</u>
5	Total.....		\$	355,599

6 Included in the above appropriation for Current Expenses (fund
7 0280, appropriation 13000) up to \$29,000 shall be used for the Coal
8 Mine Safety and Technical Review Committee.

40 - WorkForce West Virginia

(WV Code Chapter 23)

Fund 0572 FY 2020 Org 0323

1	Personal Services and			
2	Employee Benefits.....	00100	\$	51,433
3	Unclassified.....	09900		593
4	Current Expenses	13000		<u>7,337</u>
5	Total.....		\$	59,363

41 - Department of Commerce –

Office of the Secretary

(WV Code Chapter 19)

Fund 0606 FY 2020 Org 0327

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 588,872
3	Unclassified.....	09900	1,490
4	Current Expenses	13000	<u>17,099</u>
5	Total.....		\$ 607,461

42 - Office of Energy

(WV Code Chapter 5B)

Fund 0612 FY 2020 Org 0328

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 198,299
3	Unclassified.....	09900	12,395
4	Current Expenses	13000	1,029,679
5	BRIM Premium.....	91300	<u>3,894</u>
6	Total.....		\$ 1,244,267

7 From the above appropriation for Current Expenses (fund
8 0612, appropriation 13000) \$558,247 is for West Virginia
9 University and \$308,247 is for Southern West Virginia Community
10 and Technical College for the Mine Training and Energy
11 Technologies Academy.

43 - State Board of Rehabilitation –

Division of Rehabilitation Services

(WV Code Chapter 18)

Fund 0310 FY 2020 Org 0932

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 11,459,977
3	Independent Living Services.....	00900	429,418
4	Current Expenses	13000	558,815
5	Workshop Development	16300	1,817,427
6	Supported Employment		
7	Extended Services.....	20600	77,960
8	Ron Yost Personal		
9	Assistance Fund.....	40700	333,828

10	Employment Attendant		
11	Care Program.....	59800	131,575
12	BRIM Premium.....	91300	<u>77,464</u>
13	Total.....		\$ 14,886,464

14 From the above appropriation for Workshop Development
 15 (fund 0310, appropriation 16300), fund shall be used exclusively
 16 with the private nonprofit community rehabilitation program
 17 organizations known as work centers or sheltered workshops. The
 18 appropriation shall also be used to continue the support of the
 19 program, services, and individuals with disabilities currently in
 20 place at those organizations.

DEPARTMENT OF EDUCATION

44 - State Board of Education –

School Lunch Program

(WV Code Chapters 18 and 18A)

Fund 0303 FY 2020 Org 0402

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 348,042
3	Current Expenses	13000	<u>2,118,865</u>
4	Total.....		\$ 2,466,907

45 - State Board of Education –

State Department of Education

(WV Code Chapters 18 and 18A)

Fund 0313 FY 2020 Org 0402

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 4,598,523
3	Teachers' Retirement		
4	Savings Realized.....	09500	42,954,000
5	Unclassified (R)	09900	300,000
6	Current Expenses (R).....	13000	2,572,000

7	Equipment	07000	5,000
8	Center for Professional		
9	Development (R)	11500	150,000
10	Increased Enrollment	14000	3,060,000
11	Safe Schools.....	14300	4,781,026
12	National Teacher Certification (R)	16100	300,000
13	Jim’s Dream – Childhood		
14	Drug Prevention Education.....	21901	3,000,000
15	Buildings (R).....	25800	1,000
16	Allowance for County Transfer	26400	476,348
17	Technology Repair and		
18	Modernization.....	29800	951,003
19	HVAC Technicians	35500	516,791
20	Early Retirement Notification		
21	Incentive	36600	300,000
22	MATH Program	36800	336,532
23	Assessment Programs	39600	1,339,588
24	Benedum Professional		
25	Development Collaborative	42700	429,775
26	Governor’s Honors Academy	47800	1,059,270
27	21 st Century Fellows	50700	274,899
28	English as a Second Language.....	52800	96,000
29	Teacher Reimbursement	57300	297,188
30	Hospitality Training	60000	272,775
31	Hi-Y Youth in Government	61600	100,000
32	High Acuity Special Needs (R).....	63400	1,500,000
33	Foreign Student Education.....	63600	100,294
34	State Board of Education		
35	Administrative Costs	68400	277,403
36	Other Assets	69000	1,000
37	IT Academy (R)	72100	500,000
38	Land (R).....	73000	1,000
39	Early Literacy Program.....	75600	5,705,624
40	School Based Truancy		
41	Prevention (R).....	78101	2,032,238
42	Communities in Schools (R).....	78103	400,000
43	21 st Century Learners (R).....	88600	1,756,470
44	BRIM Premium.....	91300	342,859

45	21 st Century Assessment and		
46	Professional Development	93100	2,006,978
47	21 st Century Technology		
48	Infrastructure Network		
49	Tools and Support.....	93300	7,636,586
50	Special Olympic Games.....	96600	25,000
51	Educational Program Allowance	99600	<u>516,250</u>
52	Total.....		\$ 90,973,420

53 The above appropriations include funding for the state board of
54 education and their executive office.

55 Any unexpended balances remaining in the appropriations for
56 Unclassified (fund 0313, appropriation 09900), Current Expenses
57 (fund 0313, appropriation 13000), Center for Professional
58 Development (fund 0313, appropriation 11500), National Teacher
59 Certification (fund 0313, appropriation 16100), Buildings (fund
60 0313, appropriation 25800), Benedum Professional Development
61 Collaborative (fund 0313, appropriation 42700), Governor's
62 Honors Academy (fund 0313, appropriation 47800), High Acuity
63 Special Needs (fund 0313, appropriation 63400), IT Academy
64 (fund 0313, appropriation 72100), Land (fund 0313, appropriation
65 73000), School Based Truancy Prevention (fund 0313,
66 appropriation 78101), Communities in Schools (fund 0313,
67 appropriation 78103), and 21st Century Learners (fund 0313,
68 appropriation 88600) at the close of the fiscal year 2019 are hereby
69 reappropriated for expenditure during the fiscal year 2020.

70 The above appropriation for Teachers' Retirement Savings
71 Realized (fund 0313, appropriation 09500) shall be transferred to
72 the Employee Pension and Health Care Benefit Fund (fund 2044).

73 From the above appropriation for Jim's Dream – Childhood
74 Drug Prevention Education (fund 0313, appropriation 21901)
75 funds are to be used for childhood drug prevention education
76 programs.

77 The above appropriation for Hospitality Training (fund 0313,
78 appropriation 60000), shall be allocated only to entities that have a

79 plan approved for funding by the Department of Education, at the
 80 funding level determined by the State Superintendent of Schools.
 81 Plans shall be submitted to the State Superintendent of Schools to
 82 be considered for funding.

83 From the above appropriation for Educational Program
 84 Allowance (fund 0313, appropriation 99600), \$100,000 shall be
 85 expended for Webster County Board of Education for Hacker
 86 Valley; \$150,000 shall be for the Randolph County Board of
 87 Education for Pickens School; \$100,000 shall be for the Preston
 88 County Board of Education for the Aurora School; \$100,000 shall
 89 be for the Fayette County Board of Education for Meadow Bridge;
 90 and \$66,250 is for Project Based Learning in STEM fields.

46 - State Board of Education –

Aid for Exceptional Children

(WV Code Chapters 18 and 18A)

Fund 0314 FY 2020 Org 0402

1	Special Education – Counties	15900	\$	7,271,757
2	Special Education – Institutions.....	16000		3,968,631
3	Education of Juveniles Held in			
4	Predispositional Juvenile			
5	Detention Centers	30200		649,758
6	Education of Institutionalized			
7	Juveniles and Adults (R).....	47200		<u>20,474,233</u>
8	Total.....		\$	32,364,379

9 Any unexpended balance remaining in the appropriation for
 10 Education of Institutionalized Juveniles and Adults (fund 0314,
 11 appropriation 47200) at the close of the fiscal year 2019 is hereby
 12 reappropriated for expenditure during the fiscal year 2020.

13 From the above appropriations, the superintendent shall have
 14 authority to expend funds for the costs of special education for
 15 those children residing in out-of-state placements.

*47 - State Board of Education –**State Aid to Schools*

(WV Code Chapters 18 and 18A)

Fund 0317 FY 2020 Org 0402

1	Other Current Expenses	02200	\$ 154,673,629
2	Advanced Placement.....	05300	644,087
3	Professional Educators.....	15100	859,967,087
4	Service Personnel.....	15200	292,256,552
5	Fixed Charges	15300	101,346,432
6	Transportation	15400	75,457,864
7	Professional Student		
8	Support Services	65500	38,686,260
9	Improved Instructional Programs.....	15600	51,050,264
10	21 st Century Strategic		
11	Technology Learning Growth.....	93600	24,595,292
12	Teacher and Leader Induction.....	93601	<u>3,630,411</u>
13	Basic Foundation Allowances.....		1,602,307,878
14	Less Local Share		(472,845,214)
15	Adjustments		<u>(2,681,318)</u>
16	Total Basic State Aid		1,126,781,346
17	Public Employees'		
18	Insurance Matching	01200	223,979,027
19	Teachers' Retirement System	01900	65,201,000
20	School Building Authority	45300	24,000,000
21	Retirement Systems –		
22	Unfunded Liability.....	77500	<u>323,992,000</u>
23	Total.....		\$ <u>1,763,953,373</u>

*48 - State Board of Education –**Vocational Division*

(WV Code Chapters 18 and 18A)

Fund 0390 FY 2020 Org 0402

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 1,339,713

3	Unclassified.....	09900	268,800
4	Current Expenses	13000	883,106
5	Wood Products – Forestry		
6	Vocational Program	14600	78,691
7	Albert Yanni Vocational Program	14700	132,123
8	Vocational Aid	14800	23,997,756
9	Adult Basic Education	14900	5,195,128
10	Jim’s Dream.....	14901	6,000,000
11	Program Modernization	30500	884,313
12	High School Equivalency		
13	Diploma Testing (R).....	72600	803,397
14	FFA Grant Awards.....	83900	11,496
15	Pre-Engineering Academy Program	84000	265,294
16	Total.....		\$ 39,859,817

17 Any unexpended balance remaining in the appropriation for
 18 High School Equivalency Diploma Testing (fund 0390,
 19 appropriation 72600) at the close of the fiscal year 2019 is hereby
 20 reappropriated for expenditure during the fiscal year 2020.

21 From the above appropriation for Jim’s Dream (fund 0390,
 22 appropriation 14901) funds are to be used for rehabilitation and
 23 workforce readiness transition programs.

49 - State Board of Education –

West Virginia Schools for the Deaf and the Blind

(WV Code Chapters 18 and 18A)

Fund 0320 FY 2020 Org 0403

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 11,379,675
3	Unclassified.....	09900	110,000
4	Current Expenses	13000	2,240,696
5	Repairs and Alterations.....	06400	164,675
6	Equipment	07000	77,000
7	Buildings (R).....	25800	45,000
8	Capital Outlay and		
9	Maintenance (R)	75500	520,000

10	BRIM Premium.....	91300		<u>140,842</u>
11	Total.....		\$	14,677,888

12 Any unexpended balances remaining in the appropriations for
 13 Buildings (fund 0320, appropriation 25800) and Capital Outlay and
 14 Maintenance (fund 0320, appropriation 75500) at the close of the
 15 fiscal year 2019 are hereby reappropriated for expenditure during
 16 the fiscal year 2020.

DEPARTMENT OF ARTS, CULTURE, AND HISTORY

50 - Division of Culture and History

(WV Code Chapter 29)

Fund 0293 FY 2020 Org 0432

1	Personal Services and			
2	Employee Benefits.....	00100	\$	3,463,493
3	Current Expenses	13000		610,843
4	Repairs and Alterations.....	06400		1,000
5	Equipment.....	07000		1
6	Unclassified (R)	09900		28,483
7	WV Humanities Council.....	16800		250,000
8	Buildings (R).....	25800		1
9	Other Assets.....	69000		1
10	Educational Enhancements	69500		73,500
11	Land (R).....	73000		1
12	Culture and History Programming	73200		231,573
13	Capital Outlay and			
14	Maintenance (R)	75500		19,600
15	Historical Highway			
16	Marker Program.....	84400		57,548
17	BRIM Premium.....	91300		<u>39,337</u>
18	Total.....		\$	4,775,381

19 Any unexpended balances remaining in the appropriations for
 20 Unclassified (fund 0293, appropriation 09900), Buildings (fund
 21 0293, appropriation 25800), Capital Outlay, Repairs and
 22 Equipment (fund 0293, appropriation 58900), Capital
 23 Improvements – Surplus (fund 0293, appropriation 66100), Capital

24 Outlay, Repairs and Equipment – Surplus (fund 0293,
 25 appropriation 67700), Land (fund 0293, appropriation 73000), and
 26 Capital Outlay and Maintenance (fund 0293, appropriation 75500)
 27 at the close of the fiscal year 2019 are hereby reappropriated for
 28 expenditure during the fiscal year 2020.

29 The Current Expense appropriation includes funding for the
 30 arts funds, department programming funds, grants, fairs and
 31 festivals and Camp Washington Carver and shall be expended only
 32 upon authorization of the Division of Culture and History and in
 33 accordance with the provisions of Chapter 5A, Article 3, and
 34 Chapter 12 of the Code.

35 From the above appropriation for Educational Enhancements
 36 (fund 0293, appropriation 69500), \$73,500 shall be used for the
 37 Clay Center.

51 - Library Commission

(WV Code Chapter 10)

Fund 0296 FY 2020 Org 0433

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 1,314,744
3	Current Expenses	13000	139,624
4	Repairs and Alterations.....	06400	6,500
5	Services to Blind & Handicapped.....	18100	161,717
6	BRIM Premium.....	91300	<u>18,205</u>
7	Total.....		\$ 1,640,790

52 - Educational Broadcasting Authority

(WV Code Chapter 10)

Fund 0300 FY 2020 Org 0439

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 1,840,433
3	Current Expenses	13000	1,591,805
4	Mountain Stage	24900	300,000
5	Capital Outlay and		

6	Maintenance (R)	75500		50,000
7	BRIM Premium.....	91300		<u>48,453</u>
8	Total.....		\$	3,830,691

9 Any unexpended balance remaining in the appropriation for
 10 Capital Outlay and Maintenance (fund 0300, appropriation 75500)
 11 at the close of the fiscal year 2019 is hereby reappropriated for
 12 expenditure during the fiscal year 2020.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

53 - Environmental Quality Board

(WV Code Chapter 20)

Fund 0270 FY 2020 Org 0311

1	Personal Services and			
2	Employee Benefits.....	00100	\$	82,539
3	Current Expenses	13000		28,453
4	Repairs and Alterations.....	06400		800
5	Equipment.....	07000		500
6	Other Assets.....	69000		400
7	BRIM Premium.....	91300		<u>791</u>
8	Total.....		\$	113,483

54 - Division of Environmental Protection

(WV Code Chapter 22)

Fund 0273 FY 2020 Org 0313

1	Personal Services and			
2	Employee Benefits.....	00100	\$	4,196,400
3	Water Resources Protection			
4	and Management.....	06800		576,278
5	Current Expenses	13000		96,916
6	Repairs and Alterations.....	06400		1,500
7	Unclassified.....	09900		14,825
8	Dam Safety.....	60700		237,824
9	West Virginia Stream			
10	Partners Program	63700		77,396

11	Meth Lab Cleanup.....	65600		139,000
12	WV Contributions to			
13	River Commissions.....	77600		148,485
14	Office of Water Resources			
15	Non-Enforcement Activity	85500		<u>1,009,855</u>
16	Total.....		\$	6,498,479

17 A portion of the appropriations for Current Expense (fund
18 0273, appropriation 13000) and Dam Safety (fund 0273,
19 appropriation 60700) may be transferred to the special revenue
20 fund Dam Safety Rehabilitation Revolving Fund (fund 3025) for
21 the state deficient dams rehabilitation assistance program.

55 - Air Quality Board

(WV Code Chapter 16)

Fund 0550 FY 2020 Org 0325

1	Personal Services and			
2	Employee Benefits.....	00100	\$	60,737
3	Current Expenses	13000		11,612
4	Repairs and Alterations.....	06400		800
5	Equipment	07000		400
6	Other Assets.....	69000		200
7	BRIM Premium.....	91300		<u>2,304</u>
8	Total.....		\$	76,053

DEPARTMENT OF HEALTH AND HUMAN RESOURCES

56 - Department of Health and Human Resources –

Office of the Secretary

(WV Code Chapter 5F)

Fund 0400 FY 2020 Org 0501

1	Personal Services and			
2	Employee Benefits.....	00100	\$	384,638
3	Unclassified.....	09900		6,459
4	Current Expenses	13000		50,613

5	Commission for the Deaf		
6	and Hard of Hearing	70400	<u>225,534</u>
7	Total.....		\$ 667,244

*Division of Health –**Central Office*

(WV Code Chapter 16)

Fund 0407 FY 2020 Org 0506

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 12,946,328
3	Chief Medical Examiner	04500	9,666,347
4	Unclassified.....	09900	671,795
5	Current Expenses	13000	4,677,059
6	State Aid for Local and Basic		
7	Public Health Services	18400	13,660,490
8	Safe Drinking Water Program (R)	18700	2,211,323
9	Women, Infants and Children	21000	38,621
10	Early Intervention	22300	8,134,060
11	Cancer Registry.....	22500	206,306
12	Office of Drug Control Policy (R)	35401	567,953
13	Statewide EMS Program		
14	Support (R)	38300	1,845,271
15	Office of Medical Cannabis	42001	2,380,489
16	Black Lung Clinics	46700	170,885
17	Vaccine for Children.....	55100	338,235
18	Tuberculosis Control.....	55300	379,256
19	Maternal and Child Health		
20	Clinics, Clinicians Medical		
21	Contracts and Fees (R).....	57500	6,342,707
22	Epidemiology Support	62600	1,547,192
23	Primary Care Support	62800	4,263,706
24	Sexual Assault Intervention		
25	and Prevention	72300	125,000
26	Health Right Free Clinics.....	72700	3,750,000
27	Capital Outlay and		
28	Maintenance (R)	75500	100,000

29	Healthy Lifestyles	77800	2,000,000
30	Maternal Mortality Review	83400	49,933
31	Diabetes Education and Prevention	87300	97,125
32	BRIM Premium.....	91300	169,791
33	State Trauma and Emergency		
34	Care System	91800	2,021,322
35	WVU Charleston Poison		
36	Control Hotline	91800	<u>712,942</u>
37	Total.....		\$ 79,074,136

38 Any unexpended balances remaining in the appropriations for
39 Safe Drinking Water Program (fund 0407, appropriation 18700),
40 Office of Drug Control Policy (fund 0407, appropriation 35401),
41 Office of Drug Control Policy – Surplus (fund 0407, appropriation
42 35402), Statewide EMS Program Support (fund 0407,
43 appropriation 38300), Maternal and Child Health Clinics,
44 Clinicians and Medical Contracts and Fees (fund 0407,
45 appropriation 57500), Capital Outlay and Maintenance (fund 0407,
46 appropriation 75500), Emergency Response Entities – Special
47 Projects (fund 0407, appropriation 82200), and Tobacco Education
48 Program (fund 0407, appropriation 90600) at the close of the fiscal
49 year 2019 are hereby reappropriated for expenditure during the
50 fiscal year 2020.

51 From the above appropriation for Current Expenses (fund
52 0407, appropriation 13000), an amount not less than \$100,000 is
53 for the West Virginia Cancer Coalition; \$50,000 shall be expended
54 for the West Virginia Aids Coalition; \$100,000 is for Adolescent
55 Immunization Education; \$73,065 is for informal dispute
56 resolution relating to nursing home administrative appeals; and
57 \$50,000 is for Hospital Hospitality House of Huntington.

58 From the above appropriation for Maternal and Child Health
59 Clinics, Clinicians and Medical Contracts and Fees (fund 0407,
60 appropriation 57500) up to \$400,000 may be transferred to the
61 Breast and Cervical Cancer Diagnostic Treatment Fund (fund
62 5197) and \$11,000 is for the Marshall County Health Department
63 for dental services.

57 - Consolidated Medical Services Fund

(WV Code Chapter 16)

Fund 0525 FY 2020 Org 0506

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 1,632,588
3	Current Expenses	13000	14,113
4	Behavioral Health Program (R)	21900	71,843,953
5	Jim's Dream.....	14901	6,000,000
6	Family Support Act.....	22100	251,226
7	Institutional Facilities		
8	Operations (R)	33500	137,929,180
9	Substance Abuse Continuum		
10	of Care (R)	35400	5,000,000
11	Capital Outlay and		
12	Maintenance (R)	75500	950,000
13	Renaissance Program	80400	165,996
14	BRIM Premium.....	91300	<u>1,296,098</u>
15	Total.....		\$ 225,083,154

16 Any unexpended balances remaining in the appropriations for
17 Behavioral Health Program (fund 0525, appropriation 21900),
18 Institutional Facilities Operations (fund 0525, appropriation
19 33500), Substance Abuse Continuum of Care (fund 0525,
20 appropriation 35400), and Capital Outlay and Maintenance (fund
21 0525, appropriation 75500) at the close of the fiscal year 2019 are
22 hereby reappropriated for expenditure during the fiscal year 2020.

23 Notwithstanding the provisions of Title I, section three of this
24 bill, the secretary of the Department of Health and Human
25 Resources shall have the authority to transfer funds within the
26 above appropriations: *Provided*, That no more than five percent of
27 the funds appropriated to one appropriation may be transferred to
28 other appropriations: *Provided, however*, That no funds from other
29 appropriations shall be transferred to the personal services and
30 employee benefits appropriation.

31 From the above appropriation for Jim’s Dream (fund 0525,
32 appropriation 14901) funds are to be used for substance abuse
33 treatment programs.

34 Included in the above appropriation for Behavioral Health
35 Program (fund 0525, appropriation 21900) is \$100,000 for the
36 Healing Place of Huntington.

37 The above appropriation for Institutional Facilities Operations
38 (fund 0525, appropriation 33500) contains prior year salary
39 increases due to the Hartley court order in the amount of
40 \$2,202,013 for William R. Sharpe Jr. Hospital, and \$2,067,984 for
41 Mildred Mitchel-Bateman Hospital.

42 From the above appropriation for Substance Abuse Continuum
43 of Care (fund 0525, appropriation 35400), the funding will be
44 consistent with the goal areas outlined in the Comprehensive
45 Substance Abuse Strategic Action Plan.

46 Additional funds have been appropriated in fund 5156, fiscal
47 year 2020, organization 0506, for the operation of the institutional
48 facilities. The secretary of the Department of Health and Human
49 Resources is authorized to utilize up to ten percent of the funds
50 from the Institutional Facilities Operations appropriation to
51 facilitate cost effective and cost saving services at the community
52 level.

58 - Division of Health –

West Virginia Drinking Water Treatment

(WV Code Chapter 16)

Fund 0561 FY 2020 Org 0506

1	West Virginia Drinking Water Treatment		
2	Revolving Fund-Transfer.....	68900	\$ 647,500

3 The above appropriation for Drinking Water Treatment
4 Revolving Fund – Transfer shall be transferred to the West Virginia
5 Drinking Water Treatment Revolving Fund or appropriate bank

6 depository and the Drinking Water Treatment Revolving –
 7 Administrative Expense Fund as provided by Chapter 16 of the
 8 Code.

59 - Human Rights Commission

(WV Code Chapter 5)

Fund 0416 FY 2020 Org 0510

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 1,073,553
3	Unclassified.....	09900	4,024
4	Current Expenses	13000	331,304
5	BRIM Premium.....	91300	<u>10,764</u>
6	Total.....		\$ 1,419,645

60 - Division of Human Services

(WV Code Chapters 9, 48 and 49)

Fund 0403 FY 2020 Org 0511

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 48,078,212
3	Unclassified.....	09900	5,688,944
4	Current Expenses	13000	11,404,008
5	Child Care Development.....	14400	4,102,718
6	Medical Services	18900	465,409,605
7	Social Services	19500	196,114,014
8	Family Preservation Program	19600	1,565,000
9	Family Resource Networks.....	27400	1,762,464
10	Domestic Violence Legal		
11	Services Fund.....	38400	400,000
12	James “Tiger” Morton		
13	Catastrophic Illness Fund	45500	105,695
14	I/DD Waiver.....	46600	88,753,483
15	Child Protective Services		
16	Case Workers.....	46800	24,917,075
17	OSCAR and RAPIDS	51500	6,493,207
18	Title XIX Waiver for Seniors.....	53300	13,593,620

19	WV Teaching Hospitals		
20	Tertiary/Safety Net	54700	6,356,000
21	Child Welfare System	60300	1,334,615
22	In-Home Family Education.....	68800	1,000,000
23	WV Works Separate		
24	State Program.....	69800	935,000
25	Child Support Enforcement	70500	6,758,806
26	Temporary Assistance for Needy		
27	Families/Maintenance of Effort	70700	25,819,096
28	Child Care – Maintenance		
29	of Effort Match	70800	5,693,743
30	Grants for Licensed Domestic		
31	Violence Programs and		
32	Statewide Prevention	75000	2,500,000
33	Capital Outlay and		
34	Maintenance (R)	75500	11,875
35	Community Based Services		
36	and Pilot Programs for Youth	75900	1,000,000
37	Medical Services		
38	Administrative Costs	78900	38,234,761
39	Traumatic Brain Injury Waiver.....	83500	800,000
40	Indigent Burials (R)	85100	2,050,000
41	BRIM Premium.....	91300	892,642
42	Rural Hospitals Under 150 Beds.....	94000	2,596,000
43	Children’s Trust Fund – Transfer.....	95100	<u>220,000</u>
44	Total.....		\$ 964,590,583

45 Any unexpended balances remaining in the appropriations for
46 Capital Outlay and Maintenance (fund 0403, appropriation 75500)
47 and Indigent Burials (fund 0403, appropriation 85100) at the close
48 of the fiscal year 2019 are hereby reappropriated for expenditure
49 during the fiscal year 2020.

50 Notwithstanding the provisions of Title I, section three of this
51 bill, the secretary of the Department of Health and Human
52 Resources shall have the authority to transfer funds within the
53 above appropriations: *Provided*, That no more than five percent of
54 the funds appropriated to one appropriation may be transferred to
55 other appropriations: *Provided, however*, That no funds from other

56 appropriations shall be transferred to the personal services and
57 employee benefits appropriation.

58 The secretary shall have authority to expend funds for the
59 educational costs of those children residing in out-of-state
60 placements, excluding the costs of special education programs.

61 Included in the above appropriation for Social Services (fund
62 0403, appropriation 19500) is funding for continuing education
63 requirements relating to the practice of social work.

64 The above appropriation for Domestic Violence Legal Services
65 Fund (fund 0403, appropriation 38400) shall be transferred to the
66 Domestic Violence Legal Services Fund (fund 5455).

67 The above appropriation for James “Tiger” Morton
68 Catastrophic Illness Fund (fund 0403, appropriation 45500) shall
69 be transferred to the James “Tiger” Morton Catastrophic Illness
70 Fund (fund 5454) as provided by Article 5Q, Chapter 16 of the
71 Code.

72 The above appropriation for WV Works Separate State
73 Program (fund 0403, appropriation 69800), shall be transferred to
74 the WV Works Separate State College Program Fund (fund 5467),
75 and the WV Works Separate State Two-Parent Program Fund (fund
76 5468) as determined by the secretary of the Department of Health
77 and Human Resources.

78 From the above appropriation for Child Support Enforcement
79 (fund 0403, appropriation 70500) an amount not to exceed
80 \$300,000 may be transferred to a local banking depository to be
81 utilized to offset funds determined to be uncollectible.

82 From the above appropriation for the Grants for Licensed
83 Domestic Violence Programs and Statewide Prevention (fund
84 0403, appropriation 75000), 50% of the total shall be divided
85 equally and distributed among the fourteen (14) licensed programs
86 and the West Virginia Coalition Against Domestic Violence
87 (WVCADV). The balance remaining in the appropriation for
88 Grants for Licensed Domestic Violence Programs and Statewide
89 Prevention (fund 0403, appropriation 75000), shall be distributed

90 according to the formula established by the Family Protection
91 Services Board.

92 The above appropriation for Children’s Trust Fund – Transfer
93 (fund 0403, appropriation 95100) shall be transferred to the
94 Children’s Trust Fund (fund 5469, org 0511).

DEPARTMENT OF MILITARY AFFAIRS

AND PUBLIC SAFETY

61 - Department of Military Affairs and Public Safety –

Office of the Secretary

(WV Code Chapter 5F)

Fund 0430 FY 2020 Org 0601

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 672,826
3	Unclassified (R)	09900	18,949
4	Current Expenses	13000	137,480
5	Repairs and Alterations.....	06400	1,500
6	Equipment.....	07000	1,500
7	Fusion Center (R).....	46900	553,678
8	Other Assets.....	69000	2,500
9	Directed Transfer	70000	32,000
10	BRIM Premium.....	91300	18,190
11	WV Fire and EMS		
12	Survivor Benefit (R)	93900	200,000
13	Homeland State Security		
14	Administrative Agency (R).....	95300	<u>315,220</u>
15	Total.....		\$ 1,953,843

16 Any unexpended balances remaining in the appropriations for
17 Unclassified (fund 0430, appropriation 09900), Fusion Center
18 (fund 0430, appropriation 46900), Justice Reinvestment Training –
19 Surplus (fund 0430, appropriation 69900), WV Fire and EMS
20 Survivor Benefit (fund 0430, appropriation 93900), and Homeland
21 State Security Administrative Agency (fund 0430, appropriation

22 95300) at the close of the fiscal year 2019 are hereby
23 reappropriated for expenditure during the fiscal year 2020.

24 The above appropriation for Directed Transfer (fund 0430,
25 appropriation 70000) shall be transferred to the Law-Enforcement,
26 Safety and Emergency Worker Funeral Expense Payment Fund
27 (fund 6003).

62 - Adjutant General –

State Militia

(WV Code Chapter 15)

Fund 0433 FY 2020 Org 0603

1	Unclassified (R)	09900	\$	106,798
2	College Education Fund.....	23200		4,000,000
3	Civil Air Patrol.....	23400		249,664
4	Mountaineer ChalleNGe Academy	70900		1,500,000
5	Armory Board Transfer.....	70015		2,317,555
6	Military Authority (R).....	74800		6,260,251
7	Drug Enforcement and Support	74801		<u>1,500,000</u>
8	Total.....		\$	15,934,268

9 Any unexpended balances remaining in the appropriations for
10 Unclassified (fund 0433, appropriation 09900), Military Authority
11 (fund 0433, appropriation 74800), and Military Authority –
12 Surplus (fund 0433, appropriation 74899) at the close of the fiscal
13 year 2019 is hereby reappropriated for expenditure during the fiscal
14 year 2020.

15 From the above appropriations an amount approved by the
16 Adjutant General and the secretary of Military Affairs and Public
17 Safety may be transferred to the State Armory Board for operation
18 and maintenance of National Guard Armories.

19 The adjutant general shall have the authority to transfer
20 between appropriations.

21 From the above appropriation and other state and federal
22 funding, the Adjutant General shall provide an amount not less than

23 \$4,500,000 to the Mountaineer Challenge Academy to meet
24 anticipated program demand.

63 - Adjutant General –

Military Fund

(WV Code Chapter 15)

Fund 0605 FY 2020 Org 0603

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 100,000
3	Current Expenses	13000	<u>57,775</u>
4	Total.....		\$ 157,775

64 - West Virginia Parole Board

(WV Code Chapter 62)

Fund 0440 FY 2020 Org 0605

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 405,066
3	Current Expenses	13000	355,234
4	Unclassified.....	09900	10,000
5	Salaries of Members of		
6	West Virginia Parole Board.....	22700	609,833
7	BRIM Premium.....	91300	<u>6,149</u>
8	Total.....		\$ 1,386,282

9 The above appropriation for Salaries of Members of West
10 Virginia Parole Board (fund 0440, appropriation 22700) includes
11 funding for salary, annual increment (as provided for in W.Va.
12 Code §5-5-1), and related employee benefits of board members.

65 - Division of Homeland Security and

Emergency Management

(WV Code Chapter 15)

Fund 0443 FY 2020 Org 0606

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 1,572,931
3	Unclassified.....	09900	25,022
4	Current Expenses	13000	57,314
5	Repairs and Alterations.....	06400	600
6	Radiological Emergency		
7	Preparedness	55400	17,052
8	SIRN....	55401	600,000
9	Federal Funds/Grant Match (R)	74900	1,009,145
10	Mine and Industrial Accident Rapid		
11	Response Call Center.....	78100	469,911
12	Early Warning Flood System (R)	87700	484,448
13	BRIM Premium.....	91300	96,529
14	Total.....		\$ 4,332,952

15 Any unexpended balances remaining in the appropriations for
16 Federal Funds/Grant Match (fund 0443, appropriation 74900),
17 Early Warning Flood System (fund 0443, appropriation 87700),
18 and Disaster Mitigation (fund 0443, appropriation 95200) at the
19 close of the fiscal year 2019 are hereby reappropriated for
20 expenditure during the fiscal year 2020.

66 - Division of Corrections and Rehabilitation –

Central Office

(WV Code Chapter 15A)

Fund 0446 FY 2020 Org 0608

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 559,966
3	Current Expenses	13000	2,400
4	Total.....		\$ 562,366

67 - Division of Corrections and Rehabilitation –

Correctional Units

(WV Code Chapter 15A)

Fund 0450 FY 2020 Org 0608

1	Employee Benefits	01000	\$	1,258,136
2	Children's Protection Act (R)	09000		838,437
3	Unclassified.....	09900		1,578,800
4	Current Expenses (R).....	13000		52,016,936
5	Facilities Planning and			
6	Administration (R)	38600		1,274,200
7	Charleston Correctional Center	45600		3,281,752
8	Beckley Correctional Center.....	49000		2,228,700
9	Anthony Correctional Center.....	50400		5,909,312
10	Huttonsville Correctional Center	51400		22,397,941
11	Northern Correctional Center.....	53400		7,769,520
12	Inmate Medical Expenses (R).....	53500		21,226,064
13	Pruntytown Correctional Center	54300		8,303,659
14	Corrections Academy.....	56900		1,776,147
15	Information Technology Services.....	59901		2,259,052
16	Martinsburg Correctional Center	66300		4,201,864
17	Parole Services.....	68600		5,641,740
18	Special Services	68700		6,230,985
19	Investigative Services	71600		3,301,523
20	Capital Outlay and			
21	Maintenance (R)	75500		7,000,000
22	Salem Correctional Center.....	77400		11,108,923
23	McDowell County			
24	Correctional Center.....	79000		2,542,590
25	Stevens Correctional Center.....	79100		7,863,195
26	Parkersburg Correctional Center.....	82800		3,742,751
27	St. Mary's Correctional Center	88100		14,006,323
28	Denmar Correctional Center	88200		5,039,544
29	Ohio County Correctional Center	88300		2,003,675
30	Mt. Olive Correctional Complex	88800		21,709,603
31	Lakin Correctional Center.....	89600		10,346,422
32	BRIM Premium.....	91300		<u>2,527,657</u>
33	Total.....		\$	239,385,451

34 Any unexpended balances remaining in the appropriations for
35 Children's Protection Act (fund 0450, appropriation 09000),
36 Unclassified – Surplus (fund 0450, appropriation 09700), Current
37 Expenses (fund 0450, appropriation 13000), Facilities Planning
38 and Administration (fund 0450, appropriation 38600), Inmate

39 Medical Expenses (fund 0450, appropriation 53500), Capital
 40 Improvements – Surplus (fund 0450, appropriation 66100), Capital
 41 Outlay, Repairs and Equipment – Surplus (fund 0450,
 42 appropriation 67700), Capital Outlay and Maintenance (fund 0450,
 43 appropriation 75500), Security System Improvements – Surplus
 44 (fund 0450, appropriation 75501), and Roof Repairs and
 45 Mechanical System Upgrades (fund 0450, appropriation 75502) at
 46 the close of the fiscal year 2019 are hereby reappropriated for
 47 expenditure during the fiscal year 2020.

48 The Commissioner of Corrections and Rehabilitation shall
 49 have the authority to transfer between appropriations to the
 50 individual correctional units above and may transfer funds from the
 51 individual correctional units to Current Expenses (fund 0450,
 52 appropriation 13000) or Inmate Medical Expenses (fund 0450,
 53 appropriation 53500).

54 From the above appropriation to Current Expenses (fund 0450,
 55 appropriation 13000) payment shall be made to house Division of
 56 Corrections and Rehabilitation inmates in federal, county, and /or
 57 regional jails.

58 Any realized savings from Energy Savings Contract may be
 59 transferred to Facilities Planning and Administration (fund 0450,
 60 appropriation 38600).

68 - Division of Corrections and Rehabilitation –

Bureau of Juvenile Services

(WV Code Chapter 15A)

Fund 0570 FY 2020 Org 0608

1	Statewide Reporting Centers.....	26200	\$	7,233,094
2	Robert L. Shell Juvenile Center	26700		2,417,029
3	Resident Medical Expenses (R)	53501		3,604,999
4	Central Office.....	70100		2,086,638
5	Capital Outlay and			
6	Maintenance (R)	75500		250,000
7	Gene Spadaro Juvenile Center	79300		2,595,691

8	BRIM Premium.....	91300	115,967
9	Kenneth Honey Rubenstein		
10	Juvenile Center (R).....	98000	5,654,445
11	Vicki Douglas Juvenile Center	98100	2,292,201
12	Northern Regional Juvenile Center.....	98200	2,876,302
13	Lorrie Yeager Jr. Juvenile Center	98300	2,330,333
14	Sam Perdue Juvenile Center	98400	2,455,085
15	Tiger Morton Center	98500	2,545,259
16	Donald R. Kuhn Juvenile Center	98600	4,877,936
17	J.M. "Chick" Buckbee		
18	Juvenile Center	98700	<u>2,439,816</u>
19	Total.....		\$ 43,774,795

20 Any unexpended balances remaining in the appropriations for
 21 Resident Medical Expenses (fund 0570, appropriation 53501),
 22 Capital Outlay and Maintenance (fund 0570, appropriation 75500),
 23 Roof Repairs and Mechanical System Upgrades (fund 0570,
 24 appropriation 75502), and Kenneth Honey Rubenstein Juvenile
 25 Center (fund 0570, appropriation 98000) at the close of the fiscal
 26 year 2019 are hereby reappropriated for expenditure during the
 27 fiscal year 2020.

28 The Director of Juvenile Services shall have the authority to
 29 transfer between appropriations to the individual juvenile centers
 30 above including statewide reporting centers and central office and
 31 may transfer funds from the individual juvenile centers to Resident
 32 Medical Expenses (fund 0570, appropriation 53501).

69 - West Virginia State Police

(WV Code Chapter 15)

Fund 0453 FY 2020 Org 0612

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 62,969,384
3	Children's Protection Act	09000	1,009,529
4	Current Expenses	13000	10,504,366
5	Repairs and Alterations.....	06400	450,523
6	Trooper Class (R).....	52100	3,207,832
7	Barracks Lease Payments	55600	237,898

8	Communications and		
9	Other Equipment (R)	55800	570,968
10	Trooper Retirement Fund.....	60500	4,574,590
11	Handgun Administration Expense	74700	77,892
12	Capital Outlay and		
13	Maintenance (R)	75500	250,000
14	Retirement Systems –		
15	Unfunded Liability.....	77500	15,621,000
16	Automated Fingerprint		
17	Identification System	89800	2,211,693
18	BRIM Premium.....	91300	<u>5,743,921</u>
19	Total.....		\$ 107,429,596

20 Any unexpended balances remaining in the appropriations for
 21 Trooper Class (fund 0453, appropriation 52100), Communications
 22 and Other Equipment (fund 0453, appropriation 55800), and
 23 Capital Outlay and Maintenance (fund 0453, appropriation 75500)
 24 at the close of the fiscal year 2019 are hereby reappropriated for
 25 expenditure during the fiscal year 2020.

26 From the above appropriation for Personal Services and
 27 Employee Benefits (fund 0453, appropriation 00100), an amount
 28 not less than \$25,000 shall be expended to offset the costs
 29 associated with providing police services for the West Virginia
 30 State Fair.

70 - Fire Commission

(WV Code Chapter 29)

Fund 0436 FY 2020 Org 0619

1	Current Expenses	13000	\$	64,021
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71 - Division of Protective Services

(WV Code Chapter 5F)

Fund 0585 FY 2020 Org 0622

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 3,029,459

3	Unclassified (R)	09900	21,991
4	Current Expenses	13000	443,357
5	Repairs and Alterations.....	06400	8,500
6	Equipment (R).....	07000	64,171
7	BRIM Premium.....	91300	<u>12,226</u>
8	Total.....		\$ 3,579,704

9 Any unexpended balances remaining in the appropriations for
 10 Equipment (fund 0585, appropriation 07000), and Unclassified
 11 (fund 0585, appropriation 09900) at the close of the fiscal year
 12 2019 are hereby reappropriated for expenditure during the fiscal
 13 year 2020.

72 - Division of Administrative Services

(WV Code Chapter 15A)

Fund 0619 FY 2020 Org 0623

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 2,877,231
3	Current Expenses	13000	163,360
4	Repairs and Alterations.....	06400	1,804
5	Child Advocacy Centers (R).....	45800	1,706,954
6	Community Corrections (R)	56100	6,927,323
7	Statistical Analysis Program	59700	49,819
8	Sexual Assault Forensic		
9	Examination Commission (R)	71400	77,525
10	Qualitative Analysis and Training		
11	for Youth Services (R).....	76200	332,446
12	Law Enforcement		
13	Professional Standards.....	83800	164,272
14	BRIM Premium.....	91300	<u>2,123</u>
15	Total.....		\$ 12,302,860

16 Any unexpended balances remaining in the appropriations for
 17 Child Advocacy Centers (fund 0619, appropriation 45800),
 18 Community Corrections (fund 0619, appropriation 56100), Sexual
 19 Assault Forensic Examination Commission (fund 0619
 20 appropriation 71400), Qualitative Analysis and Training for Youth
 21 Services (fund 0619, appropriation 76200), and Law Enforcement

22 Professional Standards – Surplus (fund 0619, appropriation 83899)
 23 at the close of the fiscal year 2019 are hereby reappropriated for
 24 expenditure during the fiscal year 2020.

25 From the above appropriation for Child Advocacy Centers
 26 (fund 0619, appropriation 45800), the division may retain an
 27 amount not to exceed four percent of the appropriation for
 28 administrative purposes.

DEPARTMENT OF REVENUE

73 - Office of the Secretary

(WV Code Chapter 11)

Fund 0465 FY 2020 Org 0701

1	Personal Services and		
2	Employee Benefits.....00100	\$	516,906
3	Unclassified.....09900		5,837
4	Current Expenses13000		81,594
5	Repairs and Alterations.....06400		1,262
6	Equipment.....07000		8,000
7	Other Assets.....69000		<u>500</u>
8	Total.....	\$	<u>614,099</u>

9 Any unexpended balance remaining in the appropriation for
 10 Unclassified – Total (fund 0465, appropriation 09600) at the close
 11 of the fiscal year 2019 is hereby reappropriated for expenditure
 12 during the fiscal year 2020.

74 - Tax Division

(WV Code Chapter 11)

Fund 0470 FY 2020 Org 0702

1	Personal Services and		
2	Employee Benefits (R)00100	\$	19,282,541
3	Unclassified (R)09900		224,578
4	Current Expenses (R)13000		5,902,635
5	Repairs and Alterations.....06400		10,150

6	Equipment	07000	154,850
7	Tax Technology Upgrade	09400	3,700,000
8	Multi State Tax Commission	65300	77,958
9	Other Assets	69000	10,000
10	BRIM Premium.....	91300	<u>15,579</u>
11	Total.....		\$ 29,378,291

12 Any unexpended balances remaining in the appropriations for
 13 Personal Services and Employee Benefits (fund 0470,
 14 appropriation 00100), Unclassified (fund 0470, appropriation
 15 09900), Current Expenses (fund 0470, appropriation 13000), and
 16 Integrated Tax Assessment System (fund 0470, appropriation
 17 29200) at the close of the fiscal year 2019 are hereby
 18 reappropriated for expenditure during the fiscal year 2020.

75 - State Budget Office

(WV Code Chapter 11B)

Fund 0595 FY 2020 Org 0703

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 694,942
3	Unclassified (R)	09900	<u>1,199</u>
4	Total.....		\$ 696,141

5 Any unexpended balance remaining in the appropriation for
 6 Unclassified (fund 0595, appropriation 09900) at the close of the
 7 fiscal year 2019 is hereby reappropriated for expenditure during
 8 the fiscal year 2020.

76 - West Virginia Office of Tax Appeals

(WV Code Chapter 11)

Fund 0593 FY 2020 Org 0709

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 452,106
3	Current Expenses (R)	13000	93,022
4	Unclassified.....	09900	5,255
5	BRIM Premium.....	91300	<u>3,062</u>

6	Total.....	\$	553,445
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7 Any unexpended balance remaining in the appropriation for
8 Current Expenses (fund 0593, appropriation 13000) at the close of
9 the fiscal year 2019 is hereby reappropriated for expenditure during
10 the fiscal year 2020.

77 - Division of Professional and Occupational Licenses –

State Athletic Commission

(WV Code Chapter 29)

Fund 0523 FY 2020 Org 0933

1	Personal Services and		
2	Employee Benefits.....00100	\$	7,200
3	Current Expenses 13000		<u>29,611</u>
4	Total.....	\$	36,811

DEPARTMENT OF TRANSPORTATION

78 - State Rail Authority

(WV Code Chapter 29)

Fund 0506 FY 2020 Org 0804

1	Personal Services and		
2	Employee Benefits.....00100	\$	328,369
3	Current Expenses 13000		287,707
4	Other Assets (R)..... 69000		1,303,277
5	BRIM Premium..... 91300		<u>201,541</u>
6	Total.....	\$	2,120,894

7 Any unexpended balance remaining in the appropriation Other
8 Assets (fund 0506, appropriation 69000) at the close of the fiscal
9 year 2019 is hereby reappropriated for expenditure during the fiscal
10 year 2020.

79 - Division of Public Transit

(WV Code Chapter 17)

Fund 0510 FY 2020 Org 0805

1	Equipment (R).....	07000	\$	89,710
2	Current Expenses (R).....	13000		<u>2,173,279</u>
3	Total.....		\$	2,262,989

4 Any unexpended balances remaining in the appropriations for
 5 Equipment (fund 0510, appropriation 07000), Current Expenses
 6 (fund 0510, appropriation 13000), Buildings (fund 0510,
 7 appropriation 25800), and Other Assets (fund 0510, appropriation
 8 69000) at the close of the fiscal year 2019 are hereby
 9 reappropriated for expenditure during the fiscal year 2020.

80 - Aeronautics Commission

(WV Code Chapter 29)

Fund 0582 FY 2020 Org 0807

1	Personal Services and			
2	Employee Benefits.....	00100	\$	178,740
3	Current Expenses (R).....	13000		591,839
4	Repairs and Alterations.....	06400		100
5	BRIM Premium.....	91300		<u>4,438</u>
6	Total.....		\$	775,117

7 Any unexpended balances remaining in the appropriations for
 8 Unclassified (fund 0582, appropriation 09900) and Current
 9 Expenses (fund 0582, appropriation 13000) at the close of the
 10 fiscal year 2019 are hereby reappropriated for expenditure during
 11 the fiscal year 2020.

81 - Division of Highways

(WV Code Chapters 17 and 17C)

Fund XXXX FY 2020 Org 0803

1	Directed Transfer	70000	\$	110,000,000
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2 The above appropriation for Directed Transfer (fund XXXX,
 3 appropriation 70000) shall be transferred to the Special Road

4 Repair Fund (fund XXXX, org 0803) established by W.Va. Code
5 §17-3-11.

DEPARTMENT OF VETERANS' ASSISTANCE

82 - Department of Veterans' Assistance

(WV Code Chapter 9A)

Fund 0456 FY 2020 Org 0613

1	Personal Services and	
2	Employee Benefits.....00100	\$ 1,987,212
3	Unclassified.....09900	20,000
4	Current Expenses13000	427,767
5	Repairs and Alterations.....06400	5,000
6	Veterans' Field Offices22800	292,206
7	Veterans' Nursing Home (R).....28600	6,801,772
8	Veterans' Toll Free	
9	Assistance Line.....32800	2,015
10	Veterans' Reeducation	
11	Assistance (R).....32900	29,502
12	Veterans' Grant Program (R).....34200	560,000
13	Veterans' Grave Markers47300	10,254
14	Veterans Outreach Programs61700	175,190
15	Memorial Day Patriotic Exercise.....69700	20,000
16	Veterans Cemetery.....80800	391,646
17	BRIM Premium.....91300	25,530
18	Total.....	\$ 10,748,094

19 Any unexpended balances remaining in the appropriations for
20 Veterans' Nursing Home (fund 0456, appropriation 28600),
21 Veterans' Reeducation Assistance (fund 0456, appropriation
22 32900), Veterans' Grant Program (fund 0456, appropriation
23 34200), Veterans' Bonus – Surplus (fund 0456, appropriation
24 34400), and Educational Opportunities for Children of Deceased
25 Veterans (fund 0456, appropriation 85400) at the close of the fiscal
26 year 2019 are hereby reappropriated for expenditure during the
27 fiscal year 2020.

*83 - Department of Veterans' Assistance –
Veterans' Home*

(WV Code Chapter 9A)

Fund 0460 FY 2020 Org 0618

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 1,217,096
3	Current Expenses	13000	<u>46,759</u>
4	Total.....		\$ 1,263,855

BUREAU OF SENIOR SERVICES

84 - Bureau of Senior Services

(WV Code Chapter 29)

Fund 0420 FY 2020 Org 0508

1	Transfer to Division of Human		
2	Services for Health Care		
3	and Title XIX Waiver for		
4	Senior Citizens.....	53900	\$ 29,950,955

5 The above appropriation for Transfer to Division of Human
6 Services for Health Care and Title XIX Waiver for Senior Citizens
7 (fund 0420, appropriation 53900) along with the federal moneys
8 generated thereby shall be used for reimbursement for services
9 provided under the program.

10 The above appropriation is in addition to funding provided in
11 fund 5405 for this program.

**WEST VIRGINIA COUNCIL FOR COMMUNITY
AND TECHNICAL COLLEGE EDUCATION**

85 - West Virginia Council for

Community and Technical College Education –

Control Account

(WV Code Chapter 18B)

Fund 0596 FY 2020 Org 0420

1	West Virginia Council for		
2	Community and		
3	Technical Education (R).....	39200	\$ 738,955
4	Transit Training Partnership	78300	34,293
5	Community College		
6	Workforce Development (R)	87800	2,786,925
7	College Transition Program	88700	278,222
8	West Virginia Advance		
9	Workforce Development (R)	89300	3,118,960
10	Technical Program		
11	Development (R)	89400	1,800,735
12	West Virginia Invest (R).....	xxxxx	<u>7,677,294</u>
13	Total.....		\$ 16,435,384

14 Any unexpended balances remaining in the appropriations for
 15 West Virginia Council for Community and Technical Education
 16 (fund 0596, appropriation 39200), Capital Improvements – Surplus
 17 (fund 0596, appropriation 66100), Community College Workforce
 18 Development (fund 0596, appropriation 87800), West Virginia
 19 Advance Workforce Development (fund 0596, appropriation
 20 89300), Technical Program Development (fund 0596,
 21 appropriation 89400), and West Virginia Invest (fund 0596,
 22 appropriation xxxxx) at the close of the fiscal year 2019 are hereby
 23 reappropriated for expenditure during the fiscal year 2020.

24 From the above appropriation for the Community College
 25 Workforce Development (fund 0596, appropriation 87800),
 26 \$200,000 shall be expended on the Mine Training Program in
 27 Southern West Virginia.

28 Included in the above appropriation for West Virginia Advance
 29 Workforce Development (fund 0596, appropriation 89300) is

30 \$200,000 to be used exclusively for advanced manufacturing and
31 energy industry specific training programs.

86 - Mountwest Community and Technical College

(WV Code Chapter 18B)

Fund 0599 FY 2020 Org 0444

1	Mountwest Community and			
2	Technical College	48700	\$	5,689,307

87 - New River Community and Technical College

(WV Code Chapter 18B)

Fund 0600 FY 2020 Org 0445

1	New River Community and			
2	Technical College	35800	\$	5,714,886

88 - Pierpont Community and Technical College

(WV Code Chapter 18B)

Fund 0597 FY 2020 Org 0446

1	Pierpont Community and			
2	Technical College	93000	\$	7,520,129

89 - Blue Ridge Community and Technical College

(WV Code Chapter 18B)

Fund 0601 FY 2020 Org 0447

1	Blue Ridge Community and			
2	Technical College	88500	\$	5,330,842

90 - West Virginia University at Parkersburg

(WV Code Chapter 18B)

Fund 0351 FY 2020 Org 0464

1	West Virginia University –		
2	Parkersburg.....	47100	\$ 9,919,284

91 - Southern West Virginia Community and Technical College

(WV Code Chapter 18B)

Fund 0380 FY 2020 Org 0487

1	Southern West Virginia		
2	Community and Technical		
3	College.....	44600	\$ 8,241,823

92 - West Virginia Northern Community and Technical College

(WV Code Chapter 18B)

Fund 0383 FY 2020 Org 0489

1	West Virginia Northern		
2	Community and Technical		
3	College.....	44700	\$ 7,135,825

93 - Eastern West Virginia Community and Technical College

(WV Code Chapter 18B)

Fund 0587 FY 2020 Org 0492

1	Eastern West Virginia		
2	Community and		
3	Technical College	41200	\$ 1,879,912

94 - BridgeValley Community and Technical College

(WV Code Chapter 18B)

Fund 0618 FY 2020 Org 0493

1	BridgeValley Community		
2	and Technical College	71700	\$ 7,698,811

HIGHER EDUCATION POLICY COMMISSION*95 - Higher Education Policy Commission –**Administration –**Control Account*

(WV Code Chapter 18B)

Fund 0589 FY 2020 Org 0441

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 2,708,695
3	Current Expenses	13000	1,113,606
4	Higher Education Grant Program	16400	40,619,864
5	Tuition Contract Program (R).....	16500	1,225,120
6	Underwood-Smith Scholarship		
7	Program-Student Awards.....	16700	328,349
8	Facilities Planning and		
9	Administration	38600	1,760,254
10	Higher Education System		
11	Initiatives	48801	1,630,000
12	PROMISE Scholarship – Transfer.....	80000	18,500,000
13	HEAPS Grant Program (R).....	86700	5,014,728
14	BRIM Premium.....	91300	17,817
15	Total.....		<u>\$ 72,918,433</u>

16 Any unexpended balances remaining in the appropriations for
 17 Unclassified – Surplus (fund 0589, appropriation 09700), Tuition
 18 Contract Program (fund 0589, appropriation 16500), Capital
 19 Improvements – Surplus (fund 0589, appropriation 66100), Capital
 20 Outlay and Maintenance (fund 0589, appropriation 75500), and
 21 HEAPS Grant Program (fund 0589, appropriation 86700) at the
 22 close of the fiscal year 2019 are hereby reappropriated for
 23 expenditure during the fiscal year 2020.

24 The above appropriation for Facilities Planning and
 25 Administration (fund 0589, appropriation 38600) is for operational
 26 expenses of the West Virginia Education, Research and
 27 Technology Park between construction and full occupancy.

28 The above appropriation for Higher Education Grant Program
 29 (fund 0589, appropriation 16400) shall be transferred to the Higher
 30 Education Grant Fund (fund 4933, org 0441) established by W.Va.
 31 Code §18C-5-3.

32 The above appropriation for Underwood-Smith Scholarship
 33 Program-Student Awards (fund 0589, appropriation 16700) shall
 34 be transferred to the Underwood-Smith Teacher Scholarship and
 35 Loan Assistance Fund (fund 4922, org 0441) established by W.Va.
 36 Code §18C-4-1.

37 The above appropriation for PROMISE Scholarship – Transfer
 38 (fund 0589, appropriation 80000) shall be transferred to the
 39 PROMISE Scholarship Fund (fund 4296, org 0441) established by
 40 W.Va. Code §18C-7-7.

96 - Higher Education Policy Commission –

Administration -

West Virginia Network for Educational Telecomputing (WVNET)

(WV Code Chapter 18B9)

Fund 0551 FY 2020 Org 0495

1	WVNET	16900	\$	1,747,826
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97 - West Virginia University –

School of Medicine

Medical School Fund

(WV Code Chapter 18B)

Fund 0343 FY 2020 Org 0463

1	WVU School of Health			
2	Science – Eastern Division	05600	\$	2,235,352
3	WVU – School of Health Sciences	17400		15,056,370

4	WVU – School of Health		
5	Sciences – Charleston Division	17500	2,286,711
6	Rural Health Outreach Programs	37700	164,517
7	West Virginia University School		
8	of Medicine BRIM Subsidy	46000	<u>1,203,087</u>
9	Total		\$ 20,946,037

10 The above appropriation for Rural Health Outreach Programs
 11 (fund 0343, appropriation 37700) includes rural health activities
 12 and programs; rural residency development and education; and
 13 rural outreach activities.

14 The above appropriation for West Virginia University School
 15 of Medicine BRIM Subsidy (fund 0343, appropriation 46000) shall
 16 be paid to the Board of Risk and Insurance Management as a
 17 general revenue subsidy against the “Total Premium Billed” to the
 18 institution as part of the full cost of their malpractice insurance
 19 coverage.

98 - West Virginia University –

General Administrative Fund

(WV Code Chapter 18B)

Fund 0344 FY 2020 Org 0463

1	West Virginia University	45900	\$ 88,954,395
2	West Virginia University		
3	Land Grant Match	XXXXX	8,063,565
4	Jackson’s Mill	46100	491,458
5	West Virginia University		
6	Institute of Technology	47900	8,020,938
7	State Priorities – Brownfield		
8	Professional Development	53100	316,556
9	Energy Express	86100	382,935
10	West Virginia University –		
11	Potomac State	99400	4,012,711
12	The Center of Excellence in		
13	Women’s Health	XXXXX	<u>250,000</u>
14	Total		\$ 110,924,136

15 From the above appropriation for Jackson’s Mill (fund 0344,
 16 appropriation 46100) \$250,000 shall be used for the West
 17 Virginia State Fire Training Academy.

18 From the above appropriation for West Virginia University
 19 (fund 0344, appropriation 45900) of that amount \$1,000,000 is
 20 for the administration of the tele-stroke program.

99 - Marshall University –

School of Medicine

(WV Code Chapter 18B)

Fund 0347 FY 2020 Org 0471

1	Marshall Medical School	17300	\$	12,235,068
2	Rural Health Outreach			
3	Programs (R).....	37700		156,022
4	Forensic Lab.....	37701		227,415
5	Center for Rural Health.....	37702		157,096
6	Marshall University Medical			
7	School BRIM Subsidy	44900		<u>872,612</u>
8	Total.....		\$	13,648,213

9 Any unexpended balance remaining in the appropriation for
 10 Rural Health Outreach Program (fund 0347, appropriation 37700)
 11 at the close of the fiscal year 2019 is hereby reappropriated for
 12 expenditure during the fiscal year 2020.

13 The above appropriation for Rural Health Outreach Programs
 14 (fund 0347, appropriation 37700) includes rural health activities
 15 and programs; rural residency development and education; and
 16 rural outreach activities.

17 The above appropriation for Marshall University Medical
 18 School BRIM Subsidy (fund 0347, appropriation 44900) shall be
 19 paid to the Board of Risk and Insurance Management as a general
 20 revenue subsidy against the “Total Premium Billed” to the
 21 institution as part of the full cost of their malpractice insurance
 22 coverage.

*100 - Marshall University –**General Administration Fund*

(WV Code Chapter 18B)

Fund 0348 FY 2020 Org 0471

1	Marshall University	44800	\$	45,761,199
2	Luke Lee Listening Language			
3	and Learning Lab	44801		99,015
4	Vista E-Learning (R).....	51900		229,019
5	State Priorities – Brownfield			
6	Professional Development (R).....	53100		309,606
7	Marshall University Graduate			
8	College Writing Project (R).....	80700		25,412
9	WV Autism Training Center (R)	93200		<u>1,808,381</u>
10	Total.....		\$	48,232,632

11 Any unexpended balances remaining in the appropriations for
 12 Vista E-Learning (fund 0348, appropriation 51900), State Priorities
 13 – Brownfield Professional Development (fund 0348, appropriation
 14 53100), Marshall University Graduate College Writing Project
 15 (fund 0348, appropriation 80700), and WV Autism Training
 16 Center (fund 0348, appropriation 93200) at the close of the fiscal
 17 year 2019 are hereby reappropriated for expenditure during the
 18 fiscal year 2020.

101 - West Virginia School of Osteopathic Medicine

(WV Code Chapter 18B)

Fund 0336 FY 2020 Org 0476

1	West Virginia School of			
2	Osteopathic Medicine	17200	\$	8,879,296
3	Rural Health Outreach			
4	Programs (R).....	37700		166,111
5	West Virginia School of			
6	Osteopathic Medicine			
7	BRIM Subsidy	40300		153,405

8	Rural Health Initiative –		
9	Medical Schools Support.....	58100	<u>397,592</u>
10	Total.....		\$ 9,596,404

11 Any unexpended balance remaining in the appropriation for
 12 Rural Health Outreach Programs (fund 0336, appropriation 37700)
 13 at the close of fiscal year 2019 is hereby reappropriated for
 14 expenditure during the fiscal year 2020.

15 The above appropriation for Rural Health Outreach Programs
 16 (fund 0336, appropriation 37700) includes rural health activities
 17 and programs; rural residency development and education; and
 18 rural outreach activities.

19 The above appropriation for West Virginia School of
 20 Osteopathic Medicine BRIM Subsidy (fund 0336, appropriation
 21 40300) shall be paid to the Board of Risk and Insurance
 22 Management as a general revenue subsidy against the “Total
 23 Premium Billed” to the institution as part of the full cost of their
 24 malpractice insurance coverage.

102 - Bluefield State College

(WV Code Chapter 18B)

Fund 0354 FY 2020 Org 0482

1	Bluefield State College	40800	\$ 5,830,221
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103 - Concord University

(WV Code Chapter 18B)

Fund 0357 FY 2020 Org 0483

1	Concord University	41000	\$ 8,851,415
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104 - Fairmont State University

(WV Code Chapter 18B)

Fund 0360 FY 2020 Org 0484

1	Fairmont State University	41400	\$	15,600,341
	<i>105 - Glenville State College</i>			
	(WV Code Chapter 18B)			
	Fund <u>0363</u> FY <u>2020</u> Org <u>0485</u>			
1	Glenville State College	42800	\$	6,199,942
	<i>106 - Shepherd University</i>			
	(WV Code Chapter 18B)			
	Fund <u>0366</u> FY <u>2020</u> Org <u>0486</u>			
1	Shepherd University.....	43200	\$	9,983,829
	<i>107 - West Liberty University</i>			
	(WV Code Chapter 18B)			
	Fund <u>0370</u> FY <u>2020</u> Org <u>0488</u>			
1	West Liberty University.....	43900	\$	8,087,662
	<i>108 - West Virginia State University</i>			
	(WV Code Chapter 18B)			
	Fund <u>0373</u> FY <u>2020</u> Org <u>0490</u>			
1	West Virginia State University	44100	\$	10,182,512
2	West Virginia State University			
3	Land Grant Match.....	95600		<u>2,948,786</u>
4	Total.....		\$	13,131,298
5	Total TITLE II, Section 1 – General Revenue			
6	(Including claims			
7	against the state)			
			\$	<u><u>4,659,296,272</u></u>

1 **Sec. 2. Appropriations from state road fund.** — From the
2 state road fund there are hereby appropriated conditionally upon
3 the fulfillment of the provisions set forth in Article 2, Chapter 11B

4 of the Code the following amounts, as itemized, for expenditure
5 during the fiscal year 2020.

DEPARTMENT OF TRANSPORTATION

109 - Division of Motor Vehicles

(WV Code Chapters 17, 17A, 17B, 17C, 17D, 20 and 24A)

Fund 9007 FY 2020 Org 0802

			State Road Fund
	Appro- riation		
1	Personal Services and		
2	Employee Benefits.....00100	\$	25,977,939
3	Current Expenses13000		16,187,194
4	Repairs and Alterations.....06400		144,000
5	Equipment.....07000		1,080,000
6	Buildings.....25800		10,000
7	Other Assets.....69000		2,600,000
8	BRIM Premium.....91300		<u>78,586</u>
9	Total.....	\$	46,077,719

110 - Division of Highways

(WV Code Chapters 17 and 17C)

Fund 9017 FY 2020 Org 0803

1	Debt Service.....04000	\$	89,000,000
2	Maintenance.....23700		336,386,000
3	Nonfederal Improvements23701		221,500,000
4	Inventory Revolving27500		4,000,000
5	Equipment Revolving27600		22,500,000
6	General Operations27700		91,663,229
7	Interstate Construction.....27800		90,000,000
8	Other Federal Aid Programs27900		370,000,000
9	Appalachian Programs28000		100,000,000
10	Highway Litter Control.....28200		1,719,000

11	Courtesy Patrol.....	28201	<u>5,000,000</u>
12	Total.....		\$ 1,331,768,229

13 The above appropriations are to be expended in accordance
 14 with the provisions of Chapters 17 and 17C of the code.

15 The Commissioner of Highways shall have the authority to
 16 operate revolving funds within the State Road Fund for the
 17 operation and purchase of various types of equipment used directly
 18 and indirectly in the construction and maintenance of roads and for
 19 the purchase of inventories and materials and supplies.

20 There is hereby appropriated in addition to the above
 21 appropriations, sufficient money for the payment of claims,
 22 accrued or arising during this budgetary period, to be paid in
 23 accordance with Sections 17 and 18, Article 2, Chapter 14 of the
 24 code.

25 It is the intent of the Legislature to capture and match all federal
 26 funds available for expenditure on the Appalachian highway
 27 system at the earliest possible time. Therefore, should amounts in
 28 excess of those appropriated be required for the purposes of
 29 Appalachian programs, funds in excess of the amount appropriated
 30 may be made available upon recommendation of the commissioner
 31 and approval of the Governor. Further, for the purpose of
 32 Appalachian programs, funds appropriated by appropriation may
 33 be transferred to other appropriations upon recommendation of the
 34 commissioner and approval of the Governor.

111 - Office of Administrative Hearings

(WV Code Chapter 17C)

Fund 9027 FY 2019 Org 0808

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 1,698,752
3	Current Expenses	13000	338,278
4	Repairs and Alterations.....	06400	3,000
5	Equipment.....	07000	15,500
6	BRIM Premium.....	91300	<u>10,000</u>

7	Total.....	\$ 2,065,530
8	Total TITLE II, Section 2 – State Road Fund	
9	(Including claims	
10	against the state)	<u>\$ 1,384,161,478</u>

1 **Sec. 3. Appropriations from other funds.** — From the funds
 2 designated there are hereby appropriated conditionally upon the
 3 fulfillment of the provisions set forth in Article 2, Chapter 11B of
 4 the Code the following amounts, as itemized, for expenditure
 5 during the fiscal year 2020.

LEGISLATIVE

112 - Crime Victims Compensation Fund

(WV Code Chapter 14)

Fund 1731 FY 2020 Org 2300

		Appro- piation	Other Funds
1	Personal Services and		
2	Employee Benefits.....00100	\$ 498,020	
3	Current Expenses 13000		133,903
4	Repairs and Alterations.....06400		1,000
5	Economic Loss Claim		
6	Payment Fund..... 33400		2,000,000
7	Other Assets..... 69000		<u>3,700</u>
8	Total.....	\$ 2,636,623	

JUDICIAL

113 - Supreme Court –

Family Court Fund

(WV Code Chapter 51)

Fund 1763 FY 2020 Org 2400

1	Current Expenses 13000	\$ 1,050,000
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*114 - Supreme Court –**Court Advanced Technology Subscription Fund*

(WV Code Chapter 51)

Fund 1704 FY 2020 Org 2400

1	Current Expenses	13000	\$	100,000
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*115 - Supreme Court –**Adult Drug Court Participation Fund*

(WV Code Chapter 62)

Fund 1705 FY 2020 Org 2400

1	Current Expenses	13000	\$	200,000
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EXECUTIVE*116 - Governor's Office –**Minority Affairs Fund*

(WV Code Chapter 5)

Fund 1058 FY 2020 Org 0100

1	Personal Services and			
2	Employee Benefits.....	00100	\$	177,737
3	Current Expenses	13000		503,200
4	Martin Luther King, Jr.			
5	Holiday Celebration.....	03100		<u>8,926</u>
6	Total.....		\$	689,863

*117 - Auditor's Office –**Land Operating Fund*

(WV Code Chapters 11A, 12 and 36)

Fund 1206 FY 2020 Org 1200

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 799,211
3	Unclassified.....	09900	15,139
4	Current Expenses	13000	715,291
5	Repairs and Alterations.....	06400	2,600
6	Equipment.....	07000	426,741
7	Cost of Delinquent Land Sales.....	76800	<u>1,341,168</u>
8	Total.....		\$ 3,300,150

9 There is hereby appropriated from this fund, in addition to the
10 above appropriations if needed, the necessary amount for the
11 expenditure of funds other than Personal Services and Employee
12 Benefits to enable the division to pay the direct expenses relating
13 to land sales as provided in Chapter 11A of the West Virginia
14 Code.

15 The total amount of these appropriations shall be paid from the
16 special revenue fund out of fees and collections as provided by law.

118 - Auditor's Office -

Local Government Purchasing Card Expenditure Fund

(WV Code Chapter 6)

Fund 1224 FY 2020 Org 1200

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 627,779
3	Current Expenses	13000	282,030
4	Repairs and Alterations.....	06400	6,000
5	Equipment.....	07000	10,805
6	Other Assets.....	69000	50,000
7	Statutory Revenue Distribution.....	74100	<u>3,500,000</u>
8	Total.....		\$ 4,476,614

9 There is hereby appropriated from this fund, in addition to the
10 above appropriations if needed, the amount necessary to meet the
11 transfer of revenue distribution requirements to provide a
12 proportionate share of rebates back to the general fund of local

13 governments based on utilization of the program in accordance
 14 with W.Va. Code §6-9-2b.

119 - Auditor's Office –

Securities Regulation Fund

(WV Code Chapter 32)

Fund 1225 FY 2020 Org 1200

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 2,487,017
3	Unclassified.....	09900	31,866
4	Current Expenses	13000	1,463,830
5	Repairs and Alterations.....	06400	12,400
6	Equipment.....	07000	394,700
7	Other Assets.....	69000	<u>900,000</u>
8	Total.....		\$ 5,289,813

120 - Auditor's Office – Technology Support and Acquisition Fund

(WV Code Chapter 12)

Fund 1233 FY 2020 Org 1200

1	Current Expenses	13000	\$ 10,000
2	Other Assets.....	69000	<u>5,000</u>
3	Total.....		\$ 15,000

4 Fifty percent of the deposits made into this fund shall be
 5 transferred to the Treasurer's Office – Technology Support and
 6 Acquisition Fund (fund 1329, org 1300) for expenditure for the
 7 purposes described in W.Va. Code §12-3-10c.

121 - Auditor's Office –

Purchasing Card Administration Fund

(WV Code Chapter 12)

Fund 1234 FY 2020 Org 1200

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 2,824,837
3	Current Expenses	13000	2,303,622
4	Repairs and Alterations.....	06400	5,500
5	Equipment.....	07000	650,000
6	Other Assets.....	69000	308,886
7	Statutory Revenue Distribution.....	74100	<u>8,000,000</u>
8	Total.....		\$ 14,092,845

9 There is hereby appropriated from this fund, in addition to the
10 above appropriations if needed, the amount necessary to meet the
11 transfer and revenue distribution requirements to the Purchasing
12 Improvement Fund (fund 2264), the Hatfield-McCoy Regional
13 Recreation Authority, and the State Park Operating Fund (fund
14 3265) per W.Va. Code §12-3-10d.

122 - Auditor's Office –

Chief Inspector's Fund

(WV Code Chapter 6)

Fund 1235 FY 2020 Org 1200

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 3,583,096
3	Current Expenses	13000	765,915
4	Equipment.....	07000	<u>50,000</u>
5	Total.....		\$ 4,399,011

123 - Auditor's Office –

Volunteer Fire Department Workers'

Compensation Premium Subsidy Fund

(WV Code Chapters 12 and 33)

Fund 1239 FY 2020 Org 1200

1	Volunteer Fire Department		
2	Workers' Compensation		
3	Subsidy	83200	\$ 2,500,000

*124 - Treasurer's Office**College Prepaid Tuition and Savings Program**Administrative Account*

(WV Code Chapter 18)

Fund 1301 FY 2020 Org 1300

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 810,372
3	Unclassified.....	09900	14,000
4	Current Expenses	13000	<u>619,559</u>
5	Total.....		\$ 1,443,931

*125 - Department of Agriculture –**Agriculture Fees Fund*

(WV Code Chapter 19)

Fund 1401 FY 2020 Org 1400

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 2,425,446
3	Unclassified.....	09900	37,425
4	Current Expenses	13000	1,856,184
5	Repairs and Alterations.....	06400	158,500
6	Equipment	07000	436,209
7	Other Assets	69000	<u>10,000</u>
8	Total.....		\$ 4,923,764

*126 - Department of Agriculture –**West Virginia Rural Rehabilitation Program*

(WV Code Chapter 19)

Fund 1408 FY 2020 Org 1400

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 78,251
3	Unclassified.....	09900	10,476
4	Current Expenses	13000	<u>963,404</u>
5	Total.....		\$ 1,052,131

127 - Department of Agriculture –

General John McCausland Memorial Farm Fund

(WV Code Chapter 19)

Fund 1409 FY 2020 Org 1400

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 71,937
3	Unclassified.....	09900	2,100
4	Current Expenses	13000	89,500
5	Repairs and Alterations.....	06400	36,400
6	Equipment.....	07000	<u>15,000</u>
7	Total.....		\$ 214,937

8 The above appropriations shall be expended in accordance with
9 Article 26, Chapter 19 of the Code.

128 - Department of Agriculture –

Farm Operating Fund

(WV Code Chapter 19)

Fund 1412 FY 2020 Org 1400

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 868,492
3	Unclassified.....	09900	15,173
4	Current Expenses	13000	1,367,464
5	Repairs and Alterations.....	06400	388,722
6	Equipment.....	07000	399,393
7	Other Assets.....	69000	<u>20,000</u>
8	Total.....		\$ 3,059,244

*129 - Department of Agriculture –**Donated Food Fund*

(WV Code Chapter 19)

Fund 1446 FY 2020 Org 1400

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 1,030,451
3	Unclassified.....	09900	45,807
4	Current Expenses	13000	3,410,542
5	Repairs and Alterations.....	06400	128,500
6	Equipment.....	07000	10,000
7	Other Assets.....	69000	<u>27,000</u>
8	Total.....		\$ 4,652,300

*130 - Department of Agriculture –**Integrated Predation Management Fund*

(WV Code Chapter 7)

Fund 1465 FY 2020 Org 1400

1	Current Expenses	13000	\$ 112,500
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*131 - Department of Agriculture –**West Virginia Spay Neuter Assistance Fund*

(WV Code Chapter 19)

Fund 1481 FY 2020 Org 1400

1	Current Expenses	13000	\$ 500,000
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*132 - Department of Agriculture –**Veterans and Warriors to Agriculture Fund*

(WV Code Chapter 19)

Fund 1483 FY 2020 Org 1400

1 Current Expenses 13000 \$ 7,500

*133 - Department of Agriculture –
State FFA-FHA Camp and Conference Center
(WV Code Chapters 18 and 18A)*

Fund 1484 FY 2020 Org 1400

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 1,218,564
3	Unclassified.....	09900	17,000
4	Current Expenses	13000	1,143,306
5	Repairs and Alterations.....	06400	82,500
6	Equipment.....	07000	76,000
7	Buildings	25800	1,000
8	Other Assets.....	69000	10,000
9	Land	73000	<u>1,000</u>
10	Total.....		\$ 2,549,370

134 - Attorney General –

Antitrust Enforcement Fund

(WV Code Chapter 47)

Fund 1507 FY 2020 Org 1500

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 363,466
3	Current Expenses	13000	148,803
4	Repairs and Alterations.....	06400	1,000
5	Equipment.....	07000	<u>1,000</u>
6	Total.....		\$ 514,269

135 - Attorney General –

Preneed Burial Contract Regulation Fund

(WV Code Chapter 47)

Fund 1513 FY 2020 Org 1500

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 222,569
3	Current Expenses	13000	54,615
4	Repairs and Alterations.....	06400	1,000
5	Equipment	07000	<u>1,000</u>
6	Total.....		\$ 279,184

136 - Attorney General –

Preneed Funeral Guarantee Fund

(WV Code Chapter 47)

Fund 1514 FY 2020 Org 1500

1	Current Expenses	13000	\$ 901,135
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137 - Secretary of State –

Service Fees and Collection Account

(WV Code Chapters 3, 5, and 59)

Fund 1612 FY 2020 Org 1600

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 1,065,106
3	Unclassified.....	09900	4,524
4	Current Expenses	13000	<u>8,036</u>
5	Total.....		\$ 1,077,666

138 - Secretary of State –

General Administrative Fees Account

(WV Code Chapters 3, 5, and 59)

Fund 1617 FY 2020 Org 1600

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 2,947,630
3	Unclassified.....	09900	25,529
4	Current Expenses	13000	976,716

5	Technology Improvements	59900	570,000
6	Total.....		\$ 4,519,875

DEPARTMENT OF ADMINISTRATION

139 - Department of Administration –

Office of the Secretary –

Tobacco Settlement Fund

(WV Code Chapter 4)

Fund 2041 FY 2020 Org 0201

1	Tobacco Settlement		
2	Securitization Trustee		
3	Pass Thru	65000	\$ 80,000,000

140 - Department of Administration –

Office of the Secretary –

Employee Pension and Health Care Benefit Fund

(WV Code Chapter 18)

Fund 2044 FY 2020 Org 0201

1	Current Expenses	13000	\$ 42,954,000
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2 The above appropriation for Current Expenses (fund 2044,
3 appropriation 13000) shall be transferred to the Consolidated Public
4 Retirement Board – Teachers’ Accumulation Fund (fund 2600).

141 - Department of Administration –

Division of Finance –

Shared Services Section Fund

(WV Code Chapter 5A)

Fund 2020 FY 2020 Org 0209

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 1,500,000
3	Current Expenses	13000	<u>500,000</u>
4	Total.....		\$ 2,000,000

142 - Division of Information Services and Communications

(WV Code Chapter 5A)

Fund 2220 FY 2020 Org 0210

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 22,464,463
3	Unclassified.....	09900	382,354
4	Current Expenses	13000	13,378,766
5	Repairs and Alterations.....	06400	1,000
6	Equipment	07000	2,050,000
7	Other Assets.....	69000	<u>1,045,000</u>
8	Total.....		\$ 39,321,583

9 The total amount of these appropriations shall be paid from a
10 special revenue fund out of collections made by the Division of
11 Information Services and Communications as provided by law.

12 Each spending unit operating from the General Revenue Fund,
13 from special revenue funds or receiving reimbursement for postage
14 from the federal government shall be charged monthly for all
15 postage meter service and shall reimburse the revolving fund
16 monthly for all such amounts.

143 - Division of Purchasing –

Vendor Fee Fund

(WV Code Chapter 5A)

Fund 2263 FY 2020 Org 0213

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 741,589
3	Unclassified.....	09900	2,382
4	Current Expenses	13000	208,115

5	Repairs and Alterations.....	06400		5,000
6	Equipment.....	07000		2,500
7	Other Assets.....	69000		2,500
8	BRIM Premium.....	91300		<u>810</u>
9	Total.....		\$	962,896

144 - Division of Purchasing –

Purchasing Improvement Fund

(WV Code Chapter 5A)

Fund 2264 FY 2020 Org 0213

1	Personal Services and			
2	Employee Benefits.....	00100	\$	778,176
3	Unclassified.....	09900		5,562
4	Current Expenses	13000		393,066
5	Repairs and Alterations.....	06400		500
6	Equipment.....	07000		500
7	Other Assets.....	69000		500
8	BRIM Premium.....	91300		<u>850</u>
9	Total.....		\$	1,179,154

145 - Travel Management –

Aviation Fund

(WV Code Chapter 5A)

Fund 2302 FY 2020 Org 0215

1	Unclassified.....	09900	\$	1,000
2	Current Expenses	13000		149,700
3	Repairs and Alterations.....	06400		1,175,237
4	Equipment.....	07000		1,000
5	Buildings.....	25800		100
6	Other Assets.....	69000		100
7	Land	73000		<u>100</u>
8	Total.....		\$	1,327,237

146 - Fleet Management Division Fund

(WV Code Chapter 5A)

Fund 2301 FY 2020 Org 0216

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 757,145
3	Unclassified.....	09900	4,000
4	Current Expenses	13000	8,130,614
5	Repairs and Alterations.....	06400	12,000
6	Equipment.....	07000	800,000
7	Other Assets.....	69000	<u>2,000</u>
8	Total.....		\$ 9,705,759

147 - Division of Personnel

(WV Code Chapter 29)

Fund 2440 FY 2020 Org 0222

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 4,760,683
3	Unclassified.....	09900	51,418
4	Current Expenses	13000	1,262,813
5	Repairs and Alterations.....	06400	5,000
6	Equipment.....	07000	20,000
7	Other Assets.....	69000	<u>60,000</u>
8	Total.....		\$ 6,159,914

9 The total amount of these appropriations shall be paid from a
10 special revenue fund out of fees collected by the Division of
11 Personnel.

148 - West Virginia Prosecuting Attorneys Institute

(WV Code Chapter 7)

Fund 2521 FY 2020 Org 0228

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 251,663

3	Unclassified.....	09900		4,023
4	Current Expenses	13000		297,528
5	Repairs and Alterations.....	06400		600
6	Equipment.....	07000		500
7	Other Assets.....	69000		500
8	Total.....		\$	554,814

149 - Office of Technology –

Chief Technology Officer Administration Fund

(WV Code Chapter 5A)

Fund 2531 FY 2020 Org 0231

1	Personal Services and			
2	Employee Benefits.....	00100	\$	414,722
3	Unclassified.....	09900		6,949
4	Current Expenses	13000		227,116
5	Repairs and Alterations.....	06400		1,000
6	Equipment.....	07000		50,000
7	Other Assets.....	69000		10,000
8	Total.....		\$	709,787

9 From the above fund, the provisions of W.Va. Code §11B-2-
 10 18 shall not operate to permit expenditures in excess of the funds
 11 authorized for expenditure herein.

DEPARTMENT OF COMMERCE

150 - Division of Forestry

(WV Code Chapter 19)

Fund 3081 FY 2020 Org 0305

1	Personal Services and			
2	Employee Benefits.....	00100	\$	1,574,177
3	Current Expenses	13000		282,202
4	Repairs and Alterations.....	06400		53,000
5	Equipment.....	07000		300,000
6	Total.....		\$	2,209,379

*151 - Division of Forestry –**Timbering Operations Enforcement Fund*

(WV Code Chapter 19)

Fund 3082 FY 2020 Org 0305

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 239,244
3	Current Expenses	13000	87,036
4	Repairs and Alterations.....	06400	<u>11,250</u>
5	Total.....		\$ 337,530

*152 - Division of Forestry –**Severance Tax Operations*

(WV Code Chapter 11)

Fund 3084 FY 2020 Org 0305

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 859,626
3	Current Expenses	13000	<u>435,339</u>
4	Total.....		\$ 1,294,965

*153 - Geological and Economic Survey –**Geological and Analytical Services Fund*

(WV Code Chapter 29)

Fund 3100 FY 2020 Org 0306

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 37,966
3	Unclassified.....	09900	2,182
4	Current Expenses	13000	141,631
5	Repairs and Alterations.....	06400	50,000
6	Equipment.....	07000	20,000
7	Other Assets.....	69000	<u>10,000</u>
8	Total.....		\$ 261,779

9 The above appropriations shall be used in accordance with
10 W.Va. Code §29-2-4.

154 - West Virginia Development Office –

Department of Commerce –

Marketing and Communications Operating Fund

(WV Code Chapter 5B)

Fund 3002 FY 2020 Org 0307

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 1,592,400
3	Equipment.....	07000	36,000
4	Unclassified.....	09900	30,000
5	Current Expenses	13000	<u>1,446,760</u>
6	Total.....		\$ 3,105,160

155 - West Virginia Development Office –

Office of Coalfield Community Development

(WV Code Chapter 5B)

Fund 3162 FY 2020 Org 0307

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 435,661
3	Unclassified.....	09900	8,300
4	Current Expenses	13000	<u>399,191</u>
5	Total.....		\$ 843,152

156 - Division of Labor –

HVAC Fund

(WV Code Chapter 21)

Fund 3186 FY 2020 Org 0308

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 300,000
3	Unclassified.....	09900	4,000
4	Current Expenses	13000	85,000
5	Repairs and Alterations.....	06400	1,500
6	Buildings.....	25800	1,000
7	BRIM Premium.....	91300	<u>8,500</u>
8	Total.....		\$ 400,000

157 - Division of Labor –

Contractor Licensing Board Fund

(WV Code Chapter 21)

Fund 3187 FY 2020 Org 0308

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 3,182,000
3	Unclassified.....	09900	21,589
4	Current Expenses	13000	597,995
5	Repairs and Alterations.....	06400	15,000
6	Buildings.....	25800	5,000
7	BRIM Premium.....	91300	<u>8,500</u>
8	Total.....		\$ 3,830,084

158 - Division of Labor –

Elevator Safety Fund

(WV Code Chapter 21)

Fund 3188 FY 2020 Org 0308

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 397,862
3	Unclassified.....	09900	2,261
4	Current Expenses	13000	44,112
5	Repairs and Alterations.....	06400	2,000
6	Buildings.....	25800	1,000
7	BRIM Premium.....	91300	<u>8,500</u>
8	Total.....		\$ 455,735

*159 - Division of Labor –**Steam Boiler Fund*

(WV Code Chapter 21)

Fund 3189 FY 2020 Org 0308

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 82,716
3	Unclassified.....	09900	1,000
4	Current Expenses	13000	15,000
5	Repairs and Alterations.....	06400	2,000
6	Buildings	25800	1,000
7	BRIM Premium.....	91300	<u>1,000</u>
8	Total.....		\$ 102,716

*160 - Division of Labor –**Crane Operator Certification Fund*

(WV Code Chapter 21)

Fund 3191 FY 2020 Org 0308

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 191,899
3	Unclassified.....	09900	1,380
4	Current Expenses	13000	49,765
5	Repairs and Alterations.....	06400	1,500
6	Buildings	25800	1,000
7	BRIM Premium.....	91300	<u>8,500</u>
8	Total.....		\$ 254,044

*161 - Division of Labor –**Amusement Rides and Amusement Attraction Safety Fund*

(WV Code Chapter 21)

Fund 3192 FY 2020 Org 0308

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 187,462
3	Unclassified.....	09900	1,281
4	Current Expenses	13000	44,520
5	Repairs and Alterations.....	06400	2,000
6	Buildings.....	25800	1,000
7	BRIM Premium.....	91300	<u>8,500</u>
8	Total.....		\$ 244,763

162 - Division of Labor –

State Manufactured Housing Administration Fund

(WV Code Chapter 21)

Fund 3195 FY 2020 Org 0308

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 289,199
3	Unclassified.....	09900	1,847
4	Current Expenses	13000	43,700
5	Repairs and Alterations.....	06400	1,000
6	Buildings.....	25800	1,000
7	BRIM Premium.....	91300	<u>3,404</u>
8	Total.....		\$ 340,150

163 - Division of Labor –

Weights and Measures Fund

(WV Code Chapter 47)

Fund 3196 FY 2020 Org 0308

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 1,500,000
3	Current Expenses	13000	227,000
4	Repairs and Alterations.....	06400	28,000
5	Equipment.....	07000	15,000
6	BRIM Premium.....	91300	<u>8,500</u>
7	Total.....		\$ 1,778,500

*164 - Division of Labor –**Bedding and Upholstery Fund*

(WV Code Chapter 21)

Fund 3198 FY 2020 Org 0308

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 150,000
3	Unclassified.....	09900	2,000
4	Current Expenses	13000	43,000
5	Repairs and Alterations.....	06400	2,000
6	Buildings	25800	1,000
7	BRIM Premium.....	91300	<u>2,000</u>
8	Total.....		\$ 200,000

*165 - Division of Labor –**Psychophysiological Examiners Fund*

(WV Code Chapter 21)

Fund 3199 FY 2020 Org 0308

1	Current Expenses	13000	\$ 4,000
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*166 - Division of Natural Resources –**License Fund – Wildlife Resources*

(WV Code Chapter 20)

Fund 3200 FY 2020 Org 0310

1	Wildlife Resources.....	02300	\$ 7,090,036
2	Administration	15500	1,694,974
3	Capital Improvements and		
4	Land Purchase (R)	24800	1,695,961
5	Law Enforcement.....	80600	<u>7,027,929</u>
6	Total.....		\$ 17,508,900

7 The total amount of these appropriations shall be paid from a
 8 special revenue fund out of fees collected by the Division of
 9 Natural Resources.

10 Any unexpended balance remaining in the appropriation for
 11 Capital Improvements and Land Purchase (fund 3200,
 12 appropriation 24800) at the close of the fiscal year 2019 is hereby
 13 reappropriated for expenditure during the fiscal year 2020.

167 - Division of Natural Resources –

Natural Resources Game Fish and Aquatic Life Fund

(WV Code Chapter 22)

Fund 3202 FY 2020 Org 0310

1	Current Expenses	13000	\$	125,000
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168 - Division of Natural Resources –

Nongame Fund

(WV Code Chapter 20)

Fund 3203 FY 2020 Org 0310

1	Personal Services and			
2	Employee Benefits.....	00100	\$	688,103
3	Current Expenses	13000		201,810
4	Equipment.....	07000		<u>106,615</u>
5	Total.....		\$	996,528

169 - Division of Natural Resources –

Planning and Development Division

(WV Code Chapter 20)

Fund 3205 FY 2020 Org 0310

1	Personal Services and			
2	Employee Benefits.....	00100	\$	457,738

3	Current Expenses	13000		157,864
4	Repairs and Alterations	06400		15,016
5	Equipment	07000		8,300
6	Buildings	25800		8,300
7	Other Assets	69000		2,000,000
8	Land	73000		<u>31,700</u>
9	Total		\$	2,678,918

170 - Division of Natural Resources –

Whitewater Study and Improvement Fund

(WV Code Chapter 20)

Fund 3253 FY 2020 Org 0310

1	Personal Services and			
2	Employee Benefits	00100	\$	67,641
3	Current Expenses	13000		64,778
4	Equipment	07000		1,297
5	Buildings	25800		<u>6,969</u>
6	Total		\$	140,685

171 - Division of Natural Resources –

Whitewater Advertising and Promotion Fund

(WV Code Chapter 20)

Fund 3256 FY 2020 Org 0310

1	Unclassified	09900	\$	200
2	Current Expenses	13000		<u>19,800</u>
3	Total		\$	20,000

172 - Division of Miners' Health, Safety and Training –

Special Health, Safety and Training Fund

(WV Code Chapter 22A)

Fund 3355 FY 2020 Org 0314

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 501,228
3	WV Mining Extension Service	02600	150,000
4	Unclassified.....	09900	40,985
5	Current Expenses	13000	1,954,557
6	Buildings.....	25800	481,358
7	Land	73000	<u>1,000,000</u>
8	Total.....		\$ 4,128,128

173 - Department of Commerce –

Office of the Secretary –

Broadband Enhancement Fund

Fund 3013 FY 2020 Org 0327

1	Current Expenses	13000	\$ 1,280,000
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174 - Office of Energy –

Energy Assistance

(WV Code Chapter 5B)

Fund 3010 FY 2020 Org 0328

1	Energy Assistance – Total	64700	\$ 7,211
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175 - State Board of Rehabilitation –

Division of Rehabilitation Services –

West Virginia Rehabilitation Center Special Account

(WV Code Chapter 18)

Fund 8664 FY 2020 Org 0932

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 119,738
3	Current Expenses	13000	2,180,122
4	Repairs and Alterations.....	06400	85,500

5	Equipment	07000		220,000
6	Buildings	25800		150,000
7	Other Assets	69000		<u>150,000</u>
8	Total		\$	2,905,360

DEPARTMENT OF EDUCATION

176 - State Board of Education –

Strategic Staff Development

(WV Code Chapter 18)

Fund 3937 FY 2020 Org 0402

1	Personal Services and			
2	Employee Benefits	00100	\$	134,000
3	Unclassified	09900		1,000
4	Current Expenses	13000		<u>765,000</u>
5	Total		\$	900,000

177 - State Board of Education –

School Construction Fund

(WV Code Chapters 18 and 18A)

Fund 3951 FY 2020 Org 0402

1	SBA Construction Grants	24000	\$	35,845,818
2	Directed Transfer	70000		<u>1,371,182</u>
3	Total		\$	37,217,000

4 The above appropriation for Directed Transfer (fund 3951,
5 appropriation 70000) shall be transferred to the School Building
6 Authority Fund (3959) for the administrative expenses of the
7 School Building Authority.

178 - School Building Authority

(WV Code Chapter 18)

Fund 3959 FY 2020 Org 0402

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 1,134,522
3	Current Expenses	13000	244,100
4	Repairs and Alterations.....	06400	13,150
5	Equipment	07000	<u>26,000</u>
6	Total.....		\$ 1,417,772

DEPARTMENT OF ARTS, CULTURE, AND HISTORY

179 - Division of Culture and History –

Public Records and Preservation Revenue Account

(WV Code Chapter 5A)

Fund 3542 FY 2020 Org 0432

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 226,624
3	Current Expenses	13000	862,241
4	Equipment	07000	75,000
5	Buildings	25800	1,000
6	Other Assets	69000	52,328
7	Land	73000	<u>1,000</u>
8	Total.....		\$ 1,218,193

DEPARTMENT OF ENVIRONMENTAL PROTECTION

180 - Solid Waste Management Board

(WV Code Chapter 22C)

Fund 3288 FY 2020 Org 0312

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 842,305
3	Current Expenses	13000	2,060,457
4	Repairs and Alterations.....	06400	1,000
5	Equipment	07000	5,000
6	Other Assets	69000	<u>4,403</u>
7	Total.....		\$ 2,913,165

*181 - Division of Environmental Protection –
Hazardous Waste Management Fund*

(WV Code Chapter 22)

Fund 3023 FY 2020 Org 0313

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 779,766
3	Current Expenses	13000	155,969
4	Repairs and Alterations.....	06400	500
5	Equipment	07000	1,505
6	Unclassified.....	09900	8,072
7	Other Assets	69000	<u>2,000</u>
8	Total.....		\$ 947,812

*182 - Division of Environmental Protection –
Air Pollution Education and Environment Fund*

(WV Code Chapter 22)

Fund 3024 FY 2020 Org 0313

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 950,135
3	Current Expenses	13000	1,026,863
4	Repairs and Alterations.....	06400	13,000
5	Equipment	07000	53,105
6	Unclassified.....	09900	14,647
7	Other Assets	69000	<u>20,000</u>
8	Total.....		\$ 2,077,750

*183 - Division of Environmental Protection –
Special Reclamation Fund*

(WV Code Chapter 22)

Fund 3321 FY 2020 Org 0313

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 1,627,573

3	Current Expenses	13000	16,185,006
4	Repairs and Alterations	06400	79,950
5	Equipment	07000	130,192
6	Other Assets	69000	<u>32,000</u>
7	Total		\$ 18,054,721

184 - Division of Environmental Protection –

Oil and Gas Reclamation Fund

(WV Code Chapter 22)

Fund 3322 FY 2020 Org 0313

1	Personal Services and		
2	Employee Benefits	00100	\$ 143,906
3	Current Expenses	13000	<u>356,094</u>
4	Total		\$ 500,000

185 - Division of Environmental Protection –

Oil and Gas Operating Permit and Processing Fund

(WV Code Chapter 22)

Fund 3323 FY 2020 Org 0313

1	Personal Services and		
2	Employee Benefits	00100	\$ 3,498,896
3	Current Expenses	13000	1,237,758
4	Repairs and Alterations	06400	40,600
5	Equipment	07000	8,000
6	Unclassified	09900	44,700
7	Other Assets	69000	<u>15,000</u>
8	Total		\$ 4,844,954

186 - Division of Environmental Protection –

Mining and Reclamation Operations Fund

(WV Code Chapter 22)

Fund 3324 FY 2020 Org 0313

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 3,566,280
3	Current Expenses	13000	2,202,231
4	Repairs and Alterations.....	06400	60,260
5	Equipment.....	07000	83,000
6	Unclassified.....	09900	920
7	Other Assets.....	69000	<u>57,500</u>
8	Total.....		\$ 5,970,191

187 - Division of Environmental Protection –

Underground Storage Tank

Administrative Fund

(WV Code Chapter 22)

Fund 3325 FY 2020 Org 0313

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 476,417
3	Current Expenses	13000	318,420
4	Repairs and Alterations.....	06400	5,350
5	Equipment.....	07000	3,610
6	Unclassified.....	09900	7,520
7	Other Assets.....	69000	<u>3,500</u>
8	Total.....		\$ 814,817

188 - Division of Environmental Protection –

Hazardous Waste Emergency Response Fund

(WV Code Chapter 22)

Fund 3331 FY 2020 Org 0313

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 598,154
3	Current Expenses	13000	767,905
4	Repairs and Alterations.....	06400	7,014
5	Equipment.....	07000	9,000
6	Unclassified.....	09900	10,616
7	Other Assets.....	69000	<u>3,500</u>
8	Total.....		\$ 1,396,189

*189 - Division of Environmental Protection –**Solid Waste Reclamation and
Environmental Response Fund*

(WV Code Chapter 22)

Fund 3332 FY 2020 Org 0313

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 825,811
3	Current Expenses	13000	3,604,737
4	Repairs and Alterations.....	06400	25,000
5	Equipment.....	07000	31,500
6	Unclassified.....	09900	22,900
7	Buildings	25800	500
8	Other Assets.....	69000	<u>1,000</u>
9	Total.....		\$ 4,511,448

*190 - Division of Environmental Protection –**Solid Waste Enforcement Fund*

(WV Code Chapter 22)

Fund 3333 FY 2020 Org 0313

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 3,238,054
3	Current Expenses	13000	970,229
4	Repairs and Alterations.....	06400	30,930
5	Equipment.....	07000	23,356
6	Unclassified.....	09900	37,145
7	Other Assets.....	69000	<u>25,554</u>
8	Total.....		\$ 4,325,268

*191 - Division of Environmental Protection –**Air Pollution Control Fund*

(WV Code Chapter 22)

Fund 3336 FY 2020 Org 0313

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 5,934,859
3	Current Expenses	13000	1,469,467
4	Repairs and Alterations.....	06400	84,045
5	Equipment	07000	103,601
6	Unclassified.....	09900	70,572
7	Other Assets	69000	<u>52,951</u>
8	Total.....		\$ 7,715,495

192 - Division of Environmental Protection –

Environmental Laboratory

Certification Fund

(WV Code Chapter 22)

Fund 3340 FY 2020 Org 0313

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 344,792
3	Current Expenses	13000	208,188
4	Repairs and Alterations.....	06400	1,000
5	Equipment	07000	1,000
6	Unclassified.....	09900	1,120
7	Other Assets	69000	<u>163,000</u>
8	Total.....		\$ 719,100

193 - Division of Environmental Protection –

Stream Restoration Fund

(WV Code Chapter 22)

Fund 3349 FY 2020 Org 0313

1	Current Expenses	13000	\$ 5,182,076
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194 - Division of Environmental Protection –

Litter Control Fund

(WV Code Chapter 22)

Fund 3486 FY 2020 Org 0313

1	Current Expenses	13000	\$	60,000
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195 - Division of Environmental Protection –

Recycling Assistance Fund

(WV Code Chapter 22)

Fund 3487 FY 2020 Org 0313

1	Personal Services and			
2	Employee Benefits.....	00100	\$	679,721
3	Current Expenses	13000		2,735,112
4	Repairs and Alterations.....	06400		800
5	Equipment	07000		500
6	Unclassified.....	09900		400
7	Other Assets	69000		<u>2,500</u>
8	Total.....		\$	3,419,033

196 - Division of Environmental Protection –

Mountaintop Removal Fund

(WV Code Chapter 22)

Fund 3490 FY 2020 Org 0313

1	Personal Services and			
2	Employee Benefits.....	00100	\$	1,250,562
3	Current Expenses	13000		642,934
4	Repairs and Alterations.....	06400		30,112
5	Equipment	07000		23,500
6	Unclassified.....	09900		1,180
7	Other Assets	69000		<u>11,520</u>
8	Total.....		\$	1,959,808

197 - Oil and Gas Conservation Commission –

Special Oil and Gas Conservation Fund

(WV Code Chapter 22C)

Fund 3371 FY 2020 Org 0315

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 162,161
3	Current Expenses	13000	161,225
4	Repairs and Alterations.....	06400	1,000
5	Equipment.....	07000	9,481
6	Other Assets.....	69000	<u>1,500</u>
7	Total.....		\$ 335,367

DEPARTMENT OF HEALTH AND HUMAN RESOURCES

198 - Division of Health –

Ryan Brown Addiction Prevention and Recovery Fund

(WV Code Chapter 19)

Fund 5111 FY 2020 Org 0506

1	Current Expenses	13000	\$ 13,588,654
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199 - Division of Health –

The Vital Statistics Account

(WV Code Chapter 16)

Fund 5144 FY 2020 Org 0506

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 938,484
3	Unclassified.....	09900	15,500
4	Current Expenses	13000	<u>2,757,788</u>
5	Total.....		\$ 3,711,772

200 - Division of Health –

Hospital Services Revenue Account

Special Fund

Capital Improvement, Renovation and Operations

(WV Code Chapter 16)

Fund 5156 FY 2020 Org 0506

1	Institutional Facilities Operations	33500	\$	35,555,221
2	Medical Services Trust			
3	Fund – Transfer.....	51200		<u>27,800,000</u>
4	Total.....		\$	63,355,221

5 The total amount of these appropriations shall be paid from the
6 Hospital Services Revenue Account Special Fund created by
7 W.Va. Code §16-1-13, and shall be used for operating expenses
8 and for improvements in connection with existing facilities.

9 Additional funds have been appropriated in fund 0525, fiscal
10 year 2020, organization 0506, for the operation of the institutional
11 facilities. The Secretary of the Department of Health and Human
12 Resources is authorized to utilize up to ten percent of the funds
13 from the appropriation for Institutional Facilities Operations to
14 facilitate cost effective and cost saving services at the community
15 level.

16 Necessary funds from the above appropriation may be used for
17 medical facilities operations, either in connection with this fund or
18 in connection with the appropriation designated Institutional
19 Facilities Operations in the Consolidated Medical Service Fund
20 (fund 0525, organization 0506).

201 - Division of Health –

Laboratory Services Fund

(WV Code Chapter 16)

Fund 5163 FY 2020 Org 0506

1	Personal Services and			
2	Employee Benefits.....	00100	\$	936,712
3	Unclassified.....	09900		18,114
4	Current Expenses	13000		<u>1,803,327</u>
5	Total.....		\$	2,758,153

202 - Division of Health –

The Health Facility Licensing Account

(WV Code Chapter 16)

Fund 5172 FY 2020 Org 0506

2019]

HOUSE OF DELEGATES

2759

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 645,446
3	Unclassified.....	09900	7,113
4	Current Expenses	13000	<u>98,247</u>
5	Total.....		\$ 750,806

203 - Division of Health –

Hepatitis B Vaccine

(WV Code Chapter 16)

Fund 5183 FY 2020 Org 0506

1	Current Expenses	13000	\$ 9,740
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204 - Division of Health –

Lead Abatement Account

(WV Code Chapter 16)

Fund 5204 FY 2020 Org 0506

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 19,100
3	Unclassified.....	09900	373
4	Current Expenses	13000	<u>17,875</u>
5	Total.....		\$ 37,348

205 - Division of Health –

West Virginia Birth-to-Three Fund

(WV Code Chapter 16)

Fund 5214 FY 2020 Org 0506

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 691,978
3	Unclassified.....	09900	223,999
4	Current Expenses	13000	<u>28,053,549</u>
5	Total.....		\$ 28,969,526

*206 - Division of Health –**Tobacco Control Special Fund*

(WV Code Chapter 16)

Fund 5218 FY 2020 Org 0506

1	Current Expenses	13000	\$	7,579
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*207 - Division of Health –**Medical Cannabis Program Fund*

(WV Code Chapter 16A)

Fund 5420 FY 2020 Org 0506

1	Personal Services and			
2	Employee Benefits.....	00100	\$	509,658
3	Current Expenses	13000		1,151,040
4	Other Assets.....	69000		<u>895,000</u>
5	Total.....		\$	2,555,698

*208 - West Virginia Health Care Authority –**Health Care Cost Review Fund*

(WV Code Chapter 16)

Fund 5375 FY 2020 Org 0507

1	Personal Services and			
2	Employee Benefits.....	00100	\$	1,345,380
3	Hospital Assistance	02500		50,000
4	Unclassified.....	09900		100
5	Current Expenses	13000		754,645
6	Repairs and Alterations.....	06400		500
7	Equipment.....	07000		<u>300</u>
8	Total.....		\$	2,150,925

9 The above appropriation is to be expended in accordance with
10 and pursuant to the provisions of W.Va. Code §16-29B and from

11 the special revolving fund designated Health Care Cost Review
12 Fund.

209 - West Virginia Health Care Authority –

Certificate of Need Program Fund

(WV Code Chapter 16)

Fund 5377 FY 2020 Org 0507

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 829,798
3	Current Expenses	13000	<u>474,967</u>
4	Total.....		\$ 1,304,765

210 - Division of Human Services –

Health Care Provider Tax –

Medicaid State Share Fund

(WV Code Chapter 11)

Fund 5090 FY 2020 Org 0511

1	Medical Services.....	18900	\$ 213,594,315
2	Medical Services		
3	Administrative Costs	78900	<u>242,287</u>
4	Total.....		\$ 213,836,602

5 The above appropriation for Medical Services Administrative
6 Costs (fund 5090, appropriation 78900) shall be transferred to a
7 special revenue account in the treasury for use by the Department
8 of Health and Human Resources for administrative purposes. The
9 remainder of all moneys deposited in the fund shall be transferred
10 to the West Virginia Medical Services Fund (fund 5084).

211 - Division of Human Services –

Child Support Enforcement Fund

(WV Code Chapter 48A)

Fund 5094 FY 2020 Org 0511

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 24,809,509
3	Unclassified.....	09900	380,000
4	Current Expenses	13000	<u>12,810,491</u>
5	Total.....		\$ 38,000,000

212 - Division of Human Services –

Medical Services Trust Fund

(WV Code Chapter 9)

Fund 5185 FY 2020 Org 0511

1	Medical Services.....	18900	\$ 73,477,905
2	Medical Services		
3	Administrative Costs	78900	<u>602,486</u>
4	Total.....		\$ 74,080,391

5 The above appropriation to Medical Services shall be used to
6 provide state match of Medicaid expenditures as defined and
7 authorized in subsection (c) of W.Va. Code §9-4A-2a.
8 Expenditures from the fund are limited to the following: payment
9 of backlogged billings, funding for services to future federally
10 mandated population groups and payment of the required state
11 match for Medicaid disproportionate share payments. The
12 remainder of all moneys deposited in the fund shall be transferred
13 to the Division of Human Services accounts.

213 - Division of Human Services –

James “Tiger” Morton Catastrophic Illness Fund

(WV Code Chapter 16)

Fund 5454 FY 2020 Org 0511

1	Unclassified.....	09900	\$ 7,000
2	Current Expenses	13000	<u>693,000</u>
3	Total.....		\$ 700,000

214 - Division of Human Services –

Domestic Violence Legal Services Fund

(WV Code Chapter 48)

Fund 5455 FY 2020 Org 0511

1	Current Expenses	13000	\$	900,000
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215 - Division of Human Services –

West Virginia Works Separate State College Program Fund

(WV Code Chapter 9)

Fund 5467 FY 2020 Org 0511

1	Current Expenses	13000	\$	500,000
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216 - Division of Human Services –

West Virginia Works Separate State Two-Parent Program Fund

(WV Code Chapter 9)

Fund 5468 FY 2020 Org 0511

1	Current Expenses	13000	\$	1,500,000
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217 - Division of Human Services –

Marriage Education Fund

(WV Code Chapter 9)

Fund 5490 FY 2020 Org 0511

1	Personal Services and			
2	Employee Benefits.....	00100	\$	10,000
3	Current Expenses	13000		<u>25,000</u>
4	Total.....		\$	<u>35,000</u>

DEPARTMENT OF MILITARY AFFAIRS AND PUBLIC SAFETY

218 - Department of Military Affairs and Public Safety –

Office of the Secretary –

Law-Enforcement, Safety and Emergency Worker

Funeral Expense Payment Fund

(WV Code Chapter 15)

Fund 6003 FY 2020 Org 0601

1	Current Expenses	13000	\$	32,000
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219 - State Armory Board –

General Armory Fund

(WV Code Chapter 15)

Fund 6057 FY 2020 Org 0603

1	Personal Services and			
2	Employee Benefits.....	00100	\$	1,681,247
3	Current Expenses	13000		650,000
4	Repairs and Alterations.....	06400		385,652
5	Equipment.....	07000		250,000
6	Buildings	25800		770,820
7	Other Assets.....	69000		100,000
8	Land	73000		200,000
9	Total.....		\$	4,037,719

10 From the above appropriations, the Adjutant General may
 11 receive and expend funds to conduct operations and activities to
 12 include functions of the Military Authority. The Adjutant General
 13 may transfer funds between appropriations, except no funds may
 14 be transferred to Personal Services and Employee Benefits (fund
 15 6057, appropriation 00100).

220 - Division of Homeland Security

And Emergency Management –

Statewide Interoperable Radio Network Account

(WV Code Chapter 15)

Fund 6208 FY 2020 Org 0606

1 Current Expenses 13000 \$ 80,000

221 - Division of Homeland Security and

Emergency Management –

West Virginia Interoperable Radio Project

(WV Code Chapter 24)

Fund 6295 FY 2020 Org 0606

1 Current Expenses 13000 \$ 2,000,000

2 Any unexpended balance remaining in the appropriation for
 3 Unclassified – Total (fund 6295, appropriation 09600) at the close
 4 of fiscal year 2019 is hereby reappropriated for expenditure during
 5 the fiscal year 2020.

222 - Division of Corrections and Rehabilitation –

Parolee Supervision Fees

(WV Code Chapter 15A)

Fund 6362 FY 2020 Org 0608

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 1,087,848
3	Unclassified.....	09900	9,804
4	Current Expenses	13000	758,480
5	Equipment.....	07000	30,000
6	Other Assets.....	69000	<u>40,129</u>
7	Total.....		\$ 1,926,261

223 - Division of Corrections and Rehabilitation –

Regional Jail and Correctional Facility Authority

(WV Code Chapter 15A)

Fund 6675 FY 2020 Org 0608

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 506,450
3	Debt Service.....	04000	9,000,000
4	Current Expenses	91300	<u>245,852</u>
5	Total.....		\$ 9,752,302

224 - West Virginia State Police –

Motor Vehicle Inspection Fund

(WV Code Chapter 17C)

Fund 6501 FY 2020 Org 0612

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 1,907,726
3	Current Expenses	13000	1,488,211
4	Repairs and Alterations.....	06400	204,500
5	Equipment.....	07000	3,770,751
6	Buildings.....	25800	534,000
7	Other Assets.....	69000	5,000
8	BRIM Premium.....	91300	<u>302,432</u>
9	Total.....		\$ 8,212,620

10 The total amount of these appropriations shall be paid from
 11 the special revenue fund out of fees collected for inspection
 12 stickers as provided by law.

225 - West Virginia State Police –

Forensic Laboratory Fund

(WV Code Chapter 15)

Fund 6511 FY 2020 Org 0612

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 100,000
3	Current Expenses	13000	90,000
4	Repairs and Alterations.....	06400	5,000
5	Equipment.....	07000	<u>45,000</u>
6	Total.....		\$ 240,000

226 - West Virginia State Police –

Drunk Driving Prevention Fund

(WV Code Chapter 15)

Fund 6513 FY 2020 Org 0612

1	Current Expenses	13000	\$ 1,327,000
2	Equipment.....	07000	3,491,895
3	BRIM Premium.....	91300	<u>154,452</u>
4	Total.....		\$ 4,973,347

5 The total amount of these appropriations shall be paid from the
6 special revenue fund out of receipts collected pursuant to W.Va.
7 Code §11-15-9a and 16 and paid into a revolving fund account in
8 the State Treasury.

227 - West Virginia State Police –

Surplus Real Property Proceeds Fund

(WV Code Chapter 15)

Fund 6516 FY 2020 Org 0612

1	Buildings	25800	\$ 1,022,778
2	Land	73000	1,000
3	BRIM Premium.....	91300	<u>77,222</u>
4	Total.....		\$ 1,101,000

228 - West Virginia State Police –

Surplus Transfer Account

(WV Code Chapter 15)

Fund 6519 FY 2020 Org 0612

1	Current Expenses	13000	\$	225,000
2	Repairs and Alterations	06400		20,000
3	Equipment	07000		250,000
4	Buildings	25800		40,000
5	Other Assets	69000		45,000
6	BRIM Premium.....	91300		<u>5,000</u>
7	Total.....		\$	585,000

229 - West Virginia State Police –

Central Abuse Registry Fund

(WV Code Chapter 15)

Fund 6527 FY 2020 Org 0612

1	Personal Services and			
2	Employee Benefits.....	00100	\$	256,629
3	Current Expenses	13000		51,443
4	Repairs and Alterations.....	06400		500
5	Equipment.....	07000		300,500
6	Other Assets.....	69000		300,500
7	BRIM Premium.....	91300		<u>18,524</u>
8	Total.....		\$	928,096

230 - West Virginia State Police –

Bail Bond Enforcer Account

(WV Code Chapter 15)

Fund 6532 FY 2020 Org 0612

1	Current Expenses	13000	\$	8,300
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231 - West Virginia State Police –

State Police Academy Post Exchange

(WV Code Chapter 15)

Fund 6544 FY 2020 Org 0612

1	Current Expenses	13000	\$	160,000
2	Repairs and Alterations	06400		<u>40,000</u>
3	Total		\$	200,000

*232 - Fire Commission –**Fire Marshal Fees*

(WV Code Chapter 29)

Fund 6152 FY 2020 Org 0619

1	Personal Services and			
2	Employee Benefits	00100	\$	3,480,533
3	Unclassified	09900		3,800
4	Current Expenses	13000		1,249,550
5	Repairs and Alterations	06400		58,500
6	Equipment	07000		140,800
7	BRIM Premium	91300		<u>62,000</u>
8	Total		\$	4,995,183

*233 - Division of Justice and Community Services –**WV Community Corrections Fund*

(WV Code Chapter 62)

Fund 6386 FY 2020 Org 0620

1	Personal Services and			
2	Employee Benefits	00100	\$	161,923
3	Unclassified	09900		750
4	Current Expenses	13000		1,846,250
5	Repairs and Alterations	06400		<u>1,000</u>
6	Total		\$	2,009,923

*234 - Division of Justice and Community Services –**Court Security Fund*

(WV Code Chapter 51)

Fund 6804 FY 2020 Org 0620

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 23,840
3	Current Expenses	13000	<u>1,478,135</u>
4	Total.....		\$ 1,501,975

235 - Division of Justice and Community Services –

Second Chance Driver's License Program Account

(WV Code Chapter 17B)

Fund 6810 FY 2020 Org 0620

1	Current Expenses	13000	\$ 25,000
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DEPARTMENT OF REVENUE

236 - Division of Financial Institutions

(WV Code Chapter 31A)

Fund 3041 FY 2020 Org 0303

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 2,703,057
3	Current Expenses	13000	614,775
4	Equipment.....	07000	<u>44,200</u>
5	Total.....		\$ 3,362,032

237 - Office of the Secretary –

State Debt Reduction Fund

(WV Code Chapter 29)

Fund 7007 FY 2020 Org 0701

1	Directed Transfer	70000	\$ 20,000,000
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2 The above appropriation for Directed Transfer shall be
3 transferred to the Consolidated Public Retirement Board – West
4 Virginia Public Employees Retirement System Employers
5 Accumulation Fund (fund 2510).

*238 - Tax Division –**Cemetery Company Account*

(WV Code Chapter 35)

Fund 7071 FY 2020 Org 0702

1	Personal Services and		
2	Employee Benefits.....00100	\$	25,928
3	Current Expenses13000		<u>7,717</u>
4	Total.....	\$	33,645

*239 - Tax Division –**Special Audit and Investigative Unit*

(WV Code Chapter 11)

Fund 7073 FY 2020 Org 0702

1	Personal Services and		
2	Employee Benefits.....00100	\$	696,428
3	Unclassified.....09900		9,500
4	Current Expenses13000		273,297
5	Repairs and Alterations.....06400		7,000
6	Equipment.....07000		<u>5,000</u>
7	Total.....	\$	991,225

*240 - Tax Division –**Wine Tax Administration Fund*

(WV Code Chapter 60)

Fund 7087 FY 2020 Org 0702

1	Personal Services and		
2	Employee Benefits.....00100	\$	268,973
3	Current Expenses13000		<u>5,406</u>
4	Total.....	\$	274,379

*241 - Tax Division –**Reduced Cigarette Ignition Propensity**Standard and Fire Prevention Act Fund*

(WV Code Chapter 47)

Fund 7092 FY 2020 Org 0702

1	Current Expenses	13000	\$	35,000
2	Equipment	07000		<u>15,000</u>
3	Total		\$	50,000

*242 - Tax Division –**Local Sales Tax and Excise Tax**Administration Fund*

(WV Code Chapter 11)

Fund 7099 FY 2020 Org 0702

1	Personal Services and			
2	Employee Benefits.....	00100	\$	1,543,527
3	Unclassified.....	09900		10,000
4	Current Expenses	13000		784,563
5	Repairs and Alterations.....	06400		1,000
6	Equipment	07000		<u>5,000</u>
7	Total		\$	2,344,090

*243 - State Budget Office –**Public Employees Insurance Reserve Fund*

(WV Code Chapter 11B)

Fund 7400 FY 2020 Org 0703

1	Public Employees Insurance			
2	Reserve Fund – Transfer.....	90300	\$	6,800,000

3 The above appropriation for Public Employees Insurance
 4 Reserve Fund – Transfer shall be transferred to the Medical
 5 Services Trust Fund (fund 5185, org 0511) for expenditure.

244 - State Budget Office –

Public Employees Insurance Agency Financial Stability Fund

(WV Code Chapter 11B)

Fund 7401 FY 2020 Org 0703

1	Retiree Premium Offset	80101	\$	5,000,000
2	PEIA Reserve.....	80102		<u>10,000,000</u>
3	Total.....		\$	15,000,000

4 The above appropriation shall be transferred to special revenue
 5 funds to be utilized by the West Virginia Public Employees
 6 Insurance Agency for the purposes of permitting the PEIA Finance
 7 Board to offset \$5 million in retiree premium increases.
 8 Additionally, \$10 million will be put into a reserve fund to stabilize
 9 and preserve the future solvency of PEIA. Such amount shall not
 10 be included in the calculation of the plan year aggregate premium
 11 cost-sharing percentages between employers and employees.

245 - Insurance Commissioner –

Examination Revolving Fund

(WV Code Chapter 33)

Fund 7150 FY 2020 Org 0704

1	Personal Services and			
2	Employee Benefits.....	00100	\$	748,764
3	Current Expenses	13000		1,357,201
4	Repairs and Alterations.....	06400		3,000
5	Equipment.....	07000		81,374
6	Buildings.....	25800		8,289
7	Other Assets.....	69000		<u>11,426</u>
8	Total.....		\$	2,210,054

246 - Insurance Commissioner –

Consumer Advocate

(WV Code Chapter 33)

Fund 7151 FY 2020 Org 0704

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 571,976
3	Current Expenses	13000	202,152
4	Repairs and Alterations.....	06400	5,000
5	Equipment.....	07000	34,225
6	Buildings.....	25800	4,865
7	Other Assets.....	69000	<u>19,460</u>
8	Total.....		\$ 837,678

247 - Insurance Commissioner –

Insurance Commission Fund

(WV Code Chapter 33)

Fund 7152 FY 2020 Org 0704

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 24,169,021
3	Current Expenses	13000	8,797,758
4	Repairs and Alterations.....	06400	68,614
5	Equipment.....	07000	1,728,240
6	Buildings.....	25800	25,000
7	Other Assets.....	69000	<u>340,661</u>
8	Total.....		\$ 35,129,294

248 - Insurance Commissioner –

Workers' Compensation Old Fund

(WV Code Chapter 23)

Fund 7162 FY 2020 Org 0704

1	Employee Benefits.....	01000	\$ 50,000
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2	Current Expenses	13000		<u>250,500,000</u>
3	Total.....		\$	250,550,000

249 - Insurance Commissioner –

Workers' Compensation Uninsured Employers' Fund

(WV Code Chapter 23)

Fund 7163 FY 2020 Org 0704

1	Current Expenses	13000	\$	15,000,000
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250 - Insurance Commissioner –

Self-Insured Employer Guaranty Risk Pool

(WV Code Chapter 23)

Fund 7164 FY 2020 Org 0704

1	Current Expenses	13000	\$	9,000,000
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251 - Insurance Commissioner –

Self-Insured Employer Security Risk Pool

(WV Code Chapter 23)

Fund 7165 FY 2020 Org 0704

1	Current Expenses	13000	\$	14,000,000
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252 - Municipal Bond Commission

(WV Code Chapter 13)

Fund 7253 FY 2020 Org 0706

1	Personal Services and			
2	Employee Benefits.....	00100	\$	282,589
3	Current Expenses	13000		144,844
4	Equipment.....	07000		<u>100</u>
5	Total.....		\$	427,533

253 - *Racing Commission –*

Relief Fund

(WV Code Chapter 19)

Fund 7300 FY 2020 Org 0707

1 Medical Expenses – Total..... 24500 \$ 57,000

2 The total amount of this appropriation shall be paid from the
3 special revenue fund out of collections of license fees and fines as
4 provided by law.

5 No expenditures shall be made from this fund except for
6 hospitalization, medical care and/or funeral expenses for persons
7 contributing to this fund.

254 - *Racing Commission –*

Administration and Promotion Account

(WV Code Chapter 19)

Fund 7304 FY 2020 Org 0707

1	Personal Services and		
2	Employee Benefits..... 00100	\$	264,564
3	Current Expenses 13000		93,335
4	Other Assets 69000		<u>5,000</u>
5	Total.....	\$	362,899

255 - *Racing Commission –*

General Administration

(WV Code Chapter 19)

Fund 7305 FY 2020 Org 0707

1	Personal Services and		
2	Employee Benefits..... 00100	\$	2,352,306
3	Current Expenses 13000		566,248

4	Repairs and Alterations.....	06400		7,000
5	Other Assets.....	69000		<u>50,000</u>
6	Total.....		\$	2,975,554

256 - Racing Commission –

*Administration, Promotion, Education, Capital Improvement
and Greyhound Adoption Programs*

to include Spaying and Neutering Account

(WV Code Chapter 19)

Fund 7307 FY 2020 Org 0707

1	Personal Services and			
2	Employee Benefits.....	00100	\$	918,781
3	Current Expenses	13000		214,406
4	Other Assets.....	69000		<u>200,000</u>
5	Total.....		\$	1,333,187

257 - Alcohol Beverage Control Administration –

Wine License Special Fund

(WV Code Chapter 60)

Fund 7351 FY 2020 Org 0708

1	Personal Services and			
2	Employee Benefits.....	00100	\$	132,213
3	Current Expenses	13000		69,186
4	Repairs and Alterations.....	06400		7,263
5	Equipment.....	07000		10,000
6	Buildings.....	25800		100,000
7	Other Assets.....	69000		<u>100</u>
8	Total.....		\$	318,762

9 To the extent permitted by law, four classified exempt
10 positions shall be provided from Personal Services and Employee
11 Benefits appropriation for field auditors.

258 - Alcohol Beverage Control Administration

(WV Code Chapter 60)

Fund 7352 FY 2020 Org 0708

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 5,790,574
3	Current Expenses	13000	2,890,577
4	Repairs and Alterations	06400	91,000
5	Equipment	07000	108,000
6	Buildings	25800	375,100
7	Purchase of Supplies for Resale.....	41900	72,500,000
8	Transfer Liquor Profits and Taxes	42500	20,800,000
9	Other Assets	69000	125,100
10	Land	73000	<u>100</u>
11	Total.....		\$ 102,680,451

12 The total amount of these appropriations shall be paid from a
 13 special revenue fund out of liquor revenues and any other revenues
 14 available.

15 The above appropriations include the salary of the
 16 commissioner and the salaries, expenses and equipment of
 17 administrative offices, warehouses and inspectors.

18 The above appropriations include funding for the
 19 Tobacco/Alcohol Education Program.

20 There is hereby appropriated from liquor revenues, in addition
 21 to the above appropriations as needed, the necessary amount for
 22 the purchase of liquor as provided by law and the remittance of
 23 profits and taxes to the General Revenue Fund.

259 - State Athletic Commission Fund

(WV Code Chapter 29)

Fund 7009 FY 2020 Org 0933

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 2,900

3	Current Expenses	13000		<u>37,100</u>
4	Total.....		\$	40,000

DEPARTMENT OF TRANSPORTATION

260 - Division of Motor Vehicles –

Dealer Recovery Fund

(WV Code Chapter 17)

Fund 8220 FY 2020 Org 0802

1	Current Expenses	13000	\$	189,000
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261 - Division of Motor Vehicles –

Motor Vehicle Fees Fund

(WV Code Chapter 17B)

Fund 8223 FY 2020 Org 0802

1	Personal Services and			
2	Employee Benefits.....	00100	\$	3,733,074
3	Current Expenses	13000		4,362,975
4	Repairs and Alterations.....	06400		16,000
5	Equipment	07000		75,000
6	Other Assets	69000		10,000
7	BRIM Premium.....	91300		<u>84,737</u>
8	Total.....		\$	8,281,786

262 - Division of Highways –

A. James Manchin Fund

(WV Code Chapter 22)

Fund 8319 FY 2020 Org 0803

1	Current Expenses	13000	\$	1,650,000
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DEPARTMENT OF VETERANS' ASSISTANCE

263 - Veterans' Facilities Support Fund

(WV Code Chapter 9A)

Fund 6703 FY 2020 Org 0613

1	Current Expenses	13000	\$	1,654,234
2	Other Assets	69000		<u>10,000</u>
3	Total		\$	1,664,234

264 - Department of Veterans' Assistance –

WV Veterans' Home –

Special Revenue Operating Fund

(WV Code Chapter 9A)

Fund 6754 FY 2020 Org 0618

1	Current Expenses	13000	\$	700,000
2	Repairs and Alterations.....	06400		<u>50,000</u>
3	Total		\$	750,000

BUREAU OF SENIOR SERVICES

265 - Bureau of Senior Services –

Community Based Service Fund

(WV Code Chapter 22)

Fund 5409 FY 2020 Org 0508

1	Personal Services and			
2	Employee Benefits.....	00100	\$	160,883
3	Current Expenses	13000		<u>10,348,710</u>
4	Total		\$	10,509,593

5 The total amount of these appropriations are funded from
6 annual table game license fees to enable the aged and disabled

7 citizens of West Virginia to stay in their homes through the
8 provision of home and community-based services.

HIGHER EDUCATION POLICY COMMISSION

266 - Higher Education Policy Commission –

System –

Tuition Fee Capital Improvement Fund

(Capital Improvement and Bond Retirement Fund)

Control Account

(WV Code Chapters 18 and 18B)

Fund 4903 FY 2020 Org 0442

1	Debt Service.....	04000	\$	27,713,123
2	General Capital Expenditures	30600		5,000,000
3	Facilities Planning and			
4	Administration	38600		<u>441,111</u>
5	Total.....		\$	33,154,234

6 The total amount of these appropriations shall be paid from the
7 Special Capital Improvement Fund created in W.Va. Code §18B-
8 10-8. Projects are to be paid on a cash basis and made available on
9 July 1.

10 The above appropriations, except for Debt Service, may be
11 transferred to special revenue funds for capital improvement
12 projects at the institutions.

267 - Tuition Fee Revenue Bond Construction Fund

(WV Code Chapters 18 and 18B)

Fund 4906 FY 2020 Org 0442

1 Any unexpended balance remaining in the appropriation for
2 Capital Outlay (fund 4906, appropriation 51100) at the close of the

3 fiscal year 2019 is hereby reappropriated for expenditure during the
4 fiscal year 2020.

5 The appropriation shall be paid from available unexpended
6 cash balances and interest earnings accruing to the fund. The
7 appropriation shall be expended at the discretion of the Higher
8 Education Policy Commission and the funds may be allocated to
9 any institution within the system.

10 The total amount of this appropriation shall be paid from the
11 unexpended proceeds of revenue bonds previously issued pursuant
12 to W.Va. Code §18-12B-8, which have since been refunded.

268 - Community and Technical College –

Capital Improvement Fund

(WV Code Chapter 18B)

Fund 4908 FY 2020 Org 0442

1 Any unexpended balance remaining in the appropriation for
2 Capital Improvements – Total (fund 4908, appropriation 95800) at
3 the close of fiscal year 2019 is hereby reappropriated for
4 expenditure during the fiscal year 2020.

5 The total amount of this appropriation shall be paid from the
6 sale of the Series 2017 Community and Technical College Capital
7 Improvement Refunding Revenue Bonds and anticipated interest
8 earnings.

269 - West Virginia University –

West Virginia University Health Sciences Center

(WV Code Chapters 18 and 18B)

Fund 4179 FY 2020 Org 0463

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 10,764,347
3	Current Expenses	13000	4,524,300

4	Repairs and Alterations.....	06400	425,000
5	Equipment.....	07000	512,000
6	Buildings.....	25800	150,000
7	Other Assets.....	69000	<u>50,000</u>
8	Total.....		\$ 16,425,647

MISCELLANEOUS BOARDS AND COMMISSIONS

270 - Board of Barbers and Cosmetologists –

Barbers and Beauticians Special Fund

(WV Code Chapters 16 and 30)

Fund 5425 FY 2020 Org 0505

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 543,993
3	Current Expenses	13000	<u>239,969</u>
4	Total.....		\$ 783,962

5 The total amount of these appropriations shall be paid from a
6 special revenue fund out of collections made by the Board of
7 Barbers and Cosmetologists as provided by law.

271 - Hospital Finance Authority –

Hospital Finance Authority Fund

(WV Code Chapter 16)

Fund 5475 FY 2020 Org 0509

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 93,261
3	Unclassified.....	09900	1,450
4	Current Expenses	13000	<u>55,397</u>
5	Total.....		\$ 150,108

6 The total amount of these appropriations shall be paid from the
7 special revenue fund out of fees and collections as provided by
8 Article 29A, Chapter 16 of the Code.

272 - WV State Board of Examiners for Licensed Practical Nurses –
Licensed Practical Nurses

(WV Code Chapter 30)

Fund 8517 FY 2020 Org 0906

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 495,505
3	Current Expenses	13000	<u>107,700</u>
4	Total.....		\$ 603,205

273 - WV Board of Examiners for Registered Professional Nurses –

Registered Professional Nurses

(WV Code Chapter 30)

Fund 8520 FY 2020 Org 0907

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 1,300,612
3	Current Expenses	13000	312,655
4	Repairs and Alterations.....	06400	3,000
5	Equipment.....	07000	25,000
6	Other Assets.....	69000	<u>4,500</u>
7	Total.....		\$ 1,645,767

274 - Public Service Commission

(WV Code Chapter 24)

Fund 8623 FY 2020 Org 0926

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 12,481,921
3	Unclassified.....	09900	147,643
4	Current Expenses	13000	2,572,202
5	Repairs and Alterations.....	06400	55,000
6	Equipment.....	07000	160,000
7	Buildings.....	25800	10
8	PSC Weight Enforcement.....	34500	4,605,652
9	Debt Payment/Capital Outlay	52000	<u>350,000</u>

10	Land	73000		10
11	BRIM Premium.....	91300		172,216
12	Total.....		\$	20,544,654

13 The total amount of these appropriations shall be paid from a
 14 special revenue fund out of collections for special license fees from
 15 public service corporations as provided by law.

16 The Public Service Commission is authorized to transfer up to
 17 \$500,000 from this fund to meet the expected deficiencies in the
 18 Motor Carrier Division (fund 8625, org 0926) due to the
 19 amendment and reenactment of W.Va. Code §24A-3-1 by Enrolled
 20 House Bill Number 2715, Regular Session, 1997.

275 - Public Service Commission –

Gas Pipeline Division –

Public Service Commission Pipeline Safety Fund

(WV Code Chapter 24B)

Fund 8624 FY 2020 Org 0926

1	Personal Services and			
2	Employee Benefits.....	00100	\$	294,658
3	Unclassified.....	09900		3,851
4	Current Expenses	13000		93,115
5	Repairs and Alterations	06400		4,000
6	Total.....		\$	395,624

7 The total amount of these appropriations shall be paid from a
 8 special revenue fund out of receipts collected for or by the Public
 9 Service Commission pursuant to and in the exercise of regulatory
 10 authority over pipeline companies as provided by law.

276 - Public Service Commission –

Motor Carrier Division

(WV Code Chapter 24A)

Fund 8625 FY 2020 Org 0926

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 2,377,514
3	Unclassified.....	09900	29,233
4	Current Expenses	13000	577,557
5	Repairs and Alterations.....	06400	23,000
6	Equipment.....	07000	<u>50,000</u>
7	Total.....		\$ 3,057,304

8 The total amount of these appropriations shall be paid from a
9 special revenue fund out of receipts collected for or by the Public
10 Service Commission pursuant to and in the exercise of regulatory
11 authority over motor carriers as provided by law.

277 - Public Service Commission –

Consumer Advocate Fund

(WV Code Chapter 24)

Fund 8627 FY 2020 Org 0926

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 772,994
3	Current Expenses	13000	276,472
4	Equipment.....	07000	9,872
5	BRIM Premium.....	91300	<u>4,660</u>
6	Total.....		\$ 1,063,998

7 The total amount of these appropriations shall be supported by
8 cash from a special revenue fund out of collections made by the
9 Public Service Commission.

278 - Real Estate Commission –

Real Estate License Fund

(WV Code Chapter 30)

Fund 8635 FY 2020 Org 0927

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 607,098

3	Current Expenses	13000		293,122
4	Repairs and Alterations	06400		2,500
5	Equipment	07000		<u>5,000</u>
6	Total		\$	907,720

7 The total amount of these appropriations shall be paid out of
8 collections of license fees as provided by law.

279 - WV Board of Examiners for Speech-Language

Pathology and Audiology –

Speech-Language Pathology and Audiology Operating Fund

(WV Code Chapter 30)

Fund 8646 FY 2020 Org 0930

1	Personal Services and			
2	Employee Benefits	00100	\$	80,251
3	Current Expenses	13000		<u>63,499</u>
4	Total		\$	143,750

280 - WV Board of Respiratory Care –

Board of Respiratory Care Fund

(WV Code Chapter 30)

Fund 8676 FY 2020 Org 0935

1	Personal Services and			
2	Employee Benefits	00100	\$	95,160
3	Current Expenses	13000		53,027
4	Repairs and Alterations	06400		<u>400</u>
5	Total		\$	148,587

281 - WV Board of Licensed Dietitians –

Dietitians Licensure Board Fund

(WV Code Chapter 30)

Fund 8680 FY 2020 Org 0936

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 20,219
3	Current Expenses	13000	<u>20,250</u>
4	Total.....		\$ 40,469

282 - Massage Therapy Licensure Board –

Massage Therapist Board Fund

(WV Code Chapter 30)

Fund 8671 FY 2020 Org 0938

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 109,355
3	Current Expenses	13000	<u>42,648</u>
4	Total.....		\$ 152,003

283 - Board of Medicine –

Medical Licensing Board Fund

(WV Code Chapter 30)

Fund 9070 FY 2020 Org 0945

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 1,378,807
3	Current Expenses	13000	1,108,789
4	Repairs and Alterations.....	06400	<u>8,000</u>
5	Total.....		\$ 2,495,596

284 - West Virginia Enterprise Resource Planning Board –

Enterprise Resource Planning System Fund

(WV Code Chapter 12)

Fund 9080 FY 2020 Org 0947

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 6,856,239
3	Unclassified.....	09900	232,000

4	Current Expenses	13000	15,640,134
5	Repairs and Alterations	06400	300
6	Equipment	07000	2,213,000
7	Buildings	25800	2,000
8	Other Assets	69000	<u>199,500</u>
9	Total		\$ 25,143,173

285 - Board of Treasury Investments –

Board of Treasury Investments Fee Fund

(WV Code Chapter 12)

Fund 9152 FY 2020 Org 0950

1	Personal Services and		
2	Employee Benefits	00100	\$ 782,889
3	Unclassified	09900	14,850
4	Current Expenses	13000	650,714
5	BRIM Premium	91300	36,547
6	Fees of Custodians, Fund Advisors		
7	and Fund Managers	93800	<u>3,500,000</u>
8	Total		\$ 4,985,000

9 There is hereby appropriated from this fund, in addition to the
10 above appropriation if needed, an amount of funds necessary for
11 the Board of Treasury Investments to pay the fees and expenses of
12 custodians, fund advisors and fund managers for the consolidated
13 fund of the State as provided in Article 6C, Chapter 12 of the Code.

14 The total amount of these appropriations shall be paid from the
15 special revenue fund out of fees and collections as provided by law.

16	Total TITLE II, Section 3 – Other Funds		
17	(Including claims		
18	against the state)		<u>\$ 1,512,059,818</u>

1 **Sec. 4. Appropriations from lottery net profits.** — Net
2 profits of the lottery are to be deposited by the Director of the
3 Lottery to the following accounts in the amounts indicated. The
4 Director of the Lottery shall prorate each deposit of net profits in

5 the proportion the appropriation for each account bears to the total
6 of the appropriations for all accounts.

7 After first satisfying the requirements for Fund 2252, Fund
8 3963, and Fund 4908 pursuant to W.Va. Code §29-22-18, the
9 Director of the Lottery shall make available from the remaining net
10 profits of the lottery any amounts needed to pay debt service for
11 which an appropriation is made for Fund 9065, Fund 4297, Fund
12 3390, Fund 3514, Fund 9067, and Fund 9068 and is authorized to
13 transfer any such amounts to Fund 9065, Fund 4297, Fund 3390,
14 Fund 3514, Fund 9067, and Fund 9068 for that purpose. Upon
15 receipt of reimbursement of amounts so transferred, the Director of
16 the Lottery shall deposit the reimbursement amounts to the
17 following accounts as required by this section.

286 - Education, Arts, Sciences and Tourism –

Debt Service Fund

(WV Code Chapter 5)

Fund 2252 FY 2020 Org 0211

	Appro- priation	Lottery Funds
1 Debt Service – Total	31000	\$ 10,000,000

287 - West Virginia Development Office –

West Virginia Tourism Office

(WV Code Chapter 5B)

Fund 3067 FY 2020 Org 0304

1 Tourism – Telemarketing Center	46300	\$ 82,080
2 Tourism – Advertising (R).....	61800	2,422,407
3 Tourism – Operations (R).....	66200	<u>4,227,938</u>
4 Total.....		\$ 6,732,425

5 Any unexpended balances remaining in the appropriations for
 6 Tourism – Advertising (fund 3067, appropriation 61800), and
 7 Tourism – Operations (fund 3067, appropriation 66200) at the
 8 close of the fiscal year 2019 are hereby reappropriated for
 9 expenditure during the fiscal year 2020.

288 - Division of Natural Resources

(WV Code Chapter 20)

Fund 3267 FY 2020 Org 0310

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 2,428,178
3	Current Expenses	13000	26,900
4	Pricketts Fort State Park.....	32400	106,560
5	Non-Game Wildlife (R)	52700	386,935
6	State Parks and Recreation		
7	Advertising (R)	61900	<u>494,578</u>
8	Total.....		\$ 3,443,151

9 Any unexpended balances remaining in the appropriations for
 10 Unclassified (fund 3267, appropriation 09900), Capital Outlay –
 11 Parks (fund 3267, appropriation 28800), Non-Game Wildlife (fund
 12 3267, appropriation 52700), and State Parks and Recreation
 13 Advertising (fund 3267, appropriation 61900) at the close of the
 14 fiscal year 2019 are hereby reappropriated for expenditure during
 15 the fiscal year 2020.

289 - State Board of Education

(WV Code Chapters 18 and 18A)

Fund 3951 FY 2020 Org 0402

1	FBI Checks.....	37200	\$ 116,548
2	Vocational Education		
3	Equipment Replacement.....	39300	800,000
4	Assessment Program (R).....	39600	3,016,444
5	Literacy Project.....	89900	350,000

6	21 st Century Technology		
7	Infrastructure Network Tools		
8	and Support (R).....	93300	<u>14,600,383</u>
9	Total.....		\$ 18,883,375

10 Any unexpended balances remaining in the appropriations for
 11 Unclassified (fund 3951, appropriation 09900), Current Expenses
 12 (fund 3951, appropriation 13000), Assessment Program (fund
 13 3951, appropriation 39600), and 21st Century Technology
 14 Infrastructure Network Tools and Support (fund 3951,
 15 appropriation 93300) at the close of the fiscal year 2019 are hereby
 16 reappropriated for expenditure during the fiscal year 2020.

290 - State Department of Education –

School Building Authority –

Debt Service Fund

(WV Code Chapter 18)

Fund 3963 FY 2020 Org 0402

1	Debt Service – Total	31000	\$ 15,320,363
2	Directed Transfer	70000	<u>2,679,637</u>
3	Total.....		\$ 18,000,000

4 The School Building Authority shall have the authority to
 5 transfer between the above appropriations in accordance with
 6 W.Va. Code §29-22-18.

291 - Division of Culture and History –

Lottery Education Fund

(WV Code Chapter 29)

Fund 3534 FY 2020 Org 0432

1	Huntington Symphony	02700	\$ 59,058
2	Preservation WV (R).....	09200	491,921
3	Fairs and Festivals (R)	12200	1,346,814

4	Commission for National and		
5	Community Service	19300	374,980
6	Archeological Curation/Capital		
7	Improvements (R).....	24600	36,276
8	Historic Preservation Grants (R).....	31100	368,428
9	West Virginia Public Theater.....	31200	120,019
10	Greenbrier Valley Theater	42300	115,000
11	Theater Arts of West Virginia.....	46400	90,000
12	Marshall Artists Series	51800	36,005
13	Grants for Competitive		
14	Arts Program (R)	62400	726,000
15	West Virginia State Fair.....	65700	31,241
16	Save the Music	68000	24,000
17	Contemporary American		
18	Theater Festival	81100	57,281
19	Independence Hall	81200	27,277
20	Mountain State Forest Festival	86400	38,187
21	WV Symphony.....	90700	59,058
22	Wheeling Symphony.....	90800	59,058
23	Appalachian Children's Chorus.....	91600	54,554
24	Total.....		<u>\$ 4,115,157</u>

25 Any unexpended balances remaining in the appropriations for
26 Preservation West Virginia (fund 3534, appropriation 09200),
27 Fairs and Festivals (fund 3534, appropriation 12200),
28 Archeological Curation/Capital Improvements (fund 3534,
29 appropriation 24600), Historic Preservation Grants (fund 3534,
30 appropriation 31100), Grants for Competitive Arts Program (fund
31 3534, appropriation 62400), and Project ACCESS (fund 3534,
32 appropriation 86500) at the close of the fiscal year 2019 are hereby
33 reappropriated for expenditure during the fiscal year 2020.

