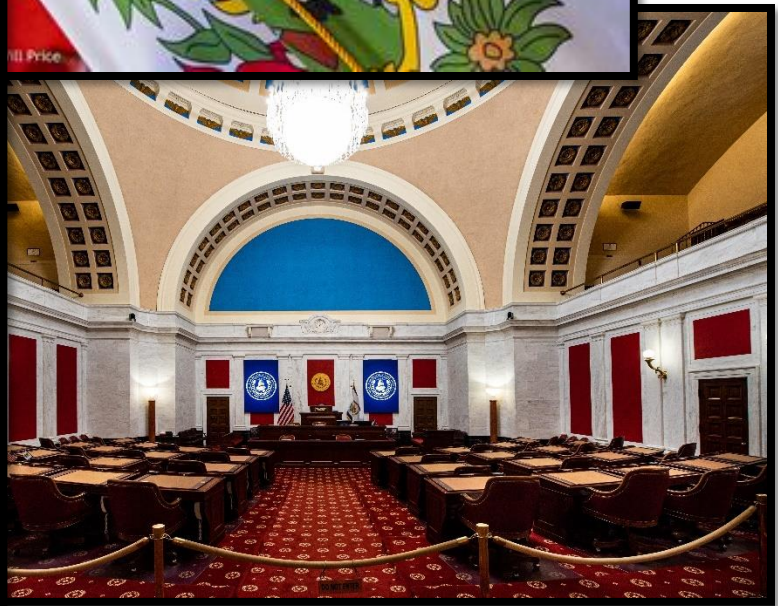
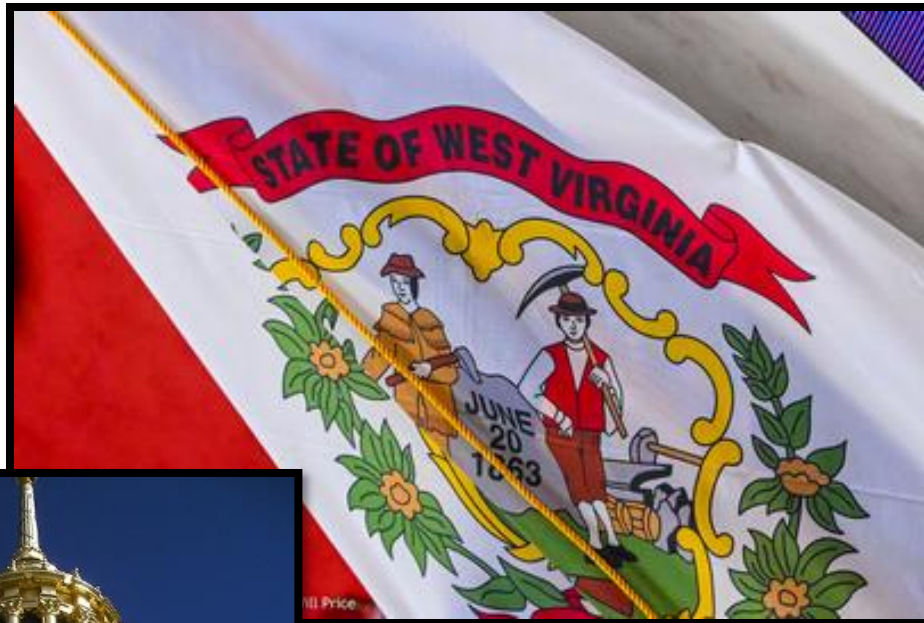


# 2020 Regular Session Bill Summaries



**Senate Committee on Finance**



# WEST VIRGINIA SENATE COMMITTEE ON FINANCE



Second Session of the Eighty-Fourth Legislature  
2020 Regular Session

# SENATE FINANCE COMMITTEE STAFF

## CHAIRMAN

SENATOR CRAIG BLAIR

## COUNSEL

COREY BONASSO

JEFF JOHNSON

## BUDGET AND SUPPLEMENTALS

BEN AGSTEN

CHRIS DEWITTE

## SUPPORT STAFF

JOHN GIOVENGO

TAMMY SHAMBLIN





Tarr  
District 4, R  
Vice Chair



Blair  
District 15, R  
Chairman



Prezioso  
District 13, D

Sypolt  
District 14, R



Maroney  
District 2, R

Boley  
District 3, R



Swope  
District 6, R

Facemire  
District 12, D



Unger  
District 16, D

Hamilton  
District 11, R



Plymale  
District 5, D

Stollings  
District 7, D



Palumbo  
District 17, D

Mann  
District 10, R



Roberts  
District 9, R

Ihlenfeld  
District 1, D



Takubo  
District 17, R



84th Legislature  
Senate Committee  
on Finance



The seal of the Senate of West Virginia is a circular emblem. It features a central illustration of the West Virginia State Capitol building, surrounded by a wreath of laurel leaves and flowers. Above the building are thirteen stars, and below it are a crossed sword and a gavel. The outer ring of the seal contains the text "SEAL OF THE SENATE OF WEST VIRGINIA" and the motto "MONTANI SEMPER LIBERI" at the bottom, flanked by two stars.

# STATISTICS

# 2020 LEGISLATIVE STATISTICS

## **Bills Introduced:**

Senate:	856
House:	<u>1,533</u>
Total:	2,389

## **Resolutions Introduced:**

Senate:	80
House:	<u>18</u>
Total:	98

## **Concurrent Resolutions Introduced:**

Senate:	66
House:	<u>144</u>
Total:	210

## **Joint Resolutions:**

Senate:	9
House:	<u>116</u>
Total:	125

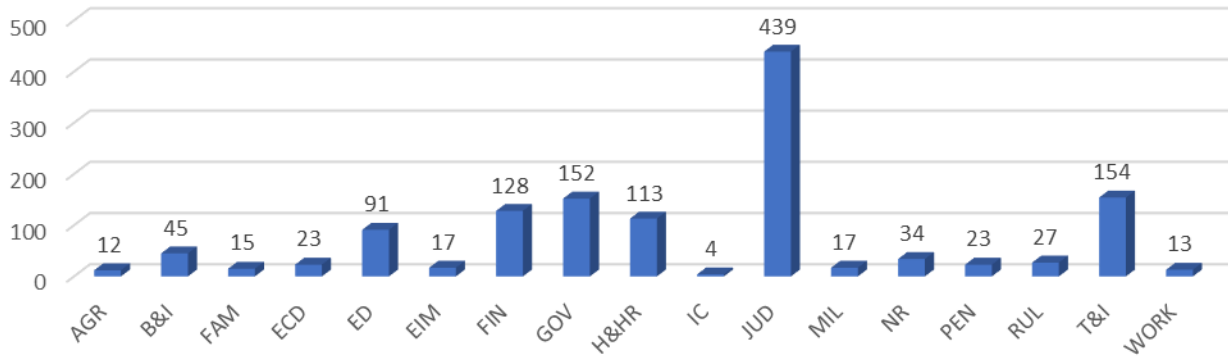
## **Bills that Completed Legislative Action:**

Senate:	168
House:	<u>189</u>
Total:	357

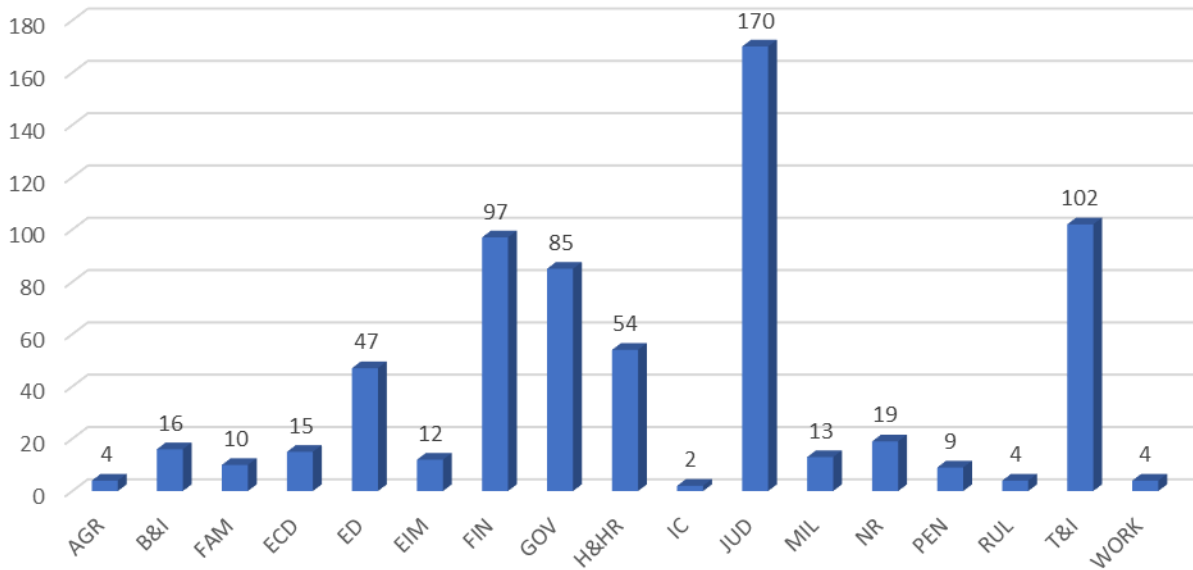


# 2020 SENATE COMMITTEE STATISTICS

## 2020 Regular Session Bills and Resolutions Referred to Committees



## 2020 Regular Session Bills and Resolutions Reported From Committees



# 2020 SENATE COMMITTEE ON FINANCE STATISTICS

## **Bills Originating in Committee:**

Senate:	8
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## **2020 Supplemental Appropriations Referred and Reported from Committee:**

Senate:	19
House:	0
Total	19

## **Bills Referred to Committee:**

Senate:	95
House:	31
Senate Concurrent Resolution	1
<u>Senate Joint Resolution</u>	<u>1</u>
Total	128

## **Bills Reported from Committee:**

Senate:	68
House:	28
<u>Senate Joint Resolution:</u>	<u>1</u>
Total	97

## **Bills Reported from Committee that Completed Legislative Action:**

Senate:	38
<u>House:</u>	<u>26</u>
Total	64

## **Bills Reported from Committee that Became Law:**

Senate:	38
<u>House:</u>	<u>26</u>
Total	64

There were no veto messages received on any bills reported from the Senate Finance Committee.

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PART

I

THE BUDGET



## West Virginia Senate Committee on Finance

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# Senate Bill 150

**Committee Substitute as amended by House and further amended by Senate**

---

**SHORT TITLE:** Budget Bill.

**SUMMARY:** This bill appropriates all General Revenue, Special Revenue, Lottery, Excess Lottery, Federal and Federal Block Grants funds for the State of West Virginia for the Fiscal Year 2021, beginning July 1, 2020.

**DATE OF PASSAGE:** March 7, 2020

**EFFECTIVE DATE:** From passage

**ACTION BY GOVERNOR:** Signed by Governor March 12, 2020



## West Virginia Senate Committee on Finance

---

### Summary of General Revenue Changes to SB 150

**Legislature** (items #1 - #3) - \$24,596,694

- Same as Introduced

**Judiciary** (item #4) - \$135,499,000

- \$1,000 reduced from Judges Retirement System appropriation

**Governor** (items #5 - #7) - \$40,274,480

- \$2,000,000 appropriation added for Public Health Emergency Response Fund within #7 Governor's Civil Contingent Fund
- \$6,000,000 reduced from Milton Flood Wall appropriation within #7 Governor's Civil Contingent Fund

**Auditor** (item #8) - \$2,823,095

- Same as introduced

**Treasurer** (item #9) - \$3,635,352

- Same as Introduced

**Department of Agriculture** (items #10 - #14) - \$24,435,790

- \$100,000 added to the State FFA-FHA Camp and Conference Center appropriation within #10 Department of Agriculture

**Attorney General** (item #15) - \$4,953,457

- Same as Introduced
- The appropriations in item #27 Public Defender Services were realigned to match the appropriations in SB 571

**Secretary of State** (items #16 & #17) - \$965,102

- Same as Introduced

**Department of Administration** (items #18 - #31)- \$105,046,116

- Same as Introduced

**Department of Commerce (items #32 - #43) - \$84,973,930**

- \$2,050,000 added to the Current Expenses line within #35 Development Office
- \$1,750,000 appropriation added for Local Economic Development Assistance within #35 Development Office

**Dept. of Education (items #44 - #49) - \$2,021,346,969**

- \$9,115,000 reduced from the Teachers' Retirement Savings Realized within #45 State Department of Education
- \$80,000 added to Unclassified within #45 State Department of Education
- \$750,000 added to Current Expenses within #45 State Department of Education
- \$400,000 added to Safe Schools within #45 State Department of Education
- \$415,500 appropriation added for Mountain State Digital Literacy within #45 State Department of Education
- Changes to #47 State Aid to Schools can be found in Appendix A
- \$3,900,000 reduced from Jobs and Hope appropriation within #48 Vocational Division

**Department of Arts, Culture & History (items #40 - #52) - \$10,746,862**

- Same as Introduced

**Department of Environmental Protection (items #53 - #55) - \$6,688,015**

- Same as Introduced

**Department of Health and Human Resources (items #56 - 61) - \$1,159,927,444**

- \$1,000,000 added to Current Expenses within #57 Division of Health - Central Office
- \$125,000 added to Sexual Assault Intervention and Prevention appropriation within #57 Division of Health - Central Office
- \$8,800,000 reduced from Jobs & Hope within #58 Consolidated Medical Services Fund
- \$1,426,893 added to Personal Services and Employee Benefits within #61 Division of Human Services
- \$1,158,301 reduced from Current Expenses within #61 Division of Human Services



- \$17,311,981 added to Medical Services within #61 Division of Human Services
- \$16,900,000 added to Social Services #61 Division of Human Services

**Homeland Security (DMAPS) (items #62 - #72) - \$427,489,665**

- \$1,900,000 added to Fusion Center within #62 Department of Homeland Security – Office of the Secretary
- \$372,000 reduced from Retirement Systems – Unfunded Liability within #68 West Virginia State Police
- \$2,332,101 reduced from Community Corrections within #72 Division of Justice and Community Services
- \$2,332,101 added to new appropriation Justice Reinvestment Initiative within #72 Division of Justice and Community Services
- Adjutant General – State Militia and Adjutant General – Military Fund items moved to newly created Miscellaneous Boards and Commissions section

**Department of Revenue (items #73 - #77) - \$32,471,837**

- Same as Introduced

**Department of Transportation (items #78 - #80) - \$8,004,000**

- \$45,000 added to Personal Services and Employee Benefits within #80 Aeronautics Commission

**Department of Veterans' Assistance (items #81 & #82) - \$12,011,949**

- Same as Introduced

**Bureau of Senior Services (item #83) - \$30,450,955**

- \$500,000 added to new appropriation Current Expenses

**Community and Technical Colleges (items #84 - #93) - \$79,923,657**

- \$3,000,000 reduced from WV Invests Grant Program within #84 WV Council for Community and Technical College Education

**Higher Education (items #94 - #107) - \$357,979,676**

- \$218,000 added to Health Professionals' Student Loan Program within #94 HEPC – Administration
- \$330,000 added to new appropriation Mental Health Provider Loan Repayment within #94 HEPC – Administration