34 Any Fairs & Festivals awards shall be funded in addition to,
35 and not in lieu of, individual grant allocations derived from the Arts
36 Council and the Cultural Grant Program allocations.

37 From the above appropriation for Fairs and Festivals (fund
38 3534, appropriation 12200) funding shall be provided to the A
39 Princeton 4th (Mercer) \$1,800, African-American Cultural
40 Heritage Festival (Jefferson) \$2,970, Alderson 4th of July

41 Celebration (Greenbrier) \$2,970, Allegheny Echo (Pocahontas)
42 \$4,456, Alpine Festival/Leaf Peepers Festival (Tucker) \$6,683,
43 American Civil War (Grant) \$3,127, American Legion Post 8
44 Veterans Day Parade (McDowell) \$1,250, Angus Beef and Cattle
45 Show (Lewis) \$891, Annual Birch River Days (Nicholas) \$1,296,
46 Annual Don Redman Heritage Concert & Awards (Jefferson)
47 \$938, Annual Ruddle Park Jamboree (Pendleton) \$4,690, Antique
48 Market Fair (Lewis) \$1,188, Apollo Theater-Summer Program
49 (Berkeley) \$1,188, Apple Butter Festival (Morgan) \$3,564,
50 Arkansaw Homemaker's Heritage Weekend (Hardy) \$2,079,
51 Armed Forces Day-South Charleston (Kanawha) \$1,782,
52 Arthurdale Heritage New Deal Festival (Preston) \$2,970, Athens
53 Town Fair (Mercer) \$1,188, Augusta Fair (Randolph) \$2,970,
54 Autumn Harvest Fest (Monroe) \$2,448, Barbour County Fair
55 \$14,851, Barboursville Octoberfest (Cabell) \$2,970, Bass Festival
56 (Pleasants) \$1,099, Battelle District Fair (Monongalia) \$2,970,
57 Battle of Dry Creek (Greenbrier) \$891, Battle of Point Pleasant
58 Memorial Committee (Mason) \$2,970, Belle Town Fair
59 (Kanawha) \$2,673, Belleville Homecoming (Wood) \$11,881,
60 Bergoo Down Home Days (Webster) \$1,485, Berkeley County
61 Youth Fair \$10,990, Black Bear 4K Mountain Bike Race
62 (Kanawha) \$684, Black Heritage Festival (Harrison) \$3,564,
63 Black Walnut Festival (Roane) \$5,940, Blast from the Past
64 (Upshur) \$1,440, Blue-Gray Reunion (Barbour) \$2,079, Boone
65 County Fair \$5,940, Boone County Labor Day Celebration
66 \$2,376, Bradshaw Fall Festival (McDowell) \$1,188, Brandonville
67 Heritage Day (Preston) \$1,048, Braxton County Fair \$6,832,
68 Braxton County Monster Fest / West Virginia Autumn Festival
69 \$1,485, Brooke County Fair \$2,079, Bruceton Mills Good
70 Neighbor Days (Preston) \$1,188, Buckwheat Festival (Preston)
71 \$5,050, Buffalo 4th of July Celebration (Putnam) \$400, Buffalo
72 October Fest (Putnam) \$3,240, Burlington Apple Harvest Festival
73 (Mineral) \$17,821, Burlington Pumpkin Harvest Festival
74 (Raleigh) \$2,970, Burnsville Harvest Festival (Braxton) \$1,407,
75 Cabell County Fair \$5,940, Calhoun County Wood Festival
76 \$1,188, Campbell's Creek Community Fair (Kanawha) \$1,485,
77 Cape Coalwood Festival Association (McDowell) \$1,485, Capon
78 Bridge Founders Day Festival (Hampshire) \$1,188, Capon Springs
79 Ruritan 4th of July (Hampshire) \$684, Cass Homecoming

80 (Pocahontas) \$1,188, Cedarville Town Festival (Gilmer) \$684,
81 Celebration in the Park (Wood) \$2,376, Celebration of America
82 (Monongalia) \$3,564, Ceredo Freedom Festival (Wayne) \$700,
83 Chapmanville Apple Butter Festival (Logan) \$684, Chapmanville
84 Fire Department 4th of July (Logan) \$1,782, Charles Town
85 Christmas Festival (Jefferson) \$2,970, Charles Town Heritage
86 Festival (Jefferson) \$2,970, Cherry River Festival (Nicholas)
87 \$3,861, Chester Fireworks (Hancock) \$891, Chester 4th of July
88 Festivities (Hancock) \$2,970, Chief Logan State Park-Civil War
89 Celebration (Logan) \$4,752, Chilifest West Virginia State Chili
90 Championship (Cabell) \$1,563, Christmas In Our Town (Marion)
91 \$3,127, Christmas in Shepherdstown (Jefferson) \$2,376,
92 Christmas in the Park (Brooke) \$2,970, Christmas in the Park
93 (Logan) \$14,851, City of Dunbar Critter Dinner (Kanawha)
94 \$5,940, City of Logan Polar Express (Logan) \$4,456, City of New
95 Martinsville Festival of Memories (Wetzel) \$6,534, Clay County
96 Golden Delicious Apple Festival \$4,158, Clay District Fair
97 (Monongalia) \$1,080, Coal Field Jamboree (Logan) \$20,792,
98 Coalton Days Fair (Randolph) \$4,158, Country Roads Festival
99 (Fayette) \$1,188, Cowen Railroad Festival (Webster) \$2,079,
100 Craigsville Fall Festival (Nicholas) \$2,079, Cruise into Princeton
101 (Mercer) \$2,160, Culturefest World Music & Arts Festival
102 (Mercer) \$4,690, Delbarton Homecoming (Mingo) \$2,079,
103 Doddridge County Fair \$4,158, Dorcas Ice Cream Social (Grant)
104 \$3,564, Durbin Days (Pocahontas) \$2,970, Elbert/Filbert Reunion
105 Festival (McDowell) \$891, Elkins Randolph County 4th of July
106 Car Show (Randolph) \$1,188, Fairview 4th of July Celebration
107 (Marion) \$684, Farm Safety Day (Preston) \$1,188, Farmer's Day
108 Festival (Monroe) \$2,330, Farmers' Day Parade (Wyoming)
109 \$720, Fenwick Mountain Old Time Community Festival
110 (Nicholas) \$2,880, FestivALL Charleston (Kanawha) \$11,881,
111 Flatwoods Days (Braxton) \$700, Flemington Day Fair and Festival
112 (Taylor) \$2,079, Follansbee Community Days (Brooke) \$4,900,
113 Fort Gay Mountain Heritage Days (Wayne) \$2,970, Fort Henry
114 Days (Ohio) \$3,148, Fort Henry Living History (Ohio) \$1,563,
115 Fort New Salem Spirit of Christmas Festival (Harrison) \$2,432,
116 Frankford Autumnfest (Greenbrier) \$2,970, Franklin Fishing
117 Derby (Pendleton) \$4,456, Freshwater Folk Festival (Greenbrier)
118 \$2,970, Friends Auxiliary of W.R. Sharpe Hospital (Lewis)

119 \$2,970, Frontier Days (Harrison) \$1,782, Frontier Fest/Canaan
120 Valley (Taylor) \$1,500, Fund for the Arts-Wine & All that Jazz
121 Festival (Kanawha) \$1,485, Gassaway Days Celebration
122 (Braxton) \$2,970, Gilbert Elementary Fall Blast (Mingo) \$2,188,
123 Gilbert Kiwanis Harvest Festival (Mingo) \$2,376, Gilbert Spring
124 Fling (Mingo) \$3,595, Gilmer County Farm Show \$2,376, Grant
125 County Arts Council \$1,188, Grape Stomping Wine Festival
126 (Nicholas) \$1,188, Great Greenbrier River Race (Pocahontas)
127 \$5,940, Greater Quinwood Days (Greenbrier) \$781, Guyandotte
128 Civil War Days (Cabell) \$5,941, Hamlin 4th of July Celebration
129 (Lincoln) \$2,970, Hampshire Civil War Celebration Days
130 (Hampshire) \$684, Hampshire County 4th of July Celebration
131 \$11,881, Hampshire County Fair \$5,002, Hampshire Heritage
132 Days (Hampshire) \$2,376, Hancock County Oldtime Fair \$2,970,
133 Hardy County Commission - 4th of July \$5,940, Hatfield McCoy
134 Matewan Reunion Festival (Mingo) \$12,330, Hatfield McCoy
135 Trail National ATV and Dirt Bike Weekend (Wyoming) \$2,970,
136 Heat'n the Hills Chilifest (Lincoln) \$2,970, Heritage Craft Festival
137 (Monroe) \$1,044, Heritage Days Festival (Roane) \$891, Hilltop
138 Festival (Cabell) \$684, Hilltop Festival of Lights (McDowell)
139 \$1,188, Hinton Railroad Days (Summers) \$4,347, Holly River
140 Festival (Webster) \$891, Hometown Mountain Heritage Festival
141 (Fayette) \$2,432, Hundred 4th of July (Wetzel) \$4,307, Hundred
142 American Legion Earl Kiger Post Bluegrass Festival (Wetzel)
143 \$1,188, Hurricane 4th of July Celebration (Putnam) \$2,970, Jaeger
144 Town Fair (McDowell) \$891, Irish Heritage Festival of West
145 Virginia (Raleigh) \$2,970, Irish Spring Festival (Lewis) \$684,
146 Italian Heritage Festival-Clarksburg (Harrison) \$17,821, Jackson
147 County Fair \$2,970, Jamboree (Pocahontas) \$2,970, Jane Lew
148 Arts and Crafts Fair (Lewis) \$684, Jefferson County Fair
149 Association \$14,851, Jersey Mountain Ruritan Pioneer Days
150 (Hampshire) \$684, John Henry Days Festival (Monroe) \$4,698,
151 Johnnie Johnson Blues and Jazz Festival (Marion) \$2,970,
152 Johnstown Community Fair (Harrison) \$1,485, Junior Heifer
153 Preview Show (Lewis) \$1,188, Kanawha Coal Riverfest-St.
154 Albans 4th of July Festival (Kanawha) \$2,970, Keeper of the
155 Mountains-Kayford (Kanawha) \$1,485, Kenova Autumn Festival
156 (Wayne) \$4,377, Kermit Fall Festival (Mingo) \$1,782, Keystone
157 Reunion Gala (McDowell) \$1,563, King Coal Festival (Mingo)

158 \$2,970, Kingwood Downtown Street Fair and Heritage Days
159 (Preston) \$1,188, L.Z. Rainelle West Virginia Veterans Reunion
160 (Greenbrier) \$2,970, Lady of Agriculture (Preston) \$684, Larry
161 Joe Harless Center Octoberfest Hatfield McCoy Trail (Mingo)
162 \$5,940, Larry Joe Harless Community Center Spring Middle
163 School Event (Mingo) \$2,970, Last Blast of Summer (McDowell)
164 \$2,970, Lewis County Fair Association \$2,079, Lewisburg
165 Shanghai (Greenbrier) \$1,188, Lincoln County Fall Festival
166 \$4,752, Lincoln County Winterfest \$2,970, Lindside Veterans'
167 Day Parade (Monroe) \$720, Little Levels Heritage Festival
168 (Pocahontas) \$1,188, Lost Creek Community Festival (Harrison)
169 \$4,158, Main Street Arts Festival (Upshur) \$3,127, Main Street
170 Martinsburg Chocolate Fest and Book Fair (Berkeley) \$2,813,
171 Mannington District Fair (Marion) \$3,564, Maple Syrup Festival
172 (Randolph) \$684, Marion County FFA Farm Fest \$1,485, Marmet
173 Labor Day Celebration (Kanawha) \$3,078, Marshall County
174 Antique Power Show \$1,485, Marshall County Fair \$4,456,
175 Mason County Fair \$2,970, Mason Dixon Festival (Monongalia)
176 \$4,158, Matewan Massacre Reenactment (Mingo) \$5,004,
177 Matewan-Magnolia Fair (Mingo) \$15,932, McARTS-McDowell
178 County \$11,881, McDowell County Fair \$1,485, McGrew House
179 History Day (Preston) \$1,188, McNeill's Rangers (Mineral)
180 \$4,752, Meadow Bridge Hometown Festival (Fayette) \$743,
181 Meadow River Days Festival (Greenbrier) \$1,782, Mercer
182 Bluestone Valley Fair (Mercer) \$1,188, Mercer County Fair
183 \$1,188, Mercer County Heritage Festival \$3,474, Mid Ohio Valley
184 Antique Engine Festival (Wood) \$1,782, Milton Christmas in the
185 Park (Cabell) \$1,485, Milton 4th of July Celebration (Cabell)
186 \$1,485, Mineral County Fair \$1,040, Mineral County Veterans
187 Day Parade \$891, Molasses Festival (Calhoun) \$1,188,
188 Monongahfest (Marion) \$3,752, Moon Over Mountwood Fishing
189 Festival (Wood) \$1,782, Morgan County Fair-History Wagon
190 \$891, Moundsville Bass Festival (Marshall) \$2,376, Moundsville
191 July 4th Celebration (Marshall) \$2,970, Mount Liberty Fall
192 Festival (Barbour) \$1,485, Mountain Fest (Monongalia) \$11,881,
193 Mountain Festival (Mercer) \$2,747, Mountain Heritage Arts and
194 Crafts Festival (Jefferson) \$2,970, Mountain Music Festival
195 (McDowell) \$1,485, Mountain State Apple Harvest Festival
196 (Berkeley) \$4,456, Mountain State Arts & Crafts Fair Cedar Lakes

197 (Jackson) \$26,732, Mountaineer Hot Air Balloon Festival
198 (Monongalia) \$2,376, Mullens Dogwood Festival (Wyoming)
199 \$4,158, Multi-Cultural Festival of West Virginia (Kanawha)
200 \$11,881, Music and Barbecue - Banks District VFD (Upshur)
201 \$1,278, New Cumberland Christmas Parade (Hancock) \$1,782,
202 New Cumberland 4th of July (Hancock) \$2,970, New River Bridge
203 Day Festival (Fayette) \$23,762, Newburg Volunteer Fireman's
204 Field Day (Preston) \$684, Nicholas County Fair \$2,970, Nicholas
205 County Potato Festival \$2,079, Oak Leaf Festival (Fayette)
206 \$6,253, Oceana Heritage Festival (Wyoming) \$3,564, Oglebay
207 City Park - Festival of Lights (Ohio) \$47,524, Oglebay Festival
208 (Ohio) \$5,940, Ohio County Country Fair \$5,346, Ohio River Fest
209 (Jackson) \$4,320, Ohio Valley Beef Association (Wood) \$1,485,
210 Ohio Valley Black Heritage Festival (Ohio) \$3,267, Old Central
211 City Fair (Cabell) \$2,970, Old Century City Fair (Barbour) \$1,250,
212 Old Tyme Christmas (Jefferson) \$1,425, Paden City Labor Day
213 Festival (Wetzel) \$3,861, Parkersburg Homecoming (Wood)
214 \$8,754, Patty Fest (Monongalia) \$1,188, Paw Paw District Fair
215 (Marion) \$2,079, Pax Reunion Committee (Fayette) \$2,970,
216 Pendleton County 4-H Weekend \$1,188, Pendleton County
217 Committee for Arts \$8,910, Pendleton County Fair \$6,253,
218 Pennsboro Country Road Festival (Ritchie) \$1,188, Petersburg 4th
219 of July Celebration (Grant) \$11,881, Petersburg HS Celebration
220 (Grant) \$5,940, Piedmont-Annual Back Street Festival (Mineral)
221 \$2,376, Pinch Reunion (Kanawha) \$891, Pine Bluff Fall Festival
222 (Harrison) \$2,376, Pine Grove 4th of July Festival (Wetzel)
223 \$4,158, Pineville Festival (Wyoming) \$3,564, Pleasants County
224 Agriculture Youth Fair \$2,970, Poca Heritage Days (Putnam)
225 \$1,782, Pocahontas County Pioneer Days \$4,159, Point Pleasant
226 Stern Wheel Regatta (Mason) \$2,970, Pratt Fall Festival
227 (Kanawha) \$1,485, Princeton Autumnfest (Mercer) \$1,563,
228 Princeton Street Fair (Mercer) \$2,970, Putnam County Fair \$2,970,
229 Quartets on Parade (Hardy) \$2,376, Rainelle Fall Festival
230 (Greenbrier) \$3,127, Rand Community Center Festival (Kanawha)
231 \$1,485, Randolph County Community Arts Council \$1,782,
232 Randolph County Fair \$4,158, Randolph County Ramp and Rails
233 \$1,188, Ranson Christmas Festival (Jefferson) \$2,970, Ranson
234 Festival (Jefferson) \$2,970, Renick Liberty Festival (Greenbrier)
235 \$684, Ripley 4th of July (Jackson) \$8,910, Ritchie County Fair

236 and Exposition \$2,970, Ritchie County Pioneer Days \$684, River
237 City Festival (Preston) \$684, Roane County Agriculture Field Day
238 \$1,782, Rock the Park (Kanawha) \$3,240, Rocket Boys Festival
239 (Raleigh) \$1,710, Romney Heritage Days (Hampshire) \$1,876,
240 Ronceverte River Festival (Greenbrier) \$2,970, Rowlesburg Labor
241 Day Festival (Preston) \$684, Rupert Country Fling (Greenbrier)
242 \$1,876, Saint Spyridon Greek Festival (Harrison) \$1,485, Salem
243 Apple Butter Festival (Harrison) \$2,376, Sistersville 4th of July
244 (Tyler) \$3,267, Skirmish on the River (Mingo) \$1,250, Smoke on
245 the Water (Wetzel) \$1,782, South Charleston Summerfest
246 (Kanawha) \$5,940, Southern Wayne County Fall Festival \$684,
247 Spirit of Grafton Celebration (Taylor) \$5,940, Springfield Peach
248 Festival (Hampshire) \$738, St. Albans City of Lights - December
249 (Kanawha) \$2,970, Sternwheel Festival (Wood) \$1,782, Stoco
250 Reunion (Raleigh) \$1,485, Stonewall Jackson Heritage Arts &
251 Crafts Jubilee (Lewis) \$6,534, Stonewall Jackson's Roundhouse
252 Raid (Berkeley) \$7,200, Storytelling Festival (Lewis) \$400,
253 Strawberry Festival (Upshur) \$17,821, Sylvester Big Coal River
254 Festival (Boone) \$1,944, Tacy Fair (Barbour) \$684, Taste of
255 Parkersburg (Wood) \$2,970, Taylor County Fair \$3,267, Terra
256 Alta VFD 4th of July Celebration (Preston) \$684, The Gathering
257 at Sweet Creek (Wood) \$1,782, Three Rivers Coal Festival
258 (Marion) \$4,604, Thunder on the Tygart - Mothers' Day
259 Celebration (Taylor) \$7,000, Town of Delbarton 4th of July
260 Celebration (Mingo) \$1,782, Town of Fayetteville Heritage
261 Festival (Fayette) \$4,456, Town of Matoaka Hog Roast (Mercer)
262 \$684, Town of Rivesville 4th of July Festival (Marion) \$3,127,
263 Town of Winfield - Putnam County Homecoming \$3,240, St.
264 Albans Train Fest (Kanawha) \$6,120, Treasure Mountain Festival
265 (Pendleton) \$14,851, Tri-County Fair (Grant) \$22,548, Tucker
266 County Arts Festival and Celebration \$10,692, Tucker County Fair
267 \$2,821, Tucker County Health Fair \$1,188, Tunnelton Depot Days
268 (Preston) \$684, Tunnelton Volunteer Fire Department Festival
269 (Preston) \$684, Turkey Festival (Hardy) \$1,782, Tyler County Fair
270 \$3,088, Tyler County 4th of July \$400, Tyler County OctoberFest
271 \$720, Union Community Irish Festival (Barbour) \$648, Uniquely
272 West Virginia Festival (Morgan) \$1,188, Upper Kanawha Valley
273 Oktoberfest (Kanawha) \$1,485, Upper Ohio Valley Italian Festival
274 (Ohio) \$7,128, Upshur County Youth Livestock Show \$1,440,

275 Valley District Fair (Preston) \$2,079, Veterans Welcome Home
 276 Celebration (Cabell) \$938, Vietnam Veterans of America # 949
 277 Christmas Party (Cabell) \$684, Volcano Days at Mountwood Park
 278 (Wood) \$2,970, War Homecoming Fall Festival (McDowell)
 279 \$891, Wardensville Fall Festival (Hardy) \$2,970, Wayne County
 280 Fair \$2,970, Wayne County Fall Festival \$2,970, Webster County
 281 Fair \$3,600, Webster County Wood Chopping Festival \$8,910,
 282 Webster Wild Water Weekend (Webster) \$1,188, Weirton July 4th
 283 Celebration (Hancock) \$11,881, Welcome Home Family Day
 284 (Wayne) \$1,900, Wellsburg 4th of July Celebration (Brooke)
 285 \$4,456, Wellsburg Apple Festival of Brooke County \$2,970, West
 286 Virginia Blackberry Festival (Harrison) \$2,970, West Virginia
 287 Chestnut Festival (Preston) \$684, West Virginia Coal Festival
 288 (Boone) \$5,940, West Virginia Coal Show (Mercer) \$1,563, West
 289 Virginia Dairy Cattle Show (Lewis) \$5,940, West Virginia
 290 Dandelion Festival (Greenbrier) \$2,970, West Virginia Day at the
 291 Railroad Museum (Mercer) \$1,800, West Virginia Fair and
 292 Exposition (Wood) \$4,812, West Virginia Fireman's Rodeo
 293 (Fayette) \$1,485, West Virginia Oil and Gas Festival (Tyler)
 294 \$6,534, West Virginia Peach Festival (Hampshire) \$3,240, West
 295 Virginia Polled Hereford Association (Braxton) \$891, West
 296 Virginia Poultry Festival (Hardy) \$2,970, West Virginia Pumpkin
 297 Festival (Cabell) \$5,940, West Virginia State Folk Festival
 298 (Gilmer) \$2,970, West Virginia Water Festival - City of Hinton
 299 (Summers) \$9,144, Weston VFD 4th of July Firemen Festival
 300 (Lewis) \$1,188, Wetzel County Autumnfest \$3,267, Wetzel
 301 County Town and Country Days \$10,098, Wheeling Celtic Festival
 302 (Ohio) \$1,166, Wheeling City of Lights (Ohio) \$4,752, Wheeling
 303 Sternwheel Regatta (Ohio) \$5,940, Wheeling Vintage Raceboat
 304 Regatta (Ohio) \$11,881, Whipple Community Action (Fayette)
 305 \$1,485, Wileyville Homecoming (Wetzel) \$2,376, Wine Festival
 306 and Mountain Music Event (Harrison) \$2,970, Winter Festival of
 307 the Waters (Berkeley) \$2,970, Wirt County Fair \$1,485, Wirt
 308 County Pioneer Days \$1,188, Wyoming County Civil War Days
 309 \$1,296, Youth Stockman Beef Expo (Lewis) \$1,188.

310 From the above appropriation for Preservation West Virginia
 311 (fund 3534, appropriation 09200) funding shall be provided to the
 312 African-American Heritage Family Tree Museum (Fayette)

313 \$2,673, Aracoma Story (Logan) \$29,703, Arts Monongahela
314 (Monongalia) \$11,881, Barbour County Arts and Humanities
315 Council \$891, Beckley Main Street (Raleigh) \$2,970, Buffalo
316 Creek Memorial (Logan) \$2,970, Carnegie Hall (Greenbrier)
317 \$46,899, Ceredo Historical Society (Wayne) \$1,188, Ceredo
318 Kenova Railroad Museum (Wayne) \$1,188, Ceredo Museum
319 (Wayne) \$720, Children's Theatre of Charleston (Kanawha)
320 \$3,127, Chuck Mathena Center (Mercer) \$62,532, Collis P.
321 Huntington Railroad Historical Society (Cabell) \$5,941, Country
322 Music Hall of Fame and Museum (Marion) \$4,159, First Stage
323 Children's Theater Company \$1,188, Flannigan Murrell House
324 (Summers) \$3,781, Fort Ashby Fort (Mineral) \$891, Fort New
325 Salem (Harrison) \$2,198, Fort Randolph (Mason) \$2,970, General
326 Adam Stephen Memorial Foundation (Berkeley) \$11,006, Grafton
327 Mother's Day Shrine Committee (Taylor) \$5,049, Hardy County
328 Tour and Crafts Association \$11,881, Heartwood in the Hills
329 (Calhoun) \$5,040, Heritage Farm Museum & Village (Cabell)
330 \$29,703, Historic Fayette Theater (Fayette) \$3,267, Historic
331 Middleway Conservancy (Jefferson) \$594, Jefferson County Black
332 History Preservation Society \$2,970, Jefferson County Historical
333 Landmark Commission \$4,753, Maddie Carroll House (Cabell)
334 \$4,455, Marshall County Historical Society \$5,049, McCoy
335 Theater (Hardy) \$11,881, Morgantown Theater Company
336 (Monongalia) \$11,881, Mountaineer Boys' State (Lewis) \$5,941,
337 Nicholas Old Main Foundation (Nicholas) \$1,188, Norman Dillon
338 Farm Museum (Berkeley) \$5,941, Old Opera House Theater
339 Company (Jefferson) \$8,911, Parkersburg Arts Center (Wood)
340 \$11,881, Pocahontas Historic Opera House \$3,564, Raleigh
341 County All Wars Museum \$5,941, Rhododendron Girl's State
342 (Ohio) \$5,941, Roane County 4-H and FFA Youth Livestock
343 Program \$2,970, Scottish Heritage Society/N. Central WV
344 (Harrison) \$2,970, Society for the Preservation of McGrew House
345 (Preston) \$2,079, Southern West Virginia Veterans' Museum
346 \$3,393, Summers County Historic Landmark Commission \$2,970,
347 Those Who Served War Museum (Mercer) \$2,376, Three Rivers
348 Avian Center (Summers) \$5,311, Tug Valley Arts Council
349 (Mingo) \$2,970, Tug Valley Chamber of Commerce Coal House
350 (Mingo) \$1,188, Tunnelton Historical Society (Preston) \$1,188,
351 Veterans Committee for Civic Improvement of Huntington
352 (Wayne) \$2,970, West Virginia Museum of Glass (Lewis) \$2,970,

353 West Virginia Music Hall of Fame (Kanawha) \$20,792, YMCA
 354 Camp Horseshoe (Tucker) \$59,406, Youth Museum of Southern
 355 West Virginia (Raleigh) \$7,129, Z.D. Ramsdell House (Wayne)
 356 \$720.

292 - Library Commission –

Lottery Education Fund

(WV Code Chapter 10)

Fund 3559 FY 2020 Org 0433

1	Books and Films	17900	\$	360,784
2	Services to Libraries	18000		550,000
3	Grants to Public Libraries	18200		9,439,571
4	Digital Resources	30900		219,992
5	Infomine Network	88400		<u>943,353</u>
6	Total		\$	11,513,700

7 Any unexpended balance remaining in the appropriation for
 8 Libraries – Special Projects (fund 3559, appropriation 62500) at
 9 the close of fiscal year 2019 is hereby reappropriated for
 10 expenditure during the fiscal year 2020.

293 - Bureau of Senior Services –

Lottery Senior Citizens Fund

(WV Code Chapter 29)

Fund 5405 FY 2020 Org 0508

1	Personal Services and			
2	Employee Benefits	00100	\$	209,640
3	Current Expenses	13000		332,284
4	Repairs and Alterations	06400		1,000
5	Local Programs Service			
6	Delivery Costs	20000		2,435,250
7	Silver Haired Legislature	20200		18,500
8	Transfer to Division of Human			
9	Services for Health Care			
10	and Title XIX Waiver for			

11	Senior Citizens.....	53900	4,615,503
12	Roger Tompkins Alzheimer's		
13	Respite Care.....	64300	2,302,016
14	WV Alzheimer's Hotline	72400	45,000
15	Regional Aged and Disabled		
16	Resource Center.....	76700	425,000
17	Senior Services Medicaid Transfer	87100	16,400,070
18	Legislative Initiatives for		
19	the Elderly.....	90400	9,671,239
20	Long Term Care Ombudsman.....	90500	297,226
21	BRIM Premium.....	91300	7,718
22	In-Home Services and Nutrition		
23	for Senior Citizens	91700	<u>6,595,941</u>
24	Total.....		\$ 43,356,387

25 Any unexpended balance remaining in the appropriation for
 26 Senior Citizen Centers and Programs (fund 5405, appropriation
 27 46200) at the close of the fiscal year 2019 is hereby reappropriated
 28 for expenditure during the fiscal year 2020.

29 Included in the above appropriation for Current Expenses (fund
 30 5405, appropriation 13000), is funding to support an in-home direct
 31 care workforce registry.

32 The above appropriation for Transfer to Division of Human
 33 Services for Health Care and Title XIX Waiver for Senior Citizens
 34 (appropriation 53900) along with the federal moneys generated
 35 thereby shall be used for reimbursement for services provided
 36 under the program.

294 - Higher Education Policy Commission –

Lottery Education –

Higher Education Policy Commission –

Control Account

(WV Code Chapters 18B and 18C)

Fund 4925 FY 2020 Org 0441

1	RHI Program and Site		
2	Support (R)	03600	\$ 1,912,491
3	RHI Program and Site		
4	Support – RHEP Program		
5	Administration	03700	146,653
6	RHI Program and Site		
7	Support – Grad Med		
8	Ed and Fiscal Oversight (R)	03800	88,913
9	Minority Doctoral Fellowship (R)	16600	129,604
10	Health Sciences Scholarship (R).....	17600	225,527
11	Vice Chancellor for Health		
12	Sciences – Rural Health		
13	Residency Program (R).....	60100	62,725
14	WV Engineering, Science,		
15	and Technology		
16	Scholarship Program.....	86800	<u>452,831</u>
17	Total.....		\$ 3,018,744

18 Any unexpended balances remaining in the appropriations for
19 RHI Program and Site Support (fund 4925, appropriation 03600),
20 RHI Program and Site Support – Grad Med Ed and Fiscal
21 Oversight (fund 4925, appropriation 03800), Minority Doctoral
22 Fellowship (fund 4925, appropriation 16600), Health Sciences
23 Scholarship (fund 4925, appropriation 17600), and Vice
24 Chancellor for Health Sciences – Rural Health Residency Program
25 (fund 4925, appropriation 60100) at the close of fiscal year 2019
26 are hereby reappropriated for expenditure during the fiscal year
27 2020.

28 The above appropriation for WV Engineering, Science, and
29 Technology Scholarship Program (appropriation 86800) shall be
30 transferred to the West Virginia Engineering, Science and
31 Technology Scholarship Fund (fund 4928, org 0441) established
32 by W.Va. Code §18C-6-1.

295 - Community and Technical College –

Capital Improvement Fund

(WV Code Chapter 18B)

Fund 4908 FY 2020 Org 0442

1 Debt Service – Total 31000 \$ 5,000,000

2 Any unexpended balance remaining in the appropriation for
3 Capital Outlay and Improvements – Total (fund 4908,
4 appropriation 84700) at the close of fiscal year 2019 is hereby
5 reappropriated for expenditure during the fiscal year 2020.

296 - Higher Education Policy Commission –

Lottery Education –

West Virginia University – School of Medicine

(WV Code Chapter 18B)

Fund 4185 FY 2020 Org 0463

1	WVU Health Sciences –		
2	RHI Program and		
3	Site Support (R).....	03500	\$ 1,181,728
4	MA Public Health Program		
5	And Health Science		
6	Technology (R).....	62300	52,445
7	Health Sciences Career		
8	Opportunities Program (R)	86900	336,987
9	HSTA Program (R).....	87000	1,761,948
10	Center for Excellence in		
11	Disabilities (R).....	96700	<u>313,517</u>
12	Total.....		\$ 3,646,625

13 Any unexpended balances remaining in the appropriations for
14 WVU Health Sciences – RHI Program and Site Support (fund
15 4185, appropriation 03500), MA Public Health Program and
16 Health Science Technology (fund 4185, appropriation 62300),
17 Health Sciences Career Opportunities Program (fund 4185,
18 appropriation 86900), HSTA Program (fund 4185, appropriation
19 87000), and Center for Excellence in Disabilities (fund 4185,
20 appropriation 96700) at the close of fiscal year 2019 are hereby
21 reappropriated for expenditure during the fiscal year 2020.

297 - Higher Education Policy Commission –

Lottery Education –

Marshall University – School of Medicine

(WV Code Chapter 18B)

Fund 4896 FY 2020 Org 0471

1	Marshall Medical School –		
2	RHI Program and		
3	Site Support (R)	03300	\$ 427,075
4	Vice Chancellor for Health		
5	Sciences – Rural Health		
6	Residency Program (R).....	60100	<u>171,361</u>
7	Total.....		<u>\$ 598,436</u>

8 Any unexpended balances remaining in the appropriations for
9 Marshall Medical School – RHI Program and Site Support (fund
10 4896, appropriation 03300) and Vice Chancellor for Health
11 Sciences – Rural Health Residency Program (fund 4896,
12 appropriation 60100) at the close of fiscal year 2019 are hereby
13 reappropriated for expenditure during the fiscal year 2020.

14	Total TITLE II, Section 4 –		
15	Lottery Revenue.....		<u>\$ 128,308,000</u>

1 **Sec. 5. Appropriations from state excess lottery revenue**
2 **fund.** — In accordance with W.Va. Code §29-22-18a, §29-22A-
3 10d, §29-22A-10e, §29-22C-27a and §29-25-22b, the following
4 appropriations shall be deposited and disbursed by the Director of
5 the Lottery to the following accounts in this section in the amounts
6 indicated.

7 After first funding the appropriations required by W.Va. Code
8 §29-22-18a, §29-22A-10d, §29-22A-10e, §29-22C-27a and §29-
9 25-22b, the Director of the Lottery shall provide funding from the
10 State Excess Lottery Revenue Fund for the remaining
11 appropriations in this section to the extent that funds are available.
12 In the event that revenues to the State Excess Lottery Revenue

13 Fund are sufficient to meet all the appropriations required made
14 pursuant to this section, then the Director of the Lottery shall then
15 provide the funds available for fund 5365, appropriation 18900.

298 - Lottery Commission –

Refundable Credit

Fund 7207 FY 2020 Org 0705

1		Excess
2	Appro-	Lottery
3	priation	Funds
4	Directed Transfer 70000	\$ 10,000,000

5 The above appropriation shall be transferred to the General
6 Revenue Fund to provide reimbursement for the refundable credit
7 allowable under W.Va. Code §11-21-21. The amount of the
8 required transfer shall be determined solely by the State Tax
9 Commissioner and shall be completed by the Director of the
10 Lottery upon the commissioner’s request.

299 - Lottery Commission –

General Purpose Account

Fund 7206 FY 2020 Org 0705

1	General Revenue Fund – Transfer 70011	\$ 65,000,000
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2 The above appropriation shall be transferred to the General
3 Revenue Fund as determined by the Director of the Lottery in
4 accordance with W.Va. Code §29-22-18a.

300 - Higher Education Policy Commission –

Education Improvement Fund

Fund 4295 FY 2020 Org 0441

1	PROMISE Scholarship – Transfer..... 80000	\$ 29,000,000
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2 The above appropriation shall be transferred to the PROMISE
 3 Scholarship Fund (fund 4296, org 0441) established by W.Va.
 4 Code §18C-7-7.

5 The Legislature has explicitly set a finite amount of available
 6 appropriations and directed the administrators of the Program to
 7 provide for the award of scholarships within the limits of available
 8 appropriations.

301 - Economic Development Authority –

Economic Development Project Fund

Fund 9065 FY 2020 Org 0944

1 Debt Service – Total 31000 \$ 19,000,000

2 Pursuant to W.Va. Code §29-22-18a, subsection (f), excess
 3 lottery revenues are authorized to be transferred to the lottery fund
 4 as reimbursement of amounts transferred to the economic
 5 development project fund pursuant to section four of this title and
 6 W.Va. Code §29-22-18, subsection (f).

302 - Department of Education –

School Building Authority

Fund 3514 FY 2020 Org 0402

1 Debt Service – Total 31000 \$ 19,000,000

303 - West Virginia Infrastructure Council –

West Virginia Infrastructure Transfer Fund

Fund 3390 FY 2020 Org 0316

1 Directed Transfer 70000 \$ 46,000,000

2 The above appropriation shall be allocated pursuant to W.Va.
 3 Code §29-22-18d and §31-15-9.

*304 - Higher Education Policy Commission –**Higher Education Improvement Fund*Fund 4297 FY 2020 Org 0441

1 Directed Transfer 70000 \$ 15,000,000

2 The above appropriation shall be transferred to fund 4903, org
3 0442 as authorized by Senate Concurrent Resolution No. 41.

*305 - Division of Natural Resources –**State Park Improvement Fund*Fund 3277 FY 2020 Org 0310

1	Current Expenses (R)	13000	\$	23,300
2	Repairs and Alterations (R)	06400		161,200
3	Equipment (R).....	07000		200,000
4	Buildings (R).....	25800		100,000
5	Other Assets (R).....	69000		<u>1,020,500</u>
6	Total.....		\$	1,505,000

7 Any unexpended balances remaining in the above
8 appropriations for Repairs and Alterations (fund 3277,
9 appropriation 06400), Equipment (fund 3277, appropriation
10 07000), Unclassified – Total (fund 3277, appropriation 09600),
11 Unclassified (fund 3277, appropriation 09900), Current Expenses
12 (fund 3277, appropriation 13000), Buildings (fund 3277,
13 appropriation 25800), and Other Assets (fund 3277, appropriation
14 69000) at the close of the fiscal year 2019 are hereby
15 reappropriated for expenditure during the fiscal year 2020.

*306 - Economic Development Authority –**Cacapon and Beech Fork State Parks –**Lottery Revenue Debt Service*Fund 9067 FY 2020 Org 0944

1	Debt Service.....	04000	\$	2,032,000
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307 - Economic Development Authority –

State Parks Lottery Revenue Debt Service Fund

Fund 9068 FY 2020 Org 0944

1	Debt Service.....	04000	\$	4,395,000
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308 - Racing Commission –

Fund 7308 FY 2020 Org 0707

1	Special Breeders Compensation			
2	(WVC §29-22-18a,			
3	subsection (1))	21800	\$	2,000,000

309 - Lottery Commission –

Distributions to Statutory Funds and Purposes

Fund 7213 FY 2020 Org 0705

1	Parking Garage Fund – Transfer	70001	\$	500,000
2	2004 Capitol Complex Parking			
3	Garage Fund – Transfer	70002		216,478
4	Capitol Dome and Improvements			
5	Fund – Transfer.....	70003		1,796,256
6	Capitol Renovation and			
7	Improvement Fund – Transfer	70004		2,381,252
8	Development Office Promotion			
9	Fund – Transfer.....	70005		1,298,864
10	Research Challenge Fund –			
11	Transfer.....	70006		1,731,820
12	Tourism Promotion Fund –			
13	Transfer.....	70007		4,808,142
14	Cultural Facilities and Capitol			
15	Resources Matching Grant			
16	Program Fund – Transfer.....	70008		1,250,535
17	State Debt Reduction			
18	Fund – Transfer.....	70010		20,000,000

19	General Revenue Fund – Transfer	70011	1,167,799
20	West Virginia Racing		
21	Commission Racetrack Video		
22	Lottery Account	70012	3,463,637
23	Historic Resort Hotel Fund	70013	24,010
24	Licensed Racetrack Regular		
25	Purse Fund	70014	<u>22,383,247</u>
26	Total		\$ 61,022,040

310 - Governor's Office

(WV Code Chapter 5)

Fund 1046 FY 2020 Org 0100

1 Any unexpended balance remaining in the appropriation for
 2 Publication of Papers and Transition Expenses – Lottery Surplus
 3 (fund 1046, appropriation 06600) at the close of the fiscal year
 4 2019 is hereby reappropriated for expenditure during the fiscal year
 5 2020.

311 - West Virginia Development Office

(WV Code Chapter 5B)

Fund 3170 FY 2020 Org 0307

1 Any unexpended balances remaining in the appropriations for
 2 Unclassified – Total (fund 3170, appropriation 09600),
 3 Recreational Grants or Economic Development Loans (fund 3170,
 4 appropriation 25300), and Connectivity Research and
 5 Development – Lottery Surplus (fund 3170, appropriation 92300)
 6 at the close of the fiscal year 2019 are hereby reappropriated for
 7 expenditure during the fiscal year 2020.

312 - Higher Education Policy Commission –

Administration –

Control Account

(WV Code Chapter 18B)

Fund 4932 FY 2020 Org 0441

1 Any unexpended balance remaining in the appropriation for
 2 Advanced Technology Centers (fund 4932, appropriation 02800)
 3 at the close of the fiscal year 2019 is hereby reappropriated for
 4 expenditure during the fiscal year 2020.

313 - Division of Human Services

(WV Code Chapters 9, 48 and 49)

Fund 5365 FY 2020 Org 0511

1	Medical Services.....	18900	\$ 16,302,960
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314 - Division of Corrections and Rehabilitation –

Correctional Units

(WV Code Chapters 15A)

Fund 6283 FY 2020 Org 0608

1 Any unexpended balance remaining in the appropriation for
 2 Capital Outlay and Maintenance (fund 6283, appropriation
 3 75500) at the close of the fiscal year 2019 is hereby
 4 reappropriated for expenditure during the fiscal year 2020.

5	Total TITLE II, Section 5		
6	– Excess Lottery Funds.....		<u>\$ 290,257,000</u>

1 **Sec. 6. Appropriations of federal funds.** — In accordance
 2 with Article 11, Chapter 4 of the Code from federal funds there are
 3 hereby appropriated conditionally upon the fulfillment of the
 4 provisions set forth in Article 2, Chapter 11B of the Code the
 5 following amounts, as itemized, for expenditure during the fiscal
 6 year 2020.

LEGISLATIVE

315 - Crime Victims Compensation Fund

(WV Code Chapter 14)

Fund 8738 FY 2020 Org 2300

	Appro- riation	Federal Funds
1 Economic Loss Claim		
2 Payment Fund	33400	\$ 2,000,000

JUDICIAL

316 - Supreme Court

Fund 8867 FY 2020 Org 2400

1 Personal Services and		
2 Employee Benefits	00100	\$ 1,813,000
3 Current Expenses	13000	2,057,000
4 Repairs and Alterations	06400	100,000
5 Equipment	07000	250,000
6 Other Assets	69000	<u>280,000</u>
7 Total		\$ 4,500,000

EXECUTIVE

317 - Department of Agriculture

(WV Code Chapter 19)

Fund 8736 FY 2020 Org 1400

1 Personal Services and		
2 Employee Benefits	00100	\$ 2,628,780
3 Unclassified	09900	50,534
4 Current Expenses	13000	3,828,661
5 Repairs and Alterations	06400	650,000
6 Equipment	07000	910,500
7 Buildings	25800	1,000,000
8 Other Assets	69000	<u>50,000</u>
9 Total		\$ 9,118,475

318 - Department of Agriculture –

Meat Inspection Fund

(WV Code Chapter 19)

Fund 8737 FY 2020 Org 1400

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 658,571
3	Unclassified.....	09900	8,755
4	Current Expenses	13000	136,012
5	Repairs and Alterations.....	06400	5,500
6	Equipment.....	07000	<u>114,478</u>
7	Total.....		\$ 923,316

*319 - Department of Agriculture –**State Conservation Committee*

(WV Code Chapter 19)

Fund 8783 FY 2020 Org 1400

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 97,250
3	Current Expenses	13000	<u>15,599,974</u>
4	Total.....		\$ 15,697,224

*320 - Department of Agriculture –**Land Protection Authority*Fund 8896 FY 2020 Org 1400

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 46,526
3	Unclassified.....	09900	5,004
4	Current Expenses	13000	<u>448,920</u>
5	Total.....		\$ 500,450

*321 - Secretary of State –**State Election Fund*

(WV Code Chapter 3)

Fund 8854 FY 2020 Org 1600

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 210,240
3	Unclassified.....	09900	7,484
4	Current Expenses	13000	415,727
5	Repairs and Alterations.....	06400	15,000
6	Other Assets.....	69000	<u>100,000</u>
7	Total.....		\$ 748,451

DEPARTMENT OF COMMERCE

322 - Division of Forestry

(WV Code Chapter 19)

Fund 8703 FY 2020 Org 0305

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 1,640,060
3	Unclassified.....	09900	51,050
4	Current Expenses	13000	5,232,560
5	Repairs and Alterations.....	06400	155,795
6	Equipment.....	07000	100,000
7	Other Assets.....	69000	<u>1,808,300</u>
8	Total.....		\$ 8,987,765

323 - Geological and Economic Survey

(WV Code Chapter 29)

Fund 8704 FY 2020 Org 0306

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 54,432
3	Unclassified.....	09900	2,803
4	Current Expenses	13000	195,639
5	Repairs and Alterations.....	06400	5,000
6	Equipment.....	07000	7,500
7	Other Assets.....	69000	<u>15,000</u>
8	Total.....		\$ 280,374

324 - West Virginia Development Office

(WV Code Chapter 5B)

Fund 8705 FY 2020 Org 0307

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 789,921
3	Unclassified.....	09900	50,000
4	Current Expenses	13000	<u>4,504,019</u>
5	Total.....		\$ 5,343,940

*325 - West Virginia Development Office –**Office of Economic Opportunity*

(WV Code Chapter 5)

Fund 8901 FY 2020 Org 0307

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 497,289
3	Repairs and Alterations.....	06400	250
4	Equipment	07000	6,000
5	Unclassified.....	09900	106,795
6	Current Expenses	13000	<u>10,069,166</u>
7	Total.....		\$ 10,679,500

326 - Division of Labor

(WV Code Chapters 21 and 47)

Fund 8706 FY 2020 Org 0308

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 409,251
3	Unclassified.....	09900	5,572
4	Current Expenses	13000	167,098
5	Repairs and Alterations.....	06400	<u>500</u>
6	Total.....		\$ 582,421

327 - Division of Natural Resources

(WV Code Chapter 20)

Fund 8707 FY 2020 Org 0310

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 8,237,073
3	Unclassified.....	09900	107,693
4	Current Expenses	13000	5,556,594
5	Repairs and Alterations.....	06400	289,400
6	Equipment.....	07000	1,815,182
7	Buildings.....	25800	951,000
8	Other Assets.....	69000	6,951,000
9	Land.....	73000	<u>6,001,000</u>
10	Total.....		\$ 29,908,942

*328 - Division of Miners' Health,**Safety and Training*

(WV Code Chapter 22)

Fund 8709 FY 2020 Org 0314

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 642,799
3	Current Expenses	13000	<u>150,000</u>
4	Total.....		\$ 792,799

329 - WorkForce West Virginia

(WV Code Chapter 23)

Fund 8835 FY 2020 Org 0323

1	Unclassified.....	09900	\$ 5,127
2	Current Expenses	13000	507,530
3	Reed Act 2002 – Unemployment		
4	Compensation	62200	2,850,000
5	Reed Act 2002 – Employment		
6	Services.....	63000	<u>1,650,000</u>
7	Total.....		\$ 5,012,657

8 Pursuant to the requirements of 42 U.S.C. 1103, Section 903 of
 9 the Social Security Act, as amended, and the provisions of W.Va.
 10 Code §21A-9-9, the above appropriation to Unclassified and
 11 Current Expenses shall be used by WorkForce West Virginia for
 12 the specific purpose of administration of the state’s unemployment
 13 insurance program or job service activities, subject to each and
 14 every restriction, limitation or obligation imposed on the use of the
 15 funds by those federal and state statutes.

330 - Office of Energy

(WV Code Chapter 5B)

Fund 8892 FY 2020 Org 0328

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 426,385
3	Unclassified.....	09900	7,350
4	Current Expenses	13000	<u>2,816,076</u>
5	Total.....		\$ 3,249,811

331 - State Board of Rehabilitation –

Division of Rehabilitation Services

(WV Code Chapter 18)

Fund 8734 FY 2020 Org 0932

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 11,863,244
3	Current Expenses	13000	34,440,940
4	Repairs and Alterations.....	06400	350,400
5	Equipment.....	07000	<u>1,275,870</u>
6	Total.....		\$ 47,930,454

332 - State Board of Rehabilitation –

Division of Rehabilitation Services –

Disability Determination Services

(WV Code Chapter 18)

Fund 8890 FY 2020 Org 0932

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 14,476,122
3	Current Expenses	13000	11,383,206
4	Repairs and Alterations.....	06400	1,100
5	Equipment	07000	<u>83,350</u>
6	Total.....		\$ 25,943,778

DEPARTMENT OF EDUCATION

333 - State Board of Education –

State Department of Education

(WV Code Chapters 18 and 18A)

Fund 8712 FY 2020 Org 0402

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 5,785,359
3	Unclassified.....	09900	2,000,000
4	Current Expenses	13000	212,367,820
5	Repairs and Alterations.....	06400	10,000
6	Equipment	07000	10,000
7	Other Assets	69000	<u>10,000</u>
8	Total.....		\$ 220,183,179

334 - State Board of Education –

School Lunch Program

(WV Code Chapters 18 and 18A)

Fund 8713 FY 2020 Org 0402

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 1,881,766
3	Unclassified.....	09900	1,150,500
4	Current Expenses	13000	148,281,265
5	Repairs and Alterations.....	06400	20,000
6	Equipment	07000	100,000
7	Other Assets	69000	<u>25,000</u>
8	Total.....		\$ 151,458,531

335 - *State Board of Education –**Vocational Division*

(WV Code Chapters 18 and 18A)

Fund 8714 FY 2020 Org 0402

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 1,896,249
3	Unclassified.....	09900	155,000
4	Current Expenses	13000	14,820,081
5	Repairs and Alterations.....	06400	10,000
6	Equipment	07000	10,000
7	Other Assets	69000	<u>10,000</u>
8	Total.....		\$ 16,901,330

336 - *State Board of Education –**Aid for Exceptional Children*

(WV Code Chapters 18 and 18A)

Fund 8715 FY 2020 Org 0402

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 3,477,006
3	Unclassified.....	09900	1,000,000
4	Current Expenses	13000	113,346,390
5	Repairs and Alterations.....	06400	10,000
6	Equipment	07000	10,000
7	Other Assets	69000	<u>10,000</u>
8	Total.....		\$ 117,853,396

DEPARTMENT OF ARTS, CULTURE, AND HISTORY*337 - Commission for National and Community Service*

(WV Code Chapter 5F)

Fund 8841 FY 2020 Org 0432

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 437,040
3	Current Expenses	13000	5,587,325
4	Repairs and Alterations.....	06400	<u>1,000</u>
5	Total.....		\$ 6,025,365

338 - Division of Culture and History

(WV Code Chapter 29)

Fund 8718 FY 2020 Org 0432

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 810,436
3	Current Expenses	13000	1,947,372
4	Repairs and Alterations.....	06400	1,000
5	Equipment.....	07000	1,000
6	Buildings	25800	1,000
7	Other Assets.....	69000	1,000
8	Land	73000	<u>360</u>
9	Total.....		\$ 2,762,168

339 - Library Commission

(WV Code Chapter 10)

Fund 8720 FY 2020 Org 0433

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 353,396
3	Current Expenses	13000	1,076,162
4	Equipment.....	07000	<u>543,406</u>
5	Total.....		\$ 1,972,964

340 - Educational Broadcasting Authority

(WV Code Chapter 10)

Fund 8721 FY 2020 Org 0439

1	Equipment.....	07000	\$ 200,000
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DEPARTMENT OF ENVIRONMENTAL PROTECTION*341 - Division of Environmental Protection*

(WV Code Chapter 22)

Fund 8708 FY 2020 Org 0313

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 31,404,529
3	Current Expenses	13000	154,302,118
4	Repairs and Alterations.....	06400	738,283
5	Equipment.....	07000	1,712,238
6	Unclassified.....	09900	1,923,580
7	Other Assets	69000	2,177,261
8	Land	73000	<u>100,000</u>
9	Total.....		\$ 192,358,009

DEPARTMENT OF HEALTH AND HUMAN RESOURCES*342 - Consolidated Medical Service Fund*

(WV Code Chapter 16)

Fund 8723 FY 2020 Org 0506

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 1,532,219
3	Unclassified.....	09900	73,307
4	Current Expenses	13000	<u>51,583,302</u>
5	Total.....		\$ 53,188,828

*343 - Division of Health –**Central Office*

(WV Code Chapter 16)

Fund 8802 FY 2020 Org 0506

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 14,610,947
3	Unclassified.....	09900	856,614

4	Current Expenses	13000	69,201,885
5	Equipment	07000	456,972
6	Buildings	25800	155,000
7	Other Assets	69000	<u>380,000</u>
8	Total		\$ 85,661,418

344 - Division of Health –

West Virginia Safe Drinking Water Treatment

(WV Code Chapter 16)

Fund 8824 FY 2020 Org 0506

1	West Virginia Drinking		
2	Water Treatment		
3	Revolving Fund – Transfer.....	68900	\$ 16,000,000

345 - Human Rights Commission

(WV Code Chapter 5)

Fund 8725 FY 2020 Org 0510

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 449,874
3	Unclassified.....	09900	5,050
4	Current Expenses	13000	<u>64,950</u>
5	Total		\$ 519,874

346 - Division of Human Services

(WV Code Chapters 9, 48, and 49)

Fund 8722 FY 2020 Org 0511

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 75,747,114
3	Unclassified.....	09900	22,855,833
4	Current Expenses	13000	112,085,005
5	Medical Services.....	18900	3,539,265,405
6	Medical Services		
7	Administrative Costs	78900	132,247,536

8	CHIP Administrative Costs.....	85601	4,539,496
9	CHIP Services.....	85602	47,422,974
10	Federal Economic Stimulus	89100	<u>5,000,000</u>
11	Total.....		\$ 3,939,163,363

**DEPARTMENT OF MILITARY AFFAIRS AND PUBLIC
SAFETY**

347 - Office of the Secretary

(WV Code Chapter 5F)

Fund 8876 FY 2020 Org 0601

1	Unclassified.....	09900	\$ 30,000
2	Current Expenses	13000	<u>2,970,000</u>
3	Total.....		\$ 3,000,000

348 - Adjutant General –

State Militia

(WV Code Chapter 15)

Fund 8726 FY 2020 Org 0603

1	Unclassified.....	09900	\$ 982,705
2	Mountaineer ChalleNGe Academy	70900	4,978,680
3	Martinsburg Starbase	74200	439,622
4	Charleston Starbase.....	74300	424,685
5	Military Authority	74800	<u>93,601,594</u>
6	Total.....		\$ 100,427,286

7 The Adjutant General shall have the authority to transfer
8 between appropriations.

349 - Adjutant General –

West Virginia National Guard Counterdrug Forfeiture Fund

(WV Code Chapter 15)

Fund 8785 FY 2020 Org 0603

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 1,350,000
3	Current Expenses	13000	300,000
4	Equipment	07000	<u>350,000</u>
5	Total.....		\$ 2,000,000

350 - Division of Homeland Security and

Emergency Management

(WV Code Chapter 15)

Fund 8727 FY 2020 Org 0606

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 721,650
3	Current Expenses	13000	20,429,281
4	Repairs and Alterations.....	06400	5,000
5	Equipment	07000	<u>100,000</u>
6	Total.....		\$ 21,255,931

351 - Division of Corrections and Rehabilitation

(WV Code Chapters 15A)

Fund 8836 FY 2020 Org 0608

1	Unclassified.....	09900	\$ 1,100
2	Current Expenses	13000	<u>108,900</u>
3	Total.....		\$ 110,000

352 - West Virginia State Police

(WV Code Chapter 15)

Fund 8741 FY 2020 Org 0612

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 2,480,877
3	Current Expenses	13000	2,125,971
4	Repairs and Alterations.....	06400	42,000
5	Equipment	07000	2,502,285
6	Buildings	25800	750,500

7	Other Assets	69000		144,500
8	Land	73000		<u>500</u>
9	Total		\$	8,046,633

353 - Fire Commission

(WV Code Chapter 29)

Fund 8819 FY 2020 Org 0619

1	Current Expenses	13000	\$	80,000
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354 - Division of Justice and Community Services

(WV Code Chapter 15)

Fund 8803 FY 2020 Org 0620

1	Personal Services and			
2	Employee Benefits	00100	\$	1,222,258
3	Unclassified	09900		25,185
4	Current Expenses	13000		25,381,973
5	Repairs and Alterations	06400		<u>1,750</u>
6	Total		\$	26,631,166

DEPARTMENT OF REVENUE*355 - Insurance Commissioner*

(WV Code Chapter 33)

Fund 8883 FY 2020 Org 0704

1	Current Expenses	13000	\$	3,000,000
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DEPARTMENT OF TRANSPORTATION*356 - Division of Motor Vehicles*

(WV Code Chapter 17B)

Fund 8787 FY 2020 Org 0802

1	Personal Services and			
2	Employee Benefits	00100	\$	501,394

3	Current Expenses	13000	6,498,106
4	Repairs and Alterations	06400	<u>500</u>
5	Total		\$ 7,000,000

357 - Division of Public Transit

(WV Code Chapter 17)

Fund 8745 FY 2020 Org 0805

1	Personal Services and		
2	Employee Benefits	00100	\$ 922,070
3	Current Expenses	13000	9,163,149
4	Repairs and Alterations	06400	2,500
5	Equipment	07000	2,801,714
6	Buildings	25800	650,000
7	Other Assets	69000	<u>200,000</u>
8	Total		\$ 13,739,433

DEPARTMENT OF VETERANS' ASSISTANCE

358 - Department of Veterans' Assistance

(WV Code Chapter 9A)

Fund 8858 FY 2020 Org 0613

1	Personal Services and		
2	Employee Benefits	00100	\$ 2,774,248
3	Current Expenses	13000	3,270,000
4	Equipment	07000	213,000
5	Buildings	25800	<u>600,000</u>
6	Total		\$ 6,857,248

359 - Department of Veterans' Assistance –

Veterans' Home

(WV Code Chapter 9A)

Fund 8728 FY 2020 Org 0618

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 955,426
3	Current Expenses	13000	844,092
4	Repairs and Alterations.....	06400	220,000
5	Equipment.....	07000	198,000
6	Buildings.....	25800	296,000
7	Other Assets.....	69000	20,000
8	Land	73000	<u>10,000</u>
9	Total.....		\$ 2,543,518

BUREAU OF SENIOR SERVICES

360 - Bureau of Senior Services

(WV Code Chapter 29)

Fund 8724 FY 2020 Org 0508

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 767,364
3	Current Expenses	13000	13,811,853
4	Repairs and Alterations.....	06400	<u>3,000</u>
5	Total.....		\$ 14,582,217

MISCELLANEOUS BOARDS AND COMMISSIONS

361 - Public Service Commission –

Motor Carrier Division

(WV Code Chapter 24A)

Fund 8743 FY 2020 Org 0926

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 1,352,576
3	Current Expenses	13000	368,953
4	Repairs and Alterations.....	06400	39,000
5	Equipment.....	07000	<u>1,000</u>
6	Total.....		\$ 1,761,529

*362 - Public Service Commission –**Gas Pipeline Division*

(WV Code Chapter 24B)

Fund 8744 FY 2020 Org 0926

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 621,039
3	Current Expenses	13000	124,628
4	Equipment.....	07000	3,000
5	Unclassified.....	09900	<u>4,072</u>
6	Total.....		\$ 752,739

363 - National Coal Heritage Area Authority

(WV Code Chapter 29)

Fund 8869 FY 2020 Org 0941

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 163,315
3	Current Expenses	13000	633,597
4	Repairs and Alterations.....	06400	5,000
5	Equipment.....	07000	3,000
6	Other Assets.....	69000	<u>2,000</u>
7	Total.....		<u>\$ 806,912</u>

8	Total TITLE II, Section 6 –		
9	Federal Funds.....		<u>\$ 5,189,043,394</u>

1 **Sec. 7. Appropriations from federal block grants.** — The
2 following items are hereby appropriated from federal block grants
3 to be available for expenditure during the fiscal year 2020.

*364 - West Virginia Development Office –**Community Development*Fund 8746 FY 2020 Org 0307

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 10,658,978
3	Unclassified.....	09900	2,375,000
4	Current Expenses	13000	<u>224,476,883</u>
5	Total.....		\$ 237,510,861

365 - Department of Commerce

West Virginia Development Office –

Office of Economic Opportunity –

Community Services

Fund 8902 FY 2020 Org 0307

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 362,389
3	Unclassified.....	09900	125,000
4	Current Expenses	13000	12,002,111
5	Repairs and Alterations.....	06400	1,500
6	Equipment.....	07000	<u>9,000</u>
7	Total.....		\$ 12,500,000

366 - WorkForce West Virginia –

Workforce Investment Act

Fund 8749 FY 2020 Org 0323

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 2,999,497
3	Unclassified.....	09900	23,023
4	Current Expenses	13000	39,263,511
5	Repairs and Alterations.....	06400	1,600
6	Equipment.....	07000	500
7	Buildings.....	25800	<u>1,100</u>
8	Total.....		\$ 42,289,231

367 - Division of Health –

Maternal and Child Health

Fund 8750 FY 2020 Org 0506

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 2,268,209
3	Unclassified.....	09900	81,439
4	Current Expenses	13000	<u>5,794,267</u>
5	Total.....		\$ 8,143,915

*368 - Division of Health –**Preventive Health*Fund 8753 FY 2020 Org 0506

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 268,337
3	Unclassified.....	09900	22,457
4	Current Expenses	13000	1,895,366
5	Equipment.....	07000	<u>165,642</u>
6	Total.....		\$ 2,351,802

*369 - Division of Health –**Substance Abuse Prevention and Treatment*Fund 8793 FY 2020 Org 0506

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 657,325
3	Unclassified.....	09900	115,924
4	Current Expenses	13000	<u>10,853,740</u>
5	Total.....		\$ 11,626,989

*370 - Division of Health –**Community Mental Health Services*Fund 8794 FY 2020 Org 0506

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 551,368
3	Unclassified.....	09900	33,533
4	Current Expenses	13000	<u>4,883,307</u>
5	Total.....		\$ 5,468,208

*371 - Division of Human Services –
Energy Assistance*

Fund 8755 FY 2020 Org 0511

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 1,856,844
3	Unclassified.....	09900	350,000
4	Current Expenses	13000	<u>33,181,300</u>
5	Total.....		\$ 35,388,144

*372 - Division of Human Services –
Social Services*

Fund 8757 FY 2020 Org 0511

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 8,806,005
3	Unclassified.....	09900	171,982
4	Current Expenses	13000	<u>8,870,508</u>
5	Total.....		\$ 17,848,495

*373 - Division of Human Services –
Temporary Assistance for Needy Families*

Fund 8816 FY 2020 Org 0511

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 19,913,598
3	Unclassified.....	09900	1,250,000
4	Current Expenses	13000	<u>105,847,136</u>
5	Total.....		\$ 127,010,734

*374 - Division of Human Services –
Child Care and Development*

Fund 8817 FY 2020 Org 0511

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 2,793,496

3	Unclassified.....	09900	350,000
4	Current Expenses	13000	<u>46,999,456</u>
5	Total.....		<u>\$ 50,142,952</u>
6	Total TITLE II, Section 7 –		
7	Federal Block Grants		<u>\$ 550,281,331</u>

1 **Sec. 8. Awards for claims against the state.** — There are
2 hereby appropriated for fiscal year 2020, from the fund as
3 designated, in the amounts as specified, general revenue funds in
4 the amount of \$2,175,000 special revenue funds in the amount of
5 \$650,000 and state road funds in the amount of \$4,250,000 for
6 payment of claims against the state.

1 **Sec. 9. Appropriations from general revenue surplus**
2 **accrued.** - The following item is hereby appropriated from the state
3 fund, general revenue, and is to be available for expenditure during
4 the fiscal year 2020 out of surplus funds only, accrued from the
5 fiscal year ending June 30, 2019, subject to the terms and
6 conditions set forth in this section.

7 It is the intent and mandate of the Legislature that the following
8 appropriation be payable only from surplus as of July 31, 2019
9 from the fiscal year ending June 30, 2019, only after first meeting
10 requirements of W.Va. Code §11B-2-20(b).

11 In the event that surplus revenues available on July 31, 2019,
12 are not sufficient to meet the appropriation made pursuant to this
13 section, then the appropriation shall be made to the extent that
14 surplus funds are available as of the date mandated to meet the
15 appropriation in this section and shall be allocated first to provide
16 the necessary funds to meet the first appropriation of this section
17 and each subsequent appropriation in the order listed in this
18 section.

375 - West Virginia Tourism Office

(WV Code Chapter 5B)

Fund 0246 FY 2020 Org 0304

1	Tourism – Brand Promotion –		
2	Surplus	XXXXX	\$ 5,000,000

3	Tourism – Public Relations –		
4	Surplus	XXXXX	750,000
5	Tourism – Events and		
6	Sponsorships – Surplus.....	XXXXX	250,000
7	Tourism – Industry		
8	Development – Surplus.....	XXXXX	250,000
9	State Parks and Recreation		
10	Advertising – Surplus	XXXXX	<u>750,000</u>
11	Total.....		\$ 7,000,000

12 The Executive Director of the West Virginia Tourism Office,
 13 with approval from the Secretary of Commerce, shall have the
 14 authority to transfer between the above items of appropriation.

376 - State Board of Education –

State Department of Education

(WV Code Chapters 18 and 18A)

Fund 0313 FY 2020 Org 0402

1	Directed Transfer - Surplus.....	XXXXX	\$ 3,500,000
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2 The above appropriation for Directed Transfer - Surplus (fund
 3 0313, appropriation XXXXX) shall be transferred to the Safe
 4 Schools Fund (fund XXXX, org 0402) established by W.Va. Code
 5 §18-5-48.

377 - State Board of Education –

Vocational Division

(WV Code Chapters 18 and 18A)

Fund 0390 FY 2020 Org 0402

1	Jim’s Dream - Surplus	XXXXX	\$ 4,000,000
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2 From the above appropriation for Jim’s Dream (fund 0390,
 3 appropriation XXXX) funds are to be used for rehabilitation and
 4 workforce readiness transition programs.

378 - Consolidated Medical Services Fund

(WV Code Chapter 16)

Fund 0525 FY 2020 Org 0506

1 Jim's Dream - Surplus XXXXX \$ 4,000,000

2 From the above appropriation for Jim's Dream – Surplus (fund
3 0525, appropriation XXXXX) funds are to be used for substance
4 abuse treatment programs.

*379 - State Board of Education –**State Department of Education*

(WV Code Chapters 18 and 18A)

Fund 0313 FY 2020 Org 0402

1 Jim's Dream – Childhood
2 Drug Prevention
3 Education - Surplus..... XXXXX 2,000,000

4 From the above appropriation for Jim's Dream – Childhood
5 Drug Prevention Education (fund 0313, appropriation 21901)
6 funds are to be used for childhood drug prevention education
7 programs.

380 - Department of Veterans' Assistance

(WV Code Chapter 9A)

Fund 0456 FY 2020 Org 0613

1 Veterans' Nursing Home - Surplus..... XXXXX 5,000,000

*381 - Division of Homeland Security and**Emergency Management*

(WV Code Chapter 15)

Fund 0443 FY 2020 Org 0606

1	Early Warning Flood System –		
2	Surplus	XXXXX	400,000

382 – *Division of Health* –

Central Office

(WV Code Chapter 16)

Fund 0407 FY 2020 Org 0506

1	Sexual Assault Intervention		
2	and Prevention – Surplus	####	125,000

383 - *Division of Health* –

Central Office

(WV Code Chapter 16)

Fund 0407 FY 2020 Org 0506

1	Center for End of Life - Surplus	XXXX	\$ 350,000
2	CARDIAC Project – Surplus	XXXX	\$ <u>250,000</u>
3	Total		\$ 600,000

384 - *Division of Protective Services*

(WV Code Chapter 5F)

Fund 0585 FY 2020 Org 0622

1	Unclassified – Surplus	XXXX	\$ 30,000
2	Total TITLE II Section		
3	9 – General Revenue		
4	Surplus Accrued		\$ _____

1 **Sec. 10. Appropriations from lottery net profits surplus**
2 **accrued.** — The following item is hereby appropriated from the
3 lottery net profits, and is to be available for expenditure during the
4 fiscal year 2020 out of surplus funds only, as determined by the
5 director of lottery, accrued from the fiscal year ending June 30,
6 2019, subject to the terms and conditions set forth in this section.

7 It is the intent and mandate of the Legislature that the following
 8 appropriation be payable only from surplus accrued from the fiscal
 9 year ending June 30, 2019.

10 In the event that surplus revenues available from the fiscal
 11 year ending June 30, 2019, are not sufficient to meet the
 12 appropriation made pursuant to this section, then the
 13 appropriation shall be made to the extent that surplus funds are
 14 available.

385 - Bureau of Senior Services –

Lottery Senior Citizens Fund

(WV Code Chapter 29)

Fund 5405 FY 2020 Org 0508

1	Senior Services Medicaid		
2	Transfer – Lottery Surplus.....	68199	\$ 16,000,000
3	Total TITLE II, Section		
4	10 – Surplus Accrued		<u>\$ 16,000,000</u>

1 **Sec. 11. Appropriations from state excess lottery revenue**
 2 **surplus accrued.** — The following item is hereby appropriated
 3 from the state excess lottery revenue fund, and is to be available
 4 for expenditure during the fiscal year 2020 out of surplus funds
 5 only, as determined by the director of lottery, accrued from the
 6 fiscal year ending June 30, 2019, subject to the terms and
 7 conditions set forth in this section.

8 It is the intent and mandate of the Legislature that the following
 9 appropriation be payable only from surplus accrued from the fiscal
 10 year ending June 30, 2019.

11 In the event that surplus revenues available from the fiscal year
 12 ending June 30, 2019, are not sufficient to meet the appropriation
 13 made pursuant to this section, then the appropriation shall be made
 14 to the extent that surplus funds are available.

386 - Division of Human Services

(WV Code Chapters 9, 48 and 49)

Fund 5365 FY 2020 Org 0511

1	Medical Services – Lottery		
2	Surplus	68100	\$ 17,000,000
3	Total TITLE II, Section		
4	10 – Surplus Accrued		<u>\$ 17,000,000</u>

1 **Sec. 12. Special revenue appropriations.** — There are hereby
2 appropriated for expenditure during the fiscal year 2020
3 appropriations made by general law from special revenues which
4 are not paid into the state fund as general revenue under the
5 provisions of W.Va. Code §12-2-2: *Provided*, That none of the
6 money so appropriated by this section shall be available for
7 expenditure except in compliance with the provisions of W.Va.
8 Code §12-2 and 3, and W.Va. Code §11B-2, unless the spending
9 unit has filed with the director of the budget and the legislative
10 auditor prior to the beginning of each fiscal year:

11 (a) An estimate of the amount and sources of all revenues
12 accruing to such fund; and

13 (b) A detailed expenditure schedule showing for what purposes
14 the fund is to be expended.

1 **Sec. 13. State improvement fund appropriations.** —
2 Bequests or donations of nonpublic funds, received by the
3 Governor on behalf of the state during the fiscal year 2020, for the
4 purpose of making studies and recommendations relative to
5 improvements of the administration and management of spending
6 units in the executive branch of state government, shall be
7 deposited in the state treasury in a separate account therein
8 designated state improvement fund.

9 There are hereby appropriated all moneys so deposited during
10 the fiscal year 2020 to be expended as authorized by the Governor,
11 for such studies and recommendations which may encompass any
12 problems of organization, procedures, systems, functions, powers

13 or duties of a state spending unit in the executive branch, or the
14 betterment of the economic, social, educational, health and general
15 welfare of the state or its citizens.

1 **Sec. 14. Specific funds and collection accounts.** — A fund or
2 collection account which by law is dedicated to a specific use is
3 hereby appropriated in sufficient amount to meet all lawful
4 demands upon the fund or collection account and shall be expended
5 according to the provisions of Article 3, Chapter 12 of the Code.

1 **Sec. 15. Appropriations for refunding erroneous payment.**
2 — Money that has been erroneously paid into the state treasury is
3 hereby appropriated out of the fund into which it was paid, for
4 refund to the proper person.

5 When the officer authorized by law to collect money for the
6 state finds that a sum has been erroneously paid, he or she shall
7 issue his or her requisition upon the Auditor for the refunding of
8 the proper amount. The Auditor shall issue his or her warrant to the
9 Treasurer and the Treasurer shall pay the warrant out of the fund
10 into which the amount was originally paid.

1 **Sec. 16. Sinking fund deficiencies.** — There is hereby
2 appropriated to the Governor a sufficient amount to meet any
3 deficiencies that may arise in the mortgage finance bond insurance
4 fund of the West Virginia housing development fund which is
5 under the supervision and control of the municipal bond
6 commission as provided by W.Va. Code §31-18-20b, or in the
7 funds of the municipal bond commission because of the failure of
8 any state agency for either general obligation or revenue bonds or
9 any local taxing district for general obligation bonds to remit funds
10 necessary for the payment of interest and sinking fund
11 requirements. The Governor is authorized to transfer from time to
12 time such amounts to the municipal bond commission as may be
13 necessary for these purposes.

14 The municipal bond commission shall reimburse the state of
15 West Virginia through the Governor from the first remittance
16 collected from the West Virginia housing development fund or
17 from any state agency or local taxing district for which the

18 Governor advanced funds, with interest at the rate carried by the
19 bonds for security or payment of which the advance was made.

1 **Sec. 17. Appropriations for local governments.** — There are
2 hereby appropriated for payment to counties, districts and
3 municipal corporations such amounts as will be necessary to pay
4 taxes due counties, districts and municipal corporations and which
5 have been paid into the treasury:

- 6 (a) For redemption of lands;
- 7 (b) By public service corporations;
- 8 (c) For tax forfeitures.

1 **Sec. 18. Total appropriations.** — Where only a total sum is
2 appropriated to a spending unit, the total sum shall include personal
3 services and employee benefits, annual increment, current
4 expenses, repairs and alterations, buildings, equipment, other
5 assets, land, and capital outlay, where not otherwise specifically
6 provided and except as otherwise provided in TITLE I –
7 GENERAL PROVISIONS, Sec. 3.

1 **Sec. 19. General school fund.** — The balance of the proceeds
2 of the general school fund remaining after the payment of the
3 appropriations made by this act is appropriated for expenditure in
4 accordance with W.Va. Code §18-9A-16.

TITLE III – ADMINISTRATION

1 **Sec. 1. Appropriations conditional.** — The expenditure of the
2 appropriations made by this act, except those appropriations made
3 to the legislative and judicial branches of the state government, are
4 conditioned upon the compliance by the spending unit with the
5 requirements of Article 2, Chapter 11B of the Code.

6 Where spending units or parts of spending units have been
7 absorbed by or combined with other spending units, it is the intent
8 of this act that appropriations and reappropriations shall be to the
9 succeeding or later spending unit created, unless otherwise
10 indicated.

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

On motion of Delegate Summers, the House concurred in the Senate amendment with further amendment, on page one, by striking out everything after the enacting clause and inserting in lieu thereof the following:

“TITLE I – GENERAL PROVISIONS.

1 **Section 1. General policy.** – The purpose of this bill is to
2 appropriate money necessary for the economical and efficient
3 discharge of the duties and responsibilities of the state and its
4 agencies during the fiscal year 2020.

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

2 “Governor” shall mean the Governor of the State of West
3 Virginia.

4 “Code” shall mean the Code of West Virginia, one thousand
5 nine hundred thirty-one, as amended.

6 “Spending unit” shall mean the department, bureau, division,
7 office, board, commission, agency or institution to which an
8 appropriation is made.

9 The “fiscal year 2020” shall mean the period from July 1, 2019,
10 through June 30, 2020.

11 “General revenue fund” shall mean the general operating fund
12 of the state and includes all moneys received or collected by the
13 state except as provided in W.Va. Code §12-2-2 or as otherwise
14 provided.

15 “Special revenue funds” shall mean specific revenue sources
16 which by legislative enactments are not required to be accounted
17 for as general revenue, including federal funds.

18 “From collections” shall mean that part of the total
19 appropriation which must be collected by the spending unit to be
20 available for expenditure. If the authorized amount of collections
21 is not collected, the total appropriation for the spending unit shall
22 be reduced automatically by the amount of the deficiency in the
23 collections. If the amount collected exceeds the amount designated
24 “from collections,” the excess shall be set aside in a special surplus
25 fund and may be expended for the purpose of the spending unit as
26 provided by Article 2, Chapter 11B of the Code.

1 **Sec. 3. Classification of appropriations.** — An appropriation
2 for:

3 “Personal services” shall mean salaries, wages and other
4 compensation paid to full-time, part-time and temporary
5 employees of the spending unit but shall not include fees or
6 contractual payments paid to consultants or to independent
7 contractors engaged by the spending unit. “Personal services” shall
8 include “annual increment” for “eligible employees” and shall be
9 disbursed only in accordance with Article 5, Chapter 5 of the Code.

10 Unless otherwise specified, appropriations for “personal
11 services” shall include salaries of heads of spending units.

12 “Employee benefits” shall mean social security matching,
13 workers’ compensation, unemployment compensation, pension
14 and retirement contributions, public employees insurance
15 matching, personnel fees or any other benefit normally paid by the
16 employer as a direct cost of employment. Should the appropriation
17 be insufficient to cover such costs, the remainder of such cost shall
18 be paid by each spending unit from its “unclassified” appropriation,
19 or its “current expenses” appropriation or other appropriate
20 appropriation. Each spending unit is hereby authorized and
21 required to make such payments in accordance with the provisions
22 of Article 2, Chapter 11B of the Code.

23 Each spending unit shall be responsible for all contributions,
24 payments or other costs related to coverage and claims of its
25 employees for unemployment compensation and workers

26 compensation. Such expenditures shall be considered an employee
27 benefit.

28 “BRIM Premiums” shall mean the amount charged as
29 consideration for insurance protection and includes the present
30 value of projected losses and administrative expenses. Premiums
31 are assessed for coverages, as defined in the applicable policies, for
32 claims arising from, inter alia, general liability, wrongful acts,
33 property, professional liability and automobile exposures.

34 Should the appropriation for “BRIM Premium” be insufficient
35 to cover such cost, the remainder of such costs shall be paid by each
36 spending unit from its “unclassified” appropriation, its “current
37 expenses” appropriation or any other appropriate appropriation to
38 the Board of Risk and Insurance Management. Each spending unit
39 is hereby authorized and required to make such payments. If there
40 is no appropriation for “BRIM Premium” such costs shall be paid
41 by each spending unit from its “current expenses” appropriation,
42 “unclassified” appropriation or other appropriate appropriation.

43 West Virginia Council for Community and Technical College
44 Education and Higher Education Policy Commission entities
45 operating with special revenue funds and/or federal funds shall pay
46 their proportionate share of the Board of Risk and Insurance
47 Management total insurance premium cost for their respective
48 institutions.

49 “Current expenses” shall mean operating costs other than
50 personal services and shall not include equipment, repairs and
51 alterations, buildings or lands. Each spending unit shall be
52 responsible for and charged monthly for all postage meter service
53 and shall reimburse the appropriate revolving fund monthly for all
54 such amounts. Such expenditures shall be considered a current
55 expense.

56 “Equipment” shall mean equipment items which have an
57 appreciable and calculable period of usefulness in excess of one
58 year.

59 “Repairs and alterations” shall mean routine maintenance and
60 repairs to structures and minor improvements to property which do
61 not increase the capital assets.

62 “Buildings” shall include new construction and major
63 alteration of existing structures and the improvement of lands and
64 shall include shelter, support, storage, protection or the
65 improvement of a natural condition.

66 “Lands” shall mean the purchase of real property or interest in
67 real property.

68 “Capital outlay” shall mean and include buildings, lands or
69 buildings and lands, with such category or item of appropriation to
70 remain in effect as provided by W.Va. Code §12-3-12.

71 From appropriations made to the spending units of state
72 government, upon approval of the Governor there may be
73 transferred to a special account an amount sufficient to match
74 federal funds under any federal act.

75 Appropriations classified in any of the above categories shall
76 be expended only for the purposes as defined above and only for
77 the spending units herein designated: *Provided*, That the secretary
78 of each department shall have the authority to transfer within the
79 department those general revenue funds appropriated to the various
80 agencies of the department: *Provided, however*, That no more than
81 five percent of the general revenue funds appropriated to any one
82 agency or board may be transferred to other agencies or boards
83 within the department: and no funds may be transferred to a
84 “personal services and employee benefits” appropriation unless the
85 source funds are also wholly from a “personal services and
86 employee benefits” line, or unless the source funds are from
87 another appropriation that has exclusively funded employment
88 expenses for at least twelve consecutive months prior to the time
89 of transfer and the position(s) supported by the transferred funds
90 are also permanently transferred to the receiving agency or board
91 within the department: *Provided further*, That the secretary of each
92 department and the director, commissioner, executive secretary,
93 superintendent, chairman or any other agency head not governed

94 by a departmental secretary as established by Chapter 5F of the
95 Code shall have the authority to transfer funds appropriated to
96 “personal services and employee benefits,” “current expenses,”
97 “repairs and alterations,” “equipment,” “other assets,” “land,” and
98 “buildings” to other appropriations within the same account and no
99 funds from other appropriations shall be transferred to the
100 “personal services and employee benefits” or the “unclassified”
101 appropriation: *And provided further*, That no authority exists
102 hereunder to transfer funds into appropriations to which no funds
103 are legislatively appropriated: *And provided further*, That if the
104 Legislature consolidates, reorganizes or terminates agencies,
105 boards or functions, the secretary or other appropriate agency head,
106 or in the case of the termination of a spending unit of the state, the
107 Director of the State Budget Office, in the absence of general law
108 providing otherwise, may transfer the funds formerly appropriated
109 to such agency, board or function, allocating items of appropriation
110 as may be necessary if only part of the item may be allocated, in
111 order to implement such consolidation, reorganization or
112 termination. No funds may be transferred from a Special Revenue
113 Account, dedicated account, capital expenditure account or any
114 other account or fund specifically exempted by the Legislature
115 from transfer, except that the use of the appropriations from the
116 State Road Fund for the office of the Secretary of the Department
117 of Transportation is not a use other than the purpose for which such
118 funds were dedicated and is permitted.

119 Appropriations otherwise classified shall be expended only
120 where the distribution of expenditures for different purposes cannot
121 well be determined in advance or it is necessary or desirable to
122 permit the spending unit the freedom to spend an appropriation for
123 more than one of the above classifications.

1 **Sec. 4. Method of expenditure.** — Money appropriated by
2 this bill, unless otherwise specifically directed, shall be
3 appropriated and expended according to the provisions of Article
4 3, Chapter 12 of the Code or according to any law detailing a
5 procedure specifically limiting that article.

1 **Sec. 5. Maximum expenditures.** — No authority or
2 requirement of law shall be interpreted as requiring or permitting
3 an expenditure in excess of the appropriations set out in this bill.

TITLE II – APPROPRIATIONS.

ORDER OF SECTIONS

- SECTION 1. Appropriations from general revenue.
- SECTION 2. Appropriations from state road fund.
- SECTION 3. Appropriations from other funds.
- SECTION 4. Appropriations from lottery net profits.
- SECTION 5. Appropriations from state excess lottery
 revenue.
- SECTION 6. Appropriations of federal funds.
- SECTION 7. Appropriations from federal block grants.
- SECTION 8. Awards for claims against the state.
- SECTION 9. Appropriations from general revenue surplus
 accrued.
- SECTION 10. Appropriations from lottery net profits surplus
 accrued.
- SECTION 11. Appropriations from state excess lottery
 revenue surplus accrued.
- SECTION 12. Special revenue appropriations.
- SECTION 13. State improvement fund appropriations.
- SECTION 14. Specific funds and collection accounts.
- SECTION 15. Appropriations for refunding erroneous
 payment.

- SECTION 16. Sinking fund deficiencies.
- SECTION 17. Appropriations for local governments.
- SECTION 18. Total appropriations.
- SECTION 19. General school fund.

1 **Section 1. Appropriations from general revenue.** – From the
 2 State Fund, General Revenue, there are hereby appropriated
 3 conditionally upon the fulfillment of the provisions set forth in
 4 Article 2, Chapter 11B the following amounts, as itemized, for
 5 expenditure during the fiscal year 2020.

LEGISLATIVE

I - Senate

Fund 0165 FY 2020 Org 2100

			General Revenue Fund
	Appro- priation		
1	Compensation of Members (R).....00300	\$	1,010,000
2	Compensation and Per Diem of		
3	Officers and Employees (R)00500		4,011,332
4	Current Expenses and		
5	Contingent Fund (R).....02100		276,392
6	Repairs and Alterations (R)06400		50,000
7	Computer Supplies (R)10100		20,000
8	Computer Systems (R).....10200		60,000
9	Printing Blue Book (R)10300		125,000
10	Expenses of Members (R).....39900		370,000
11	BRIM Premium (R)91300		<u>29,482</u>
12	Total.....	\$	<u>5,952,206</u>

13 The appropriations for the Senate for the fiscal year 2019 are
 14 to remain in full force and effect and are hereby reappropriated to
 15 June 30, 2020. Any balances so reappropriated may be transferred
 16 and credited to the fiscal year 2019 accounts.

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

20 The Clerk of the Senate, with the approval of the President, is
21 authorized to draw his or her requisitions upon the Auditor, payable
22 out of the Current Expenses and Contingent Fund of the Senate, for
23 any bills for supplies and services that may have been incurred by
24 the Senate and not included in the appropriation bill, for supplies
25 and services incurred in preparation for the opening, the conduct of
26 the business and after adjournment of any regular or extraordinary
27 session, and for the necessary operation of the Senate offices, the
28 requisitions for which are to be accompanied by bills to be filed
29 with the Auditor.

30 The Clerk of the Senate, with the approval of the President, or
31 the President of the Senate shall have authority to employ such staff
32 personnel during any session of the Legislature as shall be needed
33 in addition to staff personnel authorized by the Senate resolution
34 adopted during any such session. The Clerk of the Senate, with the
35 approval of the President, or the President of the Senate shall have
36 authority to employ such staff personnel between sessions of the
37 Legislature as shall be needed, the compensation of all staff
38 personnel during and between sessions of the Legislature,
39 notwithstanding any such Senate resolution, to be fixed by the
40 President of the Senate. The Clerk is hereby authorized to draw his
41 or her requisitions upon the Auditor for the payment of all such
42 staff personnel for such services, payable out of the appropriation
43 for Compensation and Per Diem of Officers and Employees or
44 Current Expenses and Contingent Fund of the Senate.

45 For duties imposed by law and by the Senate, the Clerk of the
46 Senate shall be paid a monthly salary as provided by the Senate
47 resolution, unless increased between sessions under the authority
48 of the President, payable out of the appropriation for Compensation
49 and Per Diem of Officers and Employees or Current Expenses and
50 Contingent Fund of the Senate.

51 The distribution of the blue book shall be by the office of the
52 Clerk of the Senate and shall include 75 copies for each member of

53 the Legislature and two copies for each classified and approved
54 high school and junior high or middle school and one copy for each
55 elementary school within the state.

56 Included in the above appropriation for Senate (fund 0165,
57 appropriation 02100), an amount not less than \$5,000 is to be used
58 for the West Virginia Academy of Family Physicians - Doc of the
59 Day Program.

2 - House of Delegates

Fund 0170 FY 2020 Org 2200

1	Compensation of Members (R).....	00300	\$	3,000,000
2	Compensation and Per Diem of			
3	Officers and Employees (R)	00500		575,000
4	Current Expenses and			
5	Contingent Fund (R).....	02100		4,399,031
6	Expenses of Members (R).....	39900		1,350,000
7	BRIM Premium (R)	91300		<u>80,000</u>
8	Total.....		\$	9,404,031

9 The appropriations for the House of Delegates for the fiscal
10 year 2019 are to remain in full force and effect and are hereby
11 reappropriated to June 30, 2020. Any balances so reappropriated
12 may be transferred and credited to the fiscal year 2019 accounts.

13 Upon the written request of the Clerk of the House of
14 Delegates, the Auditor shall transfer amounts between items of the
15 total appropriation in order to protect or increase the efficiency of
16 the service.

17 The Clerk of the House of Delegates, with the approval of the
18 Speaker, is authorized to draw his or her requisitions upon the
19 Auditor, payable out of the Current Expenses and Contingent Fund
20 of the House of Delegates, for any bills for supplies and services
21 that may have been incurred by the House of Delegates and not
22 included in the appropriation bill, for bills for services and supplies
23 incurred in preparation for the opening of the session and after
24 adjournment, and for the necessary operation of the House of

25 Delegates’ offices, the requisitions for which are to be
26 accompanied by bills to be filed with the Auditor.

27 The Speaker of the House of Delegates shall have authority to
28 employ such staff personnel during and between sessions of the
29 Legislature as shall be needed, in addition to personnel designated
30 in the House resolution, and the compensation of all personnel shall
31 be as fixed in such House resolution for the session, or fixed by the
32 Speaker during and between sessions of the Legislature,
33 notwithstanding such House resolution. The Clerk of the House of
34 Delegates is hereby authorized to draw requisitions upon the
35 Auditor for such services, payable out of the appropriation for the
36 Compensation and Per Diem of Officers and Employees or Current
37 Expenses and Contingent Fund of the House of Delegates.

38 For duties imposed by law and by the House of Delegates,
39 including salary allowed by law as keeper of the rolls, the Clerk of
40 the House of Delegates shall be paid a monthly salary as provided
41 in the House resolution, unless increased between sessions under
42 the authority of the Speaker and payable out of the appropriation
43 for Compensation and Per Diem of Officers and Employees or
44 Current Expenses and Contingent Fund of the House of Delegates.

45 Included in the above appropriation for House of Delegates
46 (fund 0170, appropriation 02100), an amount not less than \$5,000
47 is to be used for the West Virginia Academy of Family Physicians
48 - Doc of the Day Program.

3 - Joint Expenses

(WV Code Chapter 4)

Fund 0175 FY 2020 Org 2300

1	Joint Committee on Government		
2	and Finance (R).....	10400	\$ 6,725,138
3	Legislative Printing (R).....	10500	260,000
4	Legislative Rule-Making		
5	Review Committee (R).....	10600	147,250
6	Legislative Computer System (R).....	10700	1,447,500
7	Legislative Fees & Dues (R).....	#####	600,000

8	BRIM Premium (R)	91300	<u>60,569</u>
9	Total.....		\$ 9,240,457

10 The appropriations for the Joint Expenses for the fiscal year
 11 2019 are to remain in full force and effect and are hereby
 12 reappropriated to June 30, 2020. Any balances reappropriated may
 13 be transferred and credited to the fiscal year 2019 accounts.

14 Upon the written request of the Clerk of the Senate, with the
 15 approval of the President of the Senate, and the Clerk of the House
 16 of Delegates, with the approval of the Speaker of the House of
 17 Delegates, and a copy to the Legislative Auditor, the Auditor shall
 18 transfer amounts between items of the total appropriation in order
 19 to protect or increase the efficiency of the service.

JUDICIAL

4 - Supreme Court –

General Judicial

Fund 0180 FY 2020 Org 2400

1	Personal Services and		
2	Employee Benefits (R)	00100	\$ 110,767,344
3	Intermediate Court of Appeals.....	09001	0
4	Military Service Members		
5	Court (R).....	#####	300,000
6	Current Expenses (R)	13000	9,943,616
7	Repairs and Alterations (R)	06400	10,000
8	Equipment (R).....	07000	1,600,000
9	Judges' Retirement System (R).....	11000	791,000
10	Buildings (R).....	25800	20,000
11	Other Assets (R).....	69000	200,000
12	BRIM Premium (R)	91300	<u>690,384</u>
13	Total.....		\$ 124,322,344

14 The appropriations to the Supreme Court of Appeals for the
 15 fiscal years 2017, 2018 and 2019 are to remain in full force and
 16 effect and are hereby reappropriated to June 30, 2020. Any

17 balances so reappropriated may be transferred and credited to the
18 fiscal year 2019 accounts.

19 This fund shall be administered by the Administrative Director
20 of the Supreme Court of Appeals, who shall draw requisitions for
21 warrants in payment in the form of payrolls, making deductions
22 there from as required by law for taxes and other items.

23 The appropriation for the Judges' Retirement System (fund
24 0180, appropriation 11000) is to be transferred to the Consolidated
25 Public Retirement Board, in accordance with the law relating
26 thereto, upon requisition of the Administrative Director of the
27 Supreme Court of Appeals.

EXECUTIVE

5 - Governor's Office

(WV Code Chapter 5)

Fund 0101 FY 2020 Org 0100

1	Personal Services and		
2	Employee Benefits.....00100	\$	3,250,758
3	Current Expenses (R).....13000		800,000
4	Repairs and Alterations.....06400		25,000
5	National Governors Association.....12300		60,700
6	Herbert Henderson Office of		
7	Minority Affairs.....13400		146,726
8	BRIM Premium.....91300		<u>183,645</u>
9	Total.....	\$	<u>4,466,829</u>

10 Any unexpended balances remaining in the appropriations for
11 Unclassified (fund 0101, appropriation 09900), and Current
12 Expenses (fund 0101, appropriation 13000) at the close of the fiscal
13 year 2019 are hereby reappropriated for expenditure during the
14 fiscal year 2020.

15 The above appropriation for Herbert Henderson Office of
16 Minority Affairs (fund 0101, appropriation 13400) shall be
17 transferred to the Minority Affairs Fund (fund 1058).

6 - Governor's Office –

Custodial Fund

(WV Code Chapter 5)

Fund 0102 FY 2020 Org 0100

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 381,293
3	Current Expenses (R).....	13000	183,158
4	Repairs and Alterations.....	06400	<u>5,000</u>
5	Total.....		\$ 569,451

6 Any unexpended balance remaining in the appropriation for
7 Current Expenses (fund 0102, appropriation 13000) at the close of
8 the fiscal year 2019 is hereby reappropriated for expenditure during
9 the fiscal year 2020.

10 Appropriations are to be used for current general expenses,
11 including compensation of employees, household maintenance,
12 cost of official functions and additional household expenses
13 occasioned by such official functions.

7 - Governor's Office –

Civil Contingent Fund

(WV Code Chapter 5)

Fund 0105 FY 2020 Org 0100

1 Any unexpended balances remaining in the appropriations for
2 Business and Economic Development Stimulus – Surplus (fund
3 0105, appropriation 08400), Civil Contingent Fund – Total (fund
4 0105, appropriation 11400), 2012 Natural Disasters – Surplus
5 (fund 0105, appropriation 13500), Civil Contingent Fund – Total –
6 Surplus (fund 0105, appropriation 23800), Civil Contingent Fund
7 – Surplus (fund 0105, appropriation 26300), Business and
8 Economic Development Stimulus (fund 0105, appropriation
9 58600), Civil Contingent Fund (fund 0105, appropriation 61400),
10 and Natural Disasters – Surplus (fund 0105, appropriation 76400)

11 at the close of the fiscal year 2019 are hereby reappropriated for
12 expenditure during the fiscal year.

13 From this fund there may be expended, at the discretion of the
14 Governor, an amount not to exceed \$1,000 as West Virginia’s
15 contribution to the interstate oil compact commission.

16 The above fund is intended to provide contingency funding for
17 accidental, unanticipated, emergency or unplanned events which
18 may occur during the fiscal year and is not to be expended for the
19 normal day-to-day operations of the Governor’s Office.

8 - Auditor’s Office –

General Administration

(WV Code Chapter 12)

Fund 0116 FY 2020 Org 1200

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 2,797,589
3	Current Expenses (R).....	13000	13,429
4	BRIM Premium.....	91300	<u>12,077</u>
5	Total.....		\$ 2,823,095

6 Any unexpended balance remaining in the appropriation for
7 Current Expenses (fund 0116, appropriation 13000) at the close of
8 the fiscal year 2019 is hereby reappropriated for expenditure during
9 the fiscal year 2020.

10 Included in the above appropriation to Personal Services and
11 Employee Benefits (fund 0116, appropriation 00100), is \$95,000
12 for the Salary of the Auditor.

9 - Treasurer’s Office

(WV Code Chapter 12)

Fund 0126 FY 2020 Org 1300

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 2,561,063

3	Unclassified.....	09900	30,415
4	Current Expenses (R).....	13000	782,911
5	Abandoned Property Program.....	11800	41,794
6	Other Assets.....	69000	10,000
7	ABLE Program.....	69201	150,000
8	BRIM Premium.....	91300	59,169
9	Total.....		\$ 3,635,352

10 Any unexpended balances remaining in the appropriation for
 11 Current Expenses (fund 0126, appropriation 13000) at the close of
 12 the fiscal year 2019 are hereby reappropriated for expenditure
 13 during the fiscal year 2020.

14 Included in the above appropriation to Personal Services and
 15 Employee Benefits (fund 0126, appropriation 00100), is \$95,000
 16 for the Salary of the Treasurer.

10 - Department of Agriculture

(WV Code Chapter 19)

Fund 0131 FY 2020 Org 1400

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 6,346,674
3	Animal Identification Program.....	03900	131,942
4	State Farm Museum.....	05500	87,759
5	Current Expenses (R).....	13000	141,960
6	Gypsy Moth Program (R).....	11900	1,003,440
7	WV Farmers Market.....	12801	150,467
8	Black Fly Control.....	13700	453,698
9	Donated Foods Program.....	36300	45,000
10	Veterans to Agriculture		
11	Program (R).....	36301	255,624
12	Predator Control (R).....	47000	176,400
13	Bee Research.....	69100	70,634
14	Microbiology Program.....	78500	99,828
15	Moorefield Agriculture Center.....	78600	975,284
16	Chesapeake Bay Watershed.....	83000	112,427
17	Livestock Care Standards Board.....	84300	8,820
18	BRIM Premium.....	91300	138,905

19	State FFA-FHA Camp and		
20	Conference Center	94101	638,554
21	Threat Preparedness	94200	73,122
22	WV Food Banks.....	96900	126,000
23	Senior’s Farmers’ Market		
24	Nutrition Coupon Program	97000	<u>55,835</u>
25	Total.....		\$ 11,092,373

26 Any unexpended balances remaining in the appropriations for
 27 Gypsy Moth Program (fund 0131, appropriation 11900), Current
 28 Expenses (fund 0131, appropriation 13000), Veterans to
 29 Agriculture Program (fund 0131, appropriation 36301), Predator
 30 Control (fund 0131, appropriation 47000), and Agricultural
 31 Disaster and Mitigation Needs – Surplus (fund 0131, appropriation
 32 85000) at the close of the fiscal year 2019 are hereby
 33 reappropriated for expenditure during the fiscal year 2020.

34 Included in the above appropriation to Personal Services and
 35 Employee Benefits (fund 0131, appropriation 00100), is \$95,000
 36 for the Salary of the Commissioner.

37 The above appropriation for Predator Control (fund 0131,
 38 appropriation 47000) is to be made available to the United States
 39 Department of Agriculture, Wildlife Services to administer the
 40 Predator Control Program.

41 A portion of the Current Expenses appropriation may be
 42 transferred to a special revenue fund for the purpose of matching
 43 federal funds for marketing and development activities.

44 From the above appropriation for WV Food Banks (fund 0131,
 45 appropriation 96900), \$20,000 is for House of Hope and the
 46 remainder of the appropriation shall be allocated to the Huntington
 47 Food Bank and the Mountaineer Food Bank in Braxton County.

11 - West Virginia Conservation Agency

(WV Code Chapter 19)

Fund 0132 FY 2020 Org 1400

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 794,191
3	Unclassified.....	09900	77,059
4	Current Expenses (R).....	13000	317,848
5	Soil Conservation Projects (R).....	12000	9,799,709
6	BRIM Premium.....	91300	<u>34,428</u>
7	Total.....		\$ 11,023,235

8 Any unexpended balances remaining in the appropriations for
9 Soil Conservation Projects (fund 0132, appropriation 12000), and
10 Current Expenses (fund 0132, appropriation 13000) at the close of
11 the fiscal year 2019 are hereby reappropriated for expenditure
12 during the fiscal year 2020.

12 - Department of Agriculture –

Meat Inspection Fund

(WV Code Chapter 19)

Fund 0135 FY 2020 Org 1400

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 668,030
3	Unclassified.....	09900	7,090
4	Current Expenses	13000	<u>82,605</u>
5	Total.....		\$ 757,725

6 Any part or all of this appropriation may be transferred to a
7 special revenue fund for the purpose of matching federal funds for
8 the above-named program.

13 - Department of Agriculture –

Agricultural Awards Fund

(WV Code Chapter 19)

Fund 0136 FY 2020 Org 1400

1	Programs and Awards for		
2	4-H Clubs and FFA/FHA.....	57700	\$ 15,000

3	Commissioner's Awards		
4	and Programs	73700	<u>39,250</u>
5	Total.....		\$ 54,250

14 - Department of Agriculture –

West Virginia Agricultural Land Protection Authority

(WV Code Chapter 8A)

Fund 0607 FY 2020 Org 1400

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 99,547
3	Unclassified.....	09900	<u>950</u>
4	Total.....		\$ 100,497

15 - Attorney General

(WV Code Chapters 5, 14, 46A and 47)

Fund 0150 FY 2020 Org 1500

1	Personal Services and		
2	Employee Benefits (R)	00100	\$ 2,818,788
3	Unclassified (R)	09900	24,428
4	Current Expenses (R).....	13000	762,097
5	Repairs and Alterations.....	06400	1,000
6	Equipment.....	07000	1,000
7	Criminal Convictions and		
8	Habeas Corpus Appeals (R).....	26000	946,078
9	Better Government Bureau	74000	279,412
10	BRIM Premium.....	91300	<u>120,654</u>
11	Total.....		\$ 4,953,457

12 Any unexpended balances remaining in the above
 13 appropriations for Personal Services and Employee Benefits (fund
 14 0150, appropriation 00100), Unclassified (fund 0150,
 15 appropriation 09900), Current Expenses (fund 0150, appropriation
 16 13000), Criminal Convictions and Habeas Corpus Appeals (fund
 17 0150, appropriation 26000), and Agency Client Revolving
 18 Liquidity Pool (fund 0150, appropriation 36200) at the close of the

19 fiscal year 2019 are hereby reappropriated for expenditure during
 20 the fiscal year 2020, with the exception of fund 0150, fiscal year
 21 2016, appropriation 00100 (\$208,241.14), and fund 0150, fiscal
 22 year 2017, appropriation 00100 (\$1,474,457.07) which shall expire
 23 on June 30, 2019.

24 Included in the above appropriation to Personal Services and
 25 Employee Benefits (fund 0150, appropriation 00100), is \$95,000
 26 for the Salary of the Attorney General.

27 When legal counsel or secretarial help is appointed by the
 28 Attorney General for any state spending unit, this account shall be
 29 reimbursed from such spending units specifically appropriated
 30 account or from accounts appropriated by general language
 31 contained within this bill: *Provided*, That the spending unit shall
 32 reimburse at a rate and upon terms agreed to by the state spending
 33 unit and the Attorney General: *Provided, however*, That if the
 34 spending unit and the Attorney General are unable to agree on the
 35 amount and terms of the reimbursement, the spending unit and the
 36 Attorney General shall submit their proposed reimbursement rates
 37 and terms to the Governor for final determination.

16 - Secretary of State

(WV Code Chapters 3, 5 and 59)

Fund 0155 FY 2020 Org 1600

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 118,794
3	Unclassified (R)	09900	9,555
4	Current Expenses (R)	13000	805,948
5	BRIM Premium.....	91300	<u>23,297</u>
6	Total.....		\$ 957,594

7 Any unexpended balances remaining in the appropriations for
 8 Unclassified (fund 0155, appropriation 09900) and Current
 9 Expenses (fund 0155, appropriation 13000) at the close of the fiscal
 10 year 2019 are hereby reappropriated for expenditure during the
 11 fiscal year 2020.

12 Included in the above appropriation to Personal Services and
 13 Employee Benefits (fund 0155, appropriation 00100), is \$95,000
 14 for the Salary of the Secretary of State.

17 - State Election Commission

(WV Code Chapter 3)

Fund 0160 FY 2020 Org 1601

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 2,477
3	Unclassified.....	09900	75
4	Current Expenses	13000	<u>4,956</u>
5	Total.....		\$ 7,508

DEPARTMENT OF ADMINISTRATION

18 - Department of Administration –

Office of the Secretary

(WV Code Chapter 5F)

Fund 0186 FY 2020 Org 0201

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 606,584
3	Unclassified.....	09900	9,177
4	Current Expenses	13000	85,009
5	Repairs and Alterations.....	06400	100
6	Equipment.....	07000	1,000
7	Financial Advisor (R)	30400	27,546
8	Lease Rental Payments	51600	15,000,000
9	Design-Build Board	54000	4,000
10	Other Assets.....	69000	100
11	BRIM Premium.....	91300	<u>6,736</u>
12	Total.....		\$ 15,740,252

13 Any unexpended balance remaining in the appropriation for
 14 Financial Advisor (fund 0186, appropriation 30400) at the close of

15 the fiscal year 2019 is hereby reappropriated for expenditure during
16 the fiscal year 2020.

17 The appropriation for Lease Rental Payments (fund 0186,
18 appropriation 51600) shall be disbursed as provided by W.Va.
19 Code §31-15-6b.

19 - Consolidated Public Retirement Board

(WV Code Chapter 5)

Fund 0195 FY 2020 Org 0205

1 The Division of Highways, Division of Motor Vehicles, Public
2 Service Commission and other departments, bureaus, divisions, or
3 commissions operating from special revenue funds and/or federal
4 funds shall pay their proportionate share of the retirement costs for
5 their respective divisions. When specific appropriations are not
6 made, such payments may be made from the balances in the various
7 special revenue funds in excess of specific appropriations.

20 - Division of Finance

(WV Code Chapter 5A)

Fund 0203 FY 2020 Org 0209

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 64,696
3	Unclassified.....	09900	1,400
4	Current Expenses	13000	66,721
5	GAAP Project (R).....	12500	612,666
6	BRIM Premium.....	91300	<u>7,517</u>
7	Total.....		\$ 753,000

8 Any unexpended balance remaining in the appropriation for
9 GAAP Project (fund 0203, appropriation 12500) at the close of the
10 fiscal year 2019 is hereby reappropriated for expenditure during the
11 fiscal year 2020.

21 - Division of General Services

(WV Code Chapter 5A)

Fund 0230 FY 2020 Org 0211

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 2,722,499
3	Unclassified.....	09900	20,000
4	Current Expenses	13000	728,849
5	Repairs and Alterations.....	06400	500
6	Equipment	07000	5,000
7	Fire Service Fee	12600	14,000
8	Buildings (R).....	25800	500
9	Preservation and Maintenance		
10	of Statues and Monuments		
11	on Capitol Grounds.....	37100	68,000
12	Capital Outlay, Repairs and		
13	Equipment (R)	58900	27,078,888
14	Other Assets	69000	500
15	Land (R).....	73000	500
16	BRIM Premium.....	91300	<u>129,983</u>
17	Total.....		\$ 30,769,219

18 Any unexpended balances remaining in the above
 19 appropriations for Buildings (fund 0230, appropriation 25800),
 20 Capital Outlay, Repairs and Equipment (fund 0230, appropriation
 21 58900), Capital Outlay, Repairs and Equipment – Surplus (fund
 22 0230, appropriation 67700), and Land (fund 0230, appropriation
 23 73000) at the close of the fiscal year 2019 are hereby
 24 reappropriated for expenditure during the fiscal year 2020.

25 From the above appropriation for Preservation and
 26 Maintenance of Statues and Monuments on Capitol Grounds (fund
 27 0230, appropriation 37100), the Division shall consult the Division
 28 of Culture and History and Capitol Building Commission in all
 29 aspects of planning, assessment, maintenance and restoration.

30 The above appropriation for Capital Outlay, Repairs and
 31 Equipment (fund 0230, appropriation 58900) shall be expended for

32 capital improvements, maintenance, repairs and equipment for
33 state-owned buildings.

22 - Division of Purchasing

(WV Code Chapter 5A)

Fund 0210 FY 2020 Org 0213

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 1,055,926
3	Unclassified.....	09900	144
4	Current Expenses	13000	1,285
5	Repairs and Alterations.....	06400	200
6	BRIM Premium.....	91300	<u>6,922</u>
7	Total.....		\$ 1,064,477

8 The Division of Highways shall reimburse Fund 2031 within
9 the Division of Purchasing for all actual expenses incurred
10 pursuant to the provisions of W.Va. Code §17-2A-13.

23 - Travel Management

(WV Code Chapter 5A)

Fund 0615 FY 2020 Org 0215

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 802,363
3	Unclassified.....	09900	12,032
4	Current Expenses	13000	440,247
5	Repairs and Alterations.....	06400	1,000
6	Equipment.....	07000	5,000
7	Buildings (R).....	25800	100
8	Other Assets.....	69000	<u>100</u>
9	Total.....		\$ 1,260,842

10 Any unexpended balance remaining in the appropriation for
11 Buildings (fund 0615, appropriation 25800) at the close of the
12 fiscal year 2019 is hereby reappropriated for expenditure during the
13 fiscal year 2020.

24 - Commission on Uniform State Laws

(WV Code Chapter 29)

Fund 0214 FY 2020 Org 0217

1	Current Expenses	13000	\$	45,550
2	To pay expenses for members of the commission on uniform			
3	state laws.			

25 - West Virginia Public Employees Grievance Board

(WV Code Chapter 6C)

Fund 0220 FY 2020 Org 0219

1	Personal Services and			
2	Employee Benefits.....	00100	\$	969,627
3	Unclassified.....	09900		1,000
4	Current Expenses	13000		143,754
5	Equipment.....	07000		50
6	BRIM Premium.....	91300		<u>10,281</u>
7	Total.....		\$	1,124,712

26 - Ethics Commission

(WV Code Chapter 6B)

Fund 0223 FY 2020 Org 0220

1	Personal Services and			
2	Employee Benefits.....	00100	\$	606,969
3	Unclassified.....	09900		2,200
4	Current Expenses	13000		104,501
5	Repairs and Alterations.....	06400		500
6	Other Assets.....	69000		100
7	BRIM Premium.....	91300		<u>5,574</u>
8	Total.....		\$	719,844

27 - Public Defender Services

(WV Code Chapter 29)

Fund 0226 FY 2020 Org 0221

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 1,711,081
3	Unclassified.....	09900	314,700
4	Current Expenses	13000	12,740
5	Public Defender Corporations.....	35200	19,538,435
6	Appointed Counsel Fees (R).....	78800	12,898,115
7	BRIM Premium.....	91300	<u>10,575</u>
8	Total.....		\$ 34,485,646

9 Any unexpended balance remaining in the above appropriation
10 for Appointed Counsel Fees (fund 0226, appropriation 78800) at
11 the close of the fiscal year 2019 is hereby reappropriated for
12 expenditure during the fiscal year 2020.

13 The director shall have the authority to transfer funds from the
14 appropriation to Public Defender Corporations (fund 0226,
15 appropriation 35200) to Appointed Counsel Fees (fund 0226,
16 appropriation 78800).

28 - Committee for the Purchase of

Commodities and Services from the Handicapped

(WV Code Chapter 5A)

Fund 0233 FY 2020 Org 0224

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 3,187
3	Current Expenses	13000	<u>868</u>
4	Total.....		\$ 4,055

29 - Public Employees Insurance Agency

(WV Code Chapter 5)

Fund 0200 FY 2020 Org 0225

1	PEIA Subsidy.....	80100	\$ 21,000,000
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2 The Division of Highways, Division of Motor Vehicles, Public
3 Service Commission and other departments, bureaus, divisions, or

4 commissions operating from special revenue funds and/or federal
 5 funds shall pay their proportionate share of the public employees
 6 health insurance cost for their respective divisions.

7 The above appropriation for PEIA Subsidy (fund 0200,
 8 appropriation 80100) may be transferred to a special revenue fund
 9 and shall be utilized by the West Virginia Public Employees
 10 Insurance Agency for the purposes of offsetting benefit changes to
 11 offset the aggregate premium cost-sharing percentage
 12 requirements between employers and employees. Such amount
 13 shall not be included in the calculation of the plan year aggregate
 14 premium cost-sharing percentages between employers and
 15 employees.

30 - West Virginia Prosecuting Attorneys Institute

(WV Code Chapter 7)

Fund 0557 FY 2020 Org 0228

1	Forensic Medical		
2	Examinations (R).....	68300	\$ 141,579
3	Federal Funds/Grant Match (R).....	74900	<u>105,074</u>
4	Total.....		\$ 246,653

5 Any unexpended balances remaining in the appropriations for
 6 Forensic Medical Examinations (fund 0557, appropriation 68300)
 7 and Federal Funds/Grant Match (fund 0557, appropriation 74900)
 8 at the close of the fiscal year 2019 are hereby reappropriated for
 9 expenditure during the fiscal year 2020.

31 - Real Estate Division

(WV Code Chapter 5A)

Fund 0610 FY 2020 Org 0233

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 681,101
3	Unclassified.....	09900	1,000
4	Current Expenses	13000	138,631
5	Repairs and Alterations.....	06400	100

6	Equipment.....	07000		2,500
7	BRIM Premium.....	91300		<u>8,534</u>
8	Total.....		\$	831,866

DEPARTMENT OF COMMERCE

32 - West Virginia Tourism Office

(WV Code Chapter 5B)

Fund 0246 FY 2020 Org 0304

1	Tourism – Brand Promotion	61803	\$	5,000,000
2	Tourism – Public Relations.....	61804		750,000
3	Tourism – Events and			
4	Sponsorships	61805		250,000
5	Tourism – Industry Development	61806		250,000
6	State Parks and Recreation			
7	Advertising	61900		<u>750,000</u>
8	Total.....		\$	7,000,000

9 The Executive Director of the West Virginia Tourism Office,
10 with approval from the Secretary of Commerce, shall have the
11 authority to transfer between the above items of appropriation.

33 - Division of Forestry

(WV Code Chapter 19)

Fund 0250 FY 2020 Org 0305

1	Personal Services and			
2	Employee Benefits.....	00100	\$	2,881,455
3	Unclassified.....	09900		21,435
4	Current Expenses	13000		338,953
5	Repairs and Alterations.....	06400		80,000
6	Equipment (R).....	07000		2,061
7	BRIM Premium.....	91300		<u>98,754</u>
8	Total.....		\$	3,422,658

9 Any unexpended balance remaining in the appropriation for
10 Equipment (fund 0250, appropriation 07000) at the close of the

11 fiscal year 2019 is hereby reappropriated for expenditure during the
12 fiscal year 2020.

13 Out of the above appropriations a sum may be used to match
14 federal funds for cooperative studies or other funds for similar
15 purposes.

34 - Geological and Economic Survey

(WV Code Chapter 29)

Fund 0253 FY 2020 Org 0306

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 1,678,448
3	Unclassified.....	09900	27,678
4	Current Expenses	13000	51,524
5	Repairs and Alterations.....	06400	968
6	Mineral Mapping System (R)	20700	1,134,143
7	BRIM Premium.....	91300	<u>24,486</u>
8	Total.....		\$ 2,917,247

9 Any unexpended balance remaining in the appropriation for
10 Mineral Mapping System (fund 0253, appropriation 20700) at the
11 close of the fiscal year 2019 is hereby reappropriated for
12 expenditure during the fiscal year 2020.

13 The above Unclassified and Current Expense appropriations
14 include funding to secure federal and other contracts and may be
15 transferred to a special revolving fund (fund 3105) for the purpose
16 of providing advance funding for such contracts.

35 - West Virginia Development Office

(WV Code Chapter 5B)

Fund 0256 FY 2020 Org 0307

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 4,400,420
3	Unclassified.....	09900	108,055
4	Current Expenses	13000	3,765,277

5	National Youth Science Camp.....	13200	241,570
6	Local Economic Development		
7	Partnerships (R)	13300	1,250,000
8	ARC Assessment	13600	152,585
9	Guaranteed Work Force Grant (R).....	24200	976,579
10	Mainstreet Program.....	79400	167,467
11	BRIM Premium.....	91300	3,157
12	Hatfield McCoy		
13	Recreational Trail	96000	<u>198,415</u>
14	Total.....		\$ 11,263,525

15 Any unexpended balances remaining in the appropriations for
16 Sales and Marketing Enhancement – Surplus (fund 0256,
17 appropriation 05099), Unclassified – Surplus (fund 0256,
18 appropriation 09700), Partnership Grants (fund 0256,
19 appropriation 13100), Local Economic Development Partnerships
20 (fund 0256, appropriation 13300), Guaranteed Work Force Grant
21 (fund 0256, appropriation 24200), Industrial Park Assistance (fund
22 0256, appropriation 48000), and Local Economic Development
23 Assistance (fund 0256, appropriation 81900) at the close of the
24 fiscal year 2019 are hereby reappropriated for expenditure during
25 the fiscal year 2020.

26 The above appropriation to Local Economic Development
27 Partnerships (fund 0256, appropriation 13300) shall be used by the
28 West Virginia Development Office for the award of funding
29 assistance to county and regional economic development
30 corporations or authorities participating in the Certified
31 Development Community Program developed under the provisions
32 of W.Va. Code §5B-2-14. The West Virginia Development Office
33 shall award the funding assistance through a matching grant
34 program, based upon a formula whereby funding assistance may
35 not exceed \$34,000 per county served by an economic
36 development or redevelopment corporation or authority.

36 - Division of Labor

(WV Code Chapters 21 and 47)

Fund 0260 FY 2020 Org 0308

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 1,564,676
3	Current Expenses	13000	227,000
4	Repairs and Alterations.....	06400	28,000
5	Equipment.....	07000	15,000
6	BRIM Premium.....	91300	<u>8,500</u>
7	Total.....		\$ 1,843,176

37 - Division of Natural Resources

(WV Code Chapter 20)

Fund 0265 FY 2020 Org 0310

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 16,956,925
3	Unclassified.....	09900	184,711
4	Current Expenses	13000	196,302
5	Repairs and Alterations.....	06400	100
6	Equipment.....	07000	100
7	Buildings.....	25800	100
8	Capital Outlay – Parks (R).....	28800	3,000,000
9	Litter Control Conservation		
10	Officers	56400	146,986
11	Upper Mud River Flood Control.....	65400	164,791
12	Other Assets.....	69000	100
13	Land (R).....	73000	100
14	Law Enforcement.....	80600	2,552,994
15	BRIM Premium.....	91300	<u>45,141</u>
16	Total.....		\$ 23,248,350

17 Any unexpended balances remaining in the appropriations for
 18 Buildings (fund 0265, appropriation 25800), Capital Outlay –
 19 Parks (fund 0265, appropriation 28800), Land (fund 0265,
 20 appropriation 73000), and State Park Improvements – Surplus
 21 (fund 0265, appropriation 76300) at the close of the fiscal year
 22 2019 are hereby reappropriated for expenditure during the fiscal
 23 year 2020.

24 Any revenue derived from mineral extraction at any state park
 25 shall be deposited in a special revenue account of the Division of

26 Natural Resources, first for bond debt payment purposes and with
27 any remainder to be for park operation and improvement purposes.

38 - Division of Miners' Health, Safety and Training

(WV Code Chapter 22)

Fund 0277 FY 2020 Org 0314

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 9,550,243
3	Unclassified.....	09900	111,016
4	Current Expenses	13000	1,396,141
5	Coal Dust and Rock Dust		
6	Sampling.....	27000	487,752
7	BRIM Premium.....	91300	<u>80,668</u>
8	Total.....		\$ 11,625,820

9 Included in the above appropriation for Current Expenses (fund
10 0277, appropriation 13000) is \$500,000 to be used for coal mine
11 training activities at an established mine training facility in
12 southern West Virginia.

39 - Board of Coal Mine Health and Safety

(WV Code Chapter 22)

Fund 0280 FY 2020 Org 0319

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 233,981
3	Unclassified.....	09900	3,480
4	Current Expenses	13000	<u>118,138</u>
5	Total.....		\$ 355,599

6 Included in the above appropriation for Current Expenses (fund
7 0280, appropriation 13000) up to \$29,000 shall be used for the Coal
8 Mine Safety and Technical Review Committee.

40 - WorkForce West Virginia

(WV Code Chapter 23)

Fund 0572 FY 2020 Org 0323

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 51,433
3	Unclassified.....	09900	593
4	Current Expenses	13000	<u>7,337</u>
5	Total.....		\$ 59,363

41 - Department of Commerce –

Office of the Secretary

(WV Code Chapter 19)

Fund 0606 FY 2020 Org 0327

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 588,872
3	Unclassified.....	09900	501,490
4	Current Expenses	13000	<u>17,099</u>
5	Total.....		\$ 1,107,461

6 From the above appropriation for Unclassified (fund 0606,
7 appropriation 09900), \$500,000 shall be transferred to the
8 Broadband Enhancement Fund (fund 3013).

42 - Office of Energy

(WV Code Chapter 5B)

Fund 0612 FY 2020 Org 0328

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 198,299
3	Unclassified.....	09900	12,395
4	Current Expenses	13000	1,029,679
5	BRIM Premium.....	91300	<u>3,894</u>
6	Total.....		\$ 1,244,267

7 From the above appropriation for Current Expenses (fund
8 0612, appropriation 13000) \$558,247 is for West Virginia
9 University and \$308,247 is for Southern West Virginia Community
10 and Technical College for the Mine Training and Energy
11 Technologies Academy.

43 - State Board of Rehabilitation –

Division of Rehabilitation Services

(WV Code Chapter 18)

Fund 0310 FY 2020 Org 0932

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 11,459,977
3	Independent Living Services.....	00900	429,418
4	Current Expenses	13000	558,815
5	Workshop Development	16300	1,817,427
6	Supported Employment		
7	Extended Services.....	20600	77,960
8	Ron Yost Personal		
9	Assistance Fund	40700	333,828
10	Employment Attendant		
11	Care Program	59800	131,575
12	BRIM Premium.....	91300	<u>77,464</u>
13	Total.....		\$ 14,886,464

14 From the above appropriation for Workshop Development
15 (fund 0310, appropriation 16300), fund shall be used exclusively
16 with the private nonprofit community rehabilitation program
17 organizations known as work centers or sheltered workshops. The
18 appropriation shall also be used to continue the support of the
19 program, services, and individuals with disabilities currently in
20 place at those organizations.

DEPARTMENT OF EDUCATION

44 - State Board of Education –

School Lunch Program

(WV Code Chapters 18 and 18A)

Fund 0303 FY 2020 Org 0402

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 348,042

3	Current Expenses	13000		<u>2,118,865</u>
4	Total.....		\$	2,466,907

45 - State Board of Education –

State Department of Education

(WV Code Chapters 18 and 18A)

Fund 0313 FY 2020 Org 0402

1	Personal Services and			
2	Employee Benefits.....	00100	\$	4,598,523
3	Teachers' Retirement			
4	Savings Realized.....	09500		42,954,000
5	Unclassified (R)	09900		420,000
6	Current Expenses (R)	13000		2,572,000
7	Equipment	07000		5,000
8	Center for Professional			
9	Development (R)	11500		150,000
10	Increased Enrollment	14000		3,060,000
11	Safe Schools.....	14300		4,781,026
12	National Teacher			
13	Certification (R).....	16100		300,000
14	Jim's Dream – Childhood			
15	Drug Prevention Education.....	21901		5,000,000
16	Buildings (R).....	25800		1,000
17	Allowance for County Transfer	26400		476,348
18	Technology Repair and			
19	Modernization.....	29800		951,003
20	HVAC Technicians	35500		516,791
21	Early Retirement			
22	Notification Incentive	36600		300,000
23	MATH Program	36800		336,532
24	Assessment Programs	39600		1,339,588
25	Benedum Professional			
26	Development Collaborative	42700		429,775
27	Governor's Honors Academy	47800		1,059,270
28	21 st Century Fellows	50700		274,899
29	English as a Second Language.....	52800		96,000

30	Teacher Reimbursement	57300	297,188
31	Hospitality Training	60000	272,775
32	Hi-Y Youth in Government	61600	100,000
33	High Acuity Special Needs (R).....	63400	1,500,000
34	Foreign Student Education.....	63600	100,294
35	State Board of Education		
36	Administrative Costs	68400	277,403
37	Other Assets	69000	1,000
38	IT Academy (R)	72100	500,000
39	Land (R).....	73000	1,000
40	Early Literacy Program.....	75600	5,705,624
41	School Based Truancy		
42	Prevention (R).....	78101	2,032,238
43	Mastery Based Education	#####	125,000
44	Communities in Schools (R).....	78103	400,000
45	21 st Century Learners (R).....	88600	1,756,470
46	BRIM Premium.....	91300	342,859
47	21 st Century Assessment and		
48	Professional Development	93100	2,006,978
49	21 st Century Technology		
50	Infrastructure Network		
51	Tools and Support.....	93300	7,636,586
52	Special Olympic Games.....	96600	25,000
53	Educational Program Allowance	99600	<u>516,250</u>
54	Total.....		\$ 93,218,420

55 The above appropriations include funding for the state board of
56 education and their executive office.

57 Any unexpended balances remaining in the appropriations for
58 Unclassified (fund 0313, appropriation 09900), Current Expenses
59 (fund 0313, appropriation 13000), Center for Professional
60 Development (fund 0313, appropriation 11500), National Teacher
61 Certification (fund 0313, appropriation 16100), Buildings (fund
62 0313, appropriation 25800), Benedum Professional Development
63 Collaborative (fund 0313, appropriation 42700), Governor's
64 Honors Academy (fund 0313, appropriation 47800), High Acuity
65 Special Needs (fund 0313, appropriation 63400), IT Academy
66 (fund 0313, appropriation 72100), Land (fund 0313, appropriation
67 73000), School Based Truancy Prevention (fund 0313,

68 appropriation 78101), Communities in Schools (fund 0313,
 69 appropriation 78103), and 21st Century Learners (fund 0313,
 70 appropriation 88600) at the close of the fiscal year 2019 are hereby
 71 reappropriated for expenditure during the fiscal year 2020.

72 The above appropriation for Teachers’ Retirement Savings
 73 Realized (fund 0313, appropriation 09500) shall be transferred to
 74 the Employee Pension and Health Care Benefit Fund (fund 2044).

75 From the above appropriation for Unclassified (fund 0313,
 76 appropriation 09900), \$120,000 shall be for assisting low income
 77 students with AP exam fees.

78 The above appropriation for Hospitality Training (fund 0313,
 79 appropriation 60000), shall be allocated only to entities that have a
 80 plan approved for funding by the Department of Education, at the
 81 funding level determined by the State Superintendent of Schools.
 82 Plans shall be submitted to the State Superintendent of Schools to
 83 be considered for funding.

84 From the above appropriation for Educational Program
 85 Allowance (fund 0313, appropriation 99600), \$100,000 shall be
 86 expended for Webster County Board of Education for Hacker
 87 Valley; \$150,000 shall be for the Randolph County Board of
 88 Education for Pickens School; \$100,000 shall be for the Preston
 89 County Board of Education for the Aurora School; \$100,000 shall
 90 be for the Fayette County Board of Education for Meadow Bridge;
 91 and \$66,250 is for Project Based Learning in STEM fields.

46 - State Board of Education –

Aid for Exceptional Children

(WV Code Chapters 18 and 18A)

Fund 0314 FY 2020 Org 0402

1	Special Education – Counties	15900	\$	7,271,757
2	Special Education – Institutions.....	16000		3,968,631
3	Education of Juveniles Held			
4	in Predispositional			
5	Juvenile Detention Centers	30200		649,758

6	Education of Institutionalized		
7	Juveniles and Adults (R).....	47200	<u>20,474,233</u>
8	Total.....		\$ 32,364,379

9 Any unexpended balance remaining in the appropriation for
 10 Education of Institutionalized Juveniles and Adults (fund 0314,
 11 appropriation 47200) at the close of the fiscal year 2019 is hereby
 12 reappropriated for expenditure during the fiscal year 2020.

13 From the above appropriations, the superintendent shall have
 14 authority to expend funds for the costs of special education for
 15 those children residing in out-of-state placements.

47 - State Board of Education –

State Aid to Schools

(WV Code Chapters 18 and 18A)

Fund 0317 FY 2020 Org 0402

1	Other Current Expenses	02200	\$ 156,065,940
2	Advanced Placement.....	05300	644,087
3	Professional Educators.....	15100	901,230,362
4	Service Personnel.....	15200	304,858,302
5	Fixed Charges	15300	106,085,858
6	Transportation	15400	75,457,864
7	Professional Student		
8	Support Services	65500	40,513,635
9	Improved Instructional Programs.....	15600	51,527,411
10	21 st Century Strategic		
11	Technology Learning Growth.....	93600	25,549,588
12	Teacher and Leader Induction.....	93601	<u>4,584,707</u>
13	Basic Foundation Allowances.....		1,666,517,754
14	Less Local Share		(478,449,993)
15	Adjustments		<u>(2,681,318)</u>
16	Total Basic State Aid		1,185,386,443
17	Public Employees'		
18	Insurance Matching	01200	223,979,027
19	Teachers' Retirement System	01900	65,201,000
20	School Building Authority	45300	24,000,000

21	Retirement Systems –		
22	Unfunded Liability.....	77500	<u>345,517,000</u>
23	Total.....		\$ 1,844,083,470

48 - State Board of Education –

Vocational Division

(WV Code Chapters 18 and 18A)

Fund 0390 FY 2020 Org 0402

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 1,339,713
3	Unclassified.....	09900	268,800
4	Current Expenses	13000	883,106
5	Wood Products – Forestry		
6	Vocational Program	14600	78,691
7	Albert Yanni Vocational Program	14700	132,123
8	Vocational Aid	14800	23,997,756
9	Adult Basic Education	14900	5,195,128
10	Jim’s Dream.....	14901	6,000,000
11	Program Modernization	30500	884,313
12	High School Equivalency		
13	Diploma Testing (R).....	72600	803,397
14	FFA Grant Awards.....	83900	11,496
15	Pre-Engineering		
16	Academy Program	84000	<u>265,294</u>
17	Total.....		\$ 39,859,817

18 Any unexpended balance remaining in the appropriation for
 19 High School Equivalency Diploma Testing (fund 0390,
 20 appropriation 72600) at the close of the fiscal year 2019 is hereby
 21 reappropriated for expenditure during the fiscal year 2020.

49 - State Board of Education –

West Virginia Schools for the Deaf and the Blind

(WV Code Chapters 18 and 18A)

Fund 0320 FY 2020 Org 0403

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 11,379,675
3	Unclassified.....	09900	110,000
4	Current Expenses	13000	2,240,696
5	Repairs and Alterations.....	06400	164,675
6	Equipment.....	07000	77,000
7	Buildings (R).....	25800	45,000
8	Capital Outlay and		
9	Maintenance (R)	75500	520,000
10	BRIM Premium.....	91300	<u>140,842</u>
11	Total.....		\$ 14,677,888

12 Any unexpended balances remaining in the appropriations for
13 Buildings (fund 0320, appropriation 25800) and Capital Outlay and
14 Maintenance (fund 0320, appropriation 75500) at the close of the
15 fiscal year 2019 are hereby reappropriated for expenditure during
16 the fiscal year 2020.

DEPARTMENT OF ARTS, CULTURE, AND HISTORY

50 - Division of Culture and History

(WV Code Chapter 29)

Fund 0293 FY 2020 Org 0432

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 3,463,493
3	Current Expenses	13000	610,843
4	Repairs and Alterations.....	06400	1,000
5	Equipment.....	07000	1
6	Unclassified (R)	09900	28,483
7	WV Humanities Council.....	16800	250,000
8	Buildings (R).....	25800	1
9	Other Assets.....	69000	1
10	Educational Enhancements	69500	573,500
11	Land (R).....	73000	1
12	Culture and History Programming.....	73200	231,573
13	Capital Outlay and		
14	Maintenance (R)	75500	19,600
15	Historical Highway		
16	Marker Program.....	84400	57,548

17	BRIM Premium.....	91300		<u>39,337</u>
18	Total.....		\$	5,275,381

19 Any unexpended balances remaining in the appropriations for
 20 Unclassified (fund 0293, appropriation 09900), Buildings (fund
 21 0293, appropriation 25800), Capital Outlay, Repairs and
 22 Equipment (fund 0293, appropriation 58900), Capital
 23 Improvements – Surplus (fund 0293, appropriation 66100), Capital
 24 Outlay, Repairs and Equipment – Surplus (fund 0293,
 25 appropriation 67700), Land (fund 0293, appropriation 73000), and
 26 Capital Outlay and Maintenance (fund 0293, appropriation 75500)
 27 at the close of the fiscal year 2019 are hereby reappropriated for
 28 expenditure during the fiscal year 2020.

29 The Current Expense appropriation includes funding for the
 30 arts funds, department programming funds, grants, fairs and
 31 festivals and Camp Washington Carver and shall be expended only
 32 upon authorization of the Division of Culture and History and in
 33 accordance with the provisions of Chapter 5A, Article 3, and
 34 Chapter 12 of the Code.

35 From the above appropriation for Educational Enhancements
 36 (fund 0293, appropriation 69500), \$500,000 shall be used for Save
 37 the Children and \$73,500 shall be used for the Clay Center.

51 - Library Commission

(WV Code Chapter 10)

Fund 0296 FY 2020 Org 0433

1	Personal Services and			
2	Employee Benefits.....	00100	\$	1,314,744
3	Current Expenses	13000		139,624
4	Repairs and Alterations.....	06400		6,500
5	Services to Blind & Handicapped.....	18100		161,717
6	BRIM Premium.....	91300		<u>18,205</u>
7	Total.....		\$	1,640,790

52 - Educational Broadcasting Authority

(WV Code Chapter 10)

Fund 0300 FY 2020 Org 0439

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 1,840,433
3	Current Expenses	13000	1,591,805
4	Mountain Stage	24900	300,000
5	Capital Outlay and		
6	Maintenance (R)	75500	50,000
7	BRIM Premium.....	91300	<u>48,453</u>
8	Total.....		\$ 3,830,691

9 Any unexpended balance remaining in the appropriation for
 10 Capital Outlay and Maintenance (fund 0300, appropriation 75500)
 11 at the close of the fiscal year 2019 is hereby reappropriated for
 12 expenditure during the fiscal year 2020.

DEPARTMENT OF ENVIRONMENTAL PROTECTION*53 - Environmental Quality Board*

(WV Code Chapter 20)

Fund 0270 FY 2020 Org 0311

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 82,539
3	Current Expenses	13000	28,453
4	Repairs and Alterations.....	06400	800
5	Equipment	07000	500
6	Other Assets	69000	400
7	BRIM Premium.....	91300	<u>791</u>
8	Total.....		\$ 113,483

54 - Division of Environmental Protection

(WV Code Chapter 22)

Fund 0273 FY 2020 Org 0313

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 4,196,400
3	Water Resources Protection		
4	and Management.....	06800	576,278
5	Current Expenses	13000	96,916
6	Repairs and Alterations.....	06400	1,500
7	Unclassified.....	09900	14,825
8	Dam Safety.....	60700	237,824
9	West Virginia Stream		
10	Partners Program	63700	77,396
11	Meth Lab Cleanup.....	65600	139,000
12	WV Contributions to		
13	River Commissions.....	77600	148,485
14	Office of Water Resources		
15	Non-Enforcement Activity	85500	<u>1,009,855</u>
16	Total.....		\$ 6,498,479

17 A portion of the appropriations for Current Expense (fund
18 0273, appropriation 13000) and Dam Safety (fund 0273,
19 appropriation 60700) may be transferred to the special revenue
20 fund Dam Safety Rehabilitation Revolving Fund (fund 3025) for
21 the state deficient dams rehabilitation assistance program.

55 - Air Quality Board

(WV Code Chapter 16)

Fund 0550 FY 2020 Org 0325

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 60,737
3	Current Expenses	13000	11,612
4	Repairs and Alterations.....	06400	800
5	Equipment.....	07000	400
6	Other Assets.....	69000	200
7	BRIM Premium.....	91300	<u>2,304</u>
8	Total.....		\$ 76,053

DEPARTMENT OF HEALTH AND HUMAN RESOURCES*56 - Department of Health and Human Resources –**Office of the Secretary*

(WV Code Chapter 5F)

Fund 0400 FY 2020 Org 0501

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 384,638
3	Unclassified.....	09900	6,459
4	Current Expenses	13000	50,613
5	Commission for the Deaf		
6	and Hard of Hearing	70400	<u>225,534</u>
7	Total.....		\$ 667,244

8 Any unexpended balance remaining in the appropriation for the
 9 Women's Commission (fund 0400, appropriation 19100) at the
 10 close of the fiscal year 2019 is hereby reappropriated for
 11 expenditure during the fiscal year 2020.

*57 - Division of Health –**Central Office*

(WV Code Chapter 16)

Fund 0407 FY 2020 Org 0506

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 12,946,328
3	Chief Medical Examiner	04500	9,666,347
4	Unclassified.....	09900	671,795
5	Current Expenses	13000	4,877,059
6	State Aid for Local and Basic		
7	Public Health Services	18400	14,160,490
8	Safe Drinking Water Program (R)	18700	2,211,323
9	Women, Infants and Children	21000	38,621
10	Early Intervention	22300	8,134,060
11	Cancer Registry.....	22500	206,306

12	Office of Drug Control Policy (R)	35401	567,953
13	Statewide EMS Program		
14	Support (R)	38300	1,845,271
15	Office of Medical Cannabis	42001	2,380,489
16	Black Lung Clinics	46700	170,885
17	Vaccine for Children	55100	338,235
18	Tuberculosis Control	55300	379,256
19	Maternal and Child Health		
20	Clinics, Clinicians Medical		
21	Contracts and Fees (R)	57500	6,342,707
22	Epidemiology Support	62600	1,547,192
23	Primary Care Support	62800	4,263,706
24	Sexual Assault Intervention		
25	and Prevention	72300	125,000
26	Health Right Free Clinics	72700	3,750,000
27	Capital Outlay and		
28	Maintenance (R)	75500	100,000
29	Healthy Lifestyles	77800	1,000,000
30	Maternal Mortality Review	83400	49,933
31	Diabetes Education and		
32	Prevention	87300	97,125
33	BRIM Premium	91300	169,791
34	State Trauma and Emergency		
35	Care System	91800	2,021,322
36	WVU Charleston Poison		
37	Control Hotline	91800	<u>712,942</u>
38	Total		\$ 78,774,136

39 Any unexpended balances remaining in the appropriations for
40 Safe Drinking Water Program (fund 0407, appropriation 18700),
41 Office of Drug Control Policy (fund 0407, appropriation 35401),
42 Office of Drug Control Policy – Surplus (fund 0407, appropriation
43 35402), Statewide EMS Program Support (fund 0407,
44 appropriation 38300), Maternal and Child Health Clinics,
45 Clinicians and Medical Contracts and Fees (fund 0407,
46 appropriation 57500), Capital Outlay and Maintenance (fund 0407,
47 appropriation 75500), Emergency Response Entities – Special
48 Projects (fund 0407, appropriation 82200), and Tobacco Education
49 Program (fund 0407, appropriation 90600) at the close of the fiscal

50 year 2019 are hereby reappropriated for expenditure during the
51 fiscal year 2020.

52 From the above appropriation for Current Expenses (fund
53 0407, appropriation 13000), an amount not less than \$100,000 is
54 for the West Virginia Cancer Coalition; \$50,000 shall be expended
55 for the West Virginia Aids Coalition; \$100,000 is for Adolescent
56 Immunization Education; \$73,065 is for informal dispute
57 resolution relating to nursing home administrative appeals;
58 \$50,000 is for Hospital Hospitality House of Huntington; and
59 \$200,000 is for Potomac Center Inc. of Romney, West Virginia.

60 From the above appropriation for Maternal and Child Health
61 Clinics, Clinicians and Medical Contracts and Fees (fund 0407,
62 appropriation 57500) up to \$400,000 may be transferred to the
63 Breast and Cervical Cancer Diagnostic Treatment Fund (fund
64 5197) and \$11,000 is for the Marshall County Health Department
65 for dental services.

58 - Consolidated Medical Services Fund

(WV Code Chapter 16)

Fund 0525 FY 2020 Org 0506

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 1,632,588
3	Current Expenses	13000	14,113
4	Behavioral Health Program (R)	21900	71,843,953
5	Jim's Dream	14901	9,000,000
6	Family Support Act.....	22100	251,226
7	Institutional Facilities		
8	Operations (R)	33500	137,929,180
9	Substance Abuse		
10	Continuum of Care (R)	35400	5,000,000
11	Capital Outlay and		
12	Maintenance (R)	75500	950,000
13	Renaissance Program	80400	165,996
14	BRIM Premium.....	91300	<u>1,296,098</u>
15	Total.....		\$ 228,083,154

16 Any unexpended balances remaining in the appropriations for
17 Behavioral Health Program (fund 0525, appropriation 21900),
18 Institutional Facilities Operations (fund 0525, appropriation
19 33500), Substance Abuse Continuum of Care (fund 0525,
20 appropriation 35400), and Capital Outlay and Maintenance (fund
21 0525, appropriation 75500) at the close of the fiscal year 2019 are
22 hereby reappropriated for expenditure during the fiscal year 2020.

23 Notwithstanding the provisions of Title I, section three of this
24 bill, the secretary of the Department of Health and Human
25 Resources shall have the authority to transfer funds within the
26 above appropriations: *Provided*, That no more than five percent of
27 the funds appropriated to one appropriation may be transferred to
28 other appropriations: *Provided, however*, That no funds from other
29 appropriations shall be transferred to the personal services and
30 employee benefits appropriation.

31 Included in the above appropriation for Behavioral Health
32 Program (fund 0525, appropriation 21900) is \$100,000 for the
33 Healing Place of Huntington.

34 The above appropriation for Institutional Facilities Operations
35 (fund 0525, appropriation 33500) contains prior year salary
36 increases due to the Hartley court order in the amount of
37 \$2,202,013 for William R. Sharpe Jr. Hospital, and \$2,067,984 for
38 Mildred Mitchel-Bateman Hospital.

39 From the above appropriation for Substance Abuse Continuum
40 of Care (fund 0525, appropriation 35400), the funding will be
41 consistent with the goal areas outlined in the Comprehensive
42 Substance Abuse Strategic Action Plan.

43 Additional funds have been appropriated in fund 5156, fiscal
44 year 2020, organization 0506, for the operation of the institutional
45 facilities. The secretary of the Department of Health and Human
46 Resources is authorized to utilize up to ten percent of the funds
47 from the Institutional Facilities Operations appropriation to
48 facilitate cost effective and cost saving services at the community
49 level.