- \$80,000 added to new appropriation RHI Program and Site Support within #94 HEPC – Administration
- \$50,000 added to Luke Lee Listening Language and Learning Lab within #99 Marshall University – General Administration Fund

**Miscellaneous Boards and Commissions (items #108 & #109) - \$19,392,043**

- Newly created section to house Adjutant General
- Same as Introduced

## FISCAL YEAR 2021 GENERAL REVENUE SUMMARY

	GOVERNOR PROPOSED 2021	FINAL 2021 Signed March 7, 2020
<b>Legislature</b>	\$24,596,694	\$24,596,694
<b>Judicial</b>	\$135,500,000	\$135,499,000
<b>Executive</b>	\$55,595,233	\$51,695,233
<b>Administration</b>	\$105,046,116	\$105,046,116
<b>Total Public Education</b>	\$2,057,758,497	\$2,021,418,712
<i>Public Education (Administrative)</i>	\$193,216,909	\$181,847,409
<i>School Aid</i>	\$1,864,541,588	\$1,839,571,303
<b>Commerce</b>	\$85,973,930	\$89,773,930
<b>Arts, Culture and History</b>	\$10,746,862	\$10,746,862
<b>Environmental Protection</b>	\$6,688,015	\$6,688,015
<b>Health and Human Resources</b>	\$1,133,121,871	\$1,159,927,444
<b>Homeland Security</b>	\$445,353,708	\$427,489,665
<b>Revenue</b>	\$32,471,837	\$32,471,837
<b>Transportation</b>	\$7,959,000	\$8,004,000
<b>Veterans</b>	\$12,011,949	\$12,011,949
<b>Seniors</b>	\$29,950,955	\$30,450,955
<b>Total Higher Education</b>	\$440,225,333	\$437,903,333
<i>Higher Education (Administrative)</i>	\$75,149,718	\$75,777,718
<i>Community Colleges</i>	\$82,923,657	\$79,923,657
<i>Colleges and Universities</i>	\$282,151,958	\$282,201,958
<b>Miscellaneous Boards and Commissions</b>		\$19,392,043
<b>Claims against the State</b>	2,000,000	1,397,579
<b>Totals</b>	<b>\$4,585,000,000</b>	<b>\$4,574,513,367</b>

## Summary of Other Changes to SB 150

- There were no changes made from the Governor's introduced budget to the State Road Fund.
- Changes made to Special Revenue Funds, Lottery Funds, Excess Lottery Funds and Federal Spending Authority (including Federal Revenue and Block Grants) can be categorized in one of two ways:
  - Changes that were made because of the adjustment letter that was received by the Legislature on March 6, 2020. A copy of the adjustment letter can be found in Appendix B; or
  - Changes that reflect and carry over additional spending authority in Fiscal Year 2021 that was granted in the following Supplementals for Fiscal Year 2020, Senate Bills 725, 780, 803, 804, 805, 806, 843, 844, 845, 852 and 853.
- There was one item of General Revenue surplus that was included in this budget. This item, Milton Flood Wall, would be appropriated if there is an unappropriated balance in 2020 after all other budgetary obligations are met including any transfers of funds to the Rainy Day fund.

## FISCAL YEAR 2021 BUDGET SUMMARY

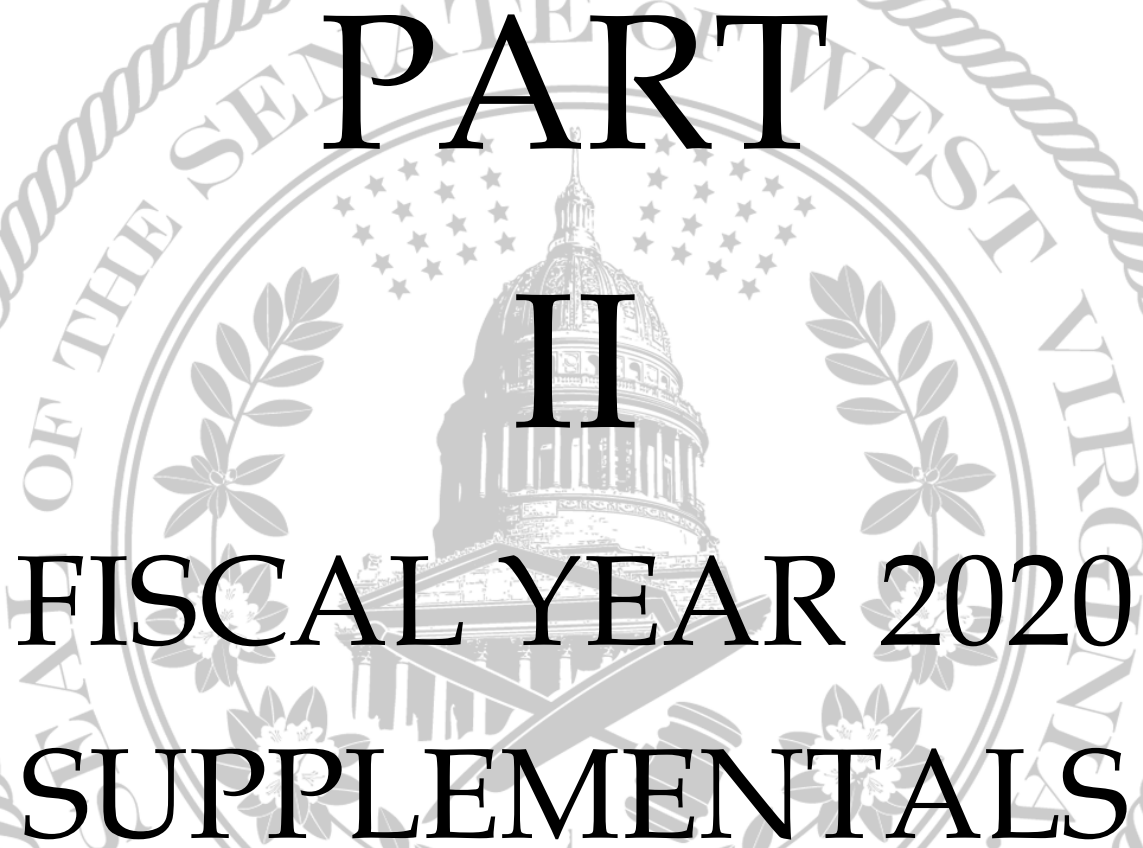
<b>GOVERNOR PROPOSED</b>	<b>FINAL 2021</b>
2021	Signed March 7, 2020

	GOVERNOR PROPOSED 2021	FINAL 2021 Signed March 7, 2020
General Revenue	\$4,583,000,000	\$4,573,115,788
General Revenue Claims	\$2,000,000	\$1,397,579
State Road Fund	\$1,356,726,103	\$1,356,726,103
State Road Fund Claims	\$1,200,000	\$844,164
Other Funds	\$1,512,749,714	\$1,513,403,646
Other Funds Claims	\$200,000	\$6,433
Lottery	\$127,808,000	\$127,808,000
Excess Lottery	\$340,257,000	\$340,257,000
Federal Revenue	\$5,332,321,585	\$5,254,305,832
Federal Revenue Claims		\$280,346
Federal Block Grants	\$550,940,542	\$555,940,542
General Revenue Surplus	\$0	\$6,000,000
Lottery Surplus	\$16,750,000	\$16,750,000
Excess Lottery Surplus	\$17,000,000	\$17,000,000
<b>Totals</b>	<b>\$13,840,952,944</b>	<b>\$13,763,555,087</b>

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**PART  
II  
FISCAL YEAR 2020  
SUPPLEMENTALS**



## West Virginia Senate Committee on Finance

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### Senate Bill 569

As Introduced

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**SHORT TITLE:** Expiring funds from various accounts to DHHR, Medical Services Program Fund

**SUMMARY:** Senate Bill 569 is a supplemental appropriating money from multiple special revenue accounts into the Medical Services Program Fund (aka Medicaid). \$3,000,000 comes from the Department of Administration, Premium Tax Savings Fund. \$2,000,000 comes from DHHR's Hospital Services Revenue Account Special Fund. \$360,000 comes from DHHR's Marriage Education Fund

**DATE OF PASSAGE:** March 3, 2020

**EFFECTIVE DATE:** From passage

**ACTION BY GOVERNOR:** Signed by Governor March 12, 2020

### Senate Bill 570

As Introduced

---

**SHORT TITLE:** Expiring funds from State Excess Lottery Revenue Fund to DHHR, Medical Services Program Fund

**SUMMARY:** Senate Bill 570 is a supplemental appropriating \$36,202,960 from DHHR's Division of Human Services, funded through excess lottery, into the Medicaid.

**DATE OF PASSAGE:** March 3, 2020

**EFFECTIVE DATE:** From passage

**ACTION BY GOVERNOR:** Signed by Governor March 12, 2020



# West Virginia Senate Committee on Finance

## Senate Bill 571

### Committee Substitute

**SHORT TITLE:** Expiring funds from State Excess Lottery Revenue Fund to various accounts.

**SUMMARY:** This bill expires \$20,000,000 from the unappropriated balance of the Excess Lottery Fund to the unappropriated General Revenue Surplus Fund for Fiscal Year 2020. These available surplus funds are appropriated in the following manner:

#### DEPARTMENT OF ADMINISTRATION

*27 – Public Defender Services*

(WV Code Chapter 29)

Fund 0226 FY 2020 Org 0221

	<b>Appropriation</b>		<b>General Revenue Fund</b>
1 Personal Services and Employee Benefits – Surplus .....	XXXXX	\$	188,402
3 Unclassified – Surplus .....	09700		18,600
6 Appointed Counsel Fees – Surplus (R) .....	43500		19,392,998

**DATE OF PASSAGE:** February 29, 2020

**EFFECTIVE DATE:** From passage

**ACTION BY GOVERNOR:** Signed by Governor March 12, 2020



# West Virginia Senate Committee on Finance

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## Senate Bill 572

### As Introduced

---

**SHORT TITLE:** Expiring funds from General Revenue and Lottery Net Profits to various accounts.

**SUMMARY:** This bill expires \$18,294,868 from the unappropriated balance in the Lottery Net Profits Fund to the General Revenue Surplus Fund for fiscal year 2020. These funds are appropriated in the following manner:

### DEPARTMENT OF HEALTH AND HUMAN RESOURCES

*57 - Division of Health -*

*Central Office*

(WV Code Chapter 16)

Fund 0407 FY 2020 Org 0506

	<b>Appropriation</b>		<b>General Revenue Fund</b>
12 Office of Medical Cannabis - Surplus (R).....	42099	\$	920,500

58 – Consolidated Medical Services Fund

(WV Code Chapter 16)

Fund 0525 FY 2020 Org 0506

	<b>Appropriation</b>	<b>General Revenue Fund</b>
6 Institutional Facilities Operations – Surplus (R).....	63200	10,000,000
8a Capital Outlay, Repairs, and Equipment – Surplus (R).....	67700	714,368

61 – Division of Human Services

(WV Code Chapters 9, 48, and 49)

Fund 0403 FY 2020 Org 0511

	<b>Appropriation</b>		<b>General Revenue Fund</b>
5 Medical Services – Surplus .....	63300	\$	6,660,000

**DATE OF PASSAGE:** February 29, 2020

**EFFECTIVE DATE:** From passage

**ACTION BY GOVERNOR:** Signed by Governor March 12, 2020



## West Virginia Senate Committee on Finance

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### Senate Bill 573

As Introduced

---

**SHORT TITLE:** Supplementing, amending, and increasing appropriations of public moneys for claims against the state

**SUMMARY:** The FY2020 Budget, passed during last year's session, listed inaccurate numbers for claims against the state. Senate Bill 573 is a supplemental bill adjusting the FY2020 budget to accurately reflect the claims. General Revenue claims increased from \$642,817 to \$644,261. Special Revenue claims increased from \$212,743 to \$242,243. State Road claims increased from \$1,703,146 to \$2,609,799.

**DATE OF PASSAGE:** February 21, 2020

**EFFECTIVE DATE:** From passage

**ACTION BY GOVERNOR:** Signed by the Governor on March 6, 2020.





# West Virginia Senate Committee on Finance

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## Senate Bill 725

As Introduced

---

**SHORT TITLE:** Supplemental appropriation to various Department of Education accounts.

**SUMMARY:** This bill increases Federal Spending authority within the department of Education funds 8712, 8714 and 8715.

### DEPARTMENT OF EDUCATION

*336 – State Board of Education –*

*State Department of Education*

(WV Code Chapters 18 and 18A)

Fund 8712 FY 2020 Org 0402

	<b>Appropriation</b>		<b>Federal Funds</b>
3 Current Expenses .....	13000	\$	10,000,000

338 – State Board of Education –  
Vocational Division

(WV Code Chapters 18 and 18A)

Fund 8714 FY 2020 Org 0402

	<b>Appropriation</b>		<b>Federal Funds</b>
3 Current Expenses .....	13000	\$	1,000,000

339 – State Board of Education –  
Aid for Exceptional Children

(WV Code Chapters 18 and 18A)

Fund 8715 FY 2020 Org 0402

	<b>Appropriation</b>		<b>Federal Funds</b>
3 Current Expenses .....	13000	\$	10,000,000

**DATE OF PASSAGE:** February 28, 2020

**EFFECTIVE DATE:** From passage

**ACTION BY GOVERNOR:** Signed by Governor March 12, 2020



## West Virginia Senate Committee on Finance

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### Senate Bill 778

#### Originating Bill

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**SHORT TITLE:** Supplemental appropriation expiring funds from State Excess Lottery Revenue Fund to DHHR.

**SUMMARY:** This bill expires \$5,158,000 from the unappropriated surplus balance in the State Excess Lottery Fund to General Revenue surplus. These funds are then appropriated to the Department of Health and Human Resources – Division of Human Services, Medical Services appropriation.

**DATE OF PASSAGE:** February 28, 2020

**EFFECTIVE DATE:** From passage

**ACTION BY GOVERNOR:** Signed by Governor March 12, 2020

### Senate Bill 779

#### Originating Bill

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**SHORT TITLE:** Supplemental appropriation expiring funds in State Excess Lottery Revenue to Department of Veterans' Assistance.

**SUMMARY:** This bill expires \$4,500,000 from the unappropriated surplus balance in the State Excess Lottery Fund to General Revenue surplus. These funds are then appropriated to the Department of Veterans' Assistance – Veterans' Nursing Home appropriation.

**DATE OF PASSAGE:** February 28, 2020

**EFFECTIVE DATE:** From passage

**ACTION BY GOVERNOR:** Signed by Governor March 12, 2020



## West Virginia Senate Committee on Finance

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### Senate Bill 780

#### Originating Bill

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**SHORT TITLE:** Supplemental appropriation by decreasing and adding new appropriation out of Treasury to DMAPS.

**SUMMARY:** This supplemental realigns Federal Spending Authority within the West Virginia National Guard Counterdrug Fund.

**DATE OF PASSAGE:** February 28, 2020

**EFFECTIVE DATE:** From passage

**ACTION BY GOVERNOR:** Signed by Governor March 12, 2020

### Senate Bill 803

#### As Introduced

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**SHORT TITLE:** Supplementing appropriation of money out of General Revenue Fund to DHHR

**SUMMARY:** This supplemental removes budget language that transferred money from the Office of Medical Cannabis to a special revenue account. The money now remains in the Office's General Revenue appropriation line.