*59 - Division of Health –**West Virginia Drinking Water Treatment*

(WV Code Chapter 16)

Fund 0561 FY 2020 Org 0506

1 West Virginia Drinking
 2 Water Treatment
 3 Revolving Fund-Transfer 68900 \$ 647,500

4 The above appropriation for Drinking Water Treatment
 5 Revolving Fund – Transfer shall be transferred to the West Virginia
 6 Drinking Water Treatment Revolving Fund or appropriate bank
 7 depository and the Drinking Water Treatment Revolving –
 8 Administrative Expense Fund as provided by Chapter 16 of the
 9 Code.

60 - Human Rights Commission

(WV Code Chapter 5)

Fund 0416 FY 2020 Org 0510

1 Personal Services and
 2 Employee Benefits..... 00100 \$ 1,073,553
 3 Unclassified..... 09900 4,024
 4 Current Expenses 13000 331,304
 5 BRIM Premium..... 91300 10,764
 6 Total..... \$ 1,419,645

61 - Division of Human Services

(WV Code Chapters 9, 48 and 49)

Fund 0403 FY 2020 Org 0511

1 Personal Services and
 2 Employee Benefits..... 00100 \$ 48,078,212
 3 Unclassified..... 09900 5,688,944
 4 Current Expenses 13000 11,404,008

5	Child Care Development.....	14400	4,102,718
6	Medical Services.....	18900	456,659,803
7	Social Services.....	19500	196,114,014
8	Family Preservation Program	19600	1,565,000
9	Family Resource Networks.....	27400	1,762,464
10	Domestic Violence Legal		
11	Services Fund.....	38400	400,000
12	James “Tiger” Morton		
13	Catastrophic Illness Fund	45500	105,695
14	I/DD Waiver.....	46600	88,753,483
15	Child Protective Services		
16	Case Workers.....	46800	24,917,075
17	OSCAR and RAPIDS	51500	6,493,207
18	Title XIX Waiver for Seniors.....	53300	13,593,620
19	WV Teaching Hospitals		
20	Tertiary/Safety Net	54700	6,356,000
21	Child Welfare System.....	60300	1,334,615
22	In-Home Family Education.....	68800	1,000,000
23	WV Works Separate		
24	State Program.....	69800	935,000
25	Child Support Enforcement	70500	6,758,806
26	Temporary Assistance for		
27	Needy Families/Maintenance		
28	of Effort	70700	25,819,096
29	Child Care – Maintenance		
30	of Effort Match	70800	5,693,743
31	Grants for Licensed Domestic		
32	Violence Programs and		
33	Statewide Prevention	75000	2,500,000
34	Capital Outlay and		
35	Maintenance (R)	75500	11,875
36	Community Based Services and		
37	Pilot Programs for Youth.....	75900	1,000,000
38	Medical Services		
39	Administrative Costs	78900	38,234,761
40	Traumatic Brain Injury Waiver.....	83500	800,000
41	Indigent Burials (R)	85100	2,050,000
42	BRIM Premium.....	91300	892,642
43	Rural Hospitals Under 150 Beds.....	94000	2,596,000

44	Children’s Trust Fund – Transfer.....	95100	<u>220,000</u>
45	Total.....		\$ 955,840,781

46 Any unexpended balances remaining in the appropriations for
 47 Capital Outlay and Maintenance (fund 0403, appropriation 75500)
 48 and Indigent Burials (fund 0403, appropriation 85100) at the close
 49 of the fiscal year 2019 are hereby reappropriated for expenditure
 50 during the fiscal year 2020.

51 Notwithstanding the provisions of Title I, section three of this
 52 bill, the secretary of the Department of Health and Human
 53 Resources shall have the authority to transfer funds within the
 54 above appropriations: *Provided*, That no more than five percent of
 55 the funds appropriated to one appropriation may be transferred to
 56 other appropriations: *Provided, however*, That no funds from other
 57 appropriations shall be transferred to the personal services and
 58 employee benefits appropriation.

59 The secretary shall have authority to expend funds for the
 60 educational costs of those children residing in out-of-state
 61 placements, excluding the costs of special education programs.

62 Included in the above appropriation for Social Services (fund
 63 0403, appropriation 19500) is funding for continuing education
 64 requirements relating to the practice of social work.

65 The above appropriation for Domestic Violence Legal Services
 66 Fund (fund 0403, appropriation 38400) shall be transferred to the
 67 Domestic Violence Legal Services Fund (fund 5455).

68 The above appropriation for James “Tiger” Morton
 69 Catastrophic Illness Fund (fund 0403, appropriation 45500) shall
 70 be transferred to the James “Tiger” Morton Catastrophic Illness
 71 Fund (fund 5454) as provided by Article 5Q, Chapter 16 of the
 72 Code.

73 The above appropriation for WV Works Separate State
 74 Program (fund 0403, appropriation 69800), shall be transferred to
 75 the WV Works Separate State College Program Fund (fund 5467),
 76 and the WV Works Separate State Two-Parent Program Fund (fund

77 5468) as determined by the secretary of the Department of Health
78 and Human Resources.

79 From the above appropriation for Child Support Enforcement
80 (fund 0403, appropriation 70500) an amount not to exceed
81 \$300,000 may be transferred to a local banking depository to be
82 utilized to offset funds determined to be uncollectible.

83 From the above appropriation for the Grants for Licensed
84 Domestic Violence Programs and Statewide Prevention (fund
85 0403, appropriation 75000), 50% of the total shall be divided
86 equally and distributed among the fourteen (14) licensed programs
87 and the West Virginia Coalition Against Domestic Violence
88 (WVCADV). The balance remaining in the appropriation for
89 Grants for Licensed Domestic Violence Programs and Statewide
90 Prevention (fund 0403, appropriation 75000), shall be distributed
91 according to the formula established by the Family Protection
92 Services Board.

93 The above appropriation for Children’s Trust Fund – Transfer
94 (fund 0403, appropriation 95100) shall be transferred to the
95 Children’s Trust Fund (fund 5469, org 0511).

DEPARTMENT OF MILITARY AFFAIRS

AND PUBLIC SAFETY

62 - Department of Military Affairs and Public Safety –

Office of the Secretary

(WV Code Chapter 5F)

Fund 0430 FY 2020 Org 0601

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 672,826
3	Unclassified (R)	09900	18,949
4	Current Expenses	13000	137,480
5	Repairs and Alterations.....	06400	1,500
6	Equipment	07000	1,500

7	Fusion Center (R).....	46900	553,678
8	Other Assets.....	69000	2,500
9	Directed Transfer	70000	32,000
10	BRIM Premium.....	91300	18,190
11	WV Fire and EMS		
12	Survivor Benefit (R)	93900	200,000
13	Homeland State Security		
14	Administrative Agency (R).....	95300	<u>315,220</u>
15	Total.....		\$ 1,953,843

16 Any unexpended balances remaining in the appropriations for
 17 Unclassified (fund 0430, appropriation 09900), Fusion Center
 18 (fund 0430, appropriation 46900), Justice Reinvestment Training –
 19 Surplus (fund 0430, appropriation 69900), WV Fire and EMS
 20 Survivor Benefit (fund 0430, appropriation 93900), and Homeland
 21 State Security Administrative Agency (fund 0430, appropriation
 22 95300) at the close of the fiscal year 2019 are hereby
 23 reappropriated for expenditure during the fiscal year 2020.

24 The above appropriation for Directed Transfer (fund 0430,
 25 appropriation 70000) shall be transferred to the Law-Enforcement,
 26 Safety and Emergency Worker Funeral Expense Payment Fund
 27 (fund 6003).

63 - Adjutant General –

State Militia

(WV Code Chapter 15)

Fund 0433 FY 2020 Org 0603

1	Unclassified (R)	09900	\$ 106,798
2	College Education Fund.....	23200	4,000,000
3	Civil Air Patrol.....	23400	249,664
4	Mountaineer ChalleNGe		
5	Academy	70900	1,500,000
6	Armory Board Transfer.....	70015	2,317,555
7	Military Authority (R).....	74800	6,260,251
8	Drug Enforcement and Support	74801	<u>1,500,000</u>
9	Total.....		\$ 15,934,268

10 Any unexpended balances remaining in the appropriations for
 11 Unclassified (fund 0433, appropriation 09900), Military Authority
 12 (fund 0433, appropriation 74800), and Military Authority –
 13 Surplus (fund 0433, appropriation 74899) at the close of the fiscal
 14 year 2019 is hereby reappropriated for expenditure during the fiscal
 15 year 2020.

16 From the above appropriations an amount approved by the
 17 Adjutant General and the secretary of Military Affairs and Public
 18 Safety may be transferred to the State Armory Board for operation
 19 and maintenance of National Guard Armories.

20 The adjutant general shall have the authority to transfer
 21 between appropriations.

22 From the above appropriation and other state and federal
 23 funding, the Adjutant General shall provide an amount not less than
 24 \$4,500,000 to the Mountaineer ChalleNGe Academy to meet
 25 anticipated program demand.

64 - Adjutant General –

Military Fund

(WV Code Chapter 15)

Fund 0605 FY 2020 Org 0603

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 100,000
3	Current Expenses	13000	<u>57,775</u>
4	Total.....		\$ 157,775

65 - West Virginia Parole Board

(WV Code Chapter 62)

Fund 0440 FY 2020 Org 0605

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 405,066
3	Current Expenses	13000	355,234

4	Unclassified.....	09900		10,000
5	Salaries of Members of West			
6	Virginia Parole Board.....	22700		609,833
7	BRIM Premium.....	91300		<u>6,149</u>
8	Total.....		\$	1,386,282

9 The above appropriation for Salaries of Members of West
10 Virginia Parole Board (fund 0440, appropriation 22700) includes
11 funding for salary, annual increment (as provided for in W.Va.
12 Code §5-5-1), and related employee benefits of board members.

66 - Division of Homeland Security and

Emergency Management

(WV Code Chapter 15)

Fund 0443 FY 2020 Org 0606

1	Personal Services and			
2	Employee Benefits.....	00100	\$	1,572,931
3	Unclassified.....	09900		25,022
4	Current Expenses	13000		57,314
5	Repairs and Alterations.....	06400		600
6	Radiological Emergency			
7	Preparedness	55400		17,052
8	SIRN....	55401		600,000
9	Federal Funds/Grant Match (R).....	74900		1,009,145
10	Mine and Industrial Accident			
11	Rapid Response Call Center	78100		469,911
12	Early Warning Flood System (R)	87700		484,448
13	BRIM Premium.....	91300		<u>96,529</u>
14	Total.....		\$	4,332,952

15 Any unexpended balances remaining in the appropriations for
16 Federal Funds/Grant Match (fund 0443, appropriation 74900),
17 Early Warning Flood System (fund 0443, appropriation 87700),
18 and Disaster Mitigation (fund 0443, appropriation 95200) at the
19 close of the fiscal year 2019 are hereby reappropriated for
20 expenditure during the fiscal year 2020.

*67 - Division of Corrections and Rehabilitation –**Central Office*

(WV Code Chapter 15A)

Fund 0446 FY 2020 Org 0608

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 559,966
3	Current Expenses	13000	<u>2,400</u>
4	Total		\$ 562,366

*68 - Division of Corrections and Rehabilitation –**Correctional Units*

(WV Code Chapter 15A)

Fund 0450 FY 2020 Org 0608

1	Employee Benefits	01000	\$ 1,258,136
2	Children's Protection Act (R)	09000	838,437
3	Unclassified.....	09900	1,578,800
4	Current Expenses (R)	13000	52,016,936
5	Facilities Planning and		
6	Administration (R).....	38600	1,274,200
7	Charleston Correctional Center	45600	3,281,752
8	Beckley Correctional Center.....	49000	2,228,700
9	Anthony Correctional Center	50400	5,909,312
10	Huttonsville Correctional Center	51400	22,397,941
11	Northern Correctional Center.....	53400	7,769,520
12	Inmate Medical Expenses (R)	53500	21,226,064
13	Pruntytown Correctional Center	54300	8,303,659
14	Corrections Academy.....	56900	1,776,147
15	Information Technology Services.....	59901	2,259,052
16	Martinsburg Correctional Center	66300	4,201,864
17	Parole Services.....	68600	5,641,740
18	Special Services	68700	6,230,985
19	Investigative Services	71600	3,301,523
20	Capital Outlay and		
21	Maintenance (R)	75500	7,000,000

22	Salem Correctional Center	77400	11,108,923
23	McDowell County		
24	Correctional Center.....	79000	2,542,590
25	Stevens Correctional Center.....	79100	7,863,195
26	Parkersburg Correctional Center.....	82800	3,742,751
27	St. Mary's Correctional Center	88100	14,006,323
28	Denmar Correctional Center	88200	5,039,544
29	Ohio County Correctional Center	88300	2,003,675
30	Mt. Olive Correctional Complex	88800	21,709,603
31	Lakin Correctional Center.....	89600	10,346,422
32	BRIM Premium.....	91300	<u>2,527,657</u>
33	Total.....		\$ 239,385,451

34 Any unexpended balances remaining in the appropriations for
35 Children's Protection Act (fund 0450, appropriation 09000),
36 Unclassified – Surplus (fund 0450, appropriation 09700), Current
37 Expenses (fund 0450, appropriation 13000), Facilities Planning
38 and Administration (fund 0450, appropriation 38600), Inmate
39 Medical Expenses (fund 0450, appropriation 53500), Capital
40 Improvements – Surplus (fund 0450, appropriation 66100), Capital
41 Outlay, Repairs and Equipment – Surplus (fund 0450,
42 appropriation 67700), Capital Outlay and Maintenance (fund 0450,
43 appropriation 75500), Security System Improvements – Surplus
44 (fund 0450, appropriation 75501), and Roof Repairs and
45 Mechanical System Upgrades (fund 0450, appropriation 75502) at
46 the close of the fiscal year 2019 are hereby reappropriated for
47 expenditure during the fiscal year 2020.

48 The Commissioner of Corrections and Rehabilitation shall
49 have the authority to transfer between appropriations to the
50 individual correctional units above and may transfer funds from the
51 individual correctional units to Current Expenses (fund 0450,
52 appropriation 13000) or Inmate Medical Expenses (fund 0450,
53 appropriation 53500).

54 From the above appropriation to Current Expenses (fund 0450,
55 appropriation 13000) payment shall be made to house Division of
56 Corrections and Rehabilitation inmates in federal, county, and /or
57 regional jails.

58 Any realized savings from Energy Savings Contract may be
 59 transferred to Facilities Planning and Administration (fund 0450,
 60 appropriation 38600).

69 - Division of Corrections and Rehabilitation –

Bureau of Juvenile Services

(WV Code Chapter 15A)

Fund 0570 FY 2020 Org 0608

1	Statewide Reporting Centers.....	26200	\$	7,233,094
2	Robert L. Shell Juvenile Center	26700		2,417,029
3	Resident Medical Expenses (R)	53501		3,604,999
4	Central Office.....	70100		2,086,638
5	Capital Outlay and			
6	Maintenance (R)	75500		250,000
7	Gene Spadaro Juvenile Center	79300		2,595,691
8	BRIM Premium.....	91300		115,967
9	Kenneth Honey Rubenstein			
10	Juvenile Center (R).....	98000		5,654,445
11	Vicki Douglas Juvenile Center	98100		2,292,201
12	Northern Regional			
13	Juvenile Center	98200		2,876,302
14	Lorrie Yeager Jr. Juvenile Center	98300		2,330,333
15	Sam Perdue Juvenile Center	98400		2,455,085
16	Tiger Morton Center	98500		2,545,259
17	Donald R. Kuhn Juvenile Center	98600		4,877,936
18	J.M. “Chick” Buckbee			
19	Juvenile Center	98700		<u>2,439,816</u>
20	Total.....		\$	43,774,795

21 Any unexpended balances remaining in the appropriations for
 22 Resident Medical Expenses (fund 0570, appropriation 53501),
 23 Capital Outlay and Maintenance (fund 0570, appropriation 75500),
 24 Roof Repairs and Mechanical System Upgrades (fund 0570,
 25 appropriation 75502), and Kenneth Honey Rubenstein Juvenile
 26 Center (fund 0570, appropriation 98000) at the close of the fiscal
 27 year 2019 are hereby reappropriated for expenditure during the
 28 fiscal year 2020.

29 The Director of Juvenile Services shall have the authority to
 30 transfer between appropriations to the individual juvenile centers
 31 above including statewide reporting centers and central office and
 32 may transfer funds from the individual juvenile centers to Resident
 33 Medical Expenses (fund 0570, appropriation 53501).

70 - West Virginia State Police

(WV Code Chapter 15)

Fund 0453 FY 2020 Org 0612

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 62,755,235
3	Children's Protection Act	09000	1,009,529
4	Current Expenses	13000	10,384,394
5	Repairs and Alterations.....	06400	450,523
6	Trooper Class (R).....	52100	3,207,832
7	Barracks Lease Payments	55600	237,898
8	Communications and		
9	Other Equipment (R)	55800	570,968
10	Trooper Retirement Fund.....	60500	7,004,590
11	Handgun Administration Expense	74700	77,892
12	Capital Outlay and		
13	Maintenance (R)	75500	250,000
14	Retirement Systems –		
15	Unfunded Liability.....	77500	13,187,000
16	Automated Fingerprint		
17	Identification System	89800	2,211,693
18	BRIM Premium.....	91300	<u>5,743,921</u>
19	Total.....		\$ 107,091,475

20 Any unexpended balances remaining in the appropriations for
 21 Trooper Class (fund 0453, appropriation 52100), Communications
 22 and Other Equipment (fund 0453, appropriation 55800), and
 23 Capital Outlay and Maintenance (fund 0453, appropriation 75500)
 24 at the close of the fiscal year 2019 are hereby reappropriated for
 25 expenditure during the fiscal year 2020.

26 From the above appropriation for Personal Services and
 27 Employee Benefits (fund 0453, appropriation 00100), an amount

28 not less than \$25,000 shall be expended to offset the costs
29 associated with providing police services for the West Virginia
30 State Fair.

71 - Fire Commission

(WV Code Chapter 29)

Fund 0436 FY 2020 Org 0619

1 Current Expenses 13000 \$ 64,021

72 - Division of Justice and Community Services

(WV Code Chapter 15)

Fund 0546 FY 2020 Org 0620

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 570,979
3	Current Expenses	13000	133,360
4	Repairs and Alterations.....	06400	1,804
5	Child Advocacy Centers (R).....	45800	2,206,954
6	Community Corrections (R)	56100	6,927,323
7	Statistical Analysis Program	59700	49,819
8	Sexual Assault Forensic		
9	Examination Commission (R)	71400	77,525
10	Qualitative Analysis and Training		
11	for Youth Services (R).....	76200	332,446
12	Law Enforcement Professional		
13	Standards.....	83800	164,272
14	BRIM Premium.....	91300	<u>2,123</u>
15	Total.....		\$ 10,466,605

16 Any unexpended balances remaining in the appropriations for
17 Child Advocacy Centers (fund 0546, appropriation 45800),
18 Community Corrections (fund 0546, appropriation 56100), Sexual
19 Assault Forensic Examination Commission (fund 0546
20 appropriation 71400), Qualitative Analysis and Training for Youth
21 Services (fund 0546, appropriation 76200), and Law Enforcement

22 Professional Standards – Surplus (fund 0546, appropriation 83899)
 23 at the close of the fiscal year 2019 are hereby reappropriated for
 24 expenditure during the fiscal year 2020.

25 From the above appropriation for Child Advocacy Centers
 26 (fund 0546, appropriation 45800), the division may retain an
 27 amount not to exceed four percent of the appropriation for
 28 administrative purposes.

73 - Division of Protective Services

(WV Code Chapter 5F)

Fund 0585 FY 2020 Org 0622

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 3,029,459
3	Unclassified (R)	09900	21,991
4	Current Expenses	13000	443,357
5	Repairs and Alterations.....	06400	8,500
6	Equipment (R).....	07000	64,171
7	BRIM Premium.....	91300	<u>12,226</u>
8	Total.....		\$ 3,579,704

9 Any unexpended balances remaining in the appropriations for
 10 Equipment (fund 0585, appropriation 07000), and Unclassified
 11 (fund 0585, appropriation 09900) at the close of the fiscal year
 12 2019 are hereby reappropriated for expenditure during the fiscal
 13 year 2020.

74 - Division of Administrative Services

(WV Code Chapter 15A)

Fund 0619 FY 2020 Org 0623

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 2,306,255
3	Current Expenses	13000	<u>30,000</u>
4	Total.....		\$ 2,336,255

DEPARTMENT OF REVENUE*75 - Office of the Secretary*

(WV Code Chapter 11)

Fund 0465 FY 2020 Org 0701

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 516,906
3	Unclassified (R)	09900	5,837
4	Current Expenses	13000	81,594
5	Repairs and Alterations.....	06400	1,262
6	Equipment.....	07000	8,000
7	Other Assets.....	69000	<u>500</u>
8	Total.....		\$ 614,099

9 Any unexpended balance remaining in the appropriation for
 10 Unclassified – Total (fund 0465, appropriation 09900) at the close
 11 of the fiscal year 2019 is hereby reappropriated for expenditure
 12 during the fiscal year 2020.

76 - Tax Division

(WV Code Chapter 11)

Fund 0470 FY 2020 Org 0702

1	Personal Services and		
2	Employee Benefits (R)	00100	\$ 19,272,541
3	Unclassified (R)	09900	224,578
4	Current Expenses (R)	13000	5,888,635
5	Repairs and Alterations.....	06400	10,150
6	Equipment.....	07000	154,850
7	Tax Technology Upgrade	09400	3,700,000
8	Multi State Tax Commission	65300	77,958
9	Other Assets.....	69000	10,000
10	BRIM Premium.....	91300	<u>15,579</u>
11	Total.....		\$ 29,354,291

12 Any unexpended balances remaining in the appropriations for
 13 Personal Services and Employee Benefits (fund 0470,

14 appropriation 00100), Unclassified (fund 0470, appropriation
 15 09900), Current Expenses (fund 0470, appropriation 13000), and
 16 Integrated Tax Assessment System (fund 0470, appropriation
 17 29200) at the close of the fiscal year 2019 are hereby
 18 reappropriated for expenditure during the fiscal year 2020.

77 - State Budget Office

(WV Code Chapter 11B)

Fund 0595 FY 2020 Org 0703

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 694,942
3	Unclassified (R)	09900	<u>1,199</u>
4	Total.....		\$ 696,141

5 Any unexpended balance remaining in the appropriation for
 6 Unclassified (fund 0595, appropriation 09900) at the close of the
 7 fiscal year 2019 is hereby reappropriated for expenditure during
 8 the fiscal year 2020.

78 - West Virginia Office of Tax Appeals

(WV Code Chapter 11)

Fund 0593 FY 2020 Org 0709

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 452,106
3	Current Expenses (R)	13000	93,022
4	Unclassified.....	09900	5,255
5	BRIM Premium.....	91300	<u>3,062</u>
6	Total.....		\$ 553,445

7 Any unexpended balance remaining in the appropriation for
 8 Current Expenses (fund 0593, appropriation 13000) at the close of
 9 the fiscal year 2019 is hereby reappropriated for expenditure during
 10 the fiscal year 2020.

79 - Division of Professional and Occupational Licenses –

State Athletic Commission

(WV Code Chapter 29)

Fund 0523 FY 2020 Org 0933

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 7,200
3	Current Expenses	13000	<u>29,611</u>
4	Total.....		\$ 36,811

DEPARTMENT OF TRANSPORTATION

80 - State Rail Authority

(WV Code Chapter 29)

Fund 0506 FY 2020 Org 0804

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 328,369
3	Current Expenses	13000	287,707
4	Other Assets (R).....	69000	1,303,277
5	BRIM Premium.....	91300	<u>201,541</u>
6	Total.....		\$ 2,120,894

7 Any unexpended balance remaining in the appropriation Other
 8 Assets (fund 0506, appropriation 69000) at the close of the fiscal
 9 year 2019 is hereby reappropriated for expenditure during the fiscal
 10 year 2020.

81 - Division of Public Transit

(WV Code Chapter 17)

Fund 0510 FY 2020 Org 0805

1	Equipment (R).....	07000	\$ 89,710
2	Current Expenses (R).....	13000	<u>2,173,279</u>
3	Total.....		\$ 2,262,989

4 Any unexpended balances remaining in the appropriations for
 5 Equipment (fund 0510, appropriation 07000), Current Expenses
 6 (fund 0510, appropriation 13000), Buildings (fund 0510,
 7 appropriation 25800), and Other Assets (fund 0510, appropriation
 8 69000) at the close of the fiscal year 2019 are hereby
 9 reappropriated for expenditure during the fiscal year 2020.

82 - Aeronautics Commission

(WV Code Chapter 29)

Fund 0582 FY 2020 Org 0807

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 178,740
3	Current Expenses (R).....	13000	591,839
4	Repairs and Alterations.....	06400	100
5	BRIM Premium.....	91300	<u>4,438</u>
6	Total.....		\$ 775,117

7 Any unexpended balances remaining in the appropriations for
 8 Unclassified (fund 0582, appropriation 09900) and Current
 9 Expenses (fund 0582, appropriation 13000) at the close of the fiscal
 10 year 2019 are hereby reappropriated for expenditure during the
 11 fiscal year 2020.

DEPARTMENT OF VETERANS' ASSISTANCE

83 - Department of Veterans' Assistance

(WV Code Chapter 9A)

Fund 0456 FY 2020 Org 0613

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 1,987,212
3	Unclassified.....	09900	20,000
4	Current Expenses	13000	427,767
5	Repairs and Alterations.....	06400	5,000
6	Veterans' Field Offices	22800	292,206
7	Veterans' Nursing Home (R).....	28600	6,801,772
8	Veterans' Toll Free		
9	Assistance Line	32800	2,015

10	Veterans' Reeducation		
11	Assistance (R).....	32900	29,502
12	Veterans' Grant Program (R).....	34200	560,000
13	Veterans' Grave Markers.....	47300	10,254
14	Veterans Outreach Programs.....	61700	175,190
15	Memorial Day Patriotic Exercise.....	69700	20,000
16	Veterans Cemetery.....	80800	391,646
17	BRIM Premium.....	91300	<u>25,530</u>
18	Total.....		\$ 10,748,094

19 Any unexpended balances remaining in the appropriations for
 20 Veterans' Nursing Home (fund 0456, appropriation 28600),
 21 Veterans' Reeducation Assistance (fund 0456, appropriation
 22 32900), Veterans' Grant Program (fund 0456, appropriation
 23 34200), Veterans' Bonus – Surplus (fund 0456, appropriation
 24 34400), and Educational Opportunities for Children of Deceased
 25 Veterans (fund 0456, appropriation 85400) at the close of the fiscal
 26 year 2019 are hereby reappropriated for expenditure during the
 27 fiscal year 2020.

84 - Department of Veterans' Assistance –

Veterans' Home

(WV Code Chapter 9A)

Fund 0460 FY 2020 Org 0618

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 1,217,096
3	Current Expenses.....	13000	<u>46,759</u>
4	Total.....		\$ 1,263,855

BUREAU OF SENIOR SERVICES

85 - Bureau of Senior Services

(WV Code Chapter 29)

Fund 0420 FY 2020 Org 0508

- 1 Transfer to Division of Human
- 2 Services for Health Care

3 and Title XIX Waiver for
 4 Senior Citizens..... 53900 \$ 29,950,955

5 The above appropriation for Transfer to Division of Human
 6 Services for Health Care and Title XIX Waiver for Senior Citizens
 7 (fund 0420, appropriation 53900) along with the federal moneys
 8 generated thereby shall be used for reimbursement for services
 9 provided under the program.

10 The above appropriation is in addition to funding provided in
 11 fund 5405 for this program.

**WEST VIRGINIA COUNCIL FOR COMMUNITY
 AND TECHNICAL COLLEGE EDUCATION**

86 - West Virginia Council for

Community and Technical College Education –

Control Account

(WV Code Chapter 18B)

Fund 0596 FY 2020 Org 0420

1	West Virginia Council		
2	for Community and		
3	Technical Education (R)	39200	\$ 738,955
4	Transit Training Partnership	78300	34,293
5	Community College		
6	Workforce Development (R)	87800	2,786,925
7	College Transition Program	88700	278,222
8	West Virginia Advance		
9	Workforce Development (R)	89300	3,118,960
10	Technical Program		
11	Development (R)	89400	1,800,735
12	WV Invests Grant Program.....	#####	<u>10,034,748</u>
13	Total.....		\$ 18,792,838

14 Any unexpended balances remaining in the appropriations for
 15 West Virginia Council for Community and Technical Education
 16 (fund 0596, appropriation 39200), Capital Improvements – Surplus

17 (fund 0596, appropriation 66100), Community College Workforce
 18 Development (fund 0596, appropriation 87800), West Virginia
 19 Advance Workforce Development (fund 0596, appropriation
 20 89300), and Technical Program Development (fund 0596,
 21 appropriation 89400) at the close of the fiscal year 2019 are hereby
 22 reappropriated for expenditure during the fiscal year 2020.

23 From the above appropriation for the Community College
 24 Workforce Development (fund 0596, appropriation 87800),
 25 \$200,000 shall be expended on the Mine Training Program in
 26 Southern West Virginia.

27 Included in the above appropriation for West Virginia Advance
 28 Workforce Development (fund 0596, appropriation 89300) is
 29 \$200,000 to be used exclusively for advanced manufacturing and
 30 energy industry specific training programs.

87 - Mountwest Community and Technical College

(WV Code Chapter 18B)

Fund 0599 FY 2020 Org 0444

1	Mountwest Community		
2	and Technical College	48700	\$ 6,489,307

88 - New River Community and Technical College

(WV Code Chapter 18B)

Fund 0600 FY 2020 Org 0445

1	New River Community		
2	and Technical College	35800	\$ 5,864,886

89 - Pierpont Community and Technical College

(WV Code Chapter 18B)

Fund 0597 FY 2020 Org 0446

1	Pierpont Community		
2	and Technical College	93000	\$ 7,820,129

90 - Blue Ridge Community and Technical College

(WV Code Chapter 18B)

Fund 0601 FY 2020 Org 0447

1	Blue Ridge Community			
2	and Technical College	88500	\$	7,830,842

91 - West Virginia University at Parkersburg

(WV Code Chapter 18B)

Fund 0351 FY 2020 Org 0464

1	West Virginia University –			
2	Parkersburg	47100	\$	10,319,284

92 - Southern West Virginia Community and Technical College

(WV Code Chapter 18B)

Fund 0380 FY 2020 Org 0487

1	Southern West Virginia			
2	Community and			
3	Technical College	44600	\$	8,241,823

93 - West Virginia Northern Community and Technical College

(WV Code Chapter 18B)

Fund 0383 FY 2020 Org 0489

1	West Virginia Northern			
2	Community and			
3	Technical College	44700	\$	7,285,825

94 - Eastern West Virginia Community and Technical College

(WV Code Chapter 18B)

Fund 0587 FY 2020 Org 0492

1	Eastern West Virginia		
2	Community and		
3	Technical College	41200	\$ 2,179,912

1 *95 - BridgeValley Community and Technical College*

2 (WV Code Chapter 18B)

3 Fund 0618 FY 2020 Org 0493

1	BridgeValley Community		
2	and Technical College	71700	\$ 8,098,811

HIGHER EDUCATION POLICY COMMISSION

96 - Higher Education Policy Commission –

Administration –

Control Account

(WV Code Chapter 18B)

Fund 0589 FY 2020 Org 0441

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 2,708,695
3	Current Expenses	13000	1,113,606
4	Higher Education Grant Program	16400	40,619,864
5	Tuition Contract Program (R).....	16500	1,225,120
6	Underwood-Smith Scholarship		
7	Program-Student Awards.....	16700	328,349
8	Facilities Planning and		
9	Administration	38600	1,760,254
10	Higher Education		
11	System Initiatives.....	48801	1,630,000
12	PROMISE Scholarship – Transfer.....	80000	18,500,000
13	HEAPS Grant Program (R).....	86700	5,014,728
14	Health Professionals'		
15	Student Loan Program	#####	182,000
16	BRIM Premium.....	91300	<u>17,817</u>
17	Total.....		\$ 73,100,433

18 Any unexpended balances remaining in the appropriations for
 19 Unclassified – Surplus (fund 0589, appropriation 09700), Tuition
 20 Contract Program (fund 0589, appropriation 16500), Capital
 21 Improvements – Surplus (fund 0589, appropriation 66100), Capital
 22 Outlay and Maintenance (fund 0589, appropriation 75500), and
 23 HEAPS Grant Program (fund 0589, appropriation 86700) at the
 24 close of the fiscal year 2019 are hereby reappropriated for
 25 expenditure during the fiscal year 2020.

26 The above appropriation for Facilities Planning and
 27 Administration (fund 0589, appropriation 38600) is for operational
 28 expenses of the West Virginia Education, Research and
 29 Technology Park between construction and full occupancy.

30 The above appropriation for Higher Education Grant Program
 31 (fund 0589, appropriation 16400) shall be transferred to the Higher
 32 Education Grant Fund (fund 4933, org 0441) established by W.Va.
 33 Code §18C-5-3.

34 The above appropriation for Underwood-Smith Scholarship
 35 Program-Student Awards (fund 0589, appropriation 16700) shall
 36 be transferred to the Underwood-Smith Teacher Scholarship and
 37 Loan Assistance Fund (fund 4922, org 0441) established by W.Va.
 38 Code §18C-4-1.

39 The above appropriation for PROMISE Scholarship – Transfer
 40 (fund 0589, appropriation 80000) shall be transferred to the
 41 PROMISE Scholarship Fund (fund 4296, org 0441) established by
 42 W.Va. Code §18C-7-7.

97 - Higher Education Policy Commission –

Administration -

West Virginia Network for Educational Telecomputing (WVNET)

(WV Code Chapter 18B9)

Fund 0551 FY 2020 Org 0495

1	WVNET	16900	\$	1,747,826
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98 - West Virginia University –

School of Medicine

Medical School Fund

(WV Code Chapter 18B)

Fund 0343 FY 2020 Org 0463

1	WVU School of Health		
2	Science – Eastern Division	05600	\$ 2,235,352
3	WVU – School of		
4	Health Sciences.....	17400	15,056,370
5	WVU – School of Health		
6	Sciences – Charleston		
7	Division.....	17500	2,286,711
8	Rural Health Outreach Programs	37700	164,517
9	West Virginia University School		
10	of Medicine BRIM Subsidy	46000	<u>1,203,087</u>
11	Total.....		\$ 20,946,037

12 The above appropriation for Rural Health Outreach Programs
13 (fund 0343, appropriation 37700) includes rural health activities
14 and programs; rural residency development and education; and
15 rural outreach activities.

16 The above appropriation for West Virginia University School
17 of Medicine BRIM Subsidy (fund 0343, appropriation 46000) shall
18 be paid to the Board of Risk and Insurance Management as a
19 general revenue subsidy against the “Total Premium Billed” to the
20 institution as part of the full cost of their malpractice insurance
21 coverage.

99 - West Virginia University –

General Administrative Fund

(WV Code Chapter 18B)

Fund 0344 FY 2020 Org 0463

1	West Virginia University	45900	\$	97,017,960
2	Jackson’s Mill	46100		491,458
3	West Virginia University			
4	Institute of Technology	47900		8,020,938
5	State Priorities – Brownfield			
6	Professional Development	53100		316,556
7	Energy Express	86100		382,935
8	West Virginia University –			
9	Potomac State	99400		<u>4,512,711</u>
10	Total		\$	<u>110,742,558</u>

11 From the above appropriation for Jackson’s Mill (fund 0344,
 12 appropriation 46100) \$250,000 shall be used for the West
 13 Virginia State Fire Training Academy.

100 - Marshall University –

School of Medicine

(WV Code Chapter 18B)

Fund 0347 FY 2020 Org 0471

1	Marshall Medical School	17300	\$	12,235,068
2	Rural Health Outreach			
3	Programs (R).....	37700		156,022
4	Forensic Lab.....	37701		227,415
5	Center for Rural Health.....	37702		157,096
6	Marshall University Medical			
7	School BRIM Subsidy	44900		<u>872,612</u>
8	Total		\$	<u>13,648,213</u>

9 Any unexpended balance remaining in the appropriation for
 10 Rural Health Outreach Program (fund 0347, appropriation 37700)
 11 at the close of the fiscal year 2019 is hereby reappropriated for
 12 expenditure during the fiscal year 2020.

13 The above appropriation for Rural Health Outreach Programs
 14 (fund 0347, appropriation 37700) includes rural health activities
 15 and programs; rural residency development and education; and
 16 rural outreach activities.

17 The above appropriation for Marshall University Medical
 18 School BRIM Subsidy (fund 0347, appropriation 44900) shall be
 19 paid to the Board of Risk and Insurance Management as a general
 20 revenue subsidy against the “Total Premium Billed” to the
 21 institution as part of the full cost of their malpractice insurance
 22 coverage.

101 - Marshall University –

General Administration Fund

(WV Code Chapter 18B)

Fund 0348 FY 2020 Org 0471

1	Marshall University	44800	\$	46,761,199
2	Luke Lee Listening Language			
3	and Learning Lab	44801		99,015
4	Vista E-Learning (R).....	51900		229,019
5	State Priorities –			
6	Brownfield Professional			
7	Development (R)	53100		309,606
8	Marshall University Graduate			
9	College Writing Project (R).....	80700		25,412
10	WV Autism Training Center (R)	93200		<u>1,808,381</u>
11	Total.....		\$	49,232,632

12 Any unexpended balances remaining in the appropriations for
 13 Vista E-Learning (fund 0348, appropriation 51900), State Priorities
 14 – Brownfield Professional Development (fund 0348, appropriation
 15 53100), Marshall University Graduate College Writing Project
 16 (fund 0348, appropriation 80700), and WV Autism Training
 17 Center (fund 0348, appropriation 93200) at the close of the fiscal
 18 year 2019 are hereby reappropriated for expenditure during the
 19 fiscal year 2020.

102 - West Virginia School of Osteopathic Medicine

(WV Code Chapter 18B)

Fund 0336 FY 2020 Org 0476

1	West Virginia School of		
2	Osteopathic Medicine	17200	\$ 8,879,296
3	Rural Health Outreach		
4	Programs (R).....	37700	166,111
5	West Virginia School of		
6	Osteopathic Medicine		
7	BRIM Subsidy	40300	153,405
8	Rural Health Initiative –		
9	Medical Schools Support.....	58100	<u>397,592</u>
10	Total.....		\$ 9,596,404

11 Any unexpended balance remaining in the appropriation for
 12 Rural Health Outreach Programs (fund 0336, appropriation 37700)
 13 at the close of fiscal year 2019 is hereby reappropriated for
 14 expenditure during the fiscal year 2020.

15 The above appropriation for Rural Health Outreach Programs
 16 (fund 0336, appropriation 37700) includes rural health activities
 17 and programs; rural residency development and education; and
 18 rural outreach activities.

19 The above appropriation for West Virginia School of
 20 Osteopathic Medicine BRIM Subsidy (fund 0336, appropriation
 21 40300) shall be paid to the Board of Risk and Insurance
 22 Management as a general revenue subsidy against the “Total
 23 Premium Billed” to the institution as part of the full cost of their
 24 malpractice insurance coverage.

103 - Bluefield State College

(WV Code Chapter 18B)

Fund 0354 FY 2020 Org 0482

1	Bluefield State College	40800	\$ 6,383,221
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104 - Concord University

(WV Code Chapter 18B)

Fund 0357 FY 2020 Org 0483

1	Concord University	41000	\$	10,476,415
	<i>105 - Fairmont State University</i>			
	(WV Code Chapter 18B)			
	Fund <u>0360</u> FY <u>2020</u> Org <u>0484</u>			
1	Fairmont State University	41400	\$	18,600,341
	<i>106 - Glenville State College</i>			
	(WV Code Chapter 18B)			
	Fund <u>0363</u> FY <u>2020</u> Org <u>0485</u>			
1	Glenville State College	42800	\$	6,446,942
	<i>107 - Shepherd University</i>			
	(WV Code Chapter 18B)			
	Fund <u>0366</u> FY <u>2020</u> Org <u>0486</u>			
1	Shepherd University.....	43200	\$	12,683,829
	<i>108 - West Liberty University</i>			
	(WV Code Chapter 18B)			
	Fund <u>0370</u> FY <u>2020</u> Org <u>0488</u>			
1	West Liberty University.....	43900	\$	9,102,662
	<i>109 - West Virginia State University</i>			
	(WV Code Chapter 18B)			
	Fund <u>0373</u> FY <u>2020</u> Org <u>0490</u>			
1	West Virginia State University	44100	\$	11,342,512
2	West Virginia State University			
3	Land Grant Match.....	95600		<u>2,950,192</u>
4	Total.....		\$	14,292,704

5 From the above appropriation for West Virginia State
 6 University (fund 0373, appropriation 44100), \$300,000 shall be
 7 for the Healthy Grandfamilies program.

8 Total TITLE II, Section 1 –
 9 General Revenue
 10 (Including claims
 11 against the state) \$ 4,635,887,842

1 **Sec. 2. Appropriations from state road fund.** — From the
 2 state road fund there are hereby appropriated conditionally upon
 3 the fulfillment of the provisions set forth in Article 2, Chapter 11B
 4 of the Code the following amounts, as itemized, for expenditure
 5 during the fiscal year 2020.

DEPARTMENT OF TRANSPORTATION

110 - Division of Motor Vehicles

(WV Code Chapters 17, 17A, 17B, 17C, 17D, 20 and 24A)

Fund 9007 FY 2020 Org 0802

	Appro- priation	State Road Fund
1 Personal Services and		
2 Employee Benefits.....00100	\$ 25,977,939	
3 Current Expenses 13000		16,187,194
4 Repairs and Alterations.....06400		144,000
5 Equipment.....07000		1,080,000
6 Buildings.....25800		10,000
7 Other Assets.....69000		2,600,000
8 BRIM Premium.....91300		<u>78,586</u>
9 Total.....		\$ 46,077,719

111 - Division of Highways

(WV Code Chapters 17 and 17C)

Fund 9017 FY 2020 Org 0803

1	Debt Service.....	04000	\$ 89,000,000
2	Maintenance.....	23700	336,386,000
3	Nonfederal Improvements	23701	224,046,854
4	Inventory Revolving	27500	4,000,000
5	Equipment Revolving	27600	22,500,000
6	General Operations	27700	91,663,229
7	Interstate Construction.....	27800	90,000,000
8	Other Federal Aid Programs	27900	370,000,000
9	Appalachian Programs	28000	100,000,000
10	Highway Litter Control.....	28200	1,719,000
11	Courtesy Patrol.....	28201	<u>5,000,000</u>
12	Total.....		\$ 1,334,315,083

13 The above appropriations are to be expended in accordance
14 with the provisions of Chapters 17 and 17C of the code.

15 The Commissioner of Highways shall have the authority to
16 operate revolving funds within the State Road Fund for the
17 operation and purchase of various types of equipment used directly
18 and indirectly in the construction and maintenance of roads and for
19 the purchase of inventories and materials and supplies.

20 There is hereby appropriated in addition to the above
21 appropriations, sufficient money for the payment of claims,
22 accrued or arising during this budgetary period, to be paid in
23 accordance with Sections 17 and 18, Article 2, Chapter 14 of the
24 code.

25 It is the intent of the Legislature to capture and match all federal
26 funds available for expenditure on the Appalachian highway
27 system at the earliest possible time. Therefore, should amounts in
28 excess of those appropriated be required for the purposes of
29 Appalachian programs, funds in excess of the amount appropriated
30 may be made available upon recommendation of the commissioner
31 and approval of the Governor. Further, for the purpose of
32 Appalachian programs, funds appropriated by appropriation may
33 be transferred to other appropriations upon recommendation of the
34 commissioner and approval of the Governor.

112 - Office of Administrative Hearings

(WV Code Chapter 17C)

Fund 9027 FY 2020 Org 0808

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 1,698,752
3	Current Expenses	13000	338,278
4	Repairs and Alterations.....	06400	3,000
5	Equipment.....	07000	15,500
6	BRIM Premium.....	91300	<u>10,000</u>
7	Total.....		\$ 2,065,530
8	Total TITLE II, Section 2 –		
9	State Road Fund		
10	(Including claims		
11	against the state)		<u>\$ 1,384,161,478</u>

1 **Sec. 3. Appropriations from other funds.** — From the funds
2 designated there are hereby appropriated conditionally upon the
3 fulfillment of the provisions set forth in Article 2, Chapter 11B of
4 the Code the following amounts, as itemized, for expenditure
5 during the fiscal year 2020.

LEGISLATIVE

113 - Crime Victims Compensation Fund

(WV Code Chapter 14)

Fund 1731 FY 2020 Org 2300

		Appro- piation	Other Funds
1	Personal Services and		
2	Employee Benefits.....	00100	\$ 498,020
3	Current Expenses	13000	133,903
4	Repairs and Alterations.....	06400	1,000
5	Economic Loss Claim		
6	Payment Fund.....	33400	2,000,000

7	Other Assets	69000		<u>3,700</u>
8	Total		\$	2,636,623

JUDICIAL*114 - Supreme Court –**Family Court Fund*

(WV Code Chapter 51)

Fund 1763 FY 2020 Org 2400

1	Current Expenses	13000	\$	1,050,000
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*115 - Supreme Court –**Court Advanced Technology Subscription Fund*

(WV Code Chapter 51)

Fund 1704 FY 2020 Org 2400

1	Current Expenses	13000	\$	100,000
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*116 - Supreme Court –**Adult Drug Court Participation Fund*

(WV Code Chapter 62)

Fund 1705 FY 2020 Org 2400

1	Current Expenses	13000	\$	200,000
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EXECUTIVE*117 - Governor's Office –**Minority Affairs Fund*

(WV Code Chapter 5)

Fund 1058 FY 2020 Org 0100

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 177,737
3	Current Expenses	13000	503,200
4	Martin Luther King, Jr.		
5	Holiday Celebration.....	03100	<u>8,926</u>
6	Total.....		\$ 689,863

118 - Auditor's Office –

Land Operating Fund

(WV Code Chapters 11A, 12 and 36)

Fund 1206 FY 2020 Org 1200

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 799,211
3	Unclassified.....	09900	15,139
4	Current Expenses	13000	715,291
5	Repairs and Alterations.....	06400	2,600
6	Equipment.....	07000	426,741
7	Cost of Delinquent Land Sales.....	76800	<u>1,341,168</u>
8	Total.....		\$ 3,300,150

9 There is hereby appropriated from this fund, in addition to the
10 above appropriations if needed, the necessary amount for the
11 expenditure of funds other than Personal Services and Employee
12 Benefits to enable the division to pay the direct expenses relating
13 to land sales as provided in Chapter 11A of the West Virginia
14 Code.

15 The total amount of these appropriations shall be paid from the
16 special revenue fund out of fees and collections as provided by law.

119 - Auditor's Office –

Local Government Purchasing Card Expenditure Fund

(WV Code Chapter 6)

Fund 1224 FY 2020 Org 1200

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 627,779
3	Current Expenses	13000	282,030
4	Repairs and Alterations.....	06400	6,000
5	Equipment	07000	10,805
6	Other Assets	69000	50,000
7	Statutory Revenue Distribution.....	74100	<u>3,500,000</u>
8	Total.....		\$ 4,476,614

9 There is hereby appropriated from this fund, in addition to the
10 above appropriations if needed, the amount necessary to meet the
11 transfer of revenue distribution requirements to provide a
12 proportionate share of rebates back to the general fund of local
13 governments based on utilization of the program in accordance
14 with W.Va. Code §6-9-2b.

120 - Auditor's Office –

Securities Regulation Fund

(WV Code Chapter 32)

Fund 1225 FY 2020 Org 1200

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 2,487,017
3	Unclassified.....	09900	31,866
4	Current Expenses	13000	1,463,830
5	Repairs and Alterations.....	06400	12,400
6	Equipment	07000	394,700
7	Other Assets	69000	<u>900,000</u>
8	Total.....		\$ 5,289,813

121 - Auditor's Office – Technology Support and Acquisition Fund

(WV Code Chapter 12)

Fund 1233 FY 2020 Org 1200

1	Current Expenses	13000	\$ 10,000
2	Other Assets	69000	<u>5,000</u>
3	Total.....		\$ 15,000

4 Fifty percent of the deposits made into this fund shall be
 5 transferred to the Treasurer's Office – Technology Support and
 6 Acquisition Fund (fund 1329, org 1300) for expenditure for the
 7 purposes described in W.Va. Code §12-3-10c.

122 - Auditor's Office –

Purchasing Card Administration Fund

(WV Code Chapter 12)

Fund 1234 FY 2020 Org 1200

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 2,824,837
3	Current Expenses	13000	2,303,622
4	Repairs and Alterations.....	06400	5,500
5	Equipment	07000	650,000
6	Other Assets.....	69000	308,886
7	Statutory Revenue Distribution.....	74100	<u>8,000,000</u>
8	Total.....		\$ 14,092,845

9 There is hereby appropriated from this fund, in addition to the
 10 above appropriations if needed, the amount necessary to meet the
 11 transfer and revenue distribution requirements to the Purchasing
 12 Improvement Fund (fund 2264), the Hatfield-McCoy Regional
 13 Recreation Authority, and the State Park Operating Fund (fund
 14 3265) per W.Va. Code §12-3-10d.

123 - Auditor's Office –

Chief Inspector's Fund

(WV Code Chapter 6)

Fund 1235 FY 2020 Org 1200

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 3,583,096
3	Current Expenses	13000	765,915
4	Equipment	07000	<u>50,000</u>
5	Total.....		\$ 4,399,011

124 - Auditor's Office –

Volunteer Fire Department Workers' Compensation Premium Subsidy Fund

(WV Code Chapters 12 and 33)

Fund 1239 FY 2020 Org 1200

1	Volunteer Fire Department		
2	Workers' Compensation		
3	Subsidy	83200	\$ 2,500,000

125 - Treasurer's Office

College Prepaid Tuition and Savings Program

Administrative Account

(WV Code Chapter 18)

Fund 1301 FY 2020 Org 1300

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 810,372
3	Unclassified.....	09900	14,000
4	Current Expenses	13000	<u>619,559</u>
5	Total.....		\$ 1,443,931

126 - Department of Agriculture –

Agriculture Fees Fund

(WV Code Chapter 19)

Fund 1401 FY 2020 Org 1400

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 2,425,446
3	Unclassified.....	09900	37,425
4	Current Expenses	13000	1,856,184
5	Repairs and Alterations.....	06400	158,500

6	Equipment.....	07000		436,209
7	Other Assets.....	69000		<u>10,000</u>
8	Total.....		\$	4,923,764

127 - Department of Agriculture –

West Virginia Rural Rehabilitation Program

(WV Code Chapter 19)

Fund 1408 FY 2020 Org 1400

1	Personal Services and			
2	Employee Benefits.....	00100	\$	78,251
3	Unclassified.....	09900		10,476
4	Current Expenses	13000		<u>963,404</u>
5	Total.....		\$	1,052,131

128 - Department of Agriculture –

General John McCausland Memorial Farm Fund

(WV Code Chapter 19)

Fund 1409 FY 2020 Org 1400

1	Personal Services and			
2	Employee Benefits.....	00100	\$	71,937
3	Unclassified.....	09900		2,100
4	Current Expenses	13000		89,500
5	Repairs and Alterations.....	06400		36,400
6	Equipment.....	07000		<u>15,000</u>
7	Total.....		\$	214,937

8 The above appropriations shall be expended in accordance with
9 Article 26, Chapter 19 of the Code.

129 - Department of Agriculture –

Farm Operating Fund

(WV Code Chapter 19)

Fund 1412 FY 2020 Org 1400

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 868,492
3	Unclassified.....	09900	15,173
4	Current Expenses	13000	1,367,464
5	Repairs and Alterations.....	06400	388,722
6	Equipment.....	07000	399,393
7	Other Assets.....	69000	20,000
8	Total.....		\$ 3,059,244

130 - Department of Agriculture –

Donated Food Fund

(WV Code Chapter 19)

Fund 1446 FY 2020 Org 1400

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 1,030,451
3	Unclassified.....	09900	45,807
4	Current Expenses	13000	3,410,542
5	Repairs and Alterations.....	06400	128,500
6	Equipment.....	07000	10,000
7	Other Assets.....	69000	27,000
8	Land	73000	250,000
9	Total.....		\$ 4,902,300

131 - Department of Agriculture –

Integrated Predation Management Fund

(WV Code Chapter 7)

Fund 1465 FY 2020 Org 1400

1	Current Expenses	13000	\$ 112,500
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132 - Department of Agriculture –

West Virginia Spay Neuter Assistance Fund

(WV Code Chapter 19)

Fund 1481 FY 2020 Org 1400

1 Current Expenses 13000 \$ 500,000

*133 - Department of Agriculture –
Veterans and Warriors to Agriculture Fund*
(WV Code Chapter 19)
Fund 1483 FY 2020 Org 1400

1 Current Expenses 13000 \$ 7,500

*134 - Department of Agriculture –
State FFA-FHA Camp and Conference Center*
(WV Code Chapters 18 and 18A)
Fund 1484 FY 2020 Org 1400

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 1,218,564
3	Unclassified.....	09900	17,000
4	Current Expenses	13000	1,143,306
5	Repairs and Alterations.....	06400	82,500
6	Equipment.....	07000	76,000
7	Buildings.....	25800	1,000
8	Other Assets.....	69000	10,000
9	Land	73000	<u>1,000</u>
10	Total.....		\$ 2,549,370

*135 - Attorney General –
Antitrust Enforcement Fund*
(WV Code Chapter 47)
Fund 1507 FY 2020 Org 1500

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 363,466
3	Current Expenses	13000	148,803
4	Repairs and Alterations.....	06400	1,000

5	Equipment	07000		<u>1,000</u>
6	Total		\$	514,269

136 - Attorney General –

Preneed Burial Contract Regulation Fund

(WV Code Chapter 47)

Fund 1513 FY 2020 Org 1500

1	Personal Services and			
2	Employee Benefits	00100	\$	222,569
3	Current Expenses	13000		54,615
4	Repairs and Alterations	06400		1,000
5	Equipment	07000		<u>1,000</u>
6	Total		\$	279,184

137 - Attorney General –

Preneed Funeral Guarantee Fund

(WV Code Chapter 47)

Fund 1514 FY 2020 Org 1500

1	Current Expenses	13000	\$	901,135
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138 - Secretary of State –

Service Fees and Collection Account

(WV Code Chapters 3, 5, and 59)

Fund 1612 FY 2020 Org 1600

1	Personal Services and			
2	Employee Benefits	00100	\$	1,065,106
3	Unclassified	09900		4,524
4	Current Expenses	13000		<u>8,036</u>
5	Total		\$	1,077,666

139 - Secretary of State –

General Administrative Fees Account

(WV Code Chapters 3, 5, and 59)

Fund 1617 FY 2020 Org 1600

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 2,947,630
3	Unclassified.....	09900	25,529
4	Current Expenses	13000	976,716
5	Technology Improvements	59900	<u>570,000</u>
6	Total.....		\$ 4,519,875

DEPARTMENT OF ADMINISTRATION

140 - Department of Administration –

Office of the Secretary –

Tobacco Settlement Fund

(WV Code Chapter 4)

Fund 2041 FY 2020 Org 0201

1	Tobacco Settlement		
2	Securitization Trustee		
3	Pass Thru	65000	\$ 80,000,000

141 - Department of Administration –

Office of the Secretary –

Employee Pension and Health Care Benefit Fund

(WV Code Chapter 18)

Fund 2044 FY 2020 Org 0201

1	Current Expenses	13000	\$ 42,954,000
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2 The above appropriation for Current Expenses (fund 2044,
 3 appropriation 13000) shall be transferred to the Consolidated
 4 Public Retirement Board – Teachers’ Accumulation Fund (fund
 5 2600).

142 - Department of Administration –

Division of Finance –

Shared Services Section Fund

(WV Code Chapter 5A)

Fund 2020 FY 2020 Org 0209

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 1,500,000
3	Current Expenses	13000	<u>500,000</u>
4	Total.....		\$ 2,000,000

143 - Division of Information Services and Communications

(WV Code Chapter 5A)

Fund 2220 FY 2020 Org 0210

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 22,464,463
3	Unclassified.....	09900	382,354
4	Current Expenses	13000	13,378,766
5	Repairs and Alterations.....	06400	1,000
6	Equipment	07000	2,050,000
7	Other Assets	69000	<u>1,045,000</u>
8	Total.....		\$ 39,321,583

9 The total amount of these appropriations shall be paid from a
 10 special revenue fund out of collections made by the Division of
 11 Information Services and Communications as provided by law.

12 Each spending unit operating from the General Revenue Fund,
 13 from special revenue funds or receiving reimbursement for postage

14 from the federal government shall be charged monthly for all
 15 postage meter service and shall reimburse the revolving fund
 16 monthly for all such amounts.

144 - Division of Purchasing –

Vendor Fee Fund

(WV Code Chapter 5A)

Fund 2263 FY 2020 Org 0213

1	Personal Services and		
2	Employee Benefits.....00100	\$	741,589
3	Unclassified.....09900		2,382
4	Current Expenses13000		208,115
5	Repairs and Alterations.....06400		5,000
6	Equipment.....07000		2,500
7	Other Assets.....69000		2,500
8	BRIM Premium.....91300		<u>810</u>
9	Total.....	\$	962,896

145 - Division of Purchasing –

Purchasing Improvement Fund

(WV Code Chapter 5A)

Fund 2264 FY 2020 Org 0213

1	Personal Services and		
2	Employee Benefits.....00100	\$	778,176
3	Unclassified.....09900		5,562
4	Current Expenses13000		393,066
5	Repairs and Alterations.....06400		500
6	Equipment.....07000		500
7	Other Assets.....69000		500
8	BRIM Premium.....91300		<u>850</u>
9	Total.....	\$	1,179,154

*146 - Travel Management –**Aviation Fund*

(WV Code Chapter 5A)

Fund 2302 FY 2020 Org 0215

1	Unclassified.....	09900	\$	1,000
2	Current Expenses	13000		149,700
3	Repairs and Alterations.....	06400		1,175,237
4	Equipment.....	07000		1,000
5	Buildings.....	25800		100
6	Other Assets.....	69000		100
7	Land.....	73000		100
8	Total.....		\$	1,327,237

147 - Fleet Management Division Fund

(WV Code Chapter 5A)

Fund 2301 FY 2020 Org 0216

1	Personal Services and			
2	Employee Benefits.....	00100	\$	757,145
3	Unclassified.....	09900		4,000
4	Current Expenses	13000		8,130,614
5	Repairs and Alterations.....	06400		12,000
6	Equipment.....	07000		800,000
7	Other Assets.....	69000		2,000
8	Total.....		\$	9,705,759

148 - Division of Personnel

(WV Code Chapter 29)

Fund 2440 FY 2020 Org 0222

1	Personal Services and			
2	Employee Benefits.....	00100	\$	4,760,683
3	Unclassified.....	09900		51,418
4	Current Expenses	13000		1,262,813

5	Repairs and Alterations.....	06400		5,000
6	Equipment.....	07000		20,000
7	Other Assets.....	69000		<u>60,000</u>
8	Total.....		\$	6,159,914

9 The total amount of these appropriations shall be paid from a
 10 special revenue fund out of fees collected by the Division of
 11 Personnel.

149 - West Virginia Prosecuting Attorneys Institute

(WV Code Chapter 7)

Fund 2521 FY 2020 Org 0228

1	Personal Services and			
2	Employee Benefits.....	00100	\$	251,663
3	Unclassified.....	09900		4,023
4	Current Expenses	13000		297,528
5	Repairs and Alterations.....	06400		600
6	Equipment.....	07000		500
7	Other Assets.....	69000		<u>500</u>
8	Total.....		\$	554,814

150 - Office of Technology –

Chief Technology Officer Administration Fund

(WV Code Chapter 5A)

Fund 2531 FY 2020 Org 0231

1	Personal Services and			
2	Employee Benefits.....	00100	\$	414,722
3	Unclassified.....	09900		6,949
4	Current Expenses	13000		227,116
5	Repairs and Alterations.....	06400		1,000
6	Equipment.....	07000		50,000
7	Other Assets.....	69000		<u>10,000</u>
8	Total.....		\$	709,787

9 From the above fund, the provisions of W.Va. Code §11B-2-
 10 18 shall not operate to permit expenditures in excess of the funds
 11 authorized for expenditure herein.

DEPARTMENT OF COMMERCE

151 - Division of Forestry

(WV Code Chapter 19)

Fund 3081 FY 2020 Org 0305

1	Personal Services and	
2	Employee Benefits.....00100	\$ 1,574,177
3	Current Expenses13000	282,202
4	Repairs and Alterations.....06400	53,000
5	Equipment.....07000	<u>300,000</u>
6	Total.....	\$ 2,209,379

152 - Division of Forestry –

Timbering Operations Enforcement Fund

(WV Code Chapter 19)

Fund 3082 FY 2020 Org 0305

1	Personal Services and	
2	Employee Benefits.....00100	\$ 239,244
3	Current Expenses13000	87,036
4	Repairs and Alterations.....06400	<u>11,250</u>
5	Total.....	\$ 337,530

153 - Division of Forestry –

Severance Tax Operations

(WV Code Chapter 11)

Fund 3084 FY 2020 Org 0305

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 859,626
3	Current Expenses	13000	<u>435,339</u>
4	Total.....		\$ 1,294,965

154 - Geological and Economic Survey –

Geological and Analytical Services Fund

(WV Code Chapter 29)

Fund 3100 FY 2020 Org 0306

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 37,966
3	Unclassified.....	09900	2,182
4	Current Expenses	13000	141,631
5	Repairs and Alterations.....	06400	50,000
6	Equipment.....	07000	20,000
7	Other Assets.....	69000	<u>10,000</u>
8	Total.....		\$ 261,779

9 The above appropriations shall be used in accordance with
10 W.Va. Code §29-2-4.

155 - West Virginia Development Office –

Department of Commerce –

Marketing and Communications Operating Fund

(WV Code Chapter 5B)

Fund 3002 FY 2020 Org 0307

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 1,592,400
3	Equipment.....	07000	36,000
4	Unclassified.....	09900	30,000
5	Current Expenses	13000	<u>1,446,760</u>
6	Total.....		\$ 3,105,160

*156 - West Virginia Development Office –**Office of Coalfield Community Development*

(WV Code Chapter 5B)

Fund 3162 FY 2020 Org 0307

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 435,661
3	Unclassified.....	09900	8,300
4	Current Expenses	13000	<u>399,191</u>
5	Total.....		\$ 843,152

*157 - West Virginia Development Office**Entrepreneurship and Innovation Investment Fund*

(WV Code Chapter 5B)

Fund 3014 FY 2020 Org 0307

1	Entrepreneurship and		
2	Innovation Investment Fund	#####	\$ 500,000

*158 - Division of Labor –**HVAC Fund*

(WV Code Chapter 21)

Fund 3186 FY 2020 Org 0308

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 300,000
3	Unclassified.....	09900	4,000
4	Current Expenses	13000	85,000
5	Repairs and Alterations.....	06400	1,500
6	Buildings.....	25800	1,000
7	BRIM Premium.....	91300	<u>8,500</u>
8	Total.....		\$ 400,000

*159 - Division of Labor –**Contractor Licensing Board Fund*

(WV Code Chapter 21)

Fund 3187 FY 2020 Org 0308

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 3,182,000
3	Unclassified.....	09900	21,589
4	Current Expenses	13000	597,995
5	Repairs and Alterations.....	06400	15,000
6	Buildings	25800	5,000
7	BRIM Premium.....	91300	8,500
8	Total.....		\$ 3,830,084

*160 - Division of Labor –**Elevator Safety Fund*

(WV Code Chapter 21)

Fund 3188 FY 2020 Org 0308

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 397,862
3	Unclassified.....	09900	2,261
4	Current Expenses	13000	44,112
5	Repairs and Alterations.....	06400	2,000
6	Buildings	25800	1,000
7	BRIM Premium.....	91300	8,500
8	Total.....		\$ 455,735

*161 - Division of Labor –**Steam Boiler Fund*

(WV Code Chapter 21)

Fund 3189 FY 2020 Org 0308

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 82,716

3	Unclassified.....	09900		1,000
4	Current Expenses	13000		15,000
5	Repairs and Alterations.....	06400		2,000
6	Buildings	25800		1,000
7	BRIM Premium.....	91300		<u>1,000</u>
8	Total.....		\$	102,716

162 - Division of Labor –

Crane Operator Certification Fund

(WV Code Chapter 21)

Fund 3191 FY 2020 Org 0308

1	Personal Services and			
2	Employee Benefits.....	00100	\$	191,899
3	Unclassified.....	09900		1,380
4	Current Expenses	13000		49,765
5	Repairs and Alterations.....	06400		1,500
6	Buildings	25800		1,000
7	BRIM Premium.....	91300		<u>8,500</u>
8	Total.....		\$	254,044

163 - Division of Labor –

Amusement Rides and Amusement Attraction Safety Fund

(WV Code Chapter 21)

Fund 3192 FY 2020 Org 0308

1	Personal Services and			
2	Employee Benefits.....	00100	\$	187,462
3	Unclassified.....	09900		1,281
4	Current Expenses	13000		44,520
5	Repairs and Alterations.....	06400		2,000
6	Buildings	25800		1,000
7	BRIM Premium.....	91300		<u>8,500</u>
8	Total.....		\$	244,763

*164 - Division of Labor –**State Manufactured Housing Administration Fund*

(WV Code Chapter 21)

Fund 3195 FY 2020 Org 0308

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 289,199
3	Unclassified.....	09900	1,847
4	Current Expenses	13000	43,700
5	Repairs and Alterations.....	06400	1,000
6	Buildings	25800	1,000
7	BRIM Premium.....	91300	<u>3,404</u>
8	Total.....		\$ 340,150

*165 - Division of Labor –**Weights and Measures Fund*

(WV Code Chapter 47)

Fund 3196 FY 2020 Org 0308

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 1,500,000
3	Current Expenses	13000	227,000
4	Repairs and Alterations.....	06400	28,000
5	Equipment	07000	15,000
6	BRIM Premium.....	91300	<u>8,500</u>
7	Total.....		\$ 1,778,500

*166 - Division of Labor –**Bedding and Upholstery Fund*

(WV Code Chapter 21)

Fund 3198 FY 2020 Org 0308

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 150,000

3	Unclassified.....	09900		2,000
4	Current Expenses	13000		43,000
5	Repairs and Alterations.....	06400		2,000
6	Buildings.....	25800		1,000
7	BRIM Premium.....	91300		<u>2,000</u>
8	Total.....		\$	200,000

167 - Division of Labor –

Psychophysiological Examiners Fund

(WV Code Chapter 21)

Fund 3199 FY 2020 Org 0308

1	Current Expenses	13000	\$	4,000
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168 - Division of Natural Resources –

License Fund – Wildlife Resources

(WV Code Chapter 20)

Fund 3200 FY 2020 Org 0310

1	Wildlife Resources.....	02300	\$	7,090,036
2	Administration	15500		1,694,974
3	Capital Improvements and			
4	Land Purchase (R)	24800		1,695,961
5	Law Enforcement.....	80600		<u>7,027,929</u>
6	Total.....		\$	17,508,900

7 The total amount of these appropriations shall be paid from a
 8 special revenue fund out of fees collected by the Division of
 9 Natural Resources.

10 Any unexpended balance remaining in the appropriation for
 11 Capital Improvements and Land Purchase (fund 3200,
 12 appropriation 24800) at the close of the fiscal year 2019 is hereby
 13 reappropriated for expenditure during the fiscal year 2020.

*169 - Division of Natural Resources –**Natural Resources Game Fish and Aquatic Life Fund*

(WV Code Chapter 22)

Fund 3202 FY 2020 Org 0310

1	Current Expenses	13000	\$	125,000
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*170 - Division of Natural Resources –**Nongame Fund*

(WV Code Chapter 20)

Fund 3203 FY 2020 Org 0310

1	Personal Services and			
2	Employee Benefits.....	00100	\$	688,103
3	Current Expenses	13000		201,810
4	Equipment.....	07000		<u>106,615</u>
5	Total.....		\$	996,528

*171 - Division of Natural Resources –**Planning and Development Division*

(WV Code Chapter 20)

Fund 3205 FY 2020 Org 0310

1	Personal Services and			
2	Employee Benefits.....	00100	\$	457,738
3	Current Expenses	13000		157,864
4	Repairs and Alterations.....	06400		15,016
5	Equipment.....	07000		8,300
6	Buildings.....	25800		8,300
7	Other Assets.....	69000		2,000,000
8	Land.....	73000		<u>31,700</u>
9	Total.....		\$	2,678,918

*172 - Division of Natural Resources –**Whitewater Study and Improvement Fund*

(WV Code Chapter 20)

Fund 3253 FY 2020 Org 0310

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 67,641
3	Current Expenses	13000	64,778
4	Equipment.....	07000	1,297
5	Buildings.....	25800	<u>6,969</u>
6	Total.....		\$ 140,685

*173 - Division of Natural Resources –**Whitewater Advertising and Promotion Fund*

(WV Code Chapter 20)

Fund 3256 FY 2020 Org 0310

1	Unclassified.....	09900	\$ 200
2	Current Expenses	13000	<u>19,800</u>
3	Total.....		\$ 20,000

*174 - Division of Miners' Health, Safety and Training –**Special Health, Safety and Training Fund*

(WV Code Chapter 22A)

Fund 3355 FY 2020 Org 0314

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 501,228
3	WV Mining Extension Service	02600	150,000
4	Unclassified.....	09900	40,985
5	Current Expenses	13000	1,954,557
6	Buildings.....	25800	481,358
7	Directed Transfer	70000	1,300,000
8	Land	73000	<u>1,000,000</u>

9 Total..... \$ 5,428,128

10 From the above appropriation for Directed Transfer (Fund
 11 1509, appropriation 70000), \$1,100,000 shall be transferred to the
 12 State Rail Authority – Commuter Rail Access Fund (fund 8402)
 13 and \$200,000 shall be transferred to the Department of Health and
 14 Human Resources, Division of Human Services – Medical
 15 Services Trust Fund (Fund 5185).

175 - Department of Commerce –

Office of the Secretary –

Broadband Enhancement Fund

Fund 3013 FY 2020 Org 0327

1 Current Expenses 13000 \$ 1,780,000

176 - Office of Energy –

Energy Assistance

(WV Code Chapter 5B)

Fund 3010 FY 2020 Org 0328

1 Energy Assistance – Total 64700 \$ 7,211

177 - State Board of Rehabilitation –

Division of Rehabilitation Services –

West Virginia Rehabilitation Center Special Account

(WV Code Chapter 18)

Fund 8664 FY 2020 Org 0932

1 Personal Services and
 2 Employee Benefits..... 00100 \$ 119,738
 3 Current Expenses 13000 2,180,122
 4 Repairs and Alterations..... 06400 85,500

5	Equipment	07000		220,000
6	Buildings	25800		150,000
7	Other Assets	69000		<u>150,000</u>
8	Total		\$	2,905,360

DEPARTMENT OF EDUCATION

178 - State Board of Education –

Strategic Staff Development

(WV Code Chapter 18)

Fund 3937 FY 2020 Org 0402

1	Personal Services and			
2	Employee Benefits	00100	\$	134,000
3	Unclassified	09900		1,000
4	Current Expenses	13000		<u>765,000</u>
5	Total		\$	900,000

179 - State Board of Education –

School Construction Fund

(WV Code Chapters 18 and 18A)

Fund 3951 FY 2020 Org 0402

1	SBA Construction Grants	24000	\$	35,845,818
2	Directed Transfer	70000		<u>1,371,182</u>
3	Total		\$	37,217,000

4 The above appropriation for Directed Transfer (fund 3951,
5 appropriation 70000) shall be transferred to the School Building
6 Authority Fund (3959) for the administrative expenses of the
7 School Building Authority.

180 - School Building Authority

(WV Code Chapter 18)

Fund 3959 FY 2020 Org 0402

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 1,134,522
3	Current Expenses	13000	244,100
4	Repairs and Alterations.....	06400	13,150
5	Equipment	07000	<u>26,000</u>
6	Total.....		\$ 1,417,772

DEPARTMENT OF ARTS, CULTURE, AND HISTORY

181 - Division of Culture and History –

Public Records and Preservation Revenue Account

(WV Code Chapter 5A)

Fund 3542 FY 2020 Org 0432

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 226,624
3	Current Expenses	13000	862,241
4	Equipment	07000	75,000
5	Buildings	25800	1,000
6	Other Assets	69000	52,328
7	Land	73000	<u>1,000</u>
8	Total.....		\$ 1,218,193

DEPARTMENT OF ENVIRONMENTAL PROTECTION

182 - Solid Waste Management Board

(WV Code Chapter 22C)

Fund 3288 FY 2020 Org 0312

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 842,305
3	Current Expenses	13000	2,060,457
4	Repairs and Alterations.....	06400	1,000
5	Equipment	07000	5,000
6	Other Assets	69000	<u>4,403</u>
7	Total.....		\$ 2,913,165

*183 - Division of Environmental Protection –
Hazardous Waste Management Fund*

(WV Code Chapter 22)

Fund 3023 FY 2020 Org 0313

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 779,766
3	Current Expenses	13000	155,969
4	Repairs and Alterations.....	06400	500
5	Equipment.....	07000	1,505
6	Unclassified.....	09900	8,072
7	Other Assets.....	69000	<u>2,000</u>
8	Total.....		\$ 947,812

*184 - Division of Environmental Protection –
Air Pollution Education and Environment Fund*

(WV Code Chapter 22)

Fund 3024 FY 2020 Org 0313

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 950,135
3	Current Expenses	13000	1,026,863
4	Repairs and Alterations.....	06400	13,000
5	Equipment.....	07000	53,105
6	Unclassified.....	09900	14,647
7	Other Assets.....	69000	<u>20,000</u>
8	Total.....		\$ 2,077,750

*185 - Division of Environmental Protection –
Special Reclamation Fund*

(WV Code Chapter 22)

Fund 3321 FY 2020 Org 0313

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 1,627,573

3	Current Expenses	13000	16,185,006
4	Repairs and Alterations	06400	79,950
5	Equipment	07000	130,192
6	Other Assets	69000	<u>32,000</u>
7	Total		\$ 18,054,721

186 - Division of Environmental Protection –

Oil and Gas Reclamation Fund

(WV Code Chapter 22)

Fund 3322 FY 2020 Org 0313

1	Personal Services and		
2	Employee Benefits	00100	\$ 143,906
3	Current Expenses	13000	<u>356,094</u>
4	Total		\$ 500,000

187 - Division of Environmental Protection –

Oil and Gas Operating Permit and Processing Fund

(WV Code Chapter 22)

Fund 3323 FY 2020 Org 0313

1	Personal Services and		
2	Employee Benefits	00100	\$ 3,498,896
3	Current Expenses	13000	1,237,758
4	Repairs and Alterations	06400	40,600
5	Equipment	07000	8,000
6	Unclassified	09900	44,700
7	Other Assets	69000	<u>15,000</u>
8	Total		\$ 4,844,954

188 - Division of Environmental Protection –

Mining and Reclamation Operations Fund

(WV Code Chapter 22)

Fund 3324 FY 2020 Org 0313

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 3,566,280
3	Current Expenses	13000	2,202,231
4	Repairs and Alterations.....	06400	60,260
5	Equipment.....	07000	83,000
6	Unclassified.....	09900	920
7	Other Assets.....	69000	<u>57,500</u>
8	Total.....		\$ 5,970,191

189 - Division of Environmental Protection –

Underground Storage Tank

Administrative Fund

(WV Code Chapter 22)

Fund 3325 FY 2020 Org 0313

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 476,417
3	Current Expenses	13000	318,420
4	Repairs and Alterations.....	06400	5,350
5	Equipment.....	07000	3,610
6	Unclassified.....	09900	7,520
7	Other Assets.....	69000	<u>3,500</u>
8	Total.....		\$ 814,817

190 - Division of Environmental Protection –

Hazardous Waste Emergency Response Fund

(WV Code Chapter 22)

Fund 3331 FY 2020 Org 0313

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 598,154
3	Current Expenses	13000	767,905
4	Repairs and Alterations.....	06400	7,014
5	Equipment.....	07000	9,000

6	Unclassified.....	09900	10,616
7	Other Assets.....	69000	<u>3,500</u>
8	Total.....		\$ 1,396,189

191 - Division of Environmental Protection –

*Solid Waste Reclamation and
Environmental Response Fund*

(WV Code Chapter 22)

Fund 3332 FY 2020 Org 0313

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 825,811
3	Current Expenses	13000	3,604,737
4	Repairs and Alterations.....	06400	25,000
5	Equipment.....	07000	31,500
6	Unclassified.....	09900	22,900
7	Buildings.....	25800	500
8	Other Assets.....	69000	<u>1,000</u>
9	Total.....		\$ 4,511,448

192 - Division of Environmental Protection –

Solid Waste Enforcement Fund

(WV Code Chapter 22)

Fund 3333 FY 2020 Org 0313

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 3,238,054
3	Current Expenses	13000	970,229
4	Repairs and Alterations.....	06400	30,930
5	Equipment.....	07000	23,356
6	Unclassified.....	09900	37,145
7	Other Assets.....	69000	<u>25,554</u>
8	Total.....		\$ 4,325,268

193 - Division of Environmental Protection –

Air Pollution Control Fund

(WV Code Chapter 22)

Fund 3336 FY 2020 Org 0313

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 5,934,859
3	Current Expenses	13000	1,469,467
4	Repairs and Alterations.....	06400	84,045
5	Equipment	07000	103,601
6	Unclassified.....	09900	70,572
7	Other Assets	69000	<u>52,951</u>
8	Total.....		\$ 7,715,495

194 - Division of Environmental Protection –

Environmental Laboratory

Certification Fund

(WV Code Chapter 22)

Fund 3340 FY 2020 Org 0313

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 344,792
3	Current Expenses	13000	208,188
4	Repairs and Alterations.....	06400	1,000
5	Equipment	07000	1,000
6	Unclassified.....	09900	1,120
7	Other Assets	69000	<u>163,000</u>
8	Total.....		\$ 719,100

195 - Division of Environmental Protection –

Stream Restoration Fund

(WV Code Chapter 22)

Fund 3349 FY 2020 Org 0313

1 Current Expenses 13000 \$ 5,182,076

196 - Division of Environmental Protection –

Litter Control Fund

(WV Code Chapter 22)

Fund 3486 FY 2020 Org 0313

1 Current Expenses 13000 \$ 60,000

197 - Division of Environmental Protection –

Recycling Assistance Fund

(WV Code Chapter 22)

Fund 3487 FY 2020 Org 0313

1	Personal Services and		
2	Employee Benefits.....00100	\$	679,721
3	Current Expenses 13000		2,735,112
4	Repairs and Alterations.....06400		800
5	Equipment.....07000		500
6	Unclassified.....09900		400
7	Other Assets.....69000		<u>2,500</u>
8	Total.....	\$	3,419,033

198 - Division of Environmental Protection –

Mountaintop Removal Fund

(WV Code Chapter 22)

Fund 3490 FY 2020 Org 0313

1	Personal Services and		
2	Employee Benefits.....00100	\$	1,250,562
3	Current Expenses 13000		642,934
4	Repairs and Alterations.....06400		30,112
5	Equipment.....07000		23,500
6	Unclassified.....09900		1,180

7	Other Assets	69000		<u>11,520</u>
8	Total		\$	1,959,808

199 - Oil and Gas Conservation Commission –

Special Oil and Gas Conservation Fund

(WV Code Chapter 22C)

Fund 3371 FY 2020 Org 0315

1	Personal Services and			
2	Employee Benefits	00100	\$	162,161
3	Current Expenses	13000		161,225
4	Repairs and Alterations	06400		1,000
5	Equipment	07000		9,481
6	Other Assets	69000		<u>1,500</u>
7	Total		\$	335,367

DEPARTMENT OF HEALTH AND HUMAN RESOURCES

200 - Division of Health –

Ryan Brown Addiction Prevention and Recovery Fund

(WV Code Chapter 19)

Fund 5111 FY 2020 Org 0506

1	Current Expenses	13000	\$	13,588,654
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201 - Division of Health –

The Vital Statistics Account

(WV Code Chapter 16)

Fund 5144 FY 2020 Org 0506

1	Personal Services and			
2	Employee Benefits	00100	\$	938,484
3	Unclassified	09900		15,500
4	Current Expenses	13000		<u>2,757,788</u>
5	Total		\$	3,711,772

202 - Division of Health –

Hospital Services Revenue Account

Special Fund

Capital Improvement, Renovation and Operations

(WV Code Chapter 16)

Fund 5156 FY 2020 Org 0506

1	Institutional Facilities Operations	33500	\$	35,555,221
2	Medical Services Trust			
3	Fund – Transfer.....	51200		<u>27,800,000</u>
4	Total.....		\$	63,355,221

5 The total amount of these appropriations shall be paid from the
6 Hospital Services Revenue Account Special Fund created by
7 W.Va. Code §16-1-13, and shall be used for operating expenses
8 and for improvements in connection with existing facilities.

9 Additional funds have been appropriated in fund 0525, fiscal
10 year 2020, organization 0506, for the operation of the institutional
11 facilities. The Secretary of the Department of Health and Human
12 Resources is authorized to utilize up to ten percent of the funds
13 from the appropriation for Institutional Facilities Operations to
14 facilitate cost effective and cost saving services at the community
15 level.

16 Necessary funds from the above appropriation may be used for
17 medical facilities operations, either in connection with this fund or
18 in connection with the appropriation designated Institutional
19 Facilities Operations in the Consolidated Medical Service Fund
20 (fund 0525, organization 0506).

203 - Division of Health –

Laboratory Services Fund

(WV Code Chapter 16)

Fund 5163 FY 2020 Org 0506

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 936,712
3	Unclassified.....	09900	18,114
4	Current Expenses	13000	<u>1,803,327</u>
5	Total.....		\$ 2,758,153

204 - Division of Health –

The Health Facility Licensing Account

(WV Code Chapter 16)

Fund 5172 FY 2020 Org 0506

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 645,446
3	Unclassified.....	09900	7,113
4	Current Expenses	13000	<u>98,247</u>
5	Total.....		\$ 750,806

205 - Division of Health –

Hepatitis B Vaccine

(WV Code Chapter 16)

Fund 5183 FY 2020 Org 0506

1	Current Expenses	13000	\$ 9,740
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206 - Division of Health –

Lead Abatement Account

(WV Code Chapter 16)

Fund 5204 FY 2020 Org 0506

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 19,100
3	Unclassified.....	09900	373
4	Current Expenses	13000	<u>17,875</u>
5	Total.....		\$ 37,348

*207 - Division of Health –**West Virginia Birth-to-Three Fund*

(WV Code Chapter 16)

Fund 5214 FY 2020 Org 0506

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 691,978
3	Unclassified.....	09900	223,999
4	Current Expenses	13000	<u>28,053,549</u>
5	Total.....		\$ 28,969,526

*208 - Division of Health –**Tobacco Control Special Fund*

(WV Code Chapter 16)

Fund 5218 FY 2020 Org 0506

1	Current Expenses	13000	\$ 7,579
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*209 - Division of Health –**Medical Cannabis Program Fund*

(WV Code Chapter 16A)

Fund 5420 FY 2020 Org 0506

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 509,658
3	Current Expenses	13000	1,151,040
4	Other Assets.....	69000	<u>895,000</u>
5	Total.....		\$ 2,555,698

*210 - West Virginia Health Care Authority –**Health Care Cost Review Fund*

(WV Code Chapter 16)

Fund 5375 FY 2020 Org 0507

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 1,345,380
3	Hospital Assistance.....	02500	50,000
4	Unclassified.....	09900	100
5	Current Expenses.....	13000	754,645
6	Repairs and Alterations.....	06400	500
7	Equipment.....	07000	<u>300</u>
8	Total.....		\$ 2,150,925

9 The above appropriation is to be expended in accordance with
10 and pursuant to the provisions of W.Va. Code §16-29B and from
11 the special revolving fund designated Health Care Cost Review
12 Fund.

211 - West Virginia Health Care Authority –

Certificate of Need Program Fund

(WV Code Chapter 16)

Fund 5377 FY 2020 Org 0507

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 829,798
3	Current Expenses.....	13000	<u>474,967</u>
4	Total.....		\$ 1,304,765

212 - Division of Human Services –

Health Care Provider Tax –

Medicaid State Share Fund

(WV Code Chapter 11)

Fund 5090 FY 2020 Org 0511

1	Medical Services.....	18900	\$ 213,594,315
2	Medical Services		
3	Administrative Costs.....	78900	<u>242,287</u>
4	Total.....		\$ 213,836,602

5 The above appropriation for Medical Services Administrative
 6 Costs (fund 5090, appropriation 78900) shall be transferred to a
 7 special revenue account in the treasury for use by the Department
 8 of Health and Human Resources for administrative purposes. The
 9 remainder of all moneys deposited in the fund shall be transferred
 10 to the West Virginia Medical Services Fund (fund 5084).

213 - Division of Human Services –

Child Support Enforcement Fund

(WV Code Chapter 48A)

Fund 5094 FY 2020 Org 0511

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 24,809,509
3	Unclassified.....	09900	380,000
4	Current Expenses	13000	<u>12,810,491</u>
5	Total.....		\$ 38,000,000

214 - Division of Human Services –

Medical Services Trust Fund

(WV Code Chapter 9)

Fund 5185 FY 2020 Org 0511

1	Medical Services.....	18900	\$ 82,227,707
2	Medical Services		
3	Administrative Costs	78900	<u>602,486</u>
4	Total.....		\$ 82,830,193

5 The above appropriation to Medical Services shall be used to
 6 provide state match of Medicaid expenditures as defined and
 7 authorized in subsection (c) of W.Va. Code §9-4A-2a.
 8 Expenditures from the fund are limited to the following: payment
 9 of backlogged billings, funding for services to future federally
 10 mandated population groups and payment of the required state
 11 match for Medicaid disproportionate share payments. The

12 remainder of all moneys deposited in the fund shall be transferred
13 to the Division of Human Services accounts.

215 - Division of Human Services –

James “Tiger” Morton Catastrophic Illness Fund

(WV Code Chapter 16)

Fund 5454 FY 2020 Org 0511

1	Unclassified.....	09900	\$	7,000
2	Current Expenses	13000		<u>693,000</u>
3	Total.....		\$	700,000

216 - Division of Human Services –

Domestic Violence Legal Services Fund

(WV Code Chapter 48)

Fund 5455 FY 2020 Org 0511

1	Current Expenses	13000	\$	900,000
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217 - Division of Human Services –

West Virginia Works Separate State College Program Fund

(WV Code Chapter 9)

Fund 5467 FY 2020 Org 0511

1	Current Expenses	13000	\$	500,000
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218 - Division of Human Services –

West Virginia Works Separate State Two-Parent Program Fund

(WV Code Chapter 9)

Fund 5468 FY 2020 Org 0511

1	Current Expenses	13000	\$	1,500,000
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219 - Division of Human Services –

Marriage Education Fund

(WV Code Chapter 9)

Fund 5490 FY 2020 Org 0511

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 10,000
3	Current Expenses	13000	<u>25,000</u>
4	Total.....		\$ 35,000

DEPARTMENT OF MILITARY AFFAIRS AND PUBLIC SAFETY

220 - Department of Military Affairs and Public Safety –

Office of the Secretary –

Law-Enforcement, Safety and Emergency Worker

Funeral Expense Payment Fund

(WV Code Chapter 15)

Fund 6003 FY 2020 Org 0601

1	Current Expenses	13000	\$ 32,000
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221 - State Armory Board –

General Armory Fund

(WV Code Chapter 15)

Fund 6057 FY 2020 Org 0603

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 1,681,247
3	Current Expenses	13000	650,000
4	Repairs and Alterations.....	06400	385,652

5	Equipment	07000		250,000
6	Buildings	25800		770,820
7	Other Assets	69000		100,000
8	Land	73000		<u>200,000</u>
9	Total		\$	4,037,719

10 From the above appropriations, the Adjutant General may
 11 receive and expend funds to conduct operations and activities to
 12 include functions of the Military Authority. The Adjutant General
 13 may transfer funds between appropriations, except no funds may
 14 be transferred to Personal Services and Employee Benefits (fund
 15 6057, appropriation 00100).

222 - Division of Homeland Security

And Emergency Management –

Statewide Interoperable Radio Network Account

(WV Code Chapter 15)

Fund 6208 FY 2020 Org 0606

1	Current Expenses	13000	\$	80,000
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223 - Division of Homeland Security and

Emergency Management –

West Virginia Interoperable Radio Project

(WV Code Chapter 24)

Fund 6295 FY 2020 Org 0606

1	Current Expenses	13000	\$	2,000,000
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2 Any unexpended balance remaining in the appropriation for
 3 Unclassified – Total (fund 6295, appropriation 09600) at the close
 4 of fiscal year 2019 is hereby reappropriated for expenditure during
 5 the fiscal year 2020.

*224 - Division of Corrections and Rehabilitation –**Parolee Supervision Fees*

(WV Code Chapter 15A)

Fund 6362 FY 2020 Org 0608

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 1,087,848
3	Unclassified.....	09900	9,804
4	Current Expenses	13000	758,480
5	Equipment	07000	30,000
6	Other Assets	69000	<u>40,129</u>
7	Total.....		\$ 1,926,261

*225 - Division of Corrections and Rehabilitation –**Regional Jail and Correctional Facility Authority*

(WV Code Chapter 15A)

Fund 6675 FY 2020 Org 0608

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 506,450
3	Debt Service.....	04000	9,000,000
4	Current Expenses	13000	<u>245,852</u>
5	Total.....		\$ 9,752,302

*226 - West Virginia State Police –**Motor Vehicle Inspection Fund*

(WV Code Chapter 17C)

Fund 6501 FY 2020 Org 0612

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 1,907,726
3	Current Expenses	13000	1,488,211
4	Repairs and Alterations.....	06400	204,500

5	Equipment.....	07000	3,770,751
6	Buildings.....	25800	534,000
7	Other Assets.....	69000	5,000
8	BRIM Premium.....	91300	<u>302,432</u>
9	Total.....		\$ 8,212,620

10 The total amount of these appropriations shall be paid from
 11 the special revenue fund out of fees collected for inspection
 12 stickers as provided by law.

227 - West Virginia State Police –

Forensic Laboratory Fund

(WV Code Chapter 15)

Fund 6511 FY 2020 Org 0612

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 600,000
3	Current Expenses.....	13000	90,000
4	Repairs and Alterations.....	06400	5,000
5	Equipment.....	07000	<u>545,000</u>
6	Total.....		\$ 1,240,000

228 - West Virginia State Police –

Drunk Driving Prevention Fund

(WV Code Chapter 15)

Fund 6513 FY 2020 Org 0612

1	Current Expenses.....	13000	\$ 1,327,000
2	Equipment.....	07000	3,491,895
3	BRIM Premium.....	91300	<u>154,452</u>
4	Total.....		\$ 4,973,347

5 The total amount of these appropriations shall be paid from the
 6 special revenue fund out of receipts collected pursuant to W.Va.
 7 Code §11-15-9a and 16 and paid into a revolving fund account in
 8 the State Treasury.

*229 - West Virginia State Police –**Surplus Real Property Proceeds Fund*

(WV Code Chapter 15)

Fund 6516 FY 2020 Org 0612

1	Buildings	25800	\$	1,022,778
2	Land	73000		1,000
3	BRIM Premium.....	91300		<u>77,222</u>
4	Total.....		\$	1,101,000

*230 - West Virginia State Police –**Surplus Transfer Account*

(WV Code Chapter 15)

Fund 6519 FY 2020 Org 0612

1	Current Expenses	13000	\$	225,000
2	Repairs and Alterations.....	06400		20,000
3	Equipment.....	07000		250,000
4	Buildings	25800		40,000
5	Other Assets.....	69000		45,000
6	BRIM Premium.....	91300		<u>5,000</u>
7	Total.....		\$	585,000

*231 - West Virginia State Police –**Central Abuse Registry Fund*

(WV Code Chapter 15)

Fund 6527 FY 2020 Org 0612

1	Personal Services and			
2	Employee Benefits.....	00100	\$	256,629
3	Current Expenses	13000		51,443
4	Repairs and Alterations.....	06400		500
5	Equipment.....	07000		300,500
6	Other Assets.....	69000		300,500

7	BRIM Premium.....	91300		<u>18,524</u>
8	Total.....		\$	928,096

232 - West Virginia State Police –

Bail Bond Enforcer Account

(WV Code Chapter 15)

Fund 6532 FY 2020 Org 0612

1	Current Expenses	13000	\$	8,300
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233 - West Virginia State Police –

State Police Academy Post Exchange

(WV Code Chapter 15)

Fund 6544 FY 2020 Org 0612

1	Current Expenses	13000	\$	160,000
2	Repairs and Alterations.....	06400		<u>40,000</u>
3	Total.....		\$	200,000

234 - Fire Commission –

Fire Marshal Fees

(WV Code Chapter 29)

Fund 6152 FY 2020 Org 0619

1	Personal Services and			
2	Employee Benefits.....	00100	\$	3,480,533
3	Unclassified.....	09900		3,800
4	Current Expenses	13000		1,249,550
5	Repairs and Alterations.....	06400		58,500
6	Equipment.....	07000		140,800
7	BRIM Premium.....	91300		<u>62,000</u>
8	Total.....		\$	4,995,183

*235 - Division of Justice and Community Services –**WV Community Corrections Fund*

(WV Code Chapter 62)

Fund 6386 FY 2020 Org 0620

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 161,923
3	Unclassified.....	09900	750
4	Current Expenses	13000	1,846,250
5	Repairs and Alterations.....	06400	<u>1,000</u>
6	Total.....		\$ 2,009,923

*236 - Division of Justice and Community Services –**Court Security Fund*

(WV Code Chapter 51)

Fund 6804 FY 2020 Org 0620

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 23,840
3	Current Expenses	13000	<u>1,478,135</u>
4	Total.....		\$ 1,501,975

*237 - Division of Justice and Community Services –**Second Chance Driver's License Program Account*

(WV Code Chapter 17B)

Fund 6810 FY 2020 Org 0620

1	Current Expenses	13000	\$ 25,000
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DEPARTMENT OF REVENUE*238 - Division of Financial Institutions*

(WV Code Chapter 31A)

Fund 3041 FY 2020 Org 0303

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 2,703,057
3	Current Expenses	13000	614,775
4	Equipment.....	07000	<u>44,200</u>
5	Total.....		\$ 3,362,032

239 - Office of the Secretary –

State Debt Reduction Fund

(WV Code Chapter 29)

Fund 7007 FY 2020 Org 0701

1	Directed Transfer	70000	\$ 20,000,000
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2 The above appropriation for Directed Transfer shall be
3 transferred to the Consolidated Public Retirement Board – West
4 Virginia Public Employees Retirement System Employers
5 Accumulation Fund (fund 2510).

240 - Tax Division –

Cemetery Company Account

(WV Code Chapter 35)

Fund 7071 FY 2020 Org 0702

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 25,928
3	Current Expenses	13000	<u>7,717</u>
4	Total.....		\$ 33,645

241 - Tax Division –

Special Audit and Investigative Unit

(WV Code Chapter 11)

Fund 7073 FY 2020 Org 0702

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 696,428

3	Unclassified.....	09900	10,000
4	Current Expenses	13000	784,563
5	Repairs and Alterations.....	06400	1,000
6	Equipment.....	07000	<u>5,000</u>
7	Total.....		\$ 2,344,090

245 - State Budget Office –

Public Employees Insurance Reserve Fund

(WV Code Chapter 11B)

Fund 7400 FY 2020 Org 0703

1	Public Employees Insurance		
2	Reserve Fund – Transfer.....	90300	\$ 6,800,000

3 The above appropriation for Public Employees Insurance
4 Reserve Fund – Transfer shall be transferred to the Medical
5 Services Trust Fund (fund 5185, org 0511) for expenditure.

246 - State Budget Office –

Public Employees Insurance Agency Financial Stability Fund

(WV Code Chapter 11B)

Fund 7401 FY 2020 Org 0703

1	Retiree Premium Offset	80101	\$ 5,000,000
2	PEIA Reserve.....	80102	<u>10,000,000</u>
3	Total.....		\$ 15,000,000

4 The above appropriation shall be transferred to special revenue
5 funds to be utilized by the West Virginia Public Employees
6 Insurance Agency for the purposes of permitting the PEIA Finance
7 Board to offset \$5 million in retiree premium increases.
8 Additionally, \$10 million will be put into a reserve fund to stabilize
9 and preserve the future solvency of PEIA. Such amount shall not
10 be included in the calculation of the plan year aggregate premium
11 cost-sharing percentages between employers and employees.

*247 - Insurance Commissioner –**Examination Revolving Fund*

(WV Code Chapter 33)

Fund 7150 FY 2020 Org 0704

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 748,764
3	Current Expenses	13000	1,357,201
4	Repairs and Alterations.....	06400	3,000
5	Equipment	07000	81,374
6	Buildings	25800	8,289
7	Other Assets	69000	<u>11,426</u>
8	Total.....		\$ 2,210,054

*248 - Insurance Commissioner –**Consumer Advocate*

(WV Code Chapter 33)

Fund 7151 FY 2020 Org 0704

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 571,976
3	Current Expenses	13000	202,152
4	Repairs and Alterations.....	06400	5,000
5	Equipment	07000	34,225
6	Buildings	25800	4,865
7	Other Assets	69000	<u>19,460</u>
8	Total.....		\$ 837,678

*249 - Insurance Commissioner –**Insurance Commission Fund*

(WV Code Chapter 33)

Fund 7152 FY 2020 Org 0704

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 24,169,021
3	Current Expenses	13000	8,797,758

4	Repairs and Alterations.....	06400	68,614
5	Equipment.....	07000	1,728,240
6	Buildings.....	25800	25,000
7	Other Assets.....	69000	<u>340,661</u>
8	Total.....		\$ 35,129,294

250 - Insurance Commissioner –

Workers' Compensation Old Fund

(WV Code Chapter 23)

Fund 7162 FY 2020 Org 0704

1	Employee Benefits.....	01000	\$ 50,000
2	Current Expenses.....	13000	<u>250,500,000</u>
3	Total.....		\$ 250,550,000

251 - Insurance Commissioner –

Workers' Compensation Uninsured Employers' Fund

(WV Code Chapter 23)

Fund 7163 FY 2020 Org 0704

1	Current Expenses.....	13000	\$ 15,000,000
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252 - Insurance Commissioner –

Self-Insured Employer Guaranty Risk Pool

(WV Code Chapter 23)

Fund 7164 FY 2020 Org 0704

1	Current Expenses.....	13000	\$ 9,000,000
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253 - Insurance Commissioner –

Self-Insured Employer Security Risk Pool

(WV Code Chapter 23)

Fund 7165 FY 2020 Org 0704

1	Current Expenses	13000	\$	14,000,000
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254 - Municipal Bond Commission

(WV Code Chapter 13)

Fund 7253 FY 2020 Org 0706

1	Personal Services and			
2	Employee Benefits.....	00100	\$	282,589
3	Current Expenses	13000		144,844
4	Equipment.....	07000		100
5	Total.....		\$	427,533

255 - Racing Commission –

Relief Fund

(WV Code Chapter 19)

Fund 7300 FY 2020 Org 0707

1	Medical Expenses – Total.....	24500	\$	57,000
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2 The total amount of this appropriation shall be paid from the
3 special revenue fund out of collections of license fees and fines as
4 provided by law.

5 No expenditures shall be made from this fund except for
6 hospitalization, medical care and/or funeral expenses for persons
7 contributing to this fund.

256 - Racing Commission –

Administration and Promotion Account

(WV Code Chapter 19)

Fund 7304 FY 2020 Org 0707

1	Personal Services and			
2	Employee Benefits.....	00100	\$	264,564
3	Current Expenses	13000		93,335

4	Other Assets	69000		<u>5,000</u>
5	Total		\$	362,899

257 - Racing Commission –

General Administration

(WV Code Chapter 19)

Fund 7305 FY 2020 Org 0707

1	Personal Services and			
2	Employee Benefits	00100	\$	2,352,306
3	Current Expenses	13000		566,248
4	Repairs and Alterations	06400		7,000
5	Other Assets	69000		<u>50,000</u>
6	Total		\$	2,975,554

258 - Racing Commission –

*Administration, Promotion, Education, Capital Improvement
and Greyhound Adoption Programs*

to include Spaying and Neutering Account

(WV Code Chapter 19)

Fund 7307 FY 2020 Org 0707

1	Personal Services and			
2	Employee Benefits	00100	\$	918,781
3	Current Expenses	13000		214,406
4	Other Assets	69000		<u>200,000</u>
5	Total		\$	1,333,187

259 - Alcohol Beverage Control Administration –

Wine License Special Fund

(WV Code Chapter 60)

Fund 7351 FY 2020 Org 0708

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 132,213
3	Current Expenses	13000	69,186
4	Repairs and Alterations.....	06400	7,263
5	Equipment	07000	10,000
6	Buildings.....	25800	100,000
7	Other Assets.....	69000	100
8	Total.....		\$ 318,762

9 To the extent permitted by law, four classified exempt
10 positions shall be provided from Personal Services and Employee
11 Benefits appropriation for field auditors.

260 - Alcohol Beverage Control Administration

(WV Code Chapter 60)

Fund 7352 FY 2020 Org 0708

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 5,790,574
3	Current Expenses	13000	2,890,577
4	Repairs and Alterations.....	06400	91,000
5	Equipment	07000	108,000
6	Buildings.....	25800	375,100
7	Purchase of Supplies for Resale.....	41900	72,500,000
8	Transfer Liquor Profits and Taxes	42500	20,800,000
9	Other Assets.....	69000	125,100
10	Land	73000	100
11	Total.....		\$ 102,680,451

12 The total amount of these appropriations shall be paid from a
13 special revenue fund out of liquor revenues and any other revenues
14 available.

15 The above appropriations include the salary of the
16 commissioner and the salaries, expenses and equipment of
17 administrative offices, warehouses and inspectors.

18 The above appropriations include funding for the
19 Tobacco/Alcohol Education Program.

20 There is hereby appropriated from liquor revenues, in addition
 21 to the above appropriations as needed, the necessary amount for
 22 the purchase of liquor as provided by law and the remittance of
 23 profits and taxes to the General Revenue Fund.

261 - State Athletic Commission Fund

(WV Code Chapter 29)

Fund 7009 FY 2020 Org 0933

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 2,900
3	Current Expenses	13000	<u> 37,100</u>
4	Total.....		\$ 40,000

DEPARTMENT OF TRANSPORTATION

262 - Division of Motor Vehicles –

Dealer Recovery Fund

(WV Code Chapter 17)

Fund 8220 FY 2020 Org 0802

1	Current Expenses	13000	\$ 189,000
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263 - Division of Motor Vehicles –

Motor Vehicle Fees Fund

(WV Code Chapter 17B)

Fund 8223 FY 2020 Org 0802

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 3,733,074
3	Current Expenses	13000	4,362,975
4	Repairs and Alterations.....	06400	16,000
5	Equipment	07000	75,000
6	Other Assets.....	69000	10,000
7	BRIM Premium.....	91300	<u> 84,737</u>

2019] HOUSE OF DELEGATES 2973

8 Total..... \$ 8,281,786

264 - Division of Highways –

A. James Manchin Fund

(WV Code Chapter 22)

Fund 8319 FY 2020 Org 0803

1 Current Expenses 13000 \$ 1,650,000

265 - State Rail Authority –

West Virginia Commuter Rail Access Fund

(WV Code Chapter 29)

Fund 8402 FY 2020 Org 0804

1 Current Expenses 13000 \$ 1,100,000

DEPARTMENT OF VETERANS' ASSISTANCE

266 - Veterans' Facilities Support Fund

(WV Code Chapter 9A)

Fund 6703 FY 2020 Org 0613

1 Current Expenses 13000 \$ 1,654,234

2 Other Assets 69000 10,000

3 Total..... \$ 1,664,234

267 - Department of Veterans' Assistance –

WV Veterans' Home –

Special Revenue Operating Fund

(WV Code Chapter 9A)

Fund 6754 FY 2020 Org 0618

1	Current Expenses	13000	\$	700,000
2	Repairs and Alterations	06400		<u>50,000</u>
3	Total		\$	750,000

BUREAU OF SENIOR SERVICES

268 - Bureau of Senior Services –

Community Based Service Fund

(WV Code Chapter 22)

Fund 5409 FY 2020 Org 0508

1	Personal Services and			
2	Employee Benefits	00100	\$	160,883
3	Current Expenses	13000		<u>10,348,710</u>
4	Total		\$	10,509,593

5 The total amount of these appropriations are funded from
6 annual table game license fees to enable the aged and disabled
7 citizens of West Virginia to stay in their homes through the
8 provision of home and community-based services.

HIGHER EDUCATION POLICY COMMISSION

269 - Higher Education Policy Commission –

System –

Tuition Fee Capital Improvement Fund

(Capital Improvement and Bond Retirement Fund)

Control Account

(WV Code Chapters 18 and 18B)

Fund 4903 FY 2020 Org 0442

1	Debt Service	04000	\$	27,713,123
2	General Capital Expenditures	30600		5,000,000
3	Facilities Planning			
4	and Administration	38600		<u>441,111</u>

5 Total..... \$ 33,154,234

6 The total amount of these appropriations shall be paid from the
7 Special Capital Improvement Fund created in W.Va. Code §18B-
8 10-8. Projects are to be paid on a cash basis and made available on
9 July 1.

10 The above appropriations, except for Debt Service, may be
11 transferred to special revenue funds for capital improvement
12 projects at the institutions.

270 - Tuition Fee Revenue Bond Construction Fund

(WV Code Chapters 18 and 18B)

Fund 4906 FY 2020 Org 0442

1 Any unexpended balance remaining in the appropriation for
2 Capital Outlay (fund 4906, appropriation 51100) at the close of the
3 fiscal year 2019 is hereby reappropriated for expenditure during the
4 fiscal year 2020.

5 The appropriation shall be paid from available unexpended
6 cash balances and interest earnings accruing to the fund. The
7 appropriation shall be expended at the discretion of the Higher
8 Education Policy Commission and the funds may be allocated to
9 any institution within the system.

10 The total amount of this appropriation shall be paid from the
11 unexpended proceeds of revenue bonds previously issued pursuant
12 to W.Va. Code §18-12B-8, which have since been refunded.

271 - Community and Technical College –

Capital Improvement Fund

(WV Code Chapter 18B)

Fund 4908 FY 2020 Org 0442

1 Any unexpended balance remaining in the appropriation for
2 Capital Improvements – Total (fund 4908, appropriation 95800) at

3 the close of fiscal year 2019 is hereby reappropriated for
4 expenditure during the fiscal year 2020.

5 The total amount of this appropriation shall be paid from the
6 sale of the Series 2017 Community and Technical College Capital
7 Improvement Refunding Revenue Bonds and anticipated interest
8 earnings.

272 - West Virginia University –

West Virginia University Health Sciences Center

(WV Code Chapters 18 and 18B)

Fund 4179 FY 2020 Org 0463

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 10,764,347
3	Current Expenses	13000	4,524,300
4	Repairs and Alterations.....	06400	425,000
5	Equipment.....	07000	512,000
6	Buildings.....	25800	150,000
7	Other Assets.....	69000	<u>50,000</u>
8	Total.....		\$ 16,425,647

MISCELLANEOUS BOARDS AND COMMISSIONS

273 - Board of Barbers and Cosmetologists –

Barbers and Beauticians Special Fund

(WV Code Chapters 16 and 30)

Fund 5425 FY 2020 Org 0505

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 543,993
3	Current Expenses	13000	<u>239,969</u>
4	Total.....		\$ 783,962

5 The total amount of these appropriations shall be paid from a
6 special revenue fund out of collections made by the Board of
7 Barbers and Cosmetologists as provided by law.

*274 - Hospital Finance Authority –**Hospital Finance Authority Fund*

(WV Code Chapter 16)

Fund 5475 FY 2020 Org 0509

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 93,261
3	Unclassified.....	09900	1,450
4	Current Expenses	13000	<u>55,397</u>
5	Total.....		\$ 150,108

6 The total amount of these appropriations shall be paid from the
7 special revenue fund out of fees and collections as provided by
8 Article 29A, Chapter 16 of the Code.

*275 - WV State Board of Examiners for Licensed Practical Nurses –**Licensed Practical Nurses*

(WV Code Chapter 30)

Fund 8517 FY 2020 Org 0906

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 495,505
3	Current Expenses	13000	<u>107,700</u>
4	Total.....		\$ 603,205

*276 - WV Board of Examiners for Registered Professional Nurses –**Registered Professional Nurses*

(WV Code Chapter 30)

Fund 8520 FY 2020 Org 0907

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 1,300,612
3	Current Expenses	13000	312,655
4	Repairs and Alterations.....	06400	3,000

5	Equipment	07000	25,000
6	Other Assets	69000	<u>4,500</u>
7	Total		\$ 1,645,767

277 - Public Service Commission

(WV Code Chapter 24)

Fund 8623 FY 2020 Org 0926

1	Personal Services and		
2	Employee Benefits	00100	\$ 12,481,921
3	Unclassified	09900	147,643
4	Current Expenses	13000	2,572,202
5	Repairs and Alterations	06400	55,000
6	Equipment	07000	160,000
7	Buildings	25800	10
8	PSC Weight Enforcement	34500	4,605,652
9	Debt Payment/Capital Outlay	52000	350,000
10	Land	73000	10
11	BRIM Premium	91300	<u>172,216</u>
12	Total		\$ 20,544,654

13 The total amount of these appropriations shall be paid from a
 14 special revenue fund out of collections for special license fees from
 15 public service corporations as provided by law.

16 The Public Service Commission is authorized to transfer up to
 17 \$500,000 from this fund to meet the expected deficiencies in the
 18 Motor Carrier Division (fund 8625, org 0926) due to the
 19 amendment and reenactment of W.Va. Code §24A-3-1 by Enrolled
 20 House Bill Number 2715, Regular Session, 1997.

278 - Public Service Commission –

Gas Pipeline Division –

Public Service Commission Pipeline Safety Fund

(WV Code Chapter 24B)

Fund 8624 FY 2020 Org 0926

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 294,658
3	Unclassified.....	09900	3,851
4	Current Expenses	13000	93,115
5	Repairs and Alterations.....	06400	4,000
6	Total.....		<u>\$ 395,624</u>

7 The total amount of these appropriations shall be paid from a
8 special revenue fund out of receipts collected for or by the Public
9 Service Commission pursuant to and in the exercise of regulatory
10 authority over pipeline companies as provided by law.

279 - Public Service Commission –

Motor Carrier Division

(WV Code Chapter 24A)

Fund 8625 FY 2020 Org 0926

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 2,377,514
3	Unclassified.....	09900	29,233
4	Current Expenses	13000	577,557
5	Repairs and Alterations.....	06400	23,000
6	Equipment.....	07000	50,000
7	Total.....		<u>\$ 3,057,304</u>

8 The total amount of these appropriations shall be paid from a
9 special revenue fund out of receipts collected for or by the Public
10 Service Commission pursuant to and in the exercise of regulatory
11 authority over motor carriers as provided by law.

280 - Public Service Commission –

Consumer Advocate Fund

(WV Code Chapter 24)

Fund 8627 FY 2020 Org 0926

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 772,994

3	Current Expenses	13000		276,472
4	Equipment.....	07000		9,872
5	BRIM Premium.....	91300		<u>4,660</u>
6	Total.....		\$	1,063,998

7 The total amount of these appropriations shall be supported by
8 cash from a special revenue fund out of collections made by the
9 Public Service Commission.

281 - Real Estate Commission –

Real Estate License Fund

(WV Code Chapter 30)

Fund 8635 FY 2020 Org 0927

1	Personal Services and			
2	Employee Benefits.....	00100	\$	607,098
3	Current Expenses	13000		293,122
4	Repairs and Alterations.....	06400		2,500
5	Equipment.....	07000		<u>5,000</u>
6	Total.....		\$	907,720

7 The total amount of these appropriations shall be paid out of
8 collections of license fees as provided by law.

282 - WV Board of Examiners for Speech-Language

Pathology and Audiology –

Speech-Language Pathology and Audiology Operating Fund

(WV Code Chapter 30)

Fund 8646 FY 2020 Org 0930

1	Personal Services and			
2	Employee Benefits.....	00100	\$	80,251
3	Current Expenses	13000		<u>63,499</u>

4	Total.....	\$	143,750
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283 - WV Board of Respiratory Care –

Board of Respiratory Care Fund

(WV Code Chapter 30)

Fund 8676 FY 2020 Org 0935

1	Personal Services and		
2	Employee Benefits.....00100	\$	95,160
3	Current Expenses13000		53,027
4	Repairs and Alterations.....06400		400
5	Total.....	\$	148,587

284 - WV Board of Licensed Dietitians –

Dietitians Licensure Board Fund

(WV Code Chapter 30)

Fund 8680 FY 2020 Org 0936

1	Personal Services and		
2	Employee Benefits.....00100	\$	20,219
3	Current Expenses13000		20,250
4	Total.....	\$	40,469

285 - Massage Therapy Licensure Board –

Massage Therapist Board Fund

(WV Code Chapter 30)

Fund 8671 FY 2020 Org 0938

1	Personal Services and		
2	Employee Benefits.....00100	\$	109,355
3	Current Expenses13000		42,648
4	Total.....	\$	152,003

*286 - Board of Medicine –**Medical Licensing Board Fund*

(WV Code Chapter 30)

Fund 9070 FY 2020 Org 0945

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 1,378,807
3	Current Expenses	13000	1,108,789
4	Repairs and Alterations.....	06400	<u>8,000</u>
5	Total.....		\$ 2,495,596

*287 - West Virginia Enterprise Resource Planning Board –**Enterprise Resource Planning System Fund*

(WV Code Chapter 12)

Fund 9080 FY 2020 Org 0947

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 6,856,239
3	Unclassified.....	09900	232,000
4	Current Expenses	13000	15,640,134
5	Repairs and Alterations.....	06400	300
6	Equipment	07000	2,213,000
7	Buildings	25800	2,000
8	Other Assets.....	69000	<u>199,500</u>
9	Total.....		\$ 25,143,173

*288 - Board of Treasury Investments –**Board of Treasury Investments Fee Fund*

(WV Code Chapter 12)

Fund 9152 FY 2020 Org 0950

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 782,889

3	Unclassified.....	09900	14,850
4	Current Expenses	13000	650,714
5	BRIM Premium.....	91300	36,547
6	Fees of Custodians, Fund		
7	Advisors and Fund Managers	93800	<u>3,500,000</u>
8	Total.....		\$ 4,985,000

9 There is hereby appropriated from this fund, in addition to the
10 above appropriation if needed, an amount of funds necessary for
11 the Board of Treasury Investments to pay the fees and expenses of
12 custodians, fund advisors and fund managers for the consolidated
13 fund of the State as provided in Article 6C, Chapter 12 of the Code.

14 The total amount of these appropriations shall be paid from the
15 special revenue fund out of fees and collections as provided by law.

16	Total TITLE II, Section 3		
17	– Other Funds		
18	(Including claims		
19	against the state)		<u>\$ 1,525,022,363</u>

1 **Sec. 4. Appropriations from lottery net profits.** — Net
2 profits of the lottery are to be deposited by the Director of the
3 Lottery to the following accounts in the amounts indicated. The
4 Director of the Lottery shall prorate each deposit of net profits in
5 the proportion the appropriation for each account bears to the total
6 of the appropriations for all accounts.

7 After first satisfying the requirements for Fund 2252, Fund
8 3963, and Fund 4908 pursuant to W.Va. Code §29-22-18, the
9 Director of the Lottery shall make available from the remaining net
10 profits of the lottery any amounts needed to pay debt service for
11 which an appropriation is made for Fund 9065, Fund 4297, Fund
12 3390, Fund 3514, Fund 9067, and Fund 9068 and is authorized to
13 transfer any such amounts to Fund 9065, Fund 4297, Fund 3390,
14 Fund 3514, Fund 9067, and Fund 9068 for that purpose. Upon
15 receipt of reimbursement of amounts so transferred, the Director of
16 the Lottery shall deposit the reimbursement amounts to the
17 following accounts as required by this section.

*289 - Education, Arts, Sciences and Tourism –**Debt Service Fund*

(WV Code Chapter 5)

Fund 2252 FY 2020 Org 0211

	Appro- priation	Lottery Funds
1 Debt Service – Total	31000	\$ 10,000,000

*290 - West Virginia Development Office –**West Virginia Tourism Office*

(WV Code Chapter 5B)

Fund 3067 FY 2020 Org 0304

1 Tourism – Telemarketing Center	46300	\$ 82,080
2 Tourism – Advertising (R).....	61800	2,422,407
3 Tourism – Operations (R).....	66200	<u>4,227,938</u>
4 Total.....		\$ 6,732,425

5 Any unexpended balances remaining in the appropriations for
6 Tourism – Advertising (fund 3067, appropriation 61800), and
7 Tourism – Operations (fund 3067, appropriation 66200) at the
8 close of the fiscal year 2019 are hereby reappropriated for
9 expenditure during the fiscal year 2020.

291 - Division of Natural Resources

(WV Code Chapter 20)

Fund 3267 FY 2020 Org 0310

1 Personal Services and		
2 Employee Benefits.....	00100	\$ 2,428,178
3 Current Expenses	13000	26,900
4 Pricketts Fort State Park.....	32400	106,560
5 Non-Game Wildlife (R)	52700	386,935
6 State Parks and Recreation		
7 Advertising (R)	61900	<u>494,578</u>

8 Total..... \$ 3,443,151

9 Any unexpended balances remaining in the appropriations for
 10 Unclassified (fund 3267, appropriation 09900), Capital Outlay –
 11 Parks (fund 3267, appropriation 28800), Non-Game Wildlife (fund
 12 3267, appropriation 52700), and State Parks and Recreation
 13 Advertising (fund 3267, appropriation 61900) at the close of the
 14 fiscal year 2019 are hereby reappropriated for expenditure during
 15 the fiscal year 2020.

292 - State Board of Education

(WV Code Chapters 18 and 18A)

Fund 3951 FY 2020 Org 0402

1	FBI Checks.....	37200	\$	116,548
2	Vocational Education			
3	Equipment Replacement.....	39300		800,000
4	Assessment Program (R).....	39600		3,016,444
5	Literacy Project.....	89900		350,000
6	21 st Century Technology			
7	Infrastructure Network			
8	Tools and Support (R)	93300		<u>14,600,383</u>
9	Total.....		\$	18,883,375

10 Any unexpended balances remaining in the appropriations for
 11 Unclassified (fund 3951, appropriation 09900), Current Expenses
 12 (fund 3951, appropriation 13000), Assessment Program (fund
 13 3951, appropriation 39600), and 21st Century Technology
 14 Infrastructure Network Tools and Support (fund 3951,
 15 appropriation 93300) at the close of the fiscal year 2019 are hereby
 16 reappropriated for expenditure during the fiscal year 2020.

293 - State Department of Education –

School Building Authority –

Debt Service Fund

(WV Code Chapter 18)

Fund 3963 FY 2020 Org 0402

1	Debt Service – Total	31000	\$	15,320,363
2	Directed Transfer	70000		<u>2,679,637</u>
3	Total.....		\$	18,000,000

4 The School Building Authority shall have the authority to
5 transfer between the above appropriations in accordance with
6 W.Va. Code §29-22-18.

294 - Division of Culture and History –

Lottery Education Fund

(WV Code Chapter 29)

Fund 3534 FY 2020 Org 0432

1	Huntington Symphony	02700	\$	59,058
2	Preservation WV (R).....	09200		491,921
3	Fairs and Festivals (R)	12200		1,346,814
4	Commission for National and			
5	Community Service	19300		374,980
6	Archeological Curation/			
7	Capital Improvements (R)	24600		36,276
8	Historic Preservation Grants (R).....	31100		368,428
9	West Virginia Public Theater.....	31200		120,019
10	Greenbrier Valley Theater	42300		115,000
11	Theater Arts of West Virginia.....	46400		90,000
12	Marshall Artists Series	51800		36,005
13	Grants for Competitive			
14	Arts Program (R)	62400		726,000
15	West Virginia State Fair.....	65700		31,241
16	Save the Music	68000		24,000
17	Contemporary American			
18	Theater Festival	81100		57,281
19	Independence Hall	81200		27,277
20	Mountain State Forest Festival	86400		38,187
21	WV Symphony.....	90700		59,058
22	Wheeling Symphony.....	90800		59,058
23	Appalachian Children’s Chorus.....	91600		<u>54,554</u>
24	Total.....		\$	4,115,157

25 From the above appropriation for Preservation West Virginia
26 (fund 3534, appropriation 09200) funding shall be provided to the
27 African-American Heritage Family Tree Museum (Fayette)
28 \$2,673, Aracoma Story (Logan) \$29,703, Arts Monongahela
29 (Monongalia) \$11,881, Barbour County Arts and Humanities
30 Council \$891, Beckley Main Street (Raleigh) \$2,970, Buffalo
31 Creek Memorial (Logan) \$2,970, Carnegie Hall (Greenbrier)
32 \$46,899, Ceredo Historical Society (Wayne) \$1,188, Ceredo
33 Kenova Railroad Museum (Wayne) \$1,188, Ceredo Museum
34 (Wayne) \$720, Children's Theatre of Charleston (Kanawha)
35 \$3,127, Chuck Mathena Center (Mercer) \$62,532, Collis P.
36 Huntington Railroad Historical Society (Cabell) \$5,941, Country
37 Music Hall of Fame and Museum (Marion) \$4,159, First Stage
38 Children's Theater Company \$1,188, Flannigan Murrell House
39 (Summers) \$3,781, Fort Ashby Fort (Mineral) \$891, Fort New
40 Salem (Harrison) \$2,198, Fort Randolph (Mason) \$2,970, General
41 Adam Stephen Memorial Foundation (Berkeley) \$11,006, Grafton
42 Mother's Day Shrine Committee (Taylor) \$5,049, Hardy County
43 Tour and Crafts Association \$11,881, Heartwood in the Hills
44 (Calhoun) \$5,040, Heritage Farm Museum & Village (Cabell)
45 \$29,703, Historic Fayette Theater (Fayette) \$3,267, Historic
46 Middleway Conservancy (Jefferson) \$594, Jefferson County Black
47 History Preservation Society \$2,970, Jefferson County Historical
48 Landmark Commission \$4,753, Maddie Carroll House (Cabell)
49 \$4,455, Marshall County Historical Society \$5,049, McCoy
50 Theater (Hardy) \$11,881, Morgantown Theater Company
51 (Monongalia) \$11,881, Mountaineer Boys' State (Lewis) \$5,941,
52 Nicholas Old Main Foundation (Nicholas) \$1,188, Norman Dillon
53 Farm Museum (Berkeley) \$5,941, Old Opera House Theater
54 Company (Jefferson) \$8,911, Parkersburg Arts Center (Wood)
55 \$11,881, Pocahontas Historic Opera House \$3,564, Raleigh
56 County All Wars Museum \$5,941, Rhododendron Girl's State
57 (Ohio) \$5,941, Roane County 4-H and FFA Youth Livestock
58 Program \$2,970, Scottish Heritage Society/N. Central WV
59 (Harrison) \$2,970, Society for the Preservation of McGrew House
60 (Preston) \$2,079, Southern West Virginia Veterans' Museum
61 \$3,393, Summers County Historic Landmark Commission \$2,970,
62 Those Who Served War Museum (Mercer) \$2,376, Three Rivers
63 Avian Center (Summers) \$5,311, Tug Valley Arts Council

64 (Mingo) \$2,970, Tug Valley Chamber of Commerce Coal House
65 (Mingo) \$1,188, Tunnelton Historical Society (Preston) \$1,188,
66 Veterans Committee for Civic Improvement of Huntington
67 (Wayne) \$2,970, West Virginia Museum of Glass (Lewis) \$2,970,
68 West Virginia Music Hall of Fame (Kanawha) \$20,792, YMCA
69 Camp Horseshoe (Tucker) \$59,406, Youth Museum of Southern
70 West Virginia (Raleigh) \$7,129, Z.D. Ramsdell House (Wayne)
71 \$720.

72 From the above appropriation for Fairs and Festivals (fund
73 3534, appropriation 12200) funding shall be provided to the A
74 Princeton 4th (Mercer) \$1,800, African-American Cultural
75 Heritage Festival (Jefferson) \$2,970, Alderson 4th of July
76 Celebration (Greenbrier) \$2,970, Allegheny Echo (Pocahontas)
77 \$4,456, Alpine Festival/Leaf Peepers Festival (Tucker) \$6,683,
78 American Civil War (Grant) \$3,127, American Legion Post 8
79 Veterans Day Parade (McDowell) \$1,250, Angus Beef and Cattle
80 Show (Lewis) \$891, Annual Birch River Days (Nicholas) \$1,296,
81 Annual Don Redman Heritage Concert & Awards (Jefferson)
82 \$938, Annual Ruddle Park Jamboree (Pendleton) \$4,690, Antique
83 Market Fair (Lewis) \$1,188, Apollo Theater-Summer Program
84 (Berkeley) \$1,188, Apple Butter Festival (Morgan) \$3,564,
85 Arkansaw Homemaker's Heritage Weekend (Hardy) \$2,079,
86 Armed Forces Day-South Charleston (Kanawha) \$1,782,
87 Arthurdale Heritage New Deal Festival (Preston) \$2,970, Athens
88 Town Fair (Mercer) \$1,188, Augusta Fair (Randolph) \$2,970,
89 Autumn Harvest Fest (Monroe) \$2,448, Barbour County Fair
90 \$14,851, Barboursville Octoberfest (Cabell) \$2,970, Bass Festival
91 (Pleasants) \$1,099, Battelle District Fair (Monongalia) \$2,970,
92 Battle of Dry Creek (Greenbrier) \$891, Battle of Point Pleasant
93 Memorial Committee (Mason) \$2,970, Belle Town Fair
94 (Kanawha) \$2,673, Belleville Homecoming (Wood) \$11,881,
95 Bergoo Down Home Days (Webster) \$1,485, Berkeley County
96 Youth Fair \$10,990, Black Bear 4K Mountain Bike Race
97 (Kanawha) \$684, Black Heritage Festival (Harrison) \$3,564, Black
98 Walnut Festival (Roane) \$5,940, Blast from the Past (Upshur)
99 \$1,440, Blue-Gray Reunion (Barbour) \$2,079, Boone County Fair
100 \$5,940, Boone County Labor Day Celebration \$2,376, Bradshaw
101 Fall Festival (McDowell) \$1,188, Brandonville Heritage Day

102 (Preston) \$1,048, Braxton County Fair \$6,832, Braxton County
103 Monster Fest / West Virginia Autumn Festival \$1,485, Brooke
104 County Fair \$2,079, Bruceton Mills Good Neighbor Days
105 (Preston) \$1,188, Buckwheat Festival (Preston) \$5,050, Buffalo
106 4th of July Celebration (Putnam) \$400, Buffalo October Fest
107 (Putnam) \$3,240, Burlington Apple Harvest Festival (Mineral)
108 \$17,821, Burlington Pumpkin Harvest Festival (Raleigh) \$2,970,
109 Burnsville Harvest Festival (Braxton) \$1,407, Cabell County Fair
110 \$5,940, Calhoun County Wood Festival \$1,188, Campbell's Creek
111 Community Fair (Kanawha) \$1,485, Cape Coalwood Festival
112 Association (McDowell) \$1,485, Capon Bridge Founders Day
113 Festival (Hampshire) \$1,188, Capon Springs Ruritan 4th of July
114 (Hampshire) \$684, Cass Homecoming (Pocahontas) \$1,188,
115 Cedarville Town Festival (Gilmer) \$684, Celebration in the Park
116 (Wood) \$2,376, Celebration of America (Monongalia) \$3,564,
117 Ceredo Freedom Festival (Wayne) \$700, Chapmanville Apple
118 Butter Festival (Logan) \$684, Chapmanville Fire Department 4th
119 of July (Logan) \$1,782, Charles Town Christmas Festival
120 (Jefferson) \$2,970, Charles Town Heritage Festival (Jefferson)
121 \$2,970, Cherry River Festival (Nicholas) \$3,861, Chester
122 Fireworks (Hancock) \$891, Chester 4th of July Festivities
123 (Hancock) \$2,970, Chief Logan State Park-Civil War Celebration
124 (Logan) \$4,752, Chilifest West Virginia State Chili Championship
125 (Cabell) \$1,563, Christmas In Our Town (Marion) \$3,127,
126 Christmas in Shepherdstown (Jefferson) \$2,376, Christmas in the
127 Park (Brooke) \$2,970, Christmas in the Park (Logan) \$14,851, City
128 of Dunbar Critter Dinner (Kanawha) \$5,940, City of Logan Polar
129 Express (Logan) \$4,456, City of New Martinsville Festival of
130 Memories (Wetzel) \$6,534, Clay County Golden Delicious Apple
131 Festival \$4,158, Clay District Fair (Monongalia) \$1,080, Coal
132 Field Jamboree (Logan) \$20,792, Coalton Days Fair (Randolph)
133 \$4,158, Country Roads Festival (Fayette) \$1,188, Cowen Railroad
134 Festival (Webster) \$2,079, Craigs ville Fall Festival (Nicholas)
135 \$2,079, Cruise into Princeton (Mercer) \$2,160, Culturefest World
136 Music & Arts Festival (Mercer) \$4,690, Delbarton Homecoming
137 (Mingo) \$2,079, Doddridge County Fair \$4,158, Dorcas Ice Cream
138 Social (Grant) \$3,564, Durbin Days (Pocahontas) \$2,970,
139 Elbert/Filbert Reunion Festival (McDowell) \$891, Elkins
140 Randolph County 4th of July Car Show (Randolph) \$1,188,

141 Fairview 4th of July Celebration (Marion) \$684, Farm Safety Day
142 (Preston) \$1,188, Farmer's Day Festival (Monroe) \$2,330,
143 Farmers' Day Parade (Wyoming) \$720, Fenwick Mountain Old
144 Time Community Festival (Nicholas) \$2,880, FestivALL
145 Charleston (Kanawha) \$11,881, Flatwoods Days (Braxton) \$700,
146 Flemington Day Fair and Festival (Taylor) \$2,079, Follansbee
147 Community Days (Brooke) \$4,900, Fort Gay Mountain Heritage
148 Days (Wayne) \$2,970, Fort Henry Days (Ohio) \$3,148, Fort Henry
149 Living History (Ohio) \$1,563, Fort New Salem Spirit of Christmas
150 Festival (Harrison) \$2,432, Frankford Autumnfest (Greenbrier)
151 \$2,970, Franklin Fishing Derby (Pendleton) \$4,456, Freshwater
152 Folk Festival (Greenbrier) \$2,970, Friends Auxiliary of W.R.
153 Sharpe Hospital (Lewis) \$2,970, Frontier Days (Harrison) \$1,782,
154 Frontier Fest/Canaan Valley (Taylor) \$1,500, Fund for the Arts-
155 Wine & All that Jazz Festival (Kanawha) \$1,485, Gassaway Days
156 Celebration (Braxton) \$2,970, Gilbert Elementary Fall Blast
157 (Mingo) \$2,188, Gilbert Kiwanis Harvest Festival (Mingo) \$2,376,
158 Gilbert Spring Fling (Mingo) \$3,595, Gilmer County Farm Show
159 \$2,376, Grant County Arts Council \$1,188, Grape Stomping Wine
160 Festival (Nicholas) \$1,188, Great Greenbrier River Race
161 (Pocahontas) \$5,940, Greater Quinwood Days (Greenbrier) \$781,
162 Guyandotte Civil War Days (Cabell) \$5,941, Hamlin 4th of July
163 Celebration (Lincoln) \$2,970, Hampshire Civil War Celebration
164 Days (Hampshire) \$684, Hampshire County 4th of July
165 Celebration \$11,881, Hampshire County Fair \$5,002, Hampshire
166 Heritage Days (Hampshire) \$2,376, Hancock County Oldtime Fair
167 \$2,970, Hardy County Commission - 4th of July \$5,940, Hatfield
168 McCoy Matewan Reunion Festival (Mingo) \$12,330, Hatfield
169 McCoy Trail National ATV and Dirt Bike Weekend (Wyoming)
170 \$2,970, Heat'n the Hills Chilifest (Lincoln) \$2,970, Heritage Craft
171 Festival (Monroe) \$1,044, Heritage Days Festival (Roane) \$891,
172 Hilltop Festival (Cabell) \$684, Hilltop Festival of Lights
173 (McDowell) \$1,188, Hinton Railroad Days (Summers) \$4,347,
174 Holly River Festival (Webster) \$891, Hometown Mountain
175 Heritage Festival (Fayette) \$2,432, Hundred 4th of July (Wetzel)
176 \$4,307, Hundred American Legion Earl Kiger Post Bluegrass
177 Festival (Wetzel) \$1,188, Hurricane 4th of July Celebration
178 (Putnam) \$2,970, Jaeger Town Fair (McDowell) \$891, Irish
179 Heritage Festival of West Virginia (Raleigh) \$2,970, Irish Spring

180 Festival (Lewis) \$684, Italian Heritage Festival-Clarksburg
181 (Harrison) \$17,821, Jackson County Fair \$2,970, Jamboree
182 (Pocahontas) \$2,970, Jane Lew Arts and Crafts Fair (Lewis) \$684,
183 Jefferson County Fair Association \$14,851, Jersey Mountain
184 Ruritan Pioneer Days (Hampshire) \$684, John Henry Days Festival
185 (Monroe) \$4,698, Johnnie Johnson Blues and Jazz Festival
186 (Marion) \$2,970, Johnstown Community Fair (Harrison) \$1,485,
187 Junior Heifer Preview Show (Lewis) \$1,188, Kanawha Coal
188 Riverfest-St. Albans 4th of July Festival (Kanawha) \$2,970,
189 Keeper of the Mountains-Kayford (Kanawha) \$1,485, Kenova
190 Autumn Festival (Wayne) \$4,377, Kermit Fall Festival (Mingo)
191 \$1,782, Keystone Reunion Gala (McDowell) \$1,563, King Coal
192 Festival (Mingo) \$2,970, Kingwood Downtown Street Fair and
193 Heritage Days (Preston) \$1,188, L.Z. Rainelle West Virginia
194 Veterans Reunion (Greenbrier) \$2,970, Lady of Agriculture
195 (Preston) \$684, Larry Joe Harless Center Octoberfest Hatfield
196 McCoy Trail (Mingo) \$5,940, Larry Joe Harless Community
197 Center Spring Middle School Event (Mingo) \$2,970, Last Blast of
198 Summer (McDowell) \$2,970, Lewis County Fair Association
199 \$2,079, Lewisburg Shanghai (Greenbrier) \$1,188, Lincoln County
200 Fall Festival \$4,752, Lincoln County Winterfest \$2,970, Linside
201 Veterans' Day Parade (Monroe) \$720, Little Levels Heritage
202 Festival (Pocahontas) \$1,188, Lost Creek Community Festival
203 (Harrison) \$4,158, Main Street Arts Festival (Upshur) \$3,127,
204 Main Street Martinsburg Chocolate Fest and Book Fair (Berkeley)
205 \$2,813, Mannington District Fair (Marion) \$3,564, Maple Syrup
206 Festival (Randolph) \$684, Marion County FFA Farm Fest \$1,485,
207 Marmet Labor Day Celebration (Kanawha) \$3,078, Marshall
208 County Antique Power Show \$1,485, Marshall County Fair
209 \$4,456, Mason County Fair \$2,970, Mason Dixon Festival
210 (Monongalia) \$4,158, Matewan Massacre Reenactment (Mingo)
211 \$5,004, Matewan-Magnolia Fair (Mingo) \$15,932, McARTS-
212 McDowell County \$11,881, McDowell County Fair \$1,485,
213 McGrew House History Day (Preston) \$1,188, McNeill's Rangers
214 (Mineral) \$4,752, Meadow Bridge Hometown Festival (Fayette)
215 \$743, Meadow River Days Festival (Greenbrier) \$1,782, Mercer
216 Bluestone Valley Fair (Mercer) \$1,188, Mercer County Fair
217 \$1,188, Mercer County Heritage Festival \$3,474, Mid Ohio Valley
218 Antique Engine Festival (Wood) \$1,782, Milton Christmas in the

219 Park (Cabell) \$1,485, Milton 4th of July Celebration (Cabell)
220 \$1,485, Mineral County Fair \$1,040, Mineral County Veterans
221 Day Parade \$891, Molasses Festival (Calhoun) \$1,188,
222 Monongahfest (Marion) \$3,752, Moon Over Mountwood Fishing
223 Festival (Wood) \$1,782, Morgan County Fair-History Wagon
224 \$891, Moundsville Bass Festival (Marshall) \$2,376, Moundsville
225 July 4th Celebration (Marshall) \$2,970, Mount Liberty Fall
226 Festival (Barbour) \$1,485, Mountain Fest (Monongalia) \$11,881,
227 Mountain Festival (Mercer) \$2,747, Mountain Heritage Arts and
228 Crafts Festival (Jefferson) \$2,970, Mountain Music Festival
229 (McDowell) \$1,485, Mountain State Apple Harvest Festival
230 (Berkeley) \$4,456, Mountain State Arts & Crafts Fair Cedar Lakes
231 (Jackson) \$26,732, Mountaineer Hot Air Balloon Festival
232 (Monongalia) \$2,376, Mullens Dogwood Festival (Wyoming)
233 \$4,158, Multi-Cultural Festival of West Virginia (Kanawha)
234 \$11,881, Music and Barbecue - Banks District VFD (Upshur)
235 \$1,278, New Cumberland Christmas Parade (Hancock) \$1,782,
236 New Cumberland 4th of July (Hancock) \$2,970, New River Bridge
237 Day Festival (Fayette) \$23,762, Newburg Volunteer Fireman's
238 Field Day (Preston) \$684, Nicholas County Fair \$2,970, Nicholas
239 County Potato Festival \$2,079, Oak Leaf Festival (Fayette)
240 \$6,253, Oceana Heritage Festival (Wyoming) \$3,564, Oglebay
241 City Park - Festival of Lights (Ohio) \$47,524, Oglebay Festival
242 (Ohio) \$5,940, Ohio County Country Fair \$5,346, Ohio River Fest
243 (Jackson) \$4,320, Ohio Valley Beef Association (Wood) \$1,485,
244 Ohio Valley Black Heritage Festival (Ohio) \$3,267, Old Central
245 City Fair (Cabell) \$2,970, Old Century City Fair (Barbour) \$1,250,
246 Old Tyme Christmas (Jefferson) \$1,425, Paden City Labor Day
247 Festival (Wetzel) \$3,861, Parkersburg Homecoming (Wood)
248 \$8,754, Patty Fest (Monongalia) \$1,188, Paw Paw District Fair
249 (Marion) \$2,079, Pax Reunion Committee (Fayette) \$2,970,
250 Pendleton County 4-H Weekend \$1,188, Pendleton County
251 Committee for Arts \$8,910, Pendleton County Fair \$6,253,
252 Pennsboro Country Road Festival (Ritchie) \$1,188, Petersburg 4th
253 of July Celebration (Grant) \$11,881, Petersburg HS Celebration
254 (Grant) \$5,940, Piedmont-Annual Back Street Festival (Mineral)
255 \$2,376, Pinch Reunion (Kanawha) \$891, Pine Bluff Fall Festival
256 (Harrison) \$2,376, Pine Grove 4th of July Festival (Wetzel)
257 \$4,158, Pineville Festival (Wyoming) \$3,564, Pleasants County

258 Agriculture Youth Fair \$2,970, Poca Heritage Days (Putnam)
259 \$1,782, Pocahontas County Pioneer Days \$4,159, Point Pleasant
260 Stern Wheel Regatta (Mason) \$2,970, Pratt Fall Festival
261 (Kanawha) \$1,485, Princeton Autumnfest (Mercer) \$1,563,
262 Princeton Street Fair (Mercer) \$2,970, Putnam County Fair \$2,970,
263 Quartets on Parade (Hardy) \$2,376, Rainelle Fall Festival
264 (Greenbrier) \$3,127, Rand Community Center Festival (Kanawha)
265 \$1,485, Randolph County Community Arts Council \$1,782,
266 Randolph County Fair \$4,158, Randolph County Ramp and Rails
267 \$1,188, Ranson Christmas Festival (Jefferson) \$2,970, Ranson
268 Festival (Jefferson) \$2,970, Renick Liberty Festival (Greenbrier)
269 \$684, Ripley 4th of July (Jackson) \$8,910, Ritchie County Fair and
270 Exposition \$2,970, Ritchie County Pioneer Days \$684, River City
271 Festival (Preston) \$684, Roane County Agriculture Field Day
272 \$1,782, Rock the Park (Kanawha) \$3,240, Rocket Boys Festival
273 (Raleigh) \$1,710, Romney Heritage Days (Hampshire) \$1,876,
274 Ronceverte River Festival (Greenbrier) \$2,970, Rowlesburg Labor
275 Day Festival (Preston) \$684, Rupert Country Fling (Greenbrier)
276 \$1,876, Saint Spyridon Greek Festival (Harrison) \$1,485, Salem
277 Apple Butter Festival (Harrison) \$2,376, Sistersville 4th of July
278 (Tyler) \$3,267, Skirmish on the River (Mingo) \$1,250, Smoke on
279 the Water (Wetzel) \$1,782, South Charleston Summerfest
280 (Kanawha) \$5,940, Southern Wayne County Fall Festival \$684,
281 Spirit of Grafton Celebration (Taylor) \$5,940, Springfield Peach
282 Festival (Hampshire) \$738, St. Albans City of Lights - December
283 (Kanawha) \$2,970, Sternwheel Festival (Wood) \$1,782, Stoco
284 Reunion (Raleigh) \$1,485, Stonewall Jackson Heritage Arts &
285 Crafts Jubilee (Lewis) \$6,534, Stonewall Jackson's Roundhouse
286 Raid (Berkeley) \$7,200, Storytelling Festival (Lewis) \$400,
287 Strawberry Festival (Upshur) \$17,821, Sylvester Big Coal River
288 Festival (Boone) \$1,944, Tacy Fair (Barbour) \$684, Taste of
289 Parkersburg (Wood) \$2,970, Taylor County Fair \$3,267, Terra
290 Alta VFD 4th of July Celebration (Preston) \$684, The Gathering
291 at Sweet Creek (Wood) \$1,782, Three Rivers Coal Festival
292 (Marion) \$4,604, Thunder on the Tygart - Mothers' Day
293 Celebration (Taylor) \$7,000, Town of Delbarton 4th of July
294 Celebration (Mingo) \$1,782, Town of Fayetteville Heritage
295 Festival (Fayette) \$4,456, Town of Matoaka Hog Roast (Mercer)
296 \$684, Town of Rivesville 4th of July Festival (Marion) \$3,127,

297 Town of Winfield - Putnam County Homecoming \$3,240, St.
298 Albans Train Fest (Kanawha) \$6,120, Treasure Mountain Festival
299 (Pendleton) \$14,851, Tri-County Fair (Grant) \$22,548, Tucker
300 County Arts Festival and Celebration \$10,692, Tucker County Fair
301 \$2,821, Tucker County Health Fair \$1,188, Tunnelton Depot Days
302 (Preston) \$684, Tunnelton Volunteer Fire Department Festival
303 (Preston) \$684, Turkey Festival (Hardy) \$1,782, Tyler County Fair
304 \$3,088, Tyler County 4th of July \$400, Tyler County OctoberFest
305 \$720, Union Community Irish Festival (Barbour) \$648, Uniquely
306 West Virginia Festival (Morgan) \$1,188, Upper Kanawha Valley
307 Oktoberfest (Kanawha) \$1,485, Upper Ohio Valley Italian Festival
308 (Ohio) \$7,128, Upshur County Youth Livestock Show \$1,440,
309 Valley District Fair (Preston) \$2,079, Veterans Welcome Home
310 Celebration (Cabell) \$938, Vietnam Veterans of America # 949
311 Christmas Party (Cabell) \$684, Volcano Days at Mountwood Park
312 (Wood) \$2,970, War Homecoming Fall Festival (McDowell)
313 \$891, Wardensville Fall Festival (Hardy) \$2,970, Wayne County
314 Fair \$2,970, Wayne County Fall Festival \$2,970, Webster County
315 Fair \$3,600, Webster County Wood Chopping Festival \$8,910,
316 Webster Wild Water Weekend (Webster) \$1,188, Weirton July 4th
317 Celebration (Hancock) \$11,881, Welcome Home Family Day
318 (Wayne) \$1,900, Wellsburg 4th of July Celebration (Brooke)
319 \$4,456, Wellsburg Apple Festival of Brooke County \$2,970, West
320 Virginia Blackberry Festival (Harrison) \$2,970, West Virginia
321 Chestnut Festival (Preston) \$684, West Virginia Coal Festival
322 (Boone) \$5,940, West Virginia Coal Show (Mercer) \$1,563, West
323 Virginia Dairy Cattle Show (Lewis) \$5,940, West Virginia
324 Dandelion Festival (Greenbrier) \$2,970, West Virginia Day at the
325 Railroad Museum (Mercer) \$1,800, West Virginia Fair and
326 Exposition (Wood) \$4,812, West Virginia Fireman's Rodeo
327 (Fayette) \$1,485, West Virginia Oil and Gas Festival (Tyler)
328 \$6,534, West Virginia Peach Festival (Hampshire) \$3,240, West
329 Virginia Polled Hereford Association (Braxton) \$891, West
330 Virginia Poultry Festival (Hardy) \$2,970, West Virginia Pumpkin
331 Festival (Cabell) \$5,940, West Virginia State Folk Festival
332 (Gilmer) \$2,970, West Virginia Water Festival - City of Hinton
333 (Summers) \$9,144, Weston VFD 4th of July Firemen Festival
334 (Lewis) \$1,188, Wetzel County Autumnfest \$3,267, Wetzel
335 County Town and Country Days \$10,098, Wheeling Celtic Festival

336 (Ohio) \$1,166, Wheeling City of Lights (Ohio) \$4,752, Wheeling
 337 Sternwheel Regatta (Ohio) \$5,940, Wheeling Vintage Raceboat
 338 Regatta (Ohio) \$11,881, Whipple Community Action (Fayette)
 339 \$1,485, Wileyville Homecoming (Wetzel) \$2,376, Wine Festival
 340 and Mountain Music Event (Harrison) \$2,970, Winter Festival of
 341 the Waters (Berkeley) \$2,970, Wirt County Fair \$1,485, Wirt
 342 County Pioneer Days \$1,188, Wyoming County Civil War Days
 343 \$1,296, Youth Stockman Beef Expo (Lewis) \$1,188,

344 Any unexpended balances remaining in the appropriations for
 345 Preservation West Virginia (fund 3534, appropriation 09200),
 346 Fairs and Festivals (fund 3534, appropriation 12200),
 347 Archeological Curation/Capital Improvements (fund 3534,
 348 appropriation 24600), Historic Preservation Grants (fund 3534,
 349 appropriation 31100), Grants for Competitive Arts Program (fund
 350 3534, appropriation 62400), and Project ACCESS (fund 3534,
 351 appropriation 86500) at the close of the fiscal year 2019 are hereby
 352 reappropriated for expenditure during the fiscal year 2020.

353 Any Fairs & Festivals awards shall be funded in addition to,
 354 and not in lieu of, individual grant allocations derived from the Arts
 355 Council and the Cultural Grant Program allocations.

295 - Library Commission –

Lottery Education Fund

(WV Code Chapter 10)

Fund 3559 FY 2020 Org 0433

1	Books and Films	17900	\$	360,784
2	Services to Libraries	18000		550,000
3	Grants to Public Libraries	18200		9,439,571
4	Digital Resources	30900		219,992
5	Infomine Network.....	88400		<u>943,353</u>
6	Total.....		\$	11,513,700

7 Any unexpended balance remaining in the appropriation for
 8 Libraries – Special Projects (fund 3559, appropriation 62500) at

9 the close of fiscal year 2019 is hereby reappropriated for
10 expenditure during the fiscal year 2020.

296 - Bureau of Senior Services –

Lottery Senior Citizens Fund

(WV Code Chapter 29)

Fund 5405 FY 2020 Org 0508

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 209,640
3	Current Expenses	13000	332,284
4	Repairs and Alterations.....	06400	1,000
5	Local Programs Service		
6	Delivery Costs	20000	2,435,250
7	Silver Haired Legislature	20200	18,500
8	Transfer to Division of Human		
9	Services for Health Care		
10	and Title XIX Waiver		
11	for Senior Citizens	53900	4,615,503
12	Roger Tompkins Alzheimer’s		
13	Respite Care.....	64300	2,302,016
14	WV Alzheimer’s Hotline	72400	45,000
15	Regional Aged and Disabled		
16	Resource Center.....	76700	425,000
17	Senior Services Medicaid		
18	Transfer.....	87100	16,400,070
19	Legislative Initiatives		
20	for the Elderly	90400	9,671,239
21	Long Term Care Ombudsman.....	90500	297,226
22	BRIM Premium.....	91300	7,718
23	In-Home Services and Nutrition		
24	for Senior Citizens	91700	<u>6,095,941</u>
25	Total.....		\$ 42,856,387

26 Any unexpended balance remaining in the appropriation for
27 Senior Citizen Centers and Programs (fund 5405, appropriation
28 46200) at the close of the fiscal year 2019 is hereby reappropriated
29 for expenditure during the fiscal year 2020.

30 Included in the above appropriation for Current Expenses (fund
31 5405, appropriation 13000), is funding to support an in-home direct
32 care workforce registry.

33 The above appropriation for Transfer to Division of Human
34 Services for Health Care and Title XIX Waiver for Senior Citizens
35 (appropriation 53900) along with the federal moneys generated
36 thereby shall be used for reimbursement for services provided
37 under the program.

297 - Higher Education Policy Commission –

Lottery Education –

Higher Education Policy Commission –

Control Account

(WV Code Chapters 18B and 18C)

Fund 4925 FY 2020 Org 0441

1	RHI Program and Site		
2	Support (R)	03600	\$ 1,912,491
3	RHI Program and Site		
4	Support – RHEP Program		
5	Administration	03700	146,653
6	RHI Program and Site Support		
7	– Grad Med Ed and Fiscal		
8	Oversight (R)	03800	88,913
9	Minority Doctoral		
10	Fellowship (R)	16600	129,604
11	Health Sciences Scholarship (R).....	17600	225,527
12	Vice Chancellor for Health		
13	Sciences – Rural Health		
14	Residency Program (R).....	60100	62,725
15	WV Engineering, Science,		
16	and Technology		
17	Scholarship Program.....	86800	<u>452,831</u>
18	Total		\$ 3,018,744

19 Any unexpended balances remaining in the appropriations for
 20 RHI Program and Site Support (fund 4925, appropriation 03600),
 21 RHI Program and Site Support – Grad Med Ed and Fiscal
 22 Oversight (fund 4925, appropriation 03800), Minority Doctoral
 23 Fellowship (fund 4925, appropriation 16600), Health Sciences
 24 Scholarship (fund 4925, appropriation 17600), and Vice
 25 Chancellor for Health Sciences – Rural Health Residency Program
 26 (fund 4925, appropriation 60100) at the close of fiscal year 2019
 27 are hereby reappropriated for expenditure during the fiscal year
 28 2020.

29 The above appropriation for WV Engineering, Science, and
 30 Technology Scholarship Program (appropriation 86800) shall be
 31 transferred to the West Virginia Engineering, Science and
 32 Technology Scholarship Fund (fund 4928, org 0441) established
 33 by W.Va. Code §18C-6-1.

298 - Community and Technical College –

Capital Improvement Fund

(WV Code Chapter 18B)

Fund 4908 FY 2020 Org 0442

1 Debt Service – Total 31000 \$ 5,000,000

2 Any unexpended balance remaining in the appropriation for
 3 Capital Outlay and Improvements – Total (fund 4908,
 4 appropriation 84700) at the close of fiscal year 2019 is hereby
 5 reappropriated for expenditure during the fiscal year 2020.

299 - Higher Education Policy Commission –

Lottery Education –

West Virginia University – School of Medicine

(WV Code Chapter 18B)

Fund 4185 FY 2020 Org 0463

1	WVU Health Sciences –		
2	RHI Program and		
3	Site Support (R)	03500	\$ 1,181,728
4	MA Public Health Program		
5	and Health Science		
6	Technology (R)	62300	52,445
7	Health Sciences Career		
8	Opportunities Program (R)	86900	336,987
9	HSTA Program (R)	87000	1,761,948
10	Center for Excellence in		
11	Disabilities (R)	96700	<u>313,517</u>
12	Total		\$ <u>3,646,625</u>

13 Any unexpended balances remaining in the appropriations for
14 WVU Health Sciences – RHI Program and Site Support (fund
15 4185, appropriation 03500), MA Public Health Program and
16 Health Science Technology (fund 4185, appropriation 62300),
17 Health Sciences Career Opportunities Program (fund 4185,
18 appropriation 86900), HSTA Program (fund 4185, appropriation
19 87000), and Center for Excellence in Disabilities (fund 4185,
20 appropriation 96700) at the close of fiscal year 2019 are hereby
21 reappropriated for expenditure during the fiscal year 2020.

300 - Higher Education Policy Commission –

Lottery Education –

Marshall University – School of Medicine

(WV Code Chapter 18B)

Fund 4896 FY 2020 Org 0471

1	Marshall Medical School –		
2	RHI Program and		
3	Site Support (R)	03300	\$ 427,075
4	Vice Chancellor for Health		
5	Sciences – Rural Health		
6	Residency Program (R)	60100	<u>171,361</u>
7	Total		\$ <u>598,436</u>

8 Any unexpended balances remaining in the appropriations for
 9 Marshall Medical School – RHI Program and Site Support (fund
 10 4896, appropriation 03300) and Vice Chancellor for Health
 11 Sciences – Rural Health Residency Program (fund 4896,
 12 appropriation 60100) at the close of fiscal year 2019 are hereby
 13 reappropriated for expenditure during the fiscal year 2020.

14 Total TITLE II, Section
 15 4 – Lottery Revenue..... \$ 127,808,000

1 **Sec. 5. Appropriations from state excess lottery revenue**
 2 **fund.** — In accordance with W.Va. Code §29-22-18a, §29-22A-
 3 10d, §29-22A-10e, §29-22C-27a and §29-25-22b, the following
 4 appropriations shall be deposited and disbursed by the Director of
 5 the Lottery to the following accounts in this section in the amounts
 6 indicated.

7 After first funding the appropriations required by W.Va. Code
 8 §29-22-18a, §29-22A-10d, §29-22A-10e, §29-22C-27a and §29-
 9 25-22b, the Director of the Lottery shall provide funding from the
 10 State Excess Lottery Revenue Fund for the remaining
 11 appropriations in this section to the extent that funds are available.
 12 In the event that revenues to the State Excess Lottery Revenue
 13 Fund are sufficient to meet all the appropriations required made
 14 pursuant to this section, then the Director of the Lottery shall then
 15 provide the funds available for fund 5365, appropriation 18900.

301 - Lottery Commission –

Refundable Credit

Fund 7207 FY 2020 Org 0705

	Appro- piation	Excess Lottery Funds
1 Directed Transfer	70000	\$ 10,000,000

2 The above appropriation shall be transferred to the General
 3 Revenue Fund to provide reimbursement for the refundable credit

4 allowable under W.Va. Code §11-21-21. The amount of the
 5 required transfer shall be determined solely by the State Tax
 6 Commissioner and shall be completed by the Director of the
 7 Lottery upon the commissioner’s request.

302 - Lottery Commission –

General Purpose Account

Fund 7206 FY 2020 Org 0705

1 General Revenue Fund –

2 Transfer..... 70011 \$ 65,000,000

3 The above appropriation shall be transferred to the General
 4 Revenue Fund as determined by the Director of the Lottery in
 5 accordance with W.Va. Code §29-22-18a.

303 - Higher Education Policy Commission –

Education Improvement Fund

Fund 4295 FY 2020 Org 0441

1 PROMISE Scholarship –

2 Transfer..... 80000 \$ 29,000,000

3 The above appropriation shall be transferred to the PROMISE
 4 Scholarship Fund (fund 4296, org 0441) established by W.Va.
 5 Code §18C-7-7.

6 The Legislature has explicitly set a finite amount of available
 7 appropriations and directed the administrators of the Program to
 8 provide for the award of scholarships within the limits of available
 9 appropriations.

304 - Economic Development Authority –

Economic Development Project Fund

Fund 9065 FY 2020 Org 0944

1 Debt Service – Total 31000 \$ 19,000,000

2 Pursuant to W.Va. Code §29-22-18a, subsection (f), excess
 3 lottery revenues are authorized to be transferred to the lottery fund
 4 as reimbursement of amounts transferred to the economic
 5 development project fund pursuant to section four of this title and
 6 W.Va. Code §29-22-18, subsection (f).

305 - Department of Education –

School Building Authority

Fund 3514 FY 2020 Org 0402

1 Debt Service – Total 31000 \$ 19,000,000

306 - West Virginia Infrastructure Council –

West Virginia Infrastructure Transfer Fund

Fund 3390 FY 2020 Org 0316

1 Directed Transfer 70000 \$ 46,000,000

2 The above appropriation shall be allocated pursuant to W.Va.
 3 Code §29-22-18d and §31-15-9.

307 - Higher Education Policy Commission –

Higher Education Improvement Fund

Fund 4297 FY 2020 Org 0441

1 Directed Transfer 70000 \$ 15,000,000

2 The above appropriation shall be transferred to fund 4903, org
 3 0442 as authorized by Senate Concurrent Resolution No. 41.

308 - Division of Natural Resources –

State Park Improvement Fund

Fund 3277 FY 2020 Org 0310

1 Current Expenses (R) 13000 \$ 23,300

2	Repairs and Alterations (R)	06400	161,200
3	Equipment (R).....	07000	200,000
4	Buildings (R).....	25800	100,000
5	Other Assets (R).....	69000	<u>1,020,500</u>
6	Total.....		\$ 1,505,000

7 Any unexpended balances remaining in the above
 8 appropriations for Repairs and Alterations (fund 3277,
 9 appropriation 06400), Equipment (fund 3277, appropriation
 10 07000), Unclassified – Total (fund 3277, appropriation 09600),
 11 Unclassified (fund 3277, appropriation 09900), Current Expenses
 12 (fund 3277, appropriation 13000), Buildings (fund 3277,
 13 appropriation 25800), and Other Assets (fund 3277, appropriation
 14 69000) at the close of the fiscal year 2019 are hereby
 15 reappropriated for expenditure during the fiscal year 2020.

309 - Economic Development Authority –

Cacapon and Beech Fork State Parks –

Lottery Revenue Debt Service

Fund 9067 FY 2020 Org 0944

1	Debt Service.....	04000	\$ 2,032,000
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310 - Economic Development Authority –

State Parks Lottery Revenue Debt Service Fund

Fund 9068 FY 2020 Org 0944

1	Debt Service.....	04000	\$ 4,395,000
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311 - Racing Commission –

Fund 7308 FY 2020 Org 0707

1	Special Breeders Compensation		
2	(WVC §29-22-18a,		
3	subsection (1))	21800	\$ 2,000,000

*312 - Lottery Commission –**Distributions to Statutory Funds and Purposes*Fund 7213 FY 2020 Org 0705

1	Parking Garage Fund – Transfer.....	70001	\$	500,000
2	2004 Capitol Complex Parking			
3	Garage Fund – Transfer.....	70002		216,478
4	Capitol Dome and Improvements			
5	Fund – Transfer.....	70003		1,796,256
6	Capitol Renovation and			
7	Improvement Fund – Transfer	70004		2,381,252
8	Development Office Promotion			
9	Fund – Transfer.....	70005		1,298,864
10	Research Challenge			
11	Fund – Transfer.....	70006		1,731,820
12	Tourism Promotion			
13	Fund – Transfer.....	70007		4,808,142
14	Cultural Facilities and Capitol			
15	Resources Matching			
16	Grant Program Fund			
17	– Transfer.....	70008		1,250,535
18	State Debt Reduction			
19	Fund – Transfer.....	70010		20,000,000
20	General Revenue Fund –			
21	Transfer.....	70011		1,167,799
22	West Virginia Racing			
23	Commission Racetrack			
24	Video Lottery Account	70012		3,463,637
25	Historic Resort Hotel Fund	70013		24,010
26	Licensed Racetrack Regular			
27	Purse Fund	70014		<u>22,383,247</u>
28	Total.....		\$	61,022,040

313 - Governor's Office

(WV Code Chapter 5)

Fund 1046 FY 2020 Org 0100

1 Any unexpended balance remaining in the appropriation for
 2 Publication of Papers and Transition Expenses – Lottery Surplus
 3 (fund 1046, appropriation 06600) at the close of the fiscal year
 4 2019 is hereby reappropriated for expenditure during the fiscal year
 5 2020.

314 - West Virginia Development Office

(WV Code Chapter 5B)

Fund 3170 FY 2020 Org 0307

1 Any unexpended balances remaining in the appropriations for
 2 Unclassified – Total (fund 3170, appropriation 09600),
 3 Recreational Grants or Economic Development Loans (fund 3170,
 4 appropriation 25300), and Connectivity Research and
 5 Development – Lottery Surplus (fund 3170, appropriation 92300)
 6 at the close of the fiscal year 2019 are hereby reappropriated for
 7 expenditure during the fiscal year 2020.

315 - Higher Education Policy Commission –

Administration –

Control Account

(WV Code Chapter 18B)

Fund 4932 FY 2020 Org 0441

1 Any unexpended balance remaining in the appropriation for
 2 Advanced Technology Centers (fund 4932, appropriation 02800)
 3 at the close of the fiscal year 2019 is hereby reappropriated for
 4 expenditure during the fiscal year 2020.

316 - Division of Human Services

(WV Code Chapters 9, 48 and 49)

Fund 5365 FY 2020 Org 0511

1	Medical Services.....	18900	\$ 16,302,960
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*317 - Division of Corrections and Rehabilitation –
Correctional Units*

(WV Code Chapters 15A)

Fund 6283 FY 2020 Org 0608

1 Any unexpended balance remaining in the appropriation for
2 Capital Outlay and Maintenance (fund 6283, appropriation
3 75500) at the close of the fiscal year 2019 is hereby
4 reappropriated for expenditure during the fiscal year 2020.

5 Total TITLE II, Section 5 –

6 Excess Lottery Funds..... \$ 290,257,000

1 **Sec. 6. Appropriations of federal funds.** — In accordance
2 with Article 11, Chapter 4 of the Code from federal funds there are
3 hereby appropriated conditionally upon the fulfillment of the
4 provisions set forth in Article 2, Chapter 11B of the Code the
5 following amounts, as itemized, for expenditure during the fiscal
6 year 2020.

LEGISLATIVE

318 - Crime Victims Compensation Fund

(WV Code Chapter 14)

Fund 8738 FY 2020 Org 2300

	Appro- p-riation		Federal Funds
1 Economic Loss Claim			
2 Payment Fund	33400	\$	2,000,000

JUDICIAL

319 - Supreme Court

Fund 8867 FY 2020 Org 2400

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 1,813,000
3	Current Expenses	13000	2,057,000
4	Repairs and Alterations.....	06400	100,000
5	Equipment	07000	250,000
6	Other Assets	69000	<u>280,000</u>
7	Total.....		\$ 4,500,000

EXECUTIVE

320 - Department of Agriculture

(WV Code Chapter 19)

Fund 8736 FY 2020 Org 1400

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 2,628,780
3	Unclassified.....	09900	50,534
4	Current Expenses	13000	3,828,661
5	Repairs and Alterations.....	06400	650,000
6	Equipment	07000	910,500
7	Buildings	25800	1,000,000
8	Other Assets	69000	50,000
9	Land	73000	<u>500,000</u>
10	Total.....		\$ 9,618,475

321 - Department of Agriculture –

Meat Inspection Fund

(WV Code Chapter 19)

Fund 8737 FY 2020 Org 1400

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 658,571
3	Unclassified.....	09900	8,755
4	Current Expenses	13000	136,012
5	Repairs and Alterations.....	06400	5,500
6	Equipment	07000	<u>114,478</u>
7	Total.....		\$ 923,316

322 - Department of Agriculture –

State Conservation Committee

(WV Code Chapter 19)

Fund 8783 FY 2020 Org 1400

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 97,250
3	Current Expenses	13000	<u>15,599,974</u>
4	Total.....		\$ 15,697,224

323 - Department of Agriculture –

*Land Protection Authority*Fund 8896 FY 2020 Org 1400

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 46,526
3	Unclassified.....	09900	5,004
4	Current Expenses	13000	<u>448,920</u>
5	Total.....		\$ 500,450

324 - Secretary of State –

State Election Fund

(WV Code Chapter 3)

Fund 8854 FY 2020 Org 1600

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 210,240
3	Unclassified.....	09900	7,484
4	Current Expenses	13000	415,727
5	Repairs and Alterations.....	06400	15,000
6	Other Assets.....	69000	<u>100,000</u>
7	Total.....		\$ 748,451

DEPARTMENT OF COMMERCE*325 - Division of Forestry*

(WV Code Chapter 19)

Fund 8703 FY 2020 Org 0305

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 1,640,060
3	Unclassified.....	09900	51,050
4	Current Expenses	13000	5,232,560
5	Repairs and Alterations.....	06400	155,795
6	Equipment.....	07000	100,000
7	Other Assets.....	69000	<u>1,808,300</u>
8	Total.....		\$ 8,987,765

326 - Geological and Economic Survey

(WV Code Chapter 29)

Fund 8704 FY 2020 Org 0306

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 54,432
3	Unclassified.....	09900	2,803
4	Current Expenses	13000	195,639
5	Repairs and Alterations.....	06400	5,000
6	Equipment.....	07000	7,500
7	Other Assets.....	69000	<u>15,000</u>
8	Total.....		\$ 280,374

327 - West Virginia Development Office

(WV Code Chapter 5B)

Fund 8705 FY 2020 Org 0307

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 789,921
3	Unclassified.....	09900	50,000
4	Current Expenses	13000	<u>4,504,019</u>

5 Total..... \$ 5,343,940

328 - West Virginia Development Office –

Office of Economic Opportunity

(WV Code Chapter 5)

Fund 8901 FY 2020 Org 0307

1	Personal Services and		
2	Employee Benefits.....00100	\$	497,289
3	Repairs and Alterations.....06400		250
4	Equipment.....07000		6,000
5	Unclassified.....09900		106,795
6	Current Expenses13000		<u>10,069,166</u>
7	Total.....	\$	10,679,500

329 - Division of Labor

(WV Code Chapters 21 and 47)

Fund 8706 FY 2020 Org 0308

1	Personal Services and		
2	Employee Benefits.....00100	\$	409,251
3	Unclassified.....09900		5,572
4	Current Expenses13000		167,098
5	Repairs and Alterations.....06400		<u>500</u>
6	Total.....	\$	582,421

330 - Division of Natural Resources

(WV Code Chapter 20)

Fund 8707 FY 2020 Org 0310

1	Personal Services and		
2	Employee Benefits.....00100	\$	8,237,073
3	Unclassified.....09900		107,693
4	Current Expenses13000		5,556,594
5	Repairs and Alterations.....06400		289,400

6	Equipment.....	07000	1,815,182
7	Buildings.....	25800	951,000
8	Other Assets.....	69000	6,951,000
9	Land.....	73000	<u>6,001,000</u>
10	Total.....		\$ 29,908,942

331 - Division of Miners' Health,

Safety and Training

(WV Code Chapter 22)

Fund 8709 FY 2020 Org 0314

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 642,799
3	Current Expenses.....	13000	<u>150,000</u>
4	Total.....		\$ 792,799

332 - WorkForce West Virginia

(WV Code Chapter 23)

Fund 8835 FY 2020 Org 0323

1	Unclassified.....	09900	\$ 5,127
2	Current Expenses.....	13000	507,530
3	Reed Act 2002 – Unemployment		
4	Compensation.....	62200	2,850,000
5	Reed Act 2002 – Employment		
6	Services.....	63000	<u>1,650,000</u>
7	Total.....		\$ 5,012,657

8 Pursuant to the requirements of 42 U.S.C. 1103, Section 903 of
9 the Social Security Act, as amended, and the provisions of W.Va.
10 Code §21A-9-9, the above appropriation to Unclassified and
11 Current Expenses shall be used by WorkForce West Virginia for
12 the specific purpose of administration of the state's unemployment
13 insurance program or job service activities, subject to each and
14 every restriction, limitation or obligation imposed on the use of the
15 funds by those federal and state statutes.

333 - Office of Energy

(WV Code Chapter 5B)

Fund 8892 FY 2020 Org 0328

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 426,385
3	Unclassified.....	09900	7,350
4	Current Expenses	13000	<u>2,816,076</u>
5	Total.....		\$ 3,249,811

*334 - State Board of Rehabilitation –**Division of Rehabilitation Services*

(WV Code Chapter 18)

Fund 8734 FY 2020 Org 0932

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 11,863,244
3	Current Expenses	13000	34,440,940
4	Repairs and Alterations.....	06400	350,400
5	Equipment.....	07000	<u>1,275,870</u>
6	Total.....		\$ 47,930,454

*335 - State Board of Rehabilitation –**Division of Rehabilitation Services –**Disability Determination Services*

(WV Code Chapter 18)

Fund 8890 FY 2020 Org 0932

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 14,476,122
3	Current Expenses	13000	11,383,206
4	Repairs and Alterations.....	06400	1,100
5	Equipment.....	07000	<u>83,350</u>
6	Total.....		\$ 25,943,778

DEPARTMENT OF EDUCATION*336 - State Board of Education –**State Department of Education*

(WV Code Chapters 18 and 18A)

Fund 8712 FY 2020 Org 0402

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 5,785,359
3	Unclassified.....	09900	2,000,000
4	Current Expenses	13000	212,367,820
5	Repairs and Alterations.....	06400	10,000
6	Equipment.....	07000	10,000
7	Other Assets.....	69000	<u>10,000</u>
8	Total.....		\$ 220,183,179

*337 - State Board of Education –**School Lunch Program*

(WV Code Chapters 18 and 18A)

Fund 8713 FY 2020 Org 0402

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 1,881,766
3	Unclassified.....	09900	1,150,500
4	Current Expenses	13000	148,281,265
5	Repairs and Alterations.....	06400	20,000
6	Equipment.....	07000	100,000
7	Other Assets.....	69000	<u>25,000</u>
8	Total.....		\$ 151,458,531

*338 - State Board of Education –**Vocational Division*

(WV Code Chapters 18 and 18A)

Fund 8714 FY 2020 Org 0402

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 1,896,249
3	Unclassified.....	09900	155,000
4	Current Expenses	13000	14,820,081
5	Repairs and Alterations.....	06400	10,000
6	Equipment.....	07000	10,000
7	Other Assets.....	69000	<u>10,000</u>
8	Total.....		\$ 16,901,330

339 - State Board of Education –

Aid for Exceptional Children

(WV Code Chapters 18 and 18A)

Fund 8715 FY 2020 Org 0402

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 3,477,006
3	Unclassified.....	09900	1,000,000
4	Current Expenses	13000	113,346,390
5	Repairs and Alterations.....	06400	10,000
6	Equipment.....	07000	10,000
7	Other Assets.....	69000	<u>10,000</u>
8	Total.....		\$ 117,853,396

DEPARTMENT OF ARTS, CULTURE, AND HISTORY

340 - Commission for National and Community Service

(WV Code Chapter 5F)

Fund 8841 FY 2020 Org 0432

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 437,040
3	Current Expenses	13000	5,587,325
4	Repairs and Alterations.....	06400	<u>1,000</u>
5	Total.....		\$ 6,025,365

341 - Division of Culture and History

(WV Code Chapter 29)

Fund 8718 FY 2020 Org 0432

1	Personal Services an		
2	Employee Benefits.....	00100	\$ 810,436
3	Current Expenses	13000	1,947,372
4	Repairs and Alterations.....	06400	1,000
5	Equipment.....	07000	1,000
6	Buildings.....	25800	1,000
7	Other Assets.....	69000	1,000
8	Land	73000	<u>360</u>
9	Total.....		\$ 2,762,168

342 - Library Commission

(WV Code Chapter 10)

Fund 8720 FY 2020 Org 0433

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 353,396
3	Current Expenses	13000	1,076,162
4	Equipment.....	07000	<u>543,406</u>
5	Total.....		\$ 1,972,964

343 - Educational Broadcasting Authority

(WV Code Chapter 10)

Fund 8721 FY 2020 Org 0439

1	Equipment.....	07000	\$ 200,000
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DEPARTMENT OF ENVIRONMENTAL PROTECTION

344 - Division of Environmental Protection

(WV Code Chapter 22)

Fund 8708 FY 2020 Org 0313

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 31,404,529
3	Current Expenses	13000	154,302,118
4	Repairs and Alterations.....	06400	738,283
5	Equipment.....	07000	1,712,238

6	Unclassified.....	09900	1,923,580
7	Other Assets.....	69000	2,177,261
8	Land.....	73000	<u>100,000</u>
9	Total.....		\$ 192,358,009

DEPARTMENT OF HEALTH AND HUMAN RESOURCES

345 - Consolidated Medical Service Fund

(WV Code Chapter 16)

Fund 8723 FY 2020 Org 0506

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 1,532,219
3	Unclassified.....	09900	73,307
4	Current Expenses.....	13000	<u>51,583,302</u>
5	Total.....		\$ 53,188,828

346 - Division of Health –

Central Office

(WV Code Chapter 16)

Fund 8802 FY 2020 Org 0506

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 14,610,947
3	Unclassified.....	09900	856,614
4	Current Expenses.....	13000	69,201,885
5	Equipment.....	07000	456,972
6	Buildings.....	25800	155,000
7	Other Assets.....	69000	<u>380,000</u>
8	Total.....		\$ 85,661,418

347 - Division of Health –

West Virginia Safe Drinking Water Treatment

(WV Code Chapter 16)

Fund 8824 FY 2020 Org 0506

1	West Virginia Drinking		
2	Water Treatment		
3	Revolving Fund – Transfer.....	68900	\$ 16,000,000

348 - Human Rights Commission

(WV Code Chapter 5)

Fund 8725 FY 2020 Org 0510

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 449,874
3	Unclassified.....	09900	5,050
4	Current Expenses	13000	<u>64,950</u>
5	Total.....		\$ 519,874

349 - Division of Human Services

(WV Code Chapters 9, 48, and 49)

Fund 8722 FY 2020 Org 0511

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 75,747,114
3	Unclassified.....	09900	22,855,833
4	Current Expenses	13000	112,085,005
5	Medical Services.....	18900	3,539,265,405
6	Medical Services		
7	Administrative Costs	78900	132,247,536
8	CHIP Administrative Costs.....	85601	4,539,496
9	CHIP Services.....	85602	47,422,974
10	Federal Economic Stimulus	89100	<u>5,000,000</u>
11	Total.....		\$ 3,939,163,363

**DEPARTMENT OF MILITARY AFFAIRS AND PUBLIC
SAFETY**

350 - Office of the Secretary

(WV Code Chapter 5F)

Fund 8876 FY 2020 Org 0601

1	Unclassified.....	09900	\$	30,000
2	Current Expenses	13000		<u>2,970,000</u>
3	Total.....		\$	3,000,000

*351 - Adjutant General –**State Militia*

(WV Code Chapter 15)

Fund 8726 FY 2020 Org 0603

1	Unclassified.....	09900	\$	982,705
2	Mountaineer ChalleNGE			
3	Academy	70900		4,978,680
4	Martinsburg Starbase	74200		439,622
5	Charleston Starbase.....	74300		424,685
6	Military Authority	74800		<u>93,601,594</u>
7	Total.....		\$	100,427,286

8 The Adjutant General shall have the authority to transfer
9 between appropriations.

*352 - Adjutant General –**West Virginia National Guard Counterdrug Forfeiture Fund*

(WV Code Chapter 15)

Fund 8785 FY 2020 Org 0603

1	Personal Services and			
2	Employee Benefits.....	00100	\$	1,350,000
3	Current Expenses	13000		300,000
4	Equipment.....	07000		<u>350,000</u>
5	Total.....		\$	2,000,000

*353 - Division of Homeland Security and**Emergency Management*

(WV Code Chapter 15)

Fund 8727 FY 2020 Org 0606

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 721,650
3	Current Expenses	13000	20,429,281
4	Repairs and Alterations.....	06400	5,000
5	Equipment.....	07000	<u>100,000</u>
6	Total.....		\$ 21,255,931

354 - Division of Corrections and Rehabilitation

(WV Code Chapters 15A)

Fund 8836 FY 2020 Org 0608

1	Unclassified.....	09900	\$ 1,100
2	Current Expenses	13000	<u>108,900</u>
3	Total.....		\$ 110,000

355 - West Virginia State Police

(WV Code Chapter 15)

Fund 8741 FY 2020 Org 0612

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 2,480,877
3	Current Expenses	13000	2,125,971
4	Repairs and Alterations.....	06400	42,000
5	Equipment.....	07000	2,502,285
6	Buildings	25800	750,500
7	Other Assets.....	69000	144,500
8	Land	73000	<u>500</u>
9	Total.....		\$ 8,046,633

356 - Fire Commission

(WV Code Chapter 29)

Fund 8819 FY 2020 Org 0619

1	Current Expenses	13000	\$ 80,000
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357 - Division of Justice and Community Services

(WV Code Chapter 15)

Fund 8803 FY 2020 Org 0620

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 1,222,258
3	Unclassified.....	09900	25,185
4	Current Expenses	13000	25,381,973
5	Repairs and Alterations.....	06400	<u>1,750</u>
6	Total.....		\$ 26,631,166

DEPARTMENT OF REVENUE*358 - Insurance Commissioner*

(WV Code Chapter 33)

Fund 8883 FY 2020 Org 0704

1	Current Expenses	13000	\$ 3,000,000
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DEPARTMENT OF TRANSPORTATION*359 - Division of Motor Vehicles*

(WV Code Chapter 17B)

Fund 8787 FY 2020 Org 0802

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 501,394
3	Current Expenses	13000	6,498,106
4	Repairs and Alterations.....	06400	<u>500</u>
5	Total.....		\$ 7,000,000

360 - Division of Public Transit

(WV Code Chapter 17)

Fund 8745 FY 2020 Org 0805

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 922,070
3	Current Expenses	13000	9,163,149
4	Repairs and Alterations.....	06400	2,500
5	Equipment	07000	2,801,714
6	Buildings	25800	650,000
7	Other Assets	69000	<u>200,000</u>
8	Total.....		\$ 13,739,433

DEPARTMENT OF VETERANS' ASSISTANCE

361 - Department of Veterans' Assistance

(WV Code Chapter 9A)

Fund 8858 FY 2020 Org 0613

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 2,774,248
3	Current Expenses	13000	3,270,000
4	Equipment.....	07000	213,000
5	Buildings	25800	<u>600,000</u>
6	Total.....		\$ 6,857,248

362 - Department of Veterans' Assistance –

Veterans' Home

(WV Code Chapter 9A)

Fund 8728 FY 2020 Org 0618

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 955,426
3	Current Expenses	13000	844,092
4	Repairs and Alterations.....	06400	220,000
5	Equipment.....	07000	198,000
6	Buildings	25800	296,000
7	Other Assets	69000	20,000
8	Land	73000	<u>10,000</u>
9	Total.....		\$ 2,543,518

BUREAU OF SENIOR SERVICES*363 - Bureau of Senior Services*

(WV Code Chapter 29)

Fund 8724 FY 2020 Org 0508

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 767,364
3	Current Expenses	13000	13,811,853
4	Repairs and Alterations.....	06400	<u>3,000</u>
5	Total.....		\$ 14,582,217

MISCELLANEOUS BOARDS AND COMMISSIONS*364 - Public Service Commission –**Motor Carrier Division*

(WV Code Chapter 24A)

Fund 8743 FY 2020 Org 0926

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 1,352,576
3	Current Expenses	13000	368,953
4	Repairs and Alterations.....	06400	39,000
5	Equipment.....	07000	<u>1,000</u>
6	Total.....		\$ 1,761,529

*365 - Public Service Commission –**Gas Pipeline Division*

(WV Code Chapter 24B)

Fund 8744 FY 2020 Org 0926

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 621,039
3	Current Expenses	13000	124,628
4	Equipment.....	07000	3,000
5	Unclassified.....	09900	<u>4,072</u>

6 Total..... \$ 752,739

366 - National Coal Heritage Area Authority

(WV Code Chapter 29)

Fund 8869 FY 2020 Org 0941

1	Personal Services and		
2	Employee Benefits.....00100	\$	163,315
3	Current Expenses13000		633,597
4	Repairs and Alterations.....06400		5,000
5	Equipment.....07000		3,000
6	Other Assets.....69000		<u>2,000</u>
7	Total.....	\$	<u>806,912</u>
8	Total TITLE II, Section 6 –		
9	Federal Funds.....	\$	<u>5,189,543,394</u>

1 **Sec. 7. Appropriations from federal block grants.** — The
 2 following items are hereby appropriated from federal block grants
 3 to be available for expenditure during the fiscal year 2020.

367 - West Virginia Development Office –

Community Development

Fund 8746 FY 2020 Org 0307

1	Personal Services and		
2	Employee Benefits.....00100	\$	10,658,978
3	Unclassified.....09900		2,375,000
4	Current Expenses13000		<u>224,476,883</u>
5	Total.....	\$	237,510,861

368 - Department of Commerce

West Virginia Development Office –

Office of Economic Opportunity –

Community Services

Fund 8902 FY 2020 Org 0307

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 362,389
3	Unclassified.....	09900	125,000
4	Current Expenses	13000	12,002,111
5	Repairs and Alterations.....	06400	1,500
6	Equipment.....	07000	9,000
7	Total.....		\$ 12,500,000

369 - WorkForce West Virginia –

Workforce Investment Act

Fund 8749 FY 2020 Org 0323

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 2,999,497
3	Unclassified.....	09900	23,023
4	Current Expenses	13000	39,263,511
5	Repairs and Alterations.....	06400	1,600
6	Equipment.....	07000	500
7	Buildings.....	25800	1,100
8	Total.....		\$ 42,289,231

370 - Division of Health –

Maternal and Child Health

Fund 8750 FY 2020 Org 0506

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 2,268,209
3	Unclassified.....	09900	81,439
4	Current Expenses	13000	5,794,267
5	Total.....		\$ 8,143,915

371 - Division of Health –

Preventive Health

Fund 8753 FY 2020 Org 0506

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 268,337

3	Unclassified.....	09900		22,457
4	Current Expenses	13000		1,895,366
5	Equipment	07000		<u>165,642</u>
6	Total.....		\$	2,351,802

372 - Division of Health –

Substance Abuse Prevention and Treatment

Fund 8793 FY 2020 Org 0506

1	Personal Services and			
2	Employee Benefits.....	00100	\$	657,325
3	Unclassified.....	09900		115,924
4	Current Expenses	13000		<u>10,853,740</u>
5	Total.....		\$	11,626,989

373 - Division of Health –

Community Mental Health Services

Fund 8794 FY 2020 Org 0506

1	Personal Services and			
2	Employee Benefits.....	00100	\$	551,368
3	Unclassified.....	09900		33,533
4	Current Expenses	13000		<u>4,883,307</u>
5	Total.....		\$	5,468,208

374 - Division of Human Services –

Energy Assistance

Fund 8755 FY 2020 Org 0511

1	Personal Services and			
2	Employee Benefits.....	00100	\$	1,856,844
3	Unclassified.....	09900		350,000
4	Current Expenses	13000		<u>33,181,300</u>
5	Total.....		\$	35,388,144

*375 - Division of Human Services –
Social Services*

Fund 8757 FY 2020 Org 0511

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 8,806,005
3	Unclassified.....	09900	171,982
4	Current Expenses	13000	<u>8,870,508</u>
5	Total.....		\$ 17,848,495

376 - Division of Human Services –

Temporary Assistance for Needy Families

Fund 8816 FY 2020 Org 0511

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 19,913,598
3	Unclassified.....	09900	1,250,000
4	Current Expenses	13000	<u>105,847,136</u>
5	Total.....		\$ 127,010,734

377 - Division of Human Services –

Child Care and Development

Fund 8817 FY 2020 Org 0511

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 2,793,496
3	Unclassified.....	09900	350,000
4	Current Expenses	13000	<u>46,999,456</u>
5	Total.....		\$ 50,142,952
6	Total TITLE II, Section 7 –		
7	Federal Block Grants		<u>\$ 550,281,331</u>

1 **Sec. 8. Awards for claims against the state.** — There are
2 hereby appropriated for fiscal year 2020, from the fund as
3 designated, in the amounts as specified, general revenue funds in
4 the amount of \$535,947 special revenue funds in the amount of

5 \$212,743 and state road funds in the amount of \$1,703,146 for
6 payment of claims against the state.

1 **Sec. 9. Appropriations from general revenue fund surplus**
2 **accrued.** — The following item is hereby appropriated from the
3 state fund, general revenue, and is to be available for expenditure
4 during the fiscal year 2020 out of surplus funds only, accrued from
5 the fiscal year ending June 30, 2019, subject to the terms and
6 conditions set forth in this section.

7 It is the intent and mandate of the Legislature that the following
8 appropriation be payable only from surplus as of July 31, 2019
9 from the fiscal year ending June 30, 2019, only after first meeting
10 requirements of W.Va. Code §11B-2-20(b).

11 In the event that surplus revenues available on July 31, 2019,
12 are not sufficient to meet the appropriation made pursuant to this
13 section, then the appropriation shall be made to the extent that
14 surplus funds are available as of the date mandated to meet the
15 appropriation in this section and shall be allocated first to provide
16 the necessary funds to meet the first appropriation of this section
17 and each subsequent appropriation in the order listed in this
18 section.

378 - Department of Agriculture

(WV Code Chapter 19)

Fund 0131 FY 2020 Org 1400

1 WV Food Banks – Surplus ##### \$ 300,000

379 - State Board of Education

State Department of Education

(WV Code Chapter 18 & 18A)

Fund 0313 FY 2020 Org 0402

1 Directed Transfer – Surplus ##### \$ 3,500,000

2 The above appropriation for Directed Transfer - Surplus (fund
 3 0313, appropriation #####) shall be transferred to the Safe
 4 Schools Fund (fund XXXX, org 0402) established by W.Va.
 5 Code §18-5-48.

380 - Shepherd University

(WV Code Chapter 18B)

Fund 0366 FY 2020 Org 0486

1	Shepherd University – Surplus	#####	\$	500,000
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381 - Blue Ridge Community and Technical College

(WV Code Chapter 18B)

Fund 0601 FY 2020 Org 0477

1	Blue Ridge Community and			
2	Technical College – Surplus	#####	\$	500,000

382 - Eastern West Virginia Community and Technical College

(WV Code Chapter 18B)

Fund 0587 FY 2020 Org 0492

1	Eastern West Virginia			
2	Community and			
3	Technical College – Surplus	#####	\$	500,000

383 - West Virginia University at Parkersburg

(WV Code Chapter 18B)

Fund 0131 FY 2020 Org 0464

1	West Virginia University at			
2	Parkersburg – Surplus.....	#####	\$	500,000

384 - Glenville State College

(WV Code Chapter 18B)

Fund 0363 FY 2020 Org 0485

1	Glenville State College – Surplus	####	\$	500,000
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385 – Division of Health –
Central Office

(WV Code Chapter 16)

Fund 0407 FY 2020 Org 0506

1	New Born Screening			
2	Testing – Surplus	####	\$	200,000

386 – Division of Health –
Central Office

(WV Code Chapter 16)

Fund 0407 FY 2020 Org 0506

1	Sexual Assault Intervention			
2	and Prevention – Surplus	####	\$	125,000

387 - West Virginia Tourism Office

(WV Code Chapter 5B)

Fund 0246 FY 2020 Org 0304

1	Tourism – Brand			
2	Promotion – Surplus	####	\$	5,000,000
3	Tourism – Public			
4	Relations – Surplus	####		750,000
5	Tourism – Events and			
6	Sponsorships – Surplus	####		250,000
7	Tourism – Industry			
8	Development – Surplus	####		250,000

9	State Parks and Recreation		
10	Adverstising – Surplus.....#####		<u>750,000</u>
11	Total.....	\$	<u>7,000,000</u>

388 - State Board of Education

Vocational Division

(WV Code Chapter 18 and 18A)

Fund 0390 FY 2020 Org 0402

1	Jim’s Dream – Surplus.....#####	\$	4,000,000
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389- Consolidated Medical Service Fund

(WV Code Chapter 16)

Fund 0525 FY 2020 Org 0506

1	Jim’s Dream – Surplus.....#####	\$	1,000,000
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390 – Division of Human Services

(WV Code Chapter 9, 48, and 49)

Fund 0403 FY 2020 Org 0511

1	Medical Services – Surplus..... 63300	\$	53,000,000
2	Total TITLE II,		
3	Section 9 –		
4	Surplus Accrued	\$	<u><u>71,625,000</u></u>

1 **Sec. 10. Appropriations from lottery net profits surplus**
2 **accrued.** — The following item is hereby appropriated from the
3 lottery net profits, and is to be available for expenditure during the
4 fiscal year 2020 out of surplus funds only, as determined by the
5 director of lottery, accrued from the fiscal year ending June 30,
6 2019, subject to the terms and conditions set forth in this section.

7 It is the intent and mandate of the Legislature that the following
8 appropriation be payable only from surplus accrued from the fiscal
9 year ending June 30, 2019.

10 In the event that surplus revenues available from the fiscal
 11 year ending June 30, 2019, are not sufficient to meet the
 12 appropriation made pursuant to this section, then the
 13 appropriation shall be made to the extent that surplus funds are
 14 available.

391 - Bureau of Senior Services –

Lottery Senior Citizens Fund

(WV Code Chapter 29)

Fund 5405 FY 2020 Org 0508

1	Senior Nutrition		
2	Vehicle Replacement –		
3	Lottery Surplus	#####	\$ 1,000,000
4	In-Home Services and		
5	Nutrition for		
6	Senior Citizens –		
7	Lottery Surplus	#####	750,000
8	Senior Services Medicaid		
9	Transfer – Lottery Surplus.....	68199	<u>16,000,000</u>
10	Total.....		\$ 17,750,000
11	Total TITLE II, Section		
12	10 – Surplus Accrued		<u>\$ 17,750,000</u>

1 **Sec. 11. Appropriations from state excess lottery revenue**
 2 **surplus accrued.** — The following item is hereby appropriated
 3 from the state excess lottery revenue fund, and is to be available
 4 for expenditure during the fiscal year 2020 out of surplus funds
 5 only, as determined by the director of lottery, accrued from the
 6 fiscal year ending June 30, 2019, subject to the terms and
 7 conditions set forth in this section.

8 It is the intent and mandate of the Legislature that the following
 9 appropriation be payable only from surplus accrued from the fiscal
 10 year ending June 30, 2019.

11 In the event that surplus revenues available from the fiscal year
 12 ending June 30, 2019, are not sufficient to meet the appropriation

13 made pursuant to this section, then the appropriation shall be made
14 to the extent that surplus funds are available.

392 - Division of Human Services

(WV Code Chapters 9, 48 and 49)

Fund 5365 FY 2020 Org 0511

1	Medical Services –		
2	Lottery Surplus	68100	\$ 17,000,000
3	Total TITLE II, Section		
4	11 – Surplus Accrued		<u>\$ 17,000,000</u>

1 **Sec. 12. Special revenue appropriations.** — There are hereby
2 appropriated for expenditure during the fiscal year 2020
3 appropriations made by general law from special revenues which
4 are not paid into the state fund as general revenue under the
5 provisions of W.Va. Code §12-2-2: *Provided*, That none of the
6 money so appropriated by this section shall be available for
7 expenditure except in compliance with the provisions of W.Va.
8 Code §12-2 and 3, and W.Va. Code §11B-2, unless the spending
9 unit has filed with the director of the budget and the legislative
10 auditor prior to the beginning of each fiscal year:

11 (a) An estimate of the amount and sources of all revenues
12 accruing to such fund; and

13 (b) A detailed expenditure schedule showing for what purposes
14 the fund is to be expended.

15 During Fiscal Year 2020, the following funds are hereby
16 available and are to be transferred to the appropriate funds as
17 specified from available balances per the following:

393 -Attorney General

Consumer Protection Recovery Fund

(WV Code Chapter 46A)

Fund 1509 FY 2020 Org 1500

1 Directed Transfer 70000 \$ 3,400,000

2 From the above appropriation for Directed Transfer (Fund
3 1509, appropriation 70000), \$1,000,000 shall be transferred to the
4 West Virginia State Police – Forensic Laboratory Fund (Fund
5 6511) and \$2,400,000 shall be transferred to the Department of
6 Health and Human Resources, Division of Human Services –
7 Medical Services Trust Fund (Fund 5185).

394- Department of Administration

Premium Tax Savings Fund

(WV Code Chapter 29)

Fund 2367 FY 2020 Org 0218

1 Directed Transfer 70000 \$ 6,149,802

2 The above appropriation for Directed Transfer (Fund 2367,
3 appropriation 70000) shall be transferred to the Department of
4 Health and Human Resources, Division of Human Services –
5 Medical Services Trust Fund (Fund 5185).

6 Total TITLE II, Section
7 12 – Special Revenue \$ 9,549,802

1 **Sec. 13. State improvement fund appropriations.** —
2 Bequests or donations of nonpublic funds, received by the
3 Governor on behalf of the state during the fiscal year 2020, for the
4 purpose of making studies and recommendations relative to
5 improvements of the administration and management of spending
6 units in the executive branch of state government, shall be
7 deposited in the state treasury in a separate account therein
8 designated state improvement fund.

9 There are hereby appropriated all moneys so deposited during
10 the fiscal year 2020 to be expended as authorized by the Governor,
11 for such studies and recommendations which may encompass any
12 problems of organization, procedures, systems, functions, powers
13 or duties of a state spending unit in the executive branch, or the

14 betterment of the economic, social, educational, health and general
15 welfare of the state or its citizens.

1 **Sec. 14. Specific funds and collection accounts.** — A fund or
2 collection account which by law is dedicated to a specific use is
3 hereby appropriated in sufficient amount to meet all lawful
4 demands upon the fund or collection account and shall be expended
5 according to the provisions of Article 3, Chapter 12 of the Code.

1 **Sec. 15. Appropriations for refunding erroneous payment.**
2 — Money that has been erroneously paid into the state treasury is
3 hereby appropriated out of the fund into which it was paid, for
4 refund to the proper person.

5 When the officer authorized by law to collect money for the
6 state finds that a sum has been erroneously paid, he or she shall
7 issue his or her requisition upon the Auditor for the refunding of
8 the proper amount. The Auditor shall issue his or her warrant to the
9 Treasurer and the Treasurer shall pay the warrant out of the fund
10 into which the amount was originally paid.

1 **Sec. 16. Sinking fund deficiencies.** — There is hereby
2 appropriated to the Governor a sufficient amount to meet any
3 deficiencies that may arise in the mortgage finance bond insurance
4 fund of the West Virginia housing development fund which is
5 under the supervision and control of the municipal bond
6 commission as provided by W.Va. Code §31-18-20b, or in the
7 funds of the municipal bond commission because of the failure of
8 any state agency for either general obligation or revenue bonds or
9 any local taxing district for general obligation bonds to remit funds
10 necessary for the payment of interest and sinking fund
11 requirements. The Governor is authorized to transfer from time to
12 time such amounts to the municipal bond commission as may be
13 necessary for these purposes.

14 The municipal bond commission shall reimburse the state of
15 West Virginia through the Governor from the first remittance
16 collected from the West Virginia housing development fund or
17 from any state agency or local taxing district for which the

18 Governor advanced funds, with interest at the rate carried by the
19 bonds for security or payment of which the advance was made.

1 **Sec. 17. Appropriations for local governments.** — There are
2 hereby appropriated for payment to counties, districts and
3 municipal corporations such amounts as will be necessary to pay
4 taxes due counties, districts and municipal corporations and which
5 have been paid into the treasury:

- 6 (a) For redemption of lands;
- 7 (b) By public service corporations;
- 8 (c) For tax forfeitures.

1 **Sec. 18. Total appropriations.** — Where only a total sum is
2 appropriated to a spending unit, the total sum shall include personal
3 services and employee benefits, annual increment, current
4 expenses, repairs and alterations, buildings, equipment, other
5 assets, land, and capital outlay, where not otherwise specifically
6 provided and except as otherwise provided in TITLE I –
7 GENERAL PROVISIONS, Sec. 3.

1 **Sec. 19. General school fund.** — The balance of the proceeds
2 of the general school fund remaining after the payment of the
3 appropriations made by this act is appropriated for expenditure in
4 accordance with W.Va. Code §18-9A-16.

TITLE III – ADMINISTRATION

1 **Sec. 1. Appropriations conditional.** — The expenditure of the
2 appropriations made by this act, except those appropriations made
3 to the legislative and judicial branches of the state government, are
4 conditioned upon the compliance by the spending unit with the
5 requirements of Article 2, Chapter 11B of the Code.

6 Where spending units or parts of spending units have been
7 absorbed by or combined with other spending units, it is the intent
8 of this act that appropriations and reappropriations shall be to the
9 succeeding or later spending unit created, unless otherwise
10 indicated.

1 **Sec. 2. Constitutionality.** — If any part of this act is declared
2 unconstitutional by a court of competent jurisdiction, its decision
3 shall not affect any portion of this act which remains, but the
4 remaining portion shall be in full force and effect as if the portion
5 declared unconstitutional had

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 552**), and there were—yeas 95, nays 5, absent and not voting none, with the nays being as follows:

Nays: Butler, Estep-Burton, J. Jeffries, McGeehan and Pushkin.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2020) passed.

Delegate Summers moved that the bill take effect its passage.

On this question, the yeas and nays were taken (**Roll No. 553**), and there were—yeas 100, nays none, absent and not voting none.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2020) takes effect from its passage.

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, a bill of the House of Delegates as follows:

H. B. 2515, Exempting the sale and installation of mobility enhancing equipment from the sales and use tax.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate, without amendment, of a concurrent resolution of the House of Delegates as follows:

Com. Sub. for H. C. R. 11, U. S. Army Command Sergeant Major Timothy Allen Bolyard Memorial Bridge.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate, without amendment, of a concurrent resolution of the House of Delegates as follows:

H. C. R. 44, U. S. Marine Corps PFC Randall Carl Phelps Memorial Bridge.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate, without amendment, of a concurrent resolution of the House of Delegates as follows:

H. C. R. 48, Urging the Commissioner of the Bureau for Public Health to designate Alzheimer's disease and other dementias as a public health issue.

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the amendment of the House of Delegates and the passage, as amended, of

Com. Sub. for S. B. 100, Increasing court fees to fund law-enforcement standards training and expenses.

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the amendment of the House of Delegates and the passage, as amended, to take effect from passage, of

Com. Sub. for S. B. 175, Authorizing DHHR promulgate legislative rules.

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the amendment of the House of Delegates and the passage, as amended, to take effect from passage, of

Com. Sub. for S. B. 223, Authorizing Department of Commerce promulgate legislative rules.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had agreed to the appointment of a Committee of Conference of three from each house on the disagreeing votes of the two houses as to

Com. Sub. for S. B. 295, Relating to crimes against public justice.

The message further announced that the President of the Senate had appointed as conferees on the part of the Senate the following:

Senators Trump, Cline and Lindsay.

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the amendment of the House of Delegates and the passage, as amended, to take effect from passage, of

Com. Sub. for S. B. 316, Preserving previously approved state Municipal Policemen's or Firemen's pensions.

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the amendment of the House of Delegates and the passage, as amended, of

Com. Sub. for S. B. 330, Requiring contact information be listed on agency's online directory and website.

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the amendment of the House of Delegates and the passage, as amended, to take effect from passage, of

Com. Sub. for S. B. 491, Extending effective date for voter registration in conjunction with driver licensing.

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the title amendment of the House of Delegates and the passage, as amended, of

S. B. 531, Relating generally to workers' compensation claims.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title and referred to the Committee on Rules:

Com. Sub. for S. C. R. 26 - "Requesting the Division of Highways name bridge number 28-19-31.63 (28A066), locally known as Flat Top Overpass Bridge No. 1, carrying U.S. 19 over Interstate 77 in Mercer County, the 'Thompson and Lambert Memorial Bridge'."

Whereas, Tragedy befell Mercer County on August 16, 2018, when the vehicles of three employees of the West Virginia Parkways Authority's Courtesy Patrol were struck while on duty by a tractor-trailer at mile marker 23 on the West Virginia Turnpike; and

Whereas, Emergency responders pronounced Nathan Thompson, 32, of Princeton, dead at the scene. Mr. Thompson's nephew, Richard Lambert, 21, of Kegley, died at a Roanoke, Virginia, hospital on the following day. The third victim, Ethan Kestner, 19, also of Princeton, is still recovering from his injuries; and

Whereas, All three young men were known to be good employees of the turnpike authority, as well as decent, law-abiding citizens. Mr. Thompson and Mr. Lambert were both known as beloved family members. Since the time of the tragic accident, the entire Mercer County community has been saddened by the loss of

the two young men and united in its thoughts and prayers for the recovery of Mr. Kestner; and

Whereas, All three young men are a special fraternity of employees who are partners in public service. Many public servants toil in often dangerous situations. While they take extraordinary precautions to ensure the safety of themselves and the public they serve, there is always an element of potential danger inherent in any occupation that must be performed in close proximity to large, heavy, fast-moving vehicles; and

Whereas, Partners in public service hope to return home to their families at the end of each duty assignment. When that does not happen, the sadness that ensues is shared by more than just their families and friends; and

Whereas, It is fitting that an enduring memorial be established to commemorate Nathan Thompson and Richard Lambert; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 28-19-31.63 (28A066), locally known as Flat Top Overpass Bridge No. 1, carrying U.S. 19 over Interstate 77 in Mercer County, the “Thompson and Lambert Memorial Bridge”; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “Thompson and Lambert Memorial Bridge”; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title and referred to the Committee on Rules:

Com. Sub. for S. C. R. 45 - "Requesting the Division of Highways name bridge number 17A103, locally known as the Joyce Street Bridge, carrying Joyce Street over Highway U.S. 50 in Harrison County, the 'U.S. Army Corporal T-5 Albert John "Engine" Arco Memorial Bridge'."

Whereas, This year being the 75th anniversary of the D-Day landing in Europe and the 75th anniversary of the beginning of the Battle of the Bulge, it is appropriate and required to honor United States Army Corporal T-5 Albert John "Engine" Arco, who served his country proudly during WW II; and

Whereas, Albert John "Engine" Arco was a 19-year old enlistee in the U.S. Army when, on June 6, 1944, he jumped, in full gear, from an amphibious landing craft into the sea during the Normandy landing, where the waters were covered with the bloodied bodies of his comrades. He miraculously survived the D-Day landing, during which so many of his comrades were killed, and joined the fight as a heavy machine gunner in a tank destroyer battalion, which led the battle to liberate Sainte-Mère-Église, Carentan, Saint Lô, and other French towns as they rolled toward Paris. He has described the intensity of the battle of Saint Lô, where the sky was dark during the day as a result of American aircraft, and the hail of shrapnel from German anti-aircraft guns, the latter of which killed his captain, who was standing next to him; and

Whereas, Albert John "Engine" Arco's battalion was instrumental in the liberation of Paris, then humbly adjourned to a nearby park with all other Americans so French General Charles de Gaulle could proudly march into Paris with his troops and declare victory over German troops for the French people. His battalion joined with the Third Army and its commander, General George S. Patton, whom Arco described as, ". . . blood and guts, for sure", because of the general's aggressive battle tactics, which caused Arco to wear the same uniform 10 straight months. Albert John "Engine" Arco fought in the Battle of the Bulge, manning a 50-caliber machine gun when the Third Army and General Patton punched through German lines to relieve the American defenders of Bastogne, Belgium, commanded by General Anthony Clement "Nuts" McAuliffe, also a West Virginia native. He told the

Veterans History Project that he had many more memories of his service during WWII, most of which were too traumatic to share; and

Whereas, Albert John “Engine” Arco was a lifelong resident of Clarksburg, Harrison County, West Virginia, a graduate of Washington Irving High School, and the retired owner of a Clarksburg landmark, the Red Caboose restaurant, for over 50 years. He always celebrated the D-Day landing each year at the Red Caboose and remained a loyal and active member of VFW Post 573 and American Legion Post 13 until his death on September 14, 2018; and

Whereas, It is fitting that an enduring memorial be established to commemorate Corporal T-5 Albert John “Engine” Arco and his contributions to our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 17A103, locally known as the Joyce Street Bridge, carrying Joyce Street over Highway U.S. 50 in Harrison County, the “U.S. Army Corporal T-5 Albert John “Engine” Arco Memorial Bridge”; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “U.S. Army Corporal T-5 Albert John “Engine” Arco Memorial Bridge”; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways.

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the amendment of the House of Delegates and the passage, as amended, of

Com. Sub. for S. B. 518, Restricting sale and trade of dextromethorphan.

A message from the Senate, by

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

Com. Sub. for H. B. 2550, Creating a matching program for the Small Business Innovation and Research Program and the Small Business Technology Transfer Program.

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

On page four, section five, line eighteen, by striking out the words “five-year period” and inserting in lieu thereof the word “year”.

And,

On page four, section five, line twenty-nine, by striking out the words “five-year period” and inserting in lieu thereof the word “year”.

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 554**), and there were—yeas 100, nays none, absent and not voting none.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2550) passed.

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

A message from the Senate, by

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

Com. Sub. for H. B. 2617, Relating to the form for making offer of optional uninsured and underinsured coverage by insurers.

Delegate Summers moved that the House of Delegates concur in the following amendment of the bill by the Senate:

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

“ARTICLE 6. THE INSURANCE POLICY.

§33-6-31d. Form for making offer of optional uninsured and underinsured coverage.

(a) Optional limits of uninsured motor vehicle coverage and underinsured motor vehicle coverage required by §33-6-31 of this code shall be made available to the named insured at the time of initial application for liability coverage and upon any request of the named insured on a form prepared and made available by the Insurance Commissioner. The contents of the form shall be as prescribed by the commissioner and shall specifically inform the named insured of the coverage offered and the rate calculation ~~therefor for the coverage~~, including, but not limited to, all levels and amounts of ~~such the~~ coverage available and the number of vehicles which will be subject to the coverage. The commissioner shall provide for the use of electronic means of delivery and electronic signing when issuing the prescribed form. The form shall be made available for use on or before the effective date of this section. The form shall allow any named insured to waive any or all of the coverage offered.

(b) Any insurer who issues a motor vehicle insurance policy in this state shall provide the form to each person who applies for the issuance of ~~such a~~ policy by delivering the form to the applicant or by mailing the form to the applicant. ~~together with the applicant's initial premium notice~~ Insurers may deliver the form by electronic means. Delivery by ‘electronic means’ includes delivery of the form to an electronic mail address at which an applicant or policyholder has consented to receive notices or documents, by posting on an electronic network or site accessible via the Internet, electronic device, or mobile application, at or from which the applicant or policyholder has consented to receive delivery, or by any other delivery method that has been consented to by the applicant or policyholder. Any document delivered electronically satisfies any font, size, color, spacing, or other format requirements

that are established for printed documents, provided that the format in the document delivered electronically has reasonably similar proportions or emphasis for the characters relative to the rest of the electronic document. The applicant shall complete, date, and sign the form and return the form to the insurer within 30 days after receipt ~~thereof~~ of the form. Any signature executed in conformity with the Uniform Electronic Transactions Act in §39A-1-1 et seq. of this code is enforceable as provided by that act. ~~No~~ An insurer or agent ~~thereof~~ of the insurer is not liable for payment of any damages applicable under any optional uninsured or underinsured coverage authorized by §33-6-31 of this code for any incident which occurs from the date the form was mailed or delivered to the applicant until the insurer receives the form and accepts payment of the appropriate premium for the coverage requested ~~therein~~ in the form from the applicant: *Provided,* That if prior to the insurer's receipt of the executed form the insurer issues a policy to the applicant which provides for ~~such~~ optional uninsured or underinsured coverage, the insurer is liable for payment of claims against ~~such~~ the optional coverage up to the limits provided ~~therefor in such~~ in the policy. The contents of a form described in this section which has been signed by an applicant creates a presumption that ~~such~~ the applicant and all named insureds received an effective offer of the optional coverages described in this section and that ~~such~~ the applicant exercised a knowing and intelligent election or rejection ~~as the case may be~~ of ~~such~~ the offer as specified in the form. ~~Such~~ The election or rejection is binding on all persons insured under the policy.

~~(e) Any insurer who has issued a motor vehicle insurance policy in this state which is in effect on the effective date of this section shall mail or otherwise deliver the form to any person who is designated in the policy as a named insured. A named insured shall complete, date and sign the form and return the form to the insurer within 30 days after receipt thereof. No insurer or agent thereof is liable for payment of any damages in any amount greater than any limits of such coverage, if any, provided by the policy in effect on the date the form was mailed or delivered to such named insured for any incident which occurs from the date the form was mailed or delivered to such named insured until the insurer receives the form and accepts payment of the appropriate premium for the coverage requested therein from the applicant. The contents of a~~

~~form described in this section which has been signed by any named insured creates a presumption that all named insureds under the policy received an effective offer of the optional coverages described in this section and that all such named insured exercised a knowing and intelligent election or rejection as the case may be of such offer as specified in the form. Such election or rejection is binding on all persons insured under the policy.~~

~~(d)~~(c) Failure of the applicant or a named insured to return the form described in this section to the insurer as required by this section within the time periods specified in this section creates a presumption that ~~such~~ the person received an effective offer of the optional coverages described in this section and that ~~such~~ the person exercised a knowing and intelligent rejection of ~~such~~ the offer. ~~Such~~ The rejection is binding on all persons insured under the policy.

~~(e)~~(d) The insurer shall make ~~such~~ the forms available to any named insured who requests different coverage limits on or after the effective date of this section. ~~No~~ An insurer is not required to make ~~such~~ the form available or notify any person of the availability of ~~such~~ the optional coverages authorized by this section except as required by this section.

~~(f)~~(e) Notwithstanding any of the provisions of this article ~~six~~ of this chapter to the contrary, including §33-6-31f of this code, for insurance policies in effect on December 31, 2015, insurers are not required to offer or obtain new uninsured or underinsured motorist coverage offer forms as described in this section on any insurance policy to comply with the amount of the minimum required financial responsibility limits set forth in §17D-4-2(b) of this code. All ~~such~~ offer forms that were executed prior to January 1, 2016, shall remain in full force and effect.

(f) If an insurer offers to place an insured with an affiliate of the insurer, the insurer shall make available a new uninsured and underinsured motorist coverage offer form, in the manner provided by and pursuant to subsections (a) and (b) of this section. A named insured shall complete, date, and sign the form as provided by subsection (b) of this section and return the form to the insurer within 30 days after receipt of the form. If an insured does not

return the form within 30 days, then the last form previously signed by the insured for the insurer or any affiliate governs the amount of uninsured and underinsured motorist coverage provided by the newly issuing insurer and remains binding on all persons insured under the policy.”

And,

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

Com. Sub. for H. B. 2617 - “A Bill to amend and reenact §33-6-31d of the Code of West Virginia, 1931, as amended, relating to the form for making offer of optional uninsured and underinsured coverage by insurers; requiring Insurance Commissioner to provide for the use of electronic means of delivery and electronic signing of form; defining electronic means; requiring an insurer, when offering to place an insured with an affiliate of the insurer, to make available a new uninsured and underinsured motorist coverage offer form; and providing that last form previously signed governs if insured does not return the form.”

The question being on concurring in the amendment of the bill by the Senate, the yeas and nays were taken (**Roll No. 555**), and there were—yeas 81, nays 18, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: N. Brown, Canestraro, Evans, Fast, Fleischauer, Fluharty, Hicks, Hornbuckle, Kump, Lovejoy, Miley, Porterfield, Pushkin, Robinson, Rowe, R. Thompson, Toney and Waxman.

Absent and Not Voting: Mandt.

So, a majority of the members present and voting having voted in the affirmative, the House concurred.

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

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 556**), and there were—yeas 93, nays 6, absent

and not voting 1, with the nays and absent and not voting being as follows:

Nays: Fast, Fleischauer, Fluharty, Miley, Robinson and Rowe.

Absent and Not Voting: Mandt.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2617) passed.

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

A message from the Senate, by

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

Com. Sub. for H. B. 2975, Relating to imposition of sexual acts on persons incarcerated.

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

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

“ARTICLE 8B. SEXUAL OFFENSES.

§61-8B-2. Lack of consent.

(a) Whether or not specifically stated, it is an element of every offense defined in this article that the sexual act was committed without the consent of the victim.

(b) Lack of consent results from:

(1) Forcible compulsion;

(2) Incapacity to consent; or

(3) If the offense charged is sexual abuse, any circumstances in addition to the forcible compulsion or incapacity to consent in

which the victim does not expressly or impliedly acquiesce in the actor's conduct.

(c) A person is deemed incapable of consent when such person is:

- (1) Less than sixteen years old;
- (2) Mentally defective;
- (3) Mentally incapacitated;
- (4) Physically helpless; or

(5) Subject to incarceration, confinement or supervision by a state, county, or local government entity, when the actor is a person prohibited from having sexual intercourse or causing sexual intrusion or sexual contact pursuant to §61-8B-10 of this code, subsections (a) and (b) of section ten of this article.

§61-8B-10. Imposition of sexual acts on persons incarcerated or under supervision; penalties.

(a) Any person employed by the Division of Corrections and Rehabilitation, any person working at a correctional facility managed by the Commissioner of Corrections and Rehabilitation pursuant to contract or as an employee of a state agency or as a volunteer ~~any person working at a correctional facility managed by the Division of Juvenile Services pursuant to contract or as an employee of a state agency, any person employed by a jail or by the Regional Jail and Correctional Facility Authority, any person working at a facility managed by the Regional Jail and Correctional Facility Authority or a jail~~ or any person employed by, or acting pursuant to, the authority of any sheriff, county commission, or court to ensure compliance with the provisions of §62-11B-1 *et seq.* of this code who engages in sexual intercourse, sexual intrusion, or sexual contact with a person who is incarcerated in this state is guilty of a felony and, upon conviction thereof, shall be fined not more than \$5,000 or imprisoned ~~confined~~ in a state correctional facility ~~under the control of the Commissioner of Corrections~~ for not less than one nor more than five years or fined not more than \$5,000 both fined and imprisoned.

(b) Any person employed by the Division of Corrections and Rehabilitation as a parole officer or by the West Virginia Supreme Court of Appeals as an adult or juvenile probation officer, who engages in sexual intercourse, sexual intrusion, or sexual contact with a person said parole officer or probation officer is charged as part of his or her employment with supervising, is guilty of a felony and, upon conviction thereof, shall be fined not more than \$5,000 or imprisoned ~~confined~~ in a state correctional facility ~~under the control of the Commissioner of Corrections~~ for not less than one nor more than five years, or both fined and imprisoned. ~~or fined not more than \$5,000, or both.~~

(c) Any person working or volunteering in an alternative sentence program authorized by the provisions of §62-11C-1, et seq. of this code who, as part of his or her employment or volunteer duties, supervises program participants, engages in sexual intercourse, sexual intrusion, or sexual contact with a program participant is guilty of a felony and upon conviction, shall be fined not more than \$5,000, imprisoned in a state correctional facility for not less than one nor more than five years, or both fined and imprisoned.

~~(e)~~ (d) The term ‘incarcerated in this state’ for purposes of this section includes in addition to its usual meaning, offenders serving a sentence under the provisions of article §62-11B-1 *et seq.* of this code.

~~(d)~~(e) Authorized pat-down, strip search or other security related tasks does not constitute sexual contact pursuant to this section.”

And,

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

Com. Sub. for H. B. 2975 - “A Bill to amend and reenact §61-8B-2 and §61-8B-10 of the Code of West Virginia, 1931, as amended, all relating generally to protecting persons incarcerated or under corrections or court supervision from sexual exploitation by persons supervising them; clarifying that persons participating in community corrections programs lack consent to engage in sexual conduct with persons supervising them in such programs;

clarifying that volunteers supervising incarcerated persons or persons under corrections or court supervision are prohibited from engaging in sexual acts with incarcerated persons, supervisees, or participants; updating agency and code references; and establishing criminal penalties.”

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 557**), and there were—yeas 100, nays none, absent and not voting none.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2975) passed.

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

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate, with amendment, of a concurrent resolution of the House of Delegates, as follows:

Com. Sub. for H. C. R. 26, U. S. Army SGT Arthur “George” Roush Memorial Bridge.

On motion of Delegate Summers, the House of Delegates concurred in the following amendment of the resolution by the Senate:

On page one, by striking out everything after the title and inserting in lieu thereof the following:

Whereas, Arthur “George” Roush was born in Millwood, West Virginia, on June 13, 1932, and was the eighth of 11 children born to Calvin Elmer Roush, Jr., and Goldie Flesher Roush; and

Whereas, George Roush was a good student in school and took part in church and school activities and, along with his brothers Donald and Pete, was active in 4-H; and

Whereas, George Roush was adept at woodworking projects, making an end table for his mother as well as several bird houses and little dancing men; and

Whereas, George Roush went to work on a river boat early in life where he made good money and later bought a new big green Oldsmobile that he was so very proud of; and

Whereas, George Roush met the girl of his dreams, Becky Jo Barnett, and was looking forward to spending the rest of his life with her; and

Whereas, George Roush enlisted in the United States Army in May 1952; and

Whereas, George Roush was very fond of children and spent a great deal of time with his nieces and nephews, but his life was cut short when he died in Korea on August 14, 1954, and he never got a chance to be a father to his own son, Rodney, who was eight months old when Sergeant Roush died; and

Whereas, While Sergeant Roush's family was devastated by him dying so far away from home, his wife Becky Jo Roush, raised their son to be a wonderful man who visits her every day at Broadmore Senior Living in Hurricane; and

Whereas, It is fitting and proper to honor the life of Sergeant Arthur George Roush for his dedicated service to his community, state, and country by naming this bridge in his memory; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 18-2-2.72 (18A004), locally known as Millwood Bridge, carrying West Virginia Route 2 over Mill Creek in Jackson County, the "U. S. Army SGT Arthur 'George' Roush Memorial Bridge"; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "U. S. Army SGT Arthur 'George' Roush Memorial Bridge"; and, be it

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

The resolution was then adopted.

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

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate, with amendment, of a concurrent resolution of the House of Delegates as follows:

Com. Sub. for H. C. R. 32, Requesting the Secretary of the Department of Transportation to authorize raising highway speed limits, where appropriate, to 75 miles per hour on Interstate highways in West Virginia and to 70 miles per hour on West Virginia's Appalachian Corridor highways.

Delegate Summers moved that the House of Delegates concur in the following amendment of the resolution by the Senate:

On page one, in the Resolved clause, by striking out the words "and to 70 miles per hour on West Virginia's Appalachian Corridor highways".

And,

By striking out the title and substituting therefor a new title, to read as follows:

Com. Sub. for H. C. R. 32 - "Requesting the Commissioner of Highways to authorize raising highway speed limits, where appropriate, to 75 miles per hour on Interstate highways in West Virginia."

On this motion, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 558**), and there were—yeas 76, nays 24, absent and not voting none, with the nays being as follows:

Nays: Angelucci, Azinger, Bates, Boggs, S. Brown, Canestraro, Caputo, Diserio, Doyle, Hartman, Hollen, Hornbuckle, Lavender-Bowe, Longstreth, Miller, Pushkin, Rodighiero, Sponaugle, Staggers, Swartzmiller, C. Thompson, R. Thompson, Tomblin and Zukoff.

So, a majority of the members present and voting having voted in the affirmative, the motion to concur prevailed.

The resolution, as amended by the Senate, was then adopted.

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

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the House of Delegates amendment, with title amendment, and the passage, as amended, of

Com. Sub. for S. B. 154, Using school facilities for funeral and memorial services for certain community members.

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

Com. Sub. for S. B. 154 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-13d, relating to the “Specialist Nicholas Caleb Jividen Act” authorizing the use of school facilities for funerals and memorial services; recognizing schools are integral parts of communities and the death of certain community members can have a significant impact on communities; requiring county board to allow school facilities use for funeral and memorial services of certain community members; permitting county boards to establish process for requesting the use of school facilities for funeral and memorial services; providing that county boards of education are not responsible for additional costs associated with such funeral and memorial services that are held at school facilities; and prohibiting such funeral and memorial services held at school facilities from disrupting or interfering with classroom instruction, scheduled school event or activity, or governmental use.”

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 559**), and there were—yeas 100, nays none, absent and not voting none.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 154) passed.

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

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the House of Delegates amendment, with amendment, and the passage, as amended, of

Com. Sub. for S. B. 360, Relating to third-party litigation financing.

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

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

ARTICLE 6N. CONSUMER LITIGATION FINANCING.

§46A-6N-1. Definitions.

For purposes of this article:

(1) ‘Consumer’ means any natural person who resides, is present, or is domiciled in this state;

(2) ‘Litigation financier’ means a person, entity, or partnership engaged in the business of litigation financing; and

(3) ‘Litigation financing’ or ‘litigation financing transaction’:

(A) Means a nonrecourse transaction in which financing is provided to a consumer in return for a consumer’s assigning to the litigation financier a contingent right to receive an amount of the

potential proceeds of the consumer's judgment, award, settlement, or verdict obtained with respect to the consumer's legal claim; and

(B) Does not include:

(i) Legal services provided on a contingency fee basis, or advanced legal costs, where such services or costs are provided to or on behalf of a consumer by an attorney representing the consumer in the dispute and in accordance with the West Virginia Rules of Professional Conduct;

(ii) A consumer loan, as defined by §46A-1-102 of this code;

(iii) A commercial tort claim, as defined by §46-9-102 of this code;

(iv) A claim under the Workers' Compensation Law, compiled in chapter 23 of this code; or

(v) Normal or course of business lending or financing arrangements between an attorney or law firm and a lending institution.

§46A-6N-2. Litigation financier; registration; bond; public record; rules.

(a)(1) No litigation financier shall engage in a litigation financing transaction in this state unless it is registered as a litigation financier in this state.

(2) A litigation financier that is a business entity or partnership is registered in this state if:

(A) It is in compliance with the bond requirements of §46A-6N-2(b) of this code;

(B) It has a status of active and is in good standing as reflected in the records of the Secretary of State; and

(C) Its charter, articles of organization, certificate of limited partnership, or other organizational document, or, if a foreign entity, its West Virginia application for a certificate of authority, contains a statement that it shall be designated as a litigation financier pursuant to this article.

(3) A litigation financier that is not a business entity or partnership is registered in this state if:

(A) It is in compliance with the bond requirements of §46A-6N-2(b) of this code; and

(B) It files an application for registration as a litigation financier on a form prescribed by the Secretary of State that contains the following:

(i) Applicant's full legal name;

(ii) Business name of applicant, if any;

(iii) Physical street address and mailing address of the applicant;

(iv) A telephone number through which the applicant can be reached;

(v) The name, physical street address, mailing address, and telephone number for a West Virginia registered agent appointed to accept service of process on behalf of the applicant;

(vi) A statement that the applicant shall be designated as a litigation financier pursuant to this article; and

(vii) Any other information the Secretary of State deems necessary.

(b)(1) Each litigation financier shall file with the Secretary of State and have approved by the Office of the West Virginia Attorney General a surety bond or irrevocable letter of credit issued and confirmed by a financial institution authorized by law to transact business in the State of West Virginia in an amount not less than \$50,000.

(2) Such bond shall be payable to this state for the use of the Attorney General and any person who may have a cause of action against the obligor of the bond for any violation of this article. The bond shall continue in effect so long as a litigation financier is designated as a litigation financier in the records of the Secretary of State.

(c) A litigation financier shall amend its registration with the Secretary of State within 30 days whenever the information contained in such record changes or becomes inaccurate or incomplete in any respect.

(d) The Secretary of State, as appropriate, may promulgate rules in implementing this article, including, but not limited to, the adoption of fees to cover any administrative costs relating to administering this article.

§46A-6N-3. Litigation financier requirements.

A litigation financier shall fulfill each of the following requirements when engaged in litigation financing:

(1) The terms of the litigation financing transaction shall be set forth in a written contract that is completely filled in with no incomplete sections when the contract is offered or presented to the consumer;

(2) The litigation financing contract shall contain a right of rescission, allowing the consumer to cancel the litigation financing contract without penalty or further obligation if, within five business days following the consumer's receipt of the funds, or execution of the litigation financing contract, whichever is later, the consumer gives notice of the rescission and returns any money already provided to the consumer by the litigation financier;

(3) The litigation financing contract shall contain a written acknowledgment by the consumer of whether the consumer is represented by an attorney in the dispute;

(4) If the consumer acknowledges that the consumer is represented by an attorney in the dispute, the litigation financing contract shall include a written acknowledgment executed by the consumer's attorney in the dispute in which the attorney acknowledges all of the following:

(A) The attorney has had the opportunity to review the litigation financing contract on behalf of the consumer;

(B) The attorney is representing the consumer with regard to the dispute that is the subject of the litigation financing contract;

(C) The attorney has neither received nor paid a referral fee or any other consideration from or to the litigation financier, nor will the attorney receive or pay such a fee in the future; and

(D) In the event that proceeds are paid into a settlement fund or trust, the litigation financier shall notify the administrator of the fund or trust of any outstanding liens arising from the litigation financing contract.

§46A-6N-4. Litigation financier prohibitions.

(a) A litigation financier shall not:

(1) Pay or offer to pay commissions, referral fees, or other forms of consideration to any attorney, law firm, medical provider, chiropractor, physical therapist, or any of their employees for referring a consumer to a litigation financier;

(2) Accept any commissions, referral fees, rebates, or other forms of consideration from an attorney, law firm, medical provider, chiropractor, physical therapist, or any of their employees;

(3) Advertise false or misleading information regarding its products or services;

(4) Refer a consumer or potential consumer to a specific attorney, law firm, medical provider, chiropractor, physical therapist, or any of their employees: *Provided*, That if a consumer does not have legal representation, the provider may refer the consumer to a local or state bar referral service operated by a bar association;

(5) Fail to promptly supply copies of any and all complete litigation financing contracts to the consumer and the attorney representing the consumer in the dispute;

(6) Attempt to obtain in the litigation for which the litigation financing transaction exists a waiver of any remedy, including, but not limited to, compensatory, statutory, or punitive damages, to which the consumer might otherwise be entitled;

(7) Attempt to effect in the litigation for which the litigation financing transaction exists mandatory arbitration or otherwise effect waiver of a consumer's right to a trial by jury;

(8) Offer or provide legal advice to the consumer regarding the litigation financing or the underlying dispute;

(9) Assign, which includes securitizing, a litigation financing contract, in whole or in part, to a third party; however:

(A) §46A-6N-4(9) of this code does not prevent a litigation financier that retains responsibility for collecting payment, administering, or otherwise enforcing the litigation financing contract from making an assignment that is:

(i) To a wholly owned subsidiary of the litigation financier;

(ii) To an affiliate of the litigation financier that is under common control with the litigation financier; or

(iii) A grant of a security interest that is made pursuant to §46-9-101 *et seq.* of this code or is otherwise permitted by law; and

(B) If an assignment is authorized and made pursuant to §46A-6N-4(9) of this code, for purposes of this section, "litigation financier" includes a successor-in-interest to a litigation financing contract;

(10) Report a consumer to a credit reporting agency if insufficient funds remain from the net proceeds to repay the litigation financier; or

(11) Receive any right to direct, nor make any decisions with respect to, the conduct of the consumer's legal claim or any settlement or resolution. The right to make such decisions shall remain solely with the consumer and his or her attorney.

(b) An attorney or law firm retained by a consumer shall not have a financial interest in a company offering litigation financing to consumers and shall not receive a referral fee or other consideration from the company, its employees, or its affiliates.

(c) A personal injury attorney or law firm, practicing in the State of West Virginia, retained by a consumer shall not have a financial interest in a company offering litigation financing to consumers and shall not receive a referral fee or other consideration from the company, its employees, or its affiliates.

§46A-6N-5. Litigation financing contracts; disclosures.

(a) A litigation financing contract shall contain the disclosures specified in this section, which shall constitute material terms of the litigation financing contract.

(b) Unless otherwise specified, the disclosures shall be typed in at least 14-point, bold font and be placed clearly and conspicuously within the litigation financing contract, as follows:

(1) Each contract shall include consumer disclosures on the first two pages, to the extent possible. The consumer disclosures shall include:

(A) Notification that some or all of the funded amount may be taxable;

(B) A description of the consumer's right of rescission;

(C) The total funded amount provided to the consumer under the contract;

(D) An itemization of charges;

(E) The total amount due from the consumer, in six-month intervals for 42 months, including all charges and fees;

(F) A statement that there are no charges or fees to be paid by the consumer other than what is disclosed on the disclosure form;

(G) In the event the consumer seeks more than one litigation financing contract, a disclosure providing the cumulative amount due from the consumer for all transactions, including charges under all contracts, if repayment is made any time after the contracts are executed;

(H) A statement that if there is no recovery of any money from the consumer's legal claim, the consumer shall owe nothing to the litigation financier;

(I) A statement that if the net proceeds of the claim are insufficient to repay the consumer's indebtedness to the litigation financier, the litigation financier shall accept a reduced sum as full payment of its funded amount and charges; and

(J) The following:

Consumer's Right to Cancellation: You may cancel this contract without penalty or further obligation within five (5) business days from the date you signed this contract or received financing from [insert name of the litigation financier] by: returning the funds to [insert name, office address, and office hours of the litigation financier] or by U. S. mail [insert name and mailing address of litigation financier]. For purposes of the return deadline by U. S. mail, the postmark date on the returned funds or, if mailed by registered or certified mail, the date of the return receipt requested shall be considered the date of return.

(2) Within the body of the litigation financing contract, the following:

The litigation financier agrees that it has no right to and will not make any decisions about the conduct of your lawsuit or dispute and that the right to make those decisions remains solely with you and your attorney;

(3) Within the body of the litigation financing contract, in all capital letters contained within a box, the following:

THE FUNDED AMOUNT AND AGREED-TO CHARGES SHALL BE PAID ONLY FROM THE PROCEEDS OF YOUR LEGAL CLAIM AND SHALL BE PAID ONLY TO THE EXTENT THAT THERE ARE AVAILABLE PROCEEDS FROM YOUR LEGAL CLAIM. YOU WILL NOT OWE (INSERT NAME OF THE LITIGATION FINANCIER) ANYTHING IF THERE ARE NO PROCEEDS FROM YOUR LEGAL CLAIM, UNLESS YOU HAVE VIOLATED ANY

MATERIAL TERM OF THIS CONTRACT OR YOU HAVE COMMITTED FRAUD AGAINST THE LITIGATION FINANCIER.

(4) Located immediately above the place on the litigation financing contract where the consumer's signature is required, the following:

DO NOT SIGN THIS CONTRACT BEFORE YOU READ IT COMPLETELY. IF THIS CONTRACT CONTAINS ANY INCOMPLETE SECTIONS, YOU ARE ENTITLED TO A COMPLETELY FILLED-IN COPY OF THE CONTRACT PRIOR TO SIGNING IT. BEFORE YOU SIGN THIS CONTRACT, YOU SHOULD OBTAIN THE ADVICE OF AN ATTORNEY. DEPENDING ON THE CIRCUMSTANCES YOU MAY WANT TO CONSULT A TAX ADVISOR, A FINANCIAL PROFESSIONAL, OR AN ACCOUNTANT.

§46A-6N-6. Third-party agreements.

Except as otherwise stipulated or ordered by the court, a party shall, without awaiting a discovery request, provide to the other parties any agreement under which any litigation financier, other than an attorney permitted to charge a contingent fee representing a party, has a right to receive compensation that is contingent on and sourced from any proceeds of the civil action, by settlement, judgment, or otherwise.

§46A-6N-7. Violation; enforcement.

(a) Any violation of this article shall make the litigation financing contract unenforceable by the litigation financier, the consumer, or any successor-in-interest to the litigation financing contract. The court may, in the event that judgment is awarded to the plaintiff, assess costs of the action, including reasonable attorneys' fees, against the defendant.

(b) Nothing in this article shall be construed to limit the exercise of powers or the performance of the duties of the Attorney General, including those provided by the West Virginia Consumer

Credit and Protection Act, which the Attorney General is otherwise authorized or required to exercise or perform by law.

§46A-6N-8. Contingency rights; assignments; priority of lien, subrogation interest, or right of reimbursement.

(a) The contingent right to receive an amount of the potential proceeds of a legal claim may be assigned by a consumer, and that assignment is valid for the purposes of obtaining litigation financing from a litigation financier.

(b) The lien of a litigation financier on a consumer's legal claim has priority over liens that attach and take effect subsequent to the attachment of the litigation financier's lien to the consumer's legal claim, except for the following:

(1) Attorney liens, insurance carrier liens, medical provider liens, or liens based upon subrogation interests or rights of reimbursement related to the consumer's legal claim; and

(2) Child support, Medicare, tax, or any other statutory or governmental lien.

§46A-6N-9. Fees; terms; incorporation of obligations in agreement.

(a) A litigation financier may not charge the consumer an annual fee of more than 18 percent of the original amount of money provided to the consumer for the litigation financing transaction.

(b) Litigation financiers shall not charge a consumer the annual fee authorized by §46A-6N-9(a) of this code more than one time each year with regard to any single legal claim regardless of the number of litigation financing transactions that the litigation financier enters into with the consumer with respect to such legal claim.

(c) Fees assessed by a litigation financier may compound semiannually but may not compound based on any lesser time period.

(d) In calculating the annual percentage fee or rate of return, a litigation financier must include all charges payable directly or indirectly by the consumer, and must compute the rate based only on amounts actually received and retained by the consumer.

(e) A litigation financier may not assess fees for any period exceeding 42 months from the date of the contract with the consumer.

(f) Litigation financiers shall not enter into an agreement with a consumer that has the effect of incorporating the consumer's obligations to the litigation financier that are contained in the original litigation financing transaction into a subsequent litigation financing transaction.

(g) Litigation financiers shall not knowingly provide financing to a consumer who has previously assigned and/or sold a portion of the consumer's right to proceeds from his or her legal claim without first making payment to and/or purchasing a prior unsatisfied litigation financier's entire funded amount and contracted charges unless a lesser amount is otherwise expressly agreed to in writing by the litigation financiers; except multiple litigation financiers may agree to contemporaneously provide financing to a consumer, provided that the consumer and the consumer's attorney consent to the agreement in writing."

And,

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

Com. Sub. for S. B. 360 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §46A-6N-1, §46A-6N-2, §46A-6N-3, §46A-6N-4, §46A-6N-5, §46A-6N-6, §46A-6N-7, §46A-6N-8, and §46A-6N-9, all relating to consumer litigation financing; providing that a litigation financier shall register as a litigation financier in this state; providing registration requirements for business entities, partnerships, and individuals; providing that litigation financiers shall secure a bond or an irrevocable letter of credit; providing to whom the bond is payable; requiring litigation financiers to amend

their registration if their information changes or becomes inaccurate or incomplete; providing that the Secretary of State may promulgate rules; providing that the terms of a litigation financing transaction shall be set forth in a completed, written contract; providing that the litigation financing contract shall contain a right of rescission; providing that a litigation financing contract shall contain certain written acknowledgements and disclosures; providing that a litigation financier shall not pay, or offer to pay, commissions, referral fees, or other consideration to any attorney, law firm, medical provider, chiropractor, or physical therapist or any of their employees for referring a consumer to the litigation financier; providing that a litigation financier shall not accept commissions, referral fees, rebates, or other consideration; providing that a litigation financier shall not advertise false or misleading information; providing that a litigation financier shall not refer a consumer or potential consumer to a specific attorney, law firm, medical provider, chiropractor, or physical therapist; permitting a litigation financier to refer a consumer without legal representation to a local or state bar referral service; providing that a litigation financier shall supply copies of the contract to the consumer and the consumer's attorney; providing that a litigation financier shall not attempt to waive any of a consumer's remedies; providing that a litigation financier shall not attempt to effect mandatory arbitration or otherwise effect waiver of a consumer's right to a jury trial; providing that a litigation financier shall not offer or provide legal advice; providing that a litigation financier shall not assign a litigation financing contract to a third party; providing certain exceptions to assignment prohibition; providing that a litigation financier shall not report a consumer to a credit reporting agency; providing that a litigation financier shall not receive any right to direct or make decisions with respect to the conduct of a consumer's legal claim; providing that an attorney or law firm retained by a consumer shall not have a financial interest in, and shall not receive referral fees or other consideration from, a company offering litigation financing to consumers; providing that a litigation financing contract shall contain certain disclosures and terms; providing form disclosures; requiring disclosure of a litigation financing agreement to other litigation parties without awaiting a discovery request unless otherwise stipulated or ordered

by the court; providing that a violation shall render the contract unenforceable; providing that a court may assess costs and attorneys' fees against the defendant; clarifying authority of the Attorney General; providing that a contingent right to receive an amount under a legal claim may be assigned by a consumer; providing a priority of liens; providing exceptions for certain liens and claims; providing a maximum annual fee; providing a maximum frequency of annual fee charges; providing that fees may compound semiannually but may not compound based on any lesser time period; providing means for calculating annual percentage fee or rate of return; providing a maximum term for assessing fees; restricting incorporation of prior obligations; prohibiting litigation financiers from knowingly providing financing to a consumer with existing obligations to another litigation financier except under certain circumstances; and permitting multiple litigation financiers to contemporaneously provide financing to a consumer when the consumer and the consumer's attorney consent to the agreement in writing."

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 560**), and there were—yeas 96, nays 4, absent and not voting none, with the nays being as follows:

Nays: Jennings, Kump, McGeehan and Paynter.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 360) passed.

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

A message from the Senate, by

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

Com. Sub. for S. B. 481, Relating to Judicial Vacancy Advisory Commission.

On motion of Delegate Summers, the House of Delegates refused to recede from its amendment and requested the Senate to agree to the appointment of a Committee of Conference of three from each house on the disagreeing votes of the two houses.

Whereupon,

The Speaker appointed as conferees on the part of the House of Delegates the following:

Delegates Kump, Steele and N. Brown.

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

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title and referred to the Committee on Rules:

S. C. R. 31 - "Requesting the Division of Highways name bridge number 20-32/3-0.47 (20A683), locally known as NGK Pony Truss, carrying County Route 32/3 over the Pocatalico River in Kanawha County, the "U. S. Army SGT James E. Mattingly Bridge".

Whereas, James E. Mattingly was born November 14, 1931. He continues to work in the highway construction industry as he has since 1958. James E. Mattingly graduated from Morgantown High School in 1949. He worked briefly as a coal miner and then enlisted in the U.S. Army, completing a tour of duty stationed in Fort Richardson, Alaska. He was honorably discharged as a Sergeant on October 6, 1952. He married Jeneane "Bonnie" Vorbach on June 22, 1952; and

Whereas, James E. Mattingly entered West Virginia University in 1954, where he majored in geology with minors in math and chemistry, graduating in 1957. His employment included work with a mining engineering company doing coal evaluation and

supervising core drilling programs, an engineer in charge of research and drafting of property maps for the State Tax Department, and project engineer, foreman, and estimator on highway projects such as Interstate 81 in Berkeley County, Interstate 79 from Fairmont to Jane Lew, Interstate 64 at Clintonville, and Interstate 64 at South Charleston; and

Whereas, James E. Mattingly's work also included work on the Sycamore Street bridge in Clarksburg, the Stadium bridge at WVU, Pine Grove bridge, Clarksburg by-pass, 6th Street bridge in Clarksburg, Haywood-Lumberport bridge, Simpson Creek bridge in Bridgeport, the Mud River dam in Lincoln County, restoration of the Chicken Railroad at Sector, the Clovis bridge at Blacksville, Rt 19 at Birch River, and Hurricane bridge, as well as the two bridges that lead to the NGK Spark Plug Plant, a project that was completed because James E. Mattingly put his reputation on the line that it would be constructed and completed on time; and

Whereas, James E. Mattingly has held most offices and served or chaired on most committees of the Construction Association of West Virginia, serving as president for 17 months, from January 1989 through July 1990. He also belonged to the West Virginia Association of Land Surveyors, the Geological Society of America, the American Institute of Professional Geologists, the National Society of Professional Engineers, the West Virginia Chamber of Commerce, and is a charter member and past state president of Professional Engineers in Construction; and

Whereas, It is fitting that this bridge be named to commemorate SGT James E. Mattingly and his contributions to our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 20-32/3-0.47 (20A683), locally known as NGK Pony Truss, carrying County Route 32/3 over the Pocatalico River

in Kanawha County, the “SGT James E. Mattingly Bridge” and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “SGT James E. Mattingly Bridge”; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title and referred to the Committee on Rules:

S. C. R. 32 - “Requesting the Division of Highways to name bridge number 23-10-12.56, NB and SB (23A377, 23A378), locally known as Lyburn Bridge, carrying WV 10 over Land Relief in Logan County, the ‘U. S. Army SSG Henry Kilgore Bridge’.”

Whereas, SSG Henry Kilgore was born on December 22, 1922, in Draffin, Kentucky, one of 10 children in his family; and

Whereas, Like many in the Appalachian region at the time, SSG Henry Kilgore’s family struggled to make ends meet and, at age 14, he left school to work in the coal mines to support his family; and

Whereas, Due to a lack of modern equipment, SSG Henry Kilgore mined coal with a pick and shovel and hauled it out with a mule and a cart; and

Whereas, At the age of 20, Sergeant Kilgore was drafted into the U. S. Army to serve his country during World War II. He served in the 33rd Sig Light Construction where he ultimately reached the rank of Staff Sergeant; and

Whereas, SSG Henry Kilgore served in Normandy, Northern

France, Ardennes, Rhineland, and Central Europe. He was also present at the Battle of the Bulge and arrived on the beaches of Iwo Jima as American soldiers famously raised an American flag; and

Whereas, SSG Henry Kilgore was honorably discharged from the U. S. Army on December 19, 1945; and

Whereas, SSG Henry Kilgore came home to go back into the coal mines to continue to work for the rest of his working life; and

Whereas, SSG Henry Kilgore married his soul mate, Leona Bartley Kilgore, on February 6, 1946. They were blessed to raise six daughters; and

Whereas, SSG Henry Kilgore selflessly worked in the mines to support his family, even though working conditions were frequently unsafe. He was injured numerous times while on the job, including one occasion where his head was pinned in a roof fall. He was hospitalized for an extended period of time after the accident, suffering broken bones in his face and severe injuries to his eye; and

Whereas, Sergeant Kilgore also acted many times, both during his service in the war and his job as a miner, without concern for his own safety; and

Whereas, It is fitting that an enduring memorial be established to commemorate SSG Henry Kilgore; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 23-10-12.56, NB and SB (23A377, 23A378), locally known as Lyburn Bridge, carrying WV 10 over Land Relief in Logan County, the “U. S. Army SSG Henry Kilgore Bridge”; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “U. S. Army SSG Henry Kilgore Bridge”; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Commissioner

of the Division of Highways.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate, without amendment, of a concurrent resolution of the House of Delegates as follows:

H. C. R. 2, Senator J. Frank Deem Memorial Bridge.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate, without amendment, of a concurrent resolution of the House of Delegates as follows:

H. C. R. 13, Chief Robert Edward Dorsey Memorial Highway.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate, without amendment, of a concurrent resolution of the House of Delegates as follows:

H. C. R. 23, U. S. Army SGT Rodney David King and U. S. Army SGT James Harris King Memorial Bridge.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate, without amendment, of a concurrent resolution of the House of Delegates as follows:

H. C. R. 66, U. S. Army SPC Thurman 'Duwayne' Young Memorial Bridge.

A message from the Senate, by

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

Com. Sub. for H. B. 2363, Relating to the Upper Kanawha Valley Resiliency and Revitalization Program.

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

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

“ARTICLE 2. WEST VIRGINIA DEVELOPMENT OFFICE.

§5B-2-15. Upper Kanawha Valley Resiliency and Revitalization Program.

(a) *Definitions.* —

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

(2) *Terms Defined.* —

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

(B) “Prioritize” means, with regard to resources, planning, and technical assistance, that the members of the revitalization council are required to waive their discretionary program guidelines to allow funding requests that may fall outside of the programs’ guidelines but address the Upper Kanawha Valley communities’ goals for revitalization: *Provided*, That properly filed funding applications by Upper Kanawha Valley communities shall be given preferential treatment.

~~(B)~~(C) “Program” means the Upper Kanawha Valley Resiliency and Revitalization Program established in this section.

~~(C)~~(D) “Revitalization council” means those entities or their representatives described in subsection (d) of this section.

~~(D)~~(E) “Technical assistance” means resources provided by the state, revitalization council, contributing partners, or any other individuals or entities providing programming, funding, or other support to benefit the Upper Kanawha Valley under the program.

~~(E)~~(F) “Upper Kanawha Valley” means an area ~~defined by the Development Office that encompasses the areas from Gauley Bridge to Pratt, including the municipalities of Montgomery,~~

Smithers, Pratt and Gauley Bridge historically known as the Upper Kanawha Valley including municipalities and surrounding areas from the Charleston city limits to Gauley Bridge or other communities in the vicinity of the former location of the West Virginia University Institute of Technology.

(F)(G) “Upper Kanawha Valley Resiliency and Revitalization Program” means the entire process undertaken to further the goals of this section, including collaboration development and implementation between the members, contributors and technical assistance resource providers.

(b) *Legislative purpose, findings and intent.* —

(1) The decision to relocate the historic campus of the West Virginia University Institute of Technology from Montgomery, West Virginia to Beckley, West Virginia ~~will have~~ has had a dramatic economic impact on the Upper Kanawha Valley.

(2) The purpose of this section is to establish the Upper Kanawha Valley Resiliency and Revitalization Program. To further this purpose, this program creates a collaboration among state government, higher education and private and nonprofit sectors to streamline technical assistance capacity, existing services and other resources to facilitate community revitalization in the Upper Kanawha Valley.

(3) It is the intent of the Legislature to identify existing state resources that can be prioritized to support the Upper Kanawha Valley, generate thoughtful and responsible ideas to mitigate the negative effects of the departure of the West Virginia Institute of Technology from the Upper Kanawha Valley, and help chart a new course and prosperous future for the Upper Kanawha Valley.

(c) *Upper Kanawha Valley Resiliency and Revitalization Program established; duration of program.* —

(1) The Development Office shall establish the Upper Kanawha Valley Resiliency and Revitalization Program in accordance with the provisions of this section. ~~subject to the availability of funding necessary to support the program~~ The program shall inventory existing assets and resources, prioritize

planning and technical assistance, and determine such other assistance as might be available to revitalize communities in the Upper Kanawha Valley.

(2) ~~The program shall be established for an initial period of five years from the effective date of this legislation~~ active until it concludes its work on June 30, 2024, and delivers a final report to the Joint Committee on Government and Finance no later than October 1, 2024.

(d) *Revitalization council created.* — There is hereby created a revitalization council to fulfill the purposes of this section. The revitalization council shall be coordinated by the Development Office in the Department of Commerce and be subject to oversight by the secretary of the department. The following entities shall serve as members of the revitalization council:

(1) The Executive Director of the Development Office or their designee, who shall serve as chairperson of the council;

(2) The Secretary of the Department of Health and Human Resources or their designee;

(3) The Commissioner of the Department of Agriculture or their designee;

(4) The Executive Director of the West Virginia Housing Development Fund or their designee;

(5) A representative from the Kanawha County commission;

(6) A representative from the Fayette County commission;

(7) The mayor, or their designee, from the municipalities of Montgomery, Smithers, Pratt, and Gauley Bridge;

(8) A representative from Bridge Valley Community and Technical College; and

(9) A representative from West Virginia University.

(e) *Duties of the revitalization council.* —

(1) The council shall prioritize the programs of its members by requiring that, if proper applications are made, resources and funding are directed to Upper Kanawha Valley communities to support economic development efforts in the Upper Kanawha Valley. The council shall be flexible with regard to the programmatic uses of resources and funding: *Provided*, That such uses do not violate federal or state laws, rules, or regulations governing the use of resources and funding.

~~(1)~~(2) The council shall identify existing state resources that can be prioritized to support economic development efforts in the Upper Kanawha Valley.

~~(2)~~(3) The council shall direct existing resources in a unified effort and in conjunction with contributing partners, as applicable, to support the Upper Kanawha Valley.

~~(3)~~(4) The council shall develop a rapid response strategy to attract or develop new enterprises and job creating opportunities in the Upper Kanawha Valley.

~~(4)~~(5) The council shall conduct or commission a comprehensive assessment of assets available at the campus of the West Virginia Institute of Technology and determine how those assets will be preserved and repurposed.

~~(5)~~(6) The council shall assist communities in the Upper Kanawha Valley by developing an economic plan to diversify and advance the community.

~~(6)~~(7) Members of the council shall support both the planning and implementation for the program and shall give priority wherever possible to programmatic activity and discretionary, noncompetitive funding during the period the program remains in effect.

~~(7)~~(8) Members of the council shall work together to leverage funding or other agency resources to benefit efforts to revitalize the Upper Kanawha Valley.

(f) *Contributing partners.* — To the extent possible, the revitalization council shall incorporate the resources and expertise

of additional providers of technical assistance to support the program, which shall include, but not be limited to:

- (1) The West Virginia Small Business Development Center;
- (2) The Center for Rural Health Development;
- (3) The West Virginia University Brickstreet Center for Entrepreneurship;
- (4) The West Virginia University Land Use and Sustainability Law Clinic;
- (5) The West Virginia University Center for Big Ideas;
- (6) The New River Gorge Regional Development Authority;
- (7) The ~~Rahall~~ Appalachian Transportation Institute;
- (8) The Marshall University Center for Business and Economic Research;
- (9) TechConnect;
- (10) The West Virginia Community Development Hub;
- (11) The West Virginia University Northern Brownfields Assistance Center;
- (12) West Virginia State University Extension Service; and
- (13) West Virginia University Extension Service, Community, Economic and Workforce Development.

(g) *Reporting and agency accountability.* — The revitalization council, in coordination with its contributing partners, as applicable, shall report annually to the Governor, and the Legislature detailing the progress of the technical assistance support provided by the program, the strategic plan for the Upper Kanawha Valley and the results of these efforts. The annual report to the Legislature shall be made to the Joint Committee on Government and Finance regarding the previous fiscal year no later than October 1 of each year. Copies of the annual report to the Legislature shall be provided to the county commissions and

county school boards of Kanawha and Fayette counties and the mayors of the Upper Kanawha Valley.

(h) *Economic Incentives for businesses investing in the Upper Kanawha Valley.* — The Development Office and the revitalization council, as applicable, will work to educate businesses investing, or interested in investing, in the Upper Kanawha Valley, about the availability of, and access to, economic development assistance, including, but not limited to, the economic opportunity tax credit provided in §11-13Q-19 of this code; the manufacturing investment tax credit provided under §11-13S-1 *et seq.* of this code; and any other applicable tax credit or development assistance.

(i) *Use of state property and equipment; faculty.* — The Development Office or other owner of state property and equipment in the Upper Kanawha Valley is authorized to provide for the low cost and economical use and sharing of state property and equipment, including computers, research labs, and other scientific and necessary equipment to assist any business within the Upper Kanawha Valley at a nominal or reduced-cost reimbursements to the state for such use.

(j) *Joint Establishment of Schools Assessment.* As part of the program established in this section, the council shall assess the option of utilizing the authority granted in §18-5-11 of this code to allow Kanawha County and Fayette County to jointly create or maintain schools that serve the Upper Kanawha Valley: *Provided*, That the council's authority may not supersede the authority granted to Kanawha County or Fayette County pursuant to §18-5-11. The State Superintendent of Schools and any local community and technical college shall participate in the assessment. Any option that arises out of this assessment may not impact the plans adopted in Fayette County regarding other schools within the county. The goal of the assessment is to determine whether students in the Upper Kanawha Valley can receive their constitutionally protected education in the Upper Kanawha Valley. The assessment shall take into consideration options for high school students to take a combination of high school courses and college courses to meet the requirements to graduate from high school and earn college credits that can be applied toward meeting the requirements of a degree or credential. Ultimately, the results

of the assessment shall be included in the annual report due to the Legislature no later than October 1 of each year.”

And,

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

Com. Sub. for H. B. 2363 - “A Bill to amend and reenact §5B-2-15 of the Code of West Virginia, 1931, as amended, relating to the Upper Kanawha Valley Resiliency and Revitalization Program; modifying definition of ‘Upper Kanawha Valley’; defining terms; extending the length of the program; adding to duties of revitalization council; clarifying the reporting requirements for the program; removing certain language regarding funding; and requiring an assessment of the option of establishing or maintaining schools jointly pursuant to authority granted in said code.”

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 561**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Hornbuckle.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2363) passed.

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, a bill of the House of Delegates as follows:

Com. Sub. for H. B. 2452, Creating the West Virginia Cybersecurity Office.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, a bill of the House of Delegates, as follows:

Com. Sub. for H. B. 2579, Relating to the collection of tax and the priority of distribution of an estate or property in receivership.

A message from the Senate, by

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

H. B. 2667, Supplemental appropriation to the Department of Military Affairs and Public Safety, Division of Corrections.

A message from the Senate, by

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

Com. Sub. for H. B. 2703, Relating to refunds of excise taxes collected from dealers of petroleum products.

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

On page one, section thirty, lines sixteen and seventeen, after the word “evaporation”, by adding a comma and the following: “not exceeding one percent of the adjusted total accountable gallons, computed as determined by the commissioner”.

And,

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

Com. Sub. for H. B. 2703 - “A Bill to amend and reenact §11-14-10 of the Code of West Virginia, 1931, as amended, relating to refunds of excise taxes collected from dealers of petroleum products under certain circumstances; and increasing a cap on the amount of tax that may be refunded for fuels lost through evaporation.”

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 562**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Foster and Hornbuckle.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2703) passed.

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

A message from the Senate, by

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

H. B. 2954, Defining certain terms used in insurance.

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

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

“ARTICLE 45. ETHICS AND FAIRNESS IN INSURER BUSINESS PRACTICES.

§33-45-1. Definitions.

As used in this article:

(1) ‘Claim’ means each individual request for reimbursement or proof of loss made by or on behalf of an insured or a provider to an insurer, or its intermediary, administrator or representative, with which the provider has a provider contract for payment for health care services under any health plan.

(2) ‘Clean claim’ means a claim:

(A) That has no material defect or impropriety, including all reasonably required information and substantiating documentation, to determine eligibility or to adjudicate the claim; or

(B) With respect to which an insurer has failed timely to notify the person submitting the claim of any such defect or impropriety in accordance with section two of this article.

(3) ‘Commissioner’ means the Insurance Commissioner of West Virginia.

(4) ‘Health care services’ means items or services furnished to any individual for the purpose of preventing, alleviating, curing, or healing human illness, injury or physical or mental disability.

(5) ‘Health plan’ means any individual or group health care plan, subscription contract, evidence of coverage, certificate, health services plan; medical or hospital services plan as defined in article twenty four of this chapter; accident and sickness insurance policy or certificate; managed care health insurance plan, or health maintenance organization subject to state regulation pursuant to §33-25a-1 *et seq.*, of this code; which is offered, arranged, issued or administered in the state by an insurer authorized under this chapter, a third-party administrator or an intermediary. Health plan does not mean:

(A) Coverages issued pursuant to Title XVIII of the Social Security Act, 42 U.S.C. §1395 *et seq.* (Medicare), Title XIX of the Social Security Act, 42 U.S.C. §1396 *et seq.* or Title XX of the Social Security Act, 42 U.S.C. §1397 *et seq.* (Medicaid), 5 U.S.C. §8901 *et seq.*, or 10 U.S.C. §1071 *et seq.* (CHAMPUS); or §5-16-1 *et seq.*, of this code (PEIA);

(B) Accident only, credit or disability insurance, long-term care insurance, CHAMPUS supplement, Medicare supplement, workers’ compensation coverages or limited benefits policy as defined in article sixteen-e of this chapter; or

(C) Any a third-party administrator or an intermediary acting on behalf of providers as denoted in ~~subparagraphs (A) and (B) §33-45-1(5)(A) or §33-45-1(5)(B) of this code.~~

(6) ‘Insured’ means a person who is provided health insurance coverage or other health care services coverage from an insurer under a health plan.

(7) ‘Insurer’ means any person required to be licensed under this chapter which offers or administers as a third party administrator health insurance; operates a health plan subject to this chapter; or provides or arranges for the provision of health care

services through networks or provider panels which are subject to regulation as the business of insurance under this chapter. 'Insurer' also includes intermediaries. 'Insurer' does not include:

(A) Credit accident and sickness insurance;

(B) Accident and sickness policies which provide benefits for loss of income due to disability;

(C) Any policy of liability of workers' compensation insurance;

(D) Hospital indemnity or other fixed indemnity insurance;

(E) Life insurance, including endowment or annuity contracts, or contracts supplemental thereto, which contain only provisions relating to accident and sickness insurance that:

(i) Provide additional benefits in cases of death by accidental means; or

(ii) Operate to safeguard the contracts against lapse, in the event that the insured shall become totally and permanently disabled as defined by the contract or supplemental contract; and

(F) Property and casualty insurance.

(8) 'Provider contract' means any contract between a provider and

(A) An insurer;

(B) A health plan; or

(C) An intermediary, relating to the provision of health care services.

(9) 'Retroactive denial' means the practice of denying previously paid claims by withholding or setting off against payments, or in any other manner reducing or affecting the future claim payments to the provider, or to seek direct cash reimbursement from a provider for a payment previously made to the provider.

(10) 'Provider' means a person or other entity which holds a valid license or permit, including a valid temporary license or permit pursuant to chapter 30 of this code, to provide specific health care services in this state.

(11) 'Intermediary' means a physician, hospital, physician-hospital organization, independent provider organization, or independent provider network which receives compensation for arranging one or more health care services to be rendered by providers to insureds of a health plan or insurer. An intermediary does not include an individual provider or group practice that utilizes only its employees, partners or shareholders and their professional licenses to render services.

§33-45-2. Minimum fair business standards contract provisions required; processing and payment of health care services; provider claims; commissioner's jurisdiction.

(a) Every provider contract entered into, amended, extended, or renewed by an insurer on or after August 1, 2001, shall contain specific provisions which shall require the insurer to adhere to and comply with the following minimum fair business standards in the processing and payment of claims for health care services:

(1) An insurer shall either pay or deny a clean claim within 40 days of receipt of the claim if submitted manually and within 30 days of receipt of the claim if submitted electronically, except in the following circumstances:

- (A) Another payor or party is responsible for the claim;
- (B) The insurer is coordinating benefits with another payor;
- (C) The provider has already been paid for the claim;
- (D) The claim was submitted fraudulently; or
- (E) There was a material misrepresentation in the claim.

(2) Each insurer shall maintain a written or electronic record of the date of receipt of a claim. The person submitting the claim shall be entitled to inspect the record on request and to rely on that record or on any other relevant evidence as proof of the fact of receipt of

the claim. If an insurer fails to maintain an electronic or written record of the date a claim is received, the claim shall be considered received three business days after the claim was submitted based upon the written or electronic record of the date of submittal by the person submitting the claim.

(3) An insurer shall, within 30 days after receipt of a claim, request electronically or in writing from the person submitting the claim any information or documentation that the insurer reasonably believes will be required to process and pay the claim or to determine if the claim is a clean claim. The insurer shall use all reasonable efforts to ask for all desired information in one request, and shall if necessary, within 15 days of the receipt of the information from the first request, only request or require additional information one additional time if such additional information could not have been reasonably identified at the time of the original request or to specifically identify a material failure to provide the information requested in the initial request. Upon receipt of the information requested under this subsection which the insurer reasonably believes will be required to adjudicate the claim or to determine if the claim is a clean claim, an insurer shall either pay or deny the claim within 30 days. No insurer may refuse to pay a claim for health care services rendered pursuant to a provider contract which are covered benefits if the insurer fails to timely notify the person submitting the claim within 30 days of receipt of the claim of the additional information requested unless such failure was caused in material part by the person submitting the claims: *Provided*, That nothing herein shall preclude such an insurer from imposing a retroactive denial of payment of such a claim if permitted by the provider contract unless such retroactive denial of payment of the claim would violate §33-45-2(a)(7) of this code. This subsection does not require an insurer to pay a claim that is not a clean claim except as provided herein.

(4) Interest, at a rate of 10 percent per annum, accruing after the 40-day period provided in §33-45-2(a)(1) of this code owing or accruing on any claim under any provider contract or under any applicable law, shall be paid and accompanied by an explanation of the assessment on each claim of interest paid, without necessity of demand, at the time the claim is paid or within 30 days thereafter.

(5) Every insurer shall establish and implement reasonable policies to permit any provider with which there is a provider contract:

(A) To promptly confirm in advance during normal business hours by a process agreed to between the parties whether the health care services to be provided are a covered benefit; and

(B) To determine the insurer's requirements applicable to the provider (or to the type of health care services which the provider has contracted to deliver under the provider contract) for:

(i) Precertification or authorization of coverage decisions;

(ii) Retroactive reconsideration of a certification or authorization of coverage decision or retroactive denial of a previously paid claim;

(iii) Provider-specific payment and reimbursement methodology; and

(iv) Other provider-specific, applicable claims processing and payment matters necessary to meet the terms and conditions of the provider contract, including determining whether a claim is a clean claim.

(C) Every insurer shall make available to the provider within 20 business days of receipt of a request, reasonable access either electronically or otherwise, to all the policies that are applicable to the particular provider or to particular health care services identified by the provider. In the event the provision of the entire policy would violate any applicable copyright law, the insurer may instead comply with this subsection by timely delivering to the provider a clear explanation of the policy as it applies to the provider and to any health care services identified by the provider.

(6) Every insurer shall pay a clean claim if the insurer has previously authorized the health care service or has advised the provider or enrollee in advance of the provision of health care services that the health care services are medically necessary and a covered benefit, unless:

(A) The documentation for the claim provided by the person submitting the claim clearly fails to support the claim as originally authorized; or

(B) The insurer's refusal is because:

(i) Another payor or party is responsible for the payment;

(ii) The provider has already been paid for the health care services identified on the claim;

(iii) The claim was submitted fraudulently or the authorization was based in whole or material part on erroneous information provided to the insurer by the provider, enrollee, or other person not related to the insurer;

(iv) The person receiving the health care services was not eligible to receive them on the date of service and the insurer did not know, and with the exercise of reasonable care could not have known, of the person's eligibility status;

(v) There is a dispute regarding the amount of charges submitted; or

(vi) The service provided was not a covered benefit and the insurer did not know, and with the exercise of reasonable care could not have known, at the time of the certification that the service was not covered.

(7) A previously paid claim may be retroactively denied only in accordance with this subdivision.

(A) No insurance company may retroactively deny a previously paid claim unless:

(i) The claim was submitted fraudulently;

(ii) The claim contained material misrepresentations;

(iii) The claim payment was incorrect because the provider was already paid for the health care services identified on the claim or the health care services were not delivered by the provider;

(iv) The provider was not entitled to reimbursement;

(v) The service provided was not covered by the health benefit plan; or

(vi) The insured was not eligible for reimbursement.

(B) A provider to whom a previously paid claim has been denied by a health plan in accordance with this section shall, upon receipt of notice of retroactive denial by the plan, notify the health plan within 40 days of the provider's intent to pay or demand written explanation of the reasons for the denial.

(i) Upon receipt of explanation for retroactive denial, the provider shall reimburse the plan within 30 days for allowing an offset against future payments or provide written notice of dispute.

(ii) Disputes shall be resolved between the parties within 30 days of receipt of notice of dispute. The parties may agree to a process to resolve the disputes in a provider contract.

(iii) Upon resolution of dispute, the provider shall pay any amount due or provide written authorization for an offset against future payments.

(C) A health plan may retroactively deny a claim only for the reasons set forth in §33-45-2(a)(7)(A)(iii) through §33-45-2(a)(7)(A)(vi) of this code for a period of one year from the date the claim was originally paid. There shall be no time limitations for retroactively denying a claim for the reasons set forth in ~~subparagraphs (i) and (ii) above~~ §33-45-2(a)(7)(A)(i) and §33-45-2(a)(7)(A)(ii) of this code.

(8) No provider contract may fail to include or attach at the time it is presented to the provider for execution:

(A) The fee schedule, reimbursement policy or statement as to the manner in which claims will be calculated and paid which is applicable to the provider or to the range of health care services reasonably expected to be delivered by that type of provider on a routine basis; and

(B) All material addenda, schedules, and exhibits thereto applicable to the provider or to the range of health care services reasonably expected to be delivered by that type of provider under the provider contract.

(9) No amendment to any provider contract or to any addenda, schedule, or exhibit, or new addenda, schedule, exhibit, applicable to the provider to the extent that any of them involve payment or delivery of care by the provider, or to the range of health care services reasonably expected to be delivered by that type of provider, is effective as to the provider, unless the provider has been provided with the applicable portion of the proposed amendment, or of the proposed new addenda, schedule, or exhibit, and has failed to notify the insurer within 20 business days of receipt of the documentation of the provider's intention to terminate the provider contract at the earliest date thereafter permitted under the provider contract.

(10) In the event that the insurer's provision of a policy required to be provided under §33-45-2(a)(8) and §33-45-2(a)(9) of this code would violate any applicable copyright law, the insurer may instead comply with this section by providing a clear, written explanation of the policy as it applies to the provider.

(11) The insurer shall complete a credential check of any new provider and accept or reject the provider within four months following the submission of the provider's completed application: *Provided*, That time frame may be extended for an additional three months because of delays in primary source verification. The insurer shall make available to providers a list of all information required to be included in the application. A provider ~~who is permitted by the insurer to provide services and~~ who provides services during the credentialing period shall be paid for the services ~~if the provider's application is approved~~; *Provided*, That nothing in this subdivision prevents an insurer from obtaining refund of overpayments to a provider when the provider fails to become credentialed after having gone through the credentialing process.

(b) Without limiting the foregoing, in the processing of any payment of claims for health care services rendered by providers

under provider contracts and in performing under its provider contracts, every insurer subject to regulation by this article shall adhere to and comply with the minimum fair business standards required under §33-45-2(a) of this code. The commissioner has jurisdiction to determine if an insurer has violated the standards set forth in §33-45-2(a) of this code by failing to include the requisite provisions in its provider contracts. The commissioner has jurisdiction to determine if the insurer has failed to implement the minimum fair business standards set out in §33-45-2(a)(1) and §33-45-2(a)(2) of this code in the performance of its provider contracts.

(c) No insurer is in violation of this section if its failure to comply with this section is caused in material part by the person submitting the claim or if the insurer's compliance is rendered impossible due to matters beyond the insurer's reasonable control, such as an act of God, insurrection, strike, fire, or power outages, which are not caused in material part by the insurer."

And,

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

H. B. 2954 - "A Bill to amend and reenact §33-45-1 and §33-45-2 of the Code of West Virginia, 1931, as amended, all relating to ethics and fairness in insurer business practices; clarifying 'provider' definition; correcting citations; and requiring payment for services of a provider who provides services during the credentialing period."

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 563**), and there were—yeas 100, nays none, absent and not voting none.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2954) passed.

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

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

H. B. 2992, Relating to governmental websites.

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

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

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

ARTICLE 1. GENERAL PROVISIONS.

§5F-1-7. Website content and required information.

Beginning December 31, 2019, each agency shall maintain a
website that provides the following information, if applicable:

(1) The office contact information, including office location
and mailing address, telephone number, facsimile number, office
hours, and a secure electronic means of contacting the office such
as a contact portal or other interface;

(2) The contact information of each staff member, including
office location and mailing, address, office telephone number,
facsimile number, and an organizational electronic mail address;

(3) Organizational chart;

(4) Administrative agency officials;

(5) A list of governing statutes and legislative and procedural
rules;

(6) Meeting minutes;

(7) Annual reports;

(8) All agency forms, including application forms, complaint
forms, and instructions; and

(9) Frequently asked questions and descriptive answers.

CHAPTER 7. COUNTY COMMISSIONS AND OFFICERS.

ARTICLE 1. COUNTY COMMISSIONS GENERALLY.

§7-1-3rr. Accessible county records; required information.

(a) Beginning July 1, 2017 2019, each county commission may maintain a website that provides the following information without charge:

(1) The title and name of each elected county office holder;

(2) The contact information of each elected county office holder, including office telephone number, facsimile number, office location and mailing address;

(3) ~~The government electronic mail address of~~ A secure electronic means of contacting each elected county office holder;

(4) A copy of each county ordinance in effect;

(5) A copy of the approved meeting minutes; and

(6) A schedule of regular meeting days for each calendar year.

(b) Beginning on or before December 31, 2017 2019, and each year thereafter, each county commission shall provide to the Secretary of State ~~shall obtain~~ the following information:

(1) A list of each elected county official by title, with the name of the elected official;

(2) The office contact information for each county office holder; and

(3) The website address of the county commission website, where available.

(c) The county commission shall update the information required pursuant to this section within 30 days of the date the change occurs and shall provide the updated information to the

Office of Technology who shall update the information on the wv.gov website.

CHAPTER 8. MUNICIPAL CORPORATIONS.

ARTICLE 39. MUNICIPAL WEBSITES.

§8-39-1. Accessible municipal records; required information.

(a) Beginning on or before December 31, 2019, each municipality may maintain a website that provides the following information accessible to the public without charge:

(1) The title and name of each elected office holder;

(2) The contact information of each elected office holder, including office telephone number, facsimile number, office location, office hours and mailing address;

(3) A secure electronic means of contacting each elected office holder;

(4) A copy of each municipal ordinance in effect;

(5) A copy of the approved meeting minutes; and

(6) A schedule of regular meeting days for each calendar year.

(b) Each municipality shall update the information required pursuant to this section within 30 days of the date the change occurs and provide the updated information to the Office of Technology who shall update the information on the wv.gov website.”

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 564**), and there were—yeas 96, nays 4, absent and not voting none, with the nays being as follows:

Nays: Barrett, Pushkin, Robinson and Steele.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2992) passed.

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

A message from the Senate, by

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

H. B. 3135, Expiring funds to the balance of the Department of Commerce, Development Office.

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

On page one, line four, by striking out “3006” and inserting in lieu thereof “3014”.

And,

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

H. B. 3135 - “A Bill expiring funds to the balance of the Department of Commerce, Development Office – Entrepreneurship and Innovation Investment Fund, fund 3014, fiscal year 2019, organization 0307, in the amount of \$500,000, from the Auditor’s Office – Purchasing Card Administration Fund, fund 1234, fiscal year 2019, organization 1200, by supplementing and amending chapter 12, Acts of the Legislature, 2018, known as the Budget Bill.”

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 565**), and there were—yeas 98, nays 2, absent and not voting none, with the nays being as follows:

Nays: McGeehan and Paynter.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 3135) passed.

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

On this question, the yeas and nays were taken (**Roll No. 566**), and there were—yeas 99, nays 1, absent and not voting none, with the nays being as follows:

Nays: McGeehan.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 3135) takes effect from its passage.

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

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate, with amendment, of a concurrent resolution of the House of Delegates as follows:

H. C. R. 20, PFC Charles Everett Hurd Memorial Bridge.

On motion of Delegate Summers, the House of Delegates concurred in the following amendment of the resolution by the Senate:

On page one, in the Resolved clause, line seventeen, by striking out the word “PFC” and inserting in lieu thereof the words “U.S. Marine Corps PFC”.

On page two, in the first Further Resolved clause, line two, by striking out the word “PFC” and inserting in lieu thereof the words “U.S. Marine Corps PFC”.

And,

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

H. C. R. 20- “Requesting the Division of Highways name bridge number 18-13-0.12, near Sandyville in Jackson County, locally known as the Sandyville Bridge, the ‘U.S. Marine Corps PFC Charles Everett Hurd Memorial Bridge’.”

The resolution, as amended, was then adopted.

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

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate and requested the concurrence of the House of Delegates in the passage, to take effect from passage, of

S. B. 677 - “A Bill supplementing and amending by increasing existing items of appropriation and adding a new item of appropriation of public moneys out of the Treasury in the State Fund, General Revenue, to the Department of Health and Human Resources, Division of Health, Central Office, fund 0407, fiscal year 2019, organization 0506; and to the Department of Health and Human Resources, Division of Human Services, fund 0403, fiscal year 2019, organization 0511, by supplementing and amending the appropriations for the fiscal year ending June 30, 2019.”

In the absence of objection, the bill (S. B. 677) was taken up for immediate consideration, read a first time and ordered to second reading.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate and requested the concurrence of the House of Delegates in the passage, to take effect from passage, of

S. B. 678 - “A Bill making a supplementary appropriation by adding new items of appropriation from the balance of moneys remaining as an unappropriated balance in the State Fund, State Excess Lottery Revenue Fund, to the Department of Administration, Office of Technology, fund 2532, fiscal year 2019, organization 0231, by supplementing and amending the appropriations for the fiscal year ending June 30, 2019.”

In the absence of objection, the bill (S. B. 678) was taken up for immediate consideration, read a first time and ordered to second reading.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate and requested the concurrence of the House of Delegates in the passage, to take effect from passage, of

S. B. 679 - “A Bill supplementing and amending by adding a new item of appropriation of public moneys out of the Treasury in the State Fund, General Revenue, to the Department of Administration, Division of Finance, fund 0203, fiscal year 2019, organization 0209, by supplementing and amending the appropriations for the fiscal year ending June 30, 2019.”

In the absence of objection, the bill (S. B. 679) was taken up for immediate consideration, read a first time and ordered to second reading.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate and requested the concurrence of the House of Delegates in the passage, to take effect from passage, of

S. B. 680 - “A Bill supplementing and amending by increasing existing items of appropriation of public moneys out of the Treasury in the State Fund, General Revenue, to the Department of Military Affairs and Public Safety, Division of Homeland Security and Emergency Management, fund 0443, fiscal year 2019, organization 0606; and to the Department of Military Affairs and Public Safety, Division of Corrections, Central Office, fund 0446, fiscal year 2019, organization 0608, by supplementing and amending the appropriations for the fiscal year ending June 30, 2019.”

In the absence of objection, the bill (S. B. 680) was taken up for immediate consideration, read a first time and ordered to second reading.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate and requested the concurrence of the House of Delegates in the passage, to take effect from passage, of

S. B. 681 - “A Bill making a supplementary appropriation of Lottery Net Profits by adding a new item of appropriation from the balance of moneys remaining as an unappropriated balance in Lottery Net Profits to the Department of Education and the Arts, Educational Broadcasting Authority, fund 3587, fiscal year 2019, organization 0439, by supplementing and amending the appropriations for the fiscal year ending June 30, 2019.”

In the absence of objection, the bill (S. B. 681) was taken up for immediate consideration, read a first time and ordered to second reading.

A message from the Senate, by

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

H. B. 2647, Self Storage Limited License Act.

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

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

“ARTICLE 12. INSURANCE PRODUCERS AND SOLICITORS.

§33-12-38. Self-Service Storage Limited License Act.

(a) Definitions. For purposes of this section, the following terms have the following meanings:

(1) ‘Leased space’ means the individual storage space at the self-service storage facility which is leased or rented to an occupant pursuant to a rental agreement;

(2) ‘Location’ means any physical location in the State of West Virginia or any website, call center site, or similar location directed to residents of the State of West Virginia;

(3) ‘Occupant’ means a person entitled to the use of a leased space at a self-service storage facility under a rental agreement, or the person’s sublessee, successor, or assign;

(4) ‘Owner’ means the owner, operator, lessor, or sublessor of a self-service storage facility or the owner’s agent or any other person authorized to manage the facility or to receive rent from any occupant under a rental agreement;

(5) ‘Personal property’ means movable property not affixed to land and includes, but is not limited to, goods, wares, merchandise, motor vehicles, and household items and furnishings;

(6) ‘Rental agreement’ means any agreement or lease that establishes or modifies the terms, conditions or rules concerning the lawful and reasonable use and occupancy of leased space at a self-service storage facility;

(7) ‘Self-service storage facility’ means any real property used for renting or leasing individual storage spaces, other than storage spaces which are leased or rented as an incident to the lease or rental of residential property or dwelling units, to which the occupants have access for storing or removing their personal property;

(8) ‘Self-service storage insurance’ means personal property insurance offered in connection with and incidental to the lease or rental of leased space at a self-service storage facility that provides coverage to occupants at the self-service storage facility where the insurance is transacted for the loss of or damage to personal property that occurs at that facility or when the property is in transit to or from that facility during the period of the rental agreement; and

(9) ‘Supervising entity’ means a business entity that is a licensed insurance producer or an insurer.

(b) Licensure of owners.

(1) An owner shall hold a limited lines license under this section if the owner sells, solicits, or offers coverage for self-service storage insurance. Notwithstanding any other provision of this section to the contrary, an owner is not required to be licensed solely to display and make available to occupants and prospective occupants brochures and other promotional materials created by or on behalf of an authorized insurer or surplus lines insurer.

(2) A limited lines license issued under this section is limited to authorizing an owner and the owner's employees and authorized representatives to sell, solicit, and offer coverage for self-service storage insurance to occupants.

(3) A limited lines license issued under this section authorizes an owner and the owner's employees and authorized representatives to sell, solicit, and offer self-service storage insurance coverage at each location at which the owner conducts business.

(4) An owner shall maintain, and share with its supervising entity, a list of all locations in this state at which self-service storage insurance is offered on its behalf. The supervising entity shall submit the list to the Insurance Commissioner within 30 days upon request.

(5) An owner and its employees and authorized representatives are not subject to the agent pre-licensing education, examination, or continuing education requirements of this article.

(c) Requirements for Sale of Self-Service Storage Insurance.

(1) At every location where self-service storage insurance is offered, the owner shall make brochures or other written or electronic materials available to occupants which:

(A) Disclose that self-service storage insurance may provide a duplication of coverage already provided by an occupant's homeowner's insurance policy, renter's insurance policy, or other source of coverage;

(B) State that the enrollment by the occupant for the self-service storage insurance coverage offered by the owner is not required in order to lease or rent leased space from the owner;

(C) Provide the actual terms of the self-service storage insurance coverage, or summarize the material terms of the insurance coverage, including:

(i) The identity of the insurer;

(ii) The identity of the supervising entity;

(iii) The amount of any applicable deductible and how it is to be paid;

(iv) Benefits of the coverage; and

(v) Key terms and conditions of coverage;

(D) Summarize the process for filing a claim;

(E) State that the occupant may cancel enrollment for the self-service storage insurance coverage at any time and the person paying the premium shall receive a refund of any applicable unearned premium.

(2) Self-service storage insurance may be provided under an individual policy or under a commercial, corporate, group, or master policy.

(3) Eligibility and underwriting standards for occupants electing to enroll in coverage shall be established for each self-service storage insurance program.

(d) Authority of owners.

(1) The employees and authorized representatives of owners may sell, solicit, and offer self-service storage insurance to occupants and are not subject to licensure as an insurance producer under this article provided that:

(A) The owner obtains a limited lines license to authorize the owner's employees and authorized representatives to sell, solicit, and offer self-service storage insurance;

(B) The insurer issuing the self-service storage insurance appoints a supervising entity to supervise the administration of the program including development of a training program for employees and authorized representatives of the owner who sell, solicit, or offer self-service storage insurance. The training required by this subdivision shall comply with the following:

(i) The training shall be delivered to all employees and authorized representatives of the owner who sell, solicit, or offer self-service storage insurance;

(ii) The training may be provided in electronic form. However, if provided in an electronic form the supervising entity shall implement a supplemental education program regarding the self-service storage insurance that is provided and overseen by licensed employees of the supervising entity; and

(iii) Each employee and authorized representative selling, soliciting, or offering self-service storage insurance shall receive basic instruction about the self-service storage insurance offered to occupants and the disclosures required under paragraph (C) of this subdivision.

(C) An employee or authorized representative of an owner does not advertise, represent, or otherwise hold himself or herself out as a licensed insurance producer, unless so licensed;

(D) An employee or authorized representative of an owner is compensated based primarily on the number of occupants enrolled for self-service storage insurance coverage. Employees and authorized representatives may receive compensation for enrolling occupants for self-service storage insurance coverage as long as the compensation for those activities is incidental to their overall compensation;

(2) The charges for self-service storage insurance coverage may be billed and collected by the owner. Any charge to the occupant for coverage that is not included in the cost associated with the lease or rental of leased space shall be separately itemized on the occupant's bill. If the coverage is included in the lease or rental of leased space, the owner shall clearly and conspicuously disclose to the occupant that the self-service storage insurance coverage is included with the lease or rental of leased space. An owner billing and collecting the charges is not required to maintain the funds in a segregated account, provided that the owner is authorized by the insurer to hold the funds in an alternative manner and remits the amounts to the supervising entity or insurer within 60 days of receipt. All premiums received by an owner from an occupant for self-service storage insurance shall be considered funds held by the owner in a fiduciary capacity for the benefit of the insurer. Owners may receive compensation for billing and collection services.

(e) Suspension of Privileges.

(1) If an owner or its employee or authorized representative violates any provision of this section, the commissioner may do any of the following:

(A) After notice and hearing, impose fines not to exceed \$500 per violation or \$5,000 in the aggregate for such conduct.

(B) After notice and hearing, impose other penalties that the commissioner considers necessary and reasonable to carry out the purpose of this article, including:

(i) Suspending the privilege of transacting self-service storage insurance pursuant to this section at specific business locations where violations have occurred; and

(ii) Suspending or revoking the ability of individual employees or authorized representatives to act under this section.

(2) If a supervising entity is determined by the commissioner to have not performed its required duties under this section or has otherwise violated any provision of this section, it is subject to the administrative actions set forth in §33-12-24 of this code.”

And,

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

H. B. 2647 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-12-38, relating to establishing a limited lines insurance license for self-service storage providers; defining terms; providing for licensure of owners; setting forth requirements for the sale of self-service storage insurance; providing for sale by employees and authorized representatives of the owner; setting forth the authority of owners; and providing for suspension of privileges.”

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 567**), and there were—yeas 97, nays 2, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Fleischauer and Fluharty.

Absent and Not Voting: S. Brown.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2647) passed.

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

In the absence of objection, the House of Delegates returned to the Third Order of Business for the purpose of receiving committee reports.

Committee Reports

On motion for leave, the following resolutions were introduced (Originating in the Committee on Education and reported with the recommendation that they each be adopted, but that they first be referred to the Committee on Rules), which were read by their titles, as follows:

By Delegates Hamrick, Atkinson, Bibby, Cooper, Dean, Doyle, Estep-Burton, Evans, Hanna, Higginbotham, Hornbuckle, Jennings, J. Kelly, Rohrbach, R. Thompson, Toney and Zukoff:

H. C. R. 94 - “Requesting the Joint Committee on Government and Finance to conduct an interim study on the deficiencies within programs that provide first responder training in West Virginia,”

Whereas, Paramedics, firefighters, emergency medical responders, and other first responders are vital to the public’s safety; and

Whereas, It is in the state’s interest to explore all opportunities for improving first responder training; and

Whereas, Deficiencies in first responder training have been noted in HB2586 (2019) may be addressed to knowledgeably improve the programs; and

Whereas, Research regarding deficiencies in training and areas needing more first responders would be in the best interests of all West Virginias; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to conduct an interim study on the deficiencies in first responder training and areas of the state deficient in first responders; and, it be

Further Resolved, That a report of the findings, conclusions and recommendations of the study, together with drafts of any legislation necessary to effectuate the recommendations be reported to the Legislature as its 2020 Regular Session; and, be it

Further Resolved, That the expenses necessary to conduct this study, to prepare a report and draft legislation are requested to be paid from legislative appropriations to the Joint Committee on Government and Finance.

And,

By Delegates Hamrick, Atkinson, Bibby, Cooper, Dean, Doyle, Estep-Burton, Evans, Hanna, Higginbotham, Hornbuckle, Jennings, J. Kelly, Rohrbach, R. Thompson, Toney and Zukoff:

H. C. R. 95 - "Requesting the Joint Committee on Government and Finance to conduct an interim study on public school finance."

Whereas, State programs for financing public schools generally consist of: (1) A basic foundation amount necessary for school staffing, programs and operations for which the responsibility is allocated between the local school district based on the district's relative wealth and state aid to close the gap; (2) Additional state appropriated funding or "categorical funds" restricted for specific programmatic and other purposes and for

facilities improvement; and (3) Federal funds expended in accordance with the Every Student Succeeds Act and the Individuals with Disabilities Education Act and associated federal regulations; and

Whereas, States typically adjust the foundation amounts of the various districts to reflect certain high cost variances such as differences in regional costs, disproportionately large or small districts, high poverty areas and isolated schools or districts; and

Whereas, Many states provide for transportation funding separately from other educational costs, often through a separate formula, because the per pupil costs for transportation are impacted by factors that do not affect other school expenses and can vary greatly from district to district; and

Whereas, School funding formulas are often viewed as overly complex sequences of computations and rules comprehensible to only the handful of personnel steeped in school finance but it is none the less important for policymakers to recognize how the formulas can either restrict or accommodate policy changes, adequately adjust for the increasingly diverse financial circumstances and needs among the state's school systems and facilitate innovation; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to conduct an interim study on public school finance; and, be it

Further Resolved, That a report of the findings, conclusions and recommendations of the study, together with drafts of any legislation necessary to effectuate the recommendations be reported to the Legislature at its 2020 Regular Session; and, be it

Further Resolved, That the expenses necessary to conduct this study, to prepare a report and draft necessary legislation are requested to be paid from legislative appropriations to the Joint Committee on Government and Finance.

The Speaker then referred the resolutions (H. C. R. 94 and H. C. R. 95) to the Committee on Rules.