**DATE OF PASSAGE:** March 3, 2020

**EFFECTIVE DATE:** From passage

**ACTION BY GOVERNOR:** Signed by Governor March 12, 2020



## West Virginia Senate Committee on Finance

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### Senate Bill 804

As Introduced

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**SHORT TITLE:** Supplemental appropriation of moneys from Treasury to PSC, Consumer Advocate Fund

**SUMMARY:** This supplemental appropriates an additional \$214,000 in Special Revenue Funds to the PSC's Consumer Advocate Division.

**DATE OF PASSAGE:** March 3, 2020

**EFFECTIVE DATE:** Upon passage

**ACTION BY GOVERNOR:** Signed by Governor March 12, 2020

### Senate Bill 805

As Introduced

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**SHORT TITLE:** Supplemental appropriation of moneys from Treasury to WV Commuter Rail Access Fund

**SUMMARY:** This supplemental grants \$800,000 in special revenue spending authority to the A. James Manchin Fund. It also grants \$2,300,000 in special revenue spending authority to the WV Commuter Rail Access Fund.

**DATE OF PASSAGE:** March 3, 2020

**EFFECTIVE DATE:** From passage

**ACTION BY GOVERNOR:** Signed by Governor March 12, 2020



## West Virginia Senate Committee on Finance

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### Senate Bill 806

As Introduced

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**SHORT TITLE:** Supplemental appropriation out of federal funds in Treasury to DOT

**SUMMARY:** This supplemental appropriates an additional \$400,000 in Federal Funds to the Aeronautics Commission.

**DATE OF PASSAGE:** March 3, 2020

**EFFECTIVE DATE:** From passage

**ACTION BY GOVERNOR:** Signed by Governor March 12, 2020

### Senate Bill 812

As Introduced

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**SHORT TITLE:** Supplemental appropriation from Lottery Net Profits to Bureau of Senior Services

**SUMMARY:** This supplemental appropriates an additional \$3 million in Lottery Funds to In-Home Services and Nutrition for Senior Citizens.

**DATE OF PASSAGE:** March 6, 2020

**EFFECTIVE DATE:** From passage

**ACTION BY GOVERNOR:** Signed by Governor March 12, 2020



## West Virginia Senate Committee on Finance

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### Senate Bill 843

As Introduced

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**SHORT TITLE:** Supplemental appropriation of funds from Treasury to DHHR Energy Assistance Fund.

**SUMMARY:** This supplemental increases federal spending authority within the Department of Health and Human Resources, Division of Human Services – Energy Assistance Fund by \$5,000,000

**DATE OF PASSAGE:** March 6, 2020

**EFFECTIVE DATE:** From passage

**ACTION BY GOVERNOR:** Signed by Governor March 12, 2020

### Senate Bill 844

As Introduced

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**SHORT TITLE:** Supplemental appropriation from Treasury to DHHR Birth-to-Three Fund.

**SUMMARY:** This supplemental increases special revenue spending authority within the Department of Health and Human Resources, Division of Health – West Virginia Birth-to-Three Fund by \$2,080,851

**DATE OF PASSAGE:** March 6, 2020

**EFFECTIVE DATE:** From passage

**ACTION BY GOVERNOR:** Signed by Governor March 12, 2020



# West Virginia Senate Committee on Finance

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## Senate Bill 845

As Introduced

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**SHORT TITLE:** Supplemental appropriation from Treasury to DHHR, Division of Human Services.

**SUMMARY:** This supplemental increases federal spending authority within the Department of Health and Human Resources, Division of Human Services Fund by \$3,315,000.

### DEPARTMENT OF HEALTH AND HUMAN RESOURCES

*350 - Division of Human Services*

(WV Code Chapters 9, 48, and 49)

Fund 8722 FY 2020 Org 0511

		<b>Appropriation</b>		<b>Federal Funds</b>
6	CHIP Administrative Costs .....	85601	\$	115,000
7	CHIP Services .....	85602		3,200,000

**DATE OF PASSAGE:** March 6, 2020

**EFFECTIVE DATE:** From passage

**ACTION BY GOVERNOR:** Signed by Governor March 12, 2020





## West Virginia Senate Committee on Finance

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### Senate Bill 852

As Introduced

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**SHORT TITLE:** Supplemental appropriation of public moneys from Treasury to Department of Education, School Building Fund.

**SUMMARY:** This supplemental adds a new line of appropriation to the School Building Authority (fund 3514) titled "SBA Construction Grants". This supplemental also reduces the appropriation for, Debt Service - Total, by \$100 and appropriates those funds to the newly created appropriation.

**DATE OF PASSAGE:** March 6, 2020

**EFFECTIVE DATE:** From passage

**ACTION BY GOVERNOR:** Signed by Governor March 12, 2020

### Senate Bill 853

As Introduced

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**SHORT TITLE:** Supplemental appropriation of public moneys from Treasury to Department of Education, School Building Authority.

**SUMMARY:** This supplemental adjusts the School Building Authority's Lottery Fund appropriation by reducing the "Directed Transfer" appropriation by \$2,679,537 and appropriates those funds to the newly created appropriation titled "SBA Construction Grants".

**DATE OF PASSAGE:** March 6, 2020

**EFFECTIVE DATE:** From passage

**ACTION BY GOVERNOR:** Signed by Governor March 12, 2020



The seal of the Senate of West Virginia is a circular emblem. It features a central illustration of the West Virginia State Capitol building, surrounded by a wreath of laurel leaves and flowers. Above the building are thirteen stars. Below the building is a crossed sword and a gavel. At the bottom of the seal is a banner with the Latin motto "MONTANI SEMPER LIBERI". The outer ring of the seal contains the text "SEAL OF THE SENATE OF WEST VIRGINIA." in a serif font, with two stars on either side.

**PART  
III  
SENATE BILLS**



## West Virginia Senate Committee on Finance

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# Senate Bill 180

### House Amendment to Introduced Version

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**SHORT TITLE:** Relating to Second Chance Driver's License Program.

**CODE REFERENCE:** West Virginia Code §17B-7-5 – amended and §17B-7-9 – amended.

**SUMMARY:** This bill clarifies that court-ordered restitution to victims of a crime is not subject to the administrative cost off-set provision of the Second Chance Driver's License Act.

The Second Chance Driver's License Act is a program that allows for the temporary reinstatement of an individual's driver's license that has been suspended or revoked due to failure to pay court costs, fines, penalties, forfeitures, or restitution as a result of a motor vehicle violation or has failed to appear in court when charged with a criminal offense. This could occur as a result of an action in magistrate court or municipal court related to a motor vehicle violation where person is 180 days delinquent (80 days if a nonresident). Under the Second Chance program, the DMV can temporarily stay a driver's license suspension or revocation for individuals accepted into the program if the individual remains current in the repayment of unpaid court costs as required by the established repayment plan.

This bill modifies the relevant code provisions in two ways:

- By providing that when a person is accepted into the program, the DMV coordinates with the courts to get a full accounting of all unpaid courts costs assignable to the applicant. Under the current law, any unpaid courts costs that the courts fail to report within 30 days are deemed waived. The bill further modifies 17B-7-5(e) by specifying that unpaid amounts due as restitution to a crime victim or costs are to be credited to the Crime Victims Compensation fund and are not considered waived if the courts fail to report them to the DMV.
- By providing that 100% of payments received as repayment of a fine, forfeiture, or penalty are sent back to the courts. However, only 95% of payments classified as repayment of court costs are returned to the courts. The remaining 5% is used to pay for administration of the program. This is the 5% offset referenced in the purpose of the bill. This bill adds payments identified as restitution to a crime victim or costs to be credited to the Crime Victims Fund to the list of monies that must be returned to the courts at 100%, thereby expressly excluding those funds from the 5% administrative offset applied to courts costs.

The bill has a sunset date of June 30, 2022 unless reauthorized by the Legislature.

**DATE OF PASSAGE:** March 7, 2020

**EFFECTIVE DATE:** 90 days from passage.

**ACTION BY GOVERNOR:** Signed by Governor March 24, 2020



# West Virginia Senate Committee on Finance

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## Senate Bill 291

### Committee Substitute for Committee Substitute amended by the House of Delegates

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**SHORT TITLE:** Requiring PEIA and health insurance providers provide mental health parity.

**CODE REFERENCE:** West Virginia Code §33-15-4A - repealed; §5-16-7 - amended; §33-15-4u - NEW; §33-16-3ff - NEW; §33-24-4 - amended; §33-24-7u - NEW; §33-25-8r - New; and §33-25A-8u - NEW.

**SUMMARY:** The purpose of this bill is to ensure mental health parity among the various types of insurance plans offered in West Virginia.

The bill defines the terms behavioral, mental health and substance use disorder. These are defined as a condition or disorder regardless of etiology that may be the result of a combination of genetic and environmental factors that falls under any of the diagnostic categories listed in the mental disorders section of the international statistical classification of diseases, the diagnostic and statistical manual of mental disorder or the diagnostic classification of mental health and developmental disorders of infancy and early childhood and includes autism spectrum disorder.

The Public Employees Insurance Agency and the enumerated insurance carriers are required to:

- (1) Include coverage for behavioral health screenings with coverage and reimbursement no less extensive than coverage and reimbursement for the annual physical examination;
- (2) Comply with nonquantitative treatment limitations requirements specified in federal regulations and precludes PEIA and the carriers from applying nonquantitative treatment limitations to behavioral health, mental health or substance use disorder that do not apply to medical and surgical benefits;
- (3) Comply with financial requirements and quantitative treatment limitations in federal regulations and preclude carriers from applying quantitative limitations to behavioral health, mental health or substance use disorder that do not apply to medical and surgical benefits;
- (4) Not apply any nonquantitative treatment limitations to benefits to behavioral health, mental health, and substance abuse that are not applied to medical and surgical benefits within the same class of benefits;

(5) Establish procedures to authorize treatment with a nonparticipating provider if a service is not available-network adequacy issues; and

(6) Authorize payment at the same rate used to pay for medical and surgical benefits.

The bill provides that coverage for behavioral health, mental health and substance use disorder will continue while a claim is under review until PEIA or the insurance carriers notify the covered person of the determination of the claim.

The bill provides that unless the claim is denied for nonpayment of premium, a denial for reimbursement for the prevention of, screening for, or treatment of behavioral, mental health or substance use disorder by PEIA and the insurance carriers must include the following language:

(1) A statement explaining that covered persons are protected under this section, which provides that limitations placed on the access to mental health and substance use disorder benefits may be no greater than any limitations on access to medical and surgical benefits;

(2) A statement providing information about the Consumer Services Division of the Insurance Commissioner; and

(3) A statement that persons are entitled to a copy of the medical necessity criteria for any behavioral health, mental health, and substance use disorder.

The bill requires that PEIA and the Insurance Commissioner submit a parity report to the Joint Committee on Government and Finance. The report will be submitted June 21, 2021, and it will only be submitted in any year thereafter if significant changes on how they design and apply medical management protocols. The report contains data to demonstrate parity compliance, medical necessity criteria used in determining benefits for behavioral health, mental health, and substance use disorder and the medical necessity in determining medical and surgical benefits. The report will also include identification of all nonquantitative treatment limitations that are applied to benefits for behavioral, mental health and substance use disorder and to medical and surgical benefits within each classification of benefits.

The bill provides that the Insurance Commission shall adopt legislative rules to implement the provisions of this bill and provides for an effective date of January 2, 2021.

**DATE OF PASSAGE:** March 7, 2020

**EFFECTIVE DATE:** 90 days from passage.

**ACTION BY GOVERNOR:** Signed by Governor March 25, 2020



## West Virginia Senate Committee on Finance

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### Senate Bill 300

#### As Introduced

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**SHORT TITLE:** Updating certain terms in WV Corporation Net Income Tax Act.

**CODE REFERENCE:** West Virginia Code §11-24-3 – amended.

**SUMMARY:** This purpose of this bill is to update the state’s corporate net income tax law to bring terms in conformity to federal law.

**DATE OF PASSAGE:** February 14, 2020

**EFFECTIVE DATE:** From passage.

**ACTION BY GOVERNOR:** Signed by the Governor on March 2, 2020.

### Senate Bill 310

#### As Introduced

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**SHORT TITLE:** Updating certain terms used in WV Personal Income Tax Act.

**CODE REFERENCE:** West Virginia Code §11-21-9 – amended.

**SUMMARY:** This bill updates the West Virginia personal income tax to make it conform to federal tax code.

**DATE OF PASSAGE:** February 17, 2020

**EFFECTIVE DATE:** From passage.

**ACTION BY GOVERNOR:** Signed by the Governor on March 2, 2020.





# West Virginia Senate Committee on Finance

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## Senate Bill 517

### Committee Substitute

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**SHORT TITLE:** Creating State Parks and Recreation Endowment Fund.

**CODE REFERENCE:** West Virginia Code §20-5A-1 – new and §20-5A-2 – new.

**SUMMARY:** This bill creates a new Article 5A under Chapter 20 of the Code, which authorizes the Director of the Division of Natural Resources to “[s]ell or lease, with the approval in writing of the Governor, coal, oil, gas, sand, gravel and any other minerals that may be found in the lands under the jurisdiction and control of the director, except those lands that are designated as state parks. . . . The proceeds arising from any such sale or lease shall be paid to the Treasurer of the State of West Virginia and shall be credited to the division and used exclusively for the purposes of this chapter . . . .”

The bill establishes a special revenue account called the State Parks and Recreation Endowment Fund which will hold the royalties received from leasing of state-owned gas, oil, and other mineral rights beneath the Ohio River and its tributaries. An 11-member Board of Trustees is established to administer the fund and is required to invest the assets of the fund. Investment income is expended for either of two purposes:

- maintaining, repairing, and improving existing recreational facilities at state parks, forests, and rail trails; or
- maintaining, repairing, and procuring fixtures, furnishings, and equipment for state parks, forests, and rail trails.

The Board of Trustees is comprised of 5 ex officio members and 6 voting members to be appointed by the Governor, 2 of which will be state park superintendents and 4 of which will be citizen members.

**DATE OF PASSAGE:** March 6, 2020

**EFFECTIVE DATE:** From passage.

**ACTION BY GOVERNOR:** Signed by Governor March 24, 2020



## West Virginia Senate Committee on Finance

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# Senate Bill 522

### Committee Substitute

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**SHORT TITLE:** Relating to compensation awards to crime victims.

**CODE REFERENCE:** West Virginia Code §14-2A-3 – amended and §14-2A-14 – amended.

**SUMMARY:** This bill amends W. Va. Code §14-2A-3 and §14-2A-14 relating to compensation awards to crime victims. The bill amends the definition of allowable expense to include psychological care.

It also establishes that the filing of a civil abuse and neglect petition in a circuit court shall satisfy the reporting requirement for juvenile victims of crime.

Lastly, it requires the agency filing the civil abuse and neglect petition to file an application for benefits on behalf of the child.

**DATE OF PASSAGE:** March 7, 2020

**EFFECTIVE DATE:** 90 days from passage.

**ACTION BY GOVERNOR:** Signed by Governor on March 24, 2020



## West Virginia Senate Committee on Finance

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### Senate Bill 530

Committee Substitute as amended by the House of Delegates

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**SHORT TITLE:** Relating to taxation of aircraft.