Delegate Shott, Chair of the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration:

Com. Sub. for S. J. R. 5, Clarification of the Judiciary's Role in Impeachment Proceedings Amendment,

And reports the same back, with amendment, with the recommendation that it be adopted, as amended.

A unanimous consent request that the resolution be read a first time and ordered to second reading was not granted, objection being heard.

On motion, the resolution (Com. Sub. for S. J. R. 5) was then read a first time and ordered to second reading.

Mr. Speaker (Mr. Hanshaw), Chair of the Committee on Rules, submitted the following report, which was received:

Your Committee on Rules has had under consideration:

H. C. R. 33, Applying to the Congress of the United States to call a convention for proposing amendments pursuant to Article V,

Com. Sub. for H. C. R. 37, SSGT Thomas Gavin Hess Memorial Bridge,

Com. Sub. for H. C. R. 40, U. S. Army CAPT William H. Denney, Jr. Memorial Bridge,

Com. Sub. for H. C. R. 49, U. S. Marine Corps PFC Danny Marshall Memorial Bridge,

Com. Sub. for H. C. R. 5, U. S. Army T/5 Maurice V. Mann Memorial Bridge,

Com. Sub. for H. C. R. 52, Dr. H. Luke Eye Memorial Bridge,

Com. Sub. for H. C. R. 55, U. S. Navy Seaman 1st Class Brady William Milam Memorial Bridge,

Com. Sub. for H. C. R. 6, U. S. Army PFC Earl Russell Cobb, SPC4 Carl Bradford Goodson, and SSGT George T. Saunders Jr. Memorial Bridge,

H. C. R. 61, Applying to and urging Congress to call a convention of the states to limit the terms of office,

Com. Sub. for H. C. R. 70, Danny Wayne Marks Memorial Bridge,

Com. Sub. for H. C. R. 79, U. S. Army PFC Homer Jacob Day Memorial Bridge,

H. C. R. 83, The creation of the West Virginia Distressed Water and Wastewater Utility Systems Viability Study Committee,

H. C. R. 93, Requesting the Joint Committee on Energy study legislation relating to the deregulation of natural gas,

S. C. R. 12, US Army CPL Lee Roy Young Memorial Bridge,

S. C. R. 20, US Air Force SSGT Ryan David Hammond Memorial Bridge,

Com. Sub. for S. C. R. 4, US Marine Corps Lt. Col. Dennis Ray Blankenship Memorial Road,

Com. Sub. for S. C. R. 40, US Army CPL Roy E. Clark Memorial Bridge,

And,

S. C. R. 9, US Army PFC Winten L. Wayts Memorial Bridge,

And reports the same back with the recommendation that they each be adopted.

Messages from the Executive

The following Proclamation of His Excellency, the Governor, was laid before the House of Delegates and read by the Clerk:

STATE OF WEST VIRGINIA
EXECUTIVE DEPARTMENT
Charleston

A P R O C L A M A T I O N

By the Governor

I, JIM JUSTICE, by virtue of the authority vested in the Governor by Section 7, Article VII, of the Constitution of West Virginia, do hereby call the West Virginia Legislature to convene in Extraordinary Session upon adjournment *sine die* of the 2019 Regular Session, as extended by Proclamation dated March 6, 2019, in its chambers in the State Capitol, City of Charleston, for the limited purpose of considering and acting upon the following matters:

FIRST: Relating generally to improving, modifying, and making efficiencies to the state's public education system and employee compensation; and

SECOND: Legislation authorizing and appropriating the expenditure of public funds to pay for the Extraordinary Session.

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



DONE at the Capitol in the City of Charleston, State of West Virginia, this seventh day of March, in the year of our Lord, Two Thousand Nineteen, and in the One Hundred Fifty-Sixth year of the State.

James Justice,
Governor.

By the Governor

Mac Warner
Secretary of State

Special Calendar

-continued-

Third Reading

Delegate Doyle asked and obtained unanimous consent to return to consideration of **S. B. 673** which was previously placed at the foot of the calendar.

The bill was then taken up for immediate consideration and read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 568**), and there were—yeas 99, nays 1, absent and not voting none, with the nays being as follows:

Nays: Rowe.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 673) passed.

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

S. B. 673 - “A Bill to repeal §18B-1D-2, §18B-1D-3, §18B-1D-4, and §18B-1D-5 of the Code of West Virginia, 1931, as amended; to repeal §18B-7-8 of said code; to amend and reenact §18B-1D-1 and §18B-1D-8 of said code; and to amend and reenact §18C-1-1 of said code, all relating to public higher education governance, accountability and planning; changing the definition of exempted schools; ensuring efficiency in planning and accountability; modifying the data collection and reporting processes; eliminating the requirement for a statewide master plan for public higher education; eliminating the requirement for state and institutional compacts for public higher education; eliminating the requirement for a human resources report card for public higher education; modifying the reporting methods for certain

institutional and statewide reports; modifying the reporting method for the student financial aid report card for public higher education; and continuing the accountability system for public higher education.”

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

On this question, the yeas and nays were taken (**Roll No. 569**), and there were—yeas 100, nays none, absent and not voting none.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 673) takes effect from its passage.

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

Second Reading

S. B. 16, Authorizing expenditure of surplus funds by Wyoming County Commission; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for S. B. 30, Eliminating tax on annuity considerations collected by life insurer; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Finance, was reported by the Clerk and adopted, amending the bill on page one, section fifteen, line one, by striking out subsection (a) in its entirety and inserting in lieu thereof the following:

“(a) For the taxable years beginning on or after January 1, 2021, the tax imposed by this section is discontinued.”

The bill was then ordered to third reading.

S. B. 36, Allowing adjustment of gross income for calculating personal income liability for certain retirees; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Pensions and Retirement, was reported by the Clerk and adopted, amending the bill page one, section twelve-d, line sixteen, by striking out the word “2019” and inserting the word “2020”.

The bill was then ordered to third reading.

Com. Sub. for S. B. 40, Establishing Military Service Members Court program; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Finance, was reported by the Clerk and adopted, amending the bill on page one, immediately following the enacting clause, by striking out the remainder of the bill and inserting in lieu thereof the following:

ARTICLE 16. THE MILITARY SERVICE MEMBERS COURT ACT.

§62-16-1. Short title.

This may be cited as the Military Service Members Court Act.

§62-16-2. Legislative findings.

The Legislature recognizes that while most veterans are strengthened by their military service, the combat experiences of many veterans have unfortunately left a growing number of veterans who suffer from issues such as Post Traumatic Stress Disorder and traumatic brain injury. A growing body of research shows that one in five veterans will have symptoms of a mental illness, mental health disorder or cognitive impairment. One in six veterans who served in either Operation Enduring Freedom or Operation Iraqi Freedom suffer from substance abuse and related issues. As a result, many veterans have found themselves in the criminal court system charged with crimes which may be directly attributable to these service-related issues.

The Legislature further recognizes that a Military Service Members Court is necessary to link veterans with the programs,

benefits, and services that are necessary to help them overcome these issues and provide them with rehabilitation services instead of incarceration.

Given the context of veteran life, especially given their past training and experiences in the Armed Forces, it is reasonably anticipated and likely that military service members would respond favorably to a structured environment. The Military Service Members Court is a professional, structured and monitored program which mandates and provides participant accountability and responsibility, including mandatory court appearances, treatment and counseling sessions, as well as frequent and random testing for drug and alcohol use. However, the Legislature also finds that some may still struggle. Those are the veterans who need the structure and support of a Military Service Members Court program such the most. Without the structure of a Military Service Members Court program mentally ill and challenged veterans may well reoffend, remain in the criminal court system and suffer under the emotional, physical and mental yoke of substance abuse.

The Legislature creates the Military Service Members Court to ensure that these veterans in need are able meet their obligations to themselves, their family, their loved ones, the court, and their community.

§62-16-3. Definitions.

For the purposes of this article:

‘Assessment’ means an evaluation to determine whether a criminal defendant is a military service member as defined by this section, that the offense(s) he or she has been charged with are attributable to their military service, and if the offender would benefit from the provisions set forth in this article.

‘Court’ means a Military Service Members Court.

‘Department’ means the West Virginia Department of Veterans’ Assistance.

‘Mentally ill’ means a person who suffers from a manifestation of significantly impaired capacity to maintain acceptable levels of functioning in the areas of intellect, emotion or physical well-being.

‘Military Service Members Court team’ or ‘team’ is a group of veterans and other professionals which assesses offenders and follows and reports to a court on an offender’s progress.

‘Military Service Members Court program’ or ‘program’ is a program that includes pre-adjudicatory and post-adjudicatory treatment for military service members.

‘Military service member’ means a person who is currently serving on active duty in the Army, Air Force, Marines, Navy, or Coast Guard, reserve status, or the National Guard, or a person who once served in the active military and then retired, voluntarily separated, or was discharged dishonorably or under other than honorable conditions.

‘Offender’ means a criminal defendant who qualifies as a military service member under this article.

‘Post-adjudicatory program’ means a program in which the offender has admitted guilt or has been found guilty and agrees, with the prosecutor’s consent, to enter a court program as part of his or her sentence.

‘Pre-adjudication order’ means a court order requiring a military service member to participate in a program as set forth in this article.

‘Pre-adjudicatory program’ means a program that allows the offender, with the consent of the prosecutor, team, and the court to expedite the offender’s criminal case before conviction or before filing of a criminal case and requires the offender to agree to and successfully complete the court program as part of the written agreement.

‘Post adjudication order’ means a court order requiring a military service member who has entered a plea of either guilty or *nolo contendere* to a crime identified in §62-16-7 to participate in a court program set forth herein.

‘Split sentencing’ means a sentence which includes a period of incarceration followed by a period of supervised release.

‘Staffing’ means the meeting before a military service member offender’s appearance in court, in which the team discusses a coordinated response to the military service member offender’s behavior.

‘VA’ means the United States Department of Veterans’ Affairs.

‘VJO’ means the VA Veterans Justice Outreach Program.

‘Written agreement’ means the agreement executed to allow a military service member to participate in a court program, as referred to in §62-16-5.

§62-16-4. Court authorization and structure.

(a) The Supreme Court of Appeals shall establish a Military Service Members Court Program, under the oversight of the Office of the Administrative Director. Each Military Service Members Court is a separate court, tasked to administer a program providing an immediate and highly structured judicial intervention process for substance abuse treatment, mental health treatment or, other assessed treatment needs of eligible military service member offenders. Each court shall identify and assemble substance abuse professionals, mental health professionals, department professionals, local social programs and intensive judicial monitoring to address the purposes of this article.

(b) The courts shall be established in the areas of the state with the highest need, as determined by the Office of the Administrative Director. The Supreme Court of Appeals shall establish two courts on or before July 1, 2019. The Supreme Court of Appeals shall establish two additional courts each July 1st for the next four years,

resulting in a total of ten courts operating by July 1, 2023. At the discretion of the Office of the Administrative Director, the court program may be operated in one county in the circuit and allow military service member offenders from all counties within the circuit to participate.

(c) A court may offer pre-adjudication or post-adjudication programs for adult offenders.

(d) Nothing contained in this article confers a right or an expectation of a right to participate in a court program nor does it obligate a court to accept every military service member offender.

(e) Neither the establishment of a Military Service Members Court nor anything in this article may be construed as limiting the discretion of the jurisdiction's prosecutor to act on any criminal case which he or she determines advisable to prosecute.

(f) Each program judge may establish rules and may make special orders as necessary that do not conflict with rules and orders promulgated by the Supreme Court of Appeals. The Supreme Court of Appeals shall provide uniform referral, procedure, and order forms that shall be used in all Military Service Members Courts in this state.

§62-16-5. Written agreements.

(a) Participation in a Military Service Members Court program shall be pursuant to a written agreement with the consent of the prosecutor, team, and the court. The written agreement shall set forth all agreed upon provisions which allow the military service member to proceed in the program. The offender shall execute a written agreement with the court to memorialize agreed participation in the program, and all the terms and conditions of the program, including, but not limited to, the possibility of sanctions or incarceration for failure to comply with the terms of the program, orders of the court, and written agreement.

(b) A court may grant reasonable incentives to, or impose reasonable sanctions on, anyone who fails to comply with the written agreement. At the discretion of the court, sanctions may

include incarceration, expulsion from the program, depending on recommendations of the team, and the following factors:

(1) performance in the court program;

(2) participation and progress related to education, treatment and rehabilitation;

(3) criminal conduct during the court program;

(4) violation of the terms and conditions of the agreement; and

(5) other participation in the court program.

(c) When the court program is successfully completed, the judge shall dispose of an offender's case in the manner prescribed by the written agreement and by the applicable policies and procedures adopted by the court. Disposition may include, but is not limited to, withholding criminal charges, dismissal of charges, probation, deferred sentencing, suspended sentencing, split sentencing, and a reduced period of incarceration.

§62-16-6. Military Service Members Court teams.

(a) The goal of each team shall be to fill its positions with as many veterans as possible. A team shall include, but is not limited to the following members:

(1) A circuit court judge;

(2) A magistrate;

(3) The prosecuting attorney to which the case has been assigned to;

(4) Counsel for the offender, or if the offender does not have counsel, then a public defender or member of the criminal defense bar;

(5) A representative from a circuit court probation office;

(6) A case coordinator;

(7) Volunteer veteran mentors, with the goal of no mentor mentoring more than two offenders at the same time;

(8) VA Veteran Justice Outreach Specialist;

(9) Director of the Day Report Center for that circuit; and

(10) Any other persons selected by the team

(b) The team shall conduct a staffing prior to each court session to discuss and provide updated information regarding the military service member offender. After determining the offender's progress or lack thereof, the court team shall recommend the appropriate incentive, sanction or other action deemed appropriate. If the team cannot agree on the appropriate action, the court shall make the decision based on information presented at the staffing.

§62-16-7. Eligibility.

(a) A military service member offender, who is eligible for probation based upon the nature of the offense(s) for which he or she has been charged with, and in consideration of his or her criminal background, if any, may, upon application, be admitted into a court program only upon the agreement of the prosecutor and the offender. Additionally, the team must also determine that the offense(s) are in any way attributable to the offender's military service.

(b) A military service member offender may not participate in the court program if he or she has been charged with any of the following offenses:

(1) A sexual offense, including, but not limited to, a violation of the felony provisions of articles eight, eight-b, eight-c, or eight-d of chapter sixty-one, or a criminal offense where the judge has made a written finding that the offense was sexually motivated;

(2) A felony violation of the provisions of sections two, two-a, or three-a, article eight-d of chapter sixty-one;

(3) A felony violation of the provisions of sections three or four, article fourteen, of chapter sixty-one;

(4) A felony violation of sections nine-b or fourteen, article two, of chapter sixty-one;

(5) A felony violation of subsection b, section two, article five, of chapter seventeen-c; or

(6) If he or she has previously been convicted in this state, another state, or in a federal court for any of the offenses enumerated above.

§62-16-8. Procedure.

(a) Upon application, the court shall order the offender to submit to an eligibility screening, a mental health and drug/alcohol screening, and an assessment by the VA JVO to provide information on the offender's mental health or military service member status. The assessment shall include a risks assessment and be based, in part, upon the known availability of treatment resources available to the court. The assessment shall also include recommendations for treatment of the conditions which are indicating a need for treatment under the monitoring of the court and reflect a level of risk assessed for the individual seeking admission. The court is not required to order an assessment if a valid screening or assessment related to the present charge(s) pending against the offender has been completed within the previous sixty days.

(b) Upon completion, the assessment shall be presented to the team for evaluation. After the team has done so, it may request the offender to appear with counsel, if represented, to answer any outstanding questions it may have.

(c) Subsequently, the team shall privately discuss the offender's assessment and vote on his or her eligibility for the program.

(d) If determined by majority vote that the veteran offender is accepted, the veteran shall be assigned a mentor and the team shall

determine an individual course of action for the veteran offender. The team shall then present their plan to the veteran and introduce the veteran to his or her mentor.

(e) If the veteran offender is not accepted the team shall present to the veteran offender explanation as to why he or she has not been accepted.

(f) When considering treatment, the team shall first utilize benefits available to the offender through the VA. The court may order the offender to complete substance abuse treatment in an outpatient, inpatient, residential, or jail-based custodial treatment program, order the offender to complete mental health counseling in an inpatient or outpatient basis, comply with all physicians' recommendations regarding medications and complete all follow up treatment. The mental health issues for which treatment may be provided, include, but are not limited to, post-traumatic stress disorder, traumatic brain injury and depression.

(g) The judge shall inform the offender that if he or she fails to meet the conditions of the court, eligibility to participate in the program may be revoked and the offender shall be subject to the sanctions set forth in section ten of this article.

§62-16-9. Mental health and substance abuse treatment.

(a) The court may maintain a network of mental health treatment programs and substance abuse treatment programs representing a continuum of graduated mental health and substance abuse treatment options commensurate with the needs of offenders; these shall include programs with the VA, the department, this state, and community-based programs.

(b) The court may, in its discretion, employ additional services or interventions, as it determines necessary, on a case-by-case basis.

(c) The court may maintain or collaborate with a network of mental health treatment programs and, if it is a cooccurring mental health and substance abuse court program, a network of mental health treatment programs and substance abuse treatment programs

representing a continuum of treatment options commensurate with the needs of the offender and available resources including programs with the VA, the department, and this state

§62-16-10. Violation; termination; discharge.

(a) The court may impose reasonable sanctions under the offender's written agreement, including, but not limited to, imprisonment or dismissal of the offender from the program. The court may reinstate criminal proceedings against him or her for a violation of probation, conditional discharge, or supervision hearing, if the court finds from the evidence presented, including, but not limited to, the reports or proffers of proof from the court's professionals that:

(1) The offender is not performing satisfactorily in the assigned program;

(2) The offender is not benefitting from educational treatment or rehabilitation;

(3) The offender has engaged in criminal conduct rendering him or her unsuitable for the program; or

(4) The offender has otherwise violated the terms and conditions of the program or his or her sentence or is for any reason unable to participate.

(b) Upon successful completion of the terms and conditions of the program, the court may dismiss the original charges against the offender, successfully terminate the offender's sentence, permit the offender to enter into a plea agreement to a lesser offense, or otherwise discharge him or her from any further proceedings against him or her in the original prosecution.

(c) Upon successful completion of the terms and conditions of the program or if the presiding judge determines the lack of the ability to drive is preventing program success, the court may expunge any driving offences that currently prevent the veteran offender from obtaining a West Virginia driver's license.

§62-16-11. Governance.

The Supreme Court of Appeals is responsible for court funding, administration, and continuance of Military Service Members Courts. The Administrator of the Supreme Court of Appeals, or his or her designee, shall oversee the planning, implementation, and development of these courts as the administrative arm of the Supreme Court of Appeals.

§62-16-12. Program integrity and offender accountability.

(a) The courts shall collect and maintain the following information and any other information on participants as required by the Supreme Court of Appeals or its administrative office:

(1) The participants' prior criminal history;

(2) The participants' prior substance abuse and mental health treatment history;

(3) The participants' employment, education, and income histories;

(4) The participants' gender, race, ethnicity, marital and family status, and any child custody and support obligations;

(5) Instances of participants' recidivism occurring during and after participation in a court program. Recidivism shall be measured at intervals of six months, one year, two years, and five years after successful graduation from Military Service Members Court;

(6) The number of offenders screened for eligibility, the number of eligible offenders who were and were not admitted, and their case dispositions; and

(7) The costs of operation and sources of funding.

(b) An offender may be required, as a condition of pretrial diversion, probation, or parole, to provide the information described in this section. The collection and maintenance of information under this section shall be collected in a standardized

format according to applicable guidelines set forth by the Supreme Court of Appeals.

(c) To protect an offenders' privacy in accordance with federal and state confidentiality laws, a court shall keep treatment records in a secure environment, separated from the court records to which the public has access.

§62-16-13. Funding.

(a) Each Military Service Members Court, with the guidance of the Supreme Court of Appeals, may establish a schedule for the payment of reasonable fees and costs to be paid by participants necessary to conduct the program.

(b) Nothing in this article shall prohibit court teams from obtaining supplemental funds or exploring grants to support the Military Service Members Courts.

§62-16-14. Immunity from Liability.

Any individual who, in good faith, provides services pursuant to this article is not liable in any civil action, unless his or her actions were the result of the gross negligence or willful misconduct. The grant of immunity provided in this section extends to all employees and administrative personnel of a court."

The bill was then ordered to third reading.

Com. Sub. for S. B. 90, Transferring Safety and Treatment Program from DHHR to DMV; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on the Judiciary, was reported by the Clerk on page one, by striking out everything after the enacting clause and inserting in lieu thereof the following:

"ARTICLE 3. CANCELLATION, SUSPENSION OR REVOCATION OF LICENSES.

§17B-3-3c. Suspending license for failure to pay fines or penalties imposed as the result of criminal conviction or for failure to appear in court.

(a) The Division shall suspend the license of any resident of this state or the privilege of a nonresident to drive a motor vehicle in this state upon receiving notice from a circuit court, magistrate court or municipal court of this state, pursuant to §50-3-2b, §8-10-2b or §62-4-17 of this code, that ~~such~~ the person has defaulted on the payment of costs, fines, forfeitures, penalties or restitution imposed on the person by the circuit court, magistrate court or municipal court upon conviction for any criminal offense by the date ~~such~~ the court had required ~~such~~ the person to pay the same, or that ~~such~~ the person has failed to appear in court when charged with ~~such~~ an offense. For the purposes of this section; §50-3-2b; §8-10-2b; and §62-4-17 of this code, ‘criminal offense’ shall be defined as any violation of the provisions of this code, or the violation of any municipal ordinance, for which the violation ~~thereof~~ of the offense may result in a fine, confinement in jail or imprisonment in a correctional facility of this state: *Provided*, That any parking violation or other violation for which a citation may be issued to an unattended vehicle shall not be considered a criminal offense for the purposes of this section; §8-10-2b; §50-3-2b; or §62-4-17 of this code.

(b) A copy of the order of suspension shall be forwarded to ~~such~~ the person by certified mail, return receipt requested. No order of suspension becomes effective until 10 days after receipt of a copy of ~~such~~ the order. The order of suspension shall advise the person that because of the receipt of notice of the failure to pay costs, fines, forfeitures or penalties, or the failure to appear, a presumption exists that the person named in the order of suspension is the same person named in the notice. The Commissioner may grant an administrative hearing which substantially complies with the requirements of the provisions §17C-5A-2 of this code upon a preliminary showing that a possibility exists that the person named in the notice of conviction is not the same person whose license is being suspended. ~~Such~~ The request for hearing shall be made within 10 days after receipt of a copy of the order of suspension.

The sole purpose of this hearing shall be for the person requesting the hearing to present evidence that he or she is not the person named in the notice. In the event the Commissioner grants an administrative hearing, the Commissioner shall stay the license suspension pending the Commissioner's order resulting from the hearing.

(c) A suspension under this section and section three-a of this chapter will continue until the person provides proof of compliance from the municipal, magistrate or circuit court and pays the reinstatement fee as provided in §17B-3-9. The reinstatement fee is assessed upon issuance of the order of suspension regardless of the effective date of suspension.

(d) Upon notice from an appropriate state official that the person is successfully participating in an approved treatment and job program as prescribed in §61-11-26(3) and that the person is believed to be safe to drive, the Division of Motor Vehicles shall stay or supersede the imposition of any suspension under this section or §17B-3-3a of this code. The Division of Motor Vehicles shall waive the reinstatement fee established by the provisions §17B-3-9 upon receipt of proper documentation of the persons successful completion of a program under §61-11-26(3) and proof of compliance from the municipal, magistrate or circuit court. The stay or supersedeas shall be removed by the Division of Motor Vehicles upon receipt of notice from an appropriate state official of a participant's failure to complete or comply with the approved treatment and job program as established under §61-11-26(3).

ARTICLE 5A. ADMINISTRATIVE PROCEDURES FOR SUSPENSION AND REVOCATION OF LICENSES FOR DRIVING UNDER THE INFLUENCE OF ALCOHOL, CONTROLLED SUBSTANCES, OR DRUGS.

§17C-5A-3. Safety and treatment program; reissuance of license.

(a) ~~The Department of Health and Human Resources, Division of Alcoholism and Drug Abuse~~ Division of Motor Vehicles shall administer a comprehensive safety and treatment program for

persons whose licenses have been revoked under the provisions of this article or §17C-5-7 or §17B-3-5(6) of this code and shall also establish the minimum qualifications for mental health facilities, day report centers, community correction centers or other public agencies or private entities conducting the safety and treatment program: *Provided*, That the ~~Department of Health and Human Resources, Division of Alcoholism and Drug Abuse~~ Division of Motor Vehicles may establish standards whereby the division will accept or approve participation by violators in another treatment program which provides the same or substantially similar benefits as the safety and treatment program established pursuant to this section.

(b) The program shall include, but not be limited to, treatment of alcoholism, alcohol and drug abuse, psychological counseling, educational courses on the dangers of alcohol and drugs as they relate to driving, defensive driving or other safety driving instruction and other programs designed to properly educate, train and rehabilitate the offender: *Provided*, That successful compliance with the substance abuse and counseling program prescribed in §61-11-26(3) is sufficient to meet the requirements of this section.

(c) The ~~Department of Health and Human Resources, Division of Alcoholism and Drug Abuse~~ Division of Motor Vehicles shall provide for the preparation of an educational and treatment the program for each person whose license has been revoked under the provisions of this article or §17C-5-7 or §17B-3-5(6) of this code which shall contain the following: (1) A listing and evaluation of the offender's prior traffic record; (2) the characteristics and history of alcohol or drug use, if any; (3) his or her amenability to rehabilitation through the alcohol safety program; and (4) a recommendation as to treatment or rehabilitation and the terms and conditions of the treatment or rehabilitation. The program shall be prepared by persons knowledgeable in the diagnosis of alcohol or drug abuse and treatment.

(d) There is hereby created a special revenue account within the State Treasury known as the ~~Department of Health and Human Resources~~ Division of Motor Vehicles Safety and Treatment Fund. The account shall be administered by the ~~Secretary~~ Commissioner

of the ~~Department of Health and Human Resources~~ Division of Motor Vehicles for the purpose of administering the comprehensive safety and treatment program established by subsection (a) of this section. The account may be invested, and all earnings and interest accruing shall be retained in the account. The Auditor shall conduct an audit of the fund at least every three fiscal years.

~~Effective July 1, 2010, the State Treasurer shall make a one-time transfer of \$250,000 from the Motor Vehicle Fees Fund into the Department of Health and Human Resources Safety and Treatment Fund. Effective July 1, 2019, all moneys held in the Department of Health and Human Resources Safety and Treatment Fund shall be transferred to the Division of Motor Vehicles Safety and Treatment Fund.~~

(e) (1) The program provider shall collect the established fee from each participant upon enrollment unless the ~~department~~ division has determined that the participant is an indigent based upon criteria established pursuant to legislative rule authorized in this section.

(2) If the ~~department~~ division determined that a participant is an indigent based upon criteria established pursuant to the legislative rule authorized by this section, the department shall provide the applicant with proof of its determination regarding indigency, which proof the applicant shall present to the interlock provider as part of the application process provided in §17C-5A-3a of this ~~article~~ code and/or the rules promulgated pursuant thereto.

(3) Program providers shall remit to the ~~Department of Health and Human Resources~~ Division of Motor Vehicles a portion of the fee collected, which shall be deposited by the ~~Secretary of the Department of Health and Human Resources~~ Commissioner of the Division of Motor Vehicles into the ~~Department of Health and Human Resources~~ Division of Motor Vehicles Safety and Treatment Fund. The ~~Department of Health and Human Resources~~ Division of Motor Vehicles shall reimburse enrollment fees to program providers for each eligible indigent offender.

(f) On or before January 15 of each year, the ~~Secretary of the Department of Health and Human Resources~~ Commissioner of the Division of Motor Vehicles shall report to the Legislature on:

(1) The total number of offenders participating in the safety and treatment program during the prior year;

(2) The total number of indigent offenders participating in the safety and treatment program during the prior year;

(3) The total number of program providers during the prior year; and

(4) The total amount of reimbursements paid to program provider during the prior year.

(g) The Commissioner of the Division of Motor Vehicles, after giving due consideration to the program developed for the offender, shall prescribe the necessary terms and conditions for the reissuance of the license to operate a motor vehicle in this state revoked under this article or §17C-5-7 or §17B-3-5(6) of this code which shall include successful completion of the educational, treatment or rehabilitation program, subject to the following:

(1) When the period of revocation is six months, the license to operate a motor vehicle in this State may not be reissued until: (A) At least ninety days have elapsed from the date of the initial revocation, during which time the revocation was actually in effect; (B) the offender has successfully completed the program; (C) all costs of the program and administration have been paid; and (D) all costs assessed as a result of a revocation hearing have been paid.

(2) When the period of revocation is for a period of one year or for more than a year, the license to operate a motor vehicle in this state may not be reissued until: (A) At least one-half of the time period has elapsed from the date of the initial revocation, during which time the revocation was actually in effect; (B) the offender has successfully completed the program; (C) all costs of the program and administration have been paid; and (D) all costs assessed as a result of a revocation hearing have been paid. Notwithstanding any provision in this code, a person whose license

is revoked for refusing to take a chemical test as required by §17C-5-7 for a first offense is not eligible to reduce the revocation period by completing the safety and treatment program.

(3) When the period of revocation is for life, the license to operate a motor vehicle in this State may not be reissued until: (A) At least 10 years have elapsed from the date of the initial revocation, during which time the revocation was actually in effect; (B) the offender has successfully completed the program; (C) all costs of the program and administration have been paid; and (D) all costs assessed as a result of a revocation hearing have been paid.

(4) Notwithstanding any provision of this code or any rule, any mental health facilities or other public agencies or private entities conducting the safety and treatment program when certifying that a person has successfully completed a safety and treatment program shall only have to certify that the person has successfully completed the program.

(h) (1) ~~The Department of Health and Human Resources, Division of Alcoholism and Drug Abuse~~ Division of Motor Vehicles shall provide for the preparation of an educational program for each person whose license has been suspended for sixty days pursuant to the provisions of §17C-5A-2(n) of this ~~chapter code~~. The educational program shall consist of not less than 12 nor more than 18 hours of actual classroom time.

(2) When a 60-day period of suspension has been ordered, the license to operate a motor vehicle may not be reinstated until: (A) At least 60 days have elapsed from the date of the initial suspension, during which time the suspension was ~~actually~~ in effect; (B) the offender has successfully completed the educational program; (C) all costs of the program and administration have been paid; and (D) all costs assessed as a result of a suspension hearing have been paid.

(i) A required component of the treatment program provided in §17C-5A-3(b) and the education program provided for in §17C-5A-3(c) shall be participation by the violator with a victim impact panel program providing a forum for victims of alcohol and drug-

related offenses and offenders to share first-hand experiences on the impact of alcohol and drug-related offenses in their lives. The ~~Department of Health and Human Resources, Division of Alcoholism and Drug Abuse~~ Division of Motor Vehicles shall propose and implement a plan for victim impact panels where appropriate numbers of victims are available and willing to participate and shall establish guidelines for other innovative programs which may be substituted where the victims are not available to assist persons whose licenses have been suspended or revoked for alcohol and drug-related offenses to gain a full understanding of the severity of their offenses in terms of the impact of the offenses on victims and offenders. The plan shall require, at a minimum, discussion and consideration of the following:

- (1) Economic losses suffered by victims or offenders;
- (2) Death or physical injuries suffered by victims or offenders;
- (3) Psychological injuries suffered by victims or offenders;
- (4) Changes in the personal welfare or familial relationships of victims or offenders; and
- (5) Other information relating to the impact of alcohol and drug-related offenses upon victims or offenders.

The ~~Department of Health and Human Resources, Division of Alcoholism and Drug Abuse~~ Division of Motor Vehicles shall ensure that any meetings between victims and offenders shall be nonconfrontational and ensure the physical safety of the persons involved.

(j)(1) The ~~Secretary of the Department of Health and Human Resources~~ Commissioner of the Division of Motor Vehicles shall promulgate a rule for legislative approval in accordance with article three, chapter twenty-nine-a of this code to administer the provisions of this section and establish a fee to be collected from each offender enrolled in the safety and treatment program. The rule shall include: (A) A reimbursement mechanism to program providers of required fees for the safety and treatment program for

indigent offenders, criteria for determining eligibility of indigent offenders, and any necessary application forms; and (B) program standards that encompass provider criteria including minimum professional training requirements for providers, curriculum approval, minimum course length requirements and other items that may be necessary to properly implement the provisions of this section.

(2) The Legislature finds that an emergency exists and, therefore, the ~~Secretary~~ Commissioner shall file by July 1, ~~2010~~ 2019, an emergency rule to implement this section pursuant to the provisions of section fifteen, article three, chapter twenty-nine-a of this code.

(k) Nothing in this section may be construed to prohibit day report or community correction programs, authorized pursuant to article eleven-c, chapter sixty-two of this code, from administering a comprehensive safety and treatment program pursuant to this section.

~~(l) The Division of Motor Vehicles shall provide fair, impartial, and expeditious grievance and appellate procedures for participants of the Safety and Treatment Program who wish to challenge an adverse decision by the agency conducting the program that negatively affects, or unnecessarily delays, the participant's outcome in that program. After all administrative remedies provided by this article or its related promulgated rules have been exhausted, participants who have been deemed unsuccessful in the program, rendering them ineligible for license reinstatement, or whose outcomes in the program have been unnecessarily delayed, are entitled to judicial review or the adverse decisions in the regular courts of this state, pursuant to §29A-5-4 of this code. The Commissioner of the Division of Motor Vehicles is hereby authorized to promulgate rules related to the grievance and appellate procedures referenced in this subsection.~~

§17C-5A-3a. Establishment of and participation in the Motor Vehicle Alcohol Test and Lock Program.

(a) (1) The Division of Motor Vehicles shall control and regulate a Motor Vehicle Alcohol Test and Lock Program for persons whose licenses have been revoked pursuant to this article or the provisions of §17C-5-1 *et seq.* of this code or have been convicted under §17C-5-2 of this code, or who are serving a term of a conditional probation pursuant to §17C-5-2b of this code.

(2) The program shall include the establishment of a user's fee for persons participating in the program which shall be paid in advance and deposited into the Driver's Rehabilitation Fund: *Provided*, That on and after July 1, 2007, any unexpended balance remaining in the Driver's Rehabilitation Fund shall be transferred to the Motor Vehicle Fees Fund created under the provisions of §17A-2-21 of this code and all further fees collected shall be deposited in that fund.

(3) (A) Except where specified otherwise, the use of the term "program" in this section refers to the Motor Vehicle Alcohol Test and Lock Program.

(B) The Commissioner of the Division of Motor Vehicles shall propose legislative rules for promulgation in accordance with the provisions of §29A-1-1 of this code for the purpose of implementing the provisions of this section. The rules shall also prescribe those requirements which, in addition to the requirements specified by this section for eligibility to participate in the program, the commissioner determines must be met to obtain the commissioner's approval to operate a motor vehicle equipped with a motor vehicle alcohol test and lock system.

(C) Nothing in this section may be construed to prohibit day report or community correction programs authorized pursuant to §62-11C-1 *et seq.*, or a home incarceration program authorized pursuant to §62-11B-1 *et seq.* of this code, from being a provider of motor vehicle alcohol test and lock systems for eligible participants as authorized by this section.

(4) For purposes of this section, a 'motor vehicle alcohol test and lock system' means a mechanical or computerized system which, in the opinion of the commissioner, prevents the operation

of a motor vehicle when, through the system's assessment of the blood alcohol content of the person operating or attempting to operate the vehicle, the person is determined to be under the influence of alcohol.

(5) The fee for installation and removal of ignition interlock devices shall be waived for persons determined to be indigent by the ~~Department of Health and Human Resources~~ Division of Motor Vehicles pursuant to §17C-5A-3 of this code. The commissioner shall establish by legislative rule, proposed pursuant to §29A-3-1 *et seq.* of this code, procedures to be followed with regard to persons determined by the ~~Department of Health and Human Resources~~ Division of Motor Vehicles to be indigent. The rule shall include, but is not limited to, promulgation of application forms; establishment of procedures for the review of applications; and the establishment of a mechanism for the payment of installations for eligible offenders.

(6) On or before January 15 of each year, the Commissioner of the Division of Motor Vehicles shall report to the Legislature on:

(A) The total number of offenders participating in the program during the prior year;

(B) The total number of indigent offenders participating in the program during the prior year;

(C) The terms of any contracts with the providers of ignition interlock devices; and

(D) The total cost of the program to the state during the prior year.

(b) (1) Any person whose license is revoked for the first time pursuant to this article or the provisions of §17C-5-1 *et seq.* of this code is eligible to participate in the program when the person's minimum revocation period as specified by §17C-5A-3a(c) has expired and the person is enrolled in or has successfully completed the safety and treatment program or presents proof to the commissioner within 60 days of receiving approval to participate by the commissioner that he or she is enrolled in a safety and

treatment program: *Provided*, That anyone whose license is revoked for the first time for driving with a blood alcohol concentration of 0.15 percent or more, by weight, must participate in the program when the person's minimum revocation period as specified by §17C-5A-3a(c) has expired and the person is enrolled in or has successfully completed the safety and treatment program or presents proof to the commissioner within 60 days of receiving approval to participate by the commissioner that he or she is enrolled in a safety and treatment program.

(2) Any person whose license has been suspended for driving a motor vehicle while under the age of 21 years with an alcohol concentration in his or her blood 0.02 percent or more, by weight, but less than 0.08 percent, by weight, is eligible to participate in the program after 30 days have elapsed from the date of the initial suspension, during which time the suspension was actually in effect: *Provided*, That in the case of a person under the age of 18, the person is eligible to participate in the program after 30 days have elapsed from the date of the initial suspension, during which time the suspension was actually in effect or after the person's 18th birthday, whichever is later. Before the commissioner approves a person to operate a motor vehicle equipped with a motor vehicle alcohol test and lock system, the person must agree to comply with the following conditions:

(A) If not already enrolled, the person shall enroll in and complete the educational program provided in §17C-5A-3(d) of this code at the earliest time that placement in the educational program is available, unless good cause is demonstrated to the commissioner as to why placement should be postponed;

(B) The person shall pay all costs of the educational program, any administrative costs and all costs assessed for any suspension hearing.

(3) Notwithstanding the provisions of this section to the contrary, a person eligible to participate in the program under this subsection may not operate a motor vehicle unless approved to do so by the commissioner.

(c) A person who participates in the program under §17C-5A-3a(b)(1) of this code is subject to a minimum revocation period and minimum period for the use of the ignition interlock device as follows:

(1) For a person whose license has been revoked for a first offense for six months for driving under the influence of alcohol, or a combination of alcohol and any controlled substance or other drug, or with a blood alcohol concentration of 0.08 percent, by weight, but less 0.15 percent, by weight, the minimum period of revocation for participation in the test and lock program is 15 days and the minimum period for the use of the ignition interlock device is 125 days;

(2) For a person whose license has been revoked for a first offense for refusing a secondary chemical test, the minimum period of revocation for participation in the test and lock program is 45 days and the minimum period for the use of the ignition interlock device is one year;

(3) For a person whose license has been revoked for a first offense for driving with a blood alcohol concentration of 0.15 percent or more, by weight, the minimum period of revocation for participation in the test and lock program is 45 days and the minimum period for the use of the ignition interlock device is 270 days;

(4) For a person whose license has been revoked for a first offense for driving under the influence of alcohol, or a combination of alcohol and any controlled substance or other drug, or with a blood alcohol concentration of 0.08 percent or more, by weight, or did drive a motor vehicle while under the age of 21 years with an alcohol concentration in his or her blood of 0.02 percent or more, by weight, but less than 0.08 percent, by weight, and while driving does any act forbidden by law or fails to perform any duty imposed by law, which act or failure proximately causes the death of any person within one year next following the act or failure, and commits the act or failure in reckless disregard of the safety of others and when the influence of alcohol, controlled substances or drugs is shown to be a contributing cause to the death, the

minimum period of revocation before the person is eligible for participation in the test and lock program is 12 months and the minimum period for the use of the ignition interlock device is two years;

(5) For a person whose license has been revoked for a first offense for driving under the influence of alcohol, or a combination of alcohol and any controlled substance or other drug, or with a blood alcohol concentration of 0.08 percent or more, by weight, and while driving does any act forbidden by law or fails to perform any duty imposed by law in the driving of the vehicle, which act or failure proximately causes the death of any person within one year next following the act or failure, the minimum period of revocation is six months and the minimum period for the use of the ignition interlock device is two years;

(6) For a person whose license has been revoked for a first offense for driving under the influence of alcohol, or a combination of alcohol and any controlled substance or other drug, or with a blood alcohol concentration of 0.08 percent or more, by weight, and while driving does any act forbidden by law or fails to perform any duty imposed by law in the driving of the vehicle, which act or failure proximately causes bodily injury to any person other than himself or herself, the minimum period of revocation for participation in the program is two months and the minimum period for the use of the ignition interlock device is one year;

(7) For a person whose license has been revoked for a first offense for driving under the influence of alcohol, or a combination of alcohol and any controlled substance or other drug, or with a blood alcohol concentration of 0.08 percent or more, by weight, and while driving has on or within the motor vehicle one or more other persons who are unemancipated minors who have not reached their 16th birthday, the minimum period of revocation for participation in the program is two months and the minimum period for the use of the ignition interlock device is 10 months.

(d) Notwithstanding any provision of the code to the contrary, a person shall participate in the program if the person is convicted under §17C-5-2 or the person's license is revoked under §17C-5A-

2 or §17C-5-7 of this code and the person was previously either convicted or his or her license was revoked under any provision cited in this subsection within the past 10 years. The minimum revocation period for a person required to participate in the program under this subsection is one year and the minimum period for the use of the ignition interlock device is two years, except that the minimum revocation period for a person required to participate because of a violation for driving while under the age of 21 with a blood alcohol concentration of 0.02 percent, or more, by weight, but less than 0.08 percent, or more, by weight, is two months and the minimum period of participation is one year. The division shall add an additional two months to the minimum period for the use of the ignition interlock device if the offense was committed while a minor was in the vehicle. The division shall add an additional six months to the minimum period for the use of the ignition interlock device if a person other than the driver received injuries. The division shall add an additional two years to the minimum period for the use of the ignition interlock device if a person other than the driver is injured and the injuries result in that person's death. The division shall add one year to the minimum period for the use of the ignition interlock device for each additional previous conviction or revocation within the past 10 years. Any person required to participate under this subsection must have an ignition interlock device installed on every vehicle he or she owns or operates.

(e)(1) If a person applies for and is accepted into the Motor Vehicle Alcohol Test and Lock Program prior to the effective date of the revocation, the commissioner shall defer the revocation period of such person under the provisions of this section. Such deferral shall continue throughout the applicable minimum period for the use of the ignition interlock device plus an additional period equal to the applicable minimum revocation period. If a person successfully completes all terms of the Motor Vehicle Alcohol Test and Lock Program for a period equal to the minimum period for the use of the ignition interlock device pursuant to §17C-5A-3a(c), plus any applicable minimum revocation period, the commissioner shall waive the revocation period.

(2) The application and acceptance of a person into the Motor Vehicle Alcohol Test and Lock Program pursuant to this §17C-5A-3(e)(1) constitutes an automatic waiver of their right to an administrative hearing. The Office of Administrative Hearings may not conduct a hearing on a matter which is the basis for a person actively participating in the Motor Vehicle Alcohol Test and Lock Program.

(f) Notwithstanding any other provision in this code, a person whose license is revoked for driving under the influence of drugs is not eligible to participate in the Motor Vehicle Alcohol Test and Lock Program: Provided, That, the Division of Motor Vehicles may reduce any revocation period required of a person with a second or subsequent offense for driving under the influence of drugs to a minimum of one year and thereafter issue a restricted license on the conditions that the person is in the treatment and job program prescribed in §61-11-26(3), has satisfactorily performed in the treatment component of the program and that the person submits to two years of monthly drug testing. If the person is otherwise required to participate in the Alcohol Test and Lock Program for another offense, he or she may do so while meeting the conditions described in this subsection. If the person fails to submit to a drug test or submits to a test that reveals the presence of controlled substances or drugs, then the full revocation period is reinstated, and the person is only credited with revocation time actually served prior to receiving restricted privileges. The Commissioner of the Division of Motor Vehicles is hereby authorized to promulgate emergency rules to implement the provisions of this article.

(g) An applicant for the test and lock program may not have been convicted of any violation of §17B-4-3 of this code for driving while the applicant's driver's license was suspended or revoked within the six-month period preceding the date of application for admission to the test and lock program unless such is necessary for employment purposes.

(h) Upon permitting an eligible person to participate in the program, the commissioner shall issue to the person, and the person is required to exhibit on demand, a driver's license which shall

reflect that the person is restricted to the operation of a motor vehicle which is equipped with an approved motor vehicle alcohol test and lock system.

(i) The commissioner may extend the minimum period of revocation and the minimum period of participation in the program for a person who violates the terms and conditions of participation in the program as found in this section, or legislative rule, or any agreement or contract between the participant and the division or program service provider. If the commissioner finds that any person participating in the program pursuant to §17C-5-2b of this code must be removed therefrom for violation(s) of the terms and conditions thereof, he or she shall notify the person, the court that imposed the term of participation in the program and the prosecuting attorney in the county wherein the order imposing participation in the program was entered.

(j) A person whose license has been suspended for a first offense of driving while under the age of 21 with a blood alcohol concentration of 0.02 percent, or more, by weight, but less than 0.08 percent, or more, by weight, who has completed the educational program and who has not violated the terms required by the commissioner of the person's participation in the program is entitled to the reinstatement of his or her driver's license six months from the date the person is permitted to operate a motor vehicle by the commissioner. When a license has been reinstated pursuant to this subsection, the records ordering the suspension, records of any administrative hearing, records of any blood alcohol test results and all other records pertaining to the suspension shall be expunged by operation of law: *Provided*, That a person is entitled to expungement under the provisions of this subsection only once. The expungement shall be accomplished by physically marking the records to show that the records have been expunged and by securely sealing and filing the records. Expungement has the legal effect as if the suspension never occurred. The records may not be disclosed or made available for inspection and in response to a request for record information, the commissioner shall reply that no information is available. Information from the file may be used by the commissioner for research and statistical

purposes so long as the use of the information does not divulge the identity of the person.

(k) In addition to any other penalty imposed by this code, any person who operates a motor vehicle not equipped with an approved motor vehicle alcohol test and lock system during that person's participation in the Motor Vehicle Alcohol Test and Lock Program is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for a period not less than one month nor more than six months and fined not less than \$100 nor more than \$500. Any person who attempts to bypass the alcohol test and lock system is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail not more than six months and fined not less than \$100 nor more than \$1,000: *Provided*, That notwithstanding any provision of this code to the contrary, a person enrolled and participating in the test and lock program may operate a motor vehicle solely at his or her job site if the operation is a condition of his or her employment. For the purpose of this section, 'job site' does not include any street or highway open to the use of the public for purposes of vehicular traffic."

On motion of Delegate Shott, the Committee on the Judiciary amendment was amended on page two, line thirty-three, after the words "prescribed in", by striking out "§61-11-26(3)" and inserting in lieu thereof "§61-11-26a".

On page two, lines thirty-seven through thirty-eight, after the words "program under" by striking out "§61-11-26(3)" and inserting in lieu thereof "§61-11-26a".

On page two, line forty-one, after the words "established under" by striking out "§61-11-26(3)" and inserting in lieu thereof "§61-11-26a."

On page three, line fifteen, after the words "prescribed in" by striking out "§61-11-26(3)" and inserting in lieu thereof "§61-11-26a".

And,

On page fifteen, line three hundred, after the words “prescribed in” by striking out “§61-11-26(3)” and inserting in lieu thereof “§61-11-26a.”

The Committee on the Judiciary amendment, as amended, was then adopted.

The bill was then ordered to third reading.

Com. Sub. for S. B. 103, Relating generally to Public Defender Services; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Finance, was reported by the Clerk and adopted, amending the bill on page four, by striking out section §29-21-9a in its entirety.

On page three, section six, following line forty-two, by inserting a new subsection (f) to read as follows:

“(f) The agency shall establish and the executive director or his or her designee shall operate a division within the agency for the purpose of prosecuting writs of habeas corpus on behalf of eligible clients in the circuit courts of the state and before the Supreme Court of Appeals. The executive director or his or her designee shall be the director of the division. The division shall represent eligible clients upon appointment by a circuit court or the Supreme Court of Appeals. A court may appoint the division to represent an eligible person unless the appointment would create a conflict of interest or the executive director has notified the court in writing that the division’s existing caseload cannot be increased for a specified period of time without jeopardizing its ability to provide effective representation. In appointing the division, a court should determine whether the appointment of the division is the most effective use of the office considering the grounds and legal issues raised by the petitioner. The executive director may select and employ staff attorneys, paraprofessionals, and investigators to perform the duties prescribed by this subsection. The division shall maintain records of representation of eligible clients for record-keeping purposes only.”

And by redesignating the remaining subsections accordingly.

The bill was then ordered to third reading.

Com. Sub. for S. B. 147, Shifting funding from Landfill Closure Assistance Fund to local solid waste authorities; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Finance, was reported by the Clerk, on page one, after the enacting clause, by striking out the remainder of the bill and inserting in lieu thereof the following:

“CHAPTER 7. COUNTY COMMISSIONS AND OFFICERS.

ARTICLE 5. FISCAL AFFAIRS.

§7-5-22. County solid waste assessment fees authorized.

Each county or regional solid waste authority is hereby authorized to impose a similar solid waste assessment fee to that imposed by §22-15-11 of this code at a rate not to exceed ~~50¢~~ \$1.50 per ton or part thereof upon the disposal of solid waste in that county or region. All assessments due shall be applied to the reasonable costs of administration of the county’s regional or county solid waste authority including the necessary and reasonable expenses of its members, and any other expenses incurred from refuse cleanup, litter control programs, or any solid waste programs ~~deemed~~ considered necessary to fulfill its duties.

CHAPTER 22. ENVIRONMENTAL RESOURCES.

ARTICLE 16. SOLID WASTE LANDFILL CLOSURE ASSISTANCE PROGRAM.

§22-16-4. Solid waste assessment fee; penalties.

(a) *Imposition.* — A solid waste assessment fee is levied and imposed upon the disposal of solid waste at any solid waste disposal facility in this state in the amount of ~~\$3.50~~ \$2.50 per ton or like ratio on any part of a ton of solid waste, except as provided in §22-16-4(e) of this code: *Provided*, That any solid waste

disposal facility may deduct from this assessment fee an amount, not to exceed the fee, equal to the amount that the facility is required by the Public Service Commission to set aside for the purpose of closure of that portion of the facility required to close by §22-15-1 *et seq.* of this code. The fee imposed by this section is in addition to all other fees and taxes levied by law and shall be added to and constitute part of any other fee charged by the operator or owner of the solid waste disposal facility.

(b) *Collection, return, payment and records.* — The person disposing of solid waste at the solid waste disposal facility shall pay the fee imposed by this section, whether or not that person owns the solid waste, and the fee shall be collected by the operator of the solid waste facility who shall remit it to the Tax Commissioner:

(1) The fee imposed by this section accrues at the time the solid waste is delivered to the solid waste disposal facility;

(2) The operator shall remit the fee imposed by this section to the Tax Commissioner on or before the 15th day of the month next succeeding the month in which the fee accrued. Upon remittance of the fee, the operator shall file returns on forms and in the manner prescribed by the Tax Commissioner;

(3) The operator shall account to the state for all fees collected under this section and shall hold them in trust for the state until they are remitted to the Tax Commissioner;

(4) If any operator fails to collect the fee imposed by this section, he or she is personally liable for the amount he or she failed to collect, plus applicable additions to tax, penalties and interest imposed by §11-10-1 *et seq.* of this code;

(5) Whenever any operator fails to collect, truthfully account for, remit the fee or file returns with the fee as required in this section, the Tax Commissioner may serve written notice requiring the operator to collect the fees which become collectible after service of the notice, to deposit the fees in a bank approved by the Tax Commissioner, in a separate account, in trust for and payable

to the Tax Commissioner, and to keep the amount of the fees in the account until remitted to the Tax Commissioner. The notice shall remain in effect until a notice of cancellation is served on the operator or owner by the Tax Commissioner;

(6) Whenever the owner of a solid waste disposal facility leases the solid waste facility to an operator, the operator is primarily liable for collection and remittance of the fee imposed by this section and the owner is secondarily liable for remittance of the fee imposed by this section. However, if the operator fails, in whole or in part, to discharge his or her obligations under this section, the owner and the operator of the solid waste facility are jointly and severally responsible and liable for compliance with the provisions of this section;

(7) If the operator or owner responsible for collecting the fee imposed by this section is an association or corporation, the officers of the association or corporation are liable, jointly and severally, for any default on the part of the association or corporation, and payment of the fee and any additions to tax, penalties and interest imposed by §11-10-1 *et seq.* of this code may be enforced against them as against the association or corporation which they represent; and

(8) Each person disposing of solid waste at a solid waste disposal facility and each person required to collect the fee imposed by this section shall keep complete and accurate records in the form required by the Tax Commissioner in accordance with the rules of the Tax Commissioner.

(c) *Regulated motor carriers.* — The fee imposed by this section is a necessary and reasonable cost for motor carriers of solid waste subject to the jurisdiction of the Public Service Commission under chapter 24A of this code. Notwithstanding any provision of law to the contrary, upon the filing of a petition by an affected motor carrier, the Public Service Commission shall, within 14 days, reflect the cost of the fee in the motor carrier's rates for solid waste removal service. In calculating the amount of the fee to the motor carrier, the commission shall use the national average of

pounds of waste generated per person per day as determined by the United States environmental protection agency.

(d) *Definitions.* — For purposes of this section, the term ‘solid waste disposal facility’ means any approved solid waste facility or open dump in this state, and includes a transfer station when the solid waste collected at the transfer station is not finally disposed of at a solid waste facility within this state that collects the fee imposed by this section. Nothing in this section authorizes in any way the creation or operation of or contribution to an open dump.

(e) *Exemptions.* — The following transactions are exempt from the fee imposed by this section:

(1) Disposal of solid waste at a solid waste disposal facility by the person who owns, operates or leases the solid waste disposal facility if the facility is used exclusively to dispose of waste originally produced by that person in the person’s regular business or personal activities or by persons utilizing the facility on a cost-sharing or nonprofit basis;

(2) Reuse or recycling of any solid waste;

(3) Disposal of residential solid waste by an individual not in the business of hauling or disposing of solid waste on the days and times designated by the director as exempt from the solid waste assessment fee; and

(4) Disposal of solid waste at a solid waste disposal facility by a commercial recycler which disposes of 30 percent or less of the total waste it processes for recycling. In order to qualify for this exemption each commercial recycler shall keep accurate records of incoming and outgoing waste by weight. The records shall be made available to the appropriate inspectors from the division, upon request.

(f) *Procedure and administration.* — Notwithstanding §11-10-3 of this code, each and every provision of the ‘West Virginia Tax Procedure and Administration Act’ set forth in §11-10-1 *et seq.* of this code applies to the fee imposed by this section with like effect

as if the act were applicable only to the fee imposed by this section and were set forth in extenso in this section.

(g) *Criminal penalties.* — Notwithstanding §11-9-2 of this code, §11-9-3 through §11-9-17 of this code apply to the fee imposed by this section with like effect as if the sections were applicable only to the fee imposed by this section and were set forth in extenso in this section.

(h) *Dedication of proceeds.* — (1) The proceeds of the fee collected pursuant to this section shall be deposited in the Closure Cost Assistance Fund established pursuant to §22-16-12 of this code: *Provided*, That the director may transfer up to 50 cents for each ton of solid waste disposed of in this state upon which the fee imposed by this section is collected on or after July 1, 1998, to the Solid Waste Enforcement Fund established pursuant to §22-15-11 of this code.

(2) Fifty percent of the proceeds of the fee collected pursuant to this article in excess of 30,000 tons per month from any landfill which is permitted to accept in excess of 30,000 tons per month pursuant to §22-15-9 of this code shall be remitted, at least monthly, to the county commission in the county in which the landfill is located. The remainder of the proceeds of the fee collected pursuant to this section shall be deposited in the Closure Cost Assistance Fund established pursuant to §22-16-12 of this code.”

Delegates Longstreth, Fleischauer and Angelucci moved to amend the Committee on Finance amendment on page one, section twenty-two, lines one through seven, by striking out section twenty-two in its entirety.

And,

On page five, line ninety-one, following the period at the end of section nine, by inserting the following:

**“CHAPTER 22C. ENVIRONMENTAL RESOURCES;
BOARDS, AUTHORITIES, COMMISSIONS AND
COMPACTS.**

ARTICLE 4. COUNTY AND REGIONAL SOLID WASTE AUTHORITIES.

§22C-4-30. Solid waste assessment interim fee; regulated motor carriers; dedication of proceeds; criminal penalties.

(a) *Imposition.* — Effective July 1, 1989, a solid waste assessment fee is hereby levied and imposed upon the disposal of solid waste at any solid waste disposal facility in this state to be collected at the rate of ~~\$1~~ \$2 per ton or part thereof of solid waste. The fee imposed by this section is in addition to all other fees levied by law.

(b) *Collection, return, payment and record.* — The person disposing of solid waste at the solid waste disposal facility shall pay the fee imposed by this section, whether or not such person owns the solid waste, and the fee shall be collected by the operator of the solid waste facility who shall remit it to the Tax Commissioner.

(1) The fee imposed by this section accrues at the time the solid waste is delivered to the solid waste disposal facility.

(2) The operator shall remit the fee imposed by this section to the Tax Commissioner on or before the fifteenth day of the month next succeeding the month in which the fee accrued. Upon remittance of the fee, the operator is required to file returns on forms and in the manner as prescribed by the Tax Commissioner.

(3) The operator shall account to the state for all fees collected under this section and shall hold them in trust for the state until they are remitted to the Tax Commissioner.

(4) If any operator fails to collect the fee imposed by this section, he or she is personally liable for such amount as he or she failed to collect, plus applicable additions to tax, penalties and interest imposed by article ten, chapter eleven of this code.

(5) Whenever any operator fails to collect, truthfully account for, remit the fee or file returns with the fee as required in this

section, the Tax Commissioner may serve written notice requiring such operator to collect the fees which become collectible after service of such notice, to deposit such fees in a bank approved by the Tax Commissioner, in a separate account, in trust for and payable to the Tax Commissioner, and to keep the amount of such fees in such account until remitted to the Tax Commissioner. Such notice remains in effect until a notice of cancellation is served on the operator or owner by the Tax Commissioner.

(6) Whenever the owner of a solid waste disposal facility leases the solid waste facility to an operator, the operator is primarily liable for collection and remittance of the fee imposed by this section and the owner is secondarily liable for remittance of the fee imposed by this section. However, if the operator fails, in whole or in part, to discharge his or her obligations under this section, the owner and the operator of the solid waste facility are jointly and severally responsible and liable for compliance with the provisions of this section.

(7) If the operator or owner responsible for collecting the fee imposed by this section is an association or corporation, the officers thereof are liable, jointly and severally, for any default on the part of the association or corporation, and payment of the fee and any additions to tax, penalties and interest imposed by article ten, chapter eleven of this code may be enforced against them as against the association or corporation which they represent.

(8) Each person disposing of solid waste at a solid waste disposal facility and each person required to collect the fee imposed by this section shall keep complete and accurate records in such form as the Tax Commissioner may require in accordance with the rules of the Tax Commissioner.

(c) *Regulated motor carriers.* — The fee imposed by this section and section twenty-two, article five, chapter seven of this code is a necessary and reasonable cost for motor carriers of solid waste subject to the jurisdiction of the Public Service Commission under chapter twenty-four-a of this code. Notwithstanding any provision of law to the contrary, upon the filing of a petition by an affected motor carrier, the Public Service Commission shall, within

fourteen days, reflect the cost of said fee in said motor carrier's rates for solid waste removal service. In calculating the amount of said fee to said motor carrier, the commission shall use the national average of pounds of waste generated per person per day as determined by the United States Environmental Protection Agency.

(d) *Definition of solid waste disposal facility.* — For purposes of this section, the term 'solid waste disposal facility' means any approved solid waste facility or open dump in this state and includes a transfer station when the solid waste collected at the transfer station is not finally disposed of at a solid waste facility within this state that collects the fee imposed by this section. Nothing herein authorizes in any way the creation or operation of or contribution to an open dump.

(e) *Exemptions.* — The following transactions are exempt from the fee imposed by this section:

(1) Disposal of solid waste at a solid waste disposal facility by the person who owns, operates or leases the solid waste disposal facility if it is used exclusively to dispose of waste originally produced by such person in such person's regular business or personal activities or by persons utilizing the facility on a cost-sharing or nonprofit basis;

(2) Reuse or recycling of any solid waste;

(3) Disposal of residential solid waste by an individual not in the business of hauling or disposing of solid waste on such days and times as designated by the director of the Division of Environmental Protection as exempt from the fee imposed pursuant to section eleven, article fifteen, chapter twenty-two of this code; and

(4) Disposal of solid waste at a solid waste disposal facility by a commercial recycler which disposes of thirty percent or less of the total waste it processes for recycling. In order to qualify for this exemption each commercial recycler must keep accurate records of incoming and outgoing waste by weight. Such records must be

made available to the appropriate inspectors from the Division of Environmental Protection of solid waste authority, upon request.

(f) *Procedure and administration.* — Notwithstanding section three, article ten, chapter eleven of this code, each and every provision of the ‘West Virginia Tax Procedure and Administration Act’ set forth in article ten, chapter eleven of this code applies to the fee imposed by this section with like effect as if said act were applicable only to the fee imposed by this section and were set forth in extenso herein.

(g) *Criminal penalties.* — Notwithstanding section two, article nine, chapter eleven of this code, sections three through seventeen, article nine, chapter eleven of this code apply to the fee imposed by this section with like effect as if said sections were the only fee imposed by this section and were set forth in extenso herein.

(h) *Dedication of proceeds.* — The net proceeds of the fee collected by the Tax Commissioner pursuant to this section shall be deposited, at least monthly, in a special revenue account known as the ‘Solid Waste Planning Fund’ which is hereby continued. The solid waste management board shall allocate the proceeds of the said fund as follows:

(1) ~~Fifty~~ Seventy-five percent of the total proceeds shall be divided equally among, and paid over to, each county solid waste authority to be expended for the purposes of this article: *Provided*, That where a regional solid waste authority exists, such funds shall be paid over to the regional solid waste authority to be expended for the purposes of this article in an amount equal to the total share of all counties within the jurisdiction of said regional solid waste authority; and

(2) ~~Fifty~~ Twenty-five percent of the total proceeds shall be expended by the solid waste management board for:

(A) Grants to the county or regional solid waste authorities for the purposes of this article; and

(B) Administration, technical assistance or other costs of the solid waste management board necessary to implement the purposes of this article and article three of this chapter.

(i) *Effective date.* — This section is effective on July 1, 1990.

Delegate Wilson moved the previous question, which demand was sustained.

On this question, the yeas and nays were taken (**Roll No. 570**), and there were—yeas 62, nays 37, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Anderson, Angelucci, Bates, Boggs, Butler, Byrd, Campbell, Caputo, Cooper, Diserio, Doyle, Estep-Burton, Fleischauer, Fluharty, Hansen, Hicks, Hornbuckle, Lavender-Bowe, Longstreth, Lovejoy, Miley, Miller, Pethtel, Pushkin, Pyles, Robinson, Rowe, Shott, Skaff, Sponaugle, Storch, Swartzmiller, C. Thompson, Tomblin, Walker, Williams and Zukoff.

Absent and Not Voting: Kump.

So, a majority of the members present and voting having voted in the affirmative, the motion prevailed.

Delegate Hansen requested to be excused from voting on S. B. 544 under the provisions of House Rule 49.

The Speaker replied that the Delegate was a member of a class of persons possibly to be affected by the passage of the bill and directed the Member to vote.

On the adoption of the amendment to the amendment, Delegate Longstreth demanded the yeas and nays, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 571**), and there were—yeas 32, nays 67, absent and not voting 1, with the yeas and absent and not voting being as follows:

Yeas: Angelucci, Boggs, N. Brown, Byrd, Canestraro, Caputo, Diserio, Estep-Burton, Evans, Fleischauer, Fluharty, Hansen,

Hartman, Lavender-Bowe, Longstreth, McGeehan, Miley, Miller, Pethel, Pushkin, Pyles, Rodighiero, Skaff, Sponaugle, Staggers, Swartzmiller, C. Thompson, R. Thompson, Tomblin, Walker, Williams and Zukoff.

Absent and Not Voting: Kump.

So, a majority of the members present and voting not having voted in the affirmative, the amendment to the amendment was rejected.

The Committee on Finance amendment was then adopted.

The bill was then ordered to third reading.

Com. Sub. for S. B. 152, Relating generally to criminal offense expungement; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Finance, was reported by the Clerk and adopted, amending the bill on page one, following the enacting clause, by striking out the remainder of the bill in its entirety and inserting in lieu thereof the following:

**“ARTICLE 11. GENERAL PROVISIONS CONCERNING
CRIMES.**

**§61-11-26. Expungement of certain criminal convictions;
procedures; effect.**

(a) Eligibility for expungement. —

(1) Misdemeanors.

Subject to the limitations set forth in this section, a Any person convicted of a misdemeanor offense or offenses arising from the same transaction committed while he or she was between the ages of eighteen and twenty six, inclusive, may, pursuant to the provisions of this section, petition the circuit court in which the conviction or convictions occurred for expungement of the conviction or convictions and the records associated with the

~~conviction or convictions, therewith. The clerk of the circuit court shall charge and collect in advance the same fee as is charged for instituting a civil action pursuant to subdivision (1), subsection (a), section eleven, article one, chapter fifty nine of this code for a petition for expungement.~~

(2) Nonviolent felonies.

Subject to the limitations set forth in this section, a person convicted of a nonviolent felony offense or offenses arising from the same transaction or series of transactions may, pursuant to the provisions of this section, petition the circuit court in which the conviction or convictions occurred for expungement of the conviction or convictions and the records associated with the conviction or convictions.

~~(b) Expungement shall not be available for any conviction of an offense listed in subsection (i) of this section. The relief afforded by this subsection is only available to persons having no other prior or subsequent convictions other than minor traffic violations at the time the petition is filed: *Provided*, That at the time the petition is filed and during the time the petition is pending, petitioner may not be the subject of an arrest or any other pending criminal proceeding. No person shall be eligible for expungement pursuant to the provisions of subsection (a) of this section until one year after the conviction, completion of any sentence of incarceration or probation, whichever is later in time.~~

(b) Temporal requirements. —

(1) Misdemeanor - A person is not eligible for expungement pursuant to subdivision (1), subsection (a) of this section until one year after conviction, completion of any sentence of incarceration or completion of any period of supervision, whichever is later in time.

(2) More than one misdemeanor – A person is not eligible for expungement of multiple misdemeanors pursuant to subdivision (1), subsection (a) of this section until two years after the last conviction, completion of any sentence of incarceration or

completion of any period of supervision ordered for the last conviction, whichever is later in time.

(3) Non-violent felonies – A person is not eligible for expungement of a nonviolent felony pursuant to subdivision (2), subsection (a) of this section until five years after conviction, completion of any sentence of incarceration or completion of any period of supervision, whichever is later in time.

(c) Limitations on eligibility for expungement. — A person is not eligible for expungement pursuant to subsection (a) of this section for convictions of the following offenses:

(1) Any felony offense of violence against the person as defined in subdivision (2), subsection (p) of this section or any misdemeanor offense involving the intentional infliction of physical injury to a minor or law-enforcement officer;

(2) Any felony offense in which the victim of the crime was a minor as defined in subdivision (3), subsection (p) of this section;

(3) Any violation of §61-8B-1 et seq. of this code;

(4) Any offense in which the petitioner used or exhibited a deadly weapon or dangerous instrument;

(5) Any violation of §61-2-28 of this code, or any offense which violates §61-2-9(b) or §61-2-9(c) of this code in which the victim was a spouse, a person with whom the person seeking expungement had a child in common, or with whom the person seeking expungement ever cohabited prior to the offense or a violation of §61-2-28(c) of this code;

(6) Any violation of §61-2-29 of this code;

(7) Any offense of driving under the influence of alcohol or a controlled substance;

(8) Any offense which violates §17B-4-3 of this code;

(9) Any offense which violates §61-8-12 or §61-8-19 of this code;

(10) Any violation of §61-2-9a of this code;

(11) Any violation of §61-8B-8 and 9 of this code;

(12) Any violation of §61-3-11 of this code;

(13) Any conviction for which the sentencing judge made a written finding that the offense was sexually motivated;

(14) Any offense which violates §17E-1-13(g) of this code; and

(15) Any offense of conspiracy or attempt to commit a felony set forth in subdivisions (1) through (13), inclusive, of this subsection.

(e) (d) *Content of petition for expungements.* — Each petition to expunge a conviction or convictions pursuant to this section shall be verified under oath and include the following information, *Provided, That a petition for the expungement of multiple misdemeanors shall identify and group such information by circuit court, as applicable, from which expungement of a particular conviction or convictions is being sought:*

(1) The ~~Petitioner's~~ petitioner's current name and all other legal names or aliases by which the petitioner has been known at any time;

(2) All of the petitioner's addresses from the date of the offense ~~or alleged offense~~ in connection with which an expungement order is sought to date of the petition;

(3) The ~~Petitioner's~~ petitioner's date of birth and Social Security number;

(4) The ~~Petitioner's~~ petitioner's date of arrest, the court of jurisdiction, and criminal complaint, indictment, summons, or case number;

(5) The statute or statutes and offense or offenses for which the petitioner was charged and of which the petitioner was convicted;

(6) The names of any victim or victims, or a statement that there were no identifiable victims;

(7) Whether there is any current order for restitution, protection, restraining order, or other no contact order prohibiting the petitioner from contacting the victims or whether there has ever been a prior order for restitution, protection, or restraining order prohibiting the petitioner from contacting the victim. If there is ~~such~~ a current order, the petitioner shall attach a copy of that order to his or her petition;

(8) The ~~court's~~ disposition of the matter and punishment sentence imposed, if any;

(9) ~~Why~~ The grounds on which expungement is sought, ~~such as, including,~~ but not limited to, employment or licensure purposes ~~and why it should be granted;~~

(10) The steps the petitioner has taken since the time of the offense or offenses toward personal rehabilitation, including treatment, work, or other personal history that demonstrates rehabilitation;

(11) Whether petitioner has ever been granted expungement or similar relief regarding a criminal conviction by any court in this state, by the court of any other state, or by any federal court; ~~and~~

(12) Any supporting documents, sworn statements, affidavits, or other information supporting the petition ~~to expunge~~ for expungement.

~~(d)~~ (e) Service of petition for expungement. — The petitioner shall serve a copy of the petition, with any supporting documentation, ~~shall be served by petitioner~~ pursuant to the rules of the trial court upon the following persons or entities:

(1) The Superintendent of the State Police;

(2) The prosecuting attorney of the county of conviction;

(3) The chief of police or other executive head of the municipal police department ~~wherein~~ where the offense was committed;

(4) The chief law-enforcement officer of any other law-enforcement agency which participated in the arrest of the petitioner;

(5) The superintendent or warden of any institution in which the petitioner was confined; and

(6) The circuit court, magistrate court, or municipal court which disposed of the petitioner's criminal charge. ~~and all other state and local government agencies whose records would be affected by the proposed expungement.~~

~~(f) The prosecutorial office that had jurisdiction over the offense or offenses for~~ The prosecuting attorney of the county in which expungement is sought shall serve ~~by first class mail~~ the petition for expungement, accompanying documentation, and any proposed expungement order by first class mail to any identified victims.

~~(e)~~ (g) Notice of opposition. —

(1) Upon receipt of a petition for expungement, the Superintendent of the State Police; ~~the prosecuting attorney of the county of conviction; the chief of police or other executive head of the municipal police department wherein the offense was committed; the chief law enforcement officer of any other law-enforcement agency which participated in the arrest of the petitioner; the superintendent or warden of any institution in which the petitioner was confined; the magistrate court or municipal court which disposed of the petitioner's criminal charge; all other state and local government agencies whose records would be affected by the proposed expungement~~ persons and entities listed in subsection (e) of this section, and any other interested individual person or agency that desires to oppose the expungement ~~shall~~ may, within 30 days of receipt of the petition, file a notice of opposition with the court with supporting documentation and

sworn statements setting forth the reasons for resisting the petition for expungement.

(2) A copy of any notice of opposition with supporting documentation and sworn statements shall be served upon the petitioner in accordance with trial court rules.

(3) The petitioner may file a reply to a notice of opposition no later than ~~ten~~ 30 days after service of any notice of opposition to the petition for expungement.

~~(f)~~ (h) Burden of proof. — The burden of proof shall be on the petitioner seeking an order of expungement to prove by clear and convincing evidence ~~that~~:

(1) That the conviction or convictions for which expungement is sought are the only convictions against the petitioner and that the conviction or convictions are not excluded from expungement by ~~subsection (j)~~ the provisions of this section;

(2) That the requisite time ~~period~~ has passed since the conviction or convictions or ~~end of~~ the completion of any sentence of incarceration or ~~probation~~ period of supervision as set forth in subsection (b) of this section;

(3) That the petitioner has no criminal charges pending against him or her;

(4) That the expungement is consistent with the public welfare;

(5) That the petitioner has, by his or her behavior since the conviction or convictions, evidenced that he or she has been rehabilitated and is law-abiding; and

(6) Any other ~~matter~~ facts deemed considered appropriate or necessary by the court to make a determination regarding the petition for expungement.

~~(g)~~ (i) Court procedure for petition for expungement. —

Within 60 days of the filing of a petition for expungement the circuit court shall:

- (1) Summarily grant the petition;
- (2) Set the matter for hearing; or

(3) Summarily deny the petition if the court determines that the petition is insufficient or, based upon supporting documentation and sworn statements filed in opposition to the petition, the court determines that the petitioner, as a matter of law, is not entitled to expungement;

~~(h)~~ (j) Hearing on petition for expungement. —

If the court sets the matter for hearing, all interested parties who have filed a notice of opposition shall be notified. At the hearing, the court may inquire into the background of the petitioner and shall have access to any reports or records relating to the petitioner that are on file with any law-enforcement authority, the institution of confinement, if any, and parole authority or other agency which was in any way involved with the petitioner's arrest, conviction, sentence, and post-conviction supervision, including any record of arrest or conviction in any other state or federal court. The court may hear testimony of witnesses and any other matter the court ~~deems~~ considers proper and relevant to its determination regarding the petition. The court shall enter an order reflecting its ruling on the petition for expungement with appropriate findings of fact and conclusions of law.

~~(i) No person shall be eligible for expungement of a conviction and the records associated therewith pursuant to the provisions of subsection (a) of this section for any violation involving the infliction of serious physical injury; involving the provisions of article eight b of this chapter where the petitioner was eighteen years old, or older, at the time the violation occurred and the victim was twelve years of age, or younger, at the time the violation occurred; involving the use or exhibition of a deadly weapon or dangerous instrument; of the provisions of subsection (b) or (c), section nine, article two of this chapter where the victim was a spouse, a person with whom the person seeking expungement had a child in common or with whom the person seeking expungement ever cohabitated prior to the offense; any violation of the~~

~~provisions of section twenty eight of said article; a conviction for driving under the influence of alcohol, controlled substances or a conviction for a violation of section three, article four, chapter seventeen b of this code or section nineteen, article eight of this chapter.~~

~~(j)(k) *Sealing of records.* — If the court grants the petition for expungement, it shall order the sealing of all records in the custody of the court and expungement of any records in the custody of any other agency or official, including law-enforcement records. Every agency with records relating to the arrest, charge, or other matters arising out of the arrest or conviction that is ordered to expunge records shall certify to the court within 60 days of the entry of the expungement order that the required expungement has been completed. All orders enforcing the expungement procedure shall also be sealed. For the purposes of this section, “records” do not include the records of the Governor, the Legislature or the Secretary of State that pertain to a grant of pardon. Such records that pertain to a grant of pardon are not subject to an order of expungement. The amendment to this section during the fourth extraordinary session of the Legislature in the year 2009 is not for the purpose of changing existing law, but is intended to clarify the intent of the Legislature as to existing law regarding expungement.~~

~~(k)(l) *Disclosure of expunged matters.* —~~

~~(1) Subject to the exceptions set forth in this section, upon expungement, the proceedings in the matter shall be deemed, considered, as a matter of law, never to have occurred. The court and other agencies shall reply to any inquiry that no record exists on the matter. The person whose record is expunged shall not have to disclose the fact of the record or any matter relating thereto to the record on an application for employment, credit, or other type of application: Provided, That any person applying for a position in which he or she would be engaging in the prevention, detection, investigation, prosecution, or incarceration of persons for violations of the law shall disclose any and all convictions to his or her prospective employer, regardless of whether the conviction or convictions have been expunged pursuant to this section.~~

(2) A person for whom an order of expungement has been entered pursuant to this section may not be found guilty of perjury or otherwise giving a false statement, under any provision of this code, because of that person's failure to recite or acknowledge the arrest, indictment, information, trial, or conviction, as long as the person is in compliance with subdivision (1) of this subsection.

(3) Notwithstanding any provisions of this code to the contrary, any person required by state or federal law to obtain a criminal history record check on a prospective employee are authorized to have knowledge of any convictions expunged under this section.

(4) (m) *Inspection of sealed records.* — Inspection of the sealed records in the court's possession may thereafter be permitted by the court only upon a motion by the person who is the subject of the records or upon a petition filed by a prosecuting attorney that inspection and possible use of the records in question are necessary to the investigation or prosecution of a crime in this state or another jurisdiction. If the court finds that there is a legitimate reason for access and the interests of justice will be served by granting a petition to inspect the sealed record, it may ~~be granted~~ grant access under the terms and conditions determined by the court.

(n) *Fees for filing petition for expungement and processing orders of expungement.* — The clerk of the circuit court shall charge and collect in advance the same fee for a petition for expungement as is charged for instituting a civil action pursuant to §59-1-11(a)(1) of this code. A person obtaining an order of expungement pursuant to the provisions of this section shall pay a fee of \$100 to the records division of the West Virginia State Police for the cost of processing the order of expungement deposited into a special revenue account within the State Treasurer's office to be known as the West Virginia State Police Criminal History Account.

(o) Notwithstanding any provision of this code to the contrary, a person may only obtain the relief afforded by the provisions of this section and §61-11-26a of this code once.

(p) For the purposes of this section:

(1) ‘Court record’ means an official record of a court about a proceeding that the clerk of the court or other court personnel maintains. ‘Court record’ includes an index, a docket entry, a petition or other pleading, a memorandum, a transcription of proceedings, an electronic recording, an order, and a judgment.

(2) ‘Felony crime of violence against the person’ means those felony offenses set forth in §61-2-1 *et seq.*, §61-3E-1 *et seq.*, §61-8B-1 *et seq.*, and §61-8D-1 *et seq.* of this code.

(3) ‘Felony offenses in which the victim was a minor’ means felony violation of §61-3C-14b, §61-8-1 *et seq.*, §61-8A-1 *et seq.*, §61-8C-1 *et seq.*, or §61-8D-1 *et seq.* of this code.

(4) ‘Nonviolent felony’ means a felony that:

(A) Is not an offense listed in subsection (c) of this section;

(B) Is not an offense involving the intentional infliction of serious bodily injury;

(C) Is an offense the conviction of which is based on facts and circumstances of which the circuit court finds to be consistent with the purposes of this article; and

(D) Is an offense the conviction of which the circuit court finds does not involve violence or potential violence to another person or the public.

(5) ‘Records’ do not include the records of the Governor, the Legislature, or the Secretary of State that pertain to a grant of pardon. Records that pertain to a grant of pardon are not subject to an order of expungement.

(6) ‘Seal’ means removing information from public inspection in accordance with this section.

(7) ‘Sealing’ means:

(A) For a record kept in a courthouse, removing the record to a separate, secure area to which persons who do not have a legitimate reason for access are denied access;

(B) For electronic information about a proceeding on the website maintained by a magistrate court, circuit court, or the Supreme Court of Appeals, removing the record from the public website; and

(C) For a record maintained by any law-enforcement agency, removing the record to a separate, secure area to which persons who do not have a legitimate reason for access are denied access.

(q) *Statutory construction.* — Nothing in this section may be construed to allow a person obtaining relief pursuant to this section to be eligible for reinstatement of any retirement or employment benefit which he or she lost or forfeited due to the conviction or convictions expunged.

(r) The enactment of this section during the 2019 regular session includes the repeal of the provisions of §61-11B-1 *et seq.* of this code. Any person that had a sentence reduction pursuant to the provisions of §61-11B-1 *et seq.* of this code may petition the court of record to have the criminal offense reduction order converted into an order of expungement. Upon verification by the court that the petitioner qualifies, the court shall enter an order of expungement of the petitioner's conviction.

§61-11-26a. Expungement of certain criminal convictions with approved treatment or recovery and job program.

(a) Notwithstanding any provisions of §61-11-26 of this code to the contrary, any person who has been convicted of a nonviolent felony offense or multiple misdemeanors and that would be eligible for expungement pursuant to the provisions of §61-11-26 of this code and who: (1) has a medically documented history of substance abuse and successful compliance with a substance abuse treatment or recovery and counseling program approved by the Secretary of the Department of Health and Human Resources; or (2) graduates from a West Virginia Department of Education approved Job Readiness Adult Training course, or both, if applicable, may petition the circuit court or circuit courts in which the conviction or convictions occurred for expungement of the conviction or

convictions and the records associated therewith as provided in §61-11-26 of this code as follows:

(1) Any person who has been convicted of a single misdemeanor that would be eligible for expungement pursuant to §61-11-26 of this code and satisfies the requirements of this section, is eligible for expungement pursuant to §61-11-26(a)(1) of this code upon successful compliance with an approved substance abuse treatment and recovery and counseling program for 90 days or upon completion of an approved Job Readiness Adult Training course, or both, if applicable, but after the completion of any sentence of incarceration or completion of any period of supervision, whichever is later in time.

(2) Any person who has been convicted of multiple misdemeanors that would be eligible for expungement pursuant to §61-11-26 of this code and satisfies the requirements of this section, is not eligible for expungement pursuant to §61-11-26(a)(1) of this code until 1 year after the last conviction, completion of any sentence of incarceration or completion of any period of supervision ordered for the last conviction, whichever is later in time.

(3) Any person who has been convicted of a nonviolent felony offense that would be eligible for expungement pursuant to §61-11-26 of this code and satisfies the requirements of this section, is not eligible for expungement pursuant to §61-11-26(a)(2) of this code until three years after conviction, completion of any sentence of incarceration or completion of any period of supervision, whichever is later in time.

(b) In addition to the required content of a petition for expungement as required by §61-11-26(d) of this code, any person petitioning for an expungement pursuant to the provisions of this section, shall also include the following, if applicable:

(1) Documentation of compliance with an approved treatment or recovery and counseling program; and

(2) Certificate of graduation from an approved Adult Training Job Readiness Course.

(c) A person may file only one petition for expungement, to the circuit court or circuit courts as applicable, pursuant to the provisions of this section and the provisions of §61-11-26 of this code.

(d) The fee of \$100 to the records division of the West Virginia State Police for the cost of processing the order of expungement required in §61-11-26(n) of this code is waived for petitions of expungement filed pursuant to the provisions of this section.

ARTICLE 11B. CRIMINAL OFFENSE REDUCTION.

§61-11B-1. Legislative intent.

[Repealed.]

§61-11B-2. Definitions.

[Repealed.]

§61-11B-3. Criminal offense reduction.

[Repealed.]

§61-11B-4. Petition for reduction.

[Repealed.]

§61-11B-5. Employer protections.

[Repealed.]”

The bill was then ordered to third reading.

Com. Sub. for S. B. 264, Requiring courts to order restitution to crime victims where economically practicable; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for S. B. 291, Relating generally to survivor benefits for emergency response providers; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Finance, was reported by the Clerk and adopted, amending the bill on page one, section one, line five, following the word “law-enforcement”, by inserting the word “agency”.

And,

On page two, section two, line twenty-two, following the word “law-enforcement”, by inserting the word “agency”.

The bill was then and ordered to third reading.

Com. Sub. for S. B. 329, Relating to agricultural education in high schools; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for S. B. 340, Repealing obsolete provisions of code relating to WV Physicians Mutual Insurance Company; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for S. B. 345, Relating to fire service equipment and training funds for VFDs; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Finance, was reported by the Clerk and adopted, amending the bill on page one, following the enacting clause, by striking out the remainder of the bill and inserting in lieu thereof the following:

“CHAPTER 8. MUNICIPAL CORPORATIONS.

ARTICLE 15. FIRE FIGHTING; FIRE COMPANIES AND DEPARTMENTS; CIVIL SERVICE FOR PAID FIRE DEPARTMENTS.

§8-15-8b. Authorized expenditures of revenues from the Municipal Pensions and Protection Fund and the Fire

Protection Fund; deductions for unauthorized expenditures; record retention.

~~(a) Revenues allocated to volunteer and part-volunteer fire companies and departments may be expended only for the items listed in subdivisions (1) through (15) of this section. Funds Money received from the state for volunteer and part-volunteer fire companies and departments, pursuant to §33-3-14d, §33-3-33, and §33-12C-7 of this code, may not be commingled with funds moneys received from any other source, except money received as a grant from the Fire Service Equipment and Training Fund as provided in §29-3-5f of this code. Expenditures may be made Distributions from the Municipal Pensions and Protection Fund and the Fire Protection Fund allocated to volunteer and part-volunteer fire companies and departments may be expended only for the following:~~

(1) Personal protective equipment, including protective head gear, bunker coats, pants, boots, combination of bunker pants and boots, coats, and gloves;

(2) Equipment for compliance with the national fire protection standard or automotive fire apparatus, NFPA-1901;

(3) Compliance with insurance service office recommendations relating to fire departments;

(4) Rescue equipment, communications equipment, and ambulance equipment: *Provided*, That no moneys received from the Municipal Pensions and Protection Fund or the Fire Protection Fund may be used for equipment for personal vehicles owned or operated by volunteer or part-volunteer fire company or department members;

(5) Capital improvements reasonably required for effective and efficient fire protection service and maintenance of the capital improvements;

(6) Retirement of debts;

(7) Payment of utility bills;

(8) Payment of the cost of immunizations, including any laboratory work incident to the immunizations, for firefighters against hepatitis-b and other blood-borne pathogens: *Provided*, That the vaccine shall be purchased through the state immunization program or from the lowest-cost vendor available: *Provided, however*, That volunteer and part-volunteer fire companies and departments shall seek to obtain no-cost administration of the vaccinations through local boards of health: *Provided further*, That in the event any volunteer or part-volunteer fire company or department is unable to obtain no-cost administration of the vaccinations through a local board of health, the company or department shall seek to obtain the lowest cost available for the administration of the vaccinations from a licensed health care provider;

(9) Any filing fee required to be paid to the Legislative Auditor's Office under §12-4-14 of this code relating to sworn statements of annual expenditures submitted by volunteer or part-volunteer fire companies or departments that receive state funds or grants;

(10) Property/casualty insurance premiums for protection and indemnification against loss or damage or liability;

(11) Operating expenses reasonably required in the normal course of providing effective and efficient fire protection service, which include, but are not limited to, gasoline, bank fees, postage, and accounting costs;

(12) Dues paid to national, state, and county associations;

(13) Workers' compensation premiums;

(14) Life insurance premiums to provide a benefit not to exceed \$20,000 for firefighters; and

(15) Educational and training supplies and fire prevention promotional materials, not to exceed \$500 per year.

(b) If a volunteer or part-volunteer fire company or department spends any amount of money received from the Municipal

Pensions and Protection Fund or the Fire Protection Fund for an item, service, or purpose not authorized by this section, that amount, when determined by an official audit, review, or investigation, shall be deducted from future distributions to the volunteer fire company or part-volunteer fire department.

(c) If a volunteer or part-volunteer fire company or department purchases goods or services authorized by this section, but then returns the goods or cancels the services for a refund, then any money refunded shall be deposited back into the same, dedicated bank account used for the deposit of distributions from the Municipal Pensions and Protection Fund and the Fire Protection Fund.

(d) Each volunteer or part-volunteer fire company and department shall retain, for five calendar years, all invoices, receipts, and payment records for the goods and services paid with money received from the state for volunteer and part-volunteer fire companies and departments, pursuant to §33-3-14d, §33-3-33, and §33-12C-7 of this code and money received as a grant from the Fire Service Equipment and Training Fund as provided in §29-3-5f of this code.

CHAPTER 12. PUBLIC MONEYS AND SECURITIES.

ARTICLE 4. ACCOUNTS, REPORTS, AND GENERAL PROVISIONS.

§12-4-14. Accountability of persons grantees receiving state funds or grants; sworn statements by volunteer fire departments; criminal penalties.

(a) For the purposes of this section:

(1) ‘Grantor’ means a state spending unit awarding a state grant.

(2) ‘~~Person~~’ ‘Grantee’ means any entity receiving a state grant, including a state spending unit, local government, corporation, partnership, association, individual, or other legal entity. The term ‘~~person~~’ does not include a state spending unit or

~~a local government as defined in section one a, article nine, chapter six of this code~~

(3) 'Report' means an engagement, such as an agreed-upon procedures engagement or other attestation engagement, performed and prepared by a certified public accountant to test whether state grants were spent as intended. The term "report" does not mean a full-scope audit or review of the person receiving state funds.

(4) 'State grant' means funding provided by a state spending unit, regardless of the original source of the funds, to a ~~person~~ grantee upon application for a specific purpose. The term 'state grant' does not include: (A) Payments for goods and services purchased by a state spending unit; (B) compensation to state employees and public officials; (C) reimbursements to state employees and public officials for travel or incidental expenses; (D) grants of student aid; (E) government transfer payments; (F) direct benefits provided under state insurance and welfare programs; (G) funds reimbursed to a person for expenditures made for qualified purposes when receipts for the expenditures are required prior to receiving the funds; (H) retirement benefits; and (I) federal pass-through funds that are subject to the federal Single Audit Act Amendments of 1996, 31 U.S.C. § 7501, *et seq.* The term 'state grant' does not include formula distributions to volunteer and part-volunteer fire departments and fire companies made pursuant to §33-3-14d, §33-3-33, §33-12C-7 ~~of said chapter of this code and~~ does not include money received from the Fire Service Equipment and Training Fund as provided in §29-3-5f of this code.

(b) (1) Any ~~person~~ grantee who receives one or more state grants in the amount of \$50,000 or more in the aggregate in a state's fiscal year shall file with the grantor a report of the disbursement of the state grant funds. When the grantor causes an audit, by an independent certified public accountant, to be conducted of the grant funds, the audit is performed using generally accepted government auditing standards, and a copy of the audit is available for public inspection, no report is required to be filed under this section. An audit performed that complies with Office of Management and Budget circular A-133, ~~as published on June 27,~~

2003, and submitted within the period provided in this section may be substituted for the report.

(2) Any ~~person~~ grantee who receives a state grant in an amount less than \$50,000 or who is not required to file a report because an audit has been conducted or substituted as provided by subdivision (1) of this subsection shall file with the grantor a sworn statement of expenditures made under the grant.

(3) Reports and sworn statements of expenditures required by ~~subdivisions (1) and (2)~~ of this subsection shall be filed within two years of the end of the ~~person's~~ grantee's fiscal year in which the disbursement of state grant funds by the grantor was made. The report shall be made by an independent certified public accountant at the cost of the ~~person receiving the state grant~~ grantee. State grant funds may be used to pay for the report if the applicable grant provisions allow. The scope of the report is limited to showing that the state grant funds were spent for the purposes intended when the grant was made.

(c)(1) Any ~~person~~ grantee failing to file a required report or sworn statement of expenditures within the two-year period provided in subdivision (3), subsection (b) of this section for state grant funds ~~disbursed after July 1, 2003~~, is barred from subsequently receiving state grants until the ~~person~~ grantee has filed the report or sworn statement of expenditures and is otherwise in compliance with the provisions of this section.

(2) Any grantor of a state grant shall report any ~~persons~~ grantee failing to file a required report or sworn statement of expenditures within the required period provided in ~~subdivision (3), subsection (b)~~ of this section ~~for a state grant disbursed after July 1, 2003~~, to the Legislative Auditor for purposes of debarment from receiving state grants.

(d) (1) The state agency administering the state grant shall notify the ~~person~~ grantee of the reporting requirements set forth in this section.

(2) All grantors awarding state grants shall, prior to awarding a state grant, take reasonable actions to verify that the ~~person~~ grantee is not barred from receiving state grants pursuant to this section. The verification process shall, at a minimum, include:

(A) A requirement that the ~~person~~ grantee seeking the state grant provide a sworn statement from an authorized representative that the ~~person~~ grantee has filed all reports and sworn statements of expenditures for state grants received as required under this section; and

(B) Confirmation from the Legislative Auditor by the grantor that the ~~person~~ grantee has not been identified as one who has failed to file a report or sworn statement of expenditures under this section. Confirmation may be accomplished by accessing the computerized database provided in subsection (e) of this section.

(3) If any report or sworn statement of expenditures submitted pursuant to the requirements of this section provides evidence of a reportable condition or violation, the grantor shall provide a copy of the report or sworn statement of expenditures to the Legislative Auditor within 30 days of receipt by the grantor.

(4) The grantor shall maintain copies of reports and sworn statements of expenditures required by this section and make the reports or sworn statements of expenditures available for public inspection, as well as for use in audits and performance reviews of the grantor.

(5) The Secretary of the Department of Administration has authority to promulgate procedural and interpretive rules and propose legislative rules for promulgation in accordance with the provisions of §29A-3-1 *et seq.* of this code to assist in implementing the provisions ~~of subsections (a), (b), (c) and (d)~~ of this section.

(e)(1) Any state agency administering a state grant shall, in the manner designated by the Legislative Auditor, notify the Legislative Auditor of the maximum amount of funds to be disbursed, the identity of the ~~person~~ grantee authorized to receive

the funds, the ~~person's~~ grantee's fiscal year and federal employer identification number, and the purpose and nature of the state grant within 30 days of making the state grant or authorizing the disbursement of the funds, whichever is later. ~~If the state grant was awarded prior to October 1, 2005, the grantor shall provide the information required by this section by December 1, 2005.~~

(2) The State Treasurer shall provide the Legislative Auditor the information concerning formula distributions to volunteer and part-volunteer fire departments, made pursuant to §33-3-14d, §33-3-33, and §33-12C-7 ~~of said chapter of this code~~, the Legislative Auditor requests, and in the manner designated by the Legislative Auditor.

(3) The Legislative Auditor shall maintain a list identifying ~~persons~~ grantees who have failed to file reports and sworn statements required by this section. The list may be in the form of a computerized database that may be accessed by state agencies over the Internet.

(f) An audit of state grant funds may be authorized at any time by the Joint Committee on Government and Finance to be conducted by the Legislative Auditor at no cost to the grantee.

~~(g) (1) Volunteer and part volunteer fire departments receiving formula distributions pursuant to §33-3-14D, §33-3-33, §33-12C-7 of this code shall either:~~

~~(A) File a report, as defined in §12-4-14(a)(3) of this code with the Legislative Auditor within the same time frames as are required for sworn statements of annual expenditures to be filed under this section. The report shall be made by an independent certified public accountant at the cost of the volunteer or part volunteer fire department. The scope of the report is limited to showing that the funds distributed were spent for authorized purposes; or~~

~~(B) File a sworn statement of annual expenditures with the Legislative Auditor on or before February 14 of each year. The sworn statement of expenditures shall be signed by the chief or~~

director of the volunteer fire department and shall be made under oath and acknowledged before a notary public.

~~(2) If the sworn statement or report required by this subsection is not filed on or before May 15, unless the time period is extended by the Legislative Auditor, the Legislative Auditor may conduct an audit of the volunteer or part-volunteer fire department.~~

~~(3) If the sworn statement of annual expenditures or report required by this subsection is not filed with the Legislative Auditor by July 1, unless the time period is extended by the Legislative Auditor, the Legislative Auditor shall notify the State Treasurer who shall withhold payment of any amount that would otherwise be distributed to the fire department under the provisions of §33-3-14D, §33-3-33, §33-12C-7 of this code until the report is complete. Moneys withheld pursuant to this subdivision are to be deposited in the special revenue account created in the State Treasury in §12-4-14(g)(4) of this code.~~

~~(4) The Legislative Auditor may assign an employee or employees to perform audits or reviews at the direction of the Legislative Auditor of the disbursement of state grant funds to volunteer fire departments. The volunteer fire department shall cooperate with the Legislative Auditor, the Legislative Auditor's employees and the State Auditor in performing their duties under this section. If the Legislative Auditor determines a volunteer fire department is not cooperating, the Legislative Auditor shall notify the State Treasurer who shall withhold payment of any amount that would otherwise be distributed to the fire department under the provisions of §33-3-14D, §33-3-33, §33-12C-7 of this code until the Legislative Auditor informs the Treasurer that the fire department has cooperated as required by this section. The State Treasurer shall pay the amount withheld into a special revenue account hereby created in the State Treasury and designated the "Volunteer Fire Department Audit Account". If, after one year from payment of the amount withheld into the special revenue account, the Legislative Auditor informs the State Treasurer of continued noncooperation by the fire department, the State Treasurer shall pay the amount withheld to the fund from which it~~

~~was distributed to be redistributed the following year pursuant to the applicable provisions of those sections.~~

~~(5) Whenever the State Auditor performs an audit of a volunteer fire department for any purpose the Auditor shall also conduct an audit of other state funds received by the fire department pursuant to §33-3-14D, §33-3-33, §33-12C-7 of this code. The Auditor shall send a copy of the audit to the Legislative Auditor. The Legislative Auditor may accept an audit performed by the Auditor in lieu of performing an audit under this section.~~

~~(6) If the Legislative Auditor is notified by a grantor that a fire department has failed to file a report or a sworn statement of expenditures for a state grant it received, the Legislative Auditor shall notify the Treasurer who shall withhold further distributions to the fire department in the same manner provided in §12-4-14(g)(3) of this code.~~

~~(h) (g) Any report submitted pursuant to the provisions of this section may be filed electronically in accordance with the provisions of §39A-1-1 *et seq.* of this code.~~

~~(i) (h) Any ~~person~~ grantee who files a fraudulent sworn statement of expenditures under subsection (b) or (g) of this section subsection (b) of the section, a fraudulent sworn statement under subsection (d) of this section, or a fraudulent report under this section is guilty of a felony and, upon conviction thereof, shall be fined not less than \$1,000 nor more than \$5,000 or imprisoned in a state correctional facility for not less than one year nor more than five years, or both fined and imprisoned.~~

§12-4-14b. Accountability of volunteer and part-volunteer fire companies or departments receiving state funds for equipment and training; review or audit of expenditures; withholding of state funds for delinquency or misuse; notifications.

(a) Definitions. — For the purposes of this section:

‘Equipment and training grant’ means a grant of money to a volunteer fire company or a part-volunteer fire department from the

Fire Service Equipment and Training Fund created in §29-3-5f of this code;

‘Formula distribution’ means a distribution of money to volunteer and part-volunteer fire companies or departments made pursuant to §33-3-14d, §33-3-33, and §33-12C-7 of this code; and

‘State funds account’ means a bank account established by a volunteer or part-volunteer fire company or department and maintained for the exclusive use and accounting of money from formula distributions and equipment and training grants.

(b) *Filing required documentation.* — Every volunteer and part-volunteer fire company or department seeking to receive formula distributions or an equipment and training grant shall file copies of bank statements and check images from the company’s or department’s state funds account for the previous calendar year with the Legislative Auditor on or before February 1 of each year.

(c) *Reviews and audits.* — The Legislative Auditor is authorized to conduct regular reviews or audits of deposits and expenditures from formula distribution and equipment and training grant funds by volunteer and part-volunteer fire companies or departments. The Legislative Auditor may assign an employee or employees to perform audits or reviews at his or her direction. The State Treasurer shall provide the Legislative Auditor information, in the manner designated by the Legislative Auditor, concerning formula distributions and equipment and training grants paid to volunteer or part-volunteer fire companies and departments. The volunteer or part-volunteer fire company or department shall cooperate with the Legislative Auditor, the Legislative Auditor’s employees, and the State Auditor in performing their duties under the laws of this state.

(d) *State Auditor.* — Whenever the State Auditor performs an audit of a volunteer or part-volunteer fire company or department for any purpose, the Auditor shall also conduct an audit of other state funds received by the company or department pursuant to §33-3-14d, §33-3-33, and §33-12C-7 of this code. The Auditor shall send a copy of the audit to the Legislative Auditor. The

Legislative Auditor may accept an audit performed by the Auditor in lieu of performing an audit under this section.

(e) *Withholding of funds.* —The Treasurer is authorized to withhold payment of a formula distribution or an equipment and training grant from a volunteer or part-volunteer fire company or department, when properly notified by the Legislative Auditor pursuant to this section, of any of the following conditions:

(1) Failure to file, in a timely manner, copies of bank statements and check images with the Legislative Auditor;

(2) Failure to cooperate with a review or audit conducted by the Legislative Auditor;

(3) Misapplication of state funds; or

(4) Failure to file a report or a sworn statement of expenditures as required by §12-4-14 of this code for a state grant other than an equipment and training grant.

(f) *Delinquency in filing.* — If, after February 1, a volunteer or part-volunteer fire company or department has failed to file the required bank statements and check images with the Legislative Auditor, the Legislative Auditor shall notify the delinquent company or department at two separate times in writing of the delinquency and of possible forfeiture of its Fire Service Equipment and Training Fund distribution for the year. If the required bank statements and check images are not filed with the Legislative Auditor by March 31, unless the time period is extended by the Legislative Auditor, the Legislative Auditor shall then notify the Treasurer who shall withhold payment of any amount that would otherwise be distributed to the company or department. Prior to each subsequent quarterly disbursement of funds by the Treasurer, the Legislative Auditor shall notify each delinquent company or department twice per each quarter in which the company or department is delinquent. The Legislative Auditor may choose the method or methods of notification most likely to be received by the delinquent company or department.

(g) Noncooperation. — If, in the course of an audit or review by the Legislative Auditor, a volunteer or part-volunteer fire company or department fails to provide documentation of its accounts and expenditures in response to a request of the Legislative Auditor, the Legislative Auditor shall notify the State Treasurer who shall withhold payment of any amount that would otherwise be distributed to the company or department under the provisions of §33-3-14d, §33-3-33, and §33-12C-7 of this code until the Legislative Auditor informs the State Treasurer that the company or department has cooperated with the review or audit.

(h) Reporting of other grants. — Nothing in this section alters the duties and responsibilities of a volunteer or part-volunteer fire company or department imposed under §12-4-14 of this code if that company or department has received funds from any state grant program other than from the Fire Service Equipment and Training Fund. If the Legislative Auditor is notified by a grantor that a volunteer or part-volunteer fire company or department has failed to file a report or a sworn statement of expenditures for a state grant it received, the Legislative Auditor shall notify the State Treasurer who shall withhold further distributions to the company or department in the manner provided in this section.

(i) Escrow and forfeiture of moneys withheld. — The Volunteer Fire Department Audit Account previously created in the Treasury is hereby continued. When the State Treasurer receives notice to withhold the distribution of money to a volunteer or part-volunteer fire company or department pursuant to this section, the Treasurer shall instead deposit the amounts withheld into the Volunteer Fire Department Audit Account. If the Treasurer receives notice that the volunteer or part-volunteer fire company or department has come into compliance in less than one year from the date of deposit into this special revenue account, then the Treasurer shall release and distribute the withheld amounts to the company or department, except that any interest that has accrued thereon shall be credited to the general revenue of the state. If, after one year from payment of the amount withheld into the special revenue account, the Legislative Auditor informs the State Treasurer of continued noncooperation by the company or department, the delinquent

company or department forfeits the amounts withheld and the State Treasurer shall pay the amounts withheld into Fire Service Equipment and Training Fund created in §29-3-5f of this code.

(j) *Misuse of state money.* — If the Legislative Auditor determines that a volunteer or part-volunteer fire company or department has used formula distribution money for purposes not authorized by §8-15-8b of this code or has used equipment and training grant money for purposes not authorized by the grant program, the Legislative Auditor shall give a written notice of noncompliance to the company or department. If a volunteer or part-volunteer fire company or department disagrees or disputes the finding, the company or department may contest the finding by submitting a written objection to the Legislative Auditor within five working days of receipt of the Legislative Auditor's finding. The department or company shall then have 60 days from the date of the Legislative Auditor's finding to provide documentation to substantiate that the expenditures were made for authorized purposes. If the volunteer or part-volunteer fire company or department does not dispute the findings of the Legislative Auditor or if the company or department is not able to substantiate an authorized purpose for the expenditure, the Legislative Auditor shall notify the Treasurer of the amount of misapplied money and the Treasurer shall deduct that amount from future distributions to that company or department until the full amount of unauthorized expenditure is offset.

CHAPTER 29. MISCELLANEOUS BOARDS AND OFFICERS.

ARTICLE 3. FIRE PREVENTION AND CONTROL ACT.

§29-3-5f. Fire Service Equipment and Training Fund; creation of fire service equipment and training grant; reports of ineligibility to State Fire Marshal.

(a) There is hereby created in the Treasury a special revenue fund to be known as the Fire Service Equipment and Training Fund. Expenditures from the fund by the State Fire Marshal are authorized from collections. The fund may only be used for the

purpose of providing grants to equip volunteer and part-volunteer fire companies and departments and their members, and to train volunteer and part-volunteer firefighters. Any balance remaining in the fund at the end of any fiscal year does not revert to the General Revenue Fund, but remains in the Special Revenue Fund. ~~The State Fire Marshal shall propose legislative rules for promulgation in accordance with §29A-3-1 et seq. of this code to implement the grant program established pursuant to this section~~

(b) The State Fire Marshal shall establish a grant program for equipment and training for volunteer and part-volunteer fire companies and departments. Such grant program shall be open to all volunteer and part-volunteer fire companies and departments. In making grants pursuant to this section, the State Fire Marshal shall consider:

(1) The number of emergency and nonemergency calls responded to by the company or department;

(2) The activities and responses of the company or department;

(3) The revenues received by the company or department from federal, state, county, municipal, local, and other sources; and

(4) The company's or department's assets, expenditures, and other liabilities, including whether the fire company or department has availed itself of available statewide contracts.

(c) The State Fire ~~Commission~~ Marshal shall propose legislative rules for promulgation in accordance with §29A-3-1 *et seq.* of this code to implement the grant program established pursuant to this section.

(d) The Legislative Auditor shall notify the State Fire Marshal of any volunteer or part-volunteer fire company or department that is ineligible to receive grant funds due to the company's or department's failure to file required bank statements or financial reports or failure to comply with an audit or review by the Legislative Auditor. A volunteer or part-volunteer fire company or department reported by the Legislative Auditor shall be ineligible to receive funds under this section until the Legislative Auditor

notifies the State Fire Marshal that the company or department has come into compliance.

§29-3-8. Comprehensive report by State Fire Marshal.

~~(a) On or before July 1, 2019, the State Fire Marshal shall submit a comprehensive report to the Joint Committee on Government and Finance containing a recommended plan for transferring authority and responsibility for providing fire services to the counties. Such report shall include, but not be limited to, recommendations regarding recommended state oversight of such fire services; financial support for fire services, a plan and timeline for transitioning responsibility and oversight to the counties; and county authority, oversight, and accountability of operations, fiscal planning, financial accountability, and risk management planning. The State Fire Marshal shall solicit input from appropriate state agencies, county officials, and other interested parties, which shall provide requested information to the State Fire Marshal to assist in preparation of the report and recommendation.~~

~~(b) On or before July 1, 2019, the State Fire Marshal shall study, prepare, and submit a report to the Joint Committee on Government and Finance regarding reciprocity of firefighter and fire officer certification with other states. Such report shall include recommendations regarding ways to increase availability of reciprocal certification, including any necessary changes to state code or regulation necessary to facilitate additional reciprocity.”~~

The bill was then ordered to third reading.

Com. Sub. for S. B. 352, Relating to Division of Corrections and Rehabilitation acquiring and disposing of services, goods, and commodities; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Finance, was reported by the Clerk and adopted, amending the bill on page eight, section fourteen, following subdivision (l), by adding a new subdivision (m) to read as follows:

“(m) Notwithstanding any other provision of this code to the contrary, any records obtained in response to solicitations for bids from the Division shall not be subject to disclosure pursuant to §29B-1-1 et seq. of this code, until and unless the time frame for submission of bids has closed: *Provided*, That once bids close, the records may be exempt from disclosure pursuant to §29B-1-4 of this code. Any record relating to any solicitation for, or purchase of, any item related to the safe and secure running of any facility under the jurisdiction of the Commissioner of the Division is not subject to disclosure pursuant to §29B-1-1 et seq. of this code.”

The bill was then ordered to third reading.

Com. Sub. for S. B. 369, Relating to generic drug products; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for S. B. 392, Relating to payment of invoices received by Division of Corrections and Rehabilitation for contract work; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for S. B. 396, Waiving occupational licensing fees for low-income individuals and military families; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for S. B. 398, Relating to compensation for senior judges; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Finance, was reported by the Clerk and adopted, amending the bill on page one, immediately following the enacting clause, by striking out the remainder of the bill in its entirety and inserting in lieu thereof the following:

**“CHAPTER 5. GENERAL POWERS AND AUTHORITY
OF THE GOVERNOR, SECRETARY OF STATE, AND
ATTORNEY GENERAL; BOARD OF PUBLIC WORKS;**

**MISCELLANEOUS AGENCIES, COMMISSIONS,
OFFICES, PROGRAMS, ETC.**

**ARTICLE 10. WEST VIRGINIA PUBLIC EMPLOYEES
RETIREMENT ACT.**

**§5-10-48. Reemployment after retirement; options for holder
of elected public office.**

(a) The Legislature finds that a compelling state interest exists in maintaining an actuarially sound retirement system and that this interest necessitates that certain limitations be placed upon an individual's ability to retire from the system and to then later return to state employment as an employee with a participating public employer while contemporaneously drawing an annuity from the system. The Legislature hereby further finds and declares that the interests of the public are served when persons having retired from public employment are permitted, within certain limitations, to render post-retirement employment in positions of public service, either in elected or appointed capacities. The Legislature further finds and declares that it has the need for qualified employees and that in many cases an employee of the Legislature will retire and be available to return to work for the Legislature as a per diem employee. The Legislature further finds and declares that in many instances these employees have particularly valuable expertise which the Legislature cannot find elsewhere. The Legislature further finds and declares that reemploying these persons on a limited per diem basis after they have retired is not only in the best interests of this state but has no adverse effect whatsoever upon the actuarial soundness of this particular retirement system.

(b) For the purposes of this section: (1) 'Regularly employed on a full-time basis' means employment of an individual by a participating public employer, in a position other than as an elected or appointed public official, which normally requires 12 months per year service and at least 1,040 hours of service per year in that position; (2) 'temporary full-time employment' or 'temporary part-time employment' means employment of an individual on a temporary or provisional basis by a participating public employer, other than as an elected or appointed public official, in a position

which does not otherwise render the individual as regularly employed; (3) 'former employee of the Legislature' means any person who has retired from employment with the Legislature and who has at least 10 years' contributing service with the Legislature; and (4) 'reemployed by the Legislature' means a former employee of the Legislature who has been reemployed on a per diem basis not to exceed 175 days per calendar year.

(c) ~~In the event~~ If a retirant becomes regularly employed on a full-time basis by a participating public employer, payment of his or her annuity shall be suspended during the period of his or her reemployment and he or she shall become a contributing member to the retirement system. If his or her reemployment is for a period of one year or longer, his or her annuity shall be recalculated and he or she shall be granted an increased annuity due to the additional employment, the annuity to be computed according to §5-10-22 of this code. If his or her reemployment is for a period less than one year, he or she may request in writing that the employee and employer retirement contributions submitted during reemployment be credited to the participating public employer pursuant to §5-10-44 of this code, and his or her previous annuity shall be reinstated effective the first day of the month following termination of reemployment and the board's receipt of written notice thereof. A retirant may accept legislative per diem, temporary full-time, or temporary part-time employment from a participating employer without suspending his or her retirement annuity so long as he or she does not receive annual compensation in excess of \$20,000.

(d) Senior judges, justices, and magistrates. –

(1) Notwithstanding the provisions of subsection (c) of this section, a retired judge or justice who is recalled and assigned to temporary service as a senior judge or justice by the West Virginia Supreme Court of Appeals may receive per diem compensation pursuant to the requirements of §51-9-10 of this code while continuing to receive his or her annuity.

(2) Notwithstanding the provisions of subsection (c) of this section, a retired magistrate who is recalled and assigned to temporary service as a senior magistrate by the West Virginia

Supreme Court of Appeals may receive per diem compensation pursuant to the requirements of §50-1-6a of this code while continuing to receive his or her annuity.

~~(d)~~ (e) ~~In the event~~ If a member retires and is then subsequently elected to a public office or is subsequently appointed to hold an elected public office, or is a former employee of the Legislature who has been reemployed by the Legislature, he or she has the option, notwithstanding subsection (c) of this section, to either:

(1) Continue to receive payment of his or her annuity while holding public office or during any reemployment of a former employee of the Legislature on a per diem basis, in addition to the salary he or she may be entitled to as an office holder or as a per diem reemployed former employee of the Legislature; or

(2) Suspend the payment of his or her annuity and become a contributing member of the retirement system as provided in subsection (c) of this section. Notwithstanding the provisions of this subsection, a member who is participating in the system as an elected public official may not retire from his or her elected position and commence to receive an annuity from the system and then be elected or reappointed to the same position unless and until a continuous 12-month period has passed since his or her retirement from the position: *Provided*, That a former employee of the Legislature may not be reemployed by the Legislature on a per diem basis until at least 60 days after the employee has retired: *Provided, however*, That the limitation on compensation provided by subsection (c) of this section does not apply to the reemployed former employee: *Provided further*, That in no event may reemployment by the Legislature of a per diem employee exceed 175 days per calendar year.

~~(e)~~ (f) A member who is participating in the system simultaneously as both a regular, full-time employee of a participating public employer and as an elected or appointed member of the legislative body of the state or any political subdivision may, upon meeting the age and service requirements of this article, elect to retire from his or her regular full-time state employment and may commence to receive an annuity from the

system without terminating his or her position as a member of the legislative body of the state or political subdivision: *Provided*, That the retired member shall not, during the term of his or her retirement and continued service as a member of the legislative body of a political subdivision, be eligible to continue his or her participation as a contributing member of the system and shall not continue to accrue any additional service credit or benefits in the system related to the continued service.

~~(f)~~ (g) Notwithstanding the provisions of §5-10-27b of this Code, any publicly elected member of the legislative body of any political subdivision or of the State Legislature, the Clerk of the House of Delegates, and the Clerk of the Senate may elect to commence receiving in-service retirement distributions from this system upon attaining the age of 70 and one-half years: *Provided*, That the member is eligible to retire under the provisions of §5-10-20 or §5-10-21 of this code: *Provided, however*, That the member elects to stop actively contributing to the system while receiving the in-service distributions.

~~(g)~~ (h) The provisions of §5-10-22h of this code are not applicable to the amendments made to this section during the 2006 regular session.

CHAPTER 50. MAGISTRATE COURTS.

ARTICLE 1. COURTS AND OFFICERS.

§50-1-6a. Temporary appointment of retired magistrates.

(a) The West Virginia Supreme Court of Appeals is authorized and empowered to create a panel of senior magistrates to consist of, and to utilize the talent and experience of, retired magistrates of this state. ~~The Supreme Court of Appeals shall promulgate rules providing for such senior magistrates to be assigned duties as needed and as feasible toward the objective of reducing caseloads and providing for replacement of magistrates who are unavailable. *Provided*, That reasonable payment shall be made to said senior magistrates on a per diem basis: *Provided, however*, That the per diem and retirement compensation of a senior magistrate shall not~~

~~exceed the salary of a sitting magistrate and allowances shall also be made for necessary expenses pursuant to the travel regulations of the Supreme Court of Appeals.~~

(b) Senior magistrates recalled and assigned to service shall receive per diem compensation set by the Supreme Court of Appeals, but not to exceed \$200 for each day actually served: *Provided*, That the combined total of per diem compensation and retirement benefits paid to a senior magistrate during a single calendar year may not exceed the annual salary of a sitting magistrate, except as set forth in subsection (c) of this section.

(c) Notwithstanding subsection (b) of this section, for purposes of maintaining magisterial efficacy and continuity of magisterial decision-making, a senior magistrate may continue to receive per diem compensation after the combined total of per diem compensation and retirement benefits paid to the senior magistrate during that calendar year exceeds the annual salary of a sitting magistrate if the Chief Justice of the Supreme Court of Appeals enters an administrative order certifying there are certain extraordinary circumstances involving the necessary absence of a sitting magistrate because of a protracted, but temporary, illness or medical condition or a lengthy suspension which necessitate the extended assignment of the senior magistrate. Immediately upon entering such an order, the chief justice shall submit copies of the order to the State Auditor and the State Treasurer.

(d) In addition to the compensation authorized by this section, senior magistrates recalled to service may be reimbursed for their actual and necessary expenses incurred in the performance of their duties.

CHAPTER 51. COURTS AND THEIR OFFICERS.

ARTICLE 9. RETIREMENT SYSTEM FOR JUDGES OF COURTS OF RECORD.

§51-9-10. Services of senior judges and justices.

(a) The Legislature finds that:

(1) Section seven, article VIII of the Constitution of West Virginia expressly requires the Legislature to fix judicial salaries by statute, providing that: ‘[j]ustices, judges and magistrates shall receive the salaries fixed by law’.

(2) When originally enacted in 1949, this section of the code required any retired judge receiving retirement benefits to serve as a special judge, when assigned to temporary service, ‘without charge or compensation, per diem or otherwise to him’.

(3) In 1974, the Judicial Reorganization Amendment to the Constitution of West Virginia was ratified. Among other matters, in section eight, article VIII, the amendment addressed the ongoing practice of recalling retired judicial officers to service by empowering the Chief Justice of the Supreme Court of Appeals to recall a retired judge or justice to service, ‘with his permission and with the approval of the supreme court of appeals’, for temporary assignment.

(4) Absent from the Judicial Reorganization Amendment and article VIII of the Constitution of West Virginia is any provision authorizing the Supreme Court of Appeals to fix compensation for recalled judges or justices. Indeed, the Judicial Reorganization Amendment added language to section seven, article VIII of the Constitution of West Virginia, unequivocally stating that ‘[j]ustices, judges and magistrates shall receive the salaries fixed by law’.

(5) In 1975, the Legislature amended and reenacted this section of the code, which still then required any retired judge receiving retirement benefits to serve as a special judge, when assigned to temporary service ‘without charge or compensation, per diem or otherwise to him’.

(6) In 1991, the Legislature amended and reenacted this section of the code again, authorizing and empowering the Supreme Court of Appeals to create a panel of senior judges and justices ‘to be assigned duties as needed and as feasible toward the objective of reducing caseloads and providing speedier trials to litigants throughout the State’.

(7) The 1991 reenactment of this section of the code statutorily authorized, for the first time, ‘reasonable payment’ to senior judges and justices ‘on a per diem basis’, and provided that ‘the per diem and retirement compensation of a senior judge shall not exceed the salary of a sitting judge’.

(8) In 2018, the West Virginia House of Delegates adopted and communicated Articles of Impeachment to the West Virginia Senate, naming justices of the Supreme Court of Appeals serving at that time as respondents. Several of the articles alleged that certain justices, each while serving as Chief Justice of the Supreme Court of Appeals, had intentionally signed contracts agreeing to pay retired judges recalled to service above the compensation limitations of this section of the code.

(9) In a petition to the Supreme Court of Appeals, styled *State ex. rel. Workman v. Carmichael*, one justice named as respondent in the 2018 impeachment proceedings challenged the constitutionality of the Articles of Impeachment in which she was named, including the articles alleging payment of senior judges above the limitations of this section of the code.

(10) In ruling on the petition in *State ex. rel. Workman v. Carmichael*, the Supreme Court of Appeals, at that time composed of five circuit judges temporarily assigned to sit as justices for that case, issued a writ of prohibition staying impeachment proceedings.

(11) In direct contradiction of section seven, article VIII of the Constitution of West Virginia, the decision in *State ex. rel. Workman v. Carmichael* held, in part, that this section of the code, providing for and limiting the compensation of senior judges, is ‘unconstitutional and unenforceable’.

(12) The majority opinion in *State ex. rel. Workman v. Carmichael* ignored the plain language of section seven, article VIII of the Constitution of West Virginia, which explicitly provides that ‘[j]ustices, judges and magistrates shall receive the salaries fixed by law’.

(13) Syllabus point four of the majority opinion in *State ex. rel. Workman v. Carmichael* mischaracterizes what the Legislature had done in enacting this section of the code, by providing that: ‘West Virginia Code §51-9-10 (1991) violates the Separation of Powers Clause of Article V, § 1 of the West Virginia Constitution, insofar as that statute seeks to regulate judicial appointment matters that are regulated exclusively by this Court pursuant to Article VIII, § 3 and § 8 of the West Virginia Constitution. Consequently, W.Va. Code §51-9-10, in its entirety, is unconstitutional and unenforceable’.

(14) Occasionally, circumstances may require the extended assignment of senior judges and justices, necessitating the Legislature to prescribe such circumstances when the limitations on compensation of senior judges and justices receiving retirement benefits may be exceeded.

~~(b) The West Virginia Supreme Court of Appeals is authorized and empowered to The Legislature recognizes and acknowledges the authority of the West Virginia Supreme Court of Appeals to recall retired judges and justices for temporary assignment and to create a panel of senior judges and justices to utilize the talent and experience of former circuit court judges and supreme court justices of this state: *Provided*, That extended assignment of retired judges and justices must not be utilized in such a way as to threaten the qualified status of the Judges Retirement System under applicable provisions of the Internal Revenue Code, including Treasury Regulation section 1.401(a)-1(b)(1) requiring that a qualified plan must be established primarily to provide payment of definitely determinable benefits to its employees after retirement or attainment of normal retirement age. The Supreme Court of Appeals shall promulgate rules providing for said judges and justices to be assigned duties as needed and as feasible toward the objective of reducing caseloads and providing speedier trials to litigants throughout the state. *Provided*, That Reasonable payment shall be made to said judges and justices on a per diem basis: *Provided*, however, That the per diem and retirement compensation of a senior judge shall not exceed the salary of a sitting judge and allowances shall also be made for necessary expenses as provided~~

for special judges under §51-2-1 et seq. and §51-9-1 et seq. of this Code

(c) Senior judges and justices recalled and assigned to service shall receive per diem compensation set by the Supreme Court of Appeals, but not to exceed \$430 for each day actually served: *Provided*, That the combined total of per diem compensation and retirement benefits paid to a senior judge or justice during a single calendar year may not exceed the annual salary of a sitting circuit judge, except as set forth in subsection (d) of this section.

(d) Notwithstanding subsection (c) of this section, for purposes of maintaining judicial efficacy and continuity in judicial decision-making, a senior judge or justice may continue to receive per diem compensation after the combined total of per diem compensation and retirement benefits paid to the senior judge or justice during that calendar year exceeds the annual salary of a sitting circuit judge if the Chief Justice of the Supreme Court of Appeals enters an administrative order certifying there are certain extraordinary circumstances involving the necessary absence of a sitting judicial officer because of a protracted, but temporary, illness or medical condition or a lengthy suspension which necessitate the extended assignment of the senior judge or justice. Immediately upon entering such an order, the Chief Justice shall submit copies of the order to the State Auditor and the State Treasurer.

(e) In addition to the per diem compensation authorized by this section, senior judges and justices recalled to service may be reimbursed for their actual and necessary expenses incurred in the performance of their duties.

(f) Within 90 days after the effective date of this section, the Treasurer, as the chief custodian of public funds, shall petition the West Virginia Supreme Court of Appeals for a writ of prohibition pursuant to the court's original jurisdiction, naming as respondent the State Auditor and petitioning the court to prohibit the State Auditor from issuing any warrant for the payment of per diem compensation to senior judges and justices in excess of the limitation on the daily rate of per diem compensation in subsection (c) of this section."

The bill was then ordered to third reading.

S. B. 461, Providing for personal income tax withholding on certain lottery winnings; on second reading, coming up in regular order, was read a second time and ordered to third reading.

S. B. 499, Amending WV tax laws to conform to changes in partnerships for federal income tax purposes; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Finance, was reported by the Clerk and adopted, amending the bill on page three, section three, line three, following the words “tax on coal”, by striking out the comma and inserting in lieu thereof a semicolon and the following: “(3) the”; and by renumbering the remaining subdivisions in the sentence.

On page three, section three, line twenty, following the citation “11-10-5 -f” and inserting in lieu thereof “§11-10-5f”.

On page fourteen, section fifteen, line twenty-nine, following the citation §11-21-1 *et seq.*”, by inserting a comma.

On page seventeen, section eighteen-c, line three, by striking out the words “tracking report under IRC § 6226(b)(4)(a)” and inserting in lieu thereof the words “report under §11-21A-3 of this code”.

On page thirty-eight, section fifty-nine, line one, at the beginning of subsection “(a)”, by striking out the word “If” and inserting in lieu thereof the words “Unless the provision of §11-21A-1 et seq. of this code apply, if”.

On page fifty-one, section one, line nineteen, following the words “any person that”, by inserting the word “is”.

On page sixty-five, section twenty, line one, at the beginning of subsection “(a)”, by striking out the word “If” and inserting in lieu thereof the words “Unless the provision of §11-21A-1 et seq. of this code apply, if”.

And,

On page sixty-six, section twenty, beginning on line twenty-one, by striking out subsections (c) and (d) in their entirety and inserting in lieu thereof the following:

“(c) For the purposes of this section, assessments under a partial agreement, closing agreement covering specific matters, jeopardy or advance payment are considered part of the final determination and must be submitted to the Tax Commissioner with the final determination.

(d) If a partial agreement, a closing agreement covering specific matters or any other agreement with the United States Treasury Department would be final except for a federal extension still open for flow through adjustments from other entities or other jurisdictions, the final determination is the date the taxpayer signs the agreement. Flow-through adjustments include, but are not limited to, items of income gain, loss and deduction that flow through to equity owners, of a partnership, or other passthrough entity. Flow through adjustments are finally determined based on criteria specified in §11-24-20(g) of this code.

(e) The Tax Commissioner is not required to issue refunds based on any agreement other than a final determination.

(f) If a taxpayer has filed an amended federal return, and no corresponding West Virginia amended return has been filed with the Tax Commissioner, then the period of limitations for issuing a notice of assessment shall be reopened and shall not expire until three years from the date of delivery to the Tax Commissioner by the taxpayer of the amended federal return. However, upon the expiration of the period of limitations as provided in §11-10-15 of this code, then only those specific items of income, deductions, gains, losses, or credits, which were adjusted in the amended federal return shall be subject to adjustment for purposes of recomputing West Virginia income, deductions, gains, losses, credits, and the effect of such adjustments on West Virginia allocations and apportionments.

(g) For the purposes of this section, ‘final determination’ means the appeal rights of both parties have expired or have been exhausted relative to the tax year for federal income tax purposes.

(h) The amendments made to this section in the year 2019 shall apply, without regard to taxable year, to federal determinations that become final on or after the effective date of the amendments to this section in the year 2019.”

The bill was then ordered to third reading.

Com. Sub. for S. B. 502, Exempting sales of investment metal bullion and coins; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for S. B. 522, Creating Special Road Repair Fund; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Finance, was reported by the Clerk and adopted, amending the bill on page one, following the enacting clause, by inserting a new section to read as follows:

“ARTICLE 2A. WEST VIRGINIA COMMISSIONER OF HIGHWAYS.

§17-2A-6b. Country roads accountability and transparency.

(a) The Legislature finds that taxpayers should be able to easily access the details of how the state is spending their tax dollars to build and repair state and public roads. The taxpayers should also be able to easily access and compare the budgeted moneys and the performance results that are achieved for those expenditures. It is the intent of the Legislature, therefore, to direct the Auditor to create and maintain a searchable website detailing where, how much, and from what source the taxpayer moneys in state government are expended for payment to third party vendors for state roads.

(b) No later than July 1, 2019, the Auditor shall develop and make publicly available a searchable website containing, at a minimum, the following information for a given fiscal year, and the three immediately preceding fiscal years, to the extent that the commissioner has the ability to provide the information to the Auditor:

(1) The project number or name for each state road in which moneys have been expended to pay vendors to build, repair or maintain a state road;

(2) The county location for each such project;

(3) The funding source for a given funding action or expenditure to pay vendors;

(4) The budget program or activity related to a given funding action or expenditure;

(5) The name and the address, principal location or residence of the vendors receiving payment from a given funding action or expenditure; and

(6) Additional information as to the funding action or expenditure the Auditor considers valuable for the public.

(c) For the purposes of this section:

(1) ‘Auditor’ means the State Auditor of West Virginia, or his or her designee appointed to perform the service;

(2) ‘Funding action or expenditure’ includes details on the type of spending to vendors, including, but not limited to, grants, contracts, and any expenditure from the state road fund, federal funds, special revenue funds, including any civil contingency or similar fund. Where possible, a hyperlink to the actual grants or contracts shall be provided;

(3) ‘Funding source’ means the state account from which the funding action or expenditure is appropriated;

(4) ‘Vendor’ means any person or entity that is authorized by the State of West Virginia to supply the Division of Highways with commodities or services;

(5) ‘Searchable website’ means a website that allows the public at no cost to search and aggregate information regarding the state’s budget and spending for state roads.

(d) The searchable website shall be updated periodically as new data becomes available and is submitted by the commissioner to the Auditor. The commissioner shall provide to the Auditor, in a format specified by the Auditor, all the data that is required to be included in the searchable website no later than 30 days after the data becomes available to the agency. The Auditor shall provide guidance and specifications to the commissioner to promote compliance with this section. The commissioner and the Auditor shall communicate and cooperate to develop methodologies for the efficient transfer of the data, including, but not limited to, methodologies to convert noncompatible electronic formats of data into data formats that can be reasonably converted and transferred to the website.

(e) The Auditor and the commissioner shall each report to the Joint Committee on Government and Finance and the Legislative Oversight Commission on Department of Transportation Accountability as to the status of the website and shall advise the Committee and the Commission of any issues related to the transfer and receipt of the information from the commissioner to the Auditor in a timely manner as required in this section. The reports shall be submitted at the end of each quarter for the 2019-2020 fiscal year; and annually thereafter, beginning December 1, 2020, and on December 1 of each year thereafter, until the Joint Committee finds that the annual reports are no longer required.”

And,

On page one, section eleven, beginning on line one, by striking out subsections (a) and (b) in their entirety and inserting in lieu thereof the following:

“There is created a special sub-account in the State Road Fund, designated the Special Road Repair Fund, to be expended solely for the purposes specified in §17-30-1 *et seq.* of this code for the maintenance and repair of the state’s roads and highways.”

The bill was then ordered to third reading.

Com. Sub. for S. B. 538, Relating to WV Highway Design-Build Pilot Program; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for S. B. 539, Relating to accrued benefit of retirees in WV State Police Retirement System Plan B; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Finance, was reported by the Clerk and adopted, amending the bill on page one, by striking out the remainder of the bill in its entirety and inserting in lieu thereof the following:

**“CHAPTER 5. GENERAL POWERS AND AUTHORITY
OF THE GOVERNOR, SECRETARY OF STATE AND
ATTORNEY GENERAL; BOARD OF PUBLIC WORKS;
MISCELLANEOUS AGENCIES, COMMISSIONS,
OFFICES, PROGRAMS, ETC.**

**ARTICLE 10D. CONSOLIDATED PUBLIC RETIREMENT
BOARD.**

**§5-10D-1. Consolidated Public Retirement Board continued;
members; vacancies; investment of plan funds.**

(a) The Consolidated Public Retirement Board is continued to administer all public retirement plans in this state. It shall administer the Public Employees Retirement System established in §5-10-1 *et seq.* of this code; the Teachers Retirement System established in §18-7A-1 *et seq.* of this code; the Teachers’ Defined Contribution Retirement System created by §18-7B-1 *et seq.* of said code; the West Virginia State Police Death, Disability and Retirement Fund created by §15-2-1 *et seq.* of this code; the West Virginia State Police Retirement System created by §15-2A-1 *et*

seq. article two-a of said code; the Deputy Sheriff Death, Disability and Retirement Fund created by article fourteen-d, chapter seven §7-14D-1 *et seq.* of this code; the Judges' Retirement System created under §51-9-1 *et seq.* of this code; the Emergency Medical Services Retirement System established in §16-5V-1 *et seq.* of this code; and the Municipal Police Officers and Firefighters Retirement System established in §8-22A-1 *et seq.* of this code.

(b) The membership of the Consolidated Public Retirement Board consists of:

(1) The Governor or his or her designee;

(2) The State Treasurer or his or her designee;

(3) The State Auditor or his or her designee;

(4) The Secretary of the Department of Administration or his or her designee;

(5) Four residents of the state, who are not members, retirants or beneficiaries of any of the public retirement systems, to be appointed by the Governor, with the advice and consent of the Senate; and

(6) A member, annuitant or retirant of the Public Employees Retirement System who is or was a state employee; a member, annuitant or retirant of the Public Employees Retirement System who is not or was not a state employee; a member, annuitant or retirant of the Teachers Retirement System; a member, annuitant or retirant of the West Virginia State Police Death, Disability and Retirement Fund; a member, annuitant or retirant of the West Virginia State Police Retirement System; a member, annuitant or retirant of the Deputy Sheriff Death, Disability and Retirement Fund; a member, annuitant or retirant of the Teachers' Defined Contribution Retirement System; a member, annuitant or retirant of the Emergency Medical Services Retirement System; and beginning as soon as practicable after January 1, 2010, one person who is a member, annuitant or retirant of a municipal policemen's or firemen's pension and relief fund or the West Virginia Municipal Police Officers and Firefighters Retirement System, all

to be appointed by the Governor, with the advice and consent of the Senate. The Governor shall choose the member representing the municipal policemen's or firemen's pension and relief fund or the West Virginia Municipal Police Officers and Firefighters Retirement System from two names submitted by the state's largest organization of professional police officers and two names submitted by the state's largest organization of professional firefighters. Representation of the municipal police officers and firefighters shall alternate after each term on the board between persons having police officer and firefighter affiliation so that each professional group is represented on the board every other term.

All appointees to the board shall have recognized competence or significant experience in pension management or administration, actuarial analysis, institutional management or accounting. Those members appointed prior to January 1, 2010, shall be considered to have met these qualifications. One trustee shall be an attorney experienced in finance and pension matters and one trustee shall be a certified public accountant. Each member of the board must complete annual fiduciary training and timely complete any conflict of interest forms required to serve as a trustee.

(c) The appointed members of the board shall serve five-year terms. A member appointed pursuant to subdivision (6), subsection (b) of this section ceases to be a member of the board if he or she ceases to be a member of the represented system. If a vacancy occurs in the appointed membership, the Governor, within sixty days, shall fill the vacancy by appointment for the unexpired term. No more than six appointees may be of the same political party.

(d) The Consolidated Public Retirement Board has all the powers, duties, responsibilities and liabilities of the Public Employees Retirement System established pursuant to §5-10-1 *et seq.* of this code; the Teachers Retirement System established pursuant to §18-7A-1 *et seq.* of this code; the Teachers' Defined Contribution Retirement System established pursuant to §18-7B-1 *et seq.* of this code; the West Virginia State Police Death, Disability and Retirement Fund created pursuant to §15-2-1 *et seq.* of this code; the West Virginia State Police Retirement System created by

§15-2A-1 *et seq.* of this code; the Deputy Sheriff Death, Disability and Retirement Fund created pursuant to §7-14D-1 *et seq.* of this code; the Judges' Retirement System created pursuant to §51-9-1 *et seq.* of this code; the Emergency Medical Services Retirement System established in §16-5V-1 *et seq.* of this code; and the Municipal Police Officers and Firefighters Retirement System created pursuant to §8-22A-1 *et seq.* of this code, and their appropriate governing boards.

(e) The Consolidated Public Retirement Board may propose rules for legislative approval, in accordance with §29A-3-1 *et seq.* of this code, necessary to effectuate its powers, duties and responsibilities: *Provided*, That the board may adopt any or all of the rules, previously promulgated, of a retirement system which it administers.

(f) (1) The Consolidated Public Retirement Board shall continue to transfer all funds received for the benefit of the retirement systems, including, but not limited to, all employer and employee contributions, to the West Virginia Investment Management Board: *Provided*, That the employer and employee contributions of the Teachers' Defined Contribution Retirement System, established in §18-7B-3 of this code, and voluntary deferred compensation funds invested by the West Virginia Consolidated Public Retirement Board pursuant to §5-10B-5 of this code may not be transferred to the West Virginia Investment Management Board.

(2) The board may recover from a participating employer that fails to pay any amount due a retirement system in a timely manner the contribution due and an additional amount not to exceed interest or other earnings lost as a result of the untimely payment, or a reasonable minimum fee, whichever is greater, as provided by legislative rule promulgated pursuant to the provisions of §29A-3-1 *et seq.* of this code. Any amounts recovered shall be administered in the same manner in which the amount due is required to be administered.

(g) Notwithstanding any provision of this code or any legislative rule to the contrary, all assets of the public retirement

plans set forth in subsection (a) of this section shall be held in trust. The Consolidated Public Retirement Board is a trustee for all public retirement plans, except with regard to the investment of funds: *Provided*, That the Consolidated Public Retirement Board is a trustee with regard to the investments of the Teachers' Defined Contribution Retirement System and any other assets of the public retirement plans administered by the Consolidated Public Retirement Board as set forth in subsection (a) of this section for which no trustee has been expressly designated in this code.

(h) The board may employ the West Virginia Investment Management Board to provide investment management consulting services for the investment of funds in the Teachers' Defined Contribution Retirement System.

CHAPTER 15. PUBLIC SAFETY.

ARTICLE 2A. WEST VIRGINIA STATE POLICE RETIREMENT SYSTEM.

§15-2A-6. Retirement; commencement of benefits.

(a) A member may retire with full benefits upon attaining the age of fifty and completing twenty-five or more years of service or attaining the age of fifty-two and completing twenty years or more of service by filing with the board his or her voluntary application in writing for retirement. A member who is less than age fifty-two may retire upon completing twenty years or more of service: *Provided*, That he or she will receive a reduced benefit that is of equal actuarial value to the benefit the member would have received if the member deferred commencement of his or her accrued retirement benefit to the age of fifty-two.

(b) When the board retires a member with full benefits under the provisions of this section, the board, by order in writing, shall make a determination that the member is entitled to receive an annuity equal to two and three-fourths percent of his or her final average salary multiplied by the number of years, and fraction of a year, of his or her service at the time of retirement; *Provided, That beginning July 1, 2019, the member is entitled to receive an annuity*

equal to three percent of this or her final average salary multiplied by the number of years, and fraction of a year, of his or her service at the time of retirement: *Provided, however,* That the amendments to this subsection enacted during the 2019 regular session of the Legislature apply to current retirants. Any annuity calculated pursuant to the provisions of this subsection are subject to reduction if necessary to comply with the maximum benefit provisions of Section 415 of the Internal Revenue Code and section six-a of this article. The retirant's annuity shall begin the first day of the calendar month following the month in which the member's application for the annuity is filed with the board on or after his or her attaining age and service requirements and termination of employment.

(c) In no event may the provisions of section thirteen, article sixteen, chapter five of this code be applied in determining eligibility to retire with either a deferred or immediate commencement of benefit.”

The bill was then ordered to third reading.

Com. Sub. for S. B. 543, Relating generally to automobile warranties and inspections; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Finance, was reported by the Clerk on page one, following the enacting clause, by striking out the remainder of the bill and inserting in lieu thereof the following:

“ARTICLE 6. GENERAL CONSUMER PROTECTION.

§46A-6-107a. Used motor vehicles sold ‘as is’.

(a) Notwithstanding the provisions of §46A-6-107 of this code, a used motor vehicle may be sold ‘as is’ if:

(1) The vehicle is inoperable and a total loss;

(2) The vehicle has been custom built or modified for show purposes or racing; or

(3) The vehicle is the following:

(A) Sold for less than \$4,000;

(B) Driven more than 100,000 miles at the time sold; or

(C) Seven years of age or older as calculated from January 1 of the designated model year of the vehicle.

(b) A buyer who purchases a vehicle ‘as is’ that meets the criteria set out in the provisions of §46A-6-107a(a)(3) of this code shall have the right to cancel the sale by the end of the dealer’s third business day following the sale. To cancel the sale, the ‘as is’ vehicle must have a significant mechanical issue or issues that can be reasonably expected to have existed at the time of the sale. Cancellation shall become effective when the buyer returns the ‘as is’ vehicle to the point of sale by the end of the dealer’s third business day following the sale.

(c) For the purposes of this section, a used motor vehicle is a ‘total loss’ only if:

(1) There is material damage to the vehicle’s frame, unitized structure, or suspension system; and

(2) The projected cost of repairing the damage exceeds the market value of the vehicle at the time of the incident causing it to be declared a total loss.

(d) If a used motor vehicle is sold ‘as is’ pursuant to this section, a merchant shall satisfy the following disclaimer requirements:

(1) A disclaimer must appear on the front page of the contract of sale;

(2) The disclaimer shall read as follows:

‘AS IS’

THIS VEHICLE IS SOLD ‘AS IS’. THIS MEANS THAT YOU WILL LOSE YOUR IMPLIED WARRANTIES. YOU

WILL HAVE TO PAY FOR ANY REPAIRS NEEDED AFTER THE SALE. IF WE HAVE MADE ANY PROMISES TO YOU, THE LAW SAYS WE MUST KEEP OUR PROMISES EVEN IF WE SELL 'AS IS'. TO PROTECT YOURSELF, ASK US TO PUT ALL PROMISES IN WRITING. YOU MAY HAVE THE RIGHT TO CANCEL THIS SALE BY THE END OF THE DEALER'S THIRD BUSINESS DAY FOLLOWING THE SALE IF THE VEHICLE HAS SIGNIFICANT MECHANICAL ISSUE THAT CAN BE REASONABLY EXPECTED TO HAVE EXISTED AT THE TIME OF THE SALE.

(3) The text of the disclaimer must be printed in 12-point boldfaced type, except the heading, which must be in 16-point extra boldfaced type;

(4) The entire disclaimer must be boxed;

(5) The consumer shall sign and date within the box containing the disclaimer prior to the sale;

(6) The merchant shall describe in writing any defects or malfunctions, if any, disclosed to the merchant by a previous owner of the used motor vehicle or discoverable by the merchant after an inspection of the used motor vehicle; and

(7) The merchant shall provide the consumer a copy of a nationally recognized vehicle history report for the used motor vehicle.

(e) An 'as is' sale of a used motor vehicle waives implied warranties, but does not waive any express warranties, either oral or written, upon which the consumer relied in entering into the transaction.

(f) The provisions of this section do not apply to motor vehicles sold as surplus by a state agency.”