**CODE REFERENCE:** West Virginia Code §11-15-9 – amended.

**SUMMARY:** This bill pertains to the taxation of aircraft. It creates a new exemption from consumer sales and service tax for any aircraft bought in this state and removed from this state within 60 days of the purchase. Necessary FAA forms to evidence the sale and removal are set out in the bill. There is clarifying language which states that the timeframe would also exempt the aircraft from any applicable use tax. The bill is effective July 1, 2020.

**DATE OF PASSAGE:** March 7, 2020

**EFFECTIVE DATE:** July 1, 2020

**ACTION BY GOVERNOR:** Signed by Governor on March 25, 2020



## West Virginia Senate Committee on Finance

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### Senate Bill 545

#### As Introduced

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**SHORT TITLE:** Authorizing transfer of moneys from Insurance Commission Fund to Workers' Compensation Old Fund

**SUMMARY:** The bill would give the Insurance Commissioner the authority to transfer special revenue moneys contained in the Insurance Commission Fund to the Workers' Compensation Old Fund. The authority to transfer funds would be limited to any fiscal year in which the Insurance Commissioner has determined, and an independent auditor has attested, that a deficit balance existed in the Workers' Compensation Old Fund for the prior fiscal year.

**DATE OF PASSAGE:** March 4, 2020

**EFFECTIVE DATE:** From Passage

**ACTION BY GOVERNOR:** Signed by Governor on March 24, 2020



## West Virginia Senate Committee on Finance

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# Senate Bill 578

### Committee Substitute

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**SHORT TITLE:** Recalculating tax on generating, producing, or selling electricity from solar energy facilities.

**CODE REFERENCE:** West Virginia Code §11-13-2o –amended.

**SUMMARY:** This bill provides modification of the taxable generating capacity of units that generate, produce, and/or sell electricity from solar photovoltaic methods at 8%. Previously, solar photovoltaic methods were not addressed in code, and therefore are assigned a taxable generating capacity of 40%. The effect of the 40% rate created a disproportionately high tax burden, which disincentivized electricity generators from utilizing solar photovoltaic methods.

The bill also provides a definition of “solar photovoltaic methods.”

The intent of the new rate is to incentivize solar generation facility investment in the state and match those Business & Occupation tax rates of other renewable electric generation facilities.

**DATE OF PASSAGE:** March 6, 2020

**EFFECTIVE DATE:** July 1, 2020

**ACTION BY GOVERNOR:** Signed by Governor on March 25, 2020



# West Virginia Senate Committee on Finance

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## Senate Bill 579

### Committee Substitute for Committee Substitute

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**SHORT TITLE:** Authorizing establishment of enhanced emergency telephone systems.

**CODE REFERENCE:** West Virginia Code §11-15-30 – amended and §24-6-6b – amended.

**SUMMARY:** This bill relates to emergency telephone systems and increases the wireless enhanced 911 fee in addition to establishing a separate public safety fee and a separate wireless tower fee.

Previously, fees collected from the wireless enhanced 911 fee were distributed to counties of the state, State Police, and the Division of Homeland Security and Emergency Management. However, federal law restricts federal moneys for enhanced 911 fees to be used solely for state equivalent purposes. This bill restricts the use of the wireless enhanced 911 fee to uses that are permissible under federal law.

Furthermore, the bill establishes a new public safety fee to continue directing funds to the State Police and the Division of Homeland Security and Emergency Management. The bill also establishes a new wireless tower fee to assist with the construction of new wireless towers in the state.

The bill clarifies provisions relating to collection of tax on prepaid wireless services. Prepaid wireless services are not subject to the wireless enhanced 911 fee, the public safety fee, or the wireless tower fee. Instead, prepaid wireless services are taxed under §11-15-30(d), and those tax collections are remitted to the PSC.

The wireless enhanced 911 fee is modified from \$3 per month, per subscription to \$3.47 per month to more accurately reflect current fee collections.

The newly-established public safety fee will be set at \$0.29 per month, per subscription. The State Police will receive \$0.10 of that fee, and the Division of Homeland Security and Emergency Management will receive the remaining \$0.19 of that fee.

The newly-established wireless tower fee will be set at \$0.08 per month, per subscription.

These new fees are established in order to maintain funding levels that were in place for recipients of the fees prior to this legislation.

**DATE OF PASSAGE:** March 6, 2020

**EFFECTIVE DATE:** 90 days from passage.

**ACTION BY GOVERNOR:** Signed by Governor March 25, 2020



## West Virginia Senate Committee on Finance

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### Senate Bill 597

#### Committee Substitute for Committee Substitute with a House of Delegates Strike and Insert Amendment

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**SHORT TITLE:** Relating to judicial branch members' salaries and pensions.

**CODE REFERENCE:** West Virginia Code §50-1-3 - amended; §51-1-10A - amended; §51-2-13 - amended; and §51-2A-6 - amended.

**SUMMARY:** The bill would amend the provisions of the West Virginia Code relating to the salary of magistrates, family court judges, circuit judges and Supreme Court justices.

Family Court Judges receive a 10% salary increase in the first year. All other judges receive an increase in salary over 3 years as follows:

	<u>Current</u>	<u>7/1/2020</u>	<u>7/1/2021</u>	<u>7/1/2022</u>
Supreme Court Justices	\$136,000	\$136,000	\$142,800	\$149,600
Circuit Court Judges	\$126,000	\$126,000	\$132,300	\$138,600
Family Court Judges	\$94,500	\$103,950	\$103,950	\$103,950
Magistrates	\$57,500	\$57,500	\$60,375	\$63,250

**DATE OF PASSAGE:** March 7, 2020

**EFFECTIVE DATE:** July 1, 2020

**ACTION BY GOVERNOR:** Signed by Governor March 25, 2020





# West Virginia Senate Committee on Finance

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## Senate Bill 614

### Committee Substitute as amended by the House of Delegates

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**SHORT TITLE:** Changing method of allocating funding from Safe School Funds.

**CODE REFERENCE:** West Virginia Code §18-5-48 – amended and §18-20-11 – amended.

**SUMMARY:** The purpose of this bill is to:

- Require that for any distributions for the 2019-2020 year and continuing until all school districts have fully complied with the special education video camera requirements, county boards have the flexibility to spend the safe schools allocation at any school within the district requiring cameras in special education classrooms.
- Require the Department of Education to first allocate the funding appropriated for the Safe Schools Fund for the 2020-2021 year be based on the remaining need for special education classroom video cameras in each district until all districts have fully complied with the special education video camera requirements.
- Require that after all districts have been provided sufficient funds to meet the video camera requirements, the funding distribution return to the previously specified method based on the number of public schools.
- Remove appropriation of funds by the Legislature as a prerequisite to the requirement for video cameras in special education classrooms; and clarifies that any available funds can be used to satisfy the requirement.

**DATE OF PASSAGE:** March 6, 2020

**EFFECTIVE DATE:** Passage

**ACTION BY GOVERNOR:** Signed by Governor March 25, 2020



## West Virginia Senate Committee on Finance

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### Senate Bill 615

Committee Substitute as amended by the House of Delegates

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**SHORT TITLE:** Declaring certain claims against state as moral obligations of state.

**CODE REFERENCE:** Uncodified

**SUMMARY:** The bill directs payment of moral obligations of state agencies which have been approved by the West Virginia Legislative Claims Commission. The bill addresses claims against the State which, but for the constitutional immunity of the State from suit, or other legal restriction, could be maintained in the regular courts of this State. These claims have been determined by the Legislative Claims Commission to be those that the State "should in equity and good conscience discharge and pay." W. Va. Code §§14-2-12 and 13.

**DATE OF PASSAGE:** March 7, 2020

**EFFECTIVE DATE:** Passage

**ACTION BY GOVERNOR:** Signed by Governor March 25, 2020



## West Virginia Senate Committee on Finance

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### Senate Bill 648

**Committee Substitute for Committee Substitute with a House of Delegates Strike and Insert Amendment.**

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**SHORT TITLE:** Providing dental coverage for adult Medicaid recipients.

**CODE REFERENCE:** West Virginia Code §9-5-12a – NEW.

**SUMMARY:** The purpose of this bill is to provide certain dental services to adult Medicaid recipients. It contains definitions. The bill provides that the population to which the bill is applicable be adults age 21 and over who are also covered by Medicaid. The dental program shall be for diagnostic, preventative, and restorative services and shall exclude cosmetic services. Coverage is limited to \$1000.00 each budget year and anything over \$1000.00 shall be paid by the recipient. The bill provides that the department shall seek authority from the Centers for Medicare and Medicaid Services to implement this program and provides that the implementation of the program is contingent upon federal approval of the provider tax as set forth in West Virginia Code §11-27-10a.

**DATE OF PASSAGE:** March 7, 2020

**EFFECTIVE DATE:** 90 days from passage.

**ACTION BY GOVERNOR:** Signed by Governor March 25, 2020



## West Virginia Senate Committee on Finance

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### Senate Bill 716

#### Committee Substitute as amended by the House of Delegates

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**SHORT TITLE:** Requiring DHHR pay for tubal ligation without 30-day wait between consent and sterilization.

**CODE REFERENCE:** West Virginia Code §9-5-12 – amended

**SUMMARY:** This bill requires the Department of Health and Human Resources to pay for tubal ligation without requiring a thirty-day waiting period between informed consent and the procedure. Current policy by the Center for Medicare and Medicaid Services requires a thirty-day waiting period if federal funds are used to pay for a tubal ligation.

**DATE OF PASSAGE:** March 7, 2020

**EFFECTIVE DATE:** July 1, 2020

**ACTION BY GOVERNOR:** Signed by Governor March 24, 2020



## West Virginia Senate Committee on Finance

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# Senate Bill 719

### Committee Substitute

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**SHORT TITLE:** Imposing health care-related provider tax on certain health care organizations.

**CODE REFERENCE:** West Virginia Code §11-27-10a – amended.

**SUMMARY:** The bill as introduced updates the tax amounts in Tiers 1-3 as set forth in the code to permit additional federal match for health maintenance organizations known as HMO's. The tax will only take effect upon approval of the Centers for Medicare and Medicaid Services' approval. This approval has not been received and no tax has been implemented.

**DATE OF PASSAGE:** March 6, 2020

**EFFECTIVE DATE:** July 1, 2020

**ACTION BY GOVERNOR:** Signed by Governor on March 25, 2020



## West Virginia Senate Committee on Finance

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### Senate Bill 729

#### Committee Substitute

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**SHORT TITLE:** Relating to awards and disability under Deputy Sheriff Retirement Act.

**CODE REFERENCE:** West Virginia Code §7-14D-14 – amended.

**SUMMARY:** This bill provides for an increase of \$400 to the monthly benefit paid to any totally disabled member of the Deputy Sheriffs' Retirement System. This increase is effective for any member of DSRS who is totally disabled in the line of duty and who is retired on or before July 1, 2020.

**DATE OF PASSAGE:** March 5, 2020

**EFFECTIVE DATE:** 90 days from passage.

**ACTION BY GOVERNOR:** Signed by Governor March 25, 2020



# West Virginia Senate Committee on Finance

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## Senate Bill 738

### Committee Substitute

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**SHORT TITLE:** Creating Flatwater Trail Commission.

**CODE REFERENCE:** West Virginia Code §5B-9-1 - NEW.

**SUMMARY:** This bill creates the Flatwater Trail Commission. The commission would fall within the Commerce Department. The bill sets out membership of the Commission who are appointed by the Governor with advice and consent of the Senate.

The commission's duties would include:

- Unifying and coordinating efforts to develop and establish successful flatwater trails in West Virginia;
- Standardizing procedures, programs, research, and support for the development and establishment of flatwater trails;
- Disseminating information to educate the public as to the existence and functions of the commission and as to the availability of state, federal, and nongovernmental resources and support for the development and establishment of flatwater trails; and
- Advising, consulting, and cooperating with other offices of the Commerce Department and other agencies of state government, and to receive assistance therefrom, in the development of activities and programs of beneficial interest to water recreation and flatwater trails.

The bill requires the Commerce Department to assist the commission in its functions and operations.

All commission members must be residents and citizens of West Virginia. At least two members must have knowledge of and experience with nonmotorized watercraft recreation. At least two members must have knowledge of and experience with motorized watercraft recreation.

Members would serve five-year terms. The initial appointments would be to staggered terms. Of the first appointed members, two would be appointed for a term ending December 31, 2021, and one each for terms ending one, two, and three years thereafter. Commission members may be reappointed to additional terms.

The commission chair would be appointed by the Governor from members then serving on the commission.

Commission members are to meet at least quarterly as designated and scheduled by the chair.

Members are not to be compensated for their service on the commission but are entitled to reimbursement for reasonable expenses incurred in the discharge of their official duties pursuant to guidelines of the Travel Management Office.

**DATE OF PASSAGE:** March 6, 2020

**EFFECTIVE DATE:** 90 days from passage.

**ACTION BY GOVERNOR:** Signed by Governor March 25, 2020





## West Virginia Senate Committee on Finance

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### Senate Bill 740

#### As Introduced

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**SHORT TITLE:** Clarifying authorized uses of Ron Yost Personal Assistance Services Fund.

**CODE REFERENCE:** West Virginia Code §18-10L-5 – amended.

**SUMMARY:** This bill clarifies the authorized uses of funds allocated for the purpose of administering the Ron Yost Personal Assistance Service Program.

The previous language in the code authorized funds to be used for “programs under this article” but did not specify what those programs were.

The only program created under that article is the Ron Yost Personal Assistance Program. This bill inserts the specific program name in order to eliminate any potential confusion or ambiguity.

**DATE OF PASSAGE:** March 6, 2020

**EFFECTIVE DATE:** 90 days from passage.

**ACTION BY GOVERNOR:** Signed by Governor March 25, 2020



## West Virginia Senate Committee on Finance

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# Senate Bill 793

### Committee Substitute

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**SHORT TITLE:** Relating to B&O taxes imposed on certain coal-fired electric generating units.

**CODE REFERENCE:** West Virginia Code §11-13-2q – amended and §11-13-12r – NEW.

**SUMMARY:** This bill amends §11-13-2q of the business and occupation tax to clarify the definition for coal-fired merchant power plants. It also provides an election for recomputation of the taxable generating capacity of a coal-fired electric power generating unit placed in service prior to January 1, 1995.

Under previous law, the taxable generating capacity of those units was based on the unit's net generation during calendar years 1991 through 1994. This bill allows the owners or operators of those generating units to make an irrevocable election to reduce the taxable generating capacity of those units to 45 percent of the official capability of the generating unit, for taxable periods beginning on and after July 1, 2021.

However, this election is subject to the requirement that the owner agree to keep the generating units in operation until at least January 1, 2025. In the event a generating unit ceases to be operational during the required time period, a recapture tax is imposed. The recapture tax is also be imposed if ownership of the generating unit is transferred on or after July 1, 2021, but before January 1, 2025.

In the event federal law or regulation requires closure of the generating unit, the recapture tax is not applicable to periods after the closure date.