On motion of Delegates Criss, Westfall and D. Jeffries, the Committee on Finance amendment was amended on page three, section one hundred seven-a, following line forty-eight, by adding the following language:

“(g) The provisions of this section only apply to sales directly to consumers.”

Delegates Byrd and Cowles moved to amend the Committee on Finance amendment on page one, section one hundred seven-a, line seven, by striking out the word “or” and inserting in lieu thereof the word “and”.

On the adoption of the amendment to the amendment, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 572**), and there were—yeas 31, nays 68, absent and not voting 1, with the yeas and absent and not voting being as follows:

Yeas: Angelucci, Barrett, Bates, Boggs, N. Brown, S. Brown, Byrd, Caputo, Cowles, Diserio, Doyle, Estep-Burton, Fleischauer, Hansen, Hartman, Hornbuckle, Lavender-Bowe, Longstreth, Miley, Pethtel, Pushkin, Pyles, Robinson, Rowe, Shott, Sponaugle, Staggers, C. Thompson, R. Thompson, Walker and Williams.

Absent and Not Voting: Kump.

So, a majority of the members present and voting not having voted in the affirmative, the amendment to the amendment was rejected.

Delegate Byrd moved to amend the Finance Committee amendment on page one, section one hundred seven-a, lines eleven and twelve by striking out the words “by the end of the dealer’s third business day” and inserting in lieu thereof, the words “seven days”.

The question being on the adoption of the amendment, the same was put and did not prevail.

Delegate Fleischauer moved to amend the Committee on Finance amendment on page two, section one hundred seven-a, line thirty-three, following the period, by inserting the following: “TO CANCEL THE SALE YOU MUST RETURN THE VEHICLE TO THE POINT OF SALE.”

The question being on the adoption of the amendment, the same was put and did not prevail.

The Committee on Finance amendment, as amended, was then adopted.

The bill was then ordered to third reading.

S. B. 544, Increasing salaries for members of WV State Police over three-year period; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Finance, was reported by the Clerk, on page one, following the enacting clause, by striking out the remainder of the bill and inserting in lieu thereof the following:

“ARTICLE 2. WEST VIRGINIA STATE POLICE.

§15-2-5. Career progression system; salaries; exclusion from wages and hour law, with supplemental payment; bond; leave time for members called to duty in guard or reserves.

(a) The superintendent shall establish within the West Virginia State Police a system to provide for: The promotion of members to the supervisory ranks of sergeant, first sergeant, second lieutenant, and first lieutenant; the classification of nonsupervisory members within the field operations force to the ranks of trooper, senior trooper, trooper first class, or corporal; the classification of members assigned to the forensic laboratory as criminalist I-VIII; and the temporary reclassification of members assigned to administrative duties as administrative support specialist I-VIII.

(b) The superintendent may propose legislative rules for promulgation in accordance with §29A-3-1 *et seq.* of this code for the purpose of ensuring consistency, predictability, and independent review of any system developed under the provisions of this section.

(c) The superintendent shall provide to each member a written manual governing any system established under the provisions of

this section and specific procedures shall be identified for the evaluation and testing of members for promotion or reclassification and the subsequent placement of any members on a promotional eligibility or reclassification recommendation list.

(d) Beginning on July 1, ~~2018~~ 2019, members shall receive annual salaries payable at least twice per month as follows:

~~ANNUAL SALARY SCHEDULE (BASE PAY)~~

~~SUPERVISORY AND NONSUPERVISORY RANKS~~

Cadet During Training	\$ 36,154
Cadet Trooper After Training	43,414
Trooper Second Year	44,426
Trooper Third Year	44,809
Senior Trooper	45,208
Trooper First Class	45,814
Corporal	46,420
Sergeant	50,721
First Sergeant	52,872
Second Lieutenant	55,022
First Lieutenant	57,173
Captain	59,324
Major	61,474
Lieutenant Colonel	63,625

~~ANNUAL SALARY SCHEDULE (BASE PAY)~~

~~ADMINISTRATION SUPPORT SPECIALIST
CLASSIFICATION~~

I	44,426
II	45,208
III	45,814
IV	46,420
V	50,721
VI	52,872
VII	55,022
VIII	57,173

ANNUAL SALARY SCHEDULE (BASE PAY)

CRIMINALIST CLASSIFICATION

I	44,426
II	45,208
III	45,814
IV	46,420
V	50,721
VI	52,872
VII	55,022
VIII	57,173

ANNUAL SALARY SCHEDULE (BASE PAY)

SUPERVISORY AND NONSUPERVISORY RANKS

<u>Cadet During Training</u>	<u>\$ 38,524</u>
<u>Cadet Trooper After Training</u>	<u>45,784</u>
<u>Trooper Second Year</u>	<u>46,796</u>
<u>Trooper Third Year</u>	<u>47,179</u>
<u>Senior Trooper</u>	<u>47,578</u>
<u>Trooper First Class.....</u>	<u>48,184</u>
<u>Corporal</u>	<u>48,790</u>
<u>Sergeant.....</u>	<u>53,091</u>
<u>First Sergeant</u>	<u>55,242</u>
<u>Second Lieutenant.....</u>	<u>57,392</u>
<u>First Lieutenant</u>	<u>59,543</u>
<u>Captain</u>	<u>61,694</u>
<u>Major.....</u>	<u>63,844</u>
<u>Lieutenant Colonel.....</u>	<u>65,995</u>

ANNUAL SALARY SCHEDULE (BASE PAY)

ADMINISTRATION SUPPORT SPECIALIST
CLASSIFICATION

<u>I</u>	<u>46,796</u>
<u>II</u>	<u>47,578</u>
<u>III</u>	<u>48,184</u>
<u>IV</u>	<u>48,790</u>

V	53,091
VI	55,242
VII	57,392
VIII	59,543

ANNUAL SALARY SCHEDULE (BASE PAY)

CRIMINALIST CLASSIFICATION

I	46,796
II	47,578
III	48,184
IV	48,790
V	53,091
VI	55,242
VII	57,392
VIII	59,543

Each member of the West Virginia State Police whose salary is fixed and specified in this annual salary schedule is entitled to the length of service increases set forth in §15-2-5(e) of this code and supplemental pay as provided in §15-2-5(g) of this code.

(e) Each member of the West Virginia State Police whose salary is fixed and specified pursuant to this section shall receive, and is entitled to, an increase in salary over that set forth in §15-2-5(d) of this code for grade in rank, based on length of service, including that service served before and after the effective date of this section with the West Virginia State Police as follows: Beginning on January 1, 2015, and continuing thereafter, at the end of two years of service with the West Virginia State Police, the member shall receive a salary increase of \$500 to be effective during his or her next year of service and a like increase at yearly intervals thereafter, with the increases to be cumulative.

(f) In applying the salary schedules set forth in this section where salary increases are provided for length of service, members of the West Virginia State Police in service at the time the schedules become effective shall be given credit for prior service and shall be paid the salaries the same length of service entitles them to receive under the provisions of this section.

(g) The Legislature finds and declares that because of the unique duties of members of the West Virginia State Police, it is not appropriate to apply the provisions of state wage and hour laws to them. Accordingly, members of the West Virginia State Police are excluded from the provisions of state wage and hour law. This express exclusion shall not be construed as any indication that the members were or were not covered by the wage and hour law prior to this exclusion.

In lieu of any overtime pay they might otherwise have received under the wage and hour law, and in addition to their salaries and increases for length of service, members who have completed basic training and who are exempt from federal Fair Labor Standards Act guidelines may receive supplemental pay as provided in this section.

The authority of the superintendent to propose a legislative rule or amendment thereto for promulgation in accordance with §29A-3-1 *et seq.* of this code to establish the number of hours per month which constitute the standard pay period for the members of the West Virginia State Police is hereby continued. The rule shall further establish, on a graduated hourly basis, the criteria for receipt of a portion or all of supplemental payment when hours are worked in excess of the standard pay period. The superintendent shall certify at least twice per month to the West Virginia State Police's payroll officer the names of those members who have worked in excess of the standard pay period and the amount of their entitlement to supplemental payment. The supplemental payment may not exceed \$200 per pay period. The superintendent and civilian employees of the West Virginia State Police are not eligible for any supplemental payments.

(h) Each member of the West Virginia State Police, except the superintendent and civilian employees, shall execute, before entering upon the discharge of his or her duties, a bond with security in the sum of \$5,000 payable to the State of West Virginia, conditioned upon the faithful performance of his or her duties, and the bond shall be approved as to form by the Attorney General and as to sufficiency by the Governor.

(i) In consideration for compensation paid by the West Virginia State Police to its members during those members' participation in the West Virginia State Police Cadet Training Program pursuant to §30-29-8 of this code, the West Virginia State Police may require of its members by written agreement entered into with each of them in advance of such participation in the program that, if a member should voluntarily discontinue employment any time within one year immediately following completion of the training program, he or she shall be obligated to pay to the West Virginia State Police a pro rata portion of such compensation equal to that part of such year which the member has chosen not to remain in the employ of the West Virginia State Police.

(j) Any member of the West Virginia State Police who is called to perform active duty training or inactive duty training in the National Guard or any reserve component of the armed forces of the United States annually shall be granted, upon request, leave time not to exceed 30 calendar days for the purpose of performing the active duty training or inactive duty training and the time granted may not be deducted from any leave accumulated as a member of the West Virginia State Police.”

Delegate Espinosa was addressing the House when Delegate Canestraro arose to a point of order, regarding the content of the Member's remarks not being directed to the question before the House, to which point the Speaker replied that the point was well taken.

Delegate Hott requested to be excused from voting on S. B. 544 under the provisions of House Rule 49.

The Speaker replied that the Delegate was a member of a class of persons possibly to be affected by the passage of the bill and directed the Member to vote.

On the adoption of the amendment, the yeas were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 573**), and there were—yeas 56, nays 43, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Angelucci, Barrett, Bates, Boggs, N. Brown, S. Brown, Byrd, Campbell, Canestraro, Caputo, Dean, Diserio, Doyle, Estep-Burton, Evans, Fleischauer, Fluharty, Hansen, Hartman, Hicks, Hornbuckle, Lavender-Bowe, Longstreth, Lovejoy, Miley, Miller, Paynter, Pethtel, Pushkin, Pyles, Robinson, Rodighiero, Rohrbach, Skaff, Sponaugle, Staggers, Swartzmiller, C. Thompson, R. Thompson, Tomblin, Walker, Williams and Zukoff.

Absent and Not Voting: Kump.

So, a majority of the members present and voting having voted in the affirmative, the amendment was adopted.

The bill was then ordered to third reading.

S. B. 550, Declaring certain claims to be moral obligations of state; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Finance, was reported by the Clerk and adopted, amending the bill on page two, claim (7), by striking out the word “Hensley-Johnson” and inserting in lieu thereof the word “Helsley-Johnson”.

The bill was then ordered to third reading.

S. B. 554, Removing salary caps for director of State Rail Authority; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Finance, was reported by the Clerk and adopted, amending the bill on page one, following the enacting clause, by striking out the remainder of the bill and inserting the following:

**“ARTICLE 18. WEST VIRGINIA STATE RAIL
AUTHORITY.**

**§29-18-4a. Supervision of West Virginia State Rail Authority;
executive director’s salary set by the authority
compensation.**

The West Virginia State Rail Authority is under the supervision of the Secretary of the Department of Transportation pursuant to the provisions of §5F-1-1 of this code. Notwithstanding any other provisions of this code to the contrary, the salary of the Executive Director of the State Rail Authority shall be set by the authority.÷ ~~*Provided, That the salary set by the State Rail Authority for the Executive Director may not be less than \$60,000 and not more than \$70,000 per year.*~~

The bill was then ordered to third reading.

Com. Sub. for S. B. 561, Permitting Alcohol Beverage Control Administration request assistance of local law enforcement; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on the Judiciary, was reported by the Clerk on page one, immediately following the enacting section, by striking out the remainder of the bill and inserting in lieu thereof the following:

**“CHAPTER 60. STATE CONTROL OF ALCOHOLIC
LIQUORS.**

**ARTICLE 2. ALCOHOL BEVERAGE CONTROL
COMMISSIONER.**

§60-2-17a. Law enforcement cooperation.

In addition to the assistance of law enforcement provided under §15-2-12 of this code, the commissioner may obtain assistance in the enforcement of §11-16-1 *et seq.* and §60-1-1 *et seq.* of this code from county or municipal law-enforcement agencies by making a written request therefor. The assistance authorized by this section

is limited only to accompanying the Commissioner and his or her agents and may not be unreasonably withheld. Any law enforcement officer acting pursuant to this section may further act upon crimes committed in his or her presence: *Provided*, That any officer so acting must be within his or her geographic jurisdiction, and nothing in this section authorizes any officer to act outside of the scope of his or her geographic jurisdiction.

§60-2-17b. Wine and liquor operating fund established; operations fee; fund issues.

(a) As of July 1, 2019, there is an annual nonrefundable and nonprorated operational fee of \$100 for all distilleries, mini-distilleries, wineries, farm wineries, Class A retail licensees, Class B retail licensees, private clubs, private wine retailers, wine specialty shops, wine restaurants, private wine spas, private wine bed and breakfasts, wine suppliers, and wine distributors which shall be paid on or before July 1, 2019, and every July 1 thereafter. All fees collected by the commissioner pursuant to this section shall be deposited in a special revenue account in the State Treasury, hereby created, to be known as the Wine and Liquor Operations Fund. Moneys in the fund may only be expended by the commissioner for the administration of this chapter, as appropriated by law.

(b) Licensees holding multiple licenses for nonintoxicating beer, nonintoxicating craft beer, wine, or liquor shall be subject to paying only one operations fee of \$100 under this chapter and under §11-16-10(d) of this code.

ARTICLE 6. MISCELLANEOUS PROVISIONS.

§60-6-7. Specific acts forbidden; indictment.

A person shall not:

(1) Manufacture or sell in this state without a license any alcoholic liquor, except as permitted by this article;

(2) Aid or abet in the manufacture or sale of alcoholic liquor without a license, except as permitted by this article;

(3) Sell or tender without a license any alcoholic liquor other than permitted by this article;

(4) Adulterate any alcoholic liquor by the addition of any drug, methyl alcohol, crude, unrectified or impure form of ethyl alcohol, or other foreign or deleterious substance or liquid;

(5) Refill, with alcoholic liquor, any bottle or other container in which alcoholic liquor has been sold at retail in this state;

(6) Advertise any alcoholic liquor in this state except in accordance with the rules and regulations of the commissioner; or

(7) Distribute, deal in, process, or use crowns, stamps, or seals required under the authority of this chapter, except in accordance with the rules and regulations prescribed by the commissioner; or

(8) Manufacture or sell, aid or abet in the manufacture or sale, possess, transport or ship, use, or in any other manner provide or furnish powdered alcohol.

A person who violates any provision of this section shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than \$50 nor more than \$500, or confined in jail not less than 30 days nor more than one year or both such fine and imprisonment, for the first offense. Upon conviction of a second or subsequent offense, the court may in its discretion impose a penalty of confinement in the penitentiary for a period not to exceed three years. A person who violates any provision of this section for the second or any subsequent offense under this section, is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for a period not to exceed three years.

An indictment for any first violation of subdivisions (1), (2) and (3) of this section, or any of them, shall be sufficient if in form or effect as follows:

State of West Virginia

County of, to wit:

The Grand Jurors of the State of West Virginia, in and for the body of the County of, upon their oaths present that, on the day of, 20...., in the said County of, did unlawfully, without a State license and without authorization under the Alcohol Beverage Control Act, manufacture and sell, and aid and abet in the manufacture and sale of a quantity of alcoholic liquor, against the peace and dignity of the state.

Any indictment under this section shall otherwise be in conformity with §62-9-1 *et seq.* of this code.

§60-6-8. Unlawful sale or possession by licensee.

A licensed person shall not:

(1) Sell, furnish, tender, or serve alcoholic liquors of a kind other than that which such license or this chapter authorizes him or her to sell;

(2) Sell, furnish, tender, or serve beer to which wine, spirits, or alcohol has been added;

(3) Sell, furnish, tender, or serve wine to which other alcoholic spirits have been added, otherwise than as required in the manufacture thereof under regulations of the commission;

(4) Sell, furnish, tender, or serve alcoholic liquors to a person specified in §60-3-22 of this code;

(5) Sell, furnish, tender, or serve alcoholic liquors other than by the drink, poured from the alcoholic liquors' original container: *Provided, That Class A* licensees licensed under §60-7-1 *et seq.* and §60-8-1 *et seq.* of this code may sell or serve alcoholic liquor by the bottle to two or more persons;

(6) Sell, furnish, tender, or serve premixed alcoholic liquor that is not in the original container: *Provided, That a licensee may sell, furnish, tender, and serve premixed beverages consisting of alcoholic liquors, nonalcoholic mixer, and ice if:*

(A) The frozen drink mixing machine is emptied and sanitized daily; and

(B) That a written record reflecting the cleaning and sanitizing of the frozen drink machine is maintained for inspection by the commissioner and health inspectors;

~~(6)~~ (7) Sell, furnish, tender, or serve any alcoholic liquor when forbidden by the provisions of this chapter;

~~(7)~~ (8) Sell, possess, possess for sale, tender, serve, furnish, or provide any powdered alcohol;

~~(8)~~ (9) Keep on the premises covered by his or her license alcoholic liquor other than that which he or she is authorized to sell, furnish, tender, or serve by such license or by this chapter.

A person who violates any provision of this section shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than \$50 nor more than \$500 or confined in jail not less than 30 days nor more than one year, or both such fine and confinement for the first offense. Upon conviction of a second or subsequent offense, the court may in its discretion impose a penalty of confinement in ~~the penitentiary~~ a state correctional facility for a period not to exceed three years. A person who violates any provision of this section for the second or any subsequent offense under this section is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for a period not to exceed three years.

ARTICLE 7. LICENSES TO PRIVATE CLUBS.

§60-7-2. Definitions; power to lease building for establishment of private club.

Unless the context in which used clearly requires a different meaning, as used in this article:

(a) ‘Applicant’ means a private club applying for a license under the provisions of this article.

(b) 'Code' means the official Code of West Virginia, 1931, as amended.

(c) 'Commissioner' means the West Virginia Alcohol Beverage Control Commissioner.

(d) 'Licensee' means the holder of a license to operate a private club granted under this article, which license shall remain unexpired, unsuspended, and unrevoked.

(e) 'Private club' means any corporation or unincorporated association which either: (1) Belongs to or is affiliated with a nationally recognized fraternal or veterans' organization which is operated exclusively for the benefit of its members, which pays no part of its income to its shareholders or individual members, which owns or leases a building or other premises to which club are admitted only duly elected or approved dues-paying members in good standing of the corporation or association and their guests while in the company of a member and to which club the general public is not admitted, and which club maintains in the building or on the premises a suitable kitchen and dining facility with related equipment for serving food to members and their guests; or (2) is a nonprofit social club, which is operated exclusively for the benefit of its members, which pays no part of its income to its shareholders or individual members, which owns or leases a building or other premises to which club are admitted only duly elected or approved dues-paying members in good standing of the corporation or association and their guests while in the company of a member and to which club the general public is not admitted, and which club maintains in the building or on the premises a suitable kitchen and dining facility with related equipment for serving food to members and their guests; or (3) is organized and operated for legitimate purposes which has at least 100 duly elected or approved dues-paying members in good standing, which owns or leases a building or other premises, including any vessel licensed or approved by any federal agency to carry or accommodate passengers on navigable waters of this state, to which club are admitted only duly elected or approved dues-paying members in good standing of the corporation or association and their guests while in the company of a member and to which club the general public is not admitted, and

which club maintains in the building or on the premises a suitable kitchen and dining facility with related equipment and employs a sufficient number of persons for serving meals to members and their guests; or (4) is organized for legitimate purposes and owns or leases a building or other delimited premises in any state, county or municipal park or at any airport, in which building or premises a club has been established, to which club are admitted only duly elected and approved dues-paying members in good standing and their guests while in the company of a member and to which club the general public is not admitted, and which maintains in connection with the club a suitable kitchen and dining facility and related equipment and employs a sufficient number of persons for serving meals in the club to the members and their guests.

(f) 'Private fair and festival' means an applicant for a private club or a licensed private club meeting the requirements of §60-7-8a of this code for a temporary event, and the criteria set forth in this subsection which:

(1) Has at least 100 members;

(2) Has been sponsored, endorsed, or approved, in writing, by the governing body (or its duly elected or appointed officers) of either the municipality or of the county wherein the festival, fair, or other event is to be conducted;

(3) Shall prepare, provide, or engage a food caterer to provide adequate freshly prepared food or meals to serve its stated members and guests who will be attending the temporary festival, fair, or other event, and further shall provide any documentation or agreements of such to the commissioner prior to approval;

(4) Shall not use third-party entities or individuals to purchase, sell, furnish, or serve alcoholic liquors (liquor and wine), nonintoxicating beer, or nonintoxicating craft beer;

(5) Shall provide adequate restroom facilities, whether permanent or portable, to serve the stated members and guests who will be attending the festival, fair, or other event;

(6) Shall provide a floorplan for the proposed premises with a defined and bounded area to safely account for the ingress and egress of stated members and guests who will be attending the festival, fair, or other event; and

(7) Utilizes an age verification system approved by the commissioner.

(g) 'Private hotel' means an applicant for a private club or licensed private club licensee meeting the criteria set forth in this subsection which:

(1) Has at least 2,000 members;

(2) Offers short-term, daily rate accommodations or lodging for members and their guests amounting to at least 30 separate bedrooms, and also offers a conference center for meetings;

(3) Operates a restaurant and full kitchen with ovens, four-burner ranges, walk-in freezers, and other kitchen utensils and apparatus as determined by the commissioner on the licensed premises and serves freshly prepared food at least 20 hours per week;

(4) Maintains, at any one time, \$2,500 of fresh food inventory capable of being prepared in the private hotel's full kitchen, and in calculating the food inventory the commissioner may not include microwavable, frozen, or canned foods;

(5) Owns or leases, controls, operates, and uses acreage amounting to more than one acre but fewer than three acres, which are contiguous acres of bounded or fenced real property which would be listed on the licensee's floorplan and would be used for hotel and conferences and large contracted for group-type events such as weddings, reunions, conferences, meetings, and sporting or recreational events;

(6) Lists in the application referenced in subdivision (5) of this subsection the entire property and all adjoining buildings and structures on the private hotel's floorplan which would comprise the licensed premises, which would be authorized for the lawful

sales, service, and consumption of alcoholic liquors throughout the licensed premises whether these activities were conducted in a building or structure or outdoors while on the private hotel's licensed premises and as noted on the private hotel's floorplan;

(7) Has an identified person, persons, or entity that has right, title, and ownership or lease interest in the real property buildings and structures located on the proposed licensed premises; and

(8) Utilizes an age verification system approved by the commissioner.

~~(f)~~ (h) 'Private resort hotel' means an applicant for a private club or licensed private club licensee meeting the criteria set forth in this subsection which:

(1) Has at least 5,000 members;

(2) Offers short-term, daily rate accommodations or lodging for members and their guests amounting to at least 50 separate bedrooms;

(3) Operates a restaurant and full kitchen with ovens, six-burner ranges, walk-in freezers, and other kitchen utensils and apparatus as determined by the commissioner on the licensed premises and serves freshly prepared food at least 25 hours per week;

(4) Maintains, at any one time, \$5,000 of fresh food inventory capable of being prepared in the private resort hotel's full kitchen, and in calculating the food inventory the commissioner may not include microwavable, frozen, or canned foods;

(5) Owns or leases, controls, operates, and uses acreage amounting to at least 10 contiguous acres of bounded or fenced real property which would be listed on the licensee's floorplan and would be used for destination, resort, and large contracted for group-type events such as weddings, reunions, conferences, meetings, and sporting or recreational events;

(6) Lists the entire property from subdivision (5) of this subsection and all adjoining buildings and structures on the private resort hotel's floorplan which would comprise the licensed premises, which would be authorized for the lawful sales, service, and consumption of alcoholic liquors throughout the licensed premises whether these activities were conducted in a building or structure or outdoors while on the private resort hotel's licensed premises and as noted on the private resort hotel's floorplan;

(7) Has an identified person or persons or entity that has right, title, and ownership or lease interest in the real property buildings and structures located on the proposed licensed premises;

(8) Utilizes an age verification system approved by the commissioner; and

(9) May have a separately licensed resident brewer with a brewpub license inner-connected via a walkway, doorway, or entryway, all as determined and approved by the commissioner, for limited access during permitted hours of operation for tours and complimentary samples at the resident brewery.

~~(g)~~ (i) 'Private golf club' means an applicant for a private club or licensed private club licensee meeting the criteria set forth in this subsection which:

(1) Has at least ~~one thousand~~ 100 members;

(2) Maintains at least one 18-hole golf course with separate and distinct golf playing holes, not reusing nine golf playing holes to comprise the 18 golf playing holes, and a clubhouse;

(3) Operates a restaurant and full kitchen with ovens, as determined by the commissioner, on the licensed premises and serves freshly prepared food at least 15 hours per week;

(4) Owns or leases, controls, operates, and uses acreage amounting to at least 80 contiguous acres of bounded or fenced real property which would be listed on the private golf club's floorplan and could be used for golfing events and large contracted for

group-type events such as weddings, reunions, conferences, meetings, and sporting or recreational events;

(5) Lists the entire property from subdivision (4) of this subsection and all adjoining buildings and structures on the private golf club's floorplan which would comprise the licensed premises, which would be authorized for the lawful sales, service, and consumption of alcoholic liquors throughout the licensed premises whether these activities were conducted in a building or structure or outdoors while on the private golf club's licensed premises and as noted on the private golf club's floorplan;

(6) Has an identified person or persons or entity that has right, title, and ownership interest in the real property buildings and structures located on the proposed licensed premises; and

(7) Utilizes an age verification system approved by the commissioner.

(j) 'Private nine-hole golf course' means an applicant for a private club or licensed private club licensee meeting the criteria set forth in this subsection which:

(1) Has at least 50 members;

(2) Maintains at least one nine-hole golf course with separate and distinct golf playing holes;

(3) Operates a restaurant and full kitchen with ovens, as determined by the commissioner, on the licensed premises and serves freshly prepared food at least 15 hours per week;

(4) Owns or leases, controls, operates, and uses acreage amounting to at least 30 contiguous acres of bounded or fenced real property which would be listed on the private nine-hole golf course's floorplan and could be used for golfing events and large contracted for group-type events such as weddings, reunions, conferences, meetings, and sporting or recreational events;

(5) Lists the entire property from subdivision (4) of this subsection and all adjoining buildings and structures on the private

nine-hole golf course's floorplan which would comprise the licensed premises, which would be authorized for the lawful sales, service, and consumption of alcoholic liquors throughout the licensed premises whether these activities were conducted in a building or structure or outdoors while on the private nine-hole golf course's licensed premises and as noted on the private nine-hole golf course's floorplan;

(6) Has an identified person, persons, or entity that has right, title, and ownership interest in the real property buildings and structures located on the proposed licensed premises; and

(7) Utilizes an age verification system approved by the commissioner.

The Department of Natural Resources, the authority governing any county or municipal park, or any county commission, municipality, other governmental entity, public corporation or public authority operating any park or airport may lease as lessor a building or portion thereof or other limited premises in any such park or airport to any corporation or unincorporated association for the establishment of a private club pursuant to this article.

§60-7-3. Sale of alcoholic liquors and nonintoxicating beer by licensee authorized.

Notwithstanding any other provisions of this code to the contrary, licensees are hereby authorized to sell, tender, and serve alcoholic liquors other than in sealed packages, for consumption on the premises of the licensees, to their members and their guests in accordance with the provisions of this article, rules of the commissioner, and as authorized under §60-6-8 of this code. The licensees may keep and maintain on their premises a supply of those lawfully acquired alcoholic liquors in such quantities as may be appropriate for the conduct of operations thereof.

§60-7-4. Application for license; information required; verification; application to be accompanied by fees; bond; college fraternities and sororities ineligible for license; racial discrimination by applicants prohibited.

(a) Application for a license to operate a private club shall be made on such form as may be prescribed by the commissioner and shall include:

(1) The name of the applicant;

(2) If the applicant is an unincorporated association, the names and addresses of the members of its governing board;

(3) If the applicant is a corporation, the names and addresses of its officers and directors;

(4) The place at which the applicant will conduct its operations and whether the same is owned or leased by the applicant;

(5) The number of members of the applicant;

(6) The name or names of any national organizations with which applicant is affiliated and the nature of such affiliation;

(7) The size and nature of the dining and kitchen facilities operated by applicant;

(8) Accurate and complete ownership information;

(9) An attestation that the information in the application is true and accurate; and

(10) Such other information as the commissioner may reasonably require which shall include, but not be limited to, the criminal records, if any, of each member of the applicant's governing board and/or its officers and directors who have been convicted of a felony or a crime involving moral turpitude.

(b) The application shall be verified by each member of the governing board of the applicant if an unincorporated association or, if the applicant is a corporation, by each of its officers and all members of its board of directors. The application shall be accompanied by the license fee hereinafter prescribed and by a bond of the applicant in the penal sum of \$5,000 with a corporate surety authorized to transact business in the state of West Virginia, payable to the State of West Virginia, which bond shall be

conditioned on the payment of all fees herein prescribed and on the faithful performance of and compliance with the provisions of this article.

(c) Under no circumstance may any college fraternity or sorority be issued a license to operate a private club.

(d) No license to operate a private club will be issued to applicants who discriminate against any person or group of persons because of race or color of such person or group of persons.

§60-7-5. Investigation by commissioner; issuance or refusal of license; special requirements for clubs at parks and airports; form of license; license valid at one location only; expiration and renewal; transferability.

(a) Upon receipt of ~~the~~ a completed application referred to in §60-7-4 of this code, together with the accompanying fee and bond, the commissioner shall conduct an investigation to determine the accuracy of the matters contained in such completed application and whether applicant is a bona fide private club of good reputation in the community in which it shall operate. For the purpose of conducting such investigation, the commissioner may withhold the granting or refusal to grant such license for a period not to exceed 30 days or until the applicant has completed the conditions set forth in this article and in §60-7-4(a) of this code, all as determined by the commissioner. If it shall appear that such applicant is a bona fide private club of good reputation in the community in which it shall operate and that there is no false statement, no material misrepresentations, no hidden ownership, or persons with an undisclosed pecuniary interest, and no omissions or failures to disclose in such application as determined by the commissioner, ~~the commissioner~~ he or she shall issue a license authorizing the applicant to sell alcoholic liquors as provided in §60-7-3 of this code, and otherwise shall refuse to issue such license, except that in the case of an application by a corporation or association to operate a private club in connection with:

(1) A state park, the Director of the Department of Natural Resources must grant his or her approval before the license can be issued; or

(2) A county or municipal park, or an airport, the authority governing the park or airport must grant its approval before the license can be issued.

A license may not be issued for a private club in any state park unless a dining facility comparable to the dining facility for the proposed private club will be available to serve meals to the general public. A license may not be issued for a private club in any county or municipal park, or an airport, unless a dining facility comparable to the dining facility for the proposed private club will be available to serve meals to the general public.

(b) Upon refusal to issue such license the commissioner shall make and enter an order denying such application, which denial and refusal shall be final unless a hearing is requested in accordance with the provisions of §60-7-13 of this code. When such refusal or denial becomes final the commissioner shall forthwith refund to the applicant his or her fees and bond accompanying the application.

(c) Such license shall be of such form and design as the commissioner may prescribe by reasonable rule or regulation and shall authorize the licensee to sell alcoholic liquors at only one location.

(d) Such license shall expire on June 30 next following the date of issue and may be renewed upon the same showing as required for the issuance of the initial license, together with the payment of fees and filing of the bond as required by this article.

(e) A license issued under the provisions of this article may not be transferable.

§60-7-6. Annual license fee; partial fee; and reactivation fee.

(a) The annual license fee for a license issued under the provisions of this article to a fraternal or veterans' organization or a nonprofit social club shall be \$750.

(b) The annual license fee for a license issued under the provisions of this article to a private club other than a private club of the type specified in subsection (a) of this section shall be \$1,000 if the private club has ~~less~~ fewer than 1,000 members, \$2,000 if the private club is a private nine-hole golf course as defined in §60-7-2 of this code; \$2,500 if the private club has 1,000 or more members, \$4,000 if the private club is a private hotel with three or fewer designated areas or a private golf club as defined in §60-7-2 of this code, and further, if the private club is a private resort hotel as defined in §60-7-2 of this code, said private resort hotel may designate areas within the licensed premises for the lawful sale, service, and consumption of alcoholic liquors as provided for by this article. The annual license fee for a private resort hotel with five or fewer designated areas shall be \$7,500, and the annual license fee for a private resort hotel with at least six but no more than 10 designated areas shall be \$12,500. The annual license fee for a private resort hotel with at least 11 but no more than 15 designated areas shall be \$17,500. The annual license fee for a private resort hotel with no fewer than 15 nor more than 20 designated areas shall be \$22,500: *Provided,* That a private resort hotel having obtained the license and paid the \$22,500 annual license fee may, upon application to and approval of the commissioner, designate additional areas for a period not to exceed seven days for an additional fee of \$150 per day, per designated area.

(c) The fee for any such license issued following January 1 of any year and to expire on June 30 of such year shall be one half of the annual license fee prescribed by subsections (a) and (b) of this section.

(d) A licensee that fails to complete a renewal application and make payment of its annual license fee in renewing its license on or before June 30 of any subsequent year, after initial application, shall be charged an additional \$150 reactivation fee. The fee payment may not be prorated or refunded, and the reactivation fee

must be paid prior to the processing of any renewal application and payment of the applicable full year annual license fee. A licensee who continues to operate upon the expiration of its license is subject to all fines, penalties, and sanctions available in §60-7-13 and §60-7-13a of this code, all as determined by the commissioner.

~~(d)~~ (e) All such fees shall be paid by the commissioner to the State Treasurer and credited to the General Revenue Fund of the state.

§60-7-6a. Special privilege of Class A private club licensee to operate separate but connected Class B license.

A Class A private club licensee with 1,000 or more members may, in the commissioner's discretion, operate Class B licenses for the off-premises sale of nonintoxicating beer and wine in a connected but separately operated area of the Class A private club premises: *Provided*, That each business is licensed separately and operates separate cash registers and maintains separation barriers between the different licensed operations. Failure of a licensee to license two innerconnected businesses shall subject the licensee to the penalties under this article.

§60-7-8a. Special license for a private fair and festival; licensee fee and application; license fee; license subject to provisions of article; exception.

(a) There is hereby created a special license designated Class S2 private fair and festival license for the retail sale of liquor, wine, nonintoxicating beer, and non-intoxicating craft beer for on-premises consumption.

(b) To be eligible for the license authorized by subsection (a) of this section, the private fair and festival or other event shall:

(1) Be sponsored, endorsed, or approved by the governing body or its designee of the county or municipality in which the private fair and festival or other event is located;

(2) Shall make application with the commission at least 15 days pursuant to the private fair, festival, or other event;

(3) Pay a nonrefundable nonprorated license fee of \$750; and

(4) Be approved by the commissioner to operate the private fair, festival, or other event.

(c) A private fair and festival license under this section shall be for a duration of no more than 10 consecutive days and no more than six licenses may be issued to the same person or entity in a calendar year.

(d) Nonintoxicating beer and nonintoxicating craft beer sold, furnished, tendered, or served pursuant to the license created by this section must be purchased from the licensed distributor that services the area in which the private fair and festival is held or from a resident brewer acting in a limited capacity as a distributor, all in accordance with §11-16-1 *et seq.* of this code.

(e) Wine sold, furnished, tendered, or served pursuant to the license created by this section shall be purchased from a licensed distributor, winery, or farm winery in accordance with §60-8-1 *et seq.* of this code.

(f) Liquor sold, furnished, tendered, or served pursuant to the license created by this section shall be purchased from a licensed retail liquor outlet in the market zone or contiguous market zone where the private fair or festival is occurring, all in accordance with §60-3A-1 *et seq.* of this code.

(g) A licensee authorized by this section may utilize bona fide employees or volunteers to sell, furnish, tender, or serve the nonintoxicating beer, nonintoxicating craft beer, wine, or liquor.

(h) Licensed representatives of a brewer, resident brewer, beer distributor, wine distributor, wine supplier, winery, farm winery, distillery, mini-distillery, and liquor broker representatives may attend a private fair and festival and discuss their respective products but shall not engage in the selling, furnishing, tendering, or serving of any nonintoxicating beer, nonintoxicating craft beer, wine, or liquor.

(i) A license issued under this section and the licensee are subject to all other provisions of this article and the rules and orders of the commissioner: *Provided*, That the commissioner may by rule or order allow certain waivers or exceptions with respect to those provisions, rules, or orders as the circumstances of each private fair and festival require, including without limitation, the right to revoke or suspend immediately any license issued under this section prior to any notice or hearing, notwithstanding §60-7-13a of this code: *Provided, however*, That under no circumstances may the provisions of §60-7-12 of this code be waived or an exception granted with respect thereto.

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

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

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

(2) Authorize or permit any disturbance of the peace, obscene, lewd, immoral, or improper entertainment, conduct, or practice, gambling or any slot machine, multiple coin console machine, multiple coin console slot machine, or device in the nature of a slot machine; however, various games, gaming, and wagering conducted by duly licensed persons of the West Virginia State Lottery Commission, charitable bingo games conducted by duly licensed charitable or public service organization, (or its auxiliaries) pursuant to §47-20-1 et seq. of this code, and charitable raffle games conducted by a duly licensed charitable or public service organization (or its auxiliaries) pursuant to §47-21-1 et seq. of this code, all of which are permissible on a licensee's licensed premises when operated in accordance with this code, rules, and regulations;

(3) Sell, give away, or permit the sale of, gift to, or the procurement of any nonintoxicating beer, wine, or alcoholic liquors for or to, or permit the consumption of nonintoxicating beer, wine,

or alcoholic liquors on the licensee's premises, by any person less than 21 years of age;

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

(5) Sell, give, or dispense nonintoxicating beer, wine, or alcoholic liquors in or on any licensed premises, or in any rooms directly connected therewith, between the hours of 3:00 a.m. and 1:00 p.m., or, between the hours of 3:00 a.m. and 10:00 a.m. in any county upon approval as provided for in ~~§7-1-3pp~~ §7-1-3ss of this code, on any Sunday; and

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

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

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

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

(10)(A) Employ any person who is less than 18 years of age in a position where the primary responsibility for such employment is to sell, furnish, tender, serve, or give nonintoxicating beer, wine, or alcoholic liquors to any person;

(B) Employ any person who is between the ages of 18 and 21 who is not directly supervised by a person aged 21 or over in a

position where the primary responsibility for such employment is to sell, furnish, tender, serve or give nonintoxicating beer, wine, or alcoholic liquors to any person; or

(11) Violate any reasonable rule of the commissioner.

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

CHAPTER 61. CRIMES AND THEIR PUNISHMENT.

ARTICLE 8. CRIMES AGAINST CHASTITY, MORALITY, AND DECENCY.

§61-8-27. Unlawful admission of children to dance house, etc.; penalty.

Any proprietor or any person in charge of a dance house, concert saloon, theater, museum, or similar place of amusement, or other place, where wines or spirituous or malt liquors are sold or given away, or any place of entertainment injurious to health or morals who admits or permits to remain therein any minor under the age of 18 years, unless accompanied by his or her parent or guardian, is guilty of a misdemeanor and, on conviction thereof, shall be punished by a fine not exceeding \$200: *Provided*, That there is exemption from this prohibition for: (a) A private hotel, private nine-hole golf course, private resort hotel, and private golf club licensed pursuant to §60-7-1 et seq. of this code and in compliance with subdivision (8), subsection (f), section two of said article §60-7-2(g)(8), §60-7-2(h)(7), §60-7-2(i)(7), and §60-7-2(j)(7) of this code; ~~or~~ (b) a private club with more than 1,000 members that is in good standing with the Alcohol Beverage Control Commissioner, that has been approved by the Alcohol Beverage Control Commissioner and which has designated certain seating areas on its licensed premises as nonalcoholic liquor and nonintoxicating beer areas, as noted in the licensee's floorplan; or (c) a private fair and festival that is in compliance with §60-7-

2(f)(7) of this code, by utilizing a mandatory carding or identification program whereby all members or guests being served or sold alcoholic liquors, nonintoxicating beer, or nonintoxicating craft beer are asked and must provide their proper identification to verify their identity and further that they are of legal drinking age, 21 years of age or older, prior to each sale or service of alcoholic liquors, nonintoxicating beer, or nonintoxicating craft beer.”

On motion of Delegates Westfall and Storch, the Committee on the Judiciary amendment was amended on page one, after the enacting clause by inserting the following:

“CHAPTER 7. COUNTY COMMISSIONS AND OFFICERS.

ARTICLE 1. COUNTY COMMISSIONS GENERALLY.

§7-1-3ss. County option election on allowing forbidding nonintoxicating beer, wine or alcoholic liquors to be sold, given or dispensed after 10:00 a.m. on Sundays.

Beginning July 1, 2019, the county commission of any county may conduct a county option election on the question of whether the sale or dispensing of nonintoxicating beer, wine or alcoholic liquors in or on a licensed premises shall be allowed in the county beginning ~~ten o'clock a.m.~~ 1:00 p.m. on any Sunday, as provided §11-16-18 of this code, ~~sections three a and three b, article four, chapter sixty of this code~~ §60-7-12 of this code, §60-8-34 of this code upon approval as provided in this section. The option election on this question may be placed on the ballot in each county at any primary or general election. The county commission of the county shall give notice to the public of the election by publication of the notice as a Class II-0 legal advertisement in compliance with the provisions of §60-59-3 of this code, and the publication area for publication shall be the county in which the election is to be held. The date of the last publication of the notice shall fall on a date within the period of the fourteen consecutive days next preceding the election. On the local option election ballot shall be printed the following: ‘Shall the beginning hour at which non-intoxicating beer, wine and alcoholic liquor be sold or dispensed for licensed on premises consumption only in _____ County on Sundays be

changed from 10:00 a.m. one o'clock p.m. to ten o'clock a.m. 1:00 p.m.

If approved by the voters this would ~~allow~~ forbid private clubs and restaurants licensed to sell and dispense non-intoxicating beer, wine and alcoholic liquor; licensed private wine restaurants, private wine spas, and private wine bed and breakfasts to sell and dispense wine; and licensed Class A retail dealers to sell and dispense nonintoxicating beer for on premises consumption ~~only beginning at ten o'clock a.m. until 1:00 p.m.~~ If prior to July 1, 2019, a county commission had voted against 10:00 a.m. on premises sales, then notwithstanding this section, on premises sales of nonintoxicating beer, wine and alcoholic liquors shall not begin until 1:00 p.m. ~~Additionally, if approved, it would also allow any mini-distilleries, wineries or farm wineries in this county to offer complimentary samples for on premises consumption only beginning at ten o'clock a.m.'~~

[] Yes [] No

(Place a cross mark in the square opposite your choice.)

The ballots shall be counted, returns made and canvassed as in general elections and the results certified by the commissioners of election to the county commission. The county commission shall, without delay, certify the result of the election. Upon receipt of the results of the election, in the event a majority of the votes are marked 'Yes' all applicable licensees shall be ~~permitted prohibited forbidden~~ to sell and dispense beer, wine or alcoholic liquors beginning at 10:00 a.m. until 1:00 p.m. on Sundays. In the event a majority of the votes are marked 'No' all applicable licensees will continue to be required to comply with existing law.

CHAPTER 11. TAXATION

ARTICLE 16. NONINTOXICATING BEER.

§11-16-18. Unlawful acts of licensees; criminal penalties.

(a) It shall be unlawful:

(1) For any licensee, his, her, its or their servants, agents or employees to sell, give, or dispense, or any individual to drink or consume, in or on any licensed premises or in any rooms directly connected, nonintoxicating beer or cooler on weekdays between the hours of 2:00 a.m. and 7:00 a.m., or between the hours of 2:00 a.m. and ~~one p.m.~~ 10:00 a.m., or a Class A retail dealer who sells nonintoxicating beer for on premises consumption only between the hours of 2:00 a.m. and ~~ten a.m.~~ 1:00 p.m. in any county upon approval as provided for in ~~section three pp, article one, chapter seven~~ §7-1-3ss of this code, on any Sunday, except in private clubs licensed under the provisions of article seven, chapter sixty of this code, where the hours shall conform with the hours of sale of alcoholic liquors;

(2) For any licensee, his, her, its or their servants, agents, or employees to sell, furnish, or give any nonintoxicating beer, as defined in this article, to any person visibly or noticeably intoxicated or to any person known to be insane or known to be a habitual drunkard;

(3) For any licensee, his, her, its or their servants, agents, or employees to sell, furnish, or give any nonintoxicating beer as defined in this article to any person who is less than twenty-one years of age;

(4) For any distributor to sell or offer to sell, or any retailer to purchase or receive, any nonintoxicating beer as defined in this article, except for cash and no right of action shall exist to collect any claims for credit extended contrary to the provisions of this subdivision. Nothing herein contained in this section prohibits a licensee from crediting to a purchaser the actual price charged for packages or containers returned by the original purchaser as a credit on any sale, or from refunding to any purchaser the amount paid or deposited for the containers when title is retained by the vendor: *Provided*, That a distributor may accept an electronic transfer of funds if the transfer of funds is initiated by an irrevocable payment order on the invoiced amount for the nonintoxicating beer. The cost of the electronic fund transfer shall be borne by the retailer and the distributor shall initiate the transfer no later than noon of one business day after the delivery;

(5) For any brewer or distributor or brew-pub or his, her, its or their agents to transport or deliver nonintoxicating beer as defined in this article to any retail licensee on Sunday;

(6) For any brewer or distributor to give, furnish, rent, or sell any equipment, fixtures, signs or supplies directly or indirectly or through a subsidiary or affiliate to any licensee engaged in selling products of the brewing industry at retail or to offer any prize, premium, gift or other similar inducement, except advertising matter of nominal value, to either trade or consumer buyers: *Provided*, That a distributor may offer, for sale or rent, tanks of carbonic gas. Nothing herein contained in this section prohibits a brewer from sponsoring any professional or amateur athletic event or from providing prizes or awards for participants and winners in any events: *Provided, however*, That no event shall be sponsored which permits actual participation by athletes or other persons who are minors, unless specifically authorized by the commissioner;

(7) For any licensee to permit in his or her premises any lewd, immoral or improper entertainment, conduct or practice;

(8) For any licensee except the holder of a license to operate a private club issued under the provisions of article seven, chapter sixty of this code or a holder of a license or a private wine restaurant issued under the provisions of article eight of said chapter to possess a federal license, tax receipt or other permit entitling, authorizing or allowing the licensee to sell liquor or alcoholic drinks other than nonintoxicating beer;

(9) For any licensee to obstruct the view of the interior of his or her premises by enclosure, lattice, drapes or any means which would prevent plain view of the patrons occupying the premises. The interior of all licensed premises shall be adequately lighted at all times: *Provided*, That provisions of this subdivision do not apply to the premises of a Class B retailer, the premises of a private club licensed under the provisions of article seven, chapter sixty of this code or the premises of a private wine restaurant licensed under the provisions of article eight of said chapter;

(10) For any licensee to manufacture, import, sell, trade, barter, possess or acquiesce in the sale, possession, or consumption of any alcoholic liquors on the premises covered by a license or on premises directly or indirectly used in connection with it: *Provided*, That the prohibition contained in this subdivision with respect to the selling or possessing or to the acquiescence in the sale, possession or consumption of alcoholic liquors is not applicable with respect to the holder of a license to operate a private club issued under the provisions of article seven, chapter sixty of this code nor shall the prohibition be applicable to a private wine restaurant licensed under the provisions of article eight of said chapter insofar as the private wine restaurant is authorized to serve wine;

(11) For any retail licensee to sell or dispense nonintoxicating beer, as defined in this article, purchased, or acquired from any source other than a distributor, brewer or manufacturer licensed under the laws of this state;

(12) For any licensee to permit loud, boisterous, or disorderly conduct of any kind upon his or her premises or to permit the use of loud musical instruments if either or any of the same may disturb the peace and quietude of the community where the business is located: *Provided*, That a licensee may have speaker systems for outside broadcasting so long as the noise levels do not create a public nuisance or violate local noise ordinances;

(13) For any person whose license has been revoked, as provided in this article, to obtain employment with any retailer within the period of one year from the date of the revocation, or for any retailer to knowingly employ that person within the specified time;

(14) For any distributor to sell, possess for sale, transport, or distribute nonintoxicating beer except in the original container;

(15) For any licensee to knowingly permit any act to be done upon the licensed premises, the commission of which constitutes a crime under the laws of this state;

(16) For any Class B retailer to permit the consumption of nonintoxicating beer upon his or her licensed premises;

(17) For any Class A licensee, his, her, its or their servants, agents or employees, or for any licensee by or through any servants, agents, or employees, to allow, suffer or permit any person less than eighteen years of age to loiter in or upon any licensed premises; except, however, that the provisions of this subdivision do not apply where a person under the age of eighteen years is in or upon the premises in the immediate company of his or her parent or parents, or where and while a person under the age of eighteen years is in or upon the premises for the purpose of and actually making a lawful purchase of any items or commodities therein sold, or for the purchase of and actually receiving any lawful service therein rendered, including the consumption of any item of food, drink or soft drink therein lawfully prepared and served or sold for consumption on the premises;

(18) For any distributor to sell, offer for sale, distribute, or deliver any nonintoxicating beer outside the territory assigned to any distributor by the brewer or manufacturer of nonintoxicating beer or to sell, offer for sale, distribute, or deliver nonintoxicating beer to any retailer whose principal place of business or licensed premises is within the assigned territory of another distributor of such nonintoxicating beer: *Provided*, That nothing in this section is considered to prohibit sales of convenience between distributors licensed in this state where one distributor sells, transfers or delivers to another distributor a particular brand or brands for sale at wholesale; and

(19) For any licensee or any agent, servant, or employee of any licensee to knowingly violate any rule lawfully promulgated by the commissioner in accordance with the provisions of chapter twenty-nine-a of this code.

(b) Any person who violates any provision of this article including, but not limited to, any provision of this section, or any rule, or order lawfully promulgated by the commissioner, or who makes any false statement concerning any material fact in submitting application for license or for a renewal of a license or

in any hearing concerning the revocation thereof, or who commits any of the acts herein declared to be unlawful is guilty of a misdemeanor and, upon conviction thereof, shall be punished for each offense by a fine of not less than \$25, nor more than \$500, or confined in the county or regional jail for not less than thirty days nor more than six months, or by both fine and confinement. Magistrates have concurrent jurisdiction with the circuit court and any other courts having criminal jurisdiction in their county for the trial of all misdemeanors arising under this article.

(c) (1) A Class B licensee that:

(A) Has installed a transaction scan device on its licensed premises; and

(B) Can demonstrate that it requires each employee, servant or agent to verify the age of any individual to whom nonintoxicating beer is sold, furnished, or given away by the use of the transaction device may not be subject to: (i) Any criminal penalties whatsoever, including those set forth in subsection (b) of this section; (ii) any administrative penalties from the commissioner; or (iii) any civil liability whatsoever for the improper sale, furnishing, or giving away of nonintoxicating beer to an individual who is less than 21 years of age by one of his or her employees, servants or agents. Any agent, servant, or employee who has improperly sold, furnished or given away nonintoxicating beer to an individual less than 21 years of age is subject to the criminal penalties of subsection (b) of this section. Any agent, servant, or employee who has improperly sold, furnished, or given away nonintoxicating beer to an individual less than 21 years of age is subject to termination from employment, and the employer shall have no civil liability for the termination.

(2) For purposes of this section, a Class B licensee can demonstrate that it requires each employee, servant, or agent to verify the age of any individual to whom nonintoxicating beer is sold by providing evidence: (A) That it has developed a written policy which requires each employee, servant, or agent to verify the age of each individual to whom nonintoxicating beer will be sold, furnished, or given away; (B) that it has communicated this

policy to each employee, servant, or agent; and (C) that it monitors the actions of its employees, servants, or agents regarding the sale, furnishing, or giving away of nonintoxicating beer and that it has taken corrective action for any discovered noncompliance with this policy.

(3) ‘Transaction scan’ means the process by which a person checks, by means of a transaction scan device, the age, and identity of the cardholder, and ‘transaction scan device’ means any commercial device or combination of devices used at a point of sale that is capable of deciphering in an electronically readable format the information enclosed on the magnetic strip or bar code of a driver’s license or other governmental identity card.

(d) Nothing in this article nor any rule or regulation of the commissioner shall prevent or be considered to prohibit any licensee from employing any person who is at least 18 years of age to serve in the licensee’s lawful employ, including the sale or delivery of nonintoxicating beer as defined in this article. With the prior approval of the commissioner, a licensee whose principal business is the sale of food or consumer goods or the providing of recreational activities, including, but not limited to, nationally franchised fast food outlets, family-oriented restaurants, bowling alleys, drug stores, discount stores, grocery stores, and convenience stores, may employ persons who are less than 18 years of age but at least 16 years of age: *Provided*, That the person’s duties may not include the sale or delivery of nonintoxicating beer or alcoholic liquors: *Provided, however*, That the authorization to employ persons under the age of 18 years shall be clearly indicated on the licensee’s license.”

And on page seventeen, by striking out the provisions of §60-7-12 and inserting in lieu thereof a new §60-7-12 to read as follows:

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

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

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

(2) Authorize or permit any disturbance of the peace, obscene, lewd, immoral, or improper entertainment, conduct, or practice, gambling or any slot machine, multiple coin console machine, multiple coin console slot machine, or device in the nature of a slot machine; however, various games, gaming, and wagering conducted by duly licensed persons of the West Virginia State Lottery Commission, charitable bingo games conducted by duly licensed charitable or public service organization, (or its auxiliaries) pursuant to §47-20-1 et seq. of this code, and charitable raffle games conducted by a duly licensed charitable or public service organization (or its auxiliaries) pursuant to §47-21-1 et seq. of this code, all of which are permissible on a licensee's licensed premises when operated in accordance with this code, rules, and regulations;

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

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

(5) Sell, give, or dispense nonintoxicating beer, wine, or alcoholic liquors in or on any licensed premises, or in any rooms directly connected therewith between the hours of 3:00 a.m. the 7:00 a.m. on weekdays or Saturdays, between the hours of 3:00 a.m. and ~~1:00 p.m.~~ 10:00 a.m. on any Sunday or, between the hours of 3:00 a.m. and ~~10:00 a.m.~~ 1:00 p.m. in any county upon approval as provided for in ~~§7-1-3pp~~ §7-1-3ss of this code, on any Sunday; and

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

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

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

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

(10)(A) Employ any person who is less than 18 years of age in a position where the primary responsibility for such employment is to sell, furnish, tender, serve, or give nonintoxicating beer, wine, or alcoholic liquors to any person;

(B) Employ any person who is between the ages of 18 and 21 who is not directly supervised by a person aged 21 or over in a position where the primary responsibility for such employment is to sell, furnish, tender, serve or give nonintoxicating beer, wine, or alcoholic liquors to any person; or

(11) Violate any reasonable rule of the commissioner.

(b) It is ~~unlawful~~ lawful for any licensee to advertise price and brand in any news media or other means, outside of the licensee's premises. ~~the fact that alcoholic liquors may be purchased thereat.~~

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

And on page nineteen after line forty-five by inserting the following:

“ARTICLE 8. SALE OF WINES.

§60-8-34. WHEN RETAIL SALES PROHIBITED.

It shall be unlawful for a retailer, farm winery, wine specialty shop retailer, private wine bed and breakfast, private wine restaurant, or private wine spa licensee, his or her servants, agents or employees to sell or deliver wine between the hours of ~~two o'clock a.m. and one o'clock p.m.~~, 2:00 a.m. and 10:00 a.m. or, it shall be unlawful for a winery, farm winery, private wine bed and breakfast, private wine restaurant, or private wine spa, his or her servants, agents or employees to sell wine between the hours of ~~two o'clock a.m. and ten o'clock a.m.~~ 2:00 a.m. and 1:00 p.m. in any county upon approval as provided for in ~~section three pp, article one, chapter seven~~ §7-1-3ss of this code, on Sundays, or between the hours of 2:00 a.m. and 7:00 a.m. on weekdays and Saturdays.”

On motion of Delegate Westfall, the Committee on the Judiciary amendment was amended on page three, after line thirty-six by striking the entirety of §60-6-8 and inserting a new §60-6-8 to read as follows:

“§60-6-8. Unlawful sale or possession by licensee.

A licensed person shall not:

(1) Sell, furnish, tender, or serve alcoholic liquors of a kind other than that which such license or this chapter authorizes him or her to sell;

(2) Sell, furnish, tender, or serve beer to which wine, spirits, or alcohol has been added;

(3) Sell, furnish, tender, or serve wine to which other alcoholic spirits have been added, otherwise than as required in the manufacture thereof under regulations of the commission;

(4) Sell, furnish, tender, or serve alcoholic liquors to a person specified in §60-3-22 of this chapter;

(5) Sell, furnish, tender, or serve alcoholic liquors except as authorized by his or her license;

(6) Sell, furnish, tender, or serve alcoholic liquors other than by the drink, poured from the alcoholic liquors' original container: Provided, That under certain requirements exceptions to liquor by the drink are as follows:

(A) a private club licensed under §60-7-1: et seq. of this code, that is in good standing with the commissioner and has paid a \$1000 on-premises only bottle service fee to the commissioner, may sell or serve liquor by the bottle to two or more persons for consumption on the licensed premises only, and any liquor bottle sold by such a private club shall be sold at retail for personal use, and not for resale, to a person for not less than 300 percent of the private club's cost, and no such liquor bottle shall be removed from the licensed premises by any person or the licensee; and

(B) a Class A licensee licensed under §60-8-1 et seq. of this code may sell or serve wine by the bottle to two or more persons for consumption on the licensed premises only, unless such licensee has obtained a license or privilege authorizing other activity.

(7) Sell, furnish, tender, or serve pre-mixed alcoholic liquor that is not in the original container: Provided, That a licensee may sell, furnish, tender, and serve pre-mixed beverages consisting of alcoholic liquors, non-alcoholic mixer, and ice if:

(A) The frozen drink mixing machine is emptied and sanitized daily; and

(B) That a written record reflecting the cleaning and sanitizing of the frozen drink machine is maintained for inspection by the commissioner and health inspectors.

~~(6)~~ (8) Sell, furnish, tender, or serve any alcoholic liquor when forbidden by the provisions of this chapter;

~~(7)~~ (9) Sell, possess, possess for sale, tender, serve, furnish, or provide any powdered alcohol;

(8) (10) Keep on the premises covered by his or her license alcoholic liquor other than that which he or she is authorized to sell, furnish, tender, or serve by such license or by this chapter.

A person who violates any provision of this section shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than \$50 nor more than \$500 or confined in jail not less than 30 days nor more than one year, or both such fine and confinement for the first offense. Upon conviction of a second or subsequent offense, the court may in its discretion impose a penalty of confinement in ~~the penitentiary~~ a state correction facility for a period not to exceed three years. A person who violates any provision of this section for the second or any subsequent offense under this section is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correction facility for a period not to exceed three years.”

And on page four, after line thirty-two, by inserting the following:

“§60-6-9. Intoxication or drinking in public places; illegal possession of alcoholic liquor; arrests by sheriffs or their deputies for violation in their presence; penalties.

(a) A person may not:

(1) Appear in a public place in an intoxicated condition;

(2) Drink alcoholic liquor in a public place;

(3) Tender a drink of alcoholic liquor to another person in a public place;

(4) Operate a business without a license issued under §60-1-1 et seq. of this code which knowingly facilitates the consumption of alcoholic liquors in a public place by providing for on-site items such as cups, glasses, ice, and non-alcoholic beverages used to mix with alcoholic liquors, refrigeration, or on-site storage of alcoholic liquors in a lounge area or space for persons to gather, perhaps offering musical entertainment, exotic dancing or other such nude entertainment, or other similar activity or entertainment. Such

business may be commonly known as a 'bring your own bottle', 'bring your own booze', or 'BYOB' establishments.

~~(4)~~(5) Possess alcoholic liquor in the amount in excess of 10 gallons, in containers not bearing stamps or seals of the commissioner, without having first obtained written authority from the commissioner therefor; or

~~(5)~~(6) Possess any alcoholic liquor which was manufactured or acquired in violation of the provisions of this chapter.

(b) Any law-enforcement officer may arrest without a warrant and take the following actions against a person who, in his or her presence, violates subdivision (1) of subsection (a) of this section: (1) If there is some nonintoxicated person who will accept responsibility for the intoxicated person, the officer may issue the intoxicated person a citation specifying a date for appearance before a judicial officer and release him or her to the custody of the individual accepting responsibility: *Provided*, That the issuance of a citation shall be used whenever feasible; (2) if it does not impose an undue burden on the officer, he or she may, after issuance of a citation, transport the individual to the individual's present residence or arrange for the transportation; (3) if the individual is incapacitated or the alternatives provided in subdivisions (1) and (2) of this subsection are not possible, the officer shall transport or arrange for transportation to the appropriate judicial officer; or (4) if the individual is incapacitated and, in the law-enforcement officer's judgment, is in need of acute medical attention, that officer shall arrange for transportation by ambulance or otherwise to a hospital emergency room. The officer shall accompany the individual until he or she is discharged from the emergency room or admitted to the hospital. If the individual is released from the emergency room, the officer may proceed as described in subdivisions (1), (2), and (3) of this subsection. If the individual is admitted to the hospital, the officer shall issue a citation to the individual specifying a date for appearance before a judicial officer.

(c) Upon presentment before the proper judicial officer, the law-enforcement officer serves as the chief complaining witness.

The judicial officer shall determine if there is probative evidence that the individual may be guilty of the charge of public intoxication. If such evidence is not presented, the charge shall be dismissed and the individual released. If sufficient evidence is presented, the judicial officer shall issue a warrant and establish bail or issue a summons to the individual. Once a warrant or summons has been issued, the following actions may be taken:

(1) If the individual is no longer incapacitated, he or she may be released;

(2) If the individual is still incapacitated but a non-intoxicated person is available to accept responsibility for him or her, he or she may be released to the responsible person; or

(3) If the individual is still incapacitated and no responsible person is available, the judicial officer shall proceed under §27-5-1 *et seq.* and §27-6A-1 *et seq.* of this code.

(d) Any law-enforcement officer may arrest and hold in custody, without a warrant, until complaint may be made before a judicial officer and a warrant or summons issued, any person who in the presence of the law-enforcement officer violates any one or more of subdivisions (1) through (6), subsection (a) of this section: *Provided*, That the law-enforcement officer may use reasonable force to prevent harm to himself or herself, the individual arrested, or others in carrying out the provisions of this section.

(e) Any person who violates subdivision (1), subsection (a) of this section is guilty of a misdemeanor and, upon conviction thereof, shall be sentenced by a judicial officer in accordance with the following options:

(1) Upon first offense, a fine of not less than \$5 nor more than \$100. If the individual, prior to conviction, agrees to voluntarily attend an alcohol education program of not more than six hours duration at the nearest community mental health — mental retardation center, the judicial officer may delay sentencing until the program is completed and upon completion may dismiss the charges;

(2) Upon conviction for a second offense, a fine of not less than \$5 nor more than \$100 and not more than 60 days in jail or completion of not less than five hours of alcoholism counseling at the nearest community mental health — mental retardation center;

(3) Upon third and subsequent convictions, a fine of not less than \$5 nor more than \$100 and not less than five nor more than 60 days in jail or a fine of not less than \$5 nor more than \$100 and completion of not less than five hours of alcoholism counseling at the nearest community mental health — mental retardation center: *Provided*, That three convictions for public intoxication within the preceding six months is considered evidence of alcoholism. For the educational counseling programs described in this subsection the community mental health — mental retardation center may charge each participant its usual and customary fee and shall certify in writing to the referring judicial officer the completion or failure to complete the prescribed program for each individual.

(f) A person charged with a violation of subdivision (1), subsection (a) of this section who is an alcoholic shall be found not guilty by reason of addiction and proper disposition made pursuant to §27-5-1 *et seq.* and §27-6A-1 *et seq.* of this code.

(g) Any person who violates subdivision (2), subsection (a) of this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$5 nor more than \$100; and upon a second or subsequent conviction thereof, shall be fined not less than \$5 nor more than \$100, or confined in jail not more than 60 days, or both.

(h) Any person who violates subdivision (3), subsection (a) of this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$5 nor more than \$100, or confined in jail not more than 60 days, or both.

(i) Any person who violates subdivision (5) or (6), subsection (a) of this section is guilty of a misdemeanor and, upon his or her first conviction, shall be fined not less than \$100 nor more than \$500; and upon conviction of second or subsequent offense, he or she is guilty of a felony and, shall be confined in a state correctional

facility for a period of not less than one year nor more than three years.”

And on page eleven, after line one hundred fifty-seven by striking the provisions of §60-7-3 and inserting a new §60-7-34 to read as follows:

“§60-7-3. Sale of alcoholic liquors and nonintoxicating beer by licensee authorized.

Notwithstanding any other provisions of this code to the contrary, licensees are hereby authorized to sell, tender, and serve alcoholic liquors by the drink and as otherwise authorized by the provisions of §60-1-1 et seq. of this code, other than in sealed packages, for consumption on the premises of the licensees, to their members and their guests in accordance with the provisions of this article, rules of the commissioner and as authorized under §60-6-8 of this code. The licensees may keep and maintain on their premises a supply of those lawfully acquired alcoholic liquors in such quantities as may be appropriate for the conduct of operations thereof.”

Delegate Sponaule moved to amend the Committee on Judiciary amendment on page one, lines one through nine, by striking out section seventeen-a in its entirety, and renumbering section seventeen-b accordingly.

On the adoption of the amendment to the amendment, Delegate Sponaule demanded the yeas and nays, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 574**), and there were—yeas 36, nays 62, absent and not voting 2, with the yeas and absent and not voting being as follows:

Yeas: Anderson, Barrett, Bates, N. Brown, S. Brown, Byrd, Campbell, Canestraro, Capito, Caputo, Dean, Diserio, Estep-Burton, Evans, Hartman, Hornbuckle, Lavender-Bowe, Longstreth, McGeehan, Paynter, Pushkin, Robinson, Rodighiero, Rowe, Skaff, Sponaule, Staggers, Steele, Summers, Swartzmiller, C. Thompson, Tomblin, Walker, Waxman, Williams and Zukoff.

Absent and Not Voting: Kump and Westfall.

So, a majority of the members present and voting not having voted in the affirmative, the amendment to the amendment was rejected.

On motion of Delegate Steele, the Judiciary Committee amendment was amended on page seventeen at line thirteen by inserting after the word “regulations” and the colon, the following:

“Provided, That a holder of a license issued pursuant to §29-22A-7 of this code may sell, give, tender, or dispense nonintoxicating beer, wine, or alcoholic liquors in or on any licensed premises or in any rooms directly connected therewith, during the licensee’s hours of operation” and the semicolon.

The Judiciary Committee amendment, as amended, was then adopted.

The bill was then ordered to third reading.

Com. Sub. for S. B. 564, Expanding comprehensive coverage for pregnant women through Medicaid; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for S. B. 601, Relating to mandatory supervision of adult inmates; on second reading, coming up in regular order, was read a second time.

Delegate Robinson moved to amend the bill on page one, following the enacting clause, by striking out the remainder of the bill and inserting in lieu thereof the following:

“CHAPTER 62. CRIMINAL PROCEDURE.

§62-12-6. Powers and duties of probation officers.

(a) Each probation officer shall:

(1) Investigate all cases which the court refers to the officer for investigation and shall report in writing on each case;

(2) Conduct a standardized risk and needs assessment, using the instrument adopted by the Supreme Court of Appeals of West Virginia, for any probationer for whom an assessment has not been conducted either prior to placement on probation or by a specialized assessment officer. The results of all standardized risk and needs assessments are confidential;

(3) Supervise the probationer and enforce probation according to assessment and supervision standards adopted by the Supreme Court of Appeals of West Virginia;

(4) Furnish to each person released on probation under the officer's supervision a written statement of the probationer's conditions of probation together with a copy of the rules prescribed by the Supreme Court of Appeals of West Virginia;

(5) Stay informed concerning the conduct and condition of each probationer under the officer's supervision and report on the conduct and condition of each probationer in writing as often as the court requires;

(6) Use all practicable and suitable methods to aid and encourage the probationer to improve his or her conduct and condition;

(7) Perform random drug and alcohol testing on probationers under his or her supervision as directed by the circuit court;

(8) Maintain detailed work records; and

(9) Perform any other duties the court requires.

(b) The probation officer may, with or without an order or warrant, arrest any probationer as provided in section ten of this article, and arrest any person on supervised release when there is reasonable cause to believe that the person on supervised release has violated a condition of release. A person on supervised release who is arrested shall be brought before the court for a prompt and summary hearing.

(c) Notwithstanding any provision of this code to the contrary:

(1) Any probation officer appointed on or after July 1, 2002, may carry handguns in the course of the officer's official duties after meeting specialized qualifications established by the Governor's Committee on Crime, Delinquency and Correction. The qualifications shall include the successful completion of handgun training, which is comparable to the handgun training provided to law-enforcement officers by the West Virginia State Police and includes a minimum of four hours' training in handgun safety.

(2) Probation officers may only carry handguns in the course of their official duties after meeting the specialized qualifications set forth in subdivision (1) of this subsection.

(3) Nothing in this subsection includes probation officers within the meaning of law-enforcement officers as defined in section one, article twenty-nine, chapter thirty of this code.

(d) The Supreme Court of Appeals of West Virginia ~~may~~ shall adopt a standardized risk and needs assessment with risk cut-off scores for use by probation officers, taking into consideration the assessment instrument adopted by the Division of Corrections under subsection (h), section thirteen of this article and the responsibility of the Division of Justice and Community Services to evaluate the use of the standardized risk and needs assessment. The results of any standardized risk and needs assessment are confidential.

§62-12-9. Conditions of release on probation.

(a) Release on probation is conditioned upon the following:

(1) That the probationer may not, during the term of his or her probation, violate any criminal law of this or any other state or of the United States;

(2) That the probationer may not, during the term of his or her probation, leave the state without the consent of the court which placed him or her on probation;

(3) That the probationer complies with the conditions prescribed by the court for his or her supervision by the probation officer;

(4) That when a probationer has been determined, by the standardized risk and needs assessment adopted by the Supreme Court of Appeals of West Virginia under §62-12-6(d) to have a history of substance abuse, he or she shall participate in an appropriate support service, for a minimum of 60 days on a schedule approved by the probation officer.

~~(4)~~ (5) That in every case in which the probationer has been convicted of an offense defined in section twelve, article eight, chapter sixty-one of this code or article eight-b or eight-d of said chapter, against a child, the probationer may not live in the same residence as any minor child, nor exercise visitation with any minor child and may have no contact with the victim of the offense: *Provided*, That the probationer may petition the court of the circuit in which he or she was convicted for a modification of this term and condition of his or her probation and the burden rests upon the probationer to demonstrate that a modification is in the best interest of the child;

~~(5)~~ (6) That the probationer pay a fee, not to exceed \$20 per month, to defray costs of supervision: *Provided*, That the court conducts a hearing prior to imposition of probation and makes a determination on the record that the offender is able to pay the fee without undue hardship. All moneys collected as fees from probationers pursuant to this subdivision shall be deposited with the circuit clerk who shall, on a monthly basis, remit the moneys collected to the State Treasurer for deposit in the State General Revenue Fund; and

~~(6)~~ (7) That the probationer is required to pay the fee described in section four, article eleven-c of this chapter: *Provided*, That the court conducts a hearing prior to imposition of probation and makes a determination on the record that the offender is able to pay the fee without undue hardship.

(b) In addition, the court may impose, subject to modification at any time, any other conditions which it may determine advisable, including, but not limited to, any of the following:

(1) That the probationer make restitution or reparation, in whole or in part, immediately or within the period of probation, to any party injured by the crime for which he or she has been convicted: *Provided*, That the court conducts a hearing prior to imposition of probation and makes a determination on the record that the offender is able to pay restitution without undue hardship;

(2) That the probationer pays any fine assessed and the costs of the proceeding in installments directed by the court: *Provided*, That the court conducts a hearing prior to imposition of probation and makes a determination on the record that the offender is able to pay the costs without undue hardship;

(3) That the probationer makes contributions from his or her earnings, in sums directed by the court, for the support of his or her dependents; and

(4) That the probationer, in the discretion of the court, is required to serve a period of confinement in jail of the county in which he or she was convicted for a period not to exceed one third of the minimum sentence established by law or one third of the least possible period of confinement in an indeterminate sentence, but in no case may the period of confinement exceed six consecutive months. The court may sentence the defendant within the six-month period to intermittent periods of confinement including, but not limited to, weekends or holidays and may grant to the defendant intermittent periods of release in order that he or she may work at his or her employment or for other reasons or purposes as the court may determine appropriate: *Provided*, That the provisions of article eleven-a of this chapter do not apply to intermittent periods of confinement and release except to the extent directed by the court. If a period of confinement is required as a condition of probation, the court shall make special findings that other conditions of probation are inadequate and that a period of confinement is necessary.

(c) Circuit courts may impose, as a condition of probation, participation in a day report center.

(1) To be eligible, the probationer must be identified as moderate to high risk of reoffending and moderate to high criminogenic need, as determined by the standardized risk and needs assessment adopted by the Supreme Court of Appeals of West Virginia under subsection (d), section six of this article, and applied by a probation officer or day report staff. In eligible cases, circuit courts may impose a term of up to one year: *Provided*, That notwithstanding the results of the standardized risk and needs assessment, a judge may impose, as a term of probation, participation in a day report center program upon making specific written findings of fact as to the reason for departing from the requirements of this subdivision.

(2) The day report center staff shall determine which services a person receives based on the results of the standardized risk and needs assessment and taking into consideration the other conditions of probation set by the court.

(d) For the purposes of this article, “day report center” means a court-operated or court-approved facility where persons ordered to serve a sentence in this type of facility are required to report under the terms and conditions set by the court for purposes which include, but are not limited to, counseling, employment training, alcohol or drug testing or other medical testing.”

Delegate Shott arose to a point of order as to the germaneness of the amendment.

The Speaker ruled that the purpose of the amendment was not germane to the bill.

The bill was then ordered to third reading.

Com. Sub. for S. B. 603, Exempting certain activities from licensing requirements for engaging in business of currency exchange; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on the Judiciary, was reported by the Clerk and adopted, amending the bill on page one, by striking out everything after the enacting clause and inserting in lieu thereof the following:

**“ARTICLE 2. CHECKS AND MONEY ORDER SALES,
MONEY TRANSMISSION SERVICES, TRANSPORTATION
AND CURRENCY EXCHANGE.**

§32A-2-3. Exemptions.

(a) The following are exempt from the provisions of this article:

(1) Banks, trust companies, foreign bank agencies, credit unions, savings banks, and savings and loan associations authorized to do business in the state or which qualify as federally insured depository institutions, whether organized under the laws of this state, any other state, or the United States;

(2) The United States and any department or agency of the United States;

(3) The United States Postal Service;

(4) This state and any political subdivision of this state;

(5) The provision of electronic transfer of government benefits for any federal, state, or county governmental agency as defined in Federal Reserve Board Regulation E, by a contractor for and on behalf of the United States or any department, agency, or instrumentality of the United States, or any state or any political subdivisions of a state;

(6) Persons engaged solely in the business of currency transportation who operate an armored car service in this state pursuant to licensure under §30-18-1 *et seq.* of this code: *Provided*, That the net worth of the licensee exceeds \$5 million. The term ‘armored car service’ as used in this article means a service provided by a person transporting or offering to transport, under armed security guard, currency or other things of value in a motor vehicle specially equipped to offer a high degree of security.

Persons seeking to claim this exemption shall notify the commissioner of their intent to do so and demonstrate that they qualify for its use. Persons seeking an exemption under this subdivision are not exempt from the provisions of this article if they also engage in currency exchange or currency transmission;

(7) Persons engaged in the business of currency transportation whose activities are limited exclusively to providing services to federally insured depository institutions, or to any federal, state, or local governmental entities;

(8) Persons engaged solely in the business of removing currency from vending machines providing goods or services, if the machines are not used for gambling purposes or to convey any gambling ticket, token, or other device used in a game of chance;

(9) The State Regulatory Registry, LLC, which administers the Nationwide Mortgage Licensing System and Registry on behalf of states and federal banking regulators; ~~and~~

(10) The North American Securities Administrators Association and any subsidiaries, which administer the Electronic Filing Depository system on behalf of state securities regulators; and

(11)(A) Persons operating a payment system that provides processing, clearing, or settlement services, between or among persons who are all excluded by this section, in connection with wire transfers, credit card transactions, debit card transactions, prepaid access transactions, automated clearinghouse transfers, or similar funds transfers;

(B) Contracted service providers of an entity set forth in §32A-2-3(a)(1) of this code that provide processing, clearing, or settlement services in connection with wire transfers, credit card transactions, debit card transactions, prepaid access transactions, automated clearinghouse transfers, or similar funds transfers; or

(C) Persons facilitating payment for goods or services (not including currency transmission or money transmission itself) pursuant to a contract with the payee and either payment to the

person or persons facilitating the payment processing satisfies the payor's obligation to the payee or that obligation is extinguished.

(b) Any person who holds and maintains a valid license under this article may engage in the business of money transmission or currency exchange at one or more locations through or by means of an authorized delegate or delegates as set forth in §32A-2-27 of this code, as the licensee may designate and appoint from time to time. No such authorized delegate is required to obtain a separate license under this article, but the use of sub-delegates is prohibited and the authorized delegate may only conduct business on behalf of its licensee.

(c) The issuance and sale of stored value cards or similar prepaid products which are intended to purchase items only from the issuer or seller of the stored value card is exempt from the provisions of this article.

(d) Any person who is required and properly obtains a license under this article to transport currency is exempt from the requirements of §30-18-1 *et seq.* of this code.”

The bill was then ordered to third reading.

S. B. 605, Permitting Secondary Schools Athletic Commission discipline schools for not following protocol for concussions and head injuries; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for S. B. 613, Requiring DNR include election of organ donation on hunting licenses; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for S. B. 622, Relating generally to regulation and control of financing elections; on second reading, coming up in regular order, was read a second time.

At the request of Delegate Summers, and by unanimous consent, the bill was advanced to third reading with amendments

pending and the right to amend, and the rule was suspended to permit the consideration of amendments on that reading.

S. B. 627, Relating generally to Rural Rehabilitation Loan Program; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for S. B. 632, Improving student safety; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Education, was reported by the Clerk on page one, following the article heading, by striking the section heading and inserting in lieu thereof a new section heading to read as follows:

“§18-5-48. Safety and security measures for school facilities; Safe Schools Fund created.”

And on page two, following the article heading, by striking the section heading and inserting in lieu thereof a new section heading to read as follows:

“§18-20-11. Video cameras required in certain special education classrooms.”

And on page two, section eleven, line three, following the subsection designation (a), by inserting the following:

“Upon appropriation of funds by the Legislature” and a comma.

And on page five, section eleven, line seventy-two, by striking subdivision (2) in its entirety on lines seventy-two and seventy-three, and renumbering subsequent subdivisions

And on page seven, section eleven, line one hundred nine, by striking subsection (q) in its entirety and inserting in lieu thereof a new subsection (q) to read as follows:

“(q)(1) A public school or school district may use funds distributed from the Safe Schools Fund created in §18-5-48 of this code to meet the requirements of this section.

(2) A public school or school district may accept gifts, grants, or donations to meet the requirements of this section.”

And on page eight, following the article heading, by striking section §18A-3-6 in its entirety and inserting in lieu thereof a new section §18A-3-6 to read as follows:

“§18A-3-6. Grounds for revocation of certificates; recalling certificates for correction.

(a) The state superintendent may, after 10 days’ notice and upon proper evidence, revoke the certificates of any teacher for any of the following causes: Intemperance; untruthfulness; cruelty; immorality; the conviction of a felony or a guilty plea or a plea of no contest to a felony charge; the conviction, guilty plea or plea of no contest to any charge involving sexual misconduct with a minor or a student; or for using fraudulent, unapproved or insufficient credit to obtain the certificates: *Provided*, ~~That the certificates of a teacher may not be revoked for any matter for which the teacher was disciplined, less than dismissal, by the county board that employs the teacher, nor for which the teacher is meeting or has met an improvement plan determined by the county board, unless it can be proven by clear and convincing evidence that the teacher has committed one of the offenses listed in this subsection and his or her actions render him or her unfit to teach: *Provided, however*,~~ That in order for any conduct of a teacher involving intemperance; cruelty; immorality; or using fraudulent, unapproved or insufficient credit to obtain the certificates to constitute grounds for the revocation of the certificates of the teacher, there must be a rational nexus between the conduct of the teacher and the performance of his or her job. The state superintendent may designate the West Virginia commission for professional teaching standards or members thereof to conduct hearings on revocations or certificate denials and make recommendations for action by the state superintendent: *Provided further*, That a teacher, as defined by West Virginia Code §18-1-1(g), convicted under §61-8D-3 or §61-8D-5 of this code or comparable statute in any other state, any criminal offense that requires the teacher to register as a sex offender, any criminal offense which has as an element delivery or distribution of a

controlled substance, or upon a finding of abuse by the Department of Health and Human Resources under §49-1-1 et seq. of this code, shall have his or her certificate or license automatically revoked. Should the conviction resulting in automatic revocation pursuant to this section be overturned by any Court of this State or the United States, the teacher's certification shall be reinstated unless otherwise prohibited by law.

(b) ~~It shall be the duty of~~ Any county superintendent who knows of any acts on the part of any teacher for which a certificate may be revoked in accordance with this section ~~to shall~~ report ~~the same this,~~ together with all the facts and evidence, to the state superintendent for such action as in the state superintendent's judgment may be proper.

(c) If a certificate has been granted through an error, oversight, or misinformation, the state superintendent ~~has authority to~~ may recall the certificate and make such corrections as will conform to the requirements of law and the state board.”

On motion of Delegate Hamrick, the Committee on Education amendment was amended on page two, by striking out section §18A-3-6 of the bill and inserting in lieu thereof a new §18A-3-6 to read as follows:

“§18A-3-6. Grounds for revocation of certificates; recalling certificates for correction.

(a) The state superintendent may, after 10 days' notice and upon proper evidence, revoke the certificates of any teacher for any of the following causes: Intemperance; untruthfulness; cruelty; immorality; the conviction of a felony or a guilty plea or a plea of no contest to a felony charge; the conviction, guilty plea or plea of no contest to any charge involving sexual misconduct with a minor or a student; or for using fraudulent, unapproved or insufficient credit to obtain the certificates: *Provided*, That the certificates of a teacher may not be revoked for any matter for which the teacher was disciplined, less than dismissal, by the county board that employs the teacher, nor for which the teacher is meeting or has met an improvement plan determined by the county board, unless

it can be proven by clear and convincing evidence that the teacher has committed one of the offenses listed in this subsection and his or her actions render him or her unfit to teach: *Provided, however,* That in order for any conduct of a teacher involving intemperance; cruelty; immorality; or using fraudulent, unapproved or insufficient credit to obtain the certificates to constitute grounds for the revocation of the certificates of the teacher, there must be a rational nexus between the conduct of the teacher and the performance of his or her job. The state superintendent may designate the West Virginia commission for professional teaching standards or members thereof to conduct hearings on revocations or certificate denials and make recommendations for action by the state superintendent: *Provided further,* That a teacher, as defined by West Virginia Code §18-1-1(g), convicted under §61-8D-3 or §61-8D-5 of this code or comparable statute in any other state, any criminal offense that requires the teacher to register as a sex offender, or any criminal offense which has as an element delivery or distribution of a controlled substance, shall have his or her certificate or license automatically revoked. Should the conviction resulting in automatic revocation pursuant to this section be overturned by any Court of this State or the United States, the teacher's certification shall be reinstated unless otherwise prohibited by law.

(b) It shall be the duty of any county superintendent who knows of any acts on the part of any teacher for which a certificate may be revoked in accordance with this section to shall report the same this, together with all the facts and evidence, to the state superintendent for such action as in the state superintendent's judgment may be proper.

(c) If a certificate has been granted through an error, oversight, or misinformation, the state superintendent has authority to may recall the certificate and make such corrections as will conform to the requirements of law and the state board.”

The Committee on Education amendment, as amended, was then adopted.

The bill was then ordered to third reading.

Com. Sub. for S. B. 640, Regulating sudden cardiac arrest prevention; on second reading, coming up in regular order, was read a second time and ordered to third reading.

S. B. 656, Relating to electronic filing of tax returns; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Finance, was reported by the Clerk and adopted, amending the bill on page four, by striking out section §11-13V-7 in its entirety.

The bill was then ordered to third reading.

S. B. 665, Allowing for expedited oil and gas well permitting; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Energy, was reported by the Clerk and adopted, amending the bill on page one, after the enacting clause, by striking the remainder of the bill and inserting in lieu thereof the following:

“ARTICLE 6A. NATURAL GAS HORIZONTAL WELL CONTROL ACT.

§22-6A-7. Horizontal well permit required; permit fee; application; soil erosion control plan; well site safety plan; site construction plan; water management plan; permit fee; installation of permit number; suspension and transfer of a permit.

(a) It is unlawful for any person to commence any well work, including site preparation work which involves any disturbance of land, for a horizontal well without first securing from the secretary a well work permit pursuant to this article.

(b) Every permit application filed under this section shall be on a form as may be prescribed by the secretary, shall be verified, and shall contain the following information:

(1) The names and addresses of: (A) The well operator; (B) the agent required to be designated under subsection (k) of this section; and (C) every person whom the applicant shall notify under any section of this article, together with a certification and evidence that a copy of the application and all other required documentation has been delivered to all such persons;

(2) The names and addresses of every coal operator operating coal seams under the tract of land on which the well is or may be located, and the coal seam owner of record and lessee of record required to be given notice by §22-6A-5(a)(6) of this code, if any, if the owner or lessee is not yet operating the coal seams;

(3) The number of the well or other identification the secretary may require;

(4) The well work for which a permit is requested;

(5) The approximate total depth to which the well is to be drilled or deepened, or the actual depth if the well has been drilled; the proposed angle and direction of the well; the actual depth or the approximate depth at which the well to be drilled deviates from vertical, the angle, and direction of the nonvertical well bore until the well reaches its total target depth or its actual final depth; and the length and direction of any actual or proposed horizontal lateral or well bore;

(6) Each formation in which the well will be completed if applicable;

(7) A description of any means used to stimulate the well;

(8) If the proposed well work will require casing or tubing to be set, the entire casing program for the well, including the size of each string of pipe, the starting point and depth to which each string is to be set and the extent to which each such string is to be cemented;

(9) If the proposed well work is to convert an existing well, all information required by this section, all formations from which

production is anticipated, and any plans to plug any portion of the well;

(10) If the proposed well work is to plug or replug the well, all information necessary to demonstrate compliance with the legislative rules promulgated by the secretary in accordance with §22-6A-13 of this code;

(11) If the proposed well work is to stimulate a horizontal well, all information necessary to demonstrate compliance with the requirements of §22-6A-5(a)(7) of this code;

(12) The erosion and sediment control plan required under subsection (c) of this section for applications for permits to drill;

(13) A well site safety plan to address proper safety measures to be employed for the protection of persons on the site as well as the general public. The plan shall encompass all aspects of the operation, including the actual well work for which the permit was obtained, completion activities and production activities, and shall provide an emergency point of contact for the well operator. The well operator shall provide a copy of the well site safety plan to the local emergency planning committee established pursuant to §15-5A-7 of this code for the emergency planning district in which the well work will occur at least seven days before commencement of well work or site preparation work that involves any disturbance of land;

(14) A certification from the operator that: (A) It has provided the owners of the surface described in §22-6A-10(b)(1), §22-6A-10(b)(2), and §22-6A-10(b)(4) of this code, the information required by §22-6A-16(b) and §22-6A-16(c) of this code; (B) that the requirement was deemed satisfied as a result of giving the surface owner notice of entry to survey pursuant to §22-6A-10(a) of this code; or (C) the notice requirements of §22-6A-16(b) of this code were waived in writing by the surface owner; and

(15) Any other relevant information which the secretary may reasonably require.

(c)(1) An erosion and sediment control plan shall accompany each application for a well work permit under this article. The plan shall contain methods of stabilization and drainage, including a map of the project area indicating the amount of acreage disturbed. The erosion and sediment control plan shall meet the minimum requirements of the West Virginia Erosion and Sediment Control Manual as adopted and from time to time amended by the department. The erosion and sediment control plan shall become part of the terms and conditions of any well work permit that is issued pursuant to this article and the provisions of the plan shall be carried out where applicable in the operation. The erosion and sediment control plan shall set out the proposed method of reclamation which shall comply with the requirements of §22-6A-14 of this code.

(2) For well sites that disturb three acres or more of surface, excluding pipelines, gathering lines and roads, the erosion and sediment control plan submitted in accordance with this section shall be certified by a registered professional engineer.

(d) For well sites that disturb three acres or more of surface, excluding pipelines, gathering lines and roads, the operator shall submit a site construction plan that shall be certified by a registered professional engineer and contains information that the secretary may require by rule.

(e) In addition to the other requirements of this section, if the drilling, fracturing, or stimulating of the horizontal well requires the use of water obtained by withdrawals from waters of this state in amounts that exceed 210,000 gallons during any 30-day period, the application for a well work permit shall include a water management plan, which may be submitted on an individual well basis or on a watershed basis, and which shall include the following information:

(1) The type of water source, such as surface or groundwater, the county of each source to be used by the operation for water withdrawals and the latitude and longitude of each anticipated withdrawal location;

(2) The anticipated volume of each water withdrawal;

(3) The anticipated months when water withdrawals will be made;

(4) The planned management and disposition of wastewater after completion from fracturing, refracturing, stimulation, and production activities;

(5) A listing of the anticipated additives that may be used in water utilized for fracturing or stimulating the well. Upon well completion, a listing of the additives that were actually used in the fracturing or stimulating of the well shall be submitted as part of the completion log or report required by §22-6A-5(a)(14) of this code;

(6) For all surface water withdrawals, a water management plan that includes the information requested in subdivisions (1) through (5) of this subsection and the following:

(A) Identification of the current designated and existing water uses, including any public water intakes within one mile downstream of the withdrawal location;

(B) For surface waters, a demonstration, using methods acceptable to the secretary, that sufficient in-stream flow will be available immediately downstream of the point of withdrawal. A sufficient in-stream flow is maintained when a pass-by flow that is protective of the identified use of the stream is preserved immediately downstream of the point of withdrawal; and

(C) Methods to be used for surface water withdrawal to minimize adverse impact to aquatic life; and

(7) This subsection is intended to be consistent with and does not supersede, revise, repeal, or otherwise modify §22-11-1 *et seq.*, §22-12-1 *et seq.*, or §22-26-1 *et seq.* of this code and does not revise, repeal, or otherwise modify the common law doctrine of riparian rights in West Virginia law.

(f) An application may propose and a permit may approve two or more activities defined as well work; however, a separate permit shall be obtained for each horizontal well drilled.

(g) The application for a permit under this section shall be accompanied by the applicable bond as required by §22-6A-15 of this code, the applicable plat required by §22-6A-5(a)(6) of this code, and a permit fee of \$10,000 for the initial horizontal well drilled at a location and a permit fee of \$5,000 for each additional horizontal well drilled on a single well pad at the same location.

(h)(1) An applicant may enter into an expedited permit application process with the secretary for a well permit and pay an additional expedited permit fee of \$10,000 for the initial horizontal well drilled at a location and an additional expedited permit fee of \$5,000 for each additional horizontal well drilled on a single well pad at the same location: *Provided*, That deep well permitting is excluded from this expedited permit process due to the independent board review and approval requirement which is outside the secretary's control.

(2) Upon entering into an expedited permit process and meeting all the criteria set forth in this article, the secretary shall issue or deny a permit within 45 days of the submission of a permit application under this article, unless the secretary seeks additional information or modification from the applicant, which would toll the 45 day period until the secretary receives the required responsive information from the applicant.

(3) Each day the agency exceeds: (A) The 45-day deadline for approval or denial of an expedited initial horizontal well drilled, the secretary shall refund \$666.66 per day up to and including day 60 after the submission of a permit application until the expedited fee is reduced to the normal permit fee amount; or (B) the 45-day deadline for approval or denial of an expedited permit for any additional horizontal well drilled on a single well pad at the same location, the secretary shall be required to refund \$333.33 per day up to and including day 60 after the submission of a permit application, until the expedited fee is reduced to the normal permit fee amount.

(4)(A) After all refunds are paid by the secretary, one half of the additional expedited permit fee shall be deposited in the Oil and Gas Operating Permit and Processing Fund and shall be used by the agency to cover costs to review, process, and approve or deny the applicable horizontal well permit applications and modifications pending before the agency, but not to exceed \$1,000,000 annually in combination with proceeds received through §22-6A-7(i)(4)(A) of this code and any residuary fee proceeds to be distributed as set forth in §22-6A-7(h)(4)(B) of this code.

(B) After all refunds are paid by the secretary, one half of the additional expedited permit fee, plus any residuary as set forth in §22-6A-7(h)(4)(A) of this code, shall be deposited in the Oil and Gas Reclamation Fund and used specifically for the reclamation and plugging of orphaned oil or gas wells.

(i)(1) An applicant may enter into an expedited permit modification application process with the secretary for a well permit and pay an expedited permit modification fee of \$5,000 for the modification of the permit for any horizontal well drilled at a location: *Provided*, That deep well permit modifications are excluded from this expedited permit modification process if the modification is subject to independent board review and approval.

(2) Upon entering into an expedited permit modification process and meeting all the criteria set forth in this article, the secretary shall issue or deny a permit modification within 20 days of the submission of a permit modification application under this article, unless the secretary seeks additional information or further modification from the applicant, which would toll the 20 day period until the secretary receives the required responsive information from the applicant.

(3) Each day the agency exceeds the 20-day deadline for approval or denial of an expedited horizontal well permit modification, the secretary shall refund \$500 per day up to and including day 30 after the submission of an expedited permit modification application, until the expedited permit modification fee of \$5,000 is reduced to zero.

(4)(A) After all refunds are paid by the secretary, one half of the expedited permit modification fee shall be deposited in the Oil and Gas Operating Permit and Processing Fund and shall be used by the agency to cover costs to review, process, and approve or deny the applicable horizontal well permit applications and modifications pending before the agency, but not to exceed \$1,000,000 annually in combination with proceeds received through §22-6A-7(h)(4)(A) of this code and any residuary fee proceeds to be distributed as set forth in §22-6A-7(i)(4)(B) of this code.

(B) After all refunds are paid by the secretary, one half of the expedited permit modification fee, plus any residuary as set forth in §22-6A-7(i)(4)(A) of this code, shall be deposited in the Oil and Gas Reclamation Fund and used specifically for the reclamation and plugging of orphaned oil or gas wells.

(j) Any balance in the Oil and Gas Reclamation Fund, earmarked specifically for the reclamation and plugging of orphaned oil or gas wells pursuant to §22-6A-7(h)(4)(B) and §22-6A-7(i)(4)(B) of this code, which remains at the end of any state fiscal year does not revert to the General Revenue Fund but shall remain in the special revenue account as indicated and may be used only as provided in §22-6-29(b) of this code. The revenues deposited in the Oil and Gas Reclamation Fund, earmarked specifically for the reclamation and plugging of orphaned oil or gas wells pursuant to §22-6A-7(h)(4)(B) and §22-6A-7(i)(4)(B) of this code may not be designated as nonaligned state special revenue funds under §11B-2-32 of this code.

~~(h)~~ (k) The well operator named in the application shall designate the name and address of an agent for the operator who is the attorney-in-fact for the operator and who is a resident of the State of West Virginia upon whom notices, orders, or other communications issued pursuant to this article or §22-11-1 *et seq.* of this code may be served, and upon whom process may be served. Every well operator required to designate an agent under this section shall, within five days after the termination of the designation, notify the secretary of the termination and designate a new agent.

(⊕) (l) The well owner or operator shall install the permit number as issued by the secretary and a contact telephone number for the operator in a legible and permanent manner to the well upon completion of any permitted work. The dimensions, specifications, and manner of installation shall be in accordance with the rules of the secretary.

(⊕) (m) The secretary may waive the requirements of this section and §22-6A-8, §22-6A-10, §22-6A-11, and §22-6A-24 of this code in any emergency situation if the secretary considers the action necessary. In that case the secretary may issue an emergency permit which is effective for not more than 30 days, unless reissued by the secretary.

(⊕) (n) The secretary shall deny the issuance of a permit if the secretary determines that the applicant has committed a substantial violation of a previously issued permit for a horizontal well, including the applicable erosion and sediment control plan associated with the previously issued permit, or a substantial violation of one or more of the rules promulgated under this article, and in each instance has failed to abate or seek review of the violation within the time prescribed by the secretary pursuant to the provisions of §22-6A-5(a)(1) and §22-6A-5(a)(2) of this code and the rules promulgated hereunder, which time may not be unreasonable.

(⊕) (o) If the secretary finds that a substantial violation has occurred and that the operator has failed to abate or seek review of the violation in the time prescribed, the secretary may suspend the permit on which the violation exists, after which suspension the operator shall forthwith cease all well work being conducted under the permit. However, the secretary may reinstate the permit without further notice, at which time the well work may be continued. The secretary shall make written findings of the suspension and may enforce the same in the circuit courts of this state. The operator may appeal a suspension pursuant to the provisions of §22-6A-5(a)(23) of this code. The secretary shall make a written finding of any such determination.

(⊕) (p) Any well work permit issued in accordance with this section may be transferred with the prior written approval of the

secretary upon his or her finding that the proposed transferee meets all requirements for holding a well work permit, notwithstanding any other provision of this article or rule adopted pursuant to this article. Application for the transfer of any well work permit shall be upon forms prescribed by the secretary and submitted with a permit transfer fee of \$500. Within 90 days of the receipt of approval by the secretary, the transferee shall give notice of the transfer to those persons entitled to notice in §22-6A-10(b) of this code by personal service or by registered mail or by any method of delivery that requires a receipt or signature confirmation, and shall further update the emergency point of contact provided pursuant to subdivision (13), subsection (b) of this section.”

The bill was then ordered to third reading.

S. B. 669, Allowing appointment of commissioners to acknowledge signatures; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on the Judiciary, was reported by the Clerk and adopted, amending the bill on page four, section three, line six, after the word “matters.” by adding a new subdivision (4) to read as follows:

“(4) No provision of this section shall be construed to prohibit the practice of law by a duly licensed attorney.”

The bill was then ordered to third reading.

S. B. 670, Relating to WV College Prepaid Tuition and Savings Program; on second reading, coming up in regular order, was read a second time and ordered to third reading.

In the absence of objection, the House returned to Unfinished Business.

Unfinished Business

The following resolutions, coming up in regular order, as unfinished business, were reported by the Clerk and adopted:

S. C. R. 23, Jeffrey Alan Clovis Memorial Bridge,

Com. Sub. for S. C. R. 25, US Army PFC Andrew “Bo” Martin Harper Memorial Bridge,

H. C. R. 10, Resiliency Week,

H. C. R. 14, U. S. Army CPT Benjamin Ronk Memorial Bridge,

H. C. R. 28, Charleston Police Capt. Jerry D. Hill Memorial Bridge,

H. C. R. 36, SPEC 5 Garry Monzel ‘Michael’ Shannon Memorial Bridge,

Com. Sub. for H. C. R. 42, U. S. Navy Petty Officer 2d Class Joseph Allen Ashley Memorial Bridge,

H. C. R. 54, U. S. Navy AOAN David ‘Wayne’ Cornell Memorial Bridge,

Com. Sub. for H. C. R. 64, U. S. Army CPL Jerry Lee Noble Memorial Bridge,

H. C. R. 68, Bluefield Police Lt. Aaron L. Crook Memorial Road,

Com. Sub. for H. C. R. 72, U. S. Army PFC Harold Paul Cottle Memorial Highway,

H. C. R. 73, U. S. Army SGT Matthew T. Miller Memorial Bridge,

Com. Sub. for H. C. R. 76, Reverend Lonnie Ramsey Memorial Bridge,

H. C. R. 85, Requesting the Joint Committee on Government and Finance study the feasibility of combining the volunteer fire departments,

H. C. R. 86, Requesting study of municipal and county governments for efficiencies and economies of scale,

H. C. R. 87, Requesting the Joint Committee on Government and Finance study the Public Service Commission,

H. C. R. 88, Requesting the Joint Committee on Government and Finance study the Board of Risk and Insurance Management,

H. C. R. 91, U. S. Army SGT. Robert Henry Waggy Memorial Bridge,

And,

H. R. 6, Recognizing the importance of West Virginia's energy resources and critical energy infrastructure to support economic development and national security.

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

H. R. 11, Recognizing the importance of the Atlantic Coast Pipeline; coming up in regular order, as unfinished business, was reported by the Clerk.

The question now being on the adoption of the resolution, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 575**), and there were—yeas 80, nays 17, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Bates, S. Brown, Doyle, Estep-Burton, Fleischauer, Hansen, Hornbuckle, Lavender-Bowe, Longstreth, Lovejoy, Pushkin, Pyles, Rowe, Staggers, Walker, Williams and Zukoff.

Absent and Not Voting: Kump, Sponaugle and C. Thompson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the resolution (H. R. 11) adopted.

In the absence of objection, the House of Delegates returned to the Seventh Order of Business.

Resolutions Introduced

The following House Concurrent Resolutions were introduced pursuant to House Rule 109:

Delegates Hill, Azinger, Cooper, Hott, J. Jeffries, Mandt, C. Martin, Maynard and Steele offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 97- “Designating the Mountain Cur as West Virginia’s official state dog.”

Whereas, The Mountain Cur was considered one of the most valuable assets to early mountain pioneers, settlers, and homesteaders; and

Whereas, The Mountain Cur was used to catch, tree, or hole wild game, which provided food and furs for families; and

Whereas, The Mountain Cur is a medium sized dog, standing 16 to 25 inches when full grown and weighs approximately 45 to 60 pounds. The breed has a rough coat that is brindle, black, brindle black, and yellow, has high set hanging ears, and a strong neck; and

Whereas, The Mountain Cur was declared a breed in 1957 with the organization of the Original Mountain Cur Breeders of America; therefore, be it

Resolved by the Legislature of West Virginia:

That the Mountain Cur be designated as the official state dog; and, be it

Further Resolved, That the Clerk of the House forward a copy of this resolution to the Governor and the schools of this state.

Delegates Ellington, Bibby, Capito, Cooper, Dean, Fast, Foster, Harshbarger, Hill, Hollen, Hott, Howell, D. Jeffries, D. Kelly, Kessinger, Kump, Linville, Malcolm, Mandt, Nelson, Pack, Phillips, Rohrbach, Rowan, Shott, Steele, Storch and Sypolt offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 98 - “Requesting the Joint Committee on Government and Finance to study and analyze the potential use of audio telemedicine in West Virginia.”

Whereas, The use of telemedicine in West Virginia is far below usage in other states; and

Whereas, West Virginia is a largely rural state that lacks significant broadband coverage, has difficult geography, and has an aging demographic; and

Whereas, Under current West Virginia law, the initial physician-patient telemedicine encounter must be via video encounter; and

Whereas, These combined factors remove the ability for telemedicine via video technology to be a feasible option for most West Virginia residents; and

Whereas, At least 17 states do not prohibit audio-only telemedicine; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to study the potential use of telemedicine via audio for physicians and their patients in West Virginia.

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2020, on its findings, conclusions, and recommendations, together with drafts of any legislation necessary to effectuate its recommendations; and, be it

Further Resolved, That the expenses necessary to conduct a study, prepare reports, and draft necessary legislation be paid from legislative appropriations to the Joint Committee on Government and Finance.

Delegate Rohrbach offered the following resolution, which was read by its title and referred to the Committee Rules:

H. C. R. 99 - “Requesting the House Committee on Prevention and Treatment of Substance Abuse study the national standards established to constitute proficiency in the treatment of Substance Use Disorders (SUD), both medical and counseling, in West Virginia.”

Whereas, The Legislature is committed to facilitating increased access to substance abuse treatment; and

Whereas, The Legislature is committed to assuring that all services provided are best practice thus assuring successful outcomes for persons with Substance Use Disorders; and

Whereas, the American Society of Addiction Medicine sets the standards for competency in the medical treatment of SUD; and

Whereas, the International Certification & Reciprocity Consortium (IC & RC) and its State Affiliate the West Virginia Certification Board for Addiction & Prevention Professionals (WVCBAPP), as well as the National Association for Addiction Professionals (NAADAC) and its State Affiliate the West Virginia Association of Alcoholism and Drug Abuse Counselors (WVAADC) sets the standards for competency in addiction counseling; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby requests the House Committee on Prevention and Treatment of Substance Abuse study establishing minimum qualifications for the medical and counseling treatment for SUD using ASAM guidelines; and, be it

Further Resolved, That the House Committee on Prevention and Treatment of Substance Abuse study establishing minimum qualifications for counseling for SUD using WVCBAPP and WVAADC guidelines; and, be it

Further Resolved, the House Committee on Prevention and Treatment of Substance Abuse report to the Regular Session of the Legislature 2020, on its findings, conclusions and

recommendations, together with drafts of any legislation necessary to effectuate any recommendations; and, be it

Further Resolved, That The Department of Commerce, the Development Office, the Tax Department, and the State Auditor shall cooperate with the Legislature to obtain the necessary research for this study; and, be it

Further Resolved, That the expenses necessary to conduct this study, to prepare a report and to draft necessary legislation be paid from legislative appropriations to the House Committee on Prevention and Treatment of Substance Abuse.

Delegates Bibby, Butler, Cadle, Espinosa, Fast, Foster, Hanna, Hardy, Harshbarger, Hollen, Hott, Howell, D. Jeffries, J. Jeffries, Jennings, J. Kelly, Kessinger, Linville, Malcolm, C. Martin, P. Martin, Maynard, Phillips, Porterfield, Rowan, Summers, Sypolt, Toney and Waxman offered the following resolution, which shall lie over one day:

H. R. 20 - "Censuring Delegate Mike Caputo, Member of the West Virginia House of Delegates."

Whereas, The West Virginia House of Delegates finds that civil and respectful debate and behavior is a foundational principle of a free society; and

Whereas, The West Virginia House of Delegates believes in not only the First Amendment guarantee of free speech, but the right to freely debate differences in opinions and beliefs; and

Whereas, The West Virginia House of Delegates believes that, while individuals may passionately disagree about those opinions and beliefs, these differences should be resolved with civility and respect; and

Whereas, The House of Delegates vehemently condemns acts of violence, bullying and verbal assault as a means of expressing political discontent; and

Whereas, The House of Delegates believes its members should embody these principles and behave in a way that serves as an example for all citizens in how they should peaceably resolve their differences; and

Whereas, On March 1, 2019, while an assistant Doorkeeper of the House of Delegates was rightfully and properly performing his job by preventing members from entering the House during the Prayer and Pledge of Allegiance, Delegate Caputo did forcefully and violently kick the door to the House of Delegates striking the assistant Doorkeeper forcefully, causing bodily injury to the assistant Doorkeeper; and

Whereas, Delegate Caputo did verbally abuse the assistant Doorkeeper and did use language that was inappropriate to the decorum and order of the House of Delegates; therefore, be it

Resolved by the House of Delegates:

That the House of Delegates hereby censures Delegate Mike Caputo for his disorderly conduct and physical assault upon an assistant Doorkeeper.

Delegate Wilson offered the following resolution, which shall lie over one day:

H. R. 21 - “Expelling Delegate Mike Caputo from membership in the West Virginia House of Delegates for the remainder of the term for which he was elected to the West Virginia House of Delegates at the general election held in the year 2018.”

Whereas, On March 1, 2019, Delegate Mike Caputo engaged in verbal and physical conduct unbecoming of a representative of the people of West Virginia during the House Floor Session. As he attempted to enter the House Chamber during the time reserved for the pledge and prayer, he found the door being kept shut by an assistant doorkeeper. Despite being aware of the assistant doorkeeper’s duties, Delegate Caputo deliberately and violently forced his way into the House Chamber, resulting in physical injury

of the assistant doorkeeper and requiring him to seek medical attention.

Whereas, As Delegate Caputo entered the House Chamber, he addressed the injured doorkeeper in passing using disrespectful and vulgar language, saying “Open the G** D*** Door I am a member and I can come in any time I want.” Prior to taking his seat, Delegate Caputo expressed no interest in the assistant doorkeeper’s well-being; and

Whereas, Delegate Caputo then disrespectfully and aggressively accosted Delegate Malcolm after she commented on his behavior, saying “get the f*** out of my way” and elbowed her shoulder and chest as he passed her to walk toward his seat; and

Whereas, After Delegate Caputo took his seat, he requested permission to address the House and boasted “I’m the one that kicked the door open. That’s how angry I was. I tried to get in here between the prayer and the pledge, and I’m a member of this House, and nobody’s going to keep me from opening that door, but the point I’m trying to get to- I have always preached to Freshman Delegates. When it gets personal with me, it’s bad. Is it proper to do it here and take away from the business of the State of West Virginia when we’ve got doorkeepers going nose to nose with members? The Sergeant at Arms going nose to nose with members? We have created an anger that I have not witnessed in twenty-three years in this body, and it sickens me... but yeah, I kicked that door open. I’ll own it. I did. I said some things that I don’t normally say; so, the point should be we shouldn’t do what’s going on outside here there’s no place for that. I apologize for my anger because I don’t like getting this way, but I’m very angry today.”

Whereas, Leader Miley requested “time to handle Delegate Caputo’s behavior internally”; and

Whereas, Speaker Hanshaw agreed with the expectation that Delegate Caputo would be disciplined by Leader Miley; and

Whereas, Leader Miley took no decisive action concerning Delegate Caputo's position or authority within the House; and

Whereas, Delegate Caputo was elected to the House of Delegates for a two-year term from the Fiftieth Delegate District at the general election held in the year 2018; and

Whereas, The West Virginia House of Delegates has high standards for the conduct of its members. Paramount to the orderly functioning of our form of government is the minimum requirement that members conduct themselves in a civil manner. This minimum requirement exists so that delegates may engage in the work for which they were elected: to engage in ardent and passionate debate concerning the business of the people of West Virginia; and

Whereas, While a delegate serves in the House, House Rule 32 binds him or her to "avoid all personalities and indecorous or disrespectful language"; and

Whereas, There is no House Rule that contemplates the situation wherein a member engages in a physical act that results in the injury of an individual employee because that conduct is so far outside the bounds of acceptable behavior that this body felt no need to address it.

Whereas, When the conduct of a member goes so far outside that which is expected of a representative of the citizens of this state, the remaining members must act to preserve the honor and credibility of that body. Not to act and repudiate such conduct destroys the credibility of the House and the faith of the people in their government.

Resolved by two-thirds of the members elected to the House of Delegates:

That for the conduct of Delegate Mike Caputo on March 1, 2019, he be and is hereby expelled from membership in the West Virginia House of Delegates for the remainder of the term for

which he was elected to the West Virginia House of Delegates at the general election held in 2018.

Miscellaneous Business

Delegate J. Kelly announced that he was absent on today when the vote was taken on Roll No. 518, and that had he been present, he would have voted “Yea” thereon.

Delegate Pyles announced that he was absent on today when the vote was taken on Roll No. 522, and that had he been present, he would have voted “Yea” thereon.

Delegate Boggs announced that he was absent on today when the votes were taken on Roll Nos. 514, 515, 516 and 517, and that had he been present, he would have voted “Yea” thereon. He also announced that he was absent on yesterday when the vote was taken on Roll No. 484 and that had he been present, he would have voted “Yea” thereon.

Delegate Doyle announced that he was absent on today when the vote was taken on Roll No. 510, and that had he been present, he would have voted “Nay” thereon.

Delegate Nelson noted to the Clerk that he was absent on today when the votes were taken on Roll Nos. 514 through 518, and that had he been present, he would have voted “Yea” thereon.

Delegate Rohrbach noted to the Clerk that he was absent on today when the votes were taken on Roll Nos. 509 through 517 and had he been present he would have voted “Yea” thereon. He also noted that he was absent on Roll Nos. 507 and 508 and had he been present he would have voted “Nay” thereon.

Delegate Caputo noted to the Clerk that he be recorded in the Journal as having voted “Nay” on H. C. R. 32.

Pursuant to House Rule 132, consent was requested and obtained to print the remarks of the following Member in the Appendix to the Journal:

- Delegate Worrell regarding Com. Sub. for S. B. 4

At 8:38 p.m., the House of Delegates adjourned until 10:00 a.m., Friday, March 8, 2019.

Friday, March 8, 2019

FIFTY-NINTH DAY

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

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

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

The Clerk proceeded to read the Journal of Thursday, March 7, 2019, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Reordering of the Calendar

Delegate Summers announced that the Committee on Rules had transferred H. C. R. 33 and H. C. R. 61, on Unfinished Business, to the foot of the Calendar; H. R. 20, on Unfinished Business, to the foot of resolutions; Com. Sub. for S. B. 90, on Third Reading, Special Calendar, to the foot of bills on Third Reading; and Com. Sub. for S. B. 392, on Third Reading, Special Calendar, to the House Calendar.

Committee Reports

Delegate Shott, Chair of the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration:

S. C. R. 39, Requesting creation of Joint Select Committee on Requirements Governing Water Quality Standards,

And reports the same back, with amendment, with the recommendation that it be adopted, as amended, but that it first be referred to the Committee on Rules.

In accordance with the former direction of the Speaker, the resolution (S. C. R. 39) was referred to the Committee on Rules.

Delegate Capito, Chair of the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled and, on the 7th day of March, 2019, presented to His Excellency, the Governor, for his action, the following bill, signed by the President of the Senate and the Speaker of the House of Delegates.

Com. Sub. for H. B. 2854, Exempting sales from the consumers sales and service tax and use tax by not for profit volunteer school support groups raising funds for schools.

Delegate Capito, Chair of the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled and, on the 7th day of March, 2019, presented to His Excellency, the Governor, for his action, the following bill, signed by the President of the Senate and the Speaker of the House of Delegates.

H. B. 3140, Relating to the Division of Natural Resources Infrastructure.

Messages from the Executive

Delegate Hanshaw (Mr. Speaker) presented a communication from His Excellency, the Governor, advising that on March 7, 2019, he approved **Com. Sub. for S. B. 13, Com. Sub. for S. B. 26, Com. Sub. for S. B. 270, Com. Sub. for S. B. 356, S. B. 358, Com. Sub. for S. B. 387, S. B. 442, S. B. 443, S. B. 444 and S. B. 452.**

Resolutions Introduced

Delegates Hanshaw (Mr. Speaker) and Linville offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. R. 19 - “Expressing support for the President of the United States, Donald J. Trump, to sign the Appalachian Sky Executive Order.”

Whereas, During the 20th century, the coal industry provided direct and indirect jobs to thousands upon thousands of southern West Virginians, creating a robust local economy; and

Whereas, During the mid-2000s, the coal industry began to decline due to many factors, including, but not limited to, inexpensive natural gas, burdensome environmental regulations, and weakening international demand, disproportionately affecting central Appalachia, generally, and southern West Virginia, specifically; and

Whereas, Jackson, Mason, Cabell, and Wayne Counties have been selected as part of a 19-county, multistate AEROREady Certified region known as the Appalachian Sky corridor with an ultimate goal to attract the aerospace and defense industries to the region; and

Whereas, A proposed Appalachian Sky Executive Order is currently under review with the United States Department of Commerce and the National Economic Council, and would align varying interests in the region with the common goal of attracting manufacturers so that, one day, every aircraft and spacecraft will have a part designed, manufactured, or routinely maintained at a facility in the Appalachian Sky corridor; and

Whereas, Experts estimate that the Appalachian Sky initiative will create 15,000 aerospace-related jobs in the region and create over 18,000 indirect and induced jobs, employing thousands of West Virginians from those areas hardest hit by the decline in the coal industry, and encouraging thousands to move to West Virginia and surrounding states, revitalizing local economies; therefore, be it

Resolved by the House of Delegates:

That the House of Delegates hereby respectfully encourages the Honorable Donald J. Trump, President of the United States, to

sign the Appalachian Sky Executive Order and bring much needed economic opportunity to regions of West Virginia and neighboring states whose workforce provided the coal and other materials that made America great and secure and make Central Appalachia and West Virginia great again; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution be sent to the Honorable Donald J. Trump, President of the United States of America; to the Honorable Wilbur L. Ross, Jr., Secretary of the United States Department of Commerce; and to the Honorable Lawrence A. Kudlow, Director of the National Economic Council.

Delegates Anderson, Atkinson, Azinger, Butler, Dean, Ellington, Graves, Harshbarger Higginbotham, Hill, Hollen, Hott, D. Jeffries, Jennings, D. Kelly, J. Kelly, Linville, Mandt, Phillips, Queen, Rowan, Shott, Storch, Toney, Westfall, Wilson and Worrell offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 96 - “Requesting the Centers for Medicare & Medicaid Services (CMS) in Baltimore, MD adopt hospital outpatient payment methodologies that encourage the use of non-opioid pain management therapies in the Hospital Outpatient Department Setting (HOPD).”

Whereas, In 2016, West Virginia had the highest rate of opioid-related overdose deaths in the United States— 43.4 deaths per 100,000—up from a low of 1.8 deaths per 100,000 in 1999; and

Whereas, The operating room is an unintentional gateway to opioid misuse, such that 3 million patients prescribed opioids after surgery each year transition to persistent opioid use; and

Whereas, In 2017 alone, 909 West Virginians died of opioid-related overdose deaths; and

Whereas, Current federal rules for Medicare, which provides health care for older West Virginians, limit patient access to non-opioid postsurgical pain management therapies; and

Whereas, Medicare reimburses for outpatient surgeries performed in a hospital with a single payment, which includes payment for non-opioid therapies, while opioids may be paid separately through the pharmacy benefit; and

Whereas, CMS amended its payment rules to pay separately for non-opioid pain management therapies in the Ambulatory Surgical Center setting, but not in the Hospital Outpatient Department Setting; and

Whereas, Due to Certificate of Need restrictions in West Virginia, a large number of outpatient surgeries are performed in the outpatient department of a hospital in lieu of an Ambulatory Surgical Center setting; and

Whereas, The use of opioids to manage post-surgical pain can be significantly reduced when a non-opioid therapy is utilized; therefore, be it:

Resolved by the Legislature of West Virginia:

That the Legislature hereby requests the federal government and the Centers for Medicare & Medicaid Services (CMS) amend their payment methodologies to exclude non-opioid pain management therapies from the payment bundle in the Hospital Outpatient Department Setting, similar to recent changes enacted for surgeries performed in Ambulatory Surgical Centers, and provide separate reimbursement for the use of non-opioid pain treatments; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the United States Secretary of Health and Human Services, the Administrator of the Centers for Medicare & Medicaid Services, and to the members of the West Virginia congressional delegation.

Special Calendar

Unfinished Business

On motion of Delegate Summers, Com. Sub. for S. C. R. 4 and Com. Sub. for S. C. R. 40, on Unfinished Business, were postponed one day.

Delegate J. Jeffries asked and obtained unanimous consent to be added as a cosponsor of H. C. R. 61 and H. R. 21.

The following resolutions, coming up in regular order, as unfinished business, were reported by the Clerk and adopted:

S. C. R. 9, US Army PFC Winten L. Ways Memorial Bridge,

S. C. R. 12, US Army CPL Lee Roy Young Memorial Bridge,

S. C. R. 20, US Air Force SSGT Ryan David Hammond Memorial Bridge,

Com. Sub. for H. C. R. 5, U. S. Army T/5 Maurice V. Mann Memorial Bridge,

Com. Sub. for H. C. R. 6, U. S. Army PFC Earl Russell Cobb, SPC4 Carl Bradford Goodson, and SSGT George T. Saunders Jr. Memorial Bridge,

Com. Sub. for H. C. R. 37, SSGT Thomas Gavin Hess Memorial Bridge,

Com. Sub. for H. C. R. 49, U. S. Marine Corps PFC Danny Marshall Memorial Bridge,

Com. Sub. for H. C. R. 52, Dr. H. Luke Eye Memorial Bridge,

Com. Sub. for H. C. R. 55, U. S. Navy Seaman 1st Class Brady William Milam Memorial Bridge,

Com. Sub. for H. C. R. 70, Danny Wayne Marks Memorial Bridge,

Com. Sub. for H. C. R. 79, U. S. Army PFC Homer Jacob Day Memorial Bridge,

H. C. R. 83, The creation of the West Virginia Distressed Water and Wastewater Utility Systems Viability Study Committee,

H. C. R. 93, Requesting the Joint Committee on Energy study legislation relating to the deregulation of natural gas,

And,

Com. Sub. for H. C. R. 40, U. S. Army CAPT William H. Denney, Jr. Memorial Bridge.

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

H. R. 21, Expelling Delegate Mike Caputo from membership in the West Virginia House of Delegates; coming up in regular order, as unfinished business, was reported by the Clerk.

Delegate Miley moved that the resolution be tabled.

On this motion, the yeas and nays were demanded, which demand was sustained.

The yeas and nays, having been ordered they were taken (**Roll No. 576**), and there were—yeas 65, nays 35, absent and not voting none, with the nays being as follows:

Nays: Anderson, Azinger, Bibby, Butler, Cadle, Ellington, Espinosa, Fast, Foster, Graves, Hanna, Hardy, Harshbarger, Hill, Hollen, Hott, Howell, D. Jeffries, J. Jeffries, Jennings, J. Kelly, Kessinger, Kump, Linville, Malcolm, C. Martin, P. Martin, Phillips, Porterfield, Rowan, Summers, Sypolt, Waxman, Wilson and Hanshaw (Mr. Speaker).

So, a majority of the members present and voting having voted in the affirmative, the resolution was laid upon the table.

H. R. 20, Censuring Delegate Mike Caputo of the West Virginia House of Delegates; coming up in regular order, as unfinished business, was reported by the Clerk.

Delegate Malcolm was addressing the House when Delegate Pushkin arose to a point of order, regarding the Member's remarks not being directed to the Chair, to which point the Speaker replied that the point was well taken.

Subsequently,

Delegate Westfall moved that the resolution be tabled.

On this motion, the yeas and nays were demanded, which demand was sustained.

The yeas and nays, having been ordered they were taken (**Roll No. 577**), and there were—yeas 62, nays 38, absent and not voting none, with the nays being as follows:

Nays: Anderson, Bibby, Butler, Cadle, Ellington, Espinosa, Fast, Foster, Graves, Hanna, Hardy, Harshbarger, Higginbotham, Hill, Hollen, Hott, Householder, Howell, D. Jeffries, J. Jeffries, Jennings, J. Kelly, Kessinger, Kump, Linville, Malcolm, C. Martin, P. Martin, Pack, Phillips, Porterfield, Rowan, Summers, Sypolt, Toney, Waxman, Wilson and Hanshaw (Mr. Speaker).

So, a majority of the members present and voting having voted in the affirmative, the resolution was laid upon the table.

Third Reading

S. B. 16, Authorizing expenditure of surplus funds by Wyoming County Commission; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 578**), and there were—yeas 100, nays none, absent and not voting none.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 16) passed.

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

Com. Sub. for S. B. 30, Eliminating tax on annuity considerations collected by life insurer; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 579**), and there were—yeas 100, nays none, absent and not voting none.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 30) passed.

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

S. B. 36, Allowing adjustment of gross income for calculating personal income liability for certain retirees; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 580**), and there were—yeas 100, nays none, absent and not voting none.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 36) passed.

Delegate Summers moved that the bill take effect July 1, 2019.

On this question, the yeas and nays were taken (**Roll No. 581**), and there were—yeas 100, nays none, absent and not voting none.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 36) takes effect July 1, 2019.

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

Com. Sub. for S. B. 40, Establishing Military Service Members Court program; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 582**), and there were—yeas 99, nays 1, absent and not voting none, with the nays being as follows:

Nays: Jennings.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 40) passed.

An amendment to the title of the bill, recommended by the Committee on Finance, was reported by the Clerk and adopted, amending the title to read as follows:

Com. Sub. for S. B. 40 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §62-16-1, §62-16-2, §62-16-3, §62-16-4, §62-16-5, §62-16-6, §62-16-7, §62-16-8, §62-16-9, §62-16-10, §62-16-11, §62-16-12, §62-16-13 and §62-16-14, all relating to establishing a Military Service Members Court program within Supreme Court of Appeals; providing legislative findings; defining terms; granting authority to oversee court to Administrator of Supreme Court of Appeals; setting forth structure of court; providing for written agreement to participate in court; setting forth incentives for successful participation; providing for sanctions for violation of provisions of court; setting out disposition on successful completion; providing for teams to function within court; setting forth eligibility requirements for participation; setting forth procedure to participate in court; allowing for mental health and drug treatment services for participants; providing for governance of court by Supreme Court of Appeals; setting forth information to be maintained on participants; providing for funding mechanisms which may include court fees; and providing for limitation of liability.”

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

Com. Sub. for S. B. 103, Relating generally to Public Defender Services; on third reading, coming up in regular order, was read a third time.

Delegates Fast, Hicks and Steele requested to be excused from voting on Com. Sub. for S. B. 103 under the provisions of House Rule 49.

The Speaker replied that the Delegates were members of a class of persons possibly to be affected by the passage of the bill and directed the Members to vote.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 583**), and there were—yeas 97, nays 2, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Cadle and Jennings.

Absent and Not Voting: Hartman.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 103) passed.

An amendment to the title of the bill, recommended by the Committee on Finance, was reported by the Clerk and adopted, amending the title to read as follows:

Com. Sub. for S. B. 103 - “A Bill to amend and reenact §29-21-6 and §29-21-13a of the Code of West Virginia, 1931, as amended, all relating generally to Public Defender Services; requiring Public Defender Services to establish and operate a division within the agency for the purpose of prosecuting writs of habeas corpus on behalf of eligible clients in the circuit courts of the state and before the Supreme Court of Appeals upon appointment by a court; transferring initial authority to review, approve, modify, or refuse panel attorney vouchers from circuit courts to Public Defender Services; providing for resubmission or reconsideration of vouchers previously modified or refused; establishing procedures for handling of modified or refused vouchers; maintaining final authority over payment of vouchers with circuit courts; authorizing the Executive Director of Public Defender Services, with approval of the Indigent Defense Commission, to contract for noncriminal legal services; providing for payment of contracts; authorizing agency to reduce or reject vouchers or requests for payment; requiring panel attorneys to maintain time-keeping records to enable the attorney to determine

time expended on a daily basis; setting record-keeping standards; requiring prompt processing and payment of vouchers; increasing the rates of compensation for panel attorneys; authorizing payment for in-court paralegal services with prior approval of the circuit court and subject to agency rule regarding maximum reimbursement; authorizing the executive director to promulgate emergency rules; and setting an effective date.”

Delegate Summers moved that the bill take effect July 1, 2019.

On this question, the yeas and nays were taken (**Roll No. 584**), and there were—yeas 100, nays none, absent and not voting none.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 103) takes effect July 1, 2019.

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

Com. Sub. for S. B. 147, Shifting funding from Landfill Closure Assistance Fund to local solid waste authorities; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 585**), and there were—yeas 95, nays 5, absent and not voting none, with the nays being as follows:

Nays: J. Jeffries, J. Kelly, Longstreth, Maynard and Pushkin.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 147) passed.

An amendment to the title of the bill, recommended by the Committee on Finance, was reported by the Clerk and adopted, amending the title to read as follows:

Com. Sub. for S. B. 147 - “A Bill to repeal §61-11B-1, §61-11B-2, §61-11B-3, §61-11B-4, and §61-11B-5 of the Code of West

Virginia, 1931, as amended; to amend and reenact §61-11-26 of said code; and to amend said code by adding thereto a new section, designated §61-11-26a, all relating generally to expungement of certain convictions; eliminating statutory authority to reduce certain felonies to misdemeanor status; authorizing those who have used statutory authority to reduce certain felonies to misdemeanors to seek expungement; defining terms; eliminating age limitations for petitioners seeking to expunge certain misdemeanors; expanding eligibility for criminal expungement to persons convicted of certain nonviolent felonies or multiple misdemeanors; providing exclusions from eligibility; establishing time limitations for filing a petition for expungement; creating petition requirements and court procedure for evaluating petitions for orders of expungement for expungable offenses; clarifying disclosure requirements with respect to the information sealed pursuant to an order of expungement, including exemptions; providing standard for inspection of sealed records; establishing fees, including when fees are waived; clarifying that an order of expungement does not reinstate eligibility for certain benefits lost due to expunged conviction; providing time limitations for filing petitions of expungement after completion of certain drug treatment or job training; and making technical changes.”

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

Com. Sub. for S. B. 152, Relating generally to criminal offense expungement; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 586**), and there were—yeas 97, nays 3, absent and not voting none, with the nays being as follows:

Nays: Malcolm, C. Martin and P. Martin.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 152) passed.

An amendment to the title of the bill, recommended by the Committee on Finance, was reported by the Clerk and adopted, amending the title to read as follows:

Com. Sub. for S. B. 152 - “A Bill to repeal §61-11B-1, §61-11B-2, §61-11B-3, §61-11B-4, and §61-11B-5 of the Code of West Virginia, 1931, as amended; to amend and reenact §61-11-26 of said code; and to amend said code by adding thereto a new section, designated §61-11-26a, all relating generally to expungement of certain convictions; eliminating statutory authority to reduce certain felonies to misdemeanor status; authorizing those who have used statutory authority to reduce certain felonies to misdemeanors to seek expungement; defining terms; eliminating age limitations for petitioners seeking to expunge certain misdemeanors; expanding eligibility for criminal expungement to persons convicted of certain nonviolent felonies or multiple misdemeanors; providing exclusions from eligibility; establishing time limitations for filing a petition for expungement; creating petition requirements and court procedure for evaluating petitions for orders of expungement for expungable offenses; clarifying disclosure requirements with respect to the information sealed pursuant to an order of expungement, including exemptions; providing standard for inspection of sealed records; establishing fees, including when fees are waived; clarifying that an order of expungement does not reinstate eligibility for certain benefits lost due to expunged conviction; providing time limitations for filing petitions of expungement after completion of certain drug treatment or job training; and making technical changes.”

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

Com. Sub. for S. B. 264, Requiring courts to order restitution to crime victims where economically practicable; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 587**), and there were—yeas 99, nays 1, absent and not voting none, with the nays being as follows:

Nays: C. Martin.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 264) passed.

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

Com. Sub. for S. B. 291, Relating generally to survivor benefits for emergency response providers; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 588**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: J. Kelly and Worrell.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 291) passed.

Delegate Summers moved that the bill take effect July 1, 2019.

On this question, the yeas and nays were taken (**Roll No. 589**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: J. Kelly and Worrell.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 291) takes effect July 1, 2019.

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

Com. Sub. for S. B. 329, Relating to agricultural education in high schools; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 590**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: J. Kelly and Worrell.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 329) passed.

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

Com. Sub. for S. B. 340, Repealing obsolete provisions of code relating to WV Physicians Mutual Insurance Company; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 591**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: J. Kelly and Robinson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 340) passed.

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

Com. Sub. for S. B. 345, Relating to fire service equipment and training funds for VFDs; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 592**), and there were—yeas 99, nays none,

absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: J. Kelly.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 345) passed.

An amendment to the title of the bill, recommended by the Committee on Finance, was reported by the Clerk and adopted, amending the title to read as follows:

Com. Sub. for S. B. 345 - “A Bill to amend and reenact §8-15-8b of the Code of West Virginia, 1931, as amended; to amend and reenact §12-4-14 of said code; to amend said code by adding thereto a new section, designated §12-4-14b; and to amend and reenact §29-3-5f and §29-3-8 of said code, all relating to accounting and reporting relating state grants, distributions and studies generally; authorizing commingling of certain funds; imposing authority, duties and consequences relating to volunteer and part-volunteer fire companies and departments as to state grants and distributions; imposing authority, duties and consequences relating to other recipients of state grants; modifying liability for criminal penalties; imposing authority and duties on Legislative Auditor, State Auditor and State Fire Marshal; clarifying the responsibility for proposing legislative rules; removing requirement for report by State Fire Marshal; and updating outdated language.”

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

Com. Sub. for S. B. 352, Relating to Division of Corrections and Rehabilitation acquiring and disposing of services, goods, and commodities; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 593**), and there were—yeas 96, nays 3, absent

and not voting 1, with the nays and absent and not voting being as follows:

Nays: Pyles, Rowe and Skaff.

Absent and Not Voting: J. Kelly.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 352) passed.

Delegate Summers moved that the bill take effect from passage.

On this question, the yeas and nays were taken (**Roll No. 594**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: J. Kelly.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 352) takes effect from passage.

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

Com. Sub. for S. B. 369, Relating to generic drug products; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 595**), and there were—yeas 71, nays 28, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Angelucci, Barrett, Bates, S. Brown, Campbell, Canestraro, Caputo, Doyle, Estep-Burton, Evans, Fleischauer, Fluharty, Hansen, Lavender-Bowe, Longstreth, Lovejoy, Malcolm, Miley, Pushkin, Pyles, Robinson, Rowe, Sponaule, Staggers, R. Thompson, Walker, Williams and Zukoff.

Absent and Not Voting: Hicks.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 369) passed.

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

Com. Sub. for S. B. 396, Waiving occupational licensing fees for low-income individuals and military families; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 596**), and there were—yeas 100, nays none, absent and not voting none.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 396) passed.

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

Com. Sub. for S. B. 398, Relating to compensation for senior judges; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 597**), and there were—yeas 77, nays 23, absent and not voting none, with the nays being as follows:

Nays: Barrett, Bates, S. Brown, Campbell, Canestraro, Caputo, Diserio, Doyle, Estep-Burton, Fluharty, Hansen, Hornbuckle, Lavender-Bowe, Lovejoy, Miley, Miller, Pushkin, Robinson, Rowe, Sponaule, C. Thompson, Walker and Zukoff.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 398) passed.

An amendment to the title of the bill, recommended by the Committee on Finance, was reported by the Clerk and adopted, amending the title to read as follows:

Com. Sub. for S. B. 398 - “A Bill to amend and reenact §5-10-48 of the Code of West Virginia, 1931, as amended; to amend and reenact §50-1-6a of said code; and to amend and reenact §51-9-10 of said code, all relating to compensation for senior judicial officers; providing that senior judges, justices, and magistrates may receive per diem compensation for temporary assignments while receiving retirement benefits, subject to certain limitations; setting forth legislative findings; limiting the per diem rate of compensation that may be paid to senior judges and justices for each day served; providing that the combined total of per diem compensation and retirement benefits paid to a senior judge or justice during a single calendar year may not exceed the annual salary of a sitting circuit judge; limiting the per diem rate of compensation that may be paid to senior magistrates for each day served; providing that the combined total of per diem compensation and retirement benefits paid to a senior magistrate during a single calendar year may not exceed the annual salary of a sitting magistrate; providing an exception to the limitation on the combined total of per diem compensation and retirement benefits paid to a senior magistrate, judge or justice in a calendar year, if the Chief Justice of the Supreme Court of Appeals enters an administrative order certifying that certain circumstances necessitate extended assignment of such judge or justice; requiring that administrative orders regarding extended assignment of a senior judge or justice be submitted to the State Auditor and the State Treasurer; providing that senior judges and justices may be reimbursed for actual and necessary expenses incurred in the performance of their duties; and requiring the State Treasurer to petition the West Virginia Supreme Court of Appeals for a writ of prohibition prohibiting the State Auditor from issuing warrants to authorize payment of compensation to senior judges and justices above statutory limitations.”

Delegate Summers moved that the bill take effect from passage.

On this question, the yeas and nays were taken (**Roll No. 598**), and there were—yeas 91, nays 9, absent and not voting none, with the nays being as follows:

Nays: Barrett, Bates, S. Brown, Canestraro, Caputo, Fluharty, Sponaugle, C. Thompson and Walker.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 398) takes effect from passage.

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

S. B. 461, Providing for personal income tax withholding on certain lottery winnings; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 599**), and there were—yeas 94, nays 1, absent and not voting 5, with the nays and absent and not voting being as follows:

Nays: Porterfield.

Absent and Not Voting: N. Brown, Queen, Shott, Wilson and Worrell.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 461) passed.

Delegate Summers moved that the bill take effect from passage.

On this question, the yeas and nays were taken (**Roll No. 600**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: N. Brown, Higginbotham and Wilson.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 461) takes effect from passage.

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

S. B. 499, Amending WV tax laws to conform to changes in partnerships for federal income tax purposes; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 601**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Higginbotham and Linville.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 499) passed.

An amendment to the title of the bill, recommended by the Committee on Finance, was reported by the Clerk and adopted, amending the title to read as follows:

S. B. 499 - “A Bill to amend and reenact §11-10-3, §11-10-4, §11-10-7, §11-10-14, §11-10-15, and §11-10-16 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §11-10-18c; to amend and reenact §11-21-3, §11-21-51a, §11-21-59, and §11-21-71a of said code; to amend said code by adding thereto four new sections, designated §11-21-37a, §11-21-37b, §11-21-37c, and §11-21-59a; to amend said code by adding thereto a new article, designated §11-21A-1, §11-21A-2, §11-21A-3, §11-21A-4, §11-21A-5, §11-21A-6, §11-21A-7, §11-21A-8, §11-21A-9, §11-21A-10, §11-21A-11, and §11-21A-12; and to amend and reenact §11-24-20 of said code, all relating generally to amending West Virginia tax laws to conform to changes in how partnerships and their partners and other pass-through entities and their equity owners are treated for federal income tax purposes for tax years beginning after December 31, 2017; amending West Virginia Tax Procedures and

Administration Act, Personal Income Tax Act, and Corporation Net Income Tax Act to provide for administration, collection, and enforcement of income tax on certain partnerships and other pass-through entities treated as partnerships for federal income tax purposes and their partners and equity owners in conformity with changes made by United States Congress in how these entities and their equity owners are treated for federal income tax purposes for taxable years beginning after December 31, 2017; providing for application of West Virginia Tax Procedure and Administration Act to apply to imputed income taxes imposed on partnerships and other pass-through entities; imposing addition to tax for failure of partnership and other pass-through entity to file partnership's returns and reports; imposing imputed personal income tax on certain partnerships and other pass-through entities treated like partnerships for federal income tax purposes based on federal audit adjustments; providing general rules and special rules for allocation and apportionment of business income; providing for filing of amended composite personal income tax returns by pass-through entities on behalf of nonresident equity owners; providing additional rules for reporting of federal changes to federal taxable incomes; providing amended rules for reporting of federal adjustments by Internal Revenue Service or other competent authority; providing rules for reporting adjustments by other states' resident claims credit for tax paid to another state; providing for pass-through entity withholding on nonresidents when partnership or other pass-through entity pushes federal audit adjustments out to equity owners; adding a new article providing for administration, collection, and enforcement of additional West Virginia income taxes from certain partnerships and other pass-through entities treated like partnerships for federal income tax purposes, or their equity owners, that are attributable to federal audit adjustments; defining certain terms; providing for reporting of adjustments to federal taxable income; providing for reporting of federal audit adjustments resulting from federal audit of pass-through entity or from administrative adjustment requests; providing for assessment of additional West Virginia income taxes, interest, and additions to tax arising from federal adjustments to federal taxable income within applicable statute of limitations; allowing payment of estimated West Virginia income tax payments during course of

federal audit of certain partnerships and other pass-through entities treated as partnerships for federal income tax purposes; providing for refund or credit of West Virginia income taxes attributable to finalized federal audit adjustments; providing rules for scope of audit adjustments and extensions of time; specifying effective dates; providing for legislative, interpretive, and procedural rules; providing for Tax Procedures and Administration Act and Tax Crimes and Penalties Act to apply to imputed income tax imposed on certain partnerships and other pass-through entities treated as partnerships for federal income tax purposes; providing additional rules for reporting of changes in federal taxable income of corporations; making technical corrections in existing code sections being amended; and specifying effective dates.”

Delegate Summers moved that the bill take effect July 1, 2019.

On this question, the yeas and nays were taken (**Roll No. 602**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Linville and Steele.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 499) takes effect July 1, 2019.

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

Com. Sub. for S. B. 502, Exempting sales of investment metal bullion and coins; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 603**), and there were—yeas 90, nays 9, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: S. Brown, Byrd, Doyle, Estep-Burton, Hansen, Pushkin, Robinson, C. Thompson and Walker.

Absent and Not Voting: Linville.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 502) passed.

Delegate Summers moved that the bill take effect July 1, 2019.

On this question, the yeas and nays were taken (**Roll No. 604**), and there were—yeas 95, nays 3, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Byrd, Howell and C. Thompson.

Absent and Not Voting: Cadle and Linville.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 502) takes effect July 1, 2019.

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

Com. Sub. for S. B. 522, Creating Special Road Repair Fund; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 605**), and there were—yeas 100, nays none, absent and not voting none.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 522) passed.

An amendment to the title of the bill, recommended by the Committee on Finance, was reported by the Clerk and adopted, amending the title to read as follows:

Com. Sub. for S. B. 522 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-2A-6b; to amend said code by adding thereto a new section, designated §17-3-11; and to amend said code by adding

thereto a new article, designated §17-30-1, §17-30-2, §17-30-3, §17-30-4, and §17-30-5, all relating to enhancing maintenance and repair of the state's roads and highways generally; establishing roads accountability and transparency; directing the State Auditor to develop and maintain a searchable website of funding actions and expenditures relating state and public roads; setting forth the minimum content to be contained in the website; directing the Commissioner of Highways to provide information and data to the State Auditor; requiring an annual update to the Joint Committee on Government and Finance; creating the Special Road Repair Fund as a sub-account of the State Road Fund; creating the Enhanced Road Repair and Maintenance Program; stating legislative finding and purpose of program; requiring Division of Highways county supervisors consult with county commissions and legislators to submit project requests to the Division of Highways; setting forth a funding formula; setting forth requirements concerning bidding, vendors, and contracts with private vendors; specifying uses of Special Road Repair Fund; defining terms; providing requirements for Commissioner of Highways and districts; requiring for rulemaking; and requiring reporting by Division of Highways and Legislative Auditor.”

Delegate Summers moved that the bill take effect July 1, 2019.

On this question, the yeas and nays were taken (**Roll No. 606**), and there were—yeas 100, nays none, absent and not voting none.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 522) takes effect July 1, 2019.

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

Com. Sub. for S. B. 538, Relating to WV Highway Design-Build Pilot Program; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 607**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Steele.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 538) passed.

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

Com. Sub. for S. B. 538 - “A Bill to amend and reenact §17-2D-2 of the Code of West Virginia, 1931, as amended, relating generally to the West Virginia Highway Design-Build Pilot Program; modifying and defining monetary project limits of the program and changing terminology; allowing exceptions for declared states of emergency; and allowing use of the program with limits for projects financed with and without bonds.”

Delegate Summers moved that the bill take effect from passage.

On this question, the yeas and nays were taken (**Roll No. 608**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Steele.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 538) takes effect from passage.

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

Com. Sub. for S. B. 539, Relating to accrued benefit of retirees in WV State Police Retirement System Plan B; on third reading, coming up in regular order, was read a third time.

Delegate Hott requested to be excused from voting on Com. Sub. for S. B. 539 under the provisions of House Rule 49.

The Speaker replied that the Delegate was a member of a class of persons possibly to be affected by the passage of the bill and directed the Member to vote.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 609**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Fluharty, Hansen, Hicks, D. Kelly and Steele.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 539) passed.

An amendment to the title of the bill, recommended by the Committee on Finance, was reported by the Clerk and adopted, amending the title to read as follows:

Com. Sub. for S. B. 539 - “A Bill to amend and reenact §5-101D-1 of the Code of West Virginia, 1931, as amended; and to amend and reenact §15-2A-6 of said code, all relating to the West Virginia State Police Retirement System; increasing accrued benefit of retirees in the West Virginia State Police Retirement System on a certain date; and adding a member to the Consolidated Public Retirement Board who is a member, annuitant or retirant of the West Virginia State Police Retirement System.”

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

Com. Sub. for S. B. 543, Relating generally to automobile warranties and inspections; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 610**), and there were—yeas 78, nays 21, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Angelucci, Barrett, Bates, Boggs, S. Brown, Byrd, Caputo, Diserio, Doyle, Estep-Burton, Hansen, Lavender-Bowe, Miley, Pushkin, Pyles, Robinson, Rowe, Sponaugle, Stagers, C. Thompson and Walker.

Absent and Not Voting: Azinger.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 543) passed.

An amendment to the title of the bill, recommended by the Committee on Finance, was reported by the Clerk and adopted, amending the title to read as follows:

Com. Sub. for S. B. 543 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §46A-6-107a, relating to warranties as to sales of motor vehicles; providing that a used motor vehicle may be sold ‘as is’ under certain circumstances; providing certain disclosure requirements for ‘as is’ sales of used motor vehicles; allowing cancellation of an ‘as is’ sale by the end of the dealer’s third business day following the sale if the vehicle has mechanical issues; providing that a consumer shall sign and date the disclosure for an ‘as is’ sale in order for the disclosure to be effective; providing that a merchant disclose in writing certain defects or malfunctions when selling a used motor vehicle ‘as is’; providing that the merchant provide the consumer a copy of a nationally recognized vehicle history report for the used motor vehicle; and providing that an ‘as is’ sale of a used motor vehicle waives implied warranties but does not waive any express warranties.”

Delegate Summers moved that the bill take effect July 1, 2019.

On this question, the yeas and nays were taken (**Roll No. 611**), and there were—yeas 87, nays 13, absent and not voting none, with the nays being as follows:

Nays: S. Brown, Byrd, Caputo, Diserio, Estep-Burton, Fleischauer, Hansen, Lavender-Bowe, Pyles, Robinson, Rowe, C. Thompson and Walker.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 543) takes effect July 1, 2019.

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

S. B. 544, Increasing salaries for members of WV State Police over three-year period; on third reading, coming up in regular order, was read a third time.

Delegate Hott requested to be excused from voting on S. B. 544 under the provisions of House Rule 49.

The Speaker replied that the Delegate was a member of a class of persons possibly to be affected by the passage of the bill and directed the Member to vote.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 612**), and there were—yeas 100, nays none, absent and not voting none.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 544) passed.

An amendment to the title of the bill, recommended by the Committee on Finance, was reported by the Clerk and adopted, amending the title to read as follows:

S. B. 544 - “A Bill to amend and reenact §15-2-5 of the Code of West Virginia, 1931, as amended, relating to increasing salaries of members of the West Virginia State Police.”

Delegate Summers moved that the bill take effect July 1, 2019.

On this question, the yeas and nays were taken (**Roll No. 613**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Jennings.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 544) takes effect July 1, 2019.

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

S. B. 550, Declaring certain claims to be moral obligations of state; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 614**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Jennings.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 550) passed.

Delegate Summers moved that the bill take effect from passage.

On this question, the yeas and nays were taken (**Roll No. 615**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Jennings.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 550) takes effect from passage.

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

S. B. 554, Removing salary caps for director of State Rail Authority; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 616**), and there were—yeas 97, nays 2, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: McGeehan and Paynter.

Absent and Not Voting: Jennings.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 554) passed.

An amendment to the title of the bill, recommended by the Committee on Finance, was reported by the Clerk and adopted, amending the title to read as follows:

S. B. 554 - “A Bill to amend and reenact §29-18-4a of the Code of West Virginia, 1931, as amended, relating to supervision of the West Virginia State Rail Authority by Secretary of the Department of Transportation pursuant to law; and removing range of amounts from which salary is set for Executive Director of Authority.”

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

Com. Sub. for S. B. 561, Permitting Alcohol Beverage Control Administration request assistance of local law enforcement; on

third reading, coming up in regular order, was reported by the Clerk.

Delegate Shott asked and obtained unanimous consent to amend the bill on third reading, and the rule was suspended to permit the offering and consideration of such.

On motion of Delegate Shott, bill was amended on page one, section three-ss, line four, immediately following the word “provided”, by inserting the word “in”.

And,

On page seventeen, section twelve, line thirteen, after the word “regulations”, by striking out the following proviso:

“Provided, That a holder of a license issued pursuant to §29-22A-7 of this code may sell, give, tender, or dispense nonintoxicating beer, wine, or alcoholic liquors in or on any licensed premises or in any rooms directly connected therewith, during the licensee’s hours of operation” and inserting in lieu thereof the following:

“Provided, That a private resort hotel holding a license issued pursuant to §60-7-1 et seq. of this code, may sell, tender, or dispense nonintoxicating beer, wine, or alcoholic liquors in or on the premises licensed under §29-22A-1 et seq., and §29-22C-1 et seq., or §29-25-1 et seq. of this code, during hours of operation authorized by §29-22A-1 et seq., and §29-22C-1 et seq., or §29-25-1 et seq., of this code.”

The bill was then read a third time.

In response to an inquiry by Delegate C. Martin, the Speaker indicated that the ruling, pursuant to House Rule 49, on yesterday, that he was a member of a class of persons possibly to be affected by the passage of the bill and directed to vote, still applied.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 617**), and there were—yeas 71, nays 28,

absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Anderson, Azinger, Bibby, Butler, Cadle, Cooper, Fast, Graves, Hanna, Hollen, Hott, D. Jeffries, D. Kelly, Kump, Malcolm, P. Martin, Maynard, McGeehan, Pack, Paynter, Porterfield, Rohrbach, Rowan, Summers, Toney, Waxman, Worrell and Hanshaw (Mr. Speaker).

Absent and Not Voting: Kessinger.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 561) passed.

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

Com. Sub. for S. B. 561 - "A Bill to amend and reenact §7-1-3ss of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto two new sections, designated §60-2-17a and §60-2-17b; to amend and reenact §60-6-7, §60-6-8, and §60-6-9 of said code; to amend and reenact §60-7-2, §60-7-3, §60-7-4, §60-7-5, §60-7-6, and §60-7-12 of said code; to amend said code by adding thereto two new sections, designated §60-7-6a and §60-7-8a; and to amend and reenact §61-8-27 of said code, all relating to alcoholic beverages generally; creating a county option election on forbidding nonintoxicating beer, wine or alcoholic liquors to be sold, given or dispensed after 10:00 a.m. on Sundays in lieu of an county option election to permit such sales; permitting the Alcohol Beverage Control Administration to request the assistance of law enforcement; limiting the jurisdiction of such requested law enforcement assistance; implementing a \$100 operations fee and establishing special revenue account and fund; clarifying that consumption of alcoholic liquors in public is unlawful; clarifying that West Virginia licensees can only sell liquor by the drink with certain exceptions; clarifying prohibition on liquor bottle sales in Class A licenses; providing for a bottle service fee and establishing requirements for bottle service; clarifying certain licensing requirements for licensure; providing guidance on certain lawful

conduct such as wine bottle sales and frozen drink machines; forbidding the operation of certain bring your own bottle establishments; creating a private fair and festival license; definitions; license requirements; license fee; creating the private hotel license and license fee; creating a private nine-hole golf course license and fee; removing the need for golf carts to be offered at licensed golf courses; definitions; license requirements; license fee; permitting a private resort hotel to have inner-connection with a resident brewer who has a brewpub; providing a 30-day requirement to issue or deny a completed license application; creating a reactivation fee for licensees who fail to timely file their renewal application and pay their annual license fees; permitting a license privilege for certain licensees to operate a connected but separately operated Class A on-premises license and a Class B off-premises license; clarifying that certain state-licensed gaming is permissible in a private club; clarifying permitted hours of operation for certain licensees; and permitting minors to attend a private hotel, private nine-hole golf course, and a private fair or festival under certain conditions.”

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

Com. Sub. for S. B. 564, Expanding comprehensive coverage for pregnant women through Medicaid; on third reading, coming up in regular order, was read a third time.

Delegate Ellington requested to be excused from voting on Com. Sub. for S. B. 564 under the provisions of House Rule 49.

The Speaker replied that the Delegate was a member of a class of persons possibly to be affected by the passage of the bill and directed the Member to vote.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 618**), and there were—yeas 97, nays 3, absent and not voting none, with the nays being as follows:

Nays: Fast, McGeehan and Wilson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 564) passed.

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

Com. Sub. for S. B. 564 - “A Bill to amend and reenact §5-16B-6d of the Code of West Virginia, 1931, as amended; and to amend and reenact §9-5-12 of said code, all relating to expanding certain insurance coverages for pregnant women; expanding who is eligible to receive certain Medicaid services; expanding who is eligible to receive certain services through the Children’s Health Insurance Program; providing the minimum services are to be covered; and providing an effective date.”

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

Com. Sub. for S. B. 601, Relating to mandatory supervision of adult inmates; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 619**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Stagers.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 601) passed.

Delegate Summers moved that the bill take effect from passage.

On this question, the yeas and nays were taken (**Roll No. 620**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Staggers.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 601) takes effect from passage.

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

Com. Sub. for S. B. 603, Exempting certain activities from licensing requirements for engaging in business of currency exchange; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 621**), and there were—yeas 95, nays 4, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Byrd, Kump, Pushkin and Skaff.

Absent and Not Voting: Cowles.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 603) passed.

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

S. B. 605, Permitting Secondary Schools Athletic Commission discipline schools for not following protocol for concussions and head injuries; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 622**), and there were—yeas 100, nays none, absent and not voting none.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 605) passed.

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

Com. Sub. for S. B. 613, Requiring DNR include election of organ donation on hunting licenses; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 623**), and there were—yeas 100, nays none, absent and not voting none.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 613) passed.

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

Com. Sub. for S. B. 613 - “A Bill to amend and reenact §16-19-3, §16-19-5, and §16-19-19 of the Code of West Virginia, 1931, as amended; and to amend and reenact §20-2-31 of said code, all relating to permitting individuals to make an anatomical gift by authorizing a statement or symbol to be imprinted on his or her hunting or fishing license; amending definition of document of gift to include a statement or symbol on a hunting or fishing license; adding definition; requiring the Division of Natural Resources to provide information regarding a donor’s making, amendment to, or revocation of an anatomical gift to a donor registry; requiring the Director of the Division of Natural Resources to provide information regarding the anatomical organ donation program; providing for the reimbursement of costs to the Division of Natural Resources for costs relating to the creation and administration of an anatomical gift record by the Center for Organ Recovery and Education; and absolving the Division of Natural Resources of responsibility to collect and provide records if it is not reimbursed for costs.”

Delegate Summers moved that the bill take effect from passage.

On this question, the yeas and nays were taken (**Roll No. 624**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Harshbarger.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 613) takes effect from passage.

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

Delegate Fast asked unanimous consent that all remarks regarding H. R. 20 and H. R. 21 be printed in the Appendix to the Journal, which consent was not given, objection being heard.

Delegate Fast then so moved.

On this question, the yeas and nays were taken (**Roll No. 625**), and there were—yeas 41, nays 56, absent and not voting 3, with the yeas and absent and not voting being as follows:

Yeas: Anderson, Atkinson, Azinger, Bibby, Butler, Cadle, Cooper, Ellington, Espinosa, Fast, Foster, Hanna, Hill, Hollen, Hott, Howell, D. Jeffries, J. Jeffries, Jennings, D. Kelly, J. Kelly, Kessinger, Linville, Malcolm, C. Martin, P. Martin, McGeehan, Nelson, Pack, Phillips, Porterfield, Rowan, Steele, Storch, Summers, Sypolt, Toney, Waxman, Wilson and Worrell.

Absent and Not Voting: Harshbarger, Kump and Queen.

So, two thirds of the members present and voting not having voted in the affirmative, the motion was rejected.

At 12:58 p.m., on motion of Delegate Summers, the House of Delegates recessed until 5:00 p.m.

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Evening Session

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

Special Calendar

Third Reading

-continued-

Com. Sub. for S. B. 622, Relating generally to regulation and control of financing elections; on third reading, coming up in regular order, with amendments pending and the right to amend, was reported by the Clerk.

The first pending amendment was reported by the Clerk.

In the absence of objection, consideration of **Com. Sub. for S. B. 622** was then postponed until the end of bills on third reading.

S. B. 627, Relating generally to Rural Rehabilitation Loan Program; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 626**), and there were—yeas 95, nays 1, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: McGeehan.

Absent and Not Voting: Angelucci, Dean, Hicks and Malcolm.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 627) passed.

Delegate Summers moved that the bill take effect from passage.

On this question, the yeas and nays were taken (**Roll No. 627**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Dean and Malcolm.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 627) takes effect from passage.

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

Com. Sub. for S. B. 632, Improving student safety; on third reading, coming up in regular order, was read a third time.

Delegate Kump demanded the previous question, which demand was sustained.

On this question, the yeas and nays were taken (**Roll No. 628**), and there were—yeas 55, nays 41, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Anderson, Angelucci, Barrett, Boggs, S. Brown, Byrd, Campbell, Canestraro, Caputo, Cowles, Diserio, Doyle, Estep-Burton, Evans, Fleischauer, Fluharty, Hansen, Hardy, Hartman, Hornbuckle, J. Kelly, Lavender-Bowe, Longstreth, Lovejoy, Miley, Miller, Pethtel, Pyles, Queen, Robinson, Rowe, Skaff, Sponaugle, Staggers, Summers, C. Thompson, R. Thompson, Tomblin, Walker, Williams and Zukoff.

Absent and Not Voting: Bates, Dean, Malcolm and Toney.

So, a majority of the members present and voting having voted in the affirmative, the motion prevailed.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 629**), and there were—yeas 87, nays 9, absent

and not voting 4, with the nays and absent and not voting being as follows:

Nays: Angelucci, Caputo, Hansen, Pushkin, Pyles, Staggers, C. Thompson, R. Thompson and Walker.

Absent and Not Voting: Bates, Dean, Malcolm and Toney.

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

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

Com. Sub. for S. B. 632 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-48; to amend said code by adding thereto a new section, designated §18-20-11; to amend and reenact §18A-2-8 of said code; and to amend and reenact §18A-3-6 of said code, all relating to improving student safety; requiring safety and security measures of each school facility be upgraded when necessary to ensure, to the best of the county board's ability, the safety of students; creating Safe Schools Fund and providing for distribution of funds subject to appropriation; requiring video cameras capable of audio recording in certain public special education classrooms upon appropriation of funds; prohibited monitoring in certain areas; providing for notice of placement; setting requirements video retention and access; immunity from liability not waived and liability not created; limitations on use of video; protection of confidentiality and identity of students not involved in incident; allowing appeals to state board; permitting funding from Safe School Fund and gifts, grants or donations; authorizing state board rule; adding to justifications for which a school employee may be suspended or dismissed; providing duty and authority to provide safe and secure environment; requiring reports on suspensions and dismissals of employees and database maintained by state superintendent of individuals suspended or dismissed for certain reasons; and adding to justifications for which a teacher's certificate shall be automatically and reinstated should conviction be overturned."

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

Com. Sub. for S. B. 640, Regulating sudden cardiac arrest prevention; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 630**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Dean, Malcolm and Toney.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 640) passed.

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

S. B. 656, Relating to electronic filing of tax returns; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 631**), and there were—yeas 97, nays 1, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Steele.

Absent and Not Voting: Dean and Malcolm.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 656) passed.

An amendment to the title of the bill, recommended by the Committee on Finance, was reported by the Clerk and adopted, amending the title to read as follows:

S. B. 656 - “A Bill to amend and reenact §11-10-5t and §11-10-5z of the Code of West Virginia, 1931, as amended, all relating to electronic filing of tax returns and electronic funds transfers in payment of taxes; and raising to \$50,000 the tax liability threshold amount at which taxpayers must file returns electronically or pay by electronic funds transfers.”

Delegate Summers moved that the bill take effect July 1, 2019.

On this question, the yeas and nays were taken (**Roll No. 632**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Dean, Malcolm and Summers.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 656) takes effect July 1, 2019.

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

S. B. 665, Allowing for expedited oil and gas well permitting; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 633**), and there were—yeas 97, nays 1, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Zukoff.

Absent and Not Voting: Dean and Malcolm.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 665) passed.

Delegate Summers moved that the bill take effect from passage.

On this question, the yeas and nays were taken (**Roll No. 634**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Dean and Malcolm.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 665) takes effect from passage.

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

S. B. 669, Allowing appointment of commissioners to acknowledge signatures; on third reading, coming up in regular order, was reported by the Clerk.

Delegate Shott asked and obtained unanimous consent to amend the bill on third reading, and the rule was suspended to permit the offering and consideration of such.

On motion of Delegate Shott, the bill was amended on page five, section five, line six, by striking out the words “notary publics” and inserting in lieu thereof the words “notaries public”.

The bill was then read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 635**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Dean and Malcolm.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 669) passed.

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

S. B. 669 - “A Bill to amend the Code of West Virginia, 1931, by adding thereto a new article, designated §39-4A-1, §39-4A-2, §39-4A-3, §39-4A-4, and §39-4A-5, all relating to the appointment of commissioners to acknowledge signatures by persons residing in or out of the State of West Virginia covering deeds, leases, and other writings pertaining to West Virginia property for recordation in the State of West Virginia; authorizing the Secretary of State to appoint a qualified person as a commissioner; setting forth qualifications for appointment; establishing application requirements and procedures; authorizing the Secretary of State to deny, refuse to renew, revoke, suspend, or impose a condition on a commission; establishing application fee; establishing term of office; establishing powers and duties of commissioners; setting forth prohibited acts; authorizing rulemaking by the Secretary of State; incorporating requirements, duties, prohibitions, penalties, and procedures set forth in the Revised Uniform Law on Notarial Acts; and requiring inclusion of active commissioners in online database of notaries public.”

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

S. B. 670, Relating to WV College Prepaid Tuition and Savings Program; on third reading, coming up in regular order, was read a third time.

Delegates Cowles, Pack and D. Jeffries requested to be excused from voting on S. B. 670 under the provisions of House Rule 49.

The Speaker replied that the Delegates were members of a class of persons possibly to be affected by the passage of the bill and directed the Members to vote.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 636**), and there were—yeas 97, nays 1, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Doyle.

Absent and Not Voting: Dean and Malcolm.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 670) passed.

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

Com. Sub. for S. B. 90, Transferring Safety and Treatment Program from DHHR to DMV; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 637**), and there were—yeas 94, nays 3, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Canestraro, Fluharty and McGeehan.

Absent and Not Voting: Dean, Linville and Malcolm.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 90) passed.

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

Com. Sub. for S. B. 90 - “A Bill to amend and reenact §17C-3-3c, §17C-5A-3 and §17C-5A-3a of the Code of West Virginia, 1931, as amended, relating to transferring the Safety and Treatment Program, which treats and educates people whose licenses were revoked due to concerns of alcohol and/or drug use while operating a motor vehicle, from the Department of Health and Human Resources to the Division of Motor Vehicles; requiring the Division of Motor Vehicles to stay or supersede imposition of suspension of under §17C-3-3a of this code if a person successfully participates in an approved treatment and job program as prescribed in §61-11-26a of this code; requiring the Division of Motor Vehicles to waive reinstatement fees established by §17B-3-9 of this code when provided proof of successful completion of

an approved treatment and job program prescribed in §61-11-26a of this code, and proof of compliance from judicial authorities; providing that any stay or supersedeas shall be removed by the Division of Motor Vehicles if the participant fails to complete or comply with the approved treatment and job program established under §61-11-26a of this code; providing that successful compliance with the substance abuse and counselling program prescribed in §61-11-26a of this code is sufficient to meet the requirements of the safety and treatment program administered under §17C-5A-3 of this code; creating a special revenue account known as the Division of Motor Vehicles Safety and Treatment Fund to be administered by the Commissioner of the Division of Motor Vehicles; providing that as of July 1, 2019, all moneys held in the Department of Health and Human Resources Safety and Treatment Fund shall be transferred to the Division of Motor Vehicles Safety and Treatment Fund; establishing that program providers shall remit a portion of the collected fee to be deposited by the Commissioner of the Division of Motor Vehicles into the Division of Motor Vehicles Safety and Treatment Fund; requiring the Division of Motor Vehicles to reimburse enrollment fees for each eligible indigent offender; requiring the Commissioner of the Division of Motor Vehicles to report to the legislature on specific matters on or before January 15 of each year; providing the Division of Motor Vehicles shall provide an educational program for each person whose license has been suspended pursuant to §17C-5A-2(n) of this code; providing under certain circumstances that the Division of Motor Vehicles shall propose and implement a plan for victim impact panels; requiring the Division of Motor Vehicles to ensure meetings between victims and offenders is nonconfrontational and safe; requiring the Commissioner of the Division of Motor Vehicles to promulgate a legislative rule for approval to establish a fee for enrollment in the safety and treatment program, a reimbursement program, and program standards; establishing that the Legislature finds an emergency exists requiring the Commissioner to file an emergency rule to implement §17C-5A-3 of this code by July 1, 2019; requiring that the fees related to ignition interlock devices shall be waived for the indigent as determined by the Division of Motor Vehicles; providing that the Department of Motor Vehicles may reduce a

license revocation period for second or subsequent offense for driving under the influence of drugs to a one year minimum; providing the Department of Motor Vehicles may issue a restricted license on conditions an individual participates in the treatment and job program as prescribed in §61-11-26a of this code, satisfactorily performs in the treatment program, and submits to two years of monthly drug testing; providing that if a person is required to participate in an alcohol test and lock program for another offense, they may do so while meeting certain described conditions; establishing that if a person fails to submit to drug tests or fails to pass the drug test the full period of revocation is reinstated; establishes that a person whose revocation period is reinstated is only credited for revocation time served prior to receipt of restricted privileges; and authorizing the Commissioner of the Department of Motor Vehicles to promulgate emergency rules.”

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

Com. Sub. for S. B. 622, Relating generally to regulation and control of financing elections; on third reading, with amendments pending and the right to amend, having been postponed in earlier proceedings, was reported by the Clerk.

Delegate Shott moved to amend the bill, on page one, immediately following the enacting clause, by striking out the remainder of the bill and inserting in lieu thereof the following:

“ARTICLE 8. REGULATION AND CONTROL OF ELECTIONS.

§3-8-1a. Definitions.

As used in this article, the following terms have the following definitions:

(1) ‘Ballot issue’ means a constitutional amendment, special levy, bond issue, local option referendum, municipal charter or revision, an increase or decrease of corporate limits, or any other question that is placed before the voters for a binding decision.

(2) ‘Billboard advertisement’ means a commercially available outdoor advertisement, sign, or similar display regularly available for lease or rental to advertise a person, place, or product.

(3) ‘Broadcast, cable, or satellite communication’ means a communication that is publicly distributed by a television station, radio station, cable television system, or satellite system.

(4) ‘Candidate’ means an individual who:

(A) Has filed a certificate of announcement under §3-5-7 of this code or a municipal charter;

(B) Has filed a declaration of candidacy under §3-5-23 of this code;

(C) Has been named to fill a vacancy on a ballot; or

(D) Has declared a write-in candidacy or otherwise publicly declared his or her intention to seek nomination or election for any state, district, county, ~~or~~ municipal, ~~office~~ or party office to be filled at any primary, general, or special election.

(5) ‘Candidate’s committee’ means a political committee established with the approval of or in cooperation with a candidate or a prospective candidate to explore the possibilities of seeking a particular office or to support or aid his or her nomination or election to an office in an election cycle. If a candidate directs or influences the activities of more than one active committee in a current campaign, those committees shall be considered one committee for the purpose of contribution limits.

(6) ‘Caucus campaign committee’ means a West Virginia House of Delegates or Senate political party caucus campaign committee that receives contributions and makes expenditures to support or oppose one or more specific candidates or slates of candidates for nomination, election, or committee membership.

~~(6)~~ (7) ‘Clearly identified’ means that the name, nickname, photograph, drawing, or other depiction of the candidate appears or the identity of the candidate is otherwise apparent through an

unambiguous reference, such as ‘the Governor’, ‘your Senator’, or ‘the incumbent’, or through an unambiguous reference to his or her status as a candidate, such as ‘the Democratic candidate for Governor’ or ‘the Republican candidate for Supreme Court of Appeals’.

~~(7)~~ (8) ‘Contribution’ means a gift, subscription, loan, assessment, payment for services, dues, advance, donation, pledge, contract, agreement, forbearance, ~~or~~ promise of money, or other tangible thing of value, whether conditional or legally enforceable, or a transfer of money or other tangible thing of value to a person, made for the purpose of influencing the nomination, election, or defeat of a candidate.

(A) A coordinated expenditure is a contribution for the purposes of this article.

(B) An offer or tender of a contribution is ~~not~~ a contribution if expressly and unconditionally rejected or returned. A contribution does not include volunteer personal services provided without compensation: *Provided*, That a nonmonetary contribution is to be considered at fair market value for reporting requirements and contribution limitations.

(9) ‘Coordinated expenditure’ is an expenditure made in concert with, in cooperation with, or at the request or suggestion of a candidate or candidate’s committee and meeting the criteria provided in §3-8-9a of this code.

~~(8)~~ (10) ‘Corporate political action committee’ means a political action committee that is a separate segregated fund of a corporation that may only accept contributions from its restricted group as outlined by the rules of the State Election Commission.

~~(9)~~ (11) ‘Direct costs of purchasing, producing, or disseminating electioneering communications’ means:

(A) Costs charged by a vendor, including, but not limited to, studio rental time, compensation of staff and employees, costs of video or audio recording media and talent, material and printing costs, and postage; or

(B) The cost of air time on broadcast, cable, or satellite radio and television stations, the costs of disseminating printed materials, studio time, use of facilities, and the charges for a broker to purchase air time.

~~(10)~~ (12) ‘Disclosure date’ means either of the following:

(A) The first date during any calendar year on which any electioneering communication is disseminated after the person paying for the communication has spent a total of \$5,000 or more for the direct costs of purchasing, producing, or disseminating electioneering communications; or

(B) Any other date during that calendar year after any previous disclosure date on which the person has made additional expenditures totaling \$5,000 or more for the direct costs of purchasing, producing, or disseminating electioneering communications.

~~(11)~~ (13) ‘Election’ means any primary, general, or special election conducted under the provisions of this code or under the charter of any municipality at which the voters nominate or elect candidates for public office. For purposes of this article, each primary, general, special, or local election constitutes a separate election. This definition is not intended to modify or abrogate the definition of the term ‘nomination’ as used in this article.

~~(12)~~ (14) (A) ‘Electioneering communication’ means any paid communication made by broadcast, cable or satellite signal, mass mailing, telephone bank, billboard advertisement, or ~~published~~ publication in any newspaper, magazine, or other periodical that:

(i) Refers to a clearly identified candidate for Governor, Secretary of State, Attorney General, Treasurer, Auditor, Commissioner of Agriculture, Supreme Court of Appeals, or the Legislature;

(ii) Is publicly disseminated within:

(I) Thirty days before a primary election ~~at~~ in which the nomination for office sought by the candidate is to be determined; or

(II) Sixty days before a general or special election ~~at~~ in which the office sought by the candidate is to be filled; and

(iii) Is targeted to the relevant electorate. ~~Provided, That for purposes of the general election of 2008 the amendments to this article are effective October 1, 2008.~~

(B) 'Electioneering communication' does not include:

(i) A news story, commentary, or editorial disseminated through the facilities of any broadcast, cable or satellite television, ~~or~~ radio station, newspaper, magazine, or other periodical publication not owned or controlled by a political party, political committee, or candidate: *Provided*, That a news story disseminated through a medium owned or controlled by a political party, political committee, or candidate is nevertheless exempt if the news is:

(I) A bona fide news account communicated in a publication of general circulation or through a licensed broadcasting facility; and

(II) Is part of a general pattern of campaign-related news that gives reasonably equal coverage to all opposing candidates in the circulation, viewing, or listening area;

(ii) Activity by a candidate committee, party executive committee, ~~or~~ a caucus campaign committee, or a political action committee that is required to be reported to the State Election Commission or the Secretary of State as an expenditure pursuant to §3-8-5 of this code or the rules of the State Election Commission or the Secretary of State promulgated pursuant to such provision: *Provided*, That independent expenditures by a party executive committee, ~~or~~ caucus committee, or a political action committee required to be reported pursuant to ~~§3-8-2(b)~~ §3-8-2 of this code are not exempt from the reporting requirements of this section;

(iii) A candidate debate or forum conducted pursuant to rules adopted by the State Election Commission or the Secretary of State or a communication promoting that debate or forum made by or on behalf of its sponsor;

(iv) A communication paid for by any organization operating under Section 501(c)(3) of the Internal Revenue Code of 1986;

(v) A communication made while the Legislature is in session which, incidental to promoting or opposing a specific piece of legislation pending before the Legislature, urges the audience to communicate with a member or members of the Legislature concerning that piece of legislation;

(vi) A statement or depiction by a membership organization in existence prior to the date on which the individual named or depicted became a candidate, made in a newsletter or other communication distributed only to bona fide members of that organization;

(vii) A communication made solely for the purpose of attracting public attention to a product or service offered for sale by a candidate or by a business owned or operated by a candidate which does not mention an election, the office sought by the candidate, or his or her status as a candidate; or

(viii) A communication, such as a voter's guide, which refers to all of the candidates for one or more offices, which contains no appearance of endorsement for or opposition to the nomination or election of any candidate and which is intended as nonpartisan public education focused on issues and voting history.

~~(13)~~ (15) 'Expressly advocating' means any communication that:

(A) Uses phrases such as 'vote for the Governor', 're-elect your Senator', 'support the ~~Democratic~~ incumbent nominee for Supreme Court', 'cast your ballot for the Republican challenger for House of Delegates', 'Smith for House', 'Bob Smith in '04', 'vote Pro-Life', or 'vote Pro-Choice' accompanied by a listing of clearly identified candidates described as Pro-Life or Pro-Choice,

‘vote against Old Hickory’, ‘defeat’ accompanied by a picture of one or more candidates, ‘reject the incumbent’;

(B) ~~Communications~~ of Communicates campaign slogans or individual words that can have no other reasonable meaning than to urge the election or defeat of one or more clearly identified candidates, such as posters, bumper stickers, advertisements, etc., which say ‘Smith’s the One’, ‘Jones ‘06’, ‘Baker’, etc; or

(C) Is susceptible of no reasonable interpretation other than as an appeal to vote for or against a specific candidate.

(14) (16) ‘Financial agent’ means any individual acting for and by himself or herself, or any two or more individuals acting together or cooperating in a financial way to aid or take part in the nomination or election of any candidate for public office, or to aid or promote the success or defeat of any political party at any election.

(17) ‘Financial transactions’ means all contributions or loans received and all repayments of loans or expenditures made to promote the candidacy of any person by any candidate or any organization advocating or opposing the nomination, election, or defeat of any candidate to be voted on.

(18) ‘Firewall’ means a policy designed and implemented to prohibit the flow of information between employees or consultants providing services for the person paying for a communication and those employees or consultants currently or previously providing services to a candidate, or to a committee supporting or opposing a candidate, clearly identified in the communication.

(19) ‘Foreign national’ means the following:

(A) A foreign principal, as such term is defined in 22 U.S.C. §611(b), which includes:

(i) A government of a foreign country;

(ii) A foreign political party;

(iii) A person outside of the United States, unless it is established that such person:

(I) Is an individual and a citizen of the United States; or

(II) That such person is not an individual and is organized under or created by the laws of the United States or of any state or other place subject to the jurisdiction of the United States and has its principal place of business within the United States; and

(iv) A partnership, association, corporation, organization, or other combination of persons organized under the laws of, or having its principal place of business in, a foreign country.

(B) An individual who is not a citizen of the United States or a national of the United States, as defined in 8 U.S.C. §1101(a)(22), and who is not lawfully admitted for permanent residence, as defined by 8 U.S.C. §1101(a)(20).

~~(15) (20) ‘Fund-raising event’ or ‘fundraiser’ means an event such as a dinner, reception, testimonial, cocktail party, auction, or similar affair through which contributions are solicited or received. by such means as the purchase of a ticket, payment of an attendance fee, or by the purchase of goods or services.~~

(21) ‘In concert or cooperation with or at the request or suggestion of’ means that a candidate or his or her agent consulted with:

(A) The sender regarding the content, timing, place, nature, or volume of a particular communication or communication to be made; or

(B) A person making an expenditure that would otherwise offset the necessity for an expenditure of the candidate or candidate’s committee.

~~(16) (22) ‘Independent expenditure’ means an expenditure by a person:~~

(A) Expressly advocating the election or defeat of a clearly identified candidate, including supporting or opposing the candidates of a political party; and

(B) That is not made in concert or cooperation with or at the request or suggestion of such candidate, his or her agents, the candidate's authorized political committee, or a political party committee or its agents.

~~Supporting or opposing the election of a clearly identified candidate includes supporting or opposing the candidates of a political party.~~ An expenditure which does not meet the criteria for an independent expenditure is considered a contribution.

(23) 'Local' refers to the election of candidates to a city, county, or municipal office and any issue to be voted on by only the residents of a particular political subdivision.

~~(17)~~ (24) 'Mass mailing' means a mailing by United States mail, facsimile, or electronic mail of more than 500 pieces of mail matter of an identical or substantially similar nature within any 30 day period. For purposes of this subdivision, 'substantially similar' includes communications that contain substantially the same template or language, but vary in nonmaterial respects such as communications customized by the recipient's name, occupation, or geographic location.

~~(18)~~ (25) 'Membership organization' means a group that grants bona fide rights and privileges, such as the right to vote, to elect officers or directors, and the ability to hold office to its members and which uses a majority of its membership dues for purposes other than political purposes. 'Membership organization' does not include organizations that grant membership upon receiving a contribution.

~~(19)~~ (26) 'Name' means the full first name, middle name, or initial, if any, and full legal last name of an individual and the full name of any association, corporation, committee, or other organization of individuals, making the identity of any person who makes a contribution apparent by unambiguous reference.

~~(20)~~ (27) 'Person' means an individual, corporation, partnership, committee, association, and any other organization or group of individuals.

~~(21)~~ (28) 'Political action committee' means a committee organized by one or more persons, ~~for the purpose of supporting or opposing~~ the primary purpose of which is to support or oppose the nomination or election of one or more candidates. The following are types of political action committees:

(A) A corporate political action committee, as that term is defined ~~by subdivision (8) of~~ in this section;

(B) A membership organization, as that term is defined ~~by subdivision (18) of~~ in this section; and

(C) An unaffiliated political action committee, as that term is defined ~~by subdivision (29) of~~ in this section.

~~(22)~~ (29) 'Political committee' means any candidate committee, political action committee, or political party committee.

~~(23)~~ (30) 'Political party' means a political party as that term is defined by §3-1-8 of this code or any committee established, financed, maintained, or controlled by the party, including any subsidiary, branch, or local unit thereof and including national or regional affiliates of the party.

~~(24)~~ (31) 'Political party committee' means a committee established by a political party or political party caucus for the purposes of engaging in the influencing of the election, nomination, or defeat of a candidate in any election.

~~(25)~~ (32) 'Political purposes' means supporting or opposing the nomination, election, or defeat of one or more candidates or the passage or defeat of a ballot issue, supporting the retirement of the debt of a candidate or political committee or the administration or activities of an established political party or an organization which has declared itself a political party, and determining the

advisability of becoming a candidate under the precandidacy financing provisions of this chapter.

~~(26)~~ (33) ‘Targeted to the relevant electorate’ means a communication which refers to a clearly identified candidate for statewide office or the Legislature and which can be received by 140,000 or more individuals in the state in the case of a candidacy for statewide office, 8,220 or more individuals in the district in the case of a candidacy for the State Senate, and 2,410 or more individuals in the district in the case of a candidacy for the House of Delegates.

~~(27)~~ (34) ‘Telephone bank’ means telephone calls that are targeted to the relevant electorate, other than telephone calls made by volunteer workers, regardless of whether paid professionals designed the telephone bank system, developed calling instructions, or trained volunteers.

~~(28)~~ ‘Two-year election cycle’ means the twenty-four month period that begins the day after a general election and ends on the day of the subsequent general election.

~~(29)~~ (35) ‘Unaffiliated political action committee’ means a political action committee that is not affiliated with a corporation or a membership organization.

~~§3-8-2. Accounts for receipts and expenditures in elections; Requirements for reporting independent expenditures.~~

~~(a) Except for: (1) Candidates for party committeeman and committeewoman; and (2) federal committees required to file under the provisions of 2 U.S.C. §434, all candidates for nomination or election and all persons supporting, aiding or opposing the nomination, election or defeat of any candidate shall keep for a period of six months records of receipts and expenditures which are made for political purposes. All of the receipts and expenditures are subject to regulation by the provisions of this article. Verified financial statements of the records and expenditures shall be made and filed as public records by all candidates and by their financial agents, representatives or any~~

~~person acting for and on behalf of any candidate and by the treasurers of all political party committees.~~

~~(b)(1)~~ (a) In addition to any other reporting required by the provisions of this chapter, any person who makes independent expenditures in an aggregate amount or value in excess of \$1,000 during a calendar year shall file a disclosure statement, according to the requirements of §3-8-5 of this code, ~~on a form prescribed by the Secretary of State~~, that contains all of the following information:

(1) The name of ~~(i)~~ the person making the expenditure;

~~(ii)~~ (2) The name of any person sharing or exercising direction or control over the activities of the person making the expenditure; ~~and~~

~~(iii)~~ (3) The name of the custodian of the books and accounts of the person making the expenditure;

~~(B)~~ (4) If the person making the expenditure is ~~not an individual~~ an entity, the principal place of business of the partnership, corporation, committee, association, organization, or group which made the expenditure;

~~(C)~~ (5) The amount of each independent expenditure ~~of more than \$1,000 made~~ during the period covered by the statement and the name of the person to whom the expenditure was made;

~~(D)~~ (6) The elections to which the independent expenditure pertain, the names, if known, of the candidates referred to or to be referred to therein, whether the expenditure is intended to support or oppose the identified candidates, and the amount of the total expenditure reported pursuant to ~~paragraph (C)~~ subdivision (5) of this subsection spent to support or oppose each of the identified candidates;

~~(E)~~ (7) The name and address of any person who contributed a total of more than \$250 between the first day of the preceding calendar year, and the disclosure date, and whose contributions were made for the purpose of furthering the expenditure;

~~(F)~~ (8) With regard to the contributors required to be listed pursuant to ~~paragraph (E)~~ subsection (7) of this subdivision the statement shall also include:

~~(i)~~ (A) The month, day, and year that the contributions of any single contributor exceeded \$250;

~~(ii)~~ (B) If the contributor is a political action committee, the name and address the political action committee registered with the Secretary of State, county clerk, or municipal clerk;

~~(iii)~~ (C) If the contributor is an individual, the name and address of the individual, his or her occupation, the name and address of the individual's current employer, if any, or, if the individual is self-employed, the name and address of the individual's business, if any;

~~(iv)~~ (D) A description of the contribution, if other than money; and

~~(v)~~ (E) The value in dollars and cents of the contribution; and

~~(G)(1)~~ (9) A certification that such independent expenditure was not made in cooperation, consultation, or concert, with, or at the request or suggestion of, any candidate or any authorized committee or agent of such candidate.

~~(2)~~ (b) Any person who makes a contribution for the purpose of funding an independent expenditure under this subsection shall, at the time the contribution is made, provide his or her name, address, occupation, his or her current employer, if any, or, if the individual is self-employed, the name of his or her business, if any, to the recipient of the contribution.

~~(3)~~ (c) The Secretary of State shall expeditiously prepare indices setting forth, on a candidate-by-candidate basis, all independent expenditures separately, made by, ~~or~~ on behalf of, ~~or~~ for, or against each candidate, as reported under this subsection, and ~~for shall~~ periodically ~~publishing~~ publish such indices on a timely pre-election basis.

~~(e)~~ ~~(d)~~(1) ~~A person, including a political committee, who~~ Any person or political committee that makes or contracts to make independent expenditures aggregating ~~\$1,000~~ \$5,000 or more for any statewide, legislative, or multicounty judicial candidate or \$500 or more for any county office candidate, single-county judicial candidate, committee supporting or opposing a candidate on the ballot in more than one county, or any municipal candidate on a municipal election ballot, after the 15th day, but more than 12 hours, before the date of an election, shall file a report on a form prescribed by the Secretary of State, describing the expenditures within 24 hours: *Provided*, That a person making expenditures ~~in the amount of \$1,000 or more~~ for any statewide or legislative candidate on or after the 15th day but more than 12 hours before the day of any election meeting the criteria of this section, but which are subject to the disclosure requirements of §3-8-2b of this code, shall report such expenditures in accordance with the requirements of §3-8-2b of this code and ~~shall~~ may not file ~~an additional report as provided herein~~ the report otherwise required by this subsection.

(2) Any person who files a report under subdivision (1) of this subsection, shall file an additional report within 24 hours after each time the person makes or contracts to make independent expenditures aggregating ~~\$1,000~~ an additional \$5,000 or more for any statewide, legislative, or multicounty judicial candidate or an additional \$500 with respect to the same election, for any county office, single-county judicial candidate, committee supporting or opposing a candidate on the ballot in more than one county, or any municipal candidate on a municipal election ballot, as that to which the initial report relates.

~~(d)~~ ~~(e)~~ (1) A person, including a political committee, who makes or contracts to make independent expenditures aggregating \$10,000 or more at any time, up to and including the 15th day before the date of an election, shall file a report on a form prescribed by the Secretary of State, describing the expenditures within 48 hours.

(2) ~~A~~ Any person who files a report under subdivision (1) of this subsection ~~the person~~ shall file an additional report within 48

hours after each time the person makes or contracts to make independent expenditures aggregating an additional \$10,000 with respect to the same election as that to which the initial report relates.

(e) (f) Any communication paid for by an independent expenditure must include a clear and conspicuous public notice that:

(1) Clearly states that the communication is not authorized by the candidate or the candidate's committee; and

(2) Clearly identifies the person making the expenditure: *Provided*, That if the communication appears on or is disseminated by broadcast, cable or satellite transmission, the statement required by this subsection must be both spoken clearly and appear in clearly readable writing at the end of the communication.

(f) (g) Any person who has spent a total of \$5,000 or more for the direct costs of purchasing, producing, or disseminating electioneering communications during any calendar year shall maintain all financial records and receipts related to such expenditure for a period of ~~six months~~ five years following the filing of a disclosure pursuant to ~~subsection (a) of this section §3-8-2b of this code~~ and, upon request, shall make such records and receipts available to the Secretary of State or county clerk for the purpose of an audit as provided in §3-8-7 of this code.

(g) (h) Any person who willfully fails to comply with this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$500, or confined in jail for not more than one year, or both fined and confined.

(h) (i)(1) Any person or political committee who is required to file a statement under this section ~~may~~ shall file the statement ~~by facsimile device or electronic mail~~ electronically in accordance with such rules as the Secretary of State may promulgate.

(2) The Secretary of State shall make any document filed electronically, pursuant to this subsection, accessible to the public

on the Internet not later than 24 hours after the document is received by the secretary.

(3) In promulgating a rule under this subsection, the secretary shall provide methods, other than requiring a signature on the document being filed, for verifying the documents covered by the rule. Any document verified under any of the methods shall be treated for all purposes, including penalties for perjury, in the same manner as a document verified by signature.

(i) (j) This section does not apply to candidates for federal office.

(j) (k) The Secretary of State may promulgate emergency and legislative rules, in accordance with the provisions of chapter 29A of this code, to establish guidelines for the administration of this section.

§3-8-4. Treasurers and financial agents; written designation requirements.

(a) No person may act as the treasurer of any political action committee or political party committee supporting, aiding or opposing the nomination, election, or defeat of any candidate for an office encompassing an election district larger than a county unless a written statement of organization, on a form to be prescribed by the Secretary of State, is filed with the Secretary of State. ~~at least twenty eight days before the election at which that person is to act as a treasurer and is received by the Secretary of State before midnight, eastern standard time, of that day or, if mailed, is postmarked before that hour. The form shall include the name of the political committee; the name of the treasurer; the mailing address, telephone number and e mail address, if applicable, of the committee and of the treasurer if different from the committee information; the chairman of the committee; the affiliate organization, if any; type of committee affiliation, as defined in subdivisions (21) and (24), section one a of this article, if any; and whether the committee will participate in statewide, county or municipal elections. The form shall be certified as accurate and true and signed by the chairman and the treasurer of~~

~~the committee~~ *Provided, That* A change of treasurer or financial agent may be made at any time by filing a written statement with the Secretary of State.

(b) No person may act as the treasurer for any candidate committee for a candidate for nomination or election to any statewide office, or to any office encompassing an election district larger than a county, or to any legislative office, or any circuit judgeship, unless a written statement of organization designating that person as the treasurer or financial agent is filed with the Secretary of State. ~~at least twenty-eight days before the election at which that person is to act as a treasurer and is received by the Secretary of State before midnight, eastern standard time, of that day or if mailed, is postmarked before that hour~~ *Provided, That* A change of treasurer or financial agent may be made at any time by filing a written statement with the Secretary of State.

(c) No person may act as treasurer of any political committee ~~or as financial agent for any candidate~~ advocating for candidates to be nominated or elected by the voters of a county or a district therein, except legislative and circuit judge candidates, ~~or as the financial agent for a candidate for the nomination or election to any other office,~~ unless a written statement of organization designating him or her as the treasurer ~~or financial agent~~ is filed with the clerk of the county commission or the Secretary of State. ~~at least twenty-eight days before the election at which he or she is to act and is received before midnight, eastern standard time, of that day or if mailed, is postmarked before that hour~~ *Provided, That* A change of treasurer may be made at any time by filing a written statement with the clerk of the county commission.

(d) Prior to engaging in any activity, a political committee shall file a statement of organization required by subsection (a) of this section. A statement of organization form required by this section shall be certified as accurate and true and signed by the treasurer and the chairman of the committee, and shall include the following information:

(1) The name of the political committee;

(2) The name of the treasurer;

(3) The mailing address, telephone number, and e-mail address of the committee;

(4) The mailing address, telephone number, and e-mail address of the treasurer, if different from the committee information;

(5) The name of the chairman of the committee;

(6) The affiliate organization, if any;

(7) The type of political committee, as determined by the description of types of committees included in the definitions of 'political committee' and 'political action committee' in §3-8-1a of this code; and

(8) Whether the committee will participate in statewide or local elections.

~~(d)~~ (e) Notwithstanding the provisions of subsections (a), (b), and (c) of this section, a filing designating a treasurer for a state, ~~or~~ county, or municipal political ~~executive~~ committee may be made any time before the committee either accepts or spends funds. Once a designation is made by a state, ~~or~~ county, or municipal political ~~executive~~ committee, no additional designations are required under this section until a successor treasurer is designated.

(f) A state, ~~or~~ county, or municipal political ~~executive~~ committee may terminate a designation made pursuant to this section by making a written request to terminate the designation on a form prescribed by the Secretary of State and by ~~stating in the request~~ filing a report of financial information required in §3-8-5 of this code, indicating that the political committee has no funds or debts remaining in the committee's account. This written request shall be filed with either the Secretary of State or the clerk of the county commission as provided by subsections (a), (b), and (c) of this section.

§3-8-5. Detailed accounts and verified financial statements required.

(a) Record-keeping requirements. —

(1) Except for candidates for party committeeman and committeewoman, all candidates for nomination or election to state or local offices and all persons supporting, aiding, or opposing the nomination, election, or defeat of any such candidate shall keep, for a period of five years, records of receipts and expenditures which are made for political purposes.

~~(2) Every candidate; or treasurer; person and association of persons, organization of any kind, including every corporation, directly, or by an independent expenditure, supporting a political committee established pursuant to paragraph (C), subdivision (1), subsection (b), section eight of this article or engaging in other activities permitted by this section and also including the treasurer or equivalent officer of the association or organization, expressly advocating the election or defeat of a clearly identified candidate for state, district, county or municipal office, and the treasurer of every political committee shall keep detailed accounts of every sum of money or other thing of value received by him or her, including all loans of money or things of value and of all expenditures and disbursements made, or liabilities incurred, by the candidate, financial agent, person, association or organization or political committee, for political purposes, or by any of the officers or members of the committee, or any person acting under its authority or on its behalf.~~

(3) A person that is not a political committee and makes independent expenditures or electioneering communications must keep detailed accounts of every sum of money or other thing of value received by him or her for the purpose of furthering any independent expenditure or electioneering communication and of all disbursements made for independent expenditures or electioneering communications.

(b) Financial reporting requirements. —

~~(1) Every person or association of persons required to keep detailed accounts under this section shall file with the officers hereinafter prescribed a detailed itemized sworn statement:~~

~~(1) Of all financial transactions, whenever the total exceeds \$500, which have taken place before the last Saturday in March, to be filed within six days thereafter and annually whenever the total of all financial transactions relating to an election exceeds \$500;~~

~~(2) Of all financial transactions which have taken place before the fifteenth day preceding each primary or other election and subsequent to the previous statement, if any, to be filed within four business days after the fifteenth day;~~

~~(3) Of all financial transactions which have taken place before the thirteenth day after each primary or other election and subsequent to the previous statement, if any, to be filed within twenty business days after the thirteenth day; and~~

~~(4) Of all financial transactions, whenever the total exceeds \$500 or whenever any loans are outstanding, which have taken place before the forty third day preceding the general election day, to be filed within four business days after the forty third day. required to keep detailed accounts under subsection (a) of this section shall file a detailed, itemized sworn statement, as prescribed in §3-8-5a and §3-8-5b of this code, according to the following schedule:~~

~~(A) On April 1 of each year, the person shall file a statement of all financial transactions dating from January 1 to March 31 of the same year, to be filed within six days thereafter;~~

~~(B) On July 1 of each year, the person shall file a statement of all financial transactions dating from April 1 to June 30 of the same year, to be filed within six days thereafter;~~

~~(C) On October 1 of each year, the person shall file a statement of all financial transactions dating from July 1 to September 30 of the same year, to be filed within six days thereafter; and~~

~~(D) On January 1 of each year, the person shall file a statement of all financial transactions dating from October 1 to December 31 of the previous year, to be filed within six days thereafter.~~

(2) In addition to the statements required in subdivision (1) of this section, a candidate or candidate's committee shall file detailed itemized sworn statements, as prescribed in §3-8-5a and §3-8-5b of this code, according to the following schedule:

(A) On the 15th day preceding the primary election in which a candidate is on the ballot, the candidate or committee shall file a statement of all financial transactions subsequent to the previous statement, if any, to be filed within four business days after the 15th day; and

(B) On the 15th day preceding the general election in which a candidate, including an official write-in candidate, is on the ballot, the candidate or committee shall file a statement of all financial transactions subsequent to the previous statement, if any, to be filed within four business days after the 15th day.

(c) A person required to file reports pursuant to 52 U.S.C. §30104 is exempt from the requirements of subsection (b) of this section but is not exempt from the state-level electioneering communication reports requirements in §3-8-2b of this code or the independent expenditure reporting requirements in §3-8-2 of this code.

(d) Every person who ~~announces as a~~ is qualified as an official write-in candidate for any elective office ~~and his or her financial agent or election organization of any kind shall~~ individually, or by candidate committee, comply with all of the applicable requirements of this section ~~after public announcement of the person's candidacy has been made.~~

(d) ~~For purposes of this section, the term 'financial transactions' includes all contributions or loans received and all repayments of loans or expenditures made to promote the candidacy of any person by any candidate or any organization advocating or opposing the nomination, election or defeat of any candidate to be voted on.~~

(e) Candidates for the office of conservation district supervisor elected pursuant to the provisions of ~~article twenty one a, chapter~~

~~nineteen §19-21A-1 et seq.~~ of this code are required to file only the reports required by ~~subdivisions (2) and (3), paragraph (A), subdivision (2),~~ subsection (b) of this section ~~immediately prior to and after the primary election: *Provided*, That during the election in the year 2008, the statements required by this subsection shall be filed immediately prior to and after the applicable general election that is held concurrently with the state's primary election.~~

§3-8-5b. Where financial statements and reports shall be filed; filing date prescribed.

(a) The financial statements provided for in this article shall be filed, by or on behalf of candidates, with:

(1) The Secretary of State for legislative offices, circuit judge, and family court judge, and for statewide and other offices to be nominated or elected by the voters of a political division greater than a county;

(2) The clerk of the county commission by candidates for offices to be nominated or elected by the voters of a single county or a political division within a single county, except circuit judge and family court judge; or

(3) The proper municipal officer by candidates for office to be nominated or elected to municipal office.

~~(b) The statements may be filed by mail, in person, or by facsimile or other electronic means of transmission: *Provided*, That the financial statements filed by or on behalf of candidates for Governor, Secretary of State, Attorney General, Auditor, Treasurer, Commissioner of Agriculture, and Supreme Court of Appeals, shall be filed electronically by the means of an Internet program that has been established by the Secretary of State on forms or in a format prescribed by the Secretary of State: *Provided*, That after January 1, 2018, unless a committee has been granted an exemption in case of hardship pursuant to subsection (c) of this section, all such statements required to be filed with the Secretary of State, on or behalf of a candidate for any elective office, shall be~~

~~filed electronically by means of the internet program that has been established by the Secretary of State.~~

(1) The following statements or reports shall be filed electronically, in a manner prescribed by the Secretary of State:

(A) Financial statements filed by or on behalf of candidates for Governor, Secretary of State, Attorney General, Auditor, Treasurer, Commissioner of Agriculture, State Senate, House of Delegates, Supreme Court of Appeals, circuit judge, or family court judge;

(B) Financial statements filed by political committees;

(C) Electioneering communication reports; and

(D) Independent expenditure reports.

(2) If through or by no fault of the candidate, the candidate is unable to file the campaign financial statement, the candidate shall then file said statement in person, via facsimile or other electronic means of transmission, or by certified mail postmarked at the first reasonable opportunity.

(e) (3) Committees required to report electronically may apply to the State Election Commission for an exemption from mandatory electronic filing in the case of hardship. An exemption may be granted at the discretion of the State Election Commission.

(c) Candidates for all offices not identified in subsection (b) of this section, may file financial statements by mail, in person, by facsimile, or by other electronic means of transmission. For purposes of this article, the filing date of a financial statement shall, in the case of mailing, be the date of the postmark of the United States Postal Service, and in the case of hand delivery or delivery by facsimile or other electronic means of transmission, the date delivered to the office of the Secretary of State, or to the office of the clerk of the county commission, in accordance with the provisions of subsection (a) of this section, during regular business hours of that office.

~~(e)~~ (d) The sworn financial statements required to be filed by this section with the Secretary of State shall be posted on the Internet by the Secretary of State within 10 business days from the date the financial statement is filed.

§3-8-5c. Contribution limitations.

(a)(1) A person, political party, or political action committee may not, in an election cycle:

(A) Contribute more than \$2,800, directly or indirectly, to a candidate's committee for a candidate seeking nomination, including by making contributions to the candidate's committee; or

(B) Contribute more than \$2,800, directly or indirectly, to a candidate's committee for a candidate seeking election, including by making contributions to the candidate's committee: *Provided*, That a candidate may receive contributions for the general election prior to nomination, however, such funds may not be expended until after the date of the nomination is declared.

(2) The contribution limits of this section apply only to elections to be held after the effective date of this section, and do not apply to candidate committees that were created for elections held prior to the effective date of this section.

(b) A person may not, directly or indirectly, make contributions to a state party executive committee, or any subsidiary, branch, or local unit thereof, or a caucus campaign committee which, in the aggregate, exceed \$10,000 in any calendar year: *Provided*, That a person may not earmark or otherwise designate any portion of a contribution made pursuant to this subsection to be used to support or oppose the election of a particular candidate: *Provided, however*, That any such designation or earmark that accompanies a contribution made pursuant to this subsection may not be binding on the entity that receives the contribution.

(c) A person may not, directly or indirectly, make contributions to a political action committee, related to a particular election, which, in the aggregate, exceed \$5,000.

§3-8-5e. Precandidacy financing and expenditures.

(a) Notwithstanding any other provisions of this code, it is lawful for a person, otherwise qualified to be a candidate for any public office or position to be determined by public election, to receive contributions or make expenditures, or both personally or by another individual acting as a treasurer, to determine the advisability of becoming such a candidate or preparing to be such a candidate: *Provided*, That such contributions may be received and such expenditures made only during the four years immediately preceding the term for which such person may be a candidate or during the term of office immediately preceding the term for which such person may be a candidate, whichever is less: *Provided, however*, That no person is disqualified from receiving contributions or making expenditures as permitted under the provisions of this section solely because such person then holds a public office or position.

(b) Any person undertaking to determine the advisability of becoming or preparing to be a candidate, who desires to receive contributions before filing a certificate of candidacy, ~~shall name~~ shall designate himself or another individual to act as a treasurer and shall file a designation of treasurer in the manner provided in §3-8-4 of this code before receiving any contributions permitted by this section. Any expenditures made before the filing of a designation of treasurer shall be reported in accordance with the provisions of ~~this section~~ §3-8-5 of this code, regardless of the source of funds used for such expenditures.

(c) A person who receives a contribution who is acting for and by himself or herself or as treasurer or agent for another pursuant to the provisions of this section shall keep detailed accounts of every sum of money or other thing of value received by him or her, and of all expenditures and disbursements made, and liabilities incurred, in the same manner as such accounts are required by §3-8-5 of this code. ~~for the period prior to the date of filing for candidacy for the office he is considering seeking. Any person who has received contributions or made expenditures subject to the provisions of this section shall file annually on the last Saturday in March or within six days thereafter preceding the election at which~~

~~the names of candidates would appear on the ballot for the public office or position which the person originally considered seeking, a detailed itemized statement setting forth all contributions received and expenditures made pursuant to the provisions of this section concerning the candidacy of that person. If the person on whose behalf such contributions are received or expenditures are made becomes a candidate for any office or position to be decided at such election then the itemized statement shall be included within the first statement required to be filed by the provisions of section five of this article. If such person does not become a candidate for any office or position to be decided at such election, then the detailed itemized statements required by this subsection shall be the only statements required to be filed by such person.~~

(d) Regardless of whether such person becomes a candidate as originally intended, ~~or~~ becomes a candidate for some office other than the office or position originally intended, or does not become a candidate, all limits on campaign contributions and campaign expenditures applicable to the candidacy of or advocacy of the candidacy of such person for the office he or she actually seeks, shall be applicable to and inclusive of the receipts had and expenditures made during such precandidacy period as well as after the person becomes a candidate.

§3-8-5g. Prohibition on political contributions and expenditures by foreign nationals.

(a) A foreign national may not, directly or indirectly, make:

(1) A contribution or donation, or an express or implied promise to make a contribution or donation, to a candidate's committee, a political committee, or a political party; or

(2) An independent expenditure or any disbursement for an electioneering communication related to a state or local election.

(b) A person may not solicit, accept, or receive a contribution or donation described in subsection (a) of this section.

§3-8-7. Failure to file statement; delinquent or incomplete filing; criminal and civil penalties.

(a) Any person, candidate, financial agent, or treasurer of a political ~~party~~ committee who fails to file a sworn, itemized statement required by this article within the time limitations specified in this article or who willfully files a grossly incomplete or grossly inaccurate statement is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$500 or confined in jail for not more than one year, or both fined and confined. Sixty days after any primary or other election, the Secretary of State, county clerk, or municipal recorder, as the case may be, shall give notice of any failure to file a sworn statement or the filing of any grossly incomplete or grossly inaccurate statement by any person, candidate, financial agent, or treasurer of a political party committee and forward copies of any grossly incomplete or grossly inaccurate statement to the prosecuting attorney of the county where the person, candidate, financial agent, or treasurer resides, is located or has its principal place of business.

(b) (1) Any person, candidate, financial agent, or treasurer of a political ~~party~~ committee who fails to file a sworn, itemized statement as required in this article or who files a grossly incomplete or grossly inaccurate statement ~~may~~ shall be assessed a civil penalty by the Secretary of State of ~~\$25~~ \$10 a day for each day after the due date the statement is delinquent, grossly incomplete, or grossly inaccurate. Sixty days after any primary or other election, the county clerk shall give notice to the Secretary of State of any failure to file a sworn statement or the filing of any grossly incomplete, or grossly inaccurate statement by any person, candidate, financial agent, or treasurer of a political ~~party~~ committee and forward copies of such delinquent, incomplete, or inaccurate statements to the Secretary of State.

(2) A civil penalty assessed pursuant to this section shall be payable to the State of West Virginia and is collectable as authorized by law for the collection of debts.

(3) The Secretary of State may negotiate and enter into settlement agreements for the payment of civil penalties assessed as a result of the filing of a delinquent, grossly incomplete, or inaccurate statement.

(4) The Secretary of State shall publish online, a list of all persons required to file statements with the Secretary of State who file statements after the deadline in an election cycle. This list shall be maintained and be publicly available online to include late activity for, at a minimum, the previous five years up to the current year.

~~(4)~~ (5) The Secretary of State and county clerk may review and audit any sworn statement required to be filed pursuant to this article. The State Election Commission shall propose legislative rules for promulgation, in accordance with §29A-3-1 *et seq.* of this code, to establish procedures for the assessment of civil penalties as provided in this section.

(c) (1) Any candidate, whether nominated by primary election or appointed by executive committee or executive committee chair, who has failed to file any sworn statement as required by this article, relating to the immediately preceding primary election for any office by the 84th day before the general election, is disqualified and may not have his or her name appear on the general election ballot. The provisions of §3-8-5b(d) of this code notwithstanding, any sworn statement filed after the deadline required by §3-8-5 of this code must be received in the office indicated by §3-8-5b(a) of this code by the close of business on the 84th day before the general election.

(2) It is unlawful to issue a commission or certificate of election, or to administer the oath of office, to any person elected to any public office who has failed to file any sworn statement required by this article and no person may enter upon the duties of his or her office until he or she has filed such statement, nor may he or she receive any salary or emolument for any period prior to the filing of the statement.

(3) The vacancy on the ballot created by the disqualification in this subsection is subject to §3-5-19 of this code.

(d) As used in this section, ‘grossly’ means substantive and material, and specifically includes false or misleading representations and acts of omissions.

(e) The Secretary of State shall provide by rule protocols for written notice via certified mail, return receipt requested, to the person, candidate, financial agent, or treasurer of a political party committee that is not in compliance with the requirements of this section. With respect to a violation of subsection (c) of this section, the notice shall be provided 60 days after any primary or other election.

§3-8-8. Corporation contributions forbidden; exceptions; penalties; promulgation of rules; additional powers of State Election Commission.

(a) An officer, agent, or person acting on behalf of any membership organization or any corporation, whether incorporated under the laws of this or any other state or of a foreign country, may not pay, give, lend, or authorize to be paid, any money, or other thing of value belonging to the corporation to any candidate or candidate's campaign committee for nomination or election to any statewide office or any other elective office in the state or any of its subdivisions.

(b) A person may not solicit or receive any payment, contribution, or other thing from any membership organization or any corporation or from any officer, agent, or other person acting on behalf of the membership organization or corporation to any candidate or candidate's campaign committee for nomination or election to any statewide office or any other elective office in the state or any of its subdivisions.

(c)(1) The provisions of this section do not prohibit a membership organization or corporation from soliciting, through any officer, agent, or person acting on behalf of the membership organization or corporation, contributions to a separate segregated fund to be used for political purposes. Any separate segregated fund is considered a political action committee for the purpose of this article and is subject to all reporting requirements applicable to political action committees.

(2) It is unlawful for:

(A) A membership organization, corporation, or separate segregated fund to make a primary or other election contribution or expenditure by using money or anything of value secured: (i) By physical force, job discrimination, or financial reprisal; (ii) by the threat of force, job discrimination, or financial reprisal; or (iii) as a condition of employment;

(B) Any person soliciting a membership organization member, stockholder, ~~or~~ executive, or administrative personnel member ~~and members of their families or their family members~~ for a contribution to a membership organization, corporation, or separate segregated fund to fail to inform the person solicited of the political purposes of the separate segregated fund at the time of the solicitation;

(C) Any person soliciting any other person for a contribution to a membership organization, corporation, or separate segregated fund to fail to inform the person solicited at the time of the solicitation of his or her right to refuse to contribute without any reprisal;

(D) A separate segregated fund established by a membership organization or a corporation: (i) To solicit contributions to the fund from any person other than the membership organization's members or the corporation's stockholders and their families, and or its executive or administrative personnel and their families; or (ii) to contribute any membership organization or corporate funds;

(E) A separate segregated fund established by a membership organization or corporation to receive contributions to the fund from any person other than the membership organization's members or corporation's stockholders and their immediate families and its their executive or administrative personnel and their immediate families;

(F) A membership organization or corporation to engage in job discrimination or to discriminate in job promotion or transfer because of a member's or an employee's failure to make a contribution to the membership organization or corporation or a separate segregated fund;

(G) A separate segregated fund to make any contribution, directly or indirectly, in excess of \$1,000 the amounts permitted in §3-8-5c of this code in connection with or on behalf of any campaign for nomination or election to any elective office in the state or any of its subdivisions, or in connection with or on behalf of any committee or other organization or person engaged in furthering, advancing, supporting, or aiding the nomination or election of any candidate for any such office; or

(H) A membership organization or corporation to pay, give, or lend, or to authorize payment, giving, or lending of any moneys or other things of value belonging to the membership organization or corporation to a separate segregated fund for the purpose of making a contribution to a candidate or a candidate's committee. This provision does not prohibit a separate segregated fund from using the property, real or personal, facilities, and equipment of a membership organization or corporation solely to establish, administer, and solicit contributions to the fund, subject to the rules of the State Election Commission as provided in subsection ~~(d)~~ (e) of this section: *Provided*, That any such membership organization or corporation shall also permit any group of its employees represented by a bona fide political action committee to use the real property of the membership organization or corporation solely to establish, administer, and solicit contributions to the fund of the political action committee, subject to the rules of the State Election Commission promulgated in accordance with said subsection.

(3) For the purposes of this section, the term 'executive or administrative personnel' means individuals employed by a membership organization or corporation who are paid on a salary rather than hourly basis and who have policy-making, managerial, professional, or supervisory responsibilities.

(d) Any person, membership organization, or corporation violating any provision of this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$10,000. A membership organization or corporation may not reimburse any person the amount of any fine imposed pursuant to this section.

(e) To ensure uniform administration and application of the provisions of this section and of those of the Federal Election Campaign Act Amendments of 1976 relating to membership organization and corporate contributions, the State Election Commission shall propose rules for legislative approval in accordance with ~~the provisions of~~ §29A-3-1 *et seq.* of this code, to implement the provisions of this section consistent, insofar as practicable, with the rules and regulations promulgated by the Federal Election Commission to carry out similar or identical provisions of ~~2 U.S.C. §441b~~ 52 U.S.C. §30118.

(f) In addition to the powers and duties set forth in §3-1A-1 *et seq.* of this code, the State Election Commission has the following powers and duties:

(1) To investigate, upon complaint or on its own initiative, any alleged violations or irregularities of this article.

(2) To administer oaths and affirmations, issue subpoenas for the attendance of witnesses, issue subpoenas duces tecum to compel the production of books, papers, records, and all other evidence necessary to any investigation.

(3) To involve the aid of any circuit court in the execution of its subpoena power.

(4) To report any alleged violations of this article to the appropriate prosecuting attorney having jurisdiction, which prosecuting attorney shall, upon determining that a reason to believe that a violation has occurred, present to the grand jury such alleged violations, together with all evidence relating thereto, no later than the next term of court after receiving the report.

(g) The Attorney General shall, when requested, provide legal and investigative assistance to the State Election Commission.

(h) Any investigation, either upon complaint or initiative, shall be conducted in an executive session of the State Election Commission and shall remain undisclosed except upon an indictment by a grand jury.

(i) Any person who discloses the fact of any complaint, investigation or report or any part thereof, or any proceedings thereon, is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$1,000, nor more than \$5,000, and shall be confined in jail not less than six months nor more than one year.

(j) The amendments to this section enacted during the second extraordinary session of the Legislature, 2008, are intended to conform to the existing proscription to constitutionally permissible limits and not to create a new offense or offenses.

~~(k) The effective date of the amendments to this section enacted during the second extraordinary legislative session of 2008 is October 1, 2008.~~

§3-8-9. Lawful and unlawful election expenses; public opinion polls and limiting their purposes; limitation upon expenses; use of advertising agencies and reporting requirements; delegation of expenditures.

(a) No financial agent or treasurer of a political committee shall pay, give, or lend, either directly or indirectly, any money or other thing of value for any election expenses, except for the following purposes:

(1) For rent, maintenance, office equipment, and other furnishing of offices to be used as political headquarters and for the payment of necessary ~~clerks, stenographers, typists, janitors and messengers actually employed therein~~ employees;

(2) In the case of a candidate who does not maintain a headquarters, for reasonable office expenses, including, but not limited to, filing cabinets and other office equipment, and furnishings, computers, computer hardware and software, scanners, typewriters, calculators, audio visual equipment, the rental of the use of the same, or for the payment for the shared use of same with the candidate's business and for the payment of necessary ~~clerks, stenographers and typists actually employed~~ employees;

(3) For printing and distributing books, pamphlets, circulars, and other printed matter, ~~and~~ radio and television broadcasting, and painting, printing and posting signs, banners and other advertisements, including contributions to charitable, educational or cultural events, for the promotion of the candidate or the candidate's name; or an issue on the ballot;

(4) For renting and decorating halls for public meetings and political conventions, for advertising public meetings, and for the payment of traveling expenses of speakers and musicians at such meetings;

(5) For the necessary traveling and hotel expenses of candidates, political agents, and committees and for stationery, postage, telegrams, telephone, express, freight, and public messenger service;

(6) For preparing, circulating, and filing petitions for nomination of candidates;

(7) For examining the lists of registered voters, securing copies thereof, investigating the right to vote of the persons listed therein, and conducting proceedings to prevent unlawful registration or voting;

(8) For conveying voters to and from the polls;

(9) For securing publication in newspapers and by radio and television broadcasting of documents, articles, speeches, arguments, and any information relating to any political issue, candidate, or question or proposition submitted to a vote;

(10) For conducting public opinion poll or polls. For the purpose of this section, the phrase 'conducting of public opinion poll or polls' shall mean and be limited to the gathering, collection, collation and evaluation of information reflecting public opinion, needs, and preferences as to any candidate, group of candidates, party, issue, or issues. No such poll ~~shall~~ may be deceptively designed or intentionally conducted in a manner calculated to advocate the election or defeat of any candidate or group of candidates or calculated to influence any person or persons so

polled to vote for or against any candidate, group of candidates, proposition, or other matter to be voted on by the public at any election: *Provided*, That nothing herein ~~shall~~ may prevent the use of the results of any such poll or polls to further, promote or enhance the election of any candidate or group of candidates or the approval or defeat of any proposition or other matter to be voted on by the public at any election;

(11) For legitimate advertising agency services, including commissions, in connection with any campaign activity for which payment is authorized by subdivisions (3), (4), (5), (6), (7), (9), and (10) of this subsection;

(12) For the purchase of memorials, flowers, or citations by political party executive committees or political action committees representing a political party;

(13) For the purchase of nominal noncash expressions of appreciation following the close of the polls of an election or within 30 days thereafter;

(14) For the payment of dues or subscriptions to any national, state, or local committee of any political party;

(15) For contributions to a county party executive committee, state party executive committee, or a ~~state party legislative caucus political committee~~ caucus campaign committee; ~~and~~

(16) For transfers to any national, state, or local committee of any political party when that committee is acting in the role of a vendor: *Provided*, That no such transfer may involve any coordination between the candidate and the political party committee without being considered as a contribution;

(17) For payment for legal and accounting services rendered to a candidate or candidate committee if the services are solely related to the candidacy or campaign;

(18) For payment for food and drink for campaign-related purposes;

(19) For the payment of any required filing fees associated with the campaign, except that a candidate may not pay any fines assessed against the candidate or the candidate's committee pursuant to this article; and

~~(16)~~ (20) For contributions to a candidate committee: *Provided*, That a candidate committee may not contribute to another candidate committee except as otherwise provided by §3-8-10 of this code.

(b) A political action committee may not contribute to another political action committee or receive contributions from another political action committee: *Provided*, That a political action committee may receive contributions from its national affiliate, if any.

(c) Every liability incurred and payment made shall be for the fair market value of the services rendered.

(d) Every advertising agency subject to the provisions of this article shall file, in the manner and form required by §3-8-5a of this code, the financial statements required by §3-8-5 of this code at the times required therein and include therein, in itemized detail, all receipts from and expenditures made on behalf of a candidate, financial agent, or treasurer of a political party committee.

(e) Any candidate may designate a financial agent by a writing duly subscribed by ~~him~~ the candidate which shall be in such form and filed in accordance with ~~the provisions of~~ §3-8-4 of this code.

§3-8-9a. Coordinated expenditures.

(a) Except as provided in §3-8-9b of this code, a coordinated expenditure is considered to be a contribution and is subject to all requirements for contributions contained in this article.

(b) An expenditure made in concert with, in cooperation with, or at the request or suggestion of a candidate or candidate's committee is a coordinated expenditure if the communication resulting from the expenditure is paid for, in whole or in part, by a

person other than the candidate, candidate committee, or party committee, and one of the following circumstances exists:

(1) The communication is created, produced, distributed, or undertaken at the request or suggestion of a candidate, candidate committee, or party committee.

(2) The candidate, candidate committee, or party committee is involved in the creation, production, or distribution of the communication, or has had discussions about the communication with any person or the agents of a person who has paid for or played a role in the creation, production, or distribution of the communication: *Provided*, That this paragraph does not apply if the information or materials used in the creation, production, distribution, or undertaking of the communication was obtained from a publicly available source.

(3) Any person involved in the creation, production, or distribution of the communication has, in the four months preceding the date on which the expenditure is made, been an employee or vendor of campaign services for the candidate, candidate committee, or party committee.

(c) An expenditure is not a coordinated expenditure, based solely on any of the following circumstances:

(1) A candidate committee or a political party committee responds to an inquiry about the candidate's or political party committee's positions on legislative or policy issues, including substantive discussion of the legislative or policy issues, but not including a discussion of campaign plans, projects, activities, or needs;

(2) A candidate endorses another candidate;

(3) A candidate solicits funds for another candidate, a political committee, a party committee, or organizations eligible to receive tax-deductible donations under 26 U. S. C. §170 (or any successor provision) and regulations of the U. S. Department of Treasury; or

(4) A candidate is clearly identified only in his or her capacity as the owner or operator of a business that existed prior to the candidacy, if the communication does not refer to an election or another candidate who seeks the same office as that candidate.

(d)(1) An expenditure otherwise meeting the description of a coordinated expenditure contained in subdivision (3), subsection (b) of this section, is not a coordinated expenditure if the commercial vendor, former employee, or political committee at issue has established and implemented a firewall that meets the following requirements:

(A) The firewall is designed and implemented to prohibit the flow of information between employees or consultants providing services for the person paying for the communication and those employees or consultants currently or previously providing services to a candidate, or a committee supporting or opposing a candidate, clearly identified in the communication; and

(B) The firewall is described in a written policy that is distributed to all relevant employees, consultants, and clients affected by the policy.

(2) A communication does not qualify for the exemption contained in this subsection if, despite the firewall, information subject to the firewall concerning a candidate, candidate's committees, or a party committee's campaign plans, projects, activities, or needs that are material to the creation, production, or distribution of the communication is used or conveyed to the person paying for the communication.

(e) Any communication that results from a coordinated expenditure must contain a disclaimer that clearly identifies that the expenditure is coordinated with the candidate, the candidate committee, or the party committee with which it was coordinated.

§3-8-9b. Coordinated expenditures by political party committees and political party caucuses in connection with certain statewide candidates.

(a) Notwithstanding the provisions of §3-8-9a of this code, the state committee of a political party and caucus campaign committee may make coordinated expenditures in an amount not to exceed \$5,000 in connection with the general election campaign of the candidate for each of the following offices: Governor, Attorney General, Auditor, Commissioner of Agriculture, Secretary of State, Treasurer, State Senate, and House of Delegates.

(b) Any communication that results from a political expenditure and is made in coordination with a state committee of a political party and caucus campaign committee must contain a disclaimer that clearly identifies that the expenditure is coordinated with the candidate or candidate's committee with whom it was coordinated.

§3-8-9c. Joint fundraising.

(a) Political committees may engage in joint fundraising efforts with other political committees or with committees registered with the Federal Election Commission pursuant to a written joint fundraising agreement.

(b) A written joint fundraising agreement must be filed with the Secretary of State and must provide terms for the allocation of fundraising proceeds between or among political committees engaging in the joint fundraising effort. The Secretary of State shall post all joint fundraising agreements on the Internet within 10 business days from the date the agreement is filed.

(c) Any person soliciting funds for a joint fundraising effort shall disclose, in making or publishing solicitations, the name of all political committees involved in the joint fundraising effort and how any proceeds, including any contributions, will be allocated between or among such committees.

(d) A person, not otherwise prohibited by this article from making contributions, may make a contribution to a joint fundraising effort subject to the contribution limits in §3-8-5c of this code.

(e) The State Election Commission shall propose rules for legislative approval in accordance with §29A-3-1 et seq. of this code, to provide requirements for written joint fundraising agreements and to implement the provisions of this section consistently, insofar as practicable, with the rules and regulations promulgated by the Federal Election Commission in 11 C.F.R. §102.17.

§3-8-12. Additional acts forbidden; circulation of written matter; newspaper advertising; solicitation of contributions; intimidation and coercion of employees; promise of employment or other benefits; limitations on contributions; public contractors; penalty.

(a) A person may not publish, issue, or circulate, or cause to be published, issued, or circulated, any anonymous letter, circular, placard, radio or television advertisement, or other publication supporting or aiding the election or defeat of a clearly identified candidate.

(b) An owner, publisher, editor, or employee of a newspaper or other periodical may not insert, either in its advertising or reading columns, any matter, paid for or to be paid for, which tends to influence the voting at any election, unless directly designating it as a paid advertisement and stating the name of the person authorizing its publication and the candidate in whose behalf it is published.

(c) A person may not, in any room or building occupied for the discharge of official duties by any officer or employee of the state or a political subdivision of the state, solicit orally or by written communication delivered within the room or building, or in any other manner, any contribution of money or other thing of value for any party or political purpose, from any postmaster or any other officer or employee of the federal government, or officer or employee of the state, or a political subdivision of the state. An officer, agent, clerk or employee of the federal government, or of this state, or any political subdivision of the state, who may have charge or control of any building, office or room, occupied for any official purpose, may not knowingly permit any person to enter any

building, office, or room, occupied for any official purpose for the purpose of soliciting or receiving any political assessments from, or delivering or giving written solicitations for, or any notice of, any political assessments to, any officer or employee of the state, or a political subdivision of the state.

(d) Except as provided in §3-8-8 of this code, a person entering into any contract with the state or its subdivisions, or any department or agency of the state, either for rendition of personal services or furnishing any material, supplies or equipment or selling any land or building to the state, or its subdivisions, or any department or agency of the state, if payment for the performance of the contract or payment for the material, supplies, equipment, land, or building is to be made, in whole or in part, from public funds may not, during the period of negotiation for or performance under the contract or furnishing of materials, supplies, equipment, land, or buildings, directly or indirectly, make any contribution to any political party, committee, or candidate for public office, or to any person for political purposes or use nor may any person or firm solicit any contributions for any purpose during any period.

(e) A person may not, directly or indirectly, promise any employment, position, work, compensation, or other benefit provided for, or made possible, in whole or in part, by act of the Legislature, to any person as consideration, favor or reward for any political activity for the support of or opposition to any candidate, or any political party in any election.

(f) ~~Except as provided in §3-8-8 of this code,~~ A person may not, directly or indirectly, make any contribution in excess of the ~~value of \$1,000~~ amounts permitted by §3-8-5c of this code, in connection with any campaign for nomination or election to or on behalf of any statewide office, in connection with any other campaign for nomination or election to or on behalf of any other elective office in the state or any of its subdivisions, or in connection with or on behalf of any person engaged in furthering, advancing, supporting, or aiding the nomination or election of any candidate for any of the offices.

~~(g)~~ A political organization (as defined in Section 527(e)(1) of the Internal Revenue Code of 1986) may not solicit or accept contributions until it has notified the Secretary of State of its existence and of the purposes for which it was formed. During the two-year election cycle, a political organization (as defined in Section 527(e)(1) of the Internal Revenue Code of 1986) may not accept contributions totaling more than \$1,000 from any one person prior to the primary election and contributions totaling more than \$1,000 from any one person after the primary and before the general election.

~~(h)~~ (g) It is unlawful for any person to create, establish, or organize more than one political organization (as defined in Section 527(e)(1) of the Internal Revenue Code of 1986) committee with the intent to avoid or evade the contribution limitations contained in subsection ~~(g)~~ (g) of this section this article.

~~(i)~~ (h) Notwithstanding the provisions of subsection ~~(f)~~ (f) of this section to the contrary, A person may not, directly or indirectly, make contributions to a state party executive committee or state party legislative caucus campaign committee which, in the aggregate, exceed the value of \$1,000 in any calendar year are in excess of the amounts permitted by §3-8-5c of this code in any calendar year.

~~(j)~~ (i) The limitations on contributions contained in this section do not apply to transfers ~~between and among~~ a state party executive committee, ~~or a state party's legislative~~ a caucus political campaign committee, ~~from and a~~ national committees of the same political party: *Provided*, That ~~transfers permitted by this subsection may not exceed \$50,000 in the aggregate in any calendar year to any state party executive committee or state party legislative caucus political committee: Provided, however, That the moneys transferred may only be used for voter registration and get-out-the-vote activities of the state committees.~~

~~(k)~~ (j) A person may not solicit any contribution, other than contributions to a campaign for or against a county or local government ballot issue, from any nonelective salaried employee of the state government or of any of its subdivisions: *Provided*,

That in no event may any person acting in a supervisory role solicit a person who is a subordinate employee for any contribution. A person may not coerce or intimidate any nonelective salaried employee into making a contribution. A person may not coerce or intimidate any nonsalaried employee of the state government or any of its subdivisions into engaging in or refraining from any form of political activity. The provisions of this subsection may not be construed to prevent any employee from making a contribution or from engaging in political activity voluntarily without coercion, intimidation or solicitation.

(+) (k) A person may not solicit a contribution from any other person without informing the other person at the time of the solicitation of the amount of any commission, remuneration or other compensation that the solicitor or any other person will receive or expect to receive as a direct result of the contribution being successfully collected. Nothing in this subsection may be construed to apply to solicitations of contributions made by any person serving as an unpaid volunteer.

(+) (l) A person may not place any letter, circular, flyer, advertisement, election paraphernalia, solicitation material or other printed or published item tending to influence voting at any election in a roadside receptacle unless it is: (1) Approved for placement into a roadside receptacle by the business or entity owning the receptacle; and (2) contains a written acknowledgment of the approval. This subdivision does not apply to any printed material contained in a newspaper or periodical published or distributed by the owner of the receptacle. The term 'roadside receptacle' means any container placed by a newspaper or periodical business or entity to facilitate home or personal delivery of a designated newspaper or periodical to its customers.

(+) (m) Any person violating any provision of this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$1,000, or confined in jail for not more than one year, or, both fined and confined.

~~(e) The provisions of subsection (k) of this section, permitting contributions to a campaign for or against a county or local~~

~~government ballot issue shall become operable on and after January 1, 2005.~~

~~(p) The limitations on contributions established by subsection (g) of this section do not apply to contributions made for the purpose of supporting or opposing a ballot issue, including a constitutional amendment.”~~

In anticipation of requests pursuant to House Rule 49, the Speaker informed the Delegates that all one hundred members of the House of Delegates were members of a class of persons possibly to be affected by the passage of the bill and were directed to vote.

Delegates Byrd, Angelucci, Barrett, Bates, Boggs, N. Brown, S. Brown, Campbell, Canestraro, Caputo, Diserio, Doyle, Estep-Burton, Evans, Fleischauer, Fluharty, Hansen, Hartman, Hicks, Hornbuckle, Lavender-Bowe, Longstreth, Lovejoy, Miley, Miller, Robinson, Rowe, Skaff, Staggers, Swartzmiller, C. Thompson, R. Thompson, Walker, Williams and Zukoff moved to amend the amendment on page twenty-two, section five-c, line two, by striking out the number “2,800” and inserting in lieu thereof the number “1,000”.

On page twenty-two, section five-c, line five, by striking out the number “2,800” and inserting in lieu thereof the number “1,000”.

On page twenty-three, section five-c, line fourteen, by striking out the number “10,000” and inserting in lieu thereof the number “2,000”.

And,

On page twenty-three, section five-c, line twenty by striking out the number “5,000” and inserting in lieu thereof the number “1,000”.

On the adoption of the amendment to the amendment, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 638**), and there were—yeas 42, nays 55, absent and not voting 3, with the yeas and absent and not voting being as follows:

Yeas: Angelucci, Barrett, Bates, Boggs, N. Brown, S. Brown, Byrd, Campbell, Canestraro, Caputo, Diserio, Doyle, Estep-Burton, Evans, Fleischauer, Fluharty, Hansen, Hartman, Hicks, Hornbuckle, Lavender-Bowe, Longstreth, Lovejoy, Miley, Miller, Paynter, Pethtel, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Skaff, Sponaugle, Staggers, Swartzmiller, C. Thompson, R. Thompson, Tomblin, Walker, Williams and Zukoff.

Absent and Not Voting: Cooper, Dean and Malcolm.

So, a majority of the members present and voting not having voted in the affirmative, the amendment to the amendment was rejected.

An amendment, offered by Delegates Robinson, Byrd, Angelucci, Barrett, Bates, Boggs, N. Brown, S. Brown, Campbell, Canestraro, Caputo, Diserio, Doyle, Estep-Burton, Evans, Fleischauer, Fluharty, Hansen, Hartman, Hicks, Hornbuckle, Lavender-Bowe, Longstreth, Lovejoy, Miley, Miller, Pushkin, Pyles, Rowe, Rodighiero, Skaff, Sponaugle, Staggers, Swartzmiller, C. Thompson, R. Thompson, Tomblin, Walker, Williams and Zukoff was reported by the Clerk, on page eighteen, section five, line three, by following the words “or local offices” by inserting a comma and the words “caucus campaign committees” and the comma.

Whereupon,

Delegate Robinson asked and obtained unanimous consent that the amendment be withdrawn.

Delegates Robinson, Byrd, Angelucci, Barrett, Bates, Boggs, N. Brown, S. Brown, Campbell, Canestraro, Caputo, Diserio, Doyle, Estep-Burton, Evans, Fleischauer, Fluharty, Hansen, Hartman, Hicks, Hornbuckle, Lavender-Bowe, Longstreth, Lovejoy, Miley, Miller, Pushkin, Pyles, Rowe, Rodighiero, Skaff, Sponaugle, Staggers, Swartzmiller, C. Thompson, R. Thompson,

Tomblin, Walker, Williams and Zukoff moved to amend the amendment on page twenty, section five, line forty-seven, following the period, by inserting the following language:

“(f) In addition to other reporting required under this article, any caucus campaign committee shall disclose the receipt of all contributions, including the source and amounts, within five days of receipt of the contribution. The Secretary of State shall prepare a form for disclosure of these contributions and publish the information on the Secretary of State’s website within forty-eight hours of the Secretary of State receiving the completed form: *Provided*, That as an alternative, The Secretary of State is authorized to establish a means for electronic filing and disclosure. The Secretary of State may propose legislative and emergency rules for legislative approval, pursuant to §29A-3-1 *et seq.* of this code, relating to implementing the procedures and policies consistent with this section.”

Delegate Robinson asked unanimous consent to reform the amendment, which consent was not given, objection being heard.

Delegate Robinson then moved to reform the amendment.

On the question, the yeas and nays were demanded, which demand was sustained.

Having been ordered, the yeas and nays were taken (**Roll No. 639**), and there were—yeas 48, nays 49, absent and not voting 3, with the yeas and absent and not voting being as follows:

Yeas: Angelucci, Barrett, Bates, Boggs, N. Brown, S. Brown, Byrd, Campbell, Canestraro, Caputo, Diserio, Doyle, Estep-Burton, Evans, Fleischauer, Fluharty, Graves, Hansen, Hartman, Hicks, Hornbuckle, Jennings, Kessinger, Lavender-Bowe, Longstreth, Lovejoy, McGeehan, Miley, Miller, Paynter, Pethtel, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Skaff, Sponaule, Staggers, Swartzmiller, Sypolt, C. Thompson, R. Thompson, Tomblin, Walker, Williams, Zukoff and Hanshaw (Mr. Speaker).

Absent and Not Voting: Cooper, Dean and Malcolm.

So, a majority of the members present and voting not having voted in the affirmative, the motion to reform the amendment did not prevail.

On the adoption of the amendment to the amendment, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 640**), and there were—yeas 41, nays 56, absent and not voting 3, with the yeas and absent and not voting being as follows:

Yeas: Angelucci, Barrett, Bates, Boggs, N. Brown, S. Brown, Byrd, Campbell, Canestraro, Caputo, Diserio, Doyle, Estep-Burton, Evans, Fleischauer, Fluharty, Hansen, Hartman, Hicks, Hornbuckle, Lavender-Bowe, Longstreth, Lovejoy, Miley, Miller, Pethtel, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Skaff, Sponaule, Staggers, Swartzmiller, C. Thompson, R. Thompson, Tomblin, Walker, Williams and Zukoff.

Absent and Not Voting: Cooper, Dean and Malcolm.

So, a majority of the members present and voting not having voted in the affirmative, the amendment to the amendment was rejected.

Delegates Lovejoy, Byrd, Angelucci, Barrett, Bates, Boggs, N. Brown, S. Brown, Campbell, Canestraro, Caputo, Diserio, Doyle, Estep-Burton, Evans, Fleischauer, Fluharty, Hansen, Hartman, Hicks, Hornbuckle, Lavender-Bowe, Longstreth, Lovejoy, Miley, Miller, Pushkin, Pyles, Robinson, Rowe, Rodighiero, Skaff, Sponaule, Staggers, Swartzmiller, C. Thompson, R. Thompson, Tomblin, Walker, Williams and Zukoff moved to amend the amendment on page thirteen, section two, lines thirty, thirty-one and thirty-two, by striking out paragraph (7) and inserting in lieu thereof the following:

~~“(E) (7) The name and address of any person who contributed a total of more than \$250 to the entity making the expenditure between the first day of the preceding calendar year, and the disclosure date: and whose contributions were made for the purpose of furthering the expenditure~~ Provided, That any

contribution placed into a separate segregated account that is not used for campaign-related expenditures, any money received in the ordinary course of any trade or business or any contribution that is explicitly made for a nonpolitical purpose is not required to be reported.”

On page thirteen, section two, after the semi-colon on line forty-one, by inserting a new subsection (D) to read as follows:

“(D) If the contributor is an entity other than a registered political action committee subject to the requirements of this article or an individual, the information required by subsection (e), section eight-a of this article;” and re-letter subsequent subsections accordingly.

On page thirty-one, after line one hundred, by inserting a new section, designated section eight-a, to read as follows:

“§3-8-8a. Disclosure requirements for covered transfers.

(a) The Legislature finds that:

(1) An informed public is critical for the government of this state to function successfully as a true democracy;

(2) There has been a dramatic influx of ‘dark money’ political advertising in recent election cycles that make it difficult or sometimes impossible for the public to determine who is funding campaign-related disbursements for or against certain candidates;

(3) The United States Supreme Court has found that campaign-related disbursements are protected speech under the First Amendment and, therefore, states have a limited ability to restrict campaign-related disbursements;

(4) The United States Supreme Court has found, on the other hand, that requiring reasonable disclosures does not violate the First Amendment because the disclosure requirements do not restrict the speech, but rather help inform the public about the speech;

(5) It is now common practice for the money used to fund campaign-related disbursements to be transferred through multiple entities in an effort to sidestep state and federal campaign finance disclosure laws, thereby creating the so-called dark money;

(6) The prevalence of dark money funding political advertising, combined with the increase in dubious and misleading names for these organizations, serves to potentially mislead the voting public by eliminating the public's ability to know who funded the communication and, therefore, who is exercising their First Amendment protected speech; and

(7) Requiring greater disclosures of covered transfers, as defined in this section, will serve the state's interest and the public's interest in shining light on dark money and ensuring that the voters of this state will know who pays for campaign-related disbursements made by these currently unknown organizations.

(b) For the purposes of this section:

(1) 'Affiliate' means two or more persons where:

(A) The governing instrument of one person is required to be bound by decisions of the other person;

(B) The governing board of one person includes individuals who are specifically designated representatives of the other person or are members of the governing board, officers or paid executive staff members of the other person, or whose service on the governing board is contingent upon the approval of the other person; or

(C) The person is chartered by the other person;

(2) 'Campaign-related disbursement' means an independent expenditure consisting of a public communication or an electioneering communication, as those terms are defined in this article;

(3) 'Covered transfer' means any transfer or payment of funds by a person to another person if:

(A) The person making the transfer designates, requests or suggests that the amounts be used for one or more campaign-related disbursements or for making a transfer to another person for the purpose of making or paying for one or more campaign-related disbursements;

(B) The person made the transfer or payment in response to a solicitation or other request for donation or payment for the making of or paying for one or more campaign-related disbursements or for making a transfer to another person for the purpose of making or paying for one or more campaign-related disbursements; or

(C) The person engaged in discussions with the recipient of the transfer or payment regarding the making of or paying for campaign-related disbursements or donating or transferring any amount of that transfer or payment to another person for the purpose of making or paying for one or more campaign-related disbursements;

(4) ‘Covered transfer’ does not include:

(A) A disbursement made by a person in the ordinary course of any trade or business or in the form of investment; or

(B) A disbursement made by a person if the person prohibited, in writing, the use of that disbursement for campaign-related disbursements and the recipient of the funds agreed to follow the prohibition and deposited the disbursement in an account which is segregated from any account used to make campaign-related disbursements; and

(5) ‘Person’ means an individual, corporation, partnership, committee, association and any other legal entity, organization or group of individuals, including, but not limited to, an organization described in section 501(c) of the Internal Revenue Code of 1986 and any political organization under section 527 of the Internal Revenue Code of 1986, other than a political committee with an account established under this article that complies with the contribution limits and source prohibitions of this article with respect to accounts established for that purpose.

(c) When a person receives a covered transfer of \$10,000 or more, the recipient shall notify the contributor that the contributor must submit the information required in subsection (d) of this section within forty-eight hours of the transfer: *Provided*, That if the contributor and the recipient of the covered transfer are affiliates then this subsection only applies to transfers of \$50,000 or more. The recipient of the covered transfer may not make a covered transfer of funds or a campaign-related disbursement until it receives the information required by subsection (d) of this section from the contributor. If the contributor of the covered transfer fails to send the information required by subsection (d) of this section, then the recipient shall return the covered transfer funds to the contributor or immediately transfer the funds into another account that is not used to campaign-related expenditures in this state.

(d) All persons making covered transfers that meet the thresholds set forth in subsection (c) of this section, shall submit within forty-eight hours of the covered transfer the following information to the recipient:

(1) The name and address of any person who contributed a total of more than the maximum contribution amount that an individual may make to a political candidate, as stated in section 5c of this article, to the person making the covered transfer within the previous twelve months;

(2) The month, day, and year that the contributions of any single contributor exceeded the maximum contribution amount that an individual may make to a political candidate, as stated in section 5c of this article;

(3) If the person is a political action committee, the name and address the political action committee registered with the Secretary of State, county clerk or municipal clerk;

(4) If the person is an individual, the person's name, occupation, employer name, if any, and if the individual is self-employed, the name of the individual's business and address of the business; and

(5) A description of the contribution, if other than money, and the value in dollars and cents of the contribution.

(e) If a person makes a campaign-related disbursement that is an independent expenditure regulated by section two of this article, then it shall disclose in the filing required by section two of this article, all of the information required by section two of this article and all of the information received pursuant to subsections (c) and (d) of this section from any covered transfer received in the twenty-four months prior to the campaign-related disbursement. If a person makes a campaign-related disbursement that is an electioneering communication regulated by section two-b of this article, then it shall disclose in the filing required by section two-b of this article, all of the information required by section two of this article and all of the information received pursuant to subsections (c) and (d) of this section from any covered transfer received in the twenty-four months prior to the campaign-related disbursement.

(f) Any person who willfully fails to comply with this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$1,000 and not more than \$100,000, or confined in jail for not more than one year, or both fined and confined.

(g) The Secretary of State may promulgate emergency rules and propose legislative rules, in accordance with the provisions of chapter twenty-nine-a of this code, to implement the provisions of this section, and re-letter subsequent sections accordingly.”

On the adoption of the amendment to the amendment, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 641**), and there were—yeas 41, nays 56, absent and not voting 3, with the yeas and absent and not voting being as follows:

Yeas: Angelucci, Barrett, Bates, Boggs, N. Brown, S. Brown, Byrd, Campbell, Canestraro, Caputo, Diserio, Doyle, Estep-Burton, Evans, Fleischauer, Fluharty, Hansen, Hartman, Hicks, Hornbuckle, Lavender-Bowe, Longstreth, Lovejoy, Miley, Miller, Pethel, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Skaff,

Sponaugle, Staggers, Swartzmiller, C. Thompson, R. Thompson, Tomblin, Walker, Williams and Zukoff.

Absent and Not Voting: Cooper, Dean and Malcolm.

So, a majority of the members present and voting not having voted in the affirmative, the amendment to the amendment was rejected.

On motion of Delegate Capito, the amendment was amended, on page seventeen, section five, line four, immediately following the words “period of” by striking out the word “five” and inserting in lieu thereof the word “two”.

Delegate Byrd moved to amend the amendment on page fourteen, section two, line fifty-seven, following the word “statewide” by striking out the comma and the words “legislative, or multicounty judicial”.

On page fourteen, section two, line fifty-eight, following the words “judicial candidate,” by inserting the words “or multicounty judicial candidate, or legislative candidate, or”.

On page fourteen, section two, lines seventy and seventy-one, following the word “statewide” by striking out the comma and the words “legislative, or multicounty judicial”.

On page fourteen, section two, line seventy-two, following the words “judicial candidate,” by inserting the words “or multicounty judicial candidate, or legislative candidate, or”.

On page twenty-two, section five-c, line two, following the words “or indirectly” by striking out the comma and inserting the following: “for any statewide election and \$1,000 directly or indirectly for all other elections,”.

And,

On page twenty-two, section five-c, line five, following the words “or indirectly” by striking out the comma and inserting the following: “for any statewide election and \$1,000 directly or indirectly for all other elections,”.

On the adoption of the amendment to the amendment, Delegate Byrd demanded the yeas and nays, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 642**), and there were—yeas 41, nays 56, absent and not voting 3, with the yeas and absent and not voting being as follows:

Yeas: Angelucci, Barrett, Bates, Boggs, N. Brown, S. Brown, Byrd, Campbell, Canestraro, Caputo, Diserio, Doyle, Estep-Burton, Evans, Fleischauer, Fluharty, Hansen, Hartman, Hicks, Hornbuckle, Lavender-Bowe, Longstreth, Lovejoy, Miley, Miller, Pethel, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Skaff, Sponaule, Staggers, Swartzmiller, C. Thompson, R. Thompson, Tomblin, Walker, Williams and Zukoff.

Absent and Not Voting: Cooper, Dean and Malcolm.

So, a majority of the members present and voting not having voted in the affirmative, the amendment to the amendment was rejected.

The question before the House being the amendment offered by Delegate Shott, as amended, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 643**), and there were—yeas 56, nays 41, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Angelucci, Barrett, Bates, Boggs, N. Brown, S. Brown, Byrd, Campbell, Canestraro, Caputo, Diserio, Doyle, Estep-Burton, Evans, Fleischauer, Fluharty, Hansen, Hartman, Hicks, Hornbuckle, Lavender-Bowe, Longstreth, Lovejoy, Miley, Miller, Pethel, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Skaff, Sponaule, Staggers, Swartzmiller, C. Thompson, R. Thompson, Tomblin, Walker, Williams and Zukoff.

Absent and Not Voting: Cooper, Dean and Malcolm.

So, a majority of the members present and voting having voted in the affirmative, the amendment was adopted.

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

Speaker Pro Tempore Cowles in the Chair

Delegate Hanna demanded the previous question which demand was sustained.

Mr. Speaker, Mr. Hanshaw, in the Chair

On this question, the yeas and nays were taken (**Roll No. 644**), and there were—yeas 57, nays 40, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Anderson, Angelucci, Barrett, Bates, Boggs, S. Brown, Byrd, Campbell, Canestraro, Caputo, Cowles, Diserio, Doyle, Estep-Burton, Evans, Fleischauer, Fluharty, Hansen, Hicks, Hornbuckle, J. Kelly, Lavender-Bowe, Longstreth, Lovejoy, Miley, Miller, Pethtel, Pushkin, Pyles, Robinson, Rowe, Skaff, Sponaugle, Staggers, C. Thompson, R. Thompson, Tomblin, Walker, Williams and Zukoff.

Absent and Not Voting: Cooper, Dean and Malcolm.

So, a majority of the members present and voting having voted in the affirmative, the motion prevailed.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 645**), and there were—yeas 53, nays 44, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Angelucci, Barrett, Bates, Boggs, N. Brown, S. Brown, Byrd, Campbell, Canestraro, Caputo, Diserio, Doyle, Estep-Burton, Evans, Fleischauer, Fluharty, Hansen, Hartman, Hicks, Hornbuckle, Kump, Lavender-Bowe, Longstreth, Lovejoy, Miley, Miller, Paynter, Pethtel, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Skaff, Sponaugle, Staggers, Swartzmiller, C. Thompson, R. Thompson, Tomblin, Walker, Williams, Worrell and Zukoff.

Absent and Not Voting: Cooper, Dean and Malcolm.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 622) passed.

Delegate Sponaugle moved to amend the title of the bill to read as follows:

Com. Sub. for S. B. 622 - “A Bill to amend and reenact §3-8-1a, §3-8-2, §3-8-4, §3-8-5, §3-8-5b, §3-8-5e, §3-8-7, §3-8-8, §3-8-9, and §3-8-12 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto five new sections, designated §3-8-5c, 3-8-5g, §3-8-9a, §3-8-9b, and §3-8-9c, all relating generally to the regulation and control of elections; modifying and adding definitions; modifying requirements for information to be included in independent expenditure reports; providing that persons or committees required to file federal expenditure reports are not exempt from requirement to file state-level expenditure and electioneering disclosure reports; raising the threshold amounts for required disclosure of independent expenditures occurring within a certain time frame preceding elections; requiring electronic filing of certain financial disclosure statements; removing the deadline before an election for a political action committee or political party committee to file a statement of organization; modifying record-keeping requirements for certain receipts and expenditures made for political purposes and requiring that records be maintained for a period of five years; modifying deadlines for financial disclosure reports; providing that candidates for certain offices may file financial disclosure statements by mail, facsimile, or electronic means; modifying limits on contributions to candidates and candidate committees; modifying limits on contributions to state party executive committees and legislative caucus campaign committees; modifying limits on contributions to political action committees; providing that precandidates may accept contributions for a general election campaign prior to nomination, but may not expend such funds until after nomination is declared; providing that persons receiving precandidacy contributions are subject to certain expenditure reporting requirements; prohibiting foreign nationals from making contributions or donations to candidates, committees,

and parties, and prohibiting receipt of a contribution or donation by a foreign national; modifying daily rate of civil penalty for persons filing late, inaccurate, or incomplete financial statements; requiring the Secretary of State to publish an online list of persons filing late financial statements; providing that membership organizations are subject to certain limitations applying to corporate contributions and solicitation of contributions by corporations; adding certain expenses to the list of permissible expenses of political committees; providing that coordinated expenditures are treated as contributions and providing exceptions thereto; permitting political party committees and legislative caucus campaign committees to make coordinated expenditures up to certain limits in connection with certain state-level candidates; permitting political committees to engage in joint fundraising efforts pursuant to a written agreement filed with the Secretary of State subject to certain requirements; requiring the Secretary of State to promulgate legislative rules pertaining to joint fundraising efforts; permitting unlimited transfers of money between and among state party executive committees, legislative caucus campaign committees, and national committees of the same political party for voter registration and get-out-the-vote initiatives; providing that prohibition against intimidating or coercing certain government employees into engaging in political activity also extends to intimidating or coercing employees into refraining from political activity; eliminating prohibition on a political organization organized under Section 527 of the Internal Revenue Code from soliciting or accepting donations before registering with the Secretary of State; providing that it is unlawful for any person to establish more than one political committee with the intent to evade contribution limitations; and deleting obsolete language.

PREAMBLE: This Act shall be known as the ‘BOUGHT AND PAID FOR ACT OF 2019’”

On the adoption of the amendment, Delegate Sponaugle demanded the yeas and nays, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 646**), and there were—yeas 38, nays 59, absent and not voting 3, with the yeas and absent and not voting being as follows:

Yeas: Angelucci, Atkinson, Barrett, Bates, Boggs, N. Brown, S. Brown, Byrd, Campbell, Canestraro, Caputo, Diserio, Doyle, Estep-Burton, Fleischauer, Fluharty, Hansen, Hartman, Hicks, Hornbuckle, Lavender-Bowe, Longstreth, Lovejoy, Miley, Miller, Pethtel, Pushkin, Pyles, Robinson, Rodighiero, Sponaule, Staggers, Swartzmiller, C. Thompson, R. Thompson, Tomblin, Walker and Williams.

Absent and Not Voting: Cooper, Dean and Malcolm.

So, a majority of the members present and voting not having voted in the affirmative, the title amendment was rejected.

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

Second Reading

Com. Sub. for S. J. R. 5, Clarification of the Judiciary's Role in Impeachment Proceedings Amendment; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on the Judiciary, was reported by the Clerk and adopted, amending the resolution on page one, by striking everything after the resolved clause and inserting in lieu thereof the following:

“That the question of ratification or rejection of an amendment to the Constitution of the State of West Virginia be submitted to the voters of the state at the next general election to be held in the year 2020, which proposed amendment is that section nine, article IV thereof, be amended to read as follows:

ARTICLE IV.

§9. Impeachment of officials.

Any officer of the state may be impeached for maladministration, corruption, incompetency, gross immorality, neglect of duty, or any high crime or misdemeanor. The House of

Delegates shall have the sole power of impeachment. The Senate shall have the sole power to try impeachments and no person shall be convicted without the concurrence of two thirds of the members elected thereto. When sitting as a court of impeachment, the ~~president~~ Chief Justice of the Supreme Court of Appeals, or, if from any cause it be improper for him or her to act, then any other ~~judge~~ justice of that court, to be designated by it, shall preside; and the senators shall be on oath or affirmation, to do justice according to law and evidence. Judgment in cases of impeachment shall not extend further than removal from office and, if a conviction is had, ~~and~~ disqualification of the person convicted to hold any office of honor, trust, or profit, under the state by a concurrence of two thirds of the members elected to the Senate; but the party convicted shall be liable to indictment, trial, judgment, and punishment according to law. The Senate may sit during the recess of the Legislature for the trial of impeachments.

No court of this state shall have any jurisdiction or authority to stay or enjoin an impeachment proceeding or a trial of impeachment. No rule of practice or procedure adopted by the House of Delegates or the Senate for impeachment proceedings or by the Senate for a trial on articles of impeachment shall be subject to any judicial review or judicial interpretation.

Resolved further, That in accordance with the provisions of article eleven, chapter three of the Code of West Virginia, 1931, as amended, such amendment is hereby designated as the ‘Clarification of the Judiciary’s Role in Impeachment Proceedings Amendment’, and the purpose of the proposed amendment is summarized as follows: ‘Declaring that rules of practice or procedure of the House of Delegates and Senate relating to impeachment and trials of impeachment are not subject to judicial review or interpretation and that courts of this state have no jurisdiction or authority to stay or enjoin impeachment proceedings of the House of Delegates or impeachment trials in the Senate; and clarifying that a separate vote of two thirds of the members of the Senate is required to disqualify a person from any office of honor, trust, or profit.’”

The resolution was then ordered to third reading.

S. B. 677, Supplemental appropriation to Division of Health and Division of Human Services; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Householder, the bill was amended on page one, following line eleven, by the inserting the following:

“WHEREAS, The Governor submitted to the Legislature a statement of the State Fund, General Revenue and Executive Message dated March 6, 2019, which included a revised estimate of revenues for the fiscal year 2019; and”.

The bill was then ordered to third reading.

S. B. 678, Supplemental appropriation from State Excess Lottery Revenue Fund to Office of Technology; on second reading, coming up in regular order, was read a second time and ordered to third reading.

S. B. 679, Supplemental appropriation to Division of Finance; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Householder, the bill was amended on page one, line eight, following the words “fiscal year 2019; and” by the inserting the following:

“WHEREAS, The Governor submitted to the Legislature a statement of the State Fund, General Revenue and Executive Message dated March 6, 2019, which included a revised estimate of revenues for the fiscal year 2019; and”.

The bill was then ordered to third reading.

S. B. 680, Supplemental appropriations to various divisions in DMAPS; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Householder, the bill was amended on page one, line eleven, following the words “fiscal year 2019; and” by the inserting the following:

“WHEREAS, The Governor submitted to the Legislature a statement of the State Fund, General Revenue and Executive Message dated March 6, 2019, which included a revised estimate of revenues for the fiscal year 2019; and”;

And,

On page two, line twenty-one, by striking out “0570” and inserting in lieu thereof “0446”.

The bill was then ordered to third reading.

S. B. 681, Supplemental appropriation from Lottery Net Profits to Educational Broadcasting Authority; on second reading, coming up in regular order, was read a second time and ordered to third reading.

H. C. R. 33, Applying to the Congress of the United States to call a convention for proposing amendments pursuant to Article V; on unfinished business, was reported by the Clerk.

Delegate Robinson moved to table the resolution,

On this question, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 647**), and there were—yeas 44, nays 51, absent and not voting 5, with the yeas and absent and not voting being as follows:

Yeas: Angelucci, Atkinson, Barrett, Bates, Boggs, N. Brown, S. Brown, Byrd, Campbell, Canestraro, Caputo, Cowles, Criss, Diserio, Doyle, Estep-Burton, Evans, Fleischauer, Fluharty, Hansen, Hartman, Hicks, Hornbuckle, J. Kelly, Kump, Lavender-Bowe, Lovejoy, Miley, Miller, Pethtel, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Sponaugle, Staggers, Swartzmiller, C. Thompson, R. Thompson, Tomblin, Walker, Williams and Zukoff.

Absent and Not Voting: Cooper, Dean, Longstreth, Malcolm and Skaff.

So, a majority of the members present and voting not having voted in the affirmative, the motion to table the resolution was rejected.

Delegate Maynard moved the previous question, which demand was sustained.

On this question, the yeas and nays were taken (**Roll No. 648**), and there were—yeas 53, nays 43, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Anderson, Atkinson, Bibby, S. Brown, Butler, Byrd, Cadle, Canestraro, Cowles, Doyle, Espinosa, Fast, Foster, Graves, Hamrick, Hardy, Hicks, Hollen, Hornbuckle, Howell, D. Jeffries, Jennings, D. Kelly, J. Kelly, Kessinger, Linville, Lovejoy, Mandt, C. Martin, Miley, Pack, Pethtel, Phillips, Porterfield, Queen, Rowan, Rowe, Sponaugle, C. Thompson, Williams, Wilson, Zukoff and Hanshaw (Mr. Speaker).

Absent and Not Voting: Cooper, Dean, Malcolm and Skaff.

So, a majority of the members present and voting having voted in the affirmative, the motion prevailed.

The question being on the adoption of the resolution, the yeas and nays were demanded, which demand was sustained.

Having been ordered, the yeas and nays were taken (**Roll No. 649**), and there were—yeas 40, nays 56, absent and not voting 4, with the yeas and absent and not voting being as follows:

Yeas: Anderson, Azinger, Bibby, Butler, Cadle, Capito, Ellington, Fast, Foster, Graves, Hamrick, Hanna, Harshbarger, Higginbotham, Hill, Hott, Householder, Howell, D. Jeffries, J. Jeffries, Jennings, Kessinger, Linville, Mandt, C. Martin, P. Martin, Maynard, McGeehan, Pack, Paynter, Phillips, Queen, Rohrbach, Steele, Summers, Sypolt, Toney, Waxman, Wilson and Worrell.

Absent and Not Voting: Cooper, Dean, Malcolm and Skaff.

So, a majority of the members present and voting not having voted in the affirmative, the Speaker declared the resolution (H. C. R. 33) rejected

H. C. R. 61, Applying to and urging Congress to call a convention of the states to limit the terms of office; on unfinished business, was reported by the Clerk.

Delegate Byrd moved that action on the resolution be postponed until West Virginia implements term limits for legislators.

Delegate Foster moved to table the motion.

Subsequently,

Delegate Foster then withdrew his motion.

On the question to postpone to a date certain, the yeas and nays were demanded, which demand was sustained.

Having been ordered, the yeas and nays were taken (**Roll No. 650**), and there were—yeas 41, nays 56, absent and not voting 3, with the yeas and absent and not voting being as follows:

Yeas: Angelucci, Barrett, Bates, Boggs, N. Brown, S. Brown, Byrd, Campbell, Canestraro, Caputo, Cowles, Diserio, Doyle, Estep-Burton, Evans, Fleischauer, Fluharty, Hansen, Hartman, Hicks, Hornbuckle, Lavender-Bowe, Longstreth, Lovejoy, Miley, Miller, Pethel, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Skaff, Sponaule, Staggers, Swartzmiller, C. Thompson, Tomblin, Walker, Williams and Zukoff.

Absent and Not Voting: Cooper, Dean and Malcolm.

So, a majority of the members present and voting not having voted in the affirmative, the motion to postpone to a date certain was rejected.

The question now being on the adoption of the resolution, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 651**), and there were—yeas 55, nays 42, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Atkinson, Barrett, Bates, Boggs, S. Brown, Byrd, Campbell, Canestraro, Caputo, Cowles, Diserio, Doyle, Espinosa, Estep-Burton, Evans, Fleischauer, Fluharty, Graves, Hansen, Hartman, Hicks, Hornbuckle, J. Kelly, Kump, Lavender-Bowe, Longstreth, Lovejoy, Miley, Miller, Pethtel, Pushkin, Pyles, Robinson, Rowe, Sponaugle, Staggers, Swartzmiller, C. Thompson, Tomblin, Walker, Williams and Zukoff.

Absent and Not Voting: Cooper, Dean and Malcolm.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the resolution (H. C. R. 61) adopted.

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

Delegate Porterfield moved to reconsider the vote on the adoption of **H. C. R. 33**.

On this question, the yeas and nays were taken (**Roll No. 652**), and there were—yeas 34, nays 63, absent and not voting 3, with the yeas and absent and not voting being as follows:

Yeas: Bibby, Butler, Cadle, Fast, Foster, Graves, Hamrick, Hanna, Hardy, Harshbarger, Hill, Hollen, Hott, Howell, D. Jeffries, J. Jeffries, Jennings, Kessinger, Linville, Mandt, C. Martin, P. Martin, Maynard, Pack, Paynter, Phillips, Porterfield, Rowan, Steele, Summers, Toney, Waxman, Wilson and Hanshaw (Mr. Speaker).

Absent and Not Voting: Cooper, Dean and Malcolm.

So, a majority of the members present and voting not having voted in the affirmative, the motion to reconsider was rejected.

At 8:56 p.m., the House of Delegates recessed for ten minutes.

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Evening Session

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-continued-

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

Messages from the Senate

A message from the Senate, by

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

Com. Sub. for H. B. 2004, Providing for a program of instruction in workforce preparedness.

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

On pages one and two, by striking out all of section seven-d and inserting in lieu thereof a new section, designated section seven-d, to read as follows:

“§18-2-7d. Program in workforce preparedness.

(a) The Legislature finds that, in addition to specialized skills relating to specific professions and trades, students will be better prepared to enter the workforce and succeed in their chosen fields of employment or education by having the opportunity to participate in training related to general workforce preparedness, productive workplace skills and processes, time management and efficiency, and teamwork and leadership competencies in the workplace. The Legislature further finds that employers in the state are the best source for articulating the general skills and attributes they, in common, seek in future employees and that employers may

collaborate in the development of a graduate profile incorporating these skills and attributes.

(b) The state board shall promulgate a rule pursuant to 29A-3B-1 et seq. of this code that adopts a program of instruction in general workforce and career preparedness for all students. The program of instruction shall include guidelines for schools working through their local school improvement councils and business partners to communicate to students the common skills and attributes sought by employers in prospective employees.”

On page two, section forty, by striking out the section caption and substituting therefor a new section caption, to read as follows:

“§18-2-42. Providing career and technical education program information to students and parents; transcript of post-secondary credit; career technical education student participation in graduation ceremony.”

On page three, section forty, line two, by striking out the words “the State Fire Commission and State Fire Marshal”.

On page three, section forty, line eighteen, by striking out the word “to”.

On page three, section forty, after line twenty-five, by adding a new subsection, designated subsection (d), to read as follows:

“(d) Any career technical education student who fulfills the high school graduation requirements required of other students in the district in which he or she is enrolled shall be eligible to participate in the graduation ceremony in the same manner as all other students in the district.”

On page five, section four, line twenty-eight, by striking out the words “Collaborative Degree Completion Program” and inserting in lieu thereof the words “any program that allows students to earn college credit while they are still in high school”.

On page seven, section four, lines seventy-four through seventy-six, after the word “competency.” by striking out the remainder of the subdivision.

On page seven, section four, lines eighty-one and eighty-two, by striking out the words “Work Force Investment Act” and inserting in lieu thereof the words “Workforce Innovation and Opportunity Act”.

On page nine, section four, line one hundred twenty-eight, by striking out the words “Bridgemont Community and Technical College and Kanawha Valley” and inserting in lieu thereof the word “BridgeValley”.

On page nine, section four, line one hundred thirty-one, by striking out the words “Bridgemont Community and Technical College; Kanawha Valley” and inserting in lieu thereof the word “BridgeValley”.

On page nine, section four, line one hundred forty-eight, by striking out the word “Bridgemont” and inserting in lieu thereof the word “BridgeValley”.

On page ten, section four, lines one hundred sixty-seven through one hundred seventy-four, by striking out all of subdivision (4) and inserting in lieu thereof a new subdivision, designated subdivision (4), to read as follows:

“(4) Submits annually the Carl D. Perkins local planning guide to the council and the state board.”

And,

On page eleven, section four, lines one hundred ninety-one through two hundred, by striking out all of subsection (f) and inserting in lieu thereof a new subsection, designated subsection (f), to read as follows:

“(f) The State Superintendent of Schools and the Chancellor for the Council for Community and Technical College Education are responsible for annually evaluating the progress made in

meeting the goals for each consortium through the development and collection of performance indicator data.”

And,

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

Com. Sub. for H. B. 2004 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §18-2-7d and §18-2-42; to amend and reenact section §18B-3C-4 of said code; to amend said code by adding thereto a new article, designated §21-1E-1, §21-1E-2, §21-1E-3 and §21-1E-4; to amend and reenact section §29-3-9 of said code; and to amend said code by adding thereto a new article, designated §30-1E-1, §30-1E-2, §30-1E-3 and §30-1E-4, all relating to requiring a state board rule that adopts a program of instruction in general workforce and career preparedness; providing career and technical education program information to students and parents; requiring transcript of certain post-secondary credits earned by public school students to be provided to them; ensuring that certain career technical education students are eligible to participate in the graduation ceremony in the same manner as all other students in the district; elevating priority on program integration to meet region and state labor market needs by community and technical college/career and technical education consortia; requiring the facilitating institution to annually submit the Carl D. Perkins local planning guide to the Council for Community and Technical College Education and State Board of Education; providing for joint State Board and Council for Community and Technical College Education guidelines on administration of the code section requiring the formation of community and technical college/career and technical education consortia; providing joint responsibility of State Superintendent and Chancellor for certain activities and reporting; requiring standards and procedures for recognizing career technical training acquired in public schools, apprenticeships and training programs toward occupational testing, certification and/or licensure; establishing purpose and intent; providing definitions; requiring rules providing standards and procedures be proposed by Commissioner of Labor, State Fire

Commission, State Fire Marshal and the professions and occupations licensing boards and commissions.”

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 653**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Cooper, Dean, Malcolm and Skaff.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2004) passed.

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

A message from the Senate, by

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

Com. Sub. for H. B. 2010, Relating to foster care.

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

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

“ARTICLE 5. MISCELLANEOUS PROVISIONS.

§9-5-27. Transitioning foster care into managed care.

(a) ‘Eligible services’ means acute care, including medical, pharmacy, dental, and behavioral health services.

(b) The secretary shall transition to a capitated Medicaid program for a child classified as a foster child and a child placed in foster care under Title IV-E of the Social Security Act who is living in the state by January 1, 2020. The program shall be statewide,

fully integrated, and risk based; shall integrate Medicaid-reimbursed eligible services; and shall align incentives to ensure the appropriate care is delivered in the most appropriate place and time.

(c) The secretary shall make payments for the eligible services, including home and community-based services, using a managed care model.

(d) The secretary shall submit, if necessary, applications to the United States Department of Health and Human Services for waivers of federal Medicaid requirements that would otherwise be violated in the implementation of the program, and shall consolidate any additional waivers where appropriate: *Provided*, That this subsection does not apply to the Aged and Disabled Waiver, the Intellectual/Developmental Disabilities Waiver, and the Traumatic Brain Injury Waiver.

(e) If a selected managed care organization ceases to contract with the Department of Health and Human Services to provide Medicaid managed care services, it must provide all patient records, including medical records, to the next selected managed care organization to ensure the Eligible Medicaid Beneficiaries do not experience an interruption in care.

(f) In designing the program, the secretary shall ensure that the program:

(1) Reduces fragmentation and offers a seamless approach to meeting participants' needs;

(2) Delivers needed supports and services in the most integrated, appropriate, and cost-effective way possible;

(3) Offers a continuum of acute care services, which includes an array of home and community-based options;

(4) Includes a comprehensive quality approach across the entire continuum of care services; and

(5) Consult stakeholders in the program development process, and the managed care organization that is awarded the contract shall create a voluntary advisory group of foster, adoptive, and kinship parents, which shall meet every quarter for the first year following the effective date of the changes made to this section during the 2019 Regular Session of the Legislature and then every six months thereafter, to discuss issues they are encountering with the managed care organization and recommend solutions. The managed care organization shall report on the recommendations of the advisory group and address how and why procedures have or have not changed based on those recommendations. This report shall be submitted to the secretary and the Legislative Oversight Commission on Health and Human Resources Accountability as set forth in §16-29E-1 *et seq.* of this code, and the public in a timely fashion and shall be available on the managed care organization's webpage.

(g) The department shall evaluate the transition to managed care and shall collect and annually report on the following items: the number of claims submitted, the number of claims approved, the number of claims denied, the number of claims appealed, the resolution of appealed claims, the average time of an appeal, the average length of stay in a child residential care center, and health outcomes. The initial report will be filed by July 1, 2021, with the Legislative Oversight Commission on Health and Human Resources Accountability and the Foster Care Ombudsman with a final report submitted July 1, 2023.

(h) The transition of foster care to managed care shall terminate on June 30, 2024, unless cancelled by the secretary at an earlier date.

(i) (1) The Office of the Inspector General shall employ an independent foster care ombudsman, with experience as a former foster parent or experience in the area of child welfare;

(2) The duties of the ombudsman shall include, but are not limited to, the following:

(A) Advocating for the rights of foster children and foster parents;

(B) Participating in any procedure to investigate, and resolve complaints filed on behalf of a foster child or foster parent, relating to action, inaction or decisions of providers of managed care services, or the representatives of such providers, of public agencies, or of social service agencies, which may adversely affect the health, safety, welfare and rights of the foster child or foster parent;

(C) Monitoring the development and implementation of federal, state and local legislation, regulations and policies with respect to foster care services; and

(D) Establishing and maintaining a statewide uniform reporting system to collect and analyze data relating to complaints for the purpose of identifying and resolving significant problems faced by foster children and foster parents as a class. The data shall be submitted to the Bureau of Children and Families within the Department of Health and Human Resources and the Legislative Oversight Commission on Health and Human Resources Accountability on a quarterly basis;

(3) The ombudsman shall participate in ongoing training programs related to his or her duties or responsibilities.

(j) An employee of the department who, as a function of that employment, has engaged in the development of any contract developed pursuant to the requirements of this section may not for a period of two years thereafter be employed by any agency or company that has benefitted or stands to benefit directly from a contract between the department and that agency or company.

(k) Any managed care company selected as the managed care contractor pursuant to the provisions of this article shall have at least 80 percent of the total full-time equivalent positions allocated to manage care of foster children in West Virginia according to the contract must have a primary work place in the state of West Virginia.

CHAPTER 49. CHILD WELFARE.**ARTICLE 1. GENERAL PROVISIONS AND DEFINITIONS.****§49-1-206. Definitions related, but not limited to, child advocacy, care, residential, and treatment programs.**

When used in this chapter, terms defined in this section have the meanings ascribed to them that relate to, but are not limited to, child advocacy, care, residential, and treatment programs, except in those instances where a different meaning is provided or the context in which the word used clearly indicates that a different meaning is intended.

‘Child Advocacy Center (CAC)’ means a community-based organization that is a member in good standing with the West Virginia Child Abuse Network, Inc., as set forth in §49-3-101 of this code.

‘Child care’ means responsibilities assumed and services performed in relation to a child’s physical, emotional, psychological, social, and personal needs and the consideration of the child’s rights and entitlements, but does not include secure detention or incarceration under the jurisdiction of the ~~Division of Juvenile Services~~ Division of Corrections and Rehabilitation pursuant to §49-2-901 *et seq.* of this code. It includes the provision of child care services or residential services.

‘Child care center’ means a facility maintained by the state or any county or municipality thereof, or any agency or facility maintained by an individual, firm, corporation, association, or organization, public or private for the care of 13 or more children for child care services in any setting, if the facility is open for more than 30 days per year per child.

‘Child care services’ means direct care and protection of children during a portion of a 24- hour day outside of the child’s own home which provides experiences to children that foster their healthy development and education.

‘Child placing agency’ means a child welfare agency organized for the purpose of placing children in private family homes for foster care or for adoption. The function of a child placing agency may include the investigation and certification of foster family homes and foster family group homes as provided in this chapter. The function of a child placing agency may also include the supervision of children who are 16 or 17 years old and living in unlicensed residences.

‘Child welfare agency’ means any agency or facility maintained by the state or any county or municipality thereof, or any agency or facility maintained by an individual, firm, corporation, association, or organization, public or private, to receive children for care and maintenance or for placement in residential care facilities, including, without limitation, private homes or any facility that provides care for unmarried mothers and their children. A child welfare agency does not include juvenile detention facilities or juvenile correctional facilities operated by or under contract with the ~~Division of Juvenile Services~~ Division of Corrections and Rehabilitation, pursuant to §49-2-901 *et seq.* of this code, nor any other facility operated by that division for the secure housing or holding of juveniles committed to its custody.

‘Community based’ means a facility, program, or service located near the child’s home or family and involving community participation in planning, operation, and evaluation and which may include, but is not limited to, medical, educational, vocational, social, and psychological guidance, training, special education, counseling, substance abuse, and any other treatment or rehabilitation services.

‘Community-based juvenile probation sanctions’ means any of a continuum of nonresidential accountability measures, programs, and sanctions in response to a technical violation of probation, as part of a system of community-based juvenile probation sanctions and incentives, that may include, but are not limited to:

- (A) Electronic monitoring;

(B) Drug and alcohol screening, testing, or monitoring;

(C) Youth reporting centers;

(D) Reporting and supervision requirements;

(E) Community service; and

(F) Rehabilitative interventions such as family counseling, substance abuse treatment, restorative justice programs, and behavioral or mental health treatment.

‘Community services’ means nonresidential prevention or intervention services or programs that are intended to reduce delinquency and future court involvement.

‘Evidence-based practices’ means policies, procedures, programs, and practices demonstrated by research to reliably produce reductions in the likelihood of reoffending.

‘Facility’ means a place or residence, including personnel, structures, grounds, and equipment used for the care of a child or children on a residential or other basis for any number of hours a day in any shelter or structure maintained for that purpose. Facility does not include any juvenile detention facility or juvenile correctional facility operated by or under contract with the ~~Division of Juvenile Services~~ Division of Corrections and Rehabilitation for the secure housing or holding of juveniles committed to its custody.

‘Family child care facility’ means any facility which is used to provide nonresidential child care services for compensation for seven to 12 children, including children who are living in the household, who are under six years of age. A facility may be in a provider’s residence or a separate building.

‘Family child care home’ means a facility which is used to provide nonresidential child care services for compensation in a provider’s residence. The provider may care for four to six children at one time, including children who are living in the household, who are under six years of age.

‘Family resource network’ means:

(A) A local community organization charged with service coordination, needs and resource assessment, planning, community mobilization, and evaluation, and which has met the following criteria:

(i) Agreeing to a single governing entity;

(ii) Agreeing to engage in activities to improve service systems for children and families within the community;

(iii) Addressing a geographic area of a county or two or more contiguous counties;

(iv) Having nonproviders, which include family representatives and other members who are not employees of publicly funded agencies, as the majority of the members of the governing body, and having family representatives as the majority of the nonproviders;

(v) Having representatives of local service agencies, including, but not limited to, the public health department, the behavioral health center, the local health and human resources agency, and the county school district, on the governing body; and

(vi) Accepting principles consistent with the cabinet’s mission as part of its philosophy.

(B) A family resource network may not provide direct services, which means to provide programs or services directly to children and families.

‘Family support’, for the purposes of §49-2-601 *et seq.* of this code, means goods and services needed by families to care for their family members with developmental disabilities and to enjoy a quality of life comparable to other community members.

‘Family support program’ means a coordinated system of family support services administered by the Department of Health

and Human Resources through contracts with behavioral health agencies throughout the state.

‘Foster family home’ means a private residence which is used for the care on a residential basis of no more than five children who are unrelated by blood, marriage, or adoption to any adult member of the household.

‘Health care and treatment’ means:

(A) Developmental screening;

(B) Mental health screening;

(C) Mental health treatment;

(D) Ordinary and necessary medical and dental examination and treatment;

(E) Preventive care including ordinary immunizations, tuberculin testing, and well-child care; and

(F) Nonemergency diagnosis and treatment. However, nonemergency diagnosis and treatment does not include an abortion.

‘Home-based family preservation services’ means services dispensed by the Department of Health and Human Resources or by another person, association, or group who has contracted with that division to dispense services when those services are intended to stabilize and maintain the natural or surrogate family in order to prevent the placement of children in substitute care. There are two types of home-based family preservation services and they are as follows:

(A) Intensive, short-term intervention of four to six weeks; and

(B) Home-based, longer-term after care following intensive intervention.

‘Informal family child care’ means a home that is used to provide nonresidential child care services for compensation for

three or fewer children, including children who are living in the household who are under six years of age. Care is given in the provider's own home to at least one child who is not related to the caregiver.

'Needs Assessment' means an evidence-informed assessment which identifies the needs a child or family has, which, if left unaddressed, will likely increase the chance of reoccurring.

'Nonsecure facility' means any public or private residential facility not characterized by construction fixtures designed to physically restrict the movements and activities of individuals held in lawful custody in that facility and which provides its residents access to the surrounding community with supervision.

'Nonviolent misdemeanor offense' means a misdemeanor offense that does not include any of the following:

- (A) An act resulting in bodily injury or death;
- (B) The use of a weapon in the commission of the offense;
- (C) A domestic abuse offense involving a significant or likely risk of harm to a family member or household member;
- (D) A criminal sexual conduct offense; or
- (E) Any offense for driving under the influence of alcohol or drugs.

'Out-of-home placement' means a post-adjudication placement in a foster family home, group home, nonsecure facility, emergency shelter, hospital, psychiatric residential treatment facility, staff secure facility, hardware secure facility, detention facility, or other residential placement other than placement in the home of a parent, custodian, or guardian.

'Out-of-school time' means a child care service which offers activities to children before and after school, on school holidays, when school is closed due to emergencies, and on school calendar days set aside for teacher activities.

‘Placement’ means any temporary or permanent placement of a child who is in the custody of the state in any foster home, group home, or other facility or residence.

‘Pre-adjudicatory community supervision’ means supervision provided to a youth prior to adjudication, for a period of supervision up to one year for an alleged status or delinquency offense.

‘Regional family support council’ means the council established by the regional family support agency to carry out the responsibilities specified in §49-2-601 *et seq.* of this code.

‘Relative family child care’ means a home that provides nonresidential child care services only to children related to the caregiver. The caregiver is a grandparent, great grandparent, aunt, uncle, great-aunt, great-uncle, or adult sibling of the child or children receiving care. Care is given in the provider’s home.

‘Residential services’ means child care which includes the provision of nighttime shelter and the personal discipline and supervision of a child by guardians, custodians, or other persons or entities on a continuing or temporary basis. It may include care or treatment, or both, for transitioning adults. Residential services does not include or apply to any juvenile detention facility or juvenile correctional facility operated by the ~~Division of Juvenile Services~~ Division of Corrections and Rehabilitation, created pursuant to this chapter, for the secure housing or holding of juveniles committed to its custody.

‘Risk and needs assessment’ means a validated, standardized actuarial tool which identifies specific risk factors that increase the likelihood of reoffending and the factors that, when properly addressed, can reduce the likelihood of reoffending.

‘Secure facility’ means any public or private residential facility which includes construction fixtures designed to physically restrict the movements and activities of juveniles or other individuals held in lawful custody in such facility.

‘Staff secure facility’ means any public or private residential facility characterized by staff restrictions of the movements and activities of individuals held in lawful custody in such facility, and which limits its residents’ access to the surrounding community, but is not characterized by construction fixtures designed to physically restrict the movements and activities of residents.

‘Standardized screener’ means a brief, validated nondiagnostic inventory or questionnaire designed to identify juveniles in need of further assessment for medical, substance abuse, emotional, psychological, behavioral, or educational issues, or other conditions.

‘State family support council’ means the council established by the Department of Health and Human Resources pursuant to §49-2-601 *et seq.* of this code to carry out the responsibilities specified in §49-2-101 *et seq.* of this code.

‘Time-limited reunification services’ means individual, group, and family counseling, inpatient, residential, or outpatient substance abuse treatment services, mental health services, assistance to address domestic violence, services designed to provide temporary child care, and therapeutic services for families, including crisis nurseries and transportation to or from those services, provided during 15 of the most recent 22 months a child or juvenile has been in foster care, as determined by the earlier date of the first judicial finding that the child is subjected to abuse or neglect, or the date which is 60 days after the child or juvenile is removed from home.

‘Technical violation’ means an act that violates the terms or conditions of probation or a court order that does not constitute a new delinquent offense.

‘Truancy diversion specialist’ means a school-based probation officer or truancy social worker within a school or schools who, among other responsibilities, identifies truants and the causes of the truant behavior, and assists in developing a plan to reduce the truant behavior prior to court involvement.

ARTICLE 2. STATE RESPONSIBILITIES FOR CHILDREN.

§49-2-107. Foster-home care; minimum standards; certificate of operation; inspection.

(a) The department shall establish minimum standards for foster-home care to which all certified foster homes must conform by legislative rule. Any home that conforms to the standards of care set by the department shall receive a certificate of operation.

(b) The certificate of operation shall be in force for ~~one~~ three years from the date of issuance and may be renewed unless revoked because of willful violation of this chapter.

(c) The certificate shall show the name of the person or persons authorized to conduct the home, its exact location and the number of children that may be received and cared for at one time and other information as set forth in legislative rule. No certified foster home shall provide care for more children than are specified in the certificate.

(d) No unsupervised foster home shall be certified until an investigation of the home and its standards of care has been made by the department or by a licensed child welfare agency serving as a representative of the department.

§49-2-111a. Performance based contracting for child placing agencies.

(a) For purposes of this section:

(1) 'Child' means:

(A) A person less than 18 years of age; or

(B) A person age 18 to 21 years who is eligible to receive the extended foster care services.

(2) 'Child-placing agency' means an agency licensed by the department to place a child in a foster care home.

(3) ‘Department’ means the Department of Health and Human Resources.

(4) ‘Evidence-based’ means a program or practice that is cost-effective and includes at least two randomized or statistically controlled evaluations that have demonstrated improved outcomes for its intended population.

(5) ‘Performance-based contracting’ means structuring all aspects of the procurement of services around the purpose of the work to be performed and the desired results with the contract requirements set forth in clear, specific, and objective terms with measurable outcomes and linking payment for services to contractor performance.

(6) ‘Promising practice’ means a practice that presents, based upon preliminary information, potential for becoming a research-based or consensus-based practice.

(7) ‘Research-based’ means a program or practice that has some research demonstrating effectiveness, but that does not yet meet the standard of evidence-based practices.

(b) No later than December 1, 2020, the department shall enter into performance-based contracts with child placing agencies.

(c) In conducting the procurement, the department shall actively consult with other state agencies and other entities with expertise in performance-based contracting with child placing agencies.

(d) The procurement process shall be developed and implemented in a manner that complies with applicable provisions of this code.

(e) The procurement and resulting contracts shall include, but are not limited to, the following:

(1) Adequate capacity to meet the anticipated service needs in the contracted service area of the child placing agency;

(2) The use of evidence-based, research-based, and promising practices, where appropriate, including fidelity and quality assurance provisions;

(3) Child placing agency data reporting, including data on performance and service outcomes; including but not limited to:

(A) Safety outcomes;

(B) Permanency outcomes;

(C) Well-being outcomes;

(D) Incentives earned; and

(E) Recruitment and retention of foster parents; and

(4) A hold harmless period to determine a baseline for evaluation.

(f) As part of the procurement process under this section, the department shall issue the request for proposals no later than July 1, 2020. The department shall notify the apparently successful bidders no later than September 1, 2020.

(g) Performance-based payment methodologies must be used in child placing agency contracting. Performance measures should relate to successful engagement by a child or parent in services included in their case plan, and resulting improvement in identified problem behaviors and interactions. For the first year of implementation of performance-based contracting, the department may transfer financial risk for the provision of services to the child placing agency only to the limited extent necessary to implement a performance-based payment methodology, such as phased payment for services. However, the department may develop a shared savings methodology through which the child placing agency will receive a defined share of any savings that result from improved performance. If the department receives a Title IV-E waiver, the shared savings methodology must be consistent with the terms of the waiver. If a shared savings methodology is adopted, the child placing agency shall reinvest the savings in

enhanced services to better meet the needs of the families and children they serve.

(h) The department shall actively monitor the child placing agency's compliance with the terms of contracts executed under this section.

(i) The use of performance-based contracts under this section shall be done in a manner that does not adversely affect the state's ability to continue to obtain federal funding for child welfare-related functions currently performed by the state and with consideration of options to further maximize federal funding opportunities and increase flexibility in the use of such funds, including use for preventive and in-home child welfare services.

(j) The department shall report the performance of the child placing agency to the Legislative Oversight Commission on Health and Human Resources Accountability by December 31, annually.

§49-2-111b. Study of kinship foster care families.

(a) The department shall conduct a study and make recommendations for improving services provided for kinship foster care families. This study shall include at a minimum:

(1) A review of best practices in other states;

(2) A proposal for an alternate system of regulation for kinship foster care that includes the same reimbursement as other foster care families as well as a reasonable time period for obtaining certification;

(3) An evaluation of what training and supports are needed to ensure that kinship care homes are successful.

(b) The results of this shall be shared with all members of the Legislature by October 1, 2019.

§49-2-113. Residential child-care centers; licensure, certification, approval and registration; requirements.

(a) Any person, corporation or child welfare agency, other than a state agency, which operates a residential child-care center shall obtain a license from the department.

(b) Any residential child-care facility, day-care center or any child-placing agency operated by the state shall obtain approval of its operations from the secretary.

(c) Any family day-care facility which operates in this state, including family day-care facilities approved by the department for receipt of funding, shall obtain a statement of certification from the department.

(d) Every family day-care home which operates in this state, including family day-care homes approved by the department for receipt of funding, shall obtain a certificate of registration from the department. The facilities and placing agencies shall maintain the same standards of care applicable to licensed facilities, centers or placing agencies of the same category.

(e) This section does not apply to:

(1) A kindergarten, preschool or school education program which is operated by a public school or which is accredited by the state Department of Education or any other kindergarten, preschool or school programs which operate with sessions not exceeding four hours per day for any child;

(2) An individual or facility which offers occasional care of children for brief periods while parents are shopping, engaging in recreational activities, attending religious services or engaging in other business or personal affairs;

(3) Summer recreation camps operated for children attending sessions for periods not exceeding 30 days;

(4) Hospitals or other medical facilities which are primarily used for temporary residential care of children for treatment, convalescence or testing;

(5) Persons providing family day care solely for children related to them;

(6) Any juvenile detention facility or juvenile correctional facility operated by or under contract with the ~~Division of Juvenile Services~~ Division of Corrections and Rehabilitation for the secure housing or holding of juveniles committed to its custody;

(7) Any out-of-school time program that has been awarded a grant by the West Virginia Department of Education to provide out-of-school time programs to kindergarten through 12th grade students when the program is monitored by the West Virginia Department of Education; or

(8) Any out-of-school time program serving children six years of age or older and meets all of the following requirements, or is an out-of-school time program that is affiliated and in good standing with a national congressionally chartered organization or is operated by a county parks and recreation commission, boards and municipalities and meets all of the following requirements:

(A) The program is located in a facility that meets all fire and health codes;

(B) The program performs state and federal background checks on all volunteers and staff;

(C) The programs' primary source of funding is not from fees for service except for programs operated by county parks and recreation commissions, boards and municipalities; and

(D) The program has a formalized monitoring system in place.

(f) The secretary is authorized to issue an emergency rule relating to conducting a survey of existing facilities in this state in which children reside on a temporary basis in order to ascertain whether they should be subject to licensing under this article or applicable licensing provisions relating to behavioral health treatment providers.

(g) Any informal family child-care home or relative family child-care home may voluntarily register and obtain a certificate of registration from the department.

(h) All facilities or programs that provide out-of-school time care shall register with the department upon commencement of operations and on an annual basis thereafter. The department shall obtain information, such as the name of the facility or program, the description of the services provided and any other information relevant to the determination by the department as to whether the facility or program meets the criteria for exemption under this section.

(i) Any child-care service that is licensed or receives a certificate of registration shall have a written plan for evacuation in the event of fire, natural disaster or other threatening situation that may pose a health or safety hazard to the children in the child-care service.