**DATE OF PASSAGE:** March 5, 2020

**EFFECTIVE DATE:** 90 days from passage.

**ACTION BY GOVERNOR:** Signed by Governor March 25, 2020



## West Virginia Senate Committee on Finance

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# Senate Bill 816

### As Introduced

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**SHORT TITLE:** Updating North American Industry Classification System code references.

**CODE REFERENCE:** West Virginia Code §11-6F-2 – amended and §11-13S-3 – amended.

**SUMMARY:** This bill updates the North American Industrial Code (NAIC) reference in the definition of “manufacturing” as used in West Virginia Code § 11-6F-2 and 11-13S-3. The previous code reference is 211112, and this bill changes it to the current code reference of 21130, but only to the extent the classification applies to the processing of raw natural gas or oil to recover the liquid hydrocarbons. This activity is now classified under 211130.

In 2011, the definition of “manufacturing” in West Virginia Code §11-6F-2 and §11-13S-3 was amended to include business activity classified under code 211112, which at that time included natural gas liquid extraction. In 2017, the United States Bureau of the Census updated the NAICS and moved natural gas liquid extraction to code 211130, which also applies to natural gas extraction.

This bill codifies in West Virginia Code the current NAIC classifications.

**DATE OF PASSAGE:** February 29, 2020

**EFFECTIVE DATE:** July 1, 2020

**ACTION BY GOVERNOR:** Signed by Governor March 25, 2020



The seal of the Senate of West Virginia is a circular emblem. It features a central illustration of the West Virginia State Capitol building, surrounded by a wreath of laurel leaves and flowers. Above the building are thirteen stars. Below the building is a gavel and a scroll. The outer ring of the seal contains the text "SEAL OF THE SENATE OF WEST VIRGINIA" and the motto "MONTANI SEMPER LIBERI" at the bottom, flanked by two stars.

**PART  
IV  
HOUSE BILLS**



## West Virginia Senate Committee on Finance

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# House Bill 2149

### Committee Substitute

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**SHORT TITLE:** Relating to the Farm-To-Food Bank Tax Credit.

**CODE REFERENCE:** West Virginia Code §11-163DD-3- amended.

**SUMMARY:** The bill amends the provisions of the West Virginia Code relating to the West Virginia Farm-to-Food Bank Tax Credit. This credit is available for farming taxpayers who make donations of edible agricultural products to nonprofit food programs in the state. The existing credit against West Virginia Personal Income or Corporate Net Income Tax is equal to 10% of the value of the donated food, not to exceed \$2,500 per year with an aggregate cap of no more than \$200,000 per year for all taxpayers qualifying for the credit. The bill would increase the amount of the credit to 30% of the value of the donated food but does not alter the caps.

**DATE OF PASSAGE:** March 5, 2020

**EFFECTIVE DATE:** 90 days from passage.

**ACTION BY GOVERNOR:** Signed by Governor March 24, 2020



## West Virginia Senate Committee on Finance

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# House Bill 2967

### Committee Substitute

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**SHORT TITLE:** Permitting a county to retain the excise taxes for the privilege of transferring title of real estate.

**CODE REFERENCE:** West Virginia Code §44-22-2 - amended.

**SUMMARY:** This bill provides that beginning July 1, 2021, 10% of the excise tax on the privilege of transferring real property in this state would be directed to stay in the county where it is collected to be used for county purposes. A continuing 10% reduction would be applied each year until 2030, at which point the tax would be completely directed to the county where it is collected.

**DATE OF PASSAGE:** March 7, 2020

**EFFECTIVE DATE:** 90 days from passage.

**ACTION BY GOVERNOR:** Signed by Governor March 25, 2020



# West Virginia Senate Committee on Finance

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## House Bill 4001

### Committee Substitute

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**SHORT TITLE:** Creating West Virginia Impact Fund.

**CODE REFERENCE:** West Virginia Code §12-6E-1 through 11 - new.

**SUMMARY:** The bill creates the following:

- A special revenue account called the “West Virginia Impact Fund”;
- A new agency called the Investment Committee; and
- A new agency called the Mountaineer Impact Office.

The purpose of these agencies is to further economic development, infrastructure development and job creation in the State of West Virginia.

This is done through investment of the moneys of the fund in projects requiring at least \$25 million of capital “to further economic development, infrastructure development and job creation in the State of West Virginia for the public benefit.”

The Investment Committee consists of the Governor, the Secretary of Commerce and 5 non-government persons appointed by the Governor, with the advice and consent of the Senate, who “must have recognized competence and experience in finance, investments, or other business management-related fields.” The Senate President and the Speaker of the House are also ex-officio, non-voting members.

The Impact Fund holds any state funds made available for investments in final projects approved for those purposes by the Investment Committee. The Mountaineer Impact Office proposes investments for the Investment Committee’s consideration and process those investments that are approved. Returns on investments are returned to the Impact Fund for future approved final projects.

Expenses for administration of the Investment Committee and the Mountaineer Impact Office are paid from monies in the Impact Fund and the returns on investments.

The Mountaineer Impact Office provides audit reports of the Impact Fund moneys and the investments to the Legislature annually.

**DATE OF PASSAGE:** March 5, 2020



**EFFECTIVE DATE:** Passage

**ACTION BY GOVERNOR:** Signed by the Governor on March 12, 2020.



# West Virginia Senate Committee on Finance

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## House Bill 4019

### Committee Substitute

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**SHORT TITLE:** Downstream Natural Gas Manufacturing Investment Tax Credit Act of 2020.

**CODE REFERENCE:** West Virginia Code §11-13FF-1 through 18 - NEW.

**SUMMARY:** This bill creates the Downstream Natural Gas Manufacturing Investment Tax Credit Act of 2020 with the goal of encouraging investment in downstream natural gas manufacturing businesses through the use of an income tax credit. This is similar to the Economic Opportunity Tax Credit (Currently any business in West Virginia that engages in downstream natural gas manufacturing would qualify for the Economic Opportunity Tax Credit).

The amount of credit allowable depends upon the cost of the qualified investment property and the number of new jobs created. This bill allows that on or after July 1, 2020, an eligible taxpayer for this credit would be any person subject to the Personal Income Tax or Corporation Net Income Tax who makes a qualified investment in a new or expanded downstream natural gas manufacturing facility located in West Virginia and creates at least five new jobs in the State.

Downstream natural gas manufacturing refers to oil and gas manufacturing operations after the production and processing phases and includes, but is not limited to, facilities that use oil, natural gas liquids, or the products produced by ethane crackers as raw materials to manufacture industrial and commercial products.

The allowable credit is taken over a 10-year period at the rate of one-tenth per year. Unused credit may be carried forward for another 10 years. Property that qualifies for another tax credit in chapter 11 of the West Virginia Code is not eligible for credit under this bill. Similarly, qualified investment property under this bill is not eligible for another credit under chapter 11 of the Code.

This proposed credit cannot be taken in conjunction with another tax credit based on the same investment property. This bill requires a Tax Credit Review and Accountability Report related to this proposed credit to be submitted by the Tax Commissioner every three years to the Governor, President of the Senate, and the Speaker of the House of Delegates.

If the investment ceases to be used or is disposed of prior to the end of its useful life, the taxpayer must recalculate and refile for a revised credit. All previously calculated credits are forfeited above the new recalculated amount. The taxpayer must pay all additional taxes owed due to the reduction in the credit for the earlier years with interest. Also, if the number of employees fails

below the level on which the annual credit is based, the taxpayer must recalculate the credit allowance at the new lower level and forfeit the difference for the current and remaining years, unless new employees are added bringing the taxpayer back to the higher level.

If the taxpayer prematurely removes qualified investment property from service and the number of employees filling the new jobs created by the person falls below the number of new jobs required in order to qualify for the amount of credit being claimed, there are recapture provisions. The bill also allows for partial recapture in certain circumstances.

The bill defines what happens during the transfer of a qualified investment to a successor. The successor business is allowed to claim the remaining available credits, and the transferor is not required to recalculate the earlier years credit.

The bill includes rules for administration and enforcement of the credit. It also includes provisions defining record keeping, the application process, burden of proof as being on the taxpayer at a level of clear and convincing evidence.

**DATE OF PASSAGE:** March 5, 2020

**EFFECTIVE DATE:** 90 days from passage.

**ACTION BY GOVERNOR:** Signed by Governor March 25, 2020



## West Virginia Senate Committee on Finance

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# House Bill 4090

### Committee Substitute as amended by Senate

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**SHORT TITLE:** Creating the Oil and Gas Abandoned Well Plugging Fund.

**CODE REFERENCE:** West Virginia Code §11-13-3a – amend and §22-6-29a – new.

**SUMMARY:** This bill attempts to accomplish two goals. It reduces the severance tax on oil and gas produced from low-producing wells to reduce costs of production. The lower costs will help ensure the wells are kept in service longer. The bill then uses the reduced amount of taxes to plug and reclaim orphaned oil and gas wells that are polluting the environment.

Except for horizontal wells targeting shale formations, the bill reduces the 5% severance tax to 2.5% for wells producing natural gas at average levels between 5,000 cubic feet and 60,000 cubic feet of natural gas per day. The statutory exemption for all wells producing less than 5,000 cubic feet or less of natural gas per day remains unchanged. Except for horizontal wells targeting shale formations, the bill also reduces the 5% severance tax to 2.5% on oil production by wells at average levels between ½ barrel and 10 barrels of oil per day. The current exemption for all wells producing less than ½ barrel per day remains unchanged.

This bill also strikes the expired subsection (d) from this section of code and creates a new subsection (d) outlining the method by which the taxpayer determines the average amount of production.

This bill also creates a new fund into which the tax proceeds from the reduced 2.5% severance tax is paid. This fund is called the Oil and Gas Abandoned Well Plugging Fund, and it is administered by the DEP to be used only to plug orphaned oil and natural gas wells. The bill further specifies that these funds in the Oil and Gas Abandoned Well Plugging Fund cannot be transferred to general revenue and may only be used to plug orphaned wells.

The bill places a cap on the balance of the new fund at \$6 million. If the balance ever exceeds that amount on June 1 of any year, the 2.5% tax is reduced to 0% for the following year or until the balance is reduced to below 6 million on a later June 1 date. The initial date by which the fund must be less than 6 million is June 1, 2023.

The bill further requires the DEP to report to the governor and legislature every year regarding the balances in two well plugging funds, the number of wells that were plugged in the previous year, and a 5-year plan to plug additional wells.

**DATE OF PASSAGE:** March 3, 2020

**EFFECTIVE DATE:** January 1, 2020

**ACTION BY GOVERNOR:** Signed by Governor March 23, 2020



## West Virginia Senate Committee on Finance

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# House Bill 4092

### Committee Substitute as amended by House and further amended by Senate

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**SHORT TITLE:** Relating to foster care.

**CODE REFERENCE:** West Virginia Code §49-2-102 and §49-2-104 - repealed; §49-2-106 - amended, §49-2-108 - amended, §49-2-110 - amended, §49-2-111 - amended, §49-2-111a - amended, §49-2-111c - new, §49-2-111 - amended, §49-2-118 - amended, §49-2-121 - amended, §49-2-124 - amended, §49-2-126 - amended, §49-2-127 - new, §49-1-127a - new, §49-2-128 - new, §49-2-129 - new, §49-4-601a - new, §49-4-601b - new, and §49-4-604 - amended.

**SUMMARY:** This bill sets forth a number of objectives to improve the foster and kinship care system in this state. The bill revises definitions and creates new ones. The bill repeals requirements for staffing complement and education of the public. It updates language for several provisions of existing code.

With respect to the performance-based contracting with child placing agencies, the bill provides a \$1000 payment to child placing agencies for each completed adoption. The rate of payment of to foster parents and child placing agencies shall be evaluated every three years.

The bill creates a new section of code entitled funding priorities that, subject to appropriations of the Legislature, authorizes and directs the depart to: (1) enhance and increase efforts to provide services to prevent removal; (2) Identify relatives and fictive kin of a child in need of placement outside of his or her home; (3) Train persons providing kinship placements for children to become certified foster parents; (4) expand a tiered foster care system no later than December 1, 2020; and (5) develop a pilot program to increase payment to uncertified kinship placements for the purpose of further helping families who have accepted kinship placements. During fiscal year 2021, the department shall expend at least \$16,900,000 for the purposes of implementing this section.

The bill states that Certificate of Need requirements do not apply.

The bill sets forth a Foster Child Bill of Rights, a Foster Parent and kinship parent Bill of Rights and a has a section related to foster parent and kinship parent agreements.

The rights for the foster child include certain basic rights relating to a child's living conditions and well-being, such as the right to food, shelter, clothing, and education. For example, the right to live in a safe healthy environment; the right to receive medical, dental and vision care is also included; right to maintain contain with previous caregivers and other important adults, subject to prudent parenting and approval by the court. There are 21 rights provided to foster children in the bill.

The bill sets forth a Foster Parent Bill of Rights. These rights include being notified in advance of hearings, being provided with information regarding investigations, the right to receive information prior to placement regarding the child's behavior or special needs, the rights to submit a letter or report to the court regarding a violation of the rights or any concerns over the conduct or performance of the guardian ad litem, a representative of the department or representative of the child placing agency which the court may act upon, and the right to receive a copy of the agreement between the child placing agency and the department. The clerk is required to circulate this letter to the parties of record. There are 16 rights provided to foster and kinship parents in this bill.

The bill provides that the rights set forth in the bill do not create an independent cause of action and violations may be investigated by the ombudsman. There is an annual reporting requirement from the ombudsman to the Joint Standing Committee, the Supreme Court, and the Governor, on the number of reports received and investigations on December 15th of every year and thereafter.

The bill sets forth requirements for the agreement between the foster or kinship parent, the department, and the child placing agency. The purpose of this provision is to provide notice to the foster parents regarding their duties and rights. These provisions detail the provisions that regulate the relationship between the department, the foster parent, kinship placement or the child placing agency. Some of the rights in the House version of the bill were moved to this section of the bill. Including addressing out of state travel, child-care, provisions addressing payment, provisions informing the foster parent of applicable laws, provisions related to termination of the placement. New provisions were added, including provisions related to medical care and how to obtain consent, provisions for addressing complaints against the foster parent will be handled and appealed, and a provision related to other terms as may be negotiated.

The bill provides the duties and requirements in the agreement do not create a cause of action or action in breach of contract. The bill provides that violations of these rights may be reported and investigated by the foster care ombudsman.

The bill sets forth the reasonable prudent foster care standard. This is the standard the caregiver uses to determine whether to allow a child in foster care to participate in extracurricular, enrichment and social activities. This section permits a foster parent to use persons to care or baby sit the child or permit overnight stays outside of the home using the reasonable prudent parent standard.

The bill creates a section that states when a child is removed from his or her home placement preference is to be given to relatives to the child and fictive kin. It requires the department to diligently search for relatives within the first days of removal. It requires no later than seven calendar days after the petition for removal has been filed, the department shall file with the court a list of all of the relatives and fictive kin of the child known.

The bill revises language related to substantiation of child abuse and neglect. The bill sets forth and appeal process and provides for the development of legislative rules.

The bill states the a guardian ad litem appointed shall in the performance of his or her duties adhere to the requirements of the Rules of Procedure for Child Abuse and Neglect Proceedings

and the Rules of Professional Conduct and such other rules as the WV Supreme Court of Appeals may promulgate and any appendices thereto and must meet all education requirements for the guardian ad litem.

Additionally, a guardian ad litem may not be paid for his or her services without meeting the certification and educational requirements. Finally, the WV Supreme Court of appeals is requested to provide guidance to the judges of circuit court regarding supervision of said guardians. Additionally, the WV Supreme is requested to review the Rules of Procedure for Child Abuse and Neglect Proceedings and the Rules of Professional Conduct specific to guardians ad litem.

**DATE OF PASSAGE:** March 7, 2020

**EFFECTIVE DATE:** 90 days from passage.

**ACTION BY GOVERNOR:** Signed by Governor March 25, 2020





# West Virginia Senate Committee on Finance

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## House Bill 4094

**Committee Substitute as amended by the Senate Select Committee on Children and Families.**

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**SHORT TITLE:** Continuing the Foster Care Ombudsman.

**CODE REFERENCE:** West Virginia Code §49-9-101 through 110 - NEW.

**SUMMARY:** The purpose of this bill is to continue within the Office of the Inspector General the Foster Care Ombudsman. The bill sets out the duties of the Ombudsman as:

1. Establishing a protocol to receive, investigate and resolve complaints regarding foster children, foster parents, or kinship parents. The ombudsman may also initiate on his or her own behalf;
2. Review of Department of Health and Human Resources (DHHR) policies and procedures regarding foster care;
3. Pursue investigations and provide appropriate assistance;
4. Recommend appropriate action including legislative advocacy, systematic reform and legal action;
5. Provide education;
6. Provide input on a foster care bill of rights;
7. Public outreach on foster care services; and
8. Coordinate with other state entities as necessary in the discharge of his or her duties.

The ombudsman has investigative powers and may conduct investigations regarding foster care matters unless they are deemed frivolous, trivial, vexatious, not in good faith, delayed too long, insufficient resources, outside his or her purview; or there exists a conflict of interest. They may also enter into cooperative agreements with other state entities in furtherance of the duties of the office. There is also an annual report to the Governor and a quarterly report to the Legislative Oversight Commission on Health and Human Resources Accountability.

The ombudsman is given broad access to foster children, parents, homes, placing agencies or residential care facilities. Visits may be unannounced. The ombudsman may apply to a local magistrate for a warrant if necessary. This access includes the right to private communication the foster child, parent or kinship parent. Foster children, parents or kinship parents, has the ability to terminate any visit of the ombudsman. Access to medical and other records necessary for an investigation is also granted to the ombudsman.

The bill specifically grants the ombudsman the ability to apply to the circuit court for a subpoena, including a subpoena duces tecum. Legal counsel to the office shall be provided by the Attorney General.

There is language in the bill that allows the ombudsman to have access to records of other state entities and may refer any complaint to an appropriate office, most particularly offices within DHHR.

The information gathered in the course of an investigation is confidential unless disclosure is specifically authorized by the foster child, parent or kinship parent, the disclosure to a bureau of DHHR is necessary to institute an appropriate investigation or to Office of Health Facility License and Certification to investigate a facility. These records are explicitly exempt from FOIA. Compilation of statistical data from the records of the ombudsman is permitted.

The ombudsman is granted limited liability as long as the participation of the ombudsman in the underlying investigation does not violate law, rule or regulation and is done within the scope of the ombudsman's duties. This liability extends to foster family homes, state agencies, child placing agencies, residential care facilities or their owners, administrators, officers, directors or agents, employees, or members of management.

There are criminal penalties for interference with an investigation of the ombudsman. The crime is classified as a misdemeanor with a fine of up to \$100. There is also a crime for an act of retaliation or reprisal against any foster child, parent, kinship parent for having filed a complaint. The crime is also classified as a misdemeanor with a fine of up to \$100. A second offense of either of these crimes has a fine of \$250.

The final provision in the bill provides that the program is subject to Legislative funding.

**DATE OF PASSAGE:** March 6, 2020

**EFFECTIVE DATE:** 90 days from passage.

**ACTION BY GOVERNOR:** Signed by Governor March 25, 2020



## West Virginia Senate Committee on Finance

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# House Bill 4113

As Introduced and amended by Senate

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**SHORT TITLE:** Relating to motor fuel excise taxes.

**CODE REFERENCE:** West Virginia Code §11-14C-9 – amend and §11-14C-30 – amend.

**SUMMARY:** The bill amends §11-14C-9 to extend the refundable exemption of 25% of the tax on motor fuel that may be claimed for motor fuel used in a power take-off unit on a cement mixer truck or a garbage truck to 25% of the tax on motor fuel used in a power take-off unit on a fuel delivery truck.

The bill also amends §11-14C-30 in two instances:

- To expand the refundable exemption from the tax on all motor fuel that may be claimed by a “supplier, distributor, producer, retail dealer, exporter or importer, while the owner of motor fuel in this state,” for losses of motor fuel through casualty (e.g., fire, lightning, breakage, flood) to include the variable rate of tax paid on the lost motor fuel. Previously, a refundable exemption could only be claimed for only the flat rate of tax paid on the lost fuel.
- To expand the refundable exemption from the tax on all motor fuel purchased or received by certain retail sellers of petroleum products under a franchise agreement and by certain bulk plants (a type of motor fuel storage facility) in this state to include the variable rate of tax paid on the motor fuel. Previously, a refundable exemption could only be claimed for only the flat rate of tax paid on the fuel.

**DATE OF PASSAGE:** March 5, 2020

**EFFECTIVE DATE:** July 1, 2020

**ACTION BY GOVERNOR:** Signed by Governor March 25, 2020



## West Virginia Senate Committee on Finance

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# House Bill 4363

### Committee Substitute as amended by Senate

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**SHORT TITLE:** Establishing the West Virginia Division of Natural Resources Police Officer Retirement System.

**CODE REFERENCE:** West Virginia Code §5-10-17, §5-10D-1, §7-14D-5, §8-22A-6, §16-5V-6 – amend, and §20-18-1 through 36 – new.

**SUMMARY:** The bill amends the provisions of the West Virginia Code by providing for a new retirement system for Division of Natural Resources Police Officers to be administered by the Consolidated Public Retirement Board (CPRB). A “natural resources police officer” is defined in the bill as “any person regularly employed in the service of the Division of Natural Resources as a law-enforcement officer.” Emergency Natural Resources Police officers, Special Natural Resources Police officers, Forestry Special Natural Resources Police officers and Federal Law Enforcement officers are specifically excluded from the definition of natural resources police officer in the bill.

The new Natural Resources Police Officer Retirement System provided in the bill is largely based upon the provisions of the current Deputy Sheriff Retirement System (DSRS). Any Natural Resources Police Officer hired after the effective date of the bill would be a member of the new system as a condition of employment. Any Natural Resources Police Officer employed prior to the effective date has 6 months from the effective date to elect to participate in the new system. Persons eligible for the new system are currently provided retirement benefits from the Public Employees Retirement System (PERS).

The bill also increases the number of members on the Consolidated Public Retirement Board by adding one additional member as soon as practicable after January 1, 2022, who is a retired police officer from the Division of Natural Resources. Lastly, the bill provides criminal penalties for defrauding the newly proposed DNR Police retirement system.

**DATE OF PASSAGE:** March 7, 2020

**EFFECTIVE DATE:** July 1, 2020

**ACTION BY GOVERNOR:** Signed by Governor March 25, 2020



## West Virginia Senate Committee on Finance

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### House Bill 4409

As Introduced and amended by Senate

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**SHORT TITLE:** Relating to transferring remaining funds from the Volunteer Fire Department Workers' Compensation Premium Subsidy Fund.

**CODE REFERENCE:** West Virginia Code §33-3-33a – amend.

**SUMMARY:** The purpose of this bill is to transfer a portion of funds from the Volunteer Fire Department Workers' Compensation Premium Subsidy Fund to the Fire Service Equipment and Training Fund. The fund had a previous sunset date of June 30, 2020, but this bill extends it to June 30, 2022.

The State Auditor is required to transfer \$1.8 million from the Volunteer Fire Department Workers' Compensation Premium Subsidy Fund to the Fire Service Equipment and Training Fund created pursuant to §29-3-5f of the code.

At the sunset date of June 30, 2022, any money in the fund that would have otherwise been required to be deposited in the Fire Protection Fund would transfer to the Fire Protection Fund. Any remaining balances left would expire to General Revenue.

**DATE OF PASSAGE:** March 5, 2020

**EFFECTIVE DATE:** 90 days from passage.

**ACTION BY GOVERNOR:** Signed by Governor March 25, 2020



# West Virginia Senate Committee on Finance

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## House Bill 4421

### Committee Substitute

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**SHORT TITLE:** Natural Gas Liquids Economic Development Act.

**CODE REFERENCE:** West Virginia Code §5B-2J-1 – amend, §5B-2J-2 – new, and §11-13FF-1 through 10 – new.

**SUMMARY:** The purpose of this bill is to encourage the development, transportation, and use of natural gas liquids for the economic benefit of this state by providing certain tax credits related to the transportation and storage of natural gas liquids.

The bill has two components. It creates both the Natural Gas Liquids Economic Development Act and the West Virginia Natural Gas Liquids Property Tax Adjustment Act.

The Natural Gas Liquids Economic Development Act contains legislative findings for the purposes of the bill. It also finds that the West Virginia Economic Development Authority and the West Virginia Infrastructure and Jobs Development Council should assist and grow the natural gas liquids segment of the economy;

The West Virginia Natural Gas Liquids Property Tax Adjustment Act creates a tax credit for eligible taxpayers to be used against personal income taxes and corporate net income taxes. (Being §11-21-1 et seq. and §11-24-1 et seq. respectively.)

The amount of tax credit allowed to the eligible taxpayer is defined as the amount of West Virginia ad valorem property tax paid on the value of inventory and equipment of the eligible taxpayer during the applicable tax year.

An eligible taxpayer is defined as those who produce, store, use, or transport NGLs and who are subject to the personal income tax or the corporate net income tax.

The credit is to be applied under the personal income tax or corporate net income tax. Any credit remaining after application against these types of tax liabilities for the current taxable year is carried forward to a subsequent taxable year for up to three taxable years. These credits may not be used against any prior taxable year.

This tax credit is stackable in that, under the bill, the credits will be allowed even after application of all other applicable tax credits for these types of taxes.

The taxpayer must file an annual schedule showing the amount of tax paid for the taxable year and the amount of credit allowed under the article. The annual schedule shall be set forth in the form and contain all information prescribed by the Tax Commissioner.

Under certain conditions the tax credit is transferable to successor taxpayers and is apportioned between transferrer and successors for the year of the transfer. The tax credit also survives buyouts and mergers of entitled taxpayers. The credit itself is not alone transferable, only the rights to the credit may be transferred with the taxpayer or its assets.

If a taxpayer takes a credit against a tax under this article who was not entitled to the credit, the taxpayer must file amended returns and the improper credit will be recaptured. Moreover, all additional taxes must be paid with interest and applicable penalties paid as provided in §11-10-17 and other penalties and additions to tax as may be applicable as provided in §11-10-1 et seq. However, penalties and additional taxes may be waived at the discretion of the Tax Commissioner, but interest is not subject to waiver.

The bill creates a 5-year statute of limitations for the issuance of an assessment of tax by the Tax Commissioner from the date of filing of any tax return on which this credit was taken or from the date of payment, whichever is later.

The bill provides a sunset date of July 1, 2030. Credits will no longer be available for taxable years beginning after that date, and any remaining unused credits are forfeited.

The bill requires the Tax Commissioner to provide reports to the Joint Committee on Government and Finance detailing the amount of credits claimed for each type of taxes.

Taxpayers claiming the credit are required to provide any information the Tax Commissioner may require for the report, provided the information is subject to the confidentiality and disclosure provisions of §11-10-5d and §11-10-5s.

The bill also defines terms and provides for an effective date.

**DATE OF PASSAGE:** March 5, 2020

**EFFECTIVE DATE:** July 1, 2020

**ACTION BY GOVERNOR:** Signed by Governor March 25, 2020



## West Virginia Senate Committee on Finance

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### House Bill 4437

#### As Introduced

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**SHORT TITLE:** Relating to the West Virginia Pay Card program.

**CODE REFERENCE:** West Virginia Code §15-3A-4 - amended.

**SUMMARY:** In 1999 the Legislature recognized in code the need to facilitate electronic transactions, especially as it related to the transfer of state funds. The code directed the State Auditor and the State Treasurer to develop a state store valued debit card. It was known as the West Virginia Pay Card.

There are specified recipients of state funds that receive their funding via the Pay Card. These include retirees and persons on entitlement programs. This bill adds other payees to this list. These would be vocational rehabilitation services, foster care and adoption stipends, subsidies and payments made under programs administered by the Department of Health and Human Resources, payments to contractors and "other eligible payees of state funds".

The effect of this would be a more efficient process and a decrease in the expenses required for issuing paper checks.

**DATE OF PASSAGE:** March 2, 2020

**EFFECTIVE DATE:** 90 days from passage.

**ACTION BY GOVERNOR:** Signed by Governor March 25, 2020





## West Virginia Senate Committee on Finance

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### House Bill 4438

Committee Substitute as amended by the Senate and further amended by the House of Delegates.

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**SHORT TITLE:** Relating to the licensing of advance deposit wagering.

**CODE REFERENCE:** West Virginia Code §19-23-12e – NEW.

**SUMMARY:** The purpose of this bill is to provide a mechanism to allow licensing of advance deposit wagering for horse and dog racing. “Advance deposit account wagering,” or “ADW,” means a method of wagering in which an individual may establish an account with a person or entity licensed by the Racing Commission and place pari-mutuel wagers on horse and dog racing via electronic media or by telephone.

**FEES AND REVENUE -** The bill provides for a source market fee, calculated at four percent of the total ADW handle. The source market fee is to be paid by the licensee to the Racing Commission and then distributed by the Racing Commission as provided as follows:

- 10% of each horse racing licensee’s prorated amount goes to the Thoroughbred Development Fund – likewise, 10% of each dog racing licensee’s prorated amount goes to WV Racing Commissions Special Account – the Greyhound Breeding Development Fund;
- 45% to the Purse Fund of each prorated licensee; and
- 45% to each prorated licensee.

Additionally, the bill requires each licensee to pay a monthly regulatory fee to the Racing Commission in an amount equal to one-half of one percent of the total dollar amount of all advanced deposit wagering by residents of the state. The bill also creates a special revenue account that would contain a second fee from ADW Licensees that would be one and one-half of the total amount wagered through ADW by WV residents. This fund is subject to appropriation by the Legislature.

**POWERS AND DUTIES OF THE RACING COMMISSION -** The bill makes it a felony to accept an ADW without a license, and upon conviction, a person shall be fined no more than \$50,000 or imprisoned in a state correctional facility nor more than five years, or both fined and imprisoned. The bill also provides the Racing Commission with civil remedies, including the ability to enjoin acceptance of an ADW without a license and the ability to recover any amounts that would have been paid to the Racing Commission if the person had been licensed.

The bill permits the Racing Commission, upon joint request by licensees or organizations representing a majority of owners and trainers, to inquire into and investigate whether nonresident account holders have placed wagers through ADW with West Virginia ADW licensees. The bill also provides that the Racing Commission may assess an initial and annual renewal fee for application and licensing not to exceed \$5,000.