(1) The plan shall include, but not be limited to:

(A) A designated relocation site and evacuation;

(B) Procedures for notifying parents of the relocation and ensuring family reunification;

(C) Procedures to address the needs of individual children including children with special needs;

(D) Instructions relating to the training of staff or the reassignment of staff duties, as appropriate;

(E) Coordination with local emergency management officials; and

(F) A program to ensure that appropriate staff are familiar with the components of the plan.

(2) A child-care service shall update the evacuation plan by December 31 of each year. If a child-care service fails to update the plan, no action shall be taken against the child-care services

license or registration until notice is provided and the child-care service is given 30 days after the receipt of notice to provide an updated plan.

(3) A child-care service shall retain an updated copy of the plan for evacuation and shall provide notice of the plan and notification that a copy of the plan will be provided upon request to any parent, custodian or guardian of each child at the time of the child's enrollment in the child-care service and when the plan is updated.

(4) All child-care centers and family child-care facilities shall provide the plan and each updated copy of the plan to the Director of the Office of Emergency Services in the county where the center or facility is located.

(j) A residential child care center which has entered into a contract with the department to provide services to a certain number of foster children, shall accept any foster child who meets the residential child care center's program criteria, if the residential child care center has not met its maximum capacity as provided for in the contract. Any residential child-care center who has entered into a contract with the department may not discharge any child in its program, except as provided in the contract, including that if the youth does not meet the residential treatment level and target population, the provider shall request a MDT and work toward an alternative placement.

§49-2-708. Rule-making authority.

(a) The Secretary of the Department of Health and Human Resources is authorized to propose rules for legislative approval necessary to implement this article ~~for legislative approval~~ in accordance with §29A-3-1 *et seq.* of this code.

(b) The rules:

(1) Shall create a three year certification period for a foster home, unless a substantial change occurs. A home safety assessment is performed at least annually. The department has sole authority to determine if a substantial change has occurred;

(2) Shall require that a criminal background check be conducted at the time of the recertification;

(3) May not prevent the placement or cause the removal of a foster child for cosmetic damage to a residence. "Cosmetic damages" means damage that does not affect the safety or wellbeing of a child;

(4) Shall permit the use of dedicated sleeping spaces as appropriate for the child's needs and age, and similar to the sleeping spaces for other household members; and

(5) Shall review and update the legislative rules while considering normalcy and the reasonable and prudent parent standard.

(c) Notwithstanding the time frames in §29A-3-1 et seq., of this code the department shall revise the foster care legislative rules and shall submit for review and approval to the Rule-making Review Committee by October 31, 2019.

ARTICLE 4. COURT ACTIONS.

§49-4-108. Payment of services.

(a) At any time during any proceedings brought pursuant to this article chapter, the court may upon its own motion, or upon a motion of any party, order the Department of Health and Human Resources to pay the Medicaid rates for professional services rendered by a psychologist, psychiatrist, physician, therapist or other health care professional to a child or other party to the proceedings. Professional services include, but are not limited to, treatment, therapy, counseling, evaluation, report preparation, consultation and preparation of expert testimony. The Department of Health and Human Resources shall set the fee schedule for the services in accordance with the Medicaid rate, if any, or the customary rate and adjust the schedule as appropriate. Every psychologist, psychiatrist, physician, therapist or other A health care professional shall be paid by the Department of Health and Human Resources upon completion of services and submission of a final report or other information and documentation as required

by the policies ~~and procedures~~ implemented by the Department of Health and Human Resources: *Provided, That if the service is covered by Medicaid and the service is not provided within 30 days, the court may order the service to be provided by a provider at a rate higher than the Medicaid rate. The department may object and request to be heard, after which the court shall issue findings of fact and conclusions of law supporting its decision.*

(b) At any time during any proceeding brought pursuant to this chapter, the court may upon its own motion, or upon a motion of any party, order the Department of Health and Human Resources to pay for socially necessary services rendered by an entity who has agreed to comply with §9-2-6(21) of this code. The Department of Health and Human Resources shall set the reimbursement rates for the socially necessary services: *Provided, That if services are not provided within 30 days, the court may order a service to be provided by a provider at a rate higher than the department established rate. The department may object and request to be heard, after which the court shall issue findings of fact and conclusions of law supporting its decision.*

§49-4-406. Multidisciplinary treatment process for status offenders or delinquents; requirements; custody; procedure; reports; cooperation; inadmissibility of certain statements.

(a) When a juvenile is adjudicated as a status offender pursuant to §49-4-711 of this code, the Department of Health and Human Resources shall promptly convene a multidisciplinary treatment team and conduct an assessment, utilizing a standard uniform comprehensive assessment instrument or protocol, including a ~~risk~~ ~~and~~ needs assessment, to determine the juvenile's mental and physical condition, maturity and education level, home and family environment, rehabilitative needs and recommended service plan, which shall be provided in writing to the court and team members. Upon completion of the assessment, the treatment team shall prepare and implement a comprehensive, individualized service plan for the juvenile.

(b) When a juvenile is adjudicated as a delinquent or has been granted a pre-adjudicatory community supervision period pursuant to §49-4-708 of this code, the court, either upon its own motion or motion of a party, may require the Department of Health and Human Resources to convene a multidisciplinary treatment team and conduct an assessment, utilizing a standard uniform comprehensive assessment instrument or protocol, including a ~~risk and~~ needs assessment, to determine the juvenile's mental and physical condition, maturity and education level, home and family environment, rehabilitative needs and recommended service plan, which shall be provided in writing to the court and team members. A referral to the Department of Health and Human Resources to convene a multidisciplinary treatment team and to conduct such an assessment shall be made when the court is considering placing the juvenile in the department's custody or placing the juvenile out-of-home at the department's expense pursuant to §49-4-714 of this code. In any delinquency proceeding in which the court requires the Department of Health and Human Resources to convene a multidisciplinary treatment team, the probation officer shall notify the department at least 15 working days before the court proceeding in order to allow the department sufficient time to convene and develop an individualized service plan for the juvenile.

(c) When a juvenile has been adjudicated and committed to the custody of the Director of the ~~Division of Juvenile Services~~ Division of Corrections and Rehabilitation, including those cases in which the juvenile has been committed for examination and diagnosis, or the court considers commitment for examination and diagnosis, the ~~Division of Juvenile Services~~ Division of Corrections and Rehabilitation shall promptly convene a multidisciplinary treatment team and conduct an assessment, utilizing a standard uniform comprehensive assessment instrument or protocol, including a ~~risk and~~ needs assessment, to determine the juvenile's mental and physical condition, maturity and education level, home and family environment, rehabilitative needs and recommended service plan. Upon completion of the assessment, the treatment team shall prepare and implement a comprehensive, individualized service plan for the juvenile, which shall be

provided in writing to the court and team members. In cases where the juvenile is committed as a post-sentence disposition to the custody of the ~~Division of Juvenile Services~~ Division of Corrections and Rehabilitation, the plan shall be reviewed quarterly by the multidisciplinary treatment team. Where a juvenile has been detained in a facility operated by the ~~Division of Juvenile Services~~ Division of Corrections and Rehabilitation without an active service plan for more than 60 days, the director of the facility may call a multidisciplinary team meeting to review the case and discuss the status of the service plan.

(d)(1) The rules of juvenile procedure shall govern the procedure for obtaining any assessment of a juvenile, preparing an individualized service plan and submitting the plan and any assessment to the court.

(2) In juvenile proceedings conducted pursuant to §49-4-701 *et seq.* of this code, the following representatives shall serve as members and attend each meeting of the multidisciplinary treatment team, so long as they receive notice at least seven days prior to the meeting:

(A) The juvenile;

(B) The juvenile's case manager in the Department of Health and Human Resources or the ~~Division of Juvenile Services~~ Division of Corrections and Rehabilitation;

(C) The juvenile's parent, guardian or custodian;

(D) The juvenile's attorney;

(E) Any attorney representing a member of the multidisciplinary treatment team;

(F) The prosecuting attorney or his or her designee;

(G) The county school superintendent or the superintendent's designee;

(H) A treatment or service provider with training and clinical experience coordinating behavioral or mental health treatment; and

(I) Any other person or agency representative who may assist in providing recommendations for the particular needs of the juvenile and family, including domestic violence service providers. In delinquency proceedings, the probation officer shall be a member of a multidisciplinary treatment team. When appropriate, the juvenile case manager in the Department of Health and Human Resources and the ~~Division of Juvenile Services~~ Division of Corrections and Rehabilitation shall cooperate in conducting multidisciplinary treatment team meetings when it is in the juvenile's best interest.

(3) Prior to disposition, in each case in which a treatment planning team has been convened, the team shall advise the court as to the types of services the team has determined are needed and type of placement, if any, which will best serve the needs of the child. If the team determines that an out-of-home placement will best serve the needs of the child, the team shall first consider placement at facilities or programs located within the state. The team may only recommend placement in an out-of-state facility if it concludes, after considering the best interests and overall needs of the child, that there are no available and suitable in-state facilities which can satisfactorily meet the specific needs of the child. The multidisciplinary treatment team shall also determine and advise the court as to the individual treatment and rehabilitation plan recommended for the child for either out-of-home placement or community supervision. The plan may focus on reducing the likelihood of reoffending, requirements for the child to take responsibility for his or her actions, completion of evidence-based services or programs or any other relevant goal for the child. The plan may also include opportunities to incorporate the family, custodian or guardian into the treatment and rehabilitation process.

(4) The multidisciplinary treatment team shall submit written reports to the court as required by applicable law or by the court, shall meet with the court at least every three months, as long as the juvenile remains in the legal or physical custody of the state, and shall be available for status conferences and hearings as required

by the court. The multidisciplinary treatment team shall monitor progress of the plan identified in subdivision (3) of this subsection and review progress of the plan at the regular meetings held at least every three months pursuant to this section, or at shorter intervals, as ordered by the court, and shall report to the court on the progress of the plan or if additional modification is necessary.

(5) In any case in which a juvenile has been placed out of his or her home except for a temporary placement in a shelter or detention center, the multidisciplinary treatment team shall cooperate with the state agency in whose custody the juvenile is placed to develop an after-care plan. The rules of juvenile procedure and §49-4-409 of this code govern the development of an after-care plan for a juvenile, the submission of the plan to the court and any objection to the after-care plan.

(6) If a juvenile respondent admits the underlying allegations of the case initiated pursuant to §49-4-701 through §49-4-725 of this code, in the multidisciplinary treatment planning process, his or her statements may not be used in any juvenile or criminal proceedings against the juvenile, except for perjury or false swearing.

§49-4-413. Individualized case planning.

(a) For any juvenile ordered to probation supervision pursuant to §49-4-714 of this code, the probation officer assigned to the juvenile shall develop and implement an individualized case plan in consultation with the juvenile's parents, guardian or custodian, and other appropriate parties, and based upon the results of a ~~risk and~~ needs assessment conducted within ~~the last six months~~ 90 days prior to the disposition to probation. The probation officer shall work with the juvenile and his or her family, guardian or custodian to implement the case plan following disposition. At a minimum, the case plan shall:

(1) Identify the actions to be taken by the juvenile and, if appropriate, the juvenile's parents, guardian or custodian to ensure future lawful conduct and compliance with the court's disposition order; and

(2) Identify the services to be offered and provided to the juvenile and, if appropriate, the juvenile's parents, guardian or custodian and may include services to address: Mental health and substance abuse issues; education; individual, group and family counseling services; community restoration; or other relevant concerns identified by the probation officer.

(b) For any juvenile disposed to an out-of-home placement with the department, the department shall ensure that the residential service provider develops and implements an individualized case plan based upon the recommendations of the multidisciplinary team pursuant to §49-4-406 of this code and the results of a ~~risk~~ and needs assessment. At a minimum, the case plan shall include:

(1) Specific treatment goals and the actions to be taken by the juvenile in order to demonstrate satisfactory attainment of each goal;

(2) The services to be offered and provided by the residential service providers; and

(3) A detailed plan designed to assure appropriate reintegration of the juvenile to his or her family, guardian, school and community following the satisfactory completion of the case plan treatment goals, including a protocol and timeline for engaging the parents, guardians or custodians prior to the release of the juvenile.

(c) For any juvenile committed to the ~~Division of Juvenile Services~~ Division of Corrections and Rehabilitation, the ~~Division of Juvenile Services~~ Division of Corrections and Rehabilitation shall develop and implement an individualized case plan based upon the recommendations made to the court by the multidisciplinary team pursuant to ~~section four hundred six, article four of this chapter~~ §49-4-406(c) of this code and the results of a risk and needs assessment. At a minimum, the case plan shall include:

(1) Specific correctional goals and the actions to be taken by the juvenile to demonstrate satisfactory attainment of each goal;

(2) The services to be offered and provided by the ~~Division of Juvenile Services~~ Division of Corrections and Rehabilitation and any contracted service providers; and

(3) A detailed plan designed to assure appropriate reintegration of the juvenile to his or her family, guardian, school and community following the satisfactory completion of the case plan treatment goals, including a protocol and timeline for engaging the parents, guardians or custodians prior to the release of the juvenile.

§49-4-604. Disposition of neglected or abused children; case plans; dispositions; factors to be considered; reunification; orders; alternative dispositions.

(a) *Child and family case plans.* — Following a determination pursuant to §49-4-602 of this code wherein the court finds a child to be abused or neglected, the department shall file with the court a copy of the child's case plan, including the permanency plan for the child. The term "case plan" means a written document that includes, where applicable, the requirements of the family case plan as provided in §49-4-408 of this code and that also includes, at a minimum, the following:

(1) A description of the type of home or institution in which the child is to be placed, including a discussion of the appropriateness of the placement and how the agency which is responsible for the child plans to assure that the child receives proper care and that services are provided to the parents, child, and foster parents in order to improve the conditions that made the child unsafe in the care of his or her parent(s), including any reasonable accommodations in accordance with the Americans with Disabilities Act of 1990, 42 U. S. C. § 12101 *et seq.*, to parents with disabilities in order to allow them meaningful access to reunification and family preservation services;

(2) A plan to facilitate the return of the child to his or her own home or the concurrent permanent placement of the child; and address the needs of the child while in relative or foster care, including a discussion of the appropriateness of the services that have been provided to the child.

The term “permanency plan” refers to that part of the case plan which is designed to achieve a permanent home for the child in the least restrictive setting available. The plan must document efforts to ensure that the child is returned home within approximate time lines for reunification as set out in the plan. Reasonable efforts to place a child for adoption or with a legal guardian should be made at the same time, or concurrent with, reasonable efforts to prevent removal or to make it possible for a child to return to the care of his or her parent(s) safely. If reunification is not the permanency plan for the child, the plan must state why reunification is not appropriate and detail the alternative, concurrent permanent placement plans for the child to include approximate time lines for when the placement is expected to become a permanent placement. This case plan shall serve as the family case plan for parents of abused or neglected children. Copies of the child’s case plan shall be sent to the child’s attorney and parent, guardian or custodian or their counsel at least five days prior to the dispositional hearing. The court shall forthwith proceed to disposition giving both the petitioner and respondents an opportunity to be heard.

(b) *Disposition decisions.* — The court shall give precedence to dispositions in the following sequence:

- (1) Dismiss the petition;
- (2) Refer the child, the abusing parent, the battered parent or other family members to a community agency for needed assistance and dismiss the petition;
- (3) Return the child to his or her own home under supervision of the department;
- (4) Order terms of supervision calculated to assist the child and any abusing parent or battered parent or parents or custodian which prescribe the manner of supervision and care of the child and which are within the ability of any parent or parents or custodian to perform;
- (5) Upon a finding that the abusing parent or battered parent or parents are presently unwilling or unable to provide adequately for

the child's needs, commit the child temporarily to the care, custody, and control of the state department, a licensed private child welfare agency, or a suitable person who may be appointed guardian by the court. The court order shall state:

(A) That continuation in the home is contrary to the best interests of the child and why;

(B) Whether or not the department has made reasonable efforts, with the child's health and safety being the paramount concern, to preserve the family, or some portion thereof, and to prevent or eliminate the need for removing the child from the child's home and to make it possible for the child to safely return home;

(C) Whether the department has made reasonable accommodations in accordance with the Americans with Disabilities Act of 1990, 42 U. S. C. § 12101 *et seq.*, to parents with disabilities in order to allow them meaningful access to reunification and family preservation services;

(D) What efforts were made or that the emergency situation made those efforts unreasonable or impossible; and

(E) The specific circumstances of the situation which made those efforts unreasonable if services were not offered by the department. The court order shall also determine under what circumstances the child's commitment to the department are to continue. Considerations pertinent to the determination include whether the child should:

(i) Be considered for legal guardianship;

(ii) Be considered for permanent placement with a fit and willing relative; or

(iii) Be placed in another planned permanent living arrangement, but only in cases where the child has attained 16 years of age and the department has documented to the circuit court a compelling reason for determining that it would not be in the best interests of the child to follow one of the options set forth in subparagraphs (i) or (ii) of this paragraph. The court may order

services to meet the special needs of the child. Whenever the court transfers custody of a youth to the department, an appropriate order of financial support by the parents or guardians shall be entered in accordance with §49-4-801 through §49-4-803 of this code;

(6) Upon a finding that there is no reasonable likelihood that the conditions of neglect or abuse can be substantially corrected in the near future and, when necessary for the welfare of the child, terminate the parental, custodial and guardianship rights and responsibilities of the abusing parent and commit the child to the permanent sole custody of the nonabusing parent, if there be one, or, if not, to either the permanent guardianship of the department or a licensed child welfare agency. The court may award sole custody of the child to a nonabusing battered parent. If the court shall so find, then in fixing its dispositional order the court shall consider the following factors:

(A) The child's need for continuity of care and caretakers;

(B) The amount of time required for the child to be integrated into a stable and permanent home environment; and

(C) Other factors as the court considers necessary and proper. Notwithstanding any other provision of this article, the court shall give consideration to the wishes of a child 14 years of age or older or otherwise of an age of discretion as determined by the court regarding the permanent termination of parental rights. No adoption of a child shall take place until all proceedings for termination of parental rights under this article and appeals thereof are final. In determining whether or not parental rights should be terminated, the court shall consider the efforts made by the department to provide remedial and reunification services to the parent. The court order shall state:

(i) That continuation in the home is not in the best interest of the child and why;

(ii) Why reunification is not in the best interests of the child;

(iii) Whether or not the department made reasonable efforts, with the child's health and safety being the paramount concern, to

preserve the family, or some portion thereof, and to prevent the placement or to eliminate the need for removing the child from the child's home and to make it possible for the child to safely return home, or that the emergency situation made those efforts unreasonable or impossible; and

(iv) Whether or not the department made reasonable efforts to preserve and reunify the family, or some portion thereof, including a description of what efforts were made or that those efforts were unreasonable due to specific circumstances.

(7) For purposes of the court's consideration of the disposition custody of a child pursuant to this subsection, the department is not required to make reasonable efforts to preserve the family if the court determines:

(A) The parent has subjected the child, another child of the parent or any other child residing in the same household or under the temporary or permanent custody of the parent to aggravated circumstances which include, but are not limited to, abandonment, torture, chronic abuse, and sexual abuse;

(B) The parent has:

(i) Committed murder of the child's other parent, guardian or custodian, another child of the parent, or any other child residing in the same household or under the temporary or permanent custody of the parent;

(ii) Committed voluntary manslaughter of the child's other parent, guardian or custodian, another child of the parent, or any other child residing in the same household or under the temporary or permanent custody of the parent;

(iii) Attempted or conspired to commit murder or voluntary manslaughter, or been an accessory before or after the fact to either crime;

(iv) Committed a malicious assault that results in serious bodily injury to the child, the child's other parent, guardian or custodian, to another child of the parent, or any other child residing in the

same household or under the temporary or permanent custody of the parent; or

(v) Committed sexual assault or sexual abuse of the child, the child's other parent, guardian or custodian, another child of the parent, or any other child residing in the same household or under the temporary or permanent custody of the parent.

(C) The parental rights of the parent to another child have been terminated involuntarily;

(D) A parent has been required by state or federal law to register with a sex offender registry, and the court has determined in consideration of the nature and circumstances surrounding the prior charges against that parent, that the child's interests would not be promoted by a preservation of the family.

(c) As used in this section, 'No reasonable likelihood that conditions of neglect or abuse can be substantially corrected' means that, based upon the evidence before the court, the abusing adult or adults have demonstrated an inadequate capacity to solve the problems of abuse or neglect on their own or with help. Those conditions exist in the following circumstances, which are not exclusive:

(1) The abusing parent or parents have habitually abused or are addicted to alcohol, controlled substances or drugs, to the extent that proper parenting skills have been seriously impaired and the person or persons have not responded to or followed through the recommended and appropriate treatment which could have improved the capacity for adequate parental functioning;

(2) The abusing parent or parents have willfully refused or are presently unwilling to cooperate in the development of a reasonable family case plan designed to lead to the child's return to their care, custody and control;

(3) The abusing parent or parents have not responded to or followed through with a reasonable family case plan or other rehabilitative efforts of social, medical, mental health, or other rehabilitative agencies designed to reduce or prevent the abuse or

neglect of the child, as evidenced by the continuation or insubstantial diminution of conditions which threatened the health, welfare, or life of the child;

(4) The abusing parent or parents have abandoned the child;

(5) The abusing parent or parents have repeatedly or seriously injured the child physically or emotionally, or have sexually abused or sexually exploited the child, and the degree of family stress and the potential for further abuse and neglect are so great as to preclude the use of resources to mitigate or resolve family problems, or assist the abusing parent or parents in fulfilling their responsibilities to the child; and

(6) The battered parent's parenting skills have been seriously impaired and the person has willfully refused or is presently unwilling or unable to cooperate in the development of a reasonable treatment plan, or has not adequately responded to or followed through with the recommended and appropriate treatment plan.

(d) The court may, as an alternative disposition, allow the parents or custodians an improvement period not to exceed six months. During this period the court shall require the parent to rectify the conditions upon which the determination was based. The court may order the child to be placed with the parents, or any person found to be a fit and proper person, for the temporary care of the child during the period. At the end of the period, the court shall hold a hearing to determine whether the conditions have been adequately improved and at the conclusion of the hearing shall make a further dispositional order in accordance with this section.

(e) The court may not terminate the parental right of a parent on the sole basis that the parent is participating in a medication-assisted treatment program, as regulated in §16-5Y-1 et seq., for substance use disorder, as long as the parent is successfully fulfilling his or her treatment obligations in the medication-assisted treatment program.

§49-4-608. Permanency hearing; frequency; transitional planning; out-of-state placements; findings; notice; permanent placement review.

(a) *Permanency hearing when reasonable efforts are not required.* — If the court finds, pursuant to this article, that the department is not required to make reasonable efforts to preserve the family, then, notwithstanding any other provision, a permanency hearing must be held within 30 days following the entry of the court order so finding, and a permanent placement review hearing must be conducted at least once every 90 days thereafter until a permanent placement is achieved.

(b) *Permanency hearing every 12 months until permanency is achieved.* — If, 12 months after receipt by the department or its authorized agent of physical care, custody, and control of a child either by a court-ordered placement or by a voluntary agreement, the department has not placed a child in an adoptive home, placed the child with a natural parent, placed the child in legal guardianship, or permanently placed the child with a fit and willing relative, the court shall hold a permanency hearing. The department shall file a progress report with the court detailing the efforts that have been made to place the child in a permanent home and copies of the child's case plan, including the permanency plan as defined in §49-1-201 and §49-4-604 of this code. Copies of the report shall be sent to the parties and all persons entitled to notice and the right to be heard. The court shall schedule a hearing, giving notice and the right to be present to the child's attorney; the child; the child's parents; the child's guardians; the child's foster parents; any preadoptive parent, or any relative providing care for the child; any person entitled to notice and the right to be heard; and other persons as the court may, in its discretion, direct. The child's presence may be waived by the child's attorney at the request of the child or if the child is younger than 12 years and would suffer emotional harm. The purpose of the hearing is to review the child's case, to determine whether and under what conditions the child's commitment to the department shall continue, to determine what efforts are necessary to provide the child with a permanent home, and to determine if the department has made reasonable efforts to

finalize the permanency plan. The court shall conduct another permanency hearing within 12 months thereafter for each child who remains in the care, custody, and control of the department until the child is placed in an adoptive home, returned to his or her parents, placed in legal guardianship, or permanently placed with a fit and willing relative.

(c) *Transitional planning for older children.* — In the case of a child who has attained 16 years of age, the court shall determine the services needed to assist the child to make the transition from foster care to independent living. The child's case plan should specify services aimed at transitioning the child into adulthood. When a child turns 17, or as soon as a child aged 17 comes into a case, the department must immediately provide the child with assistance and support in developing a transition plan that is personalized at the direction of the child. The plan must include specific options on housing, health insurance, education, local opportunities for mentors, continuing support services, work force support, and employment services, and the plan should be as detailed as the child may elect. In addition to these requirements, when a child with special needs turns 17, or as soon as a child aged 17 with special needs comes into a case, he or she is entitled to the appointment of a department adult services worker to the multidisciplinary treatment team, and coordination between the multidisciplinary treatment team and other transition planning teams, such as special education individualized education planning (IEP) teams.

(d) *Out-of-state placements.* — ~~In any case in which the court decides to order the child placed in an out of state facility or program it shall set forth in the order directing the placement the reasons why the child was not placed in an in-state facility or program~~ A court may not order a child to be placed in an out-of-state facility unless the child is diagnosed with a health issue that no in-state facility or program serves, unless a placement out of state is in closer proximity to the child's family for the necessary care, or the services are able to be provided more timely. If the child is to be placed with a relative or other responsible person out of state, the court shall use judicial leadership to help expedite the

process under the Interstate Compact for the Placement of Children provided in §49-7-101 and §49-7-102 and the Uniform Child Custody Jurisdiction and Enforcement Act provided in §48-20-101 *et seq.* of this code.

(e) *Findings in order.* — At the conclusion of the hearing the court shall, in accordance with the best interests of the child, enter an order containing all the appropriate findings. The court order shall state:

(1) Whether or not the department made reasonable efforts to preserve the family and to prevent out-of-home placement or that the specific situation made the effort unreasonable;

(2) Whether or not the department made reasonable efforts to finalize the permanency plan and concurrent plan for the child;

(3) The appropriateness of the child's current placement, including its distance from the child's home and whether or not it is the least restrictive one (most family-like one) available;

(4) The appropriateness of the current educational setting and the proximity to the school in which the child is enrolled at the time of placement;

(5) Services required to meet the child's needs and achieve permanency; and

(6) In addition, in the case of any child for whom another planned permanent living arrangement is the permanency plan, the court shall: (A) Inquire of the child about the desired permanency outcome for the child; (B) make a judicial determination explaining why, as of the date of the hearing, another planned permanent living arrangement is the best permanency plan for the child; and (C) provide in the court order compelling reasons why it continues to not be in the best interest of the child to (i) return home, (ii) be placed for adoption, (iii) be placed with a legal guardian, or (iv) be placed with a fit and willing relative.

(f) The department shall annually report to the court the current status of the placements of children in the care, custody and control of the state department who have not been adopted.

(g) The department shall file a report with the court in any case where any child in the custody of the state receives more than three placements in one year no later than 30 days after the third placement. This report shall be provided to all parties and persons entitled to notice and the right to be heard. Upon motion by any party, the court shall review these placements and determine what efforts are necessary to provide the child with a permanent home. No report may be provided to any parent or parent's attorney whose parental rights have been terminated pursuant to this article.

(h) The department shall give actual notice, in writing, to the court, the child, the child's attorney, the parents and the parents' attorney at least 48 hours prior to the move if this is a planned move, or within 48 hours of the next business day after the move if the child is in imminent danger in the child's current placement, except where the notification would endanger the child or the foster family. A multidisciplinary treatment team shall convene as soon as practicable after notice to explore placement options. This requirement is not waived by placement of the child in a home or other residence maintained by a private provider. No notice may be provided pursuant to this provision to any parent or parent's attorney whose parental rights have been terminated pursuant to this article.

(i) Nothing in this article precludes any party from petitioning the court for review of the child's case at any time. The court shall grant the petition upon a showing that there is a change in circumstance or needs of the child that warrants court review.

(j) Any foster parent, preadoptive parent or relative providing care for the child shall be given notice of and the right to be heard at the permanency hearing provided in this section.

§49-4-711. Adjudication for alleged status offenders and delinquents; mandatory initial disposition of status offenders.

At the outset of an adjudicatory hearing, the court shall inquire of the juvenile whether he or she wishes to admit or deny the allegations in the petition. The juvenile may elect to stand silent, in which event the court shall enter a general denial of all allegations in the petition.

(1) If the respondent juvenile admits the allegations of the petition, the court shall consider the admission to be proof of the allegations if the court finds: (A) The respondent fully understands all of his or her rights under this article; (B) the respondent voluntarily, intelligently and knowingly admits all facts requisite for an adjudication; and (C) the respondent in his or her admission has not set forth facts which constitute a defense to the allegations.

(2) If the respondent juvenile denies the allegations, the court shall dispose of all pretrial motions and the court or jury shall proceed to hear evidence.

(3) If the allegations in a petition alleging that the juvenile is delinquent are admitted or are sustained by proof beyond a reasonable doubt, the court shall schedule the matter for disposition pursuant to §49-4-704 of this code. The court shall receive and consider the results of the ~~risk and~~ needs assessment, as defined in §49-1-206 of this code, prior to or at the disposition. ~~pursuant to section seven hundred twenty four, article four of this chapter~~

(4) If the allegations in a petition alleging that the juvenile is a status offender are admitted or sustained by clear and convincing evidence, the court shall consider the results of the ~~risk and~~ needs assessment, as defined in §49-1-206 of this code, prior to or at the disposition ~~pursuant to section seven hundred twenty four, article four of this chapter~~ and refer the juvenile to the Department of Health and Human Resources for services, pursuant to §49-4-712 of this code, and order the department to report back to the court with regard to the juvenile's progress at least every 90 days or until the court, upon motion or sua sponte, orders further disposition under §49-4-712 of this code or dismisses the case from its docket: *Provided*, That in a judicial circuit operating a truancy program, a circuit judge may, in lieu of referring truant juveniles to the department, order that the juveniles be supervised by his or her

probation office: *Provided, however*, That a circuit judge may also refer a truant juvenile to a truancy diversion specialist.

(5) If the allegations in a petition are not sustained by evidence as provided in §49-4-711(c) and §49-4-711(d) of this code, the petition shall be dismissed and the juvenile shall be discharged if he or she is in custody.

(6) Findings of fact and conclusions of law addressed to all allegations in the petition shall be stated on the record or reduced to writing and filed with the record or incorporated into the order of the court. The record shall include the treatment and rehabilitation plan the court has adopted after recommendation by the multidisciplinary team as provided for in §49-4-406 of this code.

§49-4-714. Disposition of juvenile delinquents; appeal.

(a) In aid of disposition of juvenile delinquents, the juvenile probation officer assigned to the juvenile shall, upon request of the court, make an investigation of the environment of the juvenile and the alternative dispositions possible. The court, upon its own motion, or upon request of counsel, may order the use of a standardized screener, as defined in §49-1-206 of this code or, if additional information is necessary, a psychological examination of the juvenile. The report of an examination and other investigative and social reports shall not be relied upon the court in making a determination of adjudication. Unless waived, copies of the report shall be provided to counsel for the petitioner and counsel for the juvenile no later than 72 hours prior to the dispositional hearing.

(b) Following the adjudication, the court shall receive and consider the results of a ~~risk and needs assessment, conducted pursuant to section seven hundred twenty-four, article four of this chapter as defined in §49-1-206 of this code,~~ and shall conduct the disposition, giving all parties an opportunity to be heard. The disposition may include reasonable and relevant orders to the parents, custodians or guardians of the juvenile as is necessary and proper to effectuate the disposition. At disposition the court shall

not be limited to the relief sought in the petition and shall, in electing from the following alternatives, consider the best interests of the juvenile and the welfare of the public:

(1) Dismiss the petition;

(2) Refer the juvenile and the juvenile's parent or custodian to a community agency for needed assistance and dismiss the petition;

(3) Upon a finding that the juvenile is in need of extra-parental supervision: (A) Place the juvenile under the supervision of a probation officer of the court or of the court of the county where the juvenile has his or her usual place of abode or other person while leaving the juvenile in custody of his or her parent or custodian; and (B) prescribe a program of treatment or therapy or limit the juvenile's activities under terms which are reasonable and within the child's ability to perform, including participation in the litter control program established pursuant to §22-15A-3 of this code or other appropriate programs of community service;

(4) Upon a finding that a parent or custodian is not willing or able to take custody of the juvenile, that a juvenile is not willing to reside in the custody of his or her parent or custodian or that a parent or custodian cannot provide the necessary supervision and care of the juvenile, the court may place the juvenile in temporary foster care or temporarily commit the juvenile to the department or a child welfare agency. The court order shall state that continuation in the home is contrary to the best interest of the juvenile and why; and whether or not the department made a reasonable effort to prevent the placement or that the emergency situation made those efforts unreasonable or impossible. Whenever the court transfers custody of a youth to the department, an appropriate order of financial support by the parents or guardians shall be entered in accordance with §49-4-801 through §49-4-803 *et seq.* of this code and guidelines promulgated by the Supreme Court of Appeals;

(5) (A) Upon a finding that the best interests of the juvenile or the welfare of the public require it, and upon an adjudication of delinquency, the court may commit the juvenile to the custody of the ~~Director of the Division of Juvenile Services~~ Director of the

Division of Corrections and Rehabilitation for placement in a juvenile services facility for the treatment, instruction and rehabilitation of juveniles. The court maintains discretion to consider alternative sentencing arrangements.

(B) Notwithstanding any provision of this code to the contrary, in the event that the court determines that it is in the juvenile's best interests or required by the public welfare to place the juvenile in the custody of the ~~Division of Juvenile Services~~ Division of Corrections and Rehabilitation, the court shall provide the ~~Division of Juvenile Services~~ Division of Corrections and Rehabilitation with access to all relevant court orders and records involving the underlying offense or offenses for which the juvenile was adjudicated delinquent, including sentencing and presentencing reports and evaluations, and provide the division with access to school records, psychological reports and evaluations, ~~risk and~~ needs assessment results, medical reports and evaluations or any other such records as may be in the court's possession as would enable the ~~Division of Juvenile Services~~ Division of Corrections and Rehabilitation to better assess and determine the appropriate counseling, education and placement needs for the juvenile offender.

(C) Commitments may not exceed the maximum term for which an adult could have been sentenced for the same offense and any such maximum allowable term of confinement to be served in a juvenile correctional facility shall take into account any time served by the juvenile in a detention center pending adjudication, disposition or transfer. The order shall state that continuation in the home is contrary to the best interests of the juvenile and why; and whether or not the state department made a reasonable effort to prevent the placement or that the emergency situation made those efforts unreasonable or impossible; or

(6) After a hearing conducted under the procedures set out in §27-5-4(c) and §27-5-4(d) of this code, commit the juvenile to a mental health facility in accordance with the juvenile's treatment plan; the director of the mental health facility may release a juvenile and return him or her to the court for further disposition. The order shall state that continuation in the home is contrary to

the best interests of the juvenile and why; and whether or not the state department made a reasonable effort to prevent the placement or that the emergency situation made those efforts unreasonable or impossible.

The court shall make all reasonable efforts to place the juvenile in the least restrictive alternative appropriate to the needs of the juvenile and the community: *Provided*, That a juvenile adjudicated delinquent for a nonviolent misdemeanor offense may not be placed in an out-of-home placement within the ~~Division of Juvenile Services~~ Division of Corrections and Rehabilitation or the department if that juvenile has no prior adjudications as either a status offender or as a delinquent, or no prior dispositions to a pre-adjudicatory improvement period or probation for the current matter, excluding placements made for abuse or neglect: *Provided, however*, That if the court finds by clear and convincing evidence that there is a significant and likely risk of harm, as determined by a ~~risk and~~ needs assessment, to the juvenile, a family member or the public and that continued placement in the home is contrary to the best interest of the juvenile, such juvenile may be ordered to an out-of-home placement: *Provided further*, That the department has made all reasonable efforts to prevent removal of the juvenile from his or her home, or that reasonable efforts are not required due to an emergent situation.

(c) In any case in which the court decides to order the juvenile placed in an out-of-state facility or program, it shall set forth in the order directing the placement the reasons the juvenile was not placed in an in-state facility or program.

(d) The disposition of the juvenile shall not be affected by the fact that the juvenile demanded a trial by jury or made a plea of not guilty. Any disposition is subject to appeal to the Supreme Court of Appeals.

(e) Following disposition, the court shall inquire whether the juvenile wishes to appeal and the response shall be transcribed; a negative response shall not be construed as a waiver. The evidence shall be transcribed as soon as practicable and made available to the juvenile or his or her counsel, if the same is requested for

purposes of further proceedings. A judge may grant a stay of execution pending further proceedings.

(f) Following a disposition under §49-4-714(b)(4), §49-4-714(b)(5), or §49-4-714(b)(6) of this code, the court shall include in the findings of fact the treatment and rehabilitation plan the court has adopted upon recommendation of the multidisciplinary team under §49-4-406 of this code.

(g) Notwithstanding any other provision of this code to the contrary, if a juvenile charged with delinquency under this chapter is transferred to adult jurisdiction and there tried and convicted, the court may make its disposition in accordance with this section in lieu of sentencing the person as an adult.

§49-4-724. Standardized risk and needs assessment assessments.

(a) The Supreme Court of Appeals is requested to adopt a risk and needs assessment to be used for juvenile dispositions adjudicated delinquents, detained and delivered to, or committed to the custody of the Commissioner of Corrections and Rehabilitation. A validation study of the risk and needs assessment may be conducted at least every three years to ensure that the risk and needs assessment is predictive of the risk of reoffending.

(b) Each juvenile adjudicated for a ~~status or~~ delinquency offense and committed or detained with the Division of Corrections and Rehabilitation in accordance with ~~this chapter~~ §49-4-714(b)(5)(A) of this code shall undergo a risk and needs assessment prior to disposition to identify specific factors that predict a juvenile's likelihood of reoffending and, when appropriately addressed, may reduce the likelihood of reoffending. The risk and needs assessment may be conducted by a ~~probation officer, other court official or the state department~~ division worker trained to conduct the risk and needs assessment.

(c) Each multidisciplinary team convened pursuant to ~~section four hundred six, article four of this chapter~~ §49-4-406(c) of this

code shall receive and consider the results of the risk and needs assessment of the juvenile.

(d) The results of the risk and needs assessment shall be provided to the court prior to disposition or at the time of the dispositional hearing.”

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 654**), and there were—yeas 66, nays 31, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Angelucci, Boggs, N. Brown, S. Brown, Byrd, Campbell, Caputo, Diserio, Doyle, Estep-Burton, Fleischauer, Fluharty, Hansen, Hicks, Hornbuckle, Longstreth, Lovejoy, McGeehan, Miller, Pushkin, Pyles, Robinson, Rowe, Sponaugle, Staggers, C. Thompson, R. Thompson, Tomblin, Walker, Williams and Zukoff.

Absent and Not Voting: Cooper, Dean and Malcolm.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2010) passed.

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

On this question, the yeas and nays were taken (**Roll No. 655**), and there were—yeas 77, nays 20, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Angelucci, S. Brown, Campbell, Caputo, Diserio, Doyle, Estep-Burton, Fleischauer, Fluharty, Hansen, Lavender-Bowe, Longstreth, Miller, Pyles, Rowe, Sponaugle, C. Thompson, R. Thompson, Walker and Williams.

Absent and Not Voting: Cooper, Dean and Malcolm.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2010) takes effect from passage.

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, a bill of the House of Delegates as follows:

H. B. 2209, Allowing military veterans who meet certain qualifications to qualify for examination for license as an emergency medical technician.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, a bill of the House of Delegates as follows:

Com. Sub. for H. B. 2378, Relating generally to grounds for revocation of a teaching certificate.

A message from the Senate, by

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

Com. Sub. for H. B. 2396, West Virginia Fresh Food Act.

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

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

“ARTICLE 37. WEST VIRGINIA FRESH FOOD ACT.

§19-37-1. Legislative findings and purpose.

(a) According to the West Virginia Farm Bureau state schools alone currently purchase \$100 million of food from out-of-state sources.

(b) Locally grown food is healthier and more beneficial to the environment than food imported from other states and other countries.

(c) This article will:

(1) Stimulate the agricultural economy of the state, especially in its economically depressed areas, and allow small farmers to expand operations as well as act as an incentive to new people to begin farming;

(2) Encourage state-funded institutions to begin growing their own produce, thus enabling people to learn and practice agricultural techniques, as well as lowering operational costs of those institutions; and

(3) Spur self-sufficiency and economic independence of those who learn and engage in agricultural activities.

§19-37-2. State-funded institutions to purchase food from in-state sources; exception.

Beginning July 1, 2019, all state-funded institutions, such as schools, colleges, correctional facilities, governmental agencies and state parks, shall purchase a minimum of five percent of its fresh produce, meat and poultry products from in-state producers: *Provided*, That such produce, meat and poultry products can be grown or is available from in-state producers.

§19-37-3. Rule-making authority and enforcement.

The Commissioner of Agriculture shall be charged with the enforcement of this article and shall have authority to make and enforce rules and regulations for the administration of this article.”

And,

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

Com. Sub. for H. B. 2396 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §19-37-1, §19-37-2, and §19-37-3, all relating to

requiring all state-funded institutions to purchase a minimum of five percent of fresh produce, meat and poultry products from in-state producers if available; providing legislative findings and purpose; and establishing rule-making authority and enforcement authority.”

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 656**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Cooper, Dean and Malcolm.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2396) passed.

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

A message from the Senate, by

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

H. B. 2412, Relating to criminal acts concerning government procurement of commodities and services.

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

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

“CHAPTER 5A. DEPARTMENT OF ADMINISTRATION.

ARTICLE 3. PURCHASING DIVISION.

§5A-3-28. Financial interest of secretary, etc.; receiving reward from interested party; penalty; application of bribery statute.

[Repealed.]

§5A-3-30. Statement of purpose; obtaining money and property under false pretenses or by fraud from the state; penalties; definition.

[Repealed.]

§5A-3-31. Corrupt actions, combinations, collusions or conspiracies prohibited; penalties.

[Repealed.]

CHAPTER 61. CRIMES AND THEIR PUNISHMENT.

ARTICLE 5B. PROHIBITED ACTS IN GOVERNMENT PROCUREMENT.

§61-5B-1 Definitions.

As used in this article, the terms listed in this section have the meaning assigned to them below.

(a) ‘Business entity’ means any individual, legal person, firm, partnership, association, or similar organization with the capacity to contract under West Virginia law;

(b) ‘Commodities’ means supplies, material, equipment, and any other articles or things used by, or furnished to, a governmental entity, including the use, extension, loan or grant of money, credit, or waivers of debt or liability;

(c) ‘Governmental entity’ means any department, agency, commission, institution, board, or similar entity within any branch of government of the State of West Virginia;

(d) ‘Inferior commodities or services’ means:

(1) Any commodity or service that materially fails to meet the specification or standard issued by the governmental entity;

(2) Any commodity or service that does not meet a specification or standard required by state or federal law; or (3) any commodity or service which is of a materially lesser quality, quantity, or measure of any kind set forth within the specification or standard issued by the procuring governmental entity.

(e) 'Services' means the furnishing of labor, time, expertise, or effort, not involving the delivery of a specific end commodity or product other than one that may be incidental to the required performance.

§61-5B-2. Financial Interests of state purchasing agents; prohibitions; offenses; penalties.

(a) Except as authorized by the provisions of §6B-1-1 et seq. of this code:

(1) No person purchasing or contracting for the purchase of commodities or services for a governmental entity may have any interest, direct or indirect, in any business entity bidding, contracting with or selling commodities or services to the governmental entity for which the person is acting as an agent.

(2) No person purchasing or contracting for the purchase of commodities or services on behalf of a governmental entity may accept anything of value from a business entity offering to sell, providing, or contracting to sell or provide commodities or services to the governmental entity for which the person is acting as an agent.

(3) No business entity selling, offering to sell, or bidding on a contract to provide commodities or services to a governmental entity may offer to any person acting as an agent for a governmental entity in said purchase or contract anything of value without receiving fair value therefor.

(b) Any person or entity violating the provisions of subsection (a) of this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$50 nor more than \$500 or confined in jail for not more than one year, or both fined and confined.

§61-5B-3. Obtaining money and property under false pretenses or by fraud from the state; penalties; definition; application of change orders.

(a) It is unlawful for any business entity to obtain any money or other thing of value from a governmental entity by knowing delivery of inferior commodities or services to a governmental entity, with the intent to defraud the governmental entity.

(b) It is unlawful for any person to knowingly accept delivery of inferior commodities or services on behalf of a governmental entity with intent to defraud that governmental entity.

(c) Any person who violates the provisions of this section is guilty of a felony and, upon conviction thereof, shall be fined not more than \$10,000 or imprisoned in a state correctional facility for not less than one year nor more than five years, or both fined and imprisoned.

(d) It shall not be a defense to a charge under this section that: (1) The commodities or services were accepted and used, or are being used, by the relevant governmental entity; or (2) the commodities or services are functional or suitable for the purpose for which the commodities or services were purchased by the governmental entity notwithstanding a deviation from the standard or specification issued by the governmental entity that makes the commodities inferior.

(e) Nothing in this section prohibits the negotiation, issuance, or approval of a change order to modify the initial specification or standard issued, provided that the intent of the modification is to serve the best interests of the governmental entity and not to defraud the governmental entity, circumvent competitive bidding requirements, or provide a beneficial personal interest to a procurement authority.”

And,

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

H. B. 2412 - “A Bill to repeal §5A-3-28, §5A-3-30, and §5A-3-31 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §61-5B-1, §61-5B-2, and §61-5B-3, all relating to state purchasing; moving and modifying certain criminal provisions relating to government procurement from chapter 5A of the code to chapter 61; defining terms; prohibiting persons purchasing commodities and services for a governmental entity from having an interest in entities selling or contracting to sell commodities or services to a governmental entity; prohibiting persons purchasing commodities or services for a governmental entity from accepting things of value from persons selling, attempting to sell, or contracting to sell commodities or services to a governmental entity; prohibiting persons or entities attempting to sell or selling commodities to a governmental entity from offering anything of value to the person acting as a governmental entity’s agent; prohibiting delivery and acceptance of inferior commodities or services, authorizing change orders made in good faith from prohibited conduct; creating exceptions to prohibited conduct consistent with state ethics law; and establishing criminal penalties.”

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 657**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Cooper, Dean and Malcolm.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2412) passed.

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, a bill of the House of Delegates as follows:

Com. Sub. for H. B. 2422, Relating to the time for the observation of “Celebrate Freedom Week”.

A message from the Senate, by

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

H. B. 2480, Relating to the regulation of an internationally active insurance group.

On motion of Delegate Summers, the House of Delegates concurred in the following Senate title amendment by the Senate:

H. B. 2480 - “A Bill to amend and reenact §33-27-2 and §33-27-7 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §33-27-6b, all relating to the regulation of an internationally active insurance group; defining group-wide supervisor and internationally active insurance group; providing authority for the insurance commissioner to act as a group-wide supervisor for an internationally active insurance group; permitting the insurance commissioner to acknowledge another regulatory official as the group-wide supervisor for an internationally active insurance group under certain criteria; requiring insurance companies to submit information necessary for the insurance commissioner to determine whether he or she may act as the group-wide supervisor for an internationally active insurance group; authorizing specific regulatory actions when the insurance commissioner is acting as a group-wide supervisor for an internationally active insurance group; allowing the insurance commissioner to enter into agreements with insurers regarding his or her role as group-wide supervisor for an internationally active insurance group; making insurers liable for the reasonable expenses of the insurance commissioner’s participation as a group-wide supervisor for an internationally active insurance group; and rendering information provided by insurers to the insurance commissioner in connection with the commissioner’s role as a group-wide supervisor for an internationally active insurance group as confidential and privileged.”

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 658**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Cooper, Dean and Malcolm.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2480) passed.

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

A message from the Senate, by

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

Com. Sub. for H. B. 2524, Permitting a pharmacist to convert prescriptions authorizing refills under certain circumstances.

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

On page two, section thirty-five, line eighteen, after the word “*seq.*,” by inserting the word “and”.

On page two, section thirty-five, line nineteen, by striking out all of subdivision (5).

And,

By renumbering the remaining subdivision.

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 659**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Cooper, Dean, Graves and Malcolm.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2524) passed.

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

A message from the Senate, by

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

Com. Sub. for H. B. 2541, Requiring certain safety measures be taken at public schools.

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

On page one, section ten, line eight, by striking out the word “teachers” and inserting in lieu thereof the words “all school personnel”.

On page one, section ten, line nine, by striking out the word “teachers” and inserting in lieu thereof the words “all school personnel”.

And,

On page one, section ten, line nine, after the word “at”, by inserting the word “the”.

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 660**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Cooper, Dean and Malcolm.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2541) passed.

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

A message from the Senate, by

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

Com. Sub. for H. B. 2600, Relating to publication of sample ballots.

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

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

“ARTICLE 4A. ELECTRONIC VOTING SYSTEMS.

§3-4A-11a. Ballots tabulated electronically; arrangement, quantity to be printed, ballot stub numbers.

(a) The board of ballot commissioners in counties using ballots upon which votes may be recorded by means of marking with electronically sensible ink or pencil and which marks are tabulated electronically shall cause the ballots to be printed or displayed upon the screens of the electronic voting system for use in elections.

(b) (1) For the primary election, the heading of the ballot, the type faces, the names and arrangement of offices and the printing of names and arrangement of candidates within each office are to conform as nearly as possible to §3-5-13 and §3-5-13a of this code.

(2) For the general election, the heading of the ballot, the type faces, the names and arrangement of offices and the printing of names and the arrangement of candidates within each office are to conform as nearly as possible to §3-6-2 of this code.

(3) Effective with the primary election held in 2016 and thereafter, the following nonpartisan elections are to be separated from the partisan ballot and separately headed in display type with a title clearly identifying the purpose of the election and constituting a separate ballot wherever a separate ballot is required under this chapter:

(A) Nonpartisan elections for judicial offices, by division, of:

(i) Justice of the Supreme Court of Appeals;

(ii) Judge of the circuit court;

(iii) Family court judge; and

(iv) Magistrate;

(B) Nonpartisan elections for board of education; and

(C) Any question to be voted upon.

(4) Beginning in the primary election to be held in the year 2020 and in each election thereafter, the nonpartisan judicial elections described in subparagraphs (i) through (iv), paragraph (A), subdivision (3), of this subsection shall appear immediately after the state ticket and shall immediately precede the county ticket, in the same manner prescribed in §3-5-13a of this code.

~~(4)~~ (5) Both the face and the reverse side of the ballot may contain the names of candidates only if means to ensure the secrecy of the ballot are provided and lines for the signatures of the poll clerks on the ballot are printed on a portion of the ballot which is deposited in the ballot box and upon which marks do not interfere with the proper tabulation of the votes.

~~(5)~~ (6) The arrangement of candidates within each office is to be determined in the same manner as for other electronic voting systems, as prescribed in this chapter. On the general election ballot for all offices, and on the primary election ballot only for those offices to be filled by election, except delegate to national convention, lines for entering write-in votes are to be provided

below the names of candidates for each office, and the number of lines provided for any office shall equal the number of persons to be elected, or three, whichever is fewer. The words "WRITE-IN, IF ANY" are to be printed, where applicable, directly under each line for write-ins. The lines are to be opposite a position to mark the vote.

(c) Except for electronic voting systems that utilize screens upon which votes may be recorded by means of a stylus or by means of touch, the primary election ballots are to be printed in the color of ink specified by the Secretary of State for the various political parties, and the general election ballot is to be printed in black ink. For electronic voting systems that utilize screens upon which votes may be recorded by means of a stylus or by means of touch, the primary ballots and the general election ballot are to be printed in black ink. All ballots are to be printed, where applicable, on white paper suitable for automatic tabulation and are to contain a perforated stub at the top or bottom of the ballot, which is to be numbered sequentially in the same manner as provided in §3-5-13 of this code, or are to be displayed on the screens of the electronic voting system upon which votes are recorded by means of a stylus or touch. The number of ballots printed and the packaging of ballots for the precincts are to conform to the requirements for paper ballots provided in this chapter.

(d) In addition to the official ballots, the ballot commissioners shall provide all other materials and equipment necessary to the proper conduct of the election.

§3-4A-15. Instructions and help to voters; vote-recording device models; facsimile diagrams; sample ballots; legal ballot advertisements.

(a) For the instruction of the voters on any election day in counties utilizing an electronic voting system that uses a screen upon which votes may be recorded by means of a stylus or by means of touch, the ballot commissioners shall provide for each polling place a sample ballot with each screen as it will appear on the devices, together with written instructions regarding the operation of the devices. Upon request, the election officers shall

offer instruction to each voter, before voting, in the operation of the vote-recording device.

(b) The ballot commissioners shall also provide facsimile ballots, at least two of which, or complete sets of which, are to be posted on the walls of each polling place. The facsimile diagrams are exact diagrams of the ballots or screens so that the voter may become familiar with the location of the parties, offices, candidates, and questions as they appear on the ballot to be used in his or her precinct.

(c) The ballot commissioners may, with the consent of the county commission, or the county commission may, prepare and mail to each qualified voter at the address shown on the registration books a facsimile sample of the ballot or screens for his or her precinct.

(d) In counties where an electronic voting system has been adopted, the legal ballot advertisements required by §3-5-1 *et seq.* and §3-6-1 *et seq.*, which specify the publication of a facsimile sample ballot, are to consist of a facsimile of the absentee ballot, or a facsimile of each of the electronic voting system screens with the names of the candidates and the offices for which they are running shown in their proper positions: *Provided, That when the sample ballots for the precincts within the county contain different senatorial, delegate, magisterial, or executive committee districts or when the sample ballots for precincts within a city contain different municipal wards, the facsimile shall be altered to include each of the various districts in the appropriate order. If, in order to accommodate the size of each ballot, the ballot or ballot pages must be divided between more than one page, the arrangement and order shall be made to conform as nearly as possible to the arrangement of the ballot. The publisher of the newspaper shall submit a proof of the ballot and the arrangement to the ballot commissioners for approval prior to publication.*

ARTICLE 5. PRIMARY ELECTIONS AND NOMINATING PROCEDURES.

§3-5-10. Publication of sample ballots and lists of candidates.

(a) The ballot commissioners of each county shall prepare a sample official primary ballot for each party and, as the case may be, for the nonpartisan candidates to be voted for at the primary election, according to the provisions of this article ~~§3-4-1 et seq.~~, and §3-4A-1 *et seq.* of this code, as appropriate to the voting system. If any ballot issue is to be voted on in the primary election, the ballot commissioners shall likewise prepare a sample official ballot for that issue according to the provisions of law authorizing the election.

(b) The facsimile sample ballot for each political party and for nonpartisan candidates or ballot issues shall be published as follows:

(1) For counties in which two or more qualified newspapers publish a daily newspaper, not more than 26 nor less than 20 days preceding the primary election, the ballot commissioners shall publish each sample official primary election ballot as a Class I-0 legal advertisement in the two qualified daily newspapers of different political parties within the county having the largest circulation in compliance with the provisions of §59-3-1 *et seq.* of this code;

(2) For counties having no more than one daily newspaper, or having only one or more qualified newspapers which publish weekly, not more than 26 nor less than 20 days preceding the primary election, the ballot commissioners shall publish the sample official primary election ballot as a Class I legal advertisement in the qualified newspaper within the county having the largest circulation in compliance with the provisions of §59-3-1 *et seq.* of this code; and

(3) Each facsimile sample ballot shall be a photographic reproduction of the official sample ballot or ballot pages and shall be printed in a size no less than 65 percent of the actual size of the ballot, at the discretion of the ballot commissioners: Provided, That in counties where an electronic voting system has been adopted, the facsimile sample ballot may be a photographic reproduction of the absentee ballot: Provided, however, That when the ballots for the precincts within the county contain different senatorial,

delegate, magisterial or executive committee districts or when the ballots for precincts within a city contain different municipal wards, the facsimile shall be altered to include each of the various districts in the appropriate order. If, in order to accommodate the size of each ballot, the ballot or ballot pages must be divided onto more than one page, the arrangement and order shall be made to conform as nearly as possible to the arrangement of the ballot. The publisher of the newspaper shall submit a proof of the ballot and the arrangement to the ballot commissioners for approval prior to publication.

(c) The ballot commissioners of each county shall prepare, in the form and manner prescribed by the Secretary of State, an official list of offices and candidates for each office which will appear on the primary election ballot for each party and, as the case may be, for the nonpartisan candidates to be voted for at the primary election. All information which appears on the ballot, including instructions as to the number of candidates for whom votes may be cast for the office, any additional language which will appear on the ballot below the name of the office, any identifying information relating to the candidates, such as his or her residence and magisterial district or presidential preference, shall be included in the list in the same order in which it appears on the ballot. Following the names of all candidates, the list shall include the full title, text and voting positions of any issue to appear on the ballot.

(d) The official list of candidates and issues as provided in subsection (c) of this section shall be published as follows:

(1) For counties in which two or more qualified newspapers publish a daily newspaper, on the last day on which a newspaper is published immediately preceding the primary election, the ballot commissioners shall publish the official list of candidates and issues as a Class I-0 legal advertisement in the two qualified daily newspapers of different political parties within the county having the largest circulation in compliance with the provisions of §59-3-1 *et seq.* of this code;

(2) For counties having no more than one daily newspaper, or having only one or more qualified newspapers which publish

weekly, on the last day on which a newspaper is published immediately preceding the primary election, the ballot commissioners shall publish the sample official list of nominees and issues as a Class I legal advertisement in the qualified newspaper within the county having the largest circulation in compliance with the provisions of §59-3-1 *et seq.* of this code;

(3) The publication of the official list of candidates for each party and for nonpartisan candidates shall be in single or double columns, as required to accommodate the type size requirements as follows: (A) The words ‘official list of candidates’, the name of the county, the words ‘primary election’, the date of the election, the name of the political party or the designation of nonpartisan candidates shall be printed in all capital letters and in bold type no smaller than fourteen point. The designation of the national, state, district or other tickets shall be printed in all capital letters in type no smaller than 14 point; (B) the title of the office shall be printed in bold type no smaller than 12 point and any voting instructions or other language printed below the title shall be printed in bold type no smaller than 10 point; and (C) the names of the candidates shall be printed in all capital letters in bold type no smaller than 10 point and the residence information shall be printed in type no smaller than 10 point; and

(4) When any ballot issue is to appear on the ballot, the title of that ballot shall be printed in all capital letters in bold type no smaller than 14 point. The text of the ballot issue shall appear in no smaller than eight point type. The ballot commissioners may require the publication of the ballot issue under this subsection in the facsimile sample ballot format in lieu of the alternate format.

(e) Notwithstanding the provisions of subsections (c) and (d) of this section, beginning with the primary election to be held in the year 2000, the ballot commissioners of any county may choose to publish a facsimile sample ballot for each political party and for nonpartisan candidates or ballot issues instead of the official list of offices and candidates for each office for purposes of the last publication required before any primary election.

§3-5-13. Form and contents of ballots.

The following provisions apply to the form and contents of election ballots:

(1) The face of every primary election ballot shall conform as nearly as practicable to that used at the general election.

(2) The heading of every ballot is to be printed in display type. The heading is to contain a ballot title, the name of the county, the state, the words 'Primary Election' and the month, day and year of the election. The ballot title of the political party ballots is to contain the words 'Official Ballot of the (Name) Party' and the official symbol of the political party may be included in the heading.

(A) The ballot title of any separate paper ballot or portion of any electronic or voting machine ballot for all judicial officers shall commence with the words 'Nonpartisan Ballot of Election of Judicial Officers' and each such office shall be listed in the following order:

(i) The ballot title of any separate paper ballot or portion of any electronic or voting machine ballot for all justices of the Supreme Court of Appeals shall contain the words 'Nonpartisan Ballot of Election of Justice(s) of the Supreme Court of Appeals of West Virginia'. The names of the candidates for the Supreme Court of Appeals shall be printed by division without references to political party affiliation or registration.

(ii) The ballot title of any separate paper ballot or portion of any electronic or voting machine ballot for all circuit court judges in the respective circuits shall contain the words 'Nonpartisan Ballot of Election of Circuit Court Judge(s)'. The names of the candidates for the respective circuit court judge office shall be printed by division without references to political party affiliation or registration.

(iii) The ballot title of any separate paper ballot or portion of any electronic or voting machine ballot for all family court judges in the respective circuits shall contain the words 'Nonpartisan Ballot of Election of Family Court Judge(s)'. The names of the

candidates for the respective family court judge office shall be printed by division without references to political party affiliation or registration.

(iv) The ballot title of any separate paper ballot or portion of any electronic or voting machine ballot for all magistrates in the respective circuits shall contain the words ‘Nonpartisan Ballot of Election of Magistrate(s)’. The names of the candidates for the respective magistrate office shall be printed by division without references to political party affiliation or registration.

(B) The ballot title of any separate paper ballot or portion of any electronic or voting machine ballot for the Board of Education is to contain the words ‘Nonpartisan Ballot of Election of Members of the _____ County Board of Education’. The districts for which ~~less~~ fewer than two candidates may be elected and the number of available seats are to be specified and the names of the candidates are to be printed without reference to political party affiliation and without designation as to a particular term of office.

(C) Any other ballot or portion of a ballot on a question is to have a heading which clearly states the purpose of the election according to the statutory requirements for that question.

(3) (A) For paper ballots, the heading of the ballot is to be separated from the rest of the ballot by heavy lines and the offices shall be arranged in columns with the following headings, from left to right across the ballot: ‘National Ticket’, ‘State Ticket’, ‘Nonpartisan Judicial Ballot’, ‘County Ticket’, ‘Nonpartisan Ballot’ ~~and, in a presidential election year, ‘National Convention’~~ ~~or,~~ in a nonpresidential election year, ‘District Ticket’ or, in a presidential election year, ‘National Convention’. The columns are to be separated by heavy lines. Within the columns, the offices are to be arranged in the order prescribed in §3-5-13a of this code.

(B) For voting machines, electronic voting devices and any ballot tabulated by electronic means, the offices are to appear in the same sequence as prescribed in §3-5-13a of this code and under the same headings as prescribed in paragraph (A) of this subdivision. The number of pages, columns or rows, where applicable, may be

modified to meet the limitations of ballot size and composition requirements subject to approval by the Secretary of State.

(C) The title of each office is to be separated from preceding offices or candidates by a line and is to be printed in bold type no smaller than eight point. Below the office is to be printed the number of the district, if any, the number of the division, if any, and the words ‘Vote for _____’ with the number to be nominated or elected or ‘Vote For Not More Than _____’ in multicandidate elections. For offices in which there are limitations relating to the number of candidates which may be nominated, elected or appointed to or hold office at one time from a political subdivision within the district or county in which they are elected, there is to be a clear explanation of the limitation, as prescribed by the Secretary of State, printed in bold type immediately preceding the names of the candidates for those offices on the ballot in every voting system. For counties in which the number of county commissioners exceeds three and the total number of members of the county commission is equal to the number of magisterial districts within the county, the office of county commission is to be listed separately for each district to be filled with the name of the magisterial district and the words ‘Vote for One’ printed below the name of the office: *Provided*, That the office title and applicable instructions may span the width of the ballot so as it is centered among the respective columns.

(D) The location for indicating the voter’s choices on the ballot is to be clearly shown. For paper ballots, other than those tabulated electronically, the official primary ballot is to contain a square formed in dark lines at the left of each name on the ballot, arranged in a perpendicular column of squares before each column of names.

(4) (A) The name of every candidate certified by the Secretary of State or the board of ballot commissioners is to be printed in capital letters in no smaller than eight point type on the ballot for the appropriate precincts. Subject to the rules promulgated by the Secretary of State, the name of each candidate is to appear in the form set out by the candidate on the certificate of announcement, but in no case may the name misrepresent the identity of the candidate nor may the name include any title, position, rank, degree

or nickname implying or inferring any status as a member of a class or group or affiliation with any system of belief.

(B) The city of residence of every candidate, the state of residence of every candidate residing outside the state, the county of residence of every candidate for an office on the ballot in more than one county and the magisterial district of residence of every candidate for an office subject to magisterial district limitations are to be printed in lower case letters beneath the names of the candidates.

(C) The arrangement of names within each office must be determined as prescribed in §3-5-13a of this code.

(D) If the number of candidates for an office exceeds the space available on a column or ballot page and requires that candidates for a single office be separated, to the extent possible, the number of candidates for the office on separate columns or pages are to be nearly equal and clear instructions given the voter that the candidates for the office are continued on the following column or page.

(5) When an insufficient number of candidates has filed for a party to make the number of nominations allowed for the office or for the voters to elect sufficient members to the Board of Education or to executive committees, the vacant positions on the ballot shall be filled with the words 'No Candidate Filed': *Provided*, That in paper ballot systems which allow for write-ins to be made directly on the ballot, a blank line shall be placed in any vacant position in the office of Board of Education or for election to any party executive committee. A line shall separate each candidate from every other candidate for the same office. Notwithstanding any other provision of this code, if there are multiple vacant positions on a ballot for one office, the multiple vacant positions which would otherwise be filled with the words "No Candidate Filed" may be replaced with a brief detailed description, approved by the Secretary of State, indicating that there are no candidates listed for the vacant positions.

(6) In presidential election years, the words 'For election in accordance with the plan adopted by the party and filed with the Secretary of State' is to be printed following the names of all candidates for delegate to national convention.

(7) All paper ballots are to be printed in black ink on paper sufficiently thick so that the printing or marking cannot be discernible from the back: *Provided*, That no paper ballot voted pursuant to the provisions of 42 U. S. C. §1973, *et seq.*, the Uniformed and Overseas Citizens Absentee Voting Act of 1986, or federal write-in absentee ballot may be rejected due to paper type, envelope type, or notarization requirement. Ballot cards and paper for printing ballots using electronically sensible ink are to meet minimum requirements of the tabulating systems and are to conform in size and weight to ensure ease in tabulation.

(8) Ballots are to contain perforated tabs at the top of the ballots and are to be printed with unique sequential numbers from one to the highest number representing the total number of ballots printed. On paper ballots, the ballot is to be bordered by a solid line at least one sixteenth of an inch wide and the ballot is to be trimmed to within one-half inch of that border.

(9) On the back of every official ballot or ballot card the words 'Official Ballot' with the name of the county and the date of the election are to be printed. Beneath the date of the election there are to be two blank lines followed by the words 'Poll Clerks'.

(10) The face of sample paper ballots and sample ballot labels are to be like other official ballots or ballot labels except that the word 'sample' is to be prominently printed across the front of the ballot in a manner that ensures the names of candidates are not obscured and the word 'sample' may be printed in red ink. No printing may be placed on the back of the sample.

§3-5-13a. Order of offices and candidates on the ballot; uniform drawing date.

(a) The order of offices for state and county elections on all ballots within the state shall be as prescribed herein. When the

office does not appear on the ballot in an election, then it shall be omitted from the sequence. When an unexpired term for an office appears on the ballot along with a full term, the unexpired term shall appear immediately below the full term.

NATIONAL TICKET: President (and Vice President in the general election), United States Senator, member of the United States House of Representatives.

STATE TICKET: Governor, Secretary of State, Auditor, Treasurer, Commissioner of Agriculture, Attorney General, State Senator, member of the House of Delegates, any other multicounty office, state executive committee.

NONPARTISAN JUDICIAL BALLOT: Justice of the Supreme Court of Appeals, judge of the circuit court, family judge, magistrate.

COUNTY TICKET: Clerk of the circuit court, county commissioner, clerk of the county commission, prosecuting attorney, sheriff, assessor, surveyor, congressional district executive committee, senatorial district executive committee in multicounty districts, delegate district executive committee in multicounty districts.

NONPARTISAN BALLOT: Nonpartisan elections for board of education, conservation district supervisor, any question to be voted upon.

~~**NATIONAL CONVENTION:** Delegate to the national convention — at large, Delegate to the national convention — congressional district.~~

DISTRICT TICKET: County executive committee.

NATIONAL CONVENTION: Delegate to the national convention — congressional district, delegate to the national convention — at-large.

(b) Except for office divisions in which no more than one person has filed a certificate of announcement, the arrangement of

names for all offices shall be determined by lot according to the following provisions:

(1) On the fourth Tuesday following the close of the candidate filing, beginning at 9:00 a.m., a drawing by lot shall be conducted in the office of the clerk of the county commission in each county. Notice of the drawing shall be given on the form for the certificate of announcement and no further notice shall be required. The clerk of the county commission shall superintend and conduct the drawing and the method of conducting the drawing shall be prescribed by the Secretary of State.

(2) Except as provided herein, the position of each candidate within each office division shall be determined by the position drawn for that candidate individually: *Provided*, That if fewer candidates file for an office division than the total number to be nominated or elected, the vacant positions shall appear following the names of all candidates for the office.

(3) Candidates for delegate to national convention who have filed a commitment to a candidate for president shall be listed alphabetically within the group of candidates committed to the same candidate for president and uncommitted candidates shall be listed alphabetically in an uncommitted category. The position of each group of committed candidates and uncommitted candidates shall be determined by lot by drawing the names of the presidential candidates and for an uncommitted category.

(4) A candidate or the candidate's representative may attend the drawings.

ARTICLE 6. CONDUCT AND ADMINISTRATION OF ELECTIONS.

§3-6-3. Publication of sample ballots and lists of candidates.

(a) The ballot commissioners of each county shall prepare a sample official general election ballot for all political party or nominees with no party affiliation unless those persons have actually been nominated by an independent party, nonpartisan candidates for election, if any, and all ballot issues to be voted for

at the general election, according to the provisions of §3-4A-1 *et seq.* of this code, and for any ballot issue, according to the provisions of law authorizing the election.

(b) The facsimile sample general election ballot shall be published as follows:

(1) For counties in which two or more qualified newspapers publish a daily newspaper, not more than 26 nor less than 20 days preceding the general election, the ballot commissioners shall publish the sample official general election ballot as a Class I-0 legal advertisement in the two qualified daily newspapers of different political parties within the county having the largest circulation in compliance with the provisions of §59-3-1 *et seq.* of this code;

(2) For counties having no more than one daily newspaper, or having only one or more qualified newspapers which publish weekly, not more than 26 nor less than 20 days preceding the primary election, the ballot commissioners shall publish the sample official general election ballot as a Class I legal advertisement in the qualified newspaper within the county having the largest circulation in compliance with the provisions of §59-3-1 *et seq.* of this code; and

(3) Each facsimile sample ballot shall be a photographic reproduction of the official sample ballot or ballot pages and shall be printed in a size no less than 65 percent of the actual size of the ballot, at the discretion of the ballot commissioners: Provided, That in counties where an electronic voting system has been adopted, the facsimile sample ballot may be a photographic reproduction of the absentee ballot. *Provided, however,* That when the ballots for the precincts within the county contain different senatorial, delegate, magisterial or executive committee districts or when the ballots for precincts within a city contain different municipal wards, the facsimile shall be altered to include each of the various districts in the appropriate order. If, in order to accommodate the size of each ballot, the ballot or ballot pages must be divided onto more than one page, the arrangement and order shall be made to conform as nearly as possible to the arrangement of the ballot. The

publisher of the newspaper shall submit a proof of the ballot and the arrangement to the ballot commissioners for approval prior to publication.

(c) The ballot commissioners of each county shall prepare, in the form and manner prescribed by the Secretary of State, an official list of offices and nominees for each office which will appear on the general election ballot for each political party or as nominees with no party affiliation unless those persons have actually been nominated by an independent party and, as the case may be, for the nonpartisan candidates to be voted for at the general election:

(1) All information which appears on the ballot, including instructions as to the number of candidates for whom votes may be cast for the office, any additional language which will appear on the ballot below the name of the office, any identifying information relating to the candidates, such as his or her residence and magisterial district or presidential preference. Following the names of all candidates, the list shall include the full title, text and voting positions of any issue to appear on the ballot.

(2) The order of the offices and candidates for each office and the manner of designating the parties shall be as follows:

(A) The offices shall be listed in the same order in which they appear on the ballot;

(B) The candidates within each office for which one is to be elected shall be listed in the order they appear on the ballot, from left to right or from top to bottom, as the case may be, and the candidate's political party affiliation or independent status shall be indicated by the one- or two-letter initial specifying the affiliation, placed in parenthesis to the right of the candidate's name; and

(C) The candidates within each office for which more than one is to be elected shall be arranged by political party groups in the order they appear on the ballot and the candidate's affiliation shall be indicated as provided in paragraph (B) of this subdivision.

(d) The official list of candidates and issues as provided in subsection (c) of this section shall be published as follows:

(1) For counties in which two or more qualified newspapers publish a daily newspaper, on the last day on which a newspaper is published immediately preceding the general election, the ballot commissioners shall publish the official list of nominees and issues as a Class I-0 legal advertisement in the two qualified daily newspapers of different political parties within the county having the largest circulation in compliance with the provisions of §59-3-1 *et seq.* of this code;

(2) For counties having no more than one daily paper, or having only one or more qualified newspapers which publish weekly, on the last day on which a newspaper is published immediately preceding the general election, the ballot commissioners shall publish the sample official list of nominees and issues as a Class I legal advertisement in the qualified newspaper within the county having the largest circulation in compliance with the provisions of §59-3-1 *et seq.* of this code;

(3) The publication of the official list of nominees for each party and for nonpartisan candidates shall be in single or double columns, as required to accommodate the type size requirements as follows:

(A) The words ‘official list of nominees and issues’, the name of the county, the words ‘General Election’ and the date of the election shall be printed in all capital letters and in bold type no smaller than 14 point; and

(B) The names of the candidates and the initial within parenthesis designating the candidate’s affiliation shall be printed in all capital letters in bold type no smaller than 10 point and the residence information shall be printed in type no smaller than 10 point; and

(4) When any ballot issue is to appear on the ballot, the title of that ballot shall be printed in all capital letters in bold type no smaller than 12 point. The text of the ballot issue shall appear in no

smaller than eight point type. The ballot commissioners may require the publication of the ballot issue under this subsection in the facsimile sample ballot format in lieu of the alternate format.

(e) Notwithstanding the provisions of subsections (c) and (d) of this section, the ballot commissioners of any county may choose to publish a facsimile sample general election ballot, instead of the official list of candidates and issues, for purposes of the last publication required before any general election.”

And,

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

Com. Sub. for H. B. 2600 - “A Bill to amend and reenact §3-4A-11a and §3-4A-15 of the Code West Virginia, 1931, as amended; to amend and reenact §3-5-10, §3-5-13, and §3-5-13a of said code; and to amend and reenact §3-6-3 of said code, all relating generally to the form of ballots; providing that sample ballots required to be printed as legal advertisements ahead of elections in counties where electronic voting has been adopted may consist of a facsimile of the absentee ballot; providing that when sample ballots for the precincts within a county contain different districts for certain offices or municipal wards, the facsimile shall be altered to include each of the various districts in the appropriate order; providing that if sample ballots must be divided onto more than one page, the arrangement and order shall be made to conform as nearly as possible to the arrangement of the ballot; providing that the publisher of the newspaper containing the sample ballot shall submit a proof and arrangement of the ballot to the ballot commissioners for approval prior to publication; providing that on primary election ballots, the nonpartisan ballot for judicial elections shall appear immediately after the state ticket and immediately before the county ticket; providing that on primary election ballots, the non-judicial nonpartisan ballot shall appear immediately after the county ticket and immediately before the district ticket; and providing that on primary election ballots, the national convention ticket shall appear immediately after the district ticket, with the election for at-large delegate to the national

convention appearing immediately after the election for congressional district delegate to the national convention.”

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 661**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Cooper, Dean and Malcolm.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2600) passed.

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, a bill of the House of Delegates as follows:

Com. Sub. for H. B. 2601, Relating to the review and approval of state property leases.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, a bill of the House of Delegates as follows:

Com. Sub. for H. B. 2661, Relating to natural gas utilities.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, a bill of the House of Delegates as follows:

Com. Sub. for H. B. 2662, Relating to certificates or employment of school personnel.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, a bill of the House of Delegates as follows:

Com. Sub. for H. B. 2715, Relating to Class Q special hunting permit for disabled persons.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, a bill of the House of Delegates as follows:

H. B. 2716, Relating to vessel lighting and equipment requirements.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, a bill of the House of Delegates as follows:

H. B. 2739, Relating to contributions on behalf of employees to a retirement plan administered by the Consolidated Public Retirement Board.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, a bill of the House of Delegates as follows:

Com. Sub. for H. B. 2809, Relating to prohibited acts and penalties in the Hatfield-McCoy Recreation Area.

A message from the Senate, by

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

Com. Sub. for H. B. 2813, Relating generally to collection of use tax.

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

On page two, section one, line twenty-four, after the words "personal property," by inserting the words "custom software,".

On page four, section one, line eighty-six, by striking out the word "forum" and inserting in lieu thereof the word "platform,".

On page eight, section six-b, lines one through three, by striking out all of subsection (a) and inserting in lieu thereof a new subsection, designated subsection (a), to read as follows:

“(a) *Duty to collect tax.* — For purposes of §11-15A-1 *et seq.* of this code and for collection of use tax required under §11-15A-6 and §11-15A-6b of this code, the phrase retailer engaging in business in this state also means and includes a remote seller, marketplace facilitator, or referrer that meets the requirements of subsection (e) of this section. A marketplace facilitator or referrer is required to collect and remit the use tax on all taxable sales of tangible personal property, [custom software] or services: (i) Made by the marketplace facilitator or referrer; or (ii) facilitated for marketplace sellers, to purchasers in this state.”

On page nine, section six-b, lines twenty-three through twenty-eight, by striking out all of subsection (e) and inserting in lieu thereof a new subsection, designated subsection (e), to read as follows:

“(e) *Economic nexus.* — A marketplace facilitator, referrer, or remote seller shall collect the tax imposed by §11-15A-2 of the code when:

(1) The marketplace facilitator, referrer, or remote seller makes or facilitates West Virginia sales on its own behalf or on behalf of one or more marketplace sellers equal to or exceeding \$100,000 in gross revenue for an immediately preceding calendar year, or a current calendar year; or

(2) The marketplace facilitator, referrer, or remote seller makes or facilitates West Virginia sales on its own behalf or on behalf of one or more marketplace sellers in 200 or more separate transactions for an immediately preceding calendar year or a current calendar year.”

On page three, section one, after line forty-eight, by inserting the following:

“(C) This term does not include a payment processor business appointed by a merchant to handle payment transactions from

various channels, such as credit cards and debit cards, and whose sole activity with respect to marketplace sales is to handle payment transactions between two parties.”

And,

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

Com. Sub. for H. B. 2813 - “A Bill to amend and reenact §11-15A-1 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §11-15A-6b, all relating generally to collection of use tax; defining terms, requiring collection of use tax by marketplace facilitators, remote sellers, and referrers satisfying certain economic nexus requirements; and specifying internal effective date.”

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 662**), and there were—yeas 92, nays 5, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Foster, Howell, J. Jeffries, McGeehan and Paynter.

Absent and Not Voting: Cooper, Dean and Malcolm.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2813) passed.

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, a bill of the House of Delegates as follows:

H. B. 2816, Removing the terms “hearing impaired,” “hearing impairment,” and “deaf mute” from the West Virginia Code and substituting terms.

A message from the Senate, by

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

Com. Sub. for H. B. 2831, Finding and declaring certain claims against the state and its agencies to be moral obligations of the state.

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

On page five, section one, subsection (j), after item (45), by inserting a new item, designated item (46), to read as follows:

“(46) Wilson Restoration, Inc.\$29,000.00”.

And,

By renumbering the remaining items.

In accordance, with the previous direction of the Speaker, Delegates Byrd and Fast were excused from voting on Com. Sub. for H. B. 2831, pursuant to House Rule 49.

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 663**), and there were—yeas 83, nays 11, absent and not voting 4, excused 2, with the nays, excused from voting and absent and not voting being as follows:

Nays: Atkinson, Capito, Criss, C. Martin, P. Martin, McGeehan, Nelson, Paynter, Queen, Sponaule and Toney.

Excused: Byrd and Fast.

Absent and Not Voting: Cooper, Dean, Kump and Malcolm.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2831) passed.

Delegate Summers moved that the bill take effect its passage.

On this question, the yeas and nays were taken (**Roll No. 664**), and there were—yeas 91, nays 3, absent and not voting 4, excused 2, with the nays, excused from voting and absent and not voting being as follows:

Nays: P. Martin, Nelson and Paynter.

Excused: Byrd and Fast.

Absent and Not Voting: Cooper, Dean, Kump and Malcolm.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2831) takes effect from passage.

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

A message from the Senate, by

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

H. B. 2846, Designating a “Back the Blue” plate in support of law-enforcement personnel.

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

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

“ARTICLE 3. ORIGINAL AND RENEWAL OF REGISTRATION; ISSUANCE OF CERTIFICATES OF TITLE.

§17A-3-14. Registration plates generally; description of plates; issuance of special numbers and plates; registration fees; special application fees; exemptions; commissioner to promulgate forms; suspension and nonrenewal.

(a) The division, upon registering a vehicle, shall issue to the owner one registration plate for a motorcycle, trailer, semitrailer, or other motor vehicle.

(b) Registration plates issued by the division shall meet the following requirements:

(1) Every registration plate shall be of reflectorized material and have displayed upon it the registration number assigned to the vehicle for which it is issued; the name of this state, which may be abbreviated; and the year number for which it is issued or the date of expiration of the plate.

(2) Every registration plate and the required letters and numerals on the plate shall be of sufficient size to be plainly readable from a distance of 100 feet during daylight: *Provided*, That the requirements of this subdivision shall not apply to the year number for which the plate is issued or the date of expiration.

(3) Registration numbering for registration plates shall begin with number two.

(c) The division may not issue, permit to be issued, or distribute any special registration plates except as follows:

(1) The Governor shall be issued two registration plates, on one of which shall be imprinted the numeral one and on the other the word one.

(2) State officials and judges may be issued special registration plates as follows:

(A) Upon appropriate application, the division shall issue to the Secretary of State, State Superintendent of Schools, Auditor, Treasurer, Commissioner of Agriculture, and the Attorney General, the members of both houses of the Legislature, including the elected officials of both houses of the Legislature, the justices of the Supreme Court of Appeals of West Virginia, the representatives and senators of the state in the Congress of the

United States, the judges of the West Virginia circuit courts, active and retired on senior status, the judges of the United States district courts for the State of West Virginia and the judges of the United States Court of Appeals for the fourth circuit, if any of the judges are residents of West Virginia, a special registration plate for a Class A motor vehicle and a special registration plate for a Class G motorcycle owned by the official or his or her spouse: *Provided*, That the division may issue a Class A special registration plate for each vehicle titled to the official and a Class G special registration plate for each motorcycle titled to the official.

(B) Each plate issued pursuant to this subdivision shall bear any combination of letters and numbers not to exceed an amount determined by the commissioner and a designation of the office. Each plate shall supersede the regular numbered plate assigned to the official or his or her spouse during the official's term of office and while the motor vehicle is owned by the official or his or her spouse.

(C) The division shall charge an annual fee of \$15 for every registration plate issued pursuant to this subdivision, which is in addition to all other fees required by this chapter.

(3) The division may issue members of the National Guard forces special registration plates as follows:

(A) Upon receipt of an application on a form prescribed by the division and receipt of written evidence from the chief executive officer of the Army National Guard or Air National Guard, as appropriate, or the commanding officer of any United States armed forces reserve unit that the applicant is a member thereof, the division shall issue to any member of the National Guard of this state or a member of any reserve unit of the United States armed forces a special registration plate designed by the commissioner for any number of Class A motor vehicles owned by the member. Upon presentation of written evidence of retirement status, retired members of this state's Army or Air National Guard, or retired members of any reserve unit of the United States armed forces, are

eligible to purchase the special registration plate issued pursuant to this subdivision.

(B) The division shall charge an initial application fee of \$10 for each special registration plate issued pursuant to this subdivision, which is in addition to all other fees required by this chapter. Except as otherwise provided herein, effective July 1, 2007, all fees currently held in the special revolving fund used in the administration of this section and all fees collected by the division shall be deposited in the State Road Fund.

(C) A surviving spouse may continue to use his or her deceased spouse's National Guard forces license plate until the surviving spouse dies, remarries, or does not renew the license plate.

(4) Specially arranged registration plates may be issued as follows:

(A) Upon appropriate application, any owner of a motor vehicle subject to Class A registration, or a motorcycle subject to Class G registration, as defined by this article, may request that the division issue a registration plate bearing specially arranged letters or numbers with the maximum number of letters or numbers to be determined by the commissioner. The division shall attempt to comply with the request wherever possible.

(B) The commissioner shall propose rules for legislative approval in accordance with the provisions of §29A-1-1 *et seq.* of this code regarding the orderly distribution of the plates: *Provided*, That for purposes of this subdivision, the registration plates requested and issued shall include all plates bearing the numbers two through 2,000.

(C) An annual fee of \$15 shall be charged for each special registration plate issued pursuant to this subdivision, which is in addition to all other fees required by this chapter.

(5) The division may issue honorably discharged veterans special registration plates as follows:

(A) Upon appropriate application, the division shall issue to any honorably discharged veteran of any branch of the armed services of the United States a special registration plate for any number of vehicles titled in the name of the qualified applicant with an insignia designed by the Commissioner of the Division of Motor Vehicles.

(B) The division shall charge a special initial application fee of \$10 in addition to all other fees required by law. This special fee is to compensate the Division of Motor Vehicles for additional costs and services required in the issuing of the special registration. All fees collected by the division shall be deposited in the State Road Fund: *Provided*, That nothing in this section may be construed to exempt any veteran from any other provision of this chapter.

(C) A surviving spouse may continue to use his or her deceased spouse's honorably discharged veterans license plate until the surviving spouse dies, remarries, or does not renew the license plate.

(6) The division may issue disabled veterans special registration plates as follows:

(A) Upon appropriate application, the division shall issue to any disabled veteran who is exempt from the payment of registration fees under the provisions of this chapter a registration plate for a vehicle titled in the name of the qualified applicant which bears the letters 'DV' in red and also the regular identification numerals in red.

(B) A surviving spouse may continue to use his or her deceased spouse's disabled veterans license plate until the surviving spouse dies, remarries, or does not renew the license plate.

(C) A qualified disabled veteran may obtain a second disabled veterans license plate as described in this section for use on a passenger vehicle titled in the name of the qualified applicant. The division shall charge a one-time fee of \$10 to be deposited into the State Road Fund, in addition to all other fees required by this chapter, for the second plate.

(7) The division may issue recipients of the distinguished Purple Heart medal special registration plates as follows:

(A) Upon appropriate application, there shall be issued to any armed service person holding the distinguished Purple Heart medal for persons wounded in combat a registration plate for a vehicle titled in the name of the qualified applicant bearing letters or numbers. The registration plate shall be designed by the Commissioner of the Division of Motor Vehicles and shall denote that those individuals who are granted this special registration plate are recipients of the Purple Heart. All letterings shall be in purple where practical.

(B) Registration plates issued pursuant to this subdivision are exempt from all registration fees otherwise required by the provisions of this chapter.

(C) A surviving spouse may continue to use his or her deceased spouse's Purple Heart medal license plate until the surviving spouse dies, remarries, or does not renew the license plate.

(D) A recipient of the Purple Heart medal may obtain a second Purple Heart medal license plate as described in this section for use on a passenger vehicle titled in the name of the qualified applicant. The division shall charge a one-time fee of \$10 to be deposited into the State Road Fund, in addition to all other fees required by this chapter, for the second plate.

(8) The division may issue survivors of the attack on Pearl Harbor special registration plates as follows:

(A) Upon appropriate application, the owner of a motor vehicle who was enlisted in any branch of the armed services that participated in and survived the attack on Pearl Harbor on December 7, 1941, the division shall issue a special registration plate for a vehicle titled in the name of the qualified applicant. The registration plate shall be designed by the Commissioner of the Division of Motor Vehicles.

(B) Registration plates issued pursuant to this subdivision are exempt from the payment of all registration fees otherwise required by the provisions of this chapter.

(C) A surviving spouse may continue to use his or her deceased spouse's survivors of the attack on Pearl Harbor license plate until the surviving spouse dies, remarries, or does not renew the license plate.

(D) A survivor of the attack on Pearl Harbor may obtain a second survivors of the attack on Pearl Harbor license plate as described in this section for use on a passenger vehicle titled in the name of the qualified applicant. The division shall charge a one-time fee of \$10 to be deposited into the State Road Fund, in addition to all other fees required by this chapter, for the second plate.

(9) The division may issue special registration plates to nonprofit charitable and educational organizations authorized under prior enactment of this subdivision as follows:

(A) Approved nonprofit charitable and educational organizations previously authorized under the prior enactment of this subdivision may accept and collect applications for special registration plates from owners of Class A motor vehicles together with a special annual fee of \$15, which is in addition to all other fees required by this chapter. The applications and fees shall be submitted to the Division of Motor Vehicles with the request that the division issue a registration plate bearing a combination of letters or numbers with the organization's logo or emblem, with the maximum number of letters or numbers to be determined by the commissioner.

(B) The commissioner shall propose rules for legislative approval in accordance with the provisions of §29A-3-1 *et seq.* of this code regarding the procedures for and approval of special registration plates issued pursuant to this subdivision.

(C) The commissioner shall set an appropriate fee to defray the administrative costs associated with designing and manufacturing

special registration plates for a nonprofit charitable or educational organization. The nonprofit charitable or educational organization shall collect this fee and forward it to the division for deposit in the State Road Fund. The nonprofit charitable or educational organization may also collect a fee for marketing the special registration plates.

(10) The division may issue specified emergency or volunteer registration plates as follows:

(A) Any owner of a motor vehicle who is a resident of the State of West Virginia and who is a certified paramedic or emergency medical technician, a member of a paid fire department, a member of the State Fire Commission, the State Fire Marshal, the State Fire Marshal's assistants, the State Fire Administrator, and voluntary rescue squad members may apply for a special license plate for any number of Class A vehicles titled in the name of the qualified applicant which bears the insignia of the profession, group, or commission. Any insignia shall be designed by the commissioner. License plates issued pursuant to this subdivision shall bear the requested insignia in addition to the registration number issued to the applicant pursuant to the provisions of this article.

(B) Each application submitted pursuant to this subdivision shall be accompanied by an affidavit signed by the fire chief or department head of the applicant stating that the applicant is justified in having a registration with the requested insignia; proof of compliance with all laws of this state regarding registration and licensure of motor vehicles; and payment of all required fees.

(C) Each application submitted pursuant to this subdivision shall be accompanied by payment of a special initial application fee of \$10, which is in addition to any other registration or license fee required by this chapter. All special fees shall be collected by the division and deposited into the State Road Fund.

(11) The division may issue specified certified firefighter registration plates as follows:

(A) Any owner of a motor vehicle who is a resident of the State of West Virginia and who is a certified firefighter may apply for a special license plate which bears the insignia of the profession, for any number of Class A vehicles titled in the name of the qualified applicant. Any insignia shall be designed by the commissioner. License plates issued pursuant to this subdivision shall bear the requested insignia pursuant to the provisions of this article. Upon presentation of written evidence of certification as a certified firefighter, certified firefighters are eligible to purchase the special registration plate issued pursuant to this subdivision.

(B) Each application submitted pursuant to this subdivision shall be accompanied by an affidavit stating that the applicant is justified in having a registration with the requested insignia; proof of compliance with all laws of this state regarding registration and licensure of motor vehicles; and payment of all required fees. The firefighter certification department, section, or division of the West Virginia University fire service extension shall notify the commissioner in writing immediately when a firefighter loses his or her certification. If a firefighter loses his or her certification, the commissioner may not issue him or her a license plate under this subdivision.

(C) Each application submitted pursuant to this subdivision shall be accompanied by payment of a special initial application fee of \$10, which is in addition to any other registration or license fee required by this chapter. All special fees shall be collected by the division and deposited into the State Road Fund.

(12) The division may issue special scenic registration plates as follows:

(A) Upon appropriate application, the commissioner shall issue a special registration plate displaying a scenic design of West Virginia which displays the words 'Wild Wonderful' as a slogan.

(B) The division shall charge a special one-time initial application fee of \$10 in addition to all other fees required by this chapter. All initial application fees collected by the division shall be deposited into the State Road Fund.

(13) The division may issue honorably discharged Marine Corps League members special registration plates as follows:

(A) Upon appropriate application, the division shall issue to any honorably discharged Marine Corps League member a special registration plate for any number of vehicles titled in the name of the qualified applicant with an insignia designed by the Commissioner of the Division of Motor Vehicles.

(B) The division may charge a special one-time initial application fee of \$10 in addition to all other fees required by this chapter. This special fee is to compensate the Division of Motor Vehicles for additional costs and services required in the issuing of the special registration and shall be collected by the division and deposited in the State Road Fund: *Provided*, That nothing in this section may be construed to exempt any veteran from any other provision of this chapter.

(C) A surviving spouse may continue to use his or her deceased spouse's honorably discharged Marine Corps League license plate until the surviving spouse dies, remarries, or does not renew the license plate.

(14) The division may issue military organization registration plates as follows:

(A) The division may issue a special registration plate for the members of any military organization chartered by the United States Congress upon receipt of a guarantee from the organization of a minimum of 100 applicants. The insignia on the plate shall be designed by the commissioner.

(B) Upon appropriate application, the division may issue members of the chartered organization in good standing, as determined by the governing body of the chartered organization, a special registration plate for any number of vehicles titled in the name of the qualified applicant.

(C) The division shall charge a special one-time initial application fee of \$10 for each special license plate in addition to all other fees required by this chapter. All initial application fees

collected by the division shall be deposited into the State Road Fund: *Provided*, That nothing in this section may be construed to exempt any veteran from any other provision of this chapter.

(D) A surviving spouse may continue to use his or her deceased spouse's military organization registration plate until the surviving spouse dies, remarries, or does not renew the special military organization registration plate.

(15) The division may issue special nongame wildlife registration plates and special wildlife registration plates as follows:

(A) Upon appropriate application, the division shall issue a special registration plate displaying a species of West Virginia wildlife which shall display a species of wildlife native to West Virginia as prescribed and designated by the commissioner and the Director of the Division of Natural Resources.

(B) The division shall charge an annual fee of \$15 for each special nongame wildlife registration plate and each special wildlife registration plate in addition to all other fees required by this chapter. All annual fees collected for nongame wildlife registration plates and wildlife registration plates shall be deposited in a special revenue account designated the Nongame Wildlife Fund and credited to the Division of Natural Resources.

(C) The division shall charge a special one-time initial application fee of \$10 in addition to all other fees required by this chapter. All initial application fees collected by the division shall be deposited in the State Road Fund.

(16) The division may issue members of the Silver Haired Legislature special registration plates as follows:

(A) Upon appropriate application, the division shall issue to any person who is a duly qualified member of the Silver Haired Legislature a specialized registration plate which bears recognition of the applicant as a member of the Silver Haired Legislature.

(B) A qualified member of the Silver Haired Legislature may obtain one registration plate described in this subdivision for use on a passenger vehicle titled in the name of the qualified applicant. The division shall charge an annual fee of \$15, in addition to all other fees required by this chapter, for the plate. All annual fees collected by the division shall be deposited in the State Road Fund.

(17) Upon appropriate application, the commissioner shall issue to a classic motor vehicle or classic motorcycle, as defined in §17A-10-3a of this code, a special registration plate designed by the commissioner. An annual fee of \$15, in addition to all other fees required by this chapter, shall be charged for each classic registration plate.

(18) Honorably discharged veterans may be issued special registration plates for motorcycles subject to Class G registration as follows:

(A) Upon appropriate application, there shall be issued to any honorably discharged veteran of any branch of the armed services of the United States a special registration plate for any number of motorcycles subject to Class G registration titled in the name of the qualified applicant with an insignia designed by the Commissioner of the Division of Motor Vehicles.

(B) A special initial application fee of \$10 shall be charged in addition to all other fees required by law. This special fee is to be collected by the division and deposited in the State Road Fund: *Provided*, That nothing in this section may be construed to exempt any veteran from any other provision of this chapter.

(C) A surviving spouse may continue to use his or her deceased spouse's honorably discharged veterans license plate until the surviving spouse dies, remarries, or does not renew the license plate.

(19) Racing theme special registration plates:

(A) The division may issue a series of special registration plates displaying National Association for Stock Car Auto Racing themes.

(B) An annual fee of \$25 shall be charged for each special racing theme registration plate in addition to all other fees required by this chapter. All annual fees collected for each special racing theme registration plate shall be deposited into the State Road Fund.

(C) A special application fee of \$10 shall be charged at the time of initial application as well as upon application for any duplicate or replacement registration plate, in addition to all other fees required by this chapter. All application fees shall be deposited into the State Road Fund.

(20) The division may issue recipients of the Navy Cross, Distinguished Service Cross, Distinguished Flying Cross, Air Force Cross, Bronze Star, Silver Star, or Air Medal special registration plates as follows:

(A) Upon appropriate application, the division shall issue to any recipient of the Navy Cross, Distinguished Service Cross, Distinguished Flying Cross, Air Force Cross, Silver Star, Bronze Star, or Air Medal, a registration plate for any number of vehicles titled in the name of the qualified applicant bearing letters or numbers. A separate registration plate shall be designed by the Commissioner of the Division of Motor Vehicles for each award that denotes that those individuals who are granted this special registration plate are recipients of the Navy Cross, Distinguished Service Cross, Distinguished Flying Cross, Air Force Cross, Silver Star, Bronze Star, or Air Medal as applicable.

(B) The division shall charge a special initial application fee of \$10 in addition to all other fees required by law. This special fee shall be collected by the division and deposited in the State Road Fund: *Provided*, That nothing in this section exempts the applicant for a special registration plate under this subdivision from any other provision of this chapter.

(C) A surviving spouse may continue to use his or her deceased spouse's Navy Cross, Distinguished Service Cross, Distinguished Flying Cross, Air Force Cross, Silver Star, Bronze Star, or Air

Medal special registration plate until the surviving spouse dies, remarries, or does not renew the special registration plate.

(21) The division may issue honorably discharged veterans special registration plates as follows:

(A) Upon appropriate application, the division shall issue to any honorably discharged veteran of any branch of the armed services of the United States with verifiable service during World War II, the Korean War, the Vietnam War, the Persian Gulf War, or the War Against Terrorism a special registration plate for any number of vehicles titled in the name of the qualified applicant with an insignia designed by the commissioner denoting service in the applicable conflict.

(B) The division shall charge a special one-time initial application fee of \$10 in addition to all other fees required by law. This special fee shall be collected by the division and deposited in the State Road Fund: *Provided*, That nothing contained in this section may be construed to exempt any veteran from any other provision of this chapter.

(C) A surviving spouse may continue to use his or her deceased spouse's honorably discharged veterans' registration plate until the surviving spouse dies, remarries, or does not renew the special registration plate.

(22) The division may issue special volunteer firefighter registration plates as follows:

(A) Any owner of a motor vehicle who is a resident of West Virginia and who is a volunteer firefighter may apply for a special license plate for any Class A vehicle titled in the name of the qualified applicant which bears the insignia of the profession in white letters on a red background. The insignia shall be designed by the commissioner and shall contain a fireman's helmet insignia on the left side of the license plate.

(B) Each application submitted pursuant to this subdivision shall be accompanied by an affidavit signed by the applicant's fire chief, stating that the applicant is a volunteer firefighter and

justified in having a registration plate with the requested insignia. The applicant must comply with all other laws of this state regarding registration and licensure of motor vehicles and must pay all required fees.

(C) Each application submitted pursuant to this subdivision shall be accompanied by payment of a special one-time initial application fee of \$10, which is in addition to any other registration or license fee required by this chapter. All application fees shall be deposited into the State Road Fund.

(23) The division may issue special registration plates which reflect patriotic themes, including the display of any United States symbol, icon, phrase, or expression which evokes patriotic pride or recognition. The division shall also issue registration plates with the words ‘In God We Trust’:

(A) Upon appropriate application, the division shall issue to an applicant a registration plate of the applicant’s choice, displaying a patriotic theme as provided in this subdivision, for a vehicle titled in the name of the applicant. A series of registration plates displaying patriotic themes shall be designed by the Commissioner of the Division of Motor Vehicles for distribution to applicants.

(B) The division shall charge a special one-time initial application fee of \$10 in addition to all other fees required by law. This special fee shall be collected by the division and deposited in the State Road Fund.

(C) The provisions of §17A-3-14(d) of this code are not applicable for the issuance of the license plates designated by this subdivision.

(24) Special license plates bearing the American flag and the logo ‘9/11/01’:

(A) Upon appropriate application, the division shall issue special registration plates which shall display the American flag and the logo ‘9/11/01’.

(B) An annual fee of \$15 shall be charged for each plate in addition to all other fees required by this chapter.

(C) A special application fee of \$10 shall be charged at the time of initial application as well as upon application for any duplicate or replacement registration plate, in addition to all other fees required by this chapter. All application fees shall be deposited into the State Road Fund.

(25) The division may issue a special registration plate celebrating the centennial of the 4-H youth development movement and honoring the Future Farmers of America organization as follows:

(A) Upon appropriate application, the division may issue a special registration plate depicting the symbol of the 4-H organization which represents the head, heart, hands, and health as well as the symbol of the Future Farmers of America organization which represents a cross section of an ear of corn for any number of vehicles titled in the name of the qualified applicant.

(B) The division shall charge a special initial application fee of \$10 in addition to all other fees required by law. This special fee shall be collected by the division and deposited in the State Road Fund.

(C) The division shall charge an annual fee of \$15 for each special 4-H Future Farmers of America registration plate in addition to all other fees required by this chapter.

(26) The division may issue special registration plates to educators in the state's elementary and secondary schools and in the state's institutions of higher education as follows:

(A) Upon appropriate application, the division may issue a special registration plate designed by the commissioner for any number of vehicles titled in the name of the qualified applicant.

(B) The division shall charge a special initial application fee of \$10 in addition to all other fees required by law. This special fee

shall be collected by the division and deposited in the State Road Fund.

(C) The division shall charge an annual fee of \$15 for each special educator registration plate in addition to all other fees required by this chapter.

(27) The division may issue special registration plates to members of the Nemesis Shrine as follows:

(A) Upon appropriate application, the division may issue a special registration plate designed by the commissioner for any number of vehicles titled in the name of the qualified applicant. Persons desiring the special registration plate shall offer sufficient proof of membership in Nemesis Shrine.

(B) The division shall charge a special initial application fee of \$10 in addition to all other fees required by law. This special fee shall be collected by the division and deposited in the State Road Fund.

(C) An annual fee of \$15 shall be charged for each plate in addition to all other fees required by this chapter.

(D) Notwithstanding the provisions of §17A-3-14(d) of this code, the time period for the Nemesis Shrine to comply with the minimum 100 prepaid applications is hereby extended to January 15, 2005.

(28) The division may issue volunteers and employees of the American Red Cross special registration plates as follows:

(A) Upon appropriate application, the division shall issue to any person who is a duly qualified volunteer or employee of the American Red Cross a specialized registration plate which bears recognition of the applicant as a volunteer or employee of the American Red Cross for any number of vehicles titled in the name of the qualified applicant.

(B) The division shall charge a special initial application fee of \$10 in addition to all other fees required by law. This special fee

shall be collected by the division and deposited in the State Road Fund.

(C) An annual fee of \$15 shall be charged for each plate in addition to all other fees required by this chapter.

(29) The division shall issue special registration plates to individuals who have received either the Combat Infantry Badge or the Combat Medic Badge as follows:

(A) Upon appropriate application, the division shall issue a special registration plate designed by the commissioner for any number of vehicles titled in the name of the qualified applicant. Persons desiring the special registration plate shall offer sufficient proof that they have received either the Combat Infantry Badge or the Combat Medic Badge.

(B) The division shall charge a special initial application fee of \$10 in addition to all other fees required by law. This special fee shall be collected by the division and deposited in the State Road Fund.

(30) The division may issue special registration plates to members of the Knights of Columbus as follows:

(A) Upon appropriate application, the division shall issue a special registration plate designed by the commissioner for any number of vehicles titled in the name of the qualified applicant. Persons desiring the special registration plate shall offer sufficient proof of membership in the Knights of Columbus.

(B) The division shall charge a special initial application fee of \$10 in addition to all other fees required by law. This special fee shall be collected by the division and deposited in the State Road Fund.

(C) An annual fee of \$15 shall be charged for each plate in addition to all other fees required by this chapter.

(D) Notwithstanding the provisions of §17A-3-14(d) of this code, the time period for the Knights of Columbus to comply with

the minimum 100 prepaid applications is hereby extended to January 15, 2007.

(31) The division may issue special registration plates to former members of the Legislature as follows:

(A) Upon appropriate application, the division shall issue a special registration plate designed by the commissioner for any number of vehicles titled in the name of the qualified applicant. Persons desiring the special registration plate shall offer sufficient proof of former service as an elected or appointed member of the West Virginia House of Delegates or the West Virginia Senate.

(B) The division shall charge a special initial application fee of \$10 in addition to all other fees required by law. This special fee shall be collected by the division and deposited in the State Road Fund. The design of the plate shall indicate total years of service in the Legislature.

(C) An annual fee of \$15 shall be charged for each plate in addition to all other fees required by this chapter.

(32) Democratic state or county executive committee member special registration plates:

(A) The division shall design and issue special registration plates for use by democratic state or county executive committee members. The design of the plates shall include an insignia of a donkey and shall differentiate by wording on the plate between state and county executive committee members.

(B) An annual fee of \$25 shall be charged for each democratic state or county executive committee member registration plate in addition to all other fees required by this chapter. All annual fees collected for each special plate issued under this subdivision shall be deposited into the State Road Fund.

(C) A special application fee of \$10 shall be charged at the time of initial application as well as upon application for any duplicate or replacement registration plate, in addition to all other fees

required by this chapter. All application fees shall be deposited into the State Road Fund.

(D) The division shall not begin production of a plate authorized under the provisions of this subdivision until the division receives at least 100 completed applications from the state or county executive committee members, including all fees required pursuant to this subdivision.

(E) Notwithstanding the provisions of §17A-3-14(d) of this code, the time period for the democratic executive committee to comply with the minimum 100 prepaid applications is hereby extended to January 15, 2005.

(33) The division may issue honorably discharged female veterans' special registration plates as follows:

(A) Upon appropriate application, there shall be issued to any female honorably discharged veteran, of any branch of the armed services of the United States, a special registration plate for any number of vehicles titled in the name of the qualified applicant with an insignia designed by the Commissioner of the Division of Motor Vehicles to designate the recipient as a woman veteran.

(B) A special initial application fee of \$10 shall be charged in addition to all other fees required by law. This special fee shall be collected by the division and deposited in the State Road Fund: *Provided*, That nothing in this section may be construed to exempt any veteran from any other provision of this chapter.

(C) A surviving spouse may continue to use his deceased spouse's honorably discharged veterans license plate until the surviving spouse dies, remarries, or does not renew the license plate.

(34) The division may issue special registration plates bearing the logo, symbol, insignia, letters, or words demonstrating association with West Liberty State College to any resident owner of a motor vehicle. Resident owners may apply for the special license plate for any number of Class A vehicles titled in the name of the applicant. The special registration plates shall be designed

by the commissioner. Each application submitted pursuant to this subdivision shall be accompanied by payment of a special initial application fee of \$15, which is in addition to any other registration or license fee required by this chapter. The division shall charge an annual fee of \$15 for each special registration plate in addition to all other fees required by this chapter. All special fees shall be collected by the division and deposited into the State Road Fund.

(35) The division may issue special registration plates to members of the Harley Owners Group as follows:

(A) Upon appropriate application, the division may issue a special registration plate designed by the commissioner for any number of vehicles titled in the name of the qualified applicant. Persons desiring the special registration plate shall offer sufficient proof of membership in the Harley Owners Group.

(B) The division shall charge a special initial application fee of \$10 in addition to all other fees required by law. This special fee shall be collected by the division and deposited in the State Road Fund.

(C) An annual fee of \$15 shall be charged for each plate in addition to all other fees required by this chapter.

(36) The division may issue special registration plates for persons retired from any branch of the armed services of the United States as follows:

(A) Upon appropriate application, there shall be issued to any person who has retired after service in any branch of the armed services of the United States, a special registration plate for any number of vehicles titled in the name of the qualified applicant with an insignia designed by the Commissioner of the Division of Motor Vehicles to designate the recipient as retired from the armed services of the United States.

(B) A special initial application fee of \$10 shall be charged in addition to all other fees required by law. This special fee shall be collected by the division and deposited in the State Road Fund:

Provided, That nothing in this section may be construed to exempt any registrants from any other provision of this chapter.

(C) A surviving spouse may continue to use his or her deceased spouse's retired military license plate until the surviving spouse dies, remarries, or does not renew the license plate.

(37) The division may issue special registration plates bearing the logo, symbol, insignia, letters, or words demonstrating association with or support for Fairmont State College as follows:

(A) Upon appropriate application, the division may issue a special registration plate designed by the commissioner for any number of vehicles titled in the name of the qualified applicant.

(B) The division shall charge a special initial application fee of \$10 in addition to all other fees required by law. This special fee shall be collected by the division and deposited in the State Road Fund.

(C) An annual fee of \$15 shall be charged for each plate in addition to all other fees required by this chapter.

(38) The division may issue special registration plates honoring the farmers of West Virginia, and the division may issue special beekeeper pollinator registration plates as follows:

(A) ~~Any owner of a motor vehicle who is a resident of West Virginia may apply for a special license plate~~ Upon appropriate application, the division shall issue a special registration plate depicting a farming scene or other apt reference to farming, whether in pictures or words, at the discretion of the commissioner. Upon appropriate application, the division shall issue a special registration plate displaying a pollinator species or advocating its protection as prescribed and designated by the commissioner.

(B) The division shall charge a special initial application fee of \$10 for each plate in addition to all other fees required by law. This special fee shall be collected by the division and deposited in the State Road Fund.

(C) An annual fee of \$15 shall be charged for each plate in addition to all other fees required by this chapter.

(39) The division shall issue special registration plates promoting education as follows:

(A) Upon appropriate application, the division shall issue a special registration plate displaying a children's education-related theme as prescribed and designated by the commissioner and the State Superintendent of Schools.

(B) The division shall charge a special initial application fee of \$10 in addition to all other fees required by law. This special fee shall be collected by the division and deposited in the State Road Fund.

(C) An annual fee of \$15 shall be charged for each plate in addition to all other fees required by this chapter.

(40) The division may issue members of the 82nd Airborne Division Association special registration plates as follows:

(A) The division may issue a special registration plate for members of the 82nd Airborne Division Association upon receipt of a guarantee from the organization of a minimum of 100 applicants. The insignia on the plate shall be designed by the commissioner.

(B) Upon appropriate application, the division may issue members of the 82nd Airborne Division Association in good standing, as determined by the governing body of the organization, a special registration plate for any number of vehicles titled in the name of the qualified applicant.

(C) The division shall charge a special one-time initial application fee of \$10 for each special license plate in addition to all other fees required by this chapter. All initial application fees collected by the division shall be deposited into the State Road Fund: *Provided*, That nothing in this section may be construed to exempt the applicant from any other provision of this chapter.

(D) A surviving spouse may continue to use his or her deceased spouse's special 82nd Airborne Division Association registration plate until the surviving spouse dies, remarries, or does not renew the special registration plate.

(41) The division may issue special registration plates supporting law-enforcement officers, and the division may issue special registration plates to survivors of wounds received in the line of duty as a member with a West Virginia law-enforcement agency as follows:

(A) Upon appropriate application, the division shall issue a special registration plate designed by the commissioner which recognizes, supports, and honors the men and women of law-enforcement and includes the words 'Back the Blue'. Upon appropriate application, the division shall issue to any member of a municipal police department, sheriff's department, the State Police, or the law-enforcement division of the Division of Natural Resources who has been wounded in the line of duty and awarded a Purple Heart in recognition thereof by the West Virginia Chiefs of Police Association, the West Virginia Sheriffs' Association, the West Virginia Troopers Association, or the Division of Natural Resources a special registration plate for one vehicle titled in the name of the qualified applicant with an insignia appropriately designed by the commissioner.

(B) For special registration plates supporting law-enforcement officers, the division shall charge a special initial application fee of \$10 in addition to all other fees required by law. This special fee shall be collected by the division and deposited in the State Road Fund. An annual fee of \$15 shall be charged for each plate supporting law-enforcement officers in addition to all other fees required by this chapter.

(C) Registration plates issued pursuant to this subdivision to survivors of wounds received in the line of duty as a member with a West Virginia law-enforcement agency are exempt from the registration fees otherwise required by the provisions of this chapter. (C) A surviving spouse may continue to use his or her deceased spouse's special registration plate until the surviving

spouse dies, remarries, or does not renew the plate. ~~(D)~~ Survivors of wounds received in the line of duty as a member with a West Virginia law-enforcement agency may obtain a license plate as described in this subdivision for use on a passenger vehicle titled in the name of the qualified applicant. The division shall charge a one-time fee of \$10 to be deposited into the State Road Fund, in addition to all other fees required by this chapter, for the second plate.

(42) The division may issue a special registration plate for persons who are Native-Americans and residents of this state:

(A) Upon appropriate application, the division shall issue to an applicant who is a Native-American resident of West Virginia a registration plate for a vehicle titled in the name of the applicant with an insignia designed by the Commissioner of the Division of Motor Vehicles to designate the recipient as a Native-American.

(B) The division shall charge a special one-time initial application fee of \$10 in addition to all other fees required by law. This special fee shall be collected by the division and deposited in the State Road Fund.

(C) An annual fee of \$15 shall be charged for each plate in addition to all other fees required by this chapter.

(43) The division may issue special registration plates commemorating the centennial anniversary of the creation of Davis and Elkins College as follows:

(A) Upon appropriate application, the division may issue a special registration plate designed by the commissioner to commemorate the centennial anniversary of Davis and Elkins College for any number of vehicles titled in the name of the applicant.

(B) The division shall charge a special initial application fee of \$10. This special fee shall be collected by the division and deposited in the State Road Fund.

(C) An annual fee of \$15 shall be charged for each plate in addition to all other fees required by this chapter.

(44) The division may issue special registration plates recognizing and honoring breast cancer survivors. The division may also issue special registration plates to support a cure for childhood cancer:

(A) Upon appropriate application, the division may issue a special registration plate designed by the commissioner to recognize and honor breast cancer survivors, such plate to incorporate somewhere in the design the 'pink ribbon emblem', for any number of vehicles titled in the name of the applicant. Upon appropriate application, the division may also issue a special registration plate designed by the commissioner to support a cure for childhood cancer, such plate to incorporate somewhere in the design the gold ribbon emblem with 'WV Kids Cancer Crusaders' below or next to the emblem and 'Cure Childhood Cancer' at the bottom of the plate, for any number of vehicles titled in the name of the applicant.

(B) The division shall charge a special initial application fee of \$10. This special fee shall be deposited in the State Road Fund.

(C) An annual fee of \$15 shall be charged for each plate in addition to all other fees required by this chapter.

(45) The division may issue special registration plates to members of the Knights of Pythias or Pythian Sisters as follows:

(A) Upon appropriate application, the division may issue a special registration plate designed by the commissioner for any number of vehicles titled in the name of the qualified applicant. Persons desiring the special registration plate shall offer sufficient proof of membership in the Knights of Pythias or Pythian Sisters.

(B) The division shall charge a special initial application fee of \$10 in addition to all other fees required by law. This special fee shall be collected by the division and deposited in the State Road Fund.

(C) An annual fee of \$15 shall be charged for each plate in addition to all other fees required by this chapter.

(46) The commissioner may issue special registration plates for whitewater rafting enthusiasts as follows:

(A) Upon appropriate application, the division may issue a special registration plate designed by the commissioner for any number of vehicles titled in the name of the qualified applicant.

(B) The division shall charge a special initial application fee of \$10 in addition to all other fees required by law. This special fee shall be collected by the division and deposited in the State Road Fund.

(C) The division shall charge an annual fee of \$15 for each special registration plate in addition to all other fees required by this chapter.

(47) The division may issue special registration plates to members of Lions International as follows:

(A) Upon appropriate application, the division may issue a special registration plate designed by the commissioner in consultation with Lions International for any number of vehicles titled in the name of the qualified applicant. Persons desiring the special registration plate shall offer sufficient proof of membership in Lions International.

(B) The division shall charge a special initial application fee of \$10 in addition to all other fees required by law. This special fee shall be collected by the division and deposited in the State Road Fund.

(C) An annual fee of \$15 shall be charged for each plate in addition to all other fees required by this chapter.

(48) The division may issue special registration plates supporting organ donation as follows:

(A) Upon appropriate application, the division may issue a special registration plate designed by the commissioner which recognizes, supports, and honors organ and tissue donors and includes the words 'Donate Life'.

(B) The division shall charge a special initial application fee of \$10 in addition to all other fees required by law. This special fee shall be collected by the division and deposited in the State Road Fund.

(C) An annual fee of \$15 shall be charged for each plate in addition to all other fees required by this chapter.

(49) The division may issue special registration plates to members of the West Virginia Bar Association as follows:

(A) Upon appropriate application, the division may issue a special registration plate designed by the commissioner in consultation with the West Virginia Bar Association for any number of vehicles titled in the name of the qualified applicant. Persons desiring the special registration plate shall offer sufficient proof of membership in the West Virginia Bar Association.

(B) The division shall charge a special initial application fee of \$10 in addition to all other fees required by law. This special fee shall be collected by the division and deposited in the State Road Fund.

(C) An annual fee of \$15 shall be charged for each plate in addition to all other fees required by this chapter.

(50) The division may issue special registration plates bearing an appropriate logo, symbol, or insignia combined with the words 'SHARE THE ROAD' designed to promote bicycling in the state as follows:

(A) Upon appropriate application, the division may issue a special registration plate designed by the commissioner for any number of vehicles titled in the name of the applicant.

(B) The division shall charge a special initial application fee of \$10 in addition to all other fees required by law. This special fee shall be collected by the division and deposited in the State Road Fund.

(C) An annual fee of \$15 shall be charged for each plate in addition to all other fees required by this chapter.

(51) The division may issue special registration plates honoring coal miners and the coal industry as follows:

(A) Upon appropriate application, the division shall issue a special registration plate depicting and displaying coal miners in mining activities as prescribed and designated by the commissioner and the board of the National Coal Heritage Area Authority. The division may also issue registration plates with the words 'Friends of Coal'.

(B) The division shall charge a special initial application fee of \$10 in addition to all other fees required by law. This special fee shall be collected by the division and deposited in the State Road Fund.

(C) An annual fee of \$15 shall be charged for each plate in addition to all other fees required by this chapter.

(D) The provisions of §17A-3-14(d) of this code are not applicable for the issuance of ~~the~~ license plates designated by this subdivision.

(52) The division may issue special registration plates to present and former Boy Scouts as follows:

(A) Upon appropriate application, the division may issue a special registration plate designed by the commissioner for any number of vehicles titled in the name of the qualified applicant. Persons desiring the special registration plate shall offer sufficient proof of present or past membership in the Boy Scouts as either a member or a leader.

(B) The division shall charge a special initial application fee of \$10 in addition to all other fees required by law. This special fee shall be collected by the division and deposited in the State Road Fund.

(C) An annual fee of \$15 shall be charged for each plate in addition to all other fees required by this chapter.

(53) The division may issue special registration plates to present and former Boy Scouts who have achieved Eagle Scout status as follows:

(A) Upon appropriate application, the division may issue a special registration plate designed by the commissioner for any number of vehicles titled in the name of the qualified applicant. Persons desiring the special registration plate shall offer sufficient proof of achievement of Eagle Scout status.

(B) The division shall charge a special initial application fee of \$10 in addition to all other fees required by law. This special fee shall be deposited in the State Road Fund.

(C) An annual fee of \$15 shall be charged for each plate in addition to all other fees required by this chapter.

(54) The division may issue special registration plates recognizing and memorializing victims of domestic violence:

(A) Upon appropriate application, the division may issue a special registration plate designed by the commissioner to recognize and memorialize victims of domestic violence, such plate to incorporate somewhere in the design the 'purple ribbon emblem', for any number of vehicles titled in the name of the applicant.

(B) The division shall charge a special initial application fee of \$10. This special fee shall be deposited in the State Road Fund.

(C) An annual fee of \$15 shall be charged for each plate in addition to all other fees required by this chapter.

(55) The division may issue special registration plates bearing the logo, symbol, insignia, letters, or words demonstrating association with or support for the University of Charleston as follows:

(A) Upon appropriate application, the division may issue a special registration plate designed by the commissioner for any number of vehicles titled in the name of the qualified applicant.

(B) The division shall charge a special initial application fee of \$10 in addition to all other fees required by law. This special fee shall be collected by the division and deposited in the State Road Fund.

(C) An annual fee of \$15 shall be charged for each plate in addition to all other fees required by this chapter.

(56) The division may issue special registration plates to members of the Sons of the American Revolution as follows:

(A) Upon appropriate application, the division may issue a special registration plate designed by the commissioner in consultation with the Sons of the American Revolution for any number of vehicles titled in the name of the qualified applicant. Persons desiring the special registration plate shall offer sufficient proof of membership in the Sons of the American Revolution.

(B) The division shall charge a special initial application fee of \$10 in addition to all other fees required by law. This special fee shall be collected by the division and deposited in the State Road Fund.

(C) An annual fee of \$15 shall be charged for each plate in addition to all other fees required by this chapter.

(57) The commissioner may issue special registration plates for horse enthusiasts as follows:

(A) Upon appropriate application, the division may issue a special registration plate designed by the commissioner for any number of vehicles titled in the name of the qualified applicant.

(B) The division shall charge a special initial application fee of \$10 in addition to all other fees required by law. This special fee shall be collected by the division and deposited in the State Road Fund.

(C) The division shall charge an annual fee of \$15 for each special registration plate in addition to all other fees required by this chapter.

(58) The commissioner may issue special registration plates to the next of kin of a member of any branch of the armed services of the United States killed in combat as follows:

(A) Upon appropriate application, the division shall issue a special registration plate for any number of vehicles titled in the name of a qualified applicant depicting the Gold Star awarded by the United States Department of Defense as prescribed and designated by the commissioner.

(B) The next of kin shall provide sufficient proof of receiving a Gold Star lapel button from the United States Department of Defense in accordance with Public Law 534, 89th Congress, and criteria established by the United States Department of Defense, including criteria to determine next of kin.

(C) The division shall charge a special initial application fee of \$10 in addition to all other fees required by law. This special fee shall be collected by the division and deposited in the State Road Fund.

(D) The provisions of §17A-3-14(d) of this code are not applicable for the issuance of ~~the~~ special license plates designated by this subdivision.

(59) The commissioner may issue special registration plates for retired or former justices of the Supreme Court of Appeals of West Virginia as follows:

(A) Upon appropriate application, the division may issue a special registration plate designed by the commissioner for any number of vehicles titled in the name of the qualified applicant.

(B) The division shall charge a special initial application fee of \$10 in addition to all other fees required by law. This special fee shall be collected by the division and deposited in the State Road Fund.

(C) The division shall charge an annual fee of \$15 for each special registration plate in addition to all other fees required by this chapter.

(D) The provisions of §17A-3-14(d) of this code are not applicable for the issuance of ~~the~~ special license plates designated by this subdivision.

(60) Upon approval by the commissioner of an appropriate application, and upon all requirements of this subdivision being satisfied, the division may issue special registration plates for Class A and Class G motor vehicles to members of an organization for which a special registration plate has not been issued pursuant to any other subdivision in this subsection prior to January 1, 2010, in accordance with the provisions of this subdivision:

(A) An organization desiring to create a special registration plate must comply with the following requirements to be eligible to apply for the creation and issuance of a special registration plate:

(i) The organization must be a nonprofit organization organized and existing under Section 501(c)(3) of Title 26 of the Internal Revenue Code and based, headquartered, or have a chapter in West Virginia;

(ii) The organization may be organized for, but may not be restricted to, social, civic, higher education, or entertainment purposes;

(iii) The organization may not be a political party and may not have been created or exist primarily to promote a specific political or social belief, as determined by the commissioner in his or her sole discretion;

(iv) The organization may not have as its primary purpose the promotion of any specific faith, religion, religious belief, or antireligion;

(v) The name of the organization may not be the name of a special product or brand name, and may not be construed, as determined by the commissioner, as promoting a product or brand name; and

(vi) The organization's lettering, logo, image, or message to be placed on the registration plate, if created, may not be obscene, offensive, or objectionable as determined by the commissioner in his or her sole discretion.

(B) Beginning July 1, 2010, an organization requesting the creation and issuance of a special registration plate may make application with the division. The application shall include sufficient information, as determined by the commissioner, to determine whether the special registration plate requested and the organization making the application meet all of the requirements set forth in this subdivision. The application shall also include a proposed design, including lettering, logo, image, or message to be placed on the registration plate. The commissioner shall notify the organization of the commissioner's approval or disapproval of the application.

(C)(i) The commissioner may not begin the design or production of any license plates authorized and approved pursuant to this subdivision until the organization which applied for the special registration plate has collected and submitted collectively to the division applications completed by at least 250 persons and collectively deposited with the division all fees necessary to cover the first year's basic registration, one-time design and manufacturing costs, and to cover the first year additional annual fee for all of the applications submitted.

(ii) If the organization fails to submit the required number of applications and fees within six months of the effective date of the approval of the application for the plate by the commissioner, the plate will not be produced until a new application is submitted and

is approved by the commissioner: *Provided*, That an organization that is unsuccessful in obtaining the minimum number of applications may not make a new application for a special plate until at least two years have passed since the approval of the previous application of the organization.

(D) The division shall charge a special initial application fee of \$25 for each special license plate in addition to all other fees required by law. This special fee shall be collected by the division and deposited in the State Road Fund.

(E) The division shall charge an annual fee of \$15 for each special registration plate in addition to all other fees required by this chapter.

(F) Upon appropriate application, the division may issue a special registration plate designed by the commissioner in consultation with the organization for any number of vehicles titled in the name of a qualified registration plate applicant. Persons desiring the special registration plate shall offer sufficient proof of membership in the organization.

(G) The commissioner shall discontinue the issuance or renewal of the registration of any special plate issued pursuant to this subdivision if:

(i) The number of valid registrations for the specialty plate falls below 250 plates for at least 12 consecutive months; or

(ii) The organization no longer exists or no longer meets the requirements of this subdivision.

(d) The minimum number of applications required prior to design and production of a special license plate shall be as follows:

(1) The commissioner may not begin the design or production of any license plates for which eligibility is based on membership or affiliation with a particular private organization until at least 100 persons complete an application and deposit with the organization a check to cover the first year's basic registration, one-time design and manufacturing costs, and to cover the first year additional

annual fee. If the organization fails to submit the required number of applications with attached checks within six months of the effective date of the original authorizing legislation, the plate will not be produced and will require legislative reauthorization: *Provided*, That an organization or group that is unsuccessful in obtaining the minimum number of applications may not request reconsideration of a special plate until at least two years have passed since the effective date of the original authorization: *Provided, however*, That the provisions of this subdivision are not applicable to the issuance of plates authorized pursuant to §17A-3-14(c)(60) of this code.

(2) The commissioner may not begin the design or production of any license plates authorized by this section for which membership or affiliation with a particular organization is not required until at least 250 registrants complete an application and deposit a fee with the division to cover the first year's basic registration fee, one-time design and manufacturing fee, and additional annual fee if applicable. If the commissioner fails to receive the required number of applications within six months of the effective date of the original authorizing legislation, the plate will not be produced and will require legislative reauthorization: *Provided*, That if the minimum number of applications is not satisfied within the six months of the effective date of the original authorizing legislation, a person may not request reconsideration of a special plate until at least two years have passed since the effective date of the original authorization.

(e)(1) Nothing in this section requires a charge for a free prisoner of war license plate or a free recipient of the Congressional Medal of Honor license plate for a vehicle titled in the name of the qualified applicant as authorized by other provisions of this code.

(2) A surviving spouse may continue to use his or her deceased spouse's prisoner of war license plate or Congressional Medal of Honor license plate until the surviving spouse dies, remarries, or does not renew the license plate.

(3) Qualified former prisoners of war and recipients of the Congressional Medal of Honor may obtain a second special

registration plate for use on a passenger vehicle titled in the name of the qualified applicant. The division shall charge a one-time fee of \$10 to be deposited into the State Road Fund, in addition to all other fees required by this chapter, for the second special plate.

(f) The division may issue special 10-year registration plates as follows:

(1) The commissioner may issue or renew for a period of no more than 10 years any registration plate exempted from registration fees pursuant to any provision of this code or any restricted use antique motor vehicle license plate authorized by §17A-10-3a of this code: *Provided*, That the provisions of this subsection do not apply to any person who has had a special registration suspended for failure to maintain motor vehicle liability insurance as required by §17D-2A-3 of this code or failure to pay personal property taxes as required by §17A-3-3a of this code.

(2) An initial nonrefundable fee shall be charged for each special registration plate issued pursuant to this subsection, which is the total amount of fees required by §17A-3-3, §17A-10-3a, or §17A-10-15 of this code for the period requested.

(g) The provisions of this section may not be construed to exempt any registrant from maintaining motor vehicle liability insurance as required by §17D-2A-3 of this code or from paying personal property taxes on any motor vehicle as required by §17A-3-3a of this code.

(h) The commissioner may, in his or her discretion, issue a registration plate of reflectorized material suitable for permanent use on motor vehicles, trailers, and semitrailers, together with appropriate devices to be attached to the registration to indicate the year for which the vehicles have been properly registered or the date of expiration of the registration. The design and expiration of the plates shall be determined by the commissioner. The commissioner shall, whenever possible and cost effective, implement the latest technology in the design, production, and issuance of registration plates, indices of registration renewal and

vehicle ownership documents, including, but not limited to, offering Internet renewal of vehicle registration and the use of bar codes for instant identification of vehicles by scanning equipment to promote the efficient and effective coordination and communication of data for improving highway safety, aiding law enforcement, and enhancing revenue collection.

(i) Any license plate issued or renewed pursuant to this chapter which is paid for by a check that is returned for nonsufficient funds is void without further notice to the applicant. The applicant may not reinstate the registration until the returned check is paid by the applicant in cash, money order, or certified check and all applicable fees assessed as a result thereof have been paid.

(j) The division shall, upon request of a qualifying applicant, exempt one nonexempt military special registration plate per qualifying applicant from all registration fees. For purposes of this subsection:

(1) ‘Exempt military special registration plate’ means a special registration plate related to military service that is issued pursuant to this section for which registration fees are exempt pursuant to this section or §17A-10-8 of this code, including, but not limited to, a special registration plate issued to one of the following:

(A) A disabled veteran pursuant to §17A-3-14(c)(6), §17A-10-8(4), or §17A-10-8(5) of this code;

(B) A recipient of the Purple Heart medal pursuant to §17A-3-14(c)(7) of this code;

(C) A survivor of the attack on Pearl Harbor pursuant to §17A-3-14(c)(8) of this code;

(D) A former prisoner of war pursuant to §17A-10-8(6) of this code; or

(E) A recipient of the Congressional Medal of Honor pursuant to §17A-10-8(7) of this code.

(2) ‘Nonexempt military special registration plate’ means a special registration plate related to military service that is issued pursuant to this section for which registration fees are not exempt pursuant to this section or §17A-10-8 of this code, including, but not limited to, special registration plate issued to one of the following:

(A) A member of the National Guard forces pursuant to §17A-3-14(c)(3) of this code;

(B) An honorably discharged veteran pursuant to §17A-3-14(c)(5) or §17A-3-14(c)(21) of this code;

(C) An honorably discharged Marine Corps League member pursuant to §17A-3-14(c)(13) of this code;

(D) A member of a military organization pursuant to §17A-3-14(c)(14) of this code;

(E) A recipient of the Navy Cross, Distinguished Service Cross, Distinguished Flying Cross, Air Force Cross, Bronze Star, Silver Star, or Air Medal pursuant to §17A-3-14(c)(20) of this code;

(F) A recipient of the Combat Infantry Badge or the Combat Medic Badge pursuant to §17A-3-14(c)(29) of this code;

(G) An honorably discharged female veteran pursuant to §17A-3-14(c)(33) of this code;

(H) A person retired from any branch of the armed services of the United States pursuant to §17A-3-14(c)(36) of this code; or

(I) A member of the 82nd Airborne Division Association pursuant to §17A-3-14(c)(40) of this code.

(3) ‘Qualifying applicant’ means an applicant who qualifies for an exempt military special registration plate, and who also qualifies for a nonexempt military special registration plate, who requests that the division issue one such nonexempt military special registration plate instead of such exempt military special

registration plate in order to have such nonexempt military special registration plate be exempt from the payment of registration fees.”

And,

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

H. B. 2846 - “A Bill to amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended, relating to special vehicle registration plates; designating a ‘Back the Blue’ plate in support of law-enforcement personnel; designating a special beekeeper pollinator plate; establishing fees related to plates; and permitting extension of registration fee exemption to military-related special registration plates.”

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 665**), and there were—yeas 93, nays 3, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Cadle, Hollen and Worrell.

Absent and Not Voting: Cooper, Dean, Kump and Malcolm.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2846) passed.

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

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the amendment of the House of Delegates and the passage, as amended, to take effect from passage, of

Com. Sub. for S. B. 199, Authorizing certain miscellaneous agencies and boards promulgate legislative rules.

A message from the Senate, by

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

Com. Sub. for S. B. 241, Permitting county court clerks scan certain documents in electronic form.

On motion of Delegate Summers, the House of Delegates refused to recede from its amendment and requested the Senate to agree to the appointment of a Committee of Conference of three from each house on the disagreeing votes of the two houses.

Whereupon,

The Speaker appointed as conferees on the part of the House of Delegates the following:

Delegates C. Martin, Worrell and Hicks.

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

A message from the Senate, by

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

Com. Sub. for S. B. 317, Authorizing three or more adjacent counties form multicounty trail network authority.

On motion of Delegate Summers, the House of Delegates refused to recede from its amendment and requested the Senate to agree to the appointment of a Committee of Conference of three from each house on the disagreeing votes of the two houses.

Whereupon,

The Speaker appointed as conferees on the part of the House of Delegates the following:

Delegates Howell, Hott and Hansen.

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

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the amendment of the House of Delegates and the passage, as amended, of

Com. Sub. for S. B. 400, Allowing Board of Dentistry create specialty licenses.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had agreed to the appointment of a Committee of Conference of three from each house on the disagreeing votes of the two houses as to

Com. Sub. for S. B. 481, Relating to Judicial Vacancy Advisory Commission.

The message further announced that the President of the Senate had appointed as conferees on the part of the Senate the following:

Senators Weld, Rucker and Romano.

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the amendment of the House of Delegates and the passage, as amended, to take effect from passage, of

Com. Sub. for S. B. 496, Transferring authority to regulate milk from DHHR to Department of Agriculture.

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the amendment of the House of Delegates and the passage, as amended, of

Com. Sub. for S. B. 529, Clarifying provisions of Nonintoxicating Beer Act.

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the amendment of the House of Delegates and the passage, as amended, of

Com. Sub. for S. B. 537, Creating workgroup to review hospice need standards.

A message from the Senate, by

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

S. B. 566, Relating to compensation for State Athletic Commission members.

On motion of Delegate Summers, the House of Delegates receded from the following previously adopted amendment:

On page one, section one, line ten, by striking out the following:

“The members shall serve without pay except that each member shall receive \$100 for each day that he or she attends and participates in a public meeting in which the commission makes or deliberates towards an official act: *Provided*, That the total compensation a member may receive during each fiscal year may not exceed \$1,500.”

And, inserting in lieu thereof the following:

“Each member is entitled to receive compensation for attending official meetings or engaging in official duties not to exceed the amount paid to members of the Legislature for their interim duties as recommended by the Citizens Legislative Compensation Commission and authorized by law. A board member may not receive compensation for travel days that are not on the same day as the official meeting or official duties.”

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 666**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Cooper, Dean, Kump and Malcolm.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 566) passed.

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

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the amendment of the House of Delegates and the passage, as amended, of

S. B. 633, Authorizing Board of Physical Therapy conduct criminal background checks on applicants for licenses.

Conference Committee Report Availability

At 9:41 p.m., the Clerk announced that the report of the Committee of Conference on **Com. Sub. for S. B. 295**, Relating to crimes against public justice, was available in the Clerk's Office.

In the absence of objection, the House of Delegates returned to the Third Order of Business for the purpose of receiving committee reports.

Committee Reports

Delegate Capito, Chair of the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled and, on the 8th day of March, 2019, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates.

Com. Sub. for H. B. 2204, Prohibiting state licensing boards from hiring lobbyists,

H. B. 2510, Relating to special funds of boards of examination or registration,

H. B. 2608, Repealing the requirement of printing the date a consumer deposit account was opened on paper checks,

Com. Sub. for H. B. 2737, Relating to training of State Tax Division employees,

H. B. 2743, Eliminating reference to municipal policemen's pension and relief funds and firemen's pension and relief funds in section restricting investment,

H. B. 2829, Relating to the termination of severance taxes on limestone and sandstone,

Com. Sub. for H. B. 2848, Relating to the West Virginia ABLE Act,

And,

H. B. 3093, Relating to standards for factory-built homes.

Delegate Capito, Chair of the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled and, on the 8th day of March, 2019, presented to His Excellency, the Governor, for his action, the following bill, signed by the President of the Senate and the Speaker of the House of Delegates.

Com. Sub. for H. B. 2703, Relating to refunds of excise taxes collected from dealers of petroleum products.

Delegate Capito, Chair of the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled and, on the 8th day of March, 2019, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates.

Com. Sub. for S. B. 157, Authorizing Department of Administration promulgate legislative rules,

S. B. 440, Relating to Antihazing Law,

And,

Com. Sub. for S. B. 510, Relating to medical professional liability.

Delegate Capito, Chair of the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled and, on the 8th day of March, 2019, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates.

S. B. 453, Relating to background checks of certain financial institutions,

Com. Sub. for S. B. 518, Restricting sale and trade of dextromethorphan,

S. B. 545, Relating to HIV testing,

And,

S. B. 593, Permitting critical access hospital become community outpatient medical center.

Mr. Speaker (Mr. Hanshaw), Chair of the Committee on Rules, submitted the following report, which was received:

Your Committee on Rules has had under consideration:

Com. Sub. for H. C. R. 9, Kingmont Veterans Bridge PVT Jarrett Springer, U. S. Army WWII, PFC Benjamin “Benny” Hamrick, USMC Vietnam,

Com. Sub. for H. C. R. 17, U. S. Marine Corps CPL Larry Scott Kennedy Memorial Bridge,

H. C. R. 46, PVT Jack C. Evans Memorial Bridge,

H. C. R. 47, U. S. Army PFC Arnold Miller Memorial Bridge,

Com. Sub. for H. C. R. 53, Ray P. Reip Memorial Bridge,

Com. Sub. for H. C. R. 58, U.S. Army SGT Tommy Meadows Memorial Road,

H. C. R. 63, U. S. Army SSG Boggs G. Collins Memorial Road,

Com. Sub. for H. C. R. 78, U. S. Air Force Amn Kenneth Wayne Hammar Memorial Bridge,

And,

Com. Sub. for H. C. R. 82, U. S. Navy Veteran Samuel H. Slack, Jr. Memorial Bridge,

And reports the same back with the recommendation that they each be adopted.

In the absence of objection, the resolutions (Com. Sub. for H. C. R. 9, Com. Sub. for H. C. R. 17, H. C. R. 46, H. C. R. 47, Com. Sub. for H. C. R. 53, Com. Sub. for H. C. R. 58, H. C. R. 63, Com. Sub. for H. C. R. 78 and Com. Sub. for H. C. R. 82) were taken up for immediate consideration and adopted.

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

Miscellaneous Business

Pursuant to House Rule 94b, Members filed forms with the Clerk’s Office to be removed as a cosponsor of the following:

- Delegates Linville and Toney for H. R. 20

Delegate Hartman announced that he was absent on today when the vote was taken on Com. Sub. for S. B. 103, and that had he been present, he would have voted “Yea” thereon.

Delegate J. Kelly announced that he was absent on today when the votes were taken on Com. Sub. for S. B. 291, Com. Sub. for S. B. 329, Com. Sub. for S. B. 340, Com. Sub. for S. B. 345 and Com. Sub. for S. B. 352, and that had he been present, he would have voted “Yea” thereon.

Delegate Shott announced that he was absent on today when the vote was taken on S. B. 461, and that had he been present, he would have voted “Yea” thereon.

Delegate D. Kelly noted to the Clerk that he was absent on today when the vote was taken on Roll No. 609 and had he been present, he would have voted “Yea” thereon.

Delegate Graves noted to the Clerk that she was absent on today when the vote was taken on H. B. 2524 and had she been present, she would have voted “Yea” thereon.

Delegate Bates noted to the Clerk that he was absent on today when the vote was taken on S. B. 632 and had he been present he would have voted “Nay” thereon, and he was absent when the vote was taken on S. B. 682 and had he been present, he would have voted “Yea” thereon.

Delegate Cadle noted to the Clerk that he be recorded as having voted “Yea” on Com. Sub. for S. B. 502.

Pursuant to House Rule 132, unanimous consent was requested and obtained to print the following in the Appendix to the Journal:

- The opening prayer offered today
- Delegate Worrell regarding Com. Sub. for S. B. 564
- All remarks regarding Com. Sub. for S. B. 152

- Delegate Kump regarding H. C. R. 33

At 9:46 p.m., the House of Delegates adjourned until 11:00 a.m., Saturday, March 9, 2019.

Addendum: Due to errors in the text of the veto letter as printed beginning on Page 2463, an image of the letter is copied below.



Jim Justice
Governor of West Virginia

March 1, 2019

VIA HAND DELIVERY

The Honorable Mitch Carmichael
President, West Virginia Senate
Room 229M, Building 1
State Capitol
Charleston, West Virginia 25305

Re: **Enrolled Committee Substitute for Senate Bill 61**

Dear President Carmichael:

Pursuant to the provisions of section fourteen, article VII of the Constitution of West Virginia, I hereby disapprove and return Enrolled Committee Substitute for Senate Bill 61. This bill purports to add extortion to the list of criminal offenses for which a prosecutor may seek a wiretap to investigate.

The bill is technically flawed because its title is defective. See *State ex rel. Davis v. Oakley*, 156 W.Va. 154, 191 S.E.2d 610 (1972) (requiring bill titles to provide notice of a bill's contents). Specifically, there are two sections that are not referenced in the title, W.Va. Code §62-1D-6, which would provide that the evidence obtained by the wiretap can be received in any court of competent jurisdiction, and W.Va. Code §62-1D-9, which provides that information about the evidence obtained through wiretap may be presented in federal criminal proceedings.

As a result of this flaw, I disapprove and return Enrolled Committee Substitute for Senate Bill 61.

Sincerely,

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

Jim Justice
Governor

cc: The Hon. Roger Hanshaw
Speaker of the House of Delegates
The Hon. Mac Warner
Secretary of State

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