A provision of the bill requires annual reporting by the Racing Commission to the Joint Committee on Government and Finance on the operation of ADW in West Virginia.

Finally, the bill provides for emergency and legislative rulemaking by the Racing Commission to effectuate the provisions of the newly created section. Included within the authority is the authority to promulgate rules regarding the origination of an ADW wager.

**DATE OF PASSAGE:** March 6, 2020

**EFFECTIVE DATE:** July 1, 2020

**ACTION BY GOVERNOR:** Signed by Governor March 23, 2020



## West Virginia Senate Committee on Finance

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### House Bill 4439

#### Committee Substitute as amended by the Senate

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**SHORT TITLE:** Clarifying the method for calculating the amount of severance tax attributable to the increase in coal production.

**CODE REFERENCE:** West Virginia Code §11-13EE-1 through 16 – amended.

**SUMMARY:** The purpose of House Bill 4439 is to establish the Coal Severance Tax Rebate.

The bill sets out legislative findings and defines necessary terminology.

This rebate would be allowed for capital investments in new machinery and equipment directly used in severing coal for sale, profit or commercial use and coal preparation and processing facilities placed in service or use on or after the effective date of this article.

Any new company would have to be engaged in coal production for a period of two years prior to possibly qualifying for this investment tax credit. Any unused tax credit for any single year of investment would be carried forward for a period not to exceed ten years. There is also a provision for suspension if the taxpayer is delinquent in the payment of severance taxes.

Finally, there is a required report from the Tax Commissioner to the Joint Committee on Government and Finance by July 1, 2022 and on the first of July every year thereafter. There are also provisions regarding construction of the statute, severability and rulemaking for the Tax Commissioner.

**DATE OF PASSAGE:** March 7, 2020

**EFFECTIVE DATE:** 90 days from passage.

**ACTION BY GOVERNOR:** Signed by Governor March 25, 2020



# West Virginia Senate Committee on Finance

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## House Bill 4494

### Committee Substitute as amended by the Senate

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**SHORT TITLE:** Tobacco Use Cessation Initiative.

**CODE REFERENCE:** West Virginia Code §16-9G-1 and 2 - NEW.

**SUMMARY:** The bill creates the Tobacco Use Prevention and Cessation Task Force. The purpose of the task force is to make recommendation and monitoring of programs regarding tobacco, tobacco products, vaping and alternative nicotine products. The bill sets out meeting requirements and powers and duties of the task force.

Membership on the task force is set forth in the bill. The Commissioner of the Bureau for Public Health shall serve as the Chair. The Superintendent of the Department of Education is also a member. Eight other members are representatives of national organizations promoting lung and cardiovascular good health, physicians, dentist, and representatives of advocacy groups. These are all appointed by the Governor. The task force is charged with:

1. Assessing programs administered by the Division of Tobacco Prevention. This will include an overview of their budget of how monies were spent in the previous year;
2. Identify trends in tobacco and alternative tobacco products; and
3. Recommend legislation or implementation of legislation, public policies; and funding of programs that can further facilitate reduction in usage.

The task force is required to meet quarterly and the Director of the Division of Tobacco Prevention is required to attend all meetings. The Division is also required to offer any necessary administrative support. The bill also provides that the Division shall apply for and administer federal and private grants and donations.

**DATE OF PASSAGE:** March 7, 2020

**EFFECTIVE DATE:** 90 days from passage.

**ACTION BY GOVERNOR:** Signed by Governor March 24, 2020



# West Virginia Senate Committee on Finance

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## House Bill 4519

### As Introduced

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**SHORT TITLE:** Establishing a summer youth intern pilot program within Department of Commerce.

**CODE REFERENCE:** West Virginia Code §5B-2D-8 – new and §18-2-7e – new.

**SUMMARY:** The purpose of this bill is to complement the provisions of the West Virginia Code relating to programs in workforce preparedness, by providing a framework for schools, school systems and communities to engage their local stakeholders in developing a shared vision of the knowledge, college and career skills, and life characteristics that a future-ready graduate will need for success in occupations and entrepreneurship in the changing world of work.

The bill provides a framework for local school improvement councils to build strategic partnerships that instill within students an awareness of the changing world of work, build an appreciation of the relevancy of academic subject matter for future success, and promote student acquisition of the knowledge, skills and characteristics needed for success.

Finally, the bill provides for a pilot summer youth internship program within the Department of Commerce to provide students an opportunity to gain valuable experience and skills in a workplace environment while still exploring their interests and abilities.

**DATE OF PASSAGE:** March 4, 2020

**EFFECTIVE DATE:** 90 days from passage.

**ACTION BY GOVERNOR:** Signed by Governor March 24, 2020



## West Virginia Senate Committee on Finance

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### House Bill 4543

#### Committee Substitute as amended by the Senate

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**SHORT TITLE:** Relating to insurance coverage for diabetics.

**CODE REFERENCE:** West Virginia Code §5A-16-7 – NEW; §33-15C-1 – repeal; §33-16-16 – repeal; and §33-53-1 – NEW.

**SUMMARY:** The bill provides that cost sharing for a 30-day supply of a covered prescription insulin drug shall not exceed \$100 for a 30-day supply, regardless of the quantity or type of prescription insulin used to fill the covered person's prescription needs.

The bill states that no contract between an insurer or its pharmacy benefits manager or contracting manager shall contain a provision that authorizes the insurers the PBM or pharmacy to charge, requires the pharmacy to collect or requires the covered person to make a cost-sharing payment (co-insurance, deductible, copayment) for a covered prescription that exceeds the amount set forth in the section not to exceed one twelfth for a thirty day supply.

The bill mandates coverage for equipment and supplies for the treatment of diabetes for both insulin dependent and noninsulin dependent persons: blood glucose monitors, monitor supplies, insulin, injection aids, syringes, insulin infusion devices, pharmacological agents for controlling blood sugar and orthotics.

The bill mandates coverage for diabetes self-management to ensure that person with diabetes are educated for diabetes as to the proper self-management and treatment of their diabetes

The bill states that all health plans must offer an appeal process for persons who are not able to take one or more of the offered prescription insulin drugs noted in the bill.

The bill mandates coverage for diabetes self-management provided by a health care practitioner. There is a provision in the bill that provides a pharmacy benefits manager, a health plan, or any other third party shall not reimburse a pharmacy at a lower rate and shall not asses any charge back or adjustment upon a pharmacy on the basis that a covered person's cost sharing is being impacted.

**DATE OF PASSAGE:** March 7, 2020

**EFFECTIVE DATE:** Passage

**ACTION BY GOVERNOR:** Signed by Governor March 25, 2020



# West Virginia Senate Committee on Finance

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## House Bill 4558

### Committee Substitute as amended by the Senate

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**SHORT TITLE:** Creating a personal income tax credit for volunteer firefighters in West Virginia.

**CODE REFERENCE:** West Virginia Code §11-10-14A – amended; §11-13FF-1 through 5 – NEW; and §11-13GG-1 through 7 – NEW.

**SUMMARY:** The purpose of this bill is to provide for various tax deductions and credits. The first deduction would allow deductions to be made from personal income tax refunds for purposes of providing nursing home and health care for aged and disabled veterans, and also for operation and maintenance the Donel C. Kinnard Memorial State Veterans Cemetery.

The bill would then create a tax credit to be known as the High-Wage Growth Business Tax Credit.

The bill contains a short title and defines key terms. These include definitions for eligible employee who must be employed in West Virginia and receive 100% of his or her income in West Virginia. It also provides for exclusions for persons who have some type of financial connection of greater than 50% of stock in the employer.

It authorizes the Development Office to allow for a tax credit of no more than \$5,000,000 during a fiscal year. It limits the credit such that it may not exceed 10% of the salaries for new direct jobs. The tax is not a matter of right, awards are in the full discretion of the Development Office. The Development Office is required to develop a form for applications and the legislation sets out the elements that would be required on the application. This includes a certificate of good standing from the Tax Commissioner. Employers are required to certify that they will meet or exceed all the necessary requirements.

Upon receipt of an application filed at the end of the employer's tax year, the Development Office is required to analyze the application. Factors that the Development Office is required to consider are set out in the legislation. Among these are requirements that a qualified employer is not in default on any payment to the state and that they requirements of a qualified employee are met. Upon approval of an application, the Development Office forwards the application to the Department of Revenue.

There are some exclusions.



1. A new-high wage job – a newly created WV job whose wages are at least two and 25/100 times the average median wage in WV - is not initially eligible unless a qualified employer has at least one more than the total number of persons with a threshold job – defined as a job that meets the requirements of a high wage job – prior to the date the high wage job was created; thereby demonstrating growth.
2. For the job to be eligible for consecutive periods it must meet similar conditions.
3. There are a number of exclusions relative to mergers and acquisitions.
4. Exclusions for jobs created for contracting or subcontracting with a government entity that replaces one or more of the entities performing equivalent services for the entity.
5. A job is excluded if the employer has multiple locations in the state and the job is transferred to meet the provisions of this article.

There are tax penalties set out in the bill for false, incorrect, or fraudulent certifications. These are crossed reference to other tax crimes and penalties, but the penalty for this is the total amount of the credit requested in an application. Finally, there are provisions for unused credits to apply to personal income taxes. Any unused credit may carry forward.

The bill sets out the order in which these tax credits are to be claimed. First to the business franchise tax, then the corporate net tax. Limited liability companies, small business corporations or partnerships may allocate any used portions to the corporation net income taxes on owners of the eligible taxpayer on the conduit income directly derived from the eligible taxpayer. There is also a provision for allocation of the credit among members of limited liability companies, small business corporations or partnerships.

There is a preclusion against transferring, selling, or assigning the amount of the tax credit. Should an applicant cease business, the credit may not be granted, and an applicant is precluded from submitting a new application for two years if the applicant lost eligibility to claim the credit from a previous application.

There is also rulemaking authority given the Tax Division.

Finally, the bill would provide active member volunteer firefighters a non-refundable credit against income tax in the amount of \$1000 per member or the amount of the members tax liability whichever amount is lower. A joint return with two eligible taxpayers would increase the credit to \$2000. The tax credit may not carry over.

The bill defines necessary terms such as “active member” which is an individual who performs the function of fire prevention and suppression, vehicle and machinery extrications, hazardous materials response and mitigation, technical rescue, emergency medical services and other duties provided in emergency situations.

The bill requires the active member to obtain a certification from the chief and sets out the elements which must be included on the certification. The taxpayer must submit the certification to the Tax Commissioner. It also lists conditions for qualification that include:

1. Must be an active member in good standing of a volunteer fire department;
2. Has been such for a period of at least the entire year;
3. Has participated in at least 30% of the responses during the year; and
4. Has the proper training and certification.

Rulemaking is authorized for the Tax Commissioner and the Commissioner is also required to submit a report to the Governor, the senate President and the Speaker of the House regarding the credit.

Finally, this portion of the bill has an effective date of December 31, 2022.

**DATE OF PASSAGE:** March 7, 2020

**EFFECTIVE DATE:** 90 days from passage.

**ACTION BY GOVERNOR:** Signed by Governor March 25, 2020



## West Virginia Senate Committee on Finance

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# House Bill 4582

### As Introduced

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**SHORT TITLE:** Declaring certain claims against agencies of the state to be moral obligations of the state.

**CODE REFERENCE:** Uncodified

**SUMMARY:** The bill directs payment of certain claims made by those who have provided commodities and services to state agencies who have not been paid because if the claims were paid, the agencies would have unlawfully spent more than their authorized appropriations or for services not lawfully contracted. The Court of Claims has reviewed and approved the payment of these claims, subject to the approval and appropriation of the Legislature.

All of the claims are against the Department of Health and Human Resources for indigent burials provided (\$14,500.00).

**DATE OF PASSAGE:** March 5, 2020

**EFFECTIVE DATE:** Passage

**ACTION BY GOVERNOR:** Signed by Governor March 25, 2020



## West Virginia Senate Committee on Finance

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# House Bill 4611

### Committee Substitute as amended by Senate

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**SHORT TITLE:** Relating to fireworks.

**CODE REFERENCE:** West Virginia Code §29-3E-5 - amend and §29-3E-8 - amend.

**SUMMARY:** The bill adds a new subdivision (10) under the State Fire Marshal's rule-making authority and requires the creation of a procedure that will allow fireworks retailers to combine and pay all applicable fees in a single payment.

The fees include a retailer certification and inspection fee, a storage container inspection fee, and if applicable, a manufacturing fee. Each of these fees apply to each location where a business might make, store, or sell fireworks.

**DATE OF PASSAGE:** March 7, 2020

**EFFECTIVE DATE:** 90 days from passage.

**ACTION BY GOVERNOR:** Signed by Governor March 25, 2020



## West Virginia Senate Committee on Finance

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# House Bill 4647

### As Introduced

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**SHORT TITLE:** Relating to limited video lottery permit holders.

**CODE REFERENCE:** West Virginia Code §29-22B-1107 - amended.

**SUMMARY:** This bill alters the current code to give current video lottery permit holders a priority preference to reacquire permits they have, at the minimum stated bid price, before those permits are made available for bidding by other applicants.

**DATE OF PASSAGE:** March 3, 2020

**EFFECTIVE DATE:** 90 days from passage.

**ACTION BY GOVERNOR:** Signed by Governor March 25, 2020



## West Virginia Senate Committee on Finance

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# House Bill 4665

### As Introduced

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**SHORT TITLE:** Reducing the amount of rebate going to the Purchasing Improvement Fund.

**CODE REFERENCE:** West Virginia Code §12-3-10d – amended.

**SUMMARY:** This bill modifies the amount of the rebates received from use of the Purchasing Card which is deposited in the Purchasing Improvement Fund. This fund is administered by the Secretary of Administration. Current law provides that 15 1/2% of rebates from the P-Card are to be deposited into the account by the Auditor. This bill would change that amount to 10% and redirect those funds to the Entrepreneurship and Innovation Investment Fund.

The Entrepreneurship and Innovation Fund is administered by the Development Office and is to support entrepreneurship, creating of nosiness startups, improvements in workforce participation, and attracting individual to relocate to West Virginia. Pursuant to West Virginia Code §5B-8-2 the funds may also be used for grants for Small Business Innovation Research or Small Business Technology Transfer Phase I and II awards to foster job creation and economic development.

**DATE OF PASSAGE:** March 7, 2020

**EFFECTIVE DATE:** 90 days from passage.

**ACTION BY GOVERNOR:** Signed by Governor March 25, 2020



## West Virginia Senate Committee on Finance

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# House Bill 4760

As Introduced and amended by the Senate

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**SHORT TITLE:** Modifying video lottery retailer licensing eligibility requirements.

**CODE REFERENCE:** West Virginia Code §29-22B-1202 - amended

**SUMMARY:** Currently, the Lottery Commission and Alcohol Beverage Control Commission have two different measurement standards for licensees when determining a location's eligibility for a limited video retailer and private club license. The lottery measures from exterior wall to exterior wall and the Alcohol Beverage Control Commission measures from door to door.

The purpose of this bill is to make the distance measurement of video lottery retailers who hold private club licenses the same by adopting the more restrictive Alcohol Beverage Control Commission standard.

The bill also provides that fraternal organizations who possessed a license prior to January 1, 2001 may receive exemptions from the restrictions of proximity to other limited video lottery retailers with approval from the Lottery Commission.

**DATE OF PASSAGE:** March 5, 2020

**EFFECTIVE DATE:** 90 days from passage.

**ACTION BY GOVERNOR:** Signed March 25, 2020



## West Virginia Senate Committee on Finance

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### House Bill 4955

#### Originating in the House of Delegates Finance Committee

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**SHORT TITLE:** Relating to reducing the cost of fees for state licenses to carry concealed deadly weapons and provisional state licenses to carry concealed deadly weapons.

**CODE REFERENCE:** West Virginia Code §61-7-4 – amend and §61-7-4a – amend.

**SUMMARY:** The bill reduces the cost of the fee for a state license to carry a concealed deadly weapon for both regular and provisional applications. The previous fee for a regular license was \$75. This fee is reduced to \$25, and the entire \$25, along with any fees for replacements, is deposited in the concealed weapons license administration fund.

The \$15 deposit in the Courthouse Facilities Improvement Fund is eliminated. However, the \$25 fee sent to the state police is still charged. The total out of pocket expense for this permit is \$50, provided no extra IDs are purchased.

The previous fee for a provisional license for those who are aged from 18 to 21 years is \$25. This is reduced to \$15, and the entire \$15, along with any fees for replacements, is deposited in the concealed weapons license administration fund. The \$5 deposit in the Courthouse Facilities Improvement Fund is eliminated. However, the \$15 fee sent to the state police is still charged. The total out of pocket expense for this permit is \$30, provided no extra IDs are purchased.

The bill also exempts honorably discharged veterans of the armed forces of the United States from payment of fees for state licenses to carry concealed deadly weapons.

**DATE OF PASSAGE:** March 3, 2020

**EFFECTIVE DATE:** 90 days from passage.

**ACTION BY GOVERNOR:** Signed by Governor March 24, 2020





# West Virginia Senate Committee on Finance

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## House Bill 4969

### Originating in the House of Delegates Finance Committee

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**SHORT TITLE:** Relating to providing tax credit for the donation or sale of a vehicle to certain charitable organizations.

**CODE REFERENCE:** West Virginia Code §11-13FF-1 through 7 - NEW.

**SUMMARY:** The bill would amend the provisions of the West Virginia Code by adding a new article providing a tax credit for the donation or sale of a vehicle to a qualifying charitable organization. The qualifying charitable organization must be one that is a 501(c)(3) organization, a registered charitable organization in the state and operating a program that provides low-income workers with below-market, affordable financing to purchase vehicles through cooperating financial institutions and financial counseling and training designed to assist low-income workers meet the terms of their loans. A "low-income worker" is defined in the bill as a person living in a household with total income at or below 200% of the federal poverty level.

The tax credit is in the amount of:

- (1) for donated vehicles - 50% of the program value of the vehicle or \$2,000 whichever is less; or
- (2) for licensed used or new motor vehicle dealers - 50% of the difference between the sales price of the vehicle and the program value of the vehicle, or \$2,000 whichever is less.

The program value of the vehicle is the fair market value of the vehicle less an amount to be determined by the charitable organization based upon the suitability of the vehicle to its program. The aggregate amount of the tax credit is limited to \$300,000 per year and would be distributed by the Tax Division on a first come, first served basis.

A dealer would have to certify that he or she has not knowledge or reason to believe the vehicle is subject to any unperformed safety recalls or was junked or salvaged or should have been branded or reported as junked or salvaged.

The Tax Commissioner is granted rulemaking authority and shall submit a biennial report to the President of the Senate and the Speaker of the House on the cost effectiveness of the program.

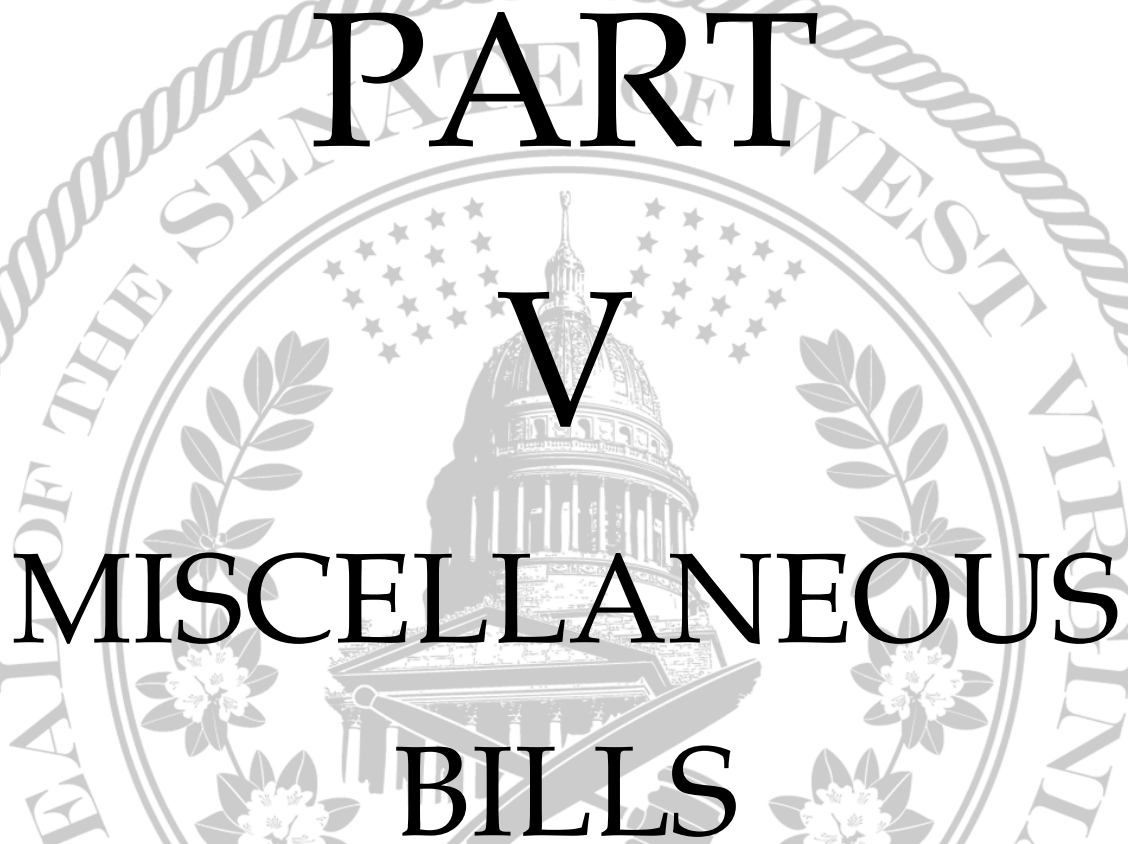
**DATE OF PASSAGE:** March 5, 2020

**EFFECTIVE DATE:** 90 days from passage - the bill contains an internal effective date of 12/31/20.

**ACTION BY GOVERNOR:** Signed by Governor March 25, 2020

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The background features a large, faint watermark of the Seal of the Senate of West Virginia. The seal is circular and contains the following elements: a central illustration of the West Virginia State Capitol building; a wreath of laurel leaves and flowers surrounding the building; a banner at the bottom with the Latin motto "MONTANI SEMPER LIBERI"; and the text "SEAL OF THE SENATE OF WEST VIRGINIA" around the perimeter. The text "PART V MISCELLANEOUS BILLS" is overlaid on the seal in a large, bold, black serif font.

**PART  
V  
MISCELLANEOUS  
BILLS**



## West Virginia Senate Committee on Finance

### **Senate Bills Reported from the Senate Committee on Finance which Passed the Senate but Failed to Pass the House of Delegates**

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1. **S. B. 138** - Incentives for consolidating local governments.
2. **S. B. 140** - Changing rate at which certain judges are paid for mileage when traveling within state.
3. **S. B. 142** - Expanding Coyote Control Program through voluntary assessment on breeding cows.
4. **S. B. 160** - Creating Voluntary WVU Rifle Team Check-Off Program on hunting and fishing licenses.
5. **S. B. 170** - Alleviating double taxation on foreign income at state level.
6. **S. B. 190** - Modifying requirement that racetrack participate in WV Thoroughbred Development Fund by certain date.
7. **S. B. 203** - Allowing certain deductions from personal income tax refunds.
8. **S. B. 246** - Including family court judges in retirement system for judges.
9. **S. B. 265** - Authorizing DEP to develop Reclamation of Abandoned and Dilapidated Properties Program.
10. **S. B. 275** - Creating Intermediate Court of Appeals.
11. **S. B. 484** - Requiring free feminine hygiene products be provided to female prisoners.

12. **S. B. 633** - Creating Medicaid Families First Reserve Fund account.
13. **S. B. 653** - Increasing number of magistrates in certain counties.
14. **S. B. 655** - Relating to valuation of natural resources land property.
15. **S. B. 732** - Authorizing fee payment and expense reimbursement for attorneys who participate on court teams established by Supreme Court of Appeals.
16. **S. B. 745** - Creating exemption to state sales and use tax for rental and leasing of equipment.
17. **S. B. 755** - Relating to High-Wage Growth Business Tax Credit Act. <sup>1</sup>
18. **S. B. 798** - Requiring dairy foods processed in state be added to list of items to be purchased by state-funded institutions.
19. **S. B. 829** - Establishing Overland Recreation Fund.
20. **S. B. 832** - Permitting retailers assume sales or use tax assessed on tangible personal property.
21. **S. B. 837** - Providing exemptions from ad valorem taxes for certain types of personal property.
22. **S. B. 841** - Requiring Governor to fix salaries of certain appointed officers after office is vacated. <sup>2</sup>
23. **S. B. 854** - Expiring funds to Division of Culture and History from Auditor's Office, Purchasing Card Administration Fund.
24. **S. B. 855** - Expiring funds to State Rail Authority, WV Commuter Rail Access Fund from Auditor's Office, Purchasing Card Administration Fund.

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<sup>1</sup> **S. B. 755** - Relating to High-Wage Growth Business Tax Credit Act was incorporated into **H. B. 4558** - Creating a personal income tax credit for volunteer firefighters in West Virginia which passed on March 7, 2020.

<sup>2</sup> The companion bill to **S. B. 841** - Requiring Governor to fix salaries of certain appointed officers after office is vacated **H. B. 4461** - Requiring the Governor to fix the salaries of certain state appointed officers after the office is vacated or after July 1 passed on March 7, 2020.

25. **S. B. 856** - Expiring funds from WV Development Office, Synthetic Fuel, Producing County Fund to Market and Communications Operating Fund.
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## **Senate Bills Never Acted Upon by the Senate Committee on Finance**

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1. **S. B. 31** - Providing 11-month window for PERS members to purchase certain credited service.
2. **S. B. 52** - Supplementary appropriation of public moneys to DHHR, Center for End of Life.
3. **S. B. 53** - Supplementary appropriation of public moneys to DHHR, CARDIAC Project.
4. **S. B. 63** - Creating five-year tax credits for hemp manufacturing.
5. **S. B. 77** - Establishing tax credit for certain physicians who locate to practice in WV.
6. **S. B. 92** - Exempting first \$150,000 of assessed value of primary residence for certain veterans.
7. **S. B. 105** - Supplementary appropriation to DMAPS, Fire Commission, for Hanover Volunteer Fire Department.
8. **S. B. 108** - Supplementary appropriation to DMAPS, Fire Commission, for Brenton Volunteer Fire Department.
9. **S. B. 132** - Providing wind power projects be taxed at real property rate.
10. **S. B. 143** - Changing qualifier for low income to 300 percent or less of federal poverty guideline for senior citizens' homestead tax credit.



11. **S. B. 165** - Relating to effect on regular levy rate when appraisal results in tax increase.
12. **S. B. 171** - Exempting certain automobiles 25 years or older from personal property taxation.
13. **S. B. 183** - Modifying requirement that racetrack participate in WV Thoroughbred Development Fund by certain date.<sup>3</sup>
14. **S. B. 187** - Relating generally to in-state tuition rates for certain persons.
15. **S. B. 223** - Exempting senior citizens from personal income tax.
16. **S. B. 229** - Requiring Public Health Commissioner create program for reimbursement of adult dental care and free and charitable clinics.
17. **S. B. 243** - Exempting firearm safe storage products from consumers sales tax.
18. **S. B. 478** - Creating WV Motorsports Entertainment Complex Investment Act.
19. **S. B. 564** - Relating to tax exemption for child due support.
20. **S. B. 608** - Providing exemptions from certain taxes for out-of-state businesses.
21. **S. B. 621** - Relating to tax credits for providing vehicles to certain persons.
22. **S. B. 663** - Exempting certain hygiene products from sales tax.
23. **S. B. 675** - Supplementing and amending by increasing and decreasing public moneys within DHHR General Revenue Fund.
24. **S. B. 693** - Creating personal income tax credit for volunteer firefighters.<sup>4</sup>

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<sup>3</sup> See **S. B. 190** - Modifying requirement that racetrack participate in WV Thoroughbred Development Fund by certain date. This bill failed to pass the House of Delegates.

<sup>4</sup> See **H. B. 4558** - Creating a personal income tax credit for volunteer firefighters in West Virginia. This bill passed on March 7, 2020.

25. **S. B. 714** - Allowing certain deductions from personal income tax refunds.
26. **S. B. 731** - Limiting severance tax break on steam coal.
27. **S. B. 735** - Relating to excise tax on tobacco products.
28. **S. B. 756** - Supplemental appropriation from State Excess Lottery Revenue Fund to Department of Veterans' Assistance, Veterans' Home Fund.
29. **S. B. 764** - Facilitating Business Rapid Response to State Declared Disasters Act of 2020.
30. **S. B. 783** - Creating special revenue fund for site certification and closing.
31. **S. B. 788** - Permitting wagering on certain professional or collegiate sporting events.
32. **S. B. 795** - Limiting initial increase in valuation of residential real property.
33. **S. B. 808** - Authorizing tax credit for business entities which invest in certain fresh food retailers.
34. **S. B. 822** - Increasing annual longevity-based salary increase for civil service deputy sheriffs.
35. **S. B. 823** - Increasing salaries for WV State Police.
36. **S. CR. 51** - Requesting study amending WV Constitution to authorize Legislature to exempt or reduce tangible personal property from taxation.

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## **Senate Bills Reported From the Senate Committee on Finance Which Failed To Pass The Senate**

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1. **S. B. 285** - Eliminating WV Greyhound Breeding Development Fund.
  2. **S. JR. 9** - Motor Vehicle and Other Personal Property Tax Reduction Amendment.
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## **House of Delegates Bills Acted Upon by the Senate Finance Committee Which Failed to Complete Legislative Action**

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1. **H. B. 4645** - Establishing the Office of Regulatory and Fiscal Affairs under the Joint Committee on Government and Finance.
  2. **H. B. 4892** - Reducing personal income tax rates when personal income tax reduction fund is funded at a certain threshold.
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## **House of Delegates Bills Never Acted Upon by the Senate Committee on Finance**

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1. **H. B. 2321** - Allowing workers' compensation benefits for first responders diagnosed with post-traumatic stress disorder.
2. **H. B. 4010** - Changing the licensing requirement for certain casino employees.
3. **H. B. 4537** - Permitting DNR to issue up to 100 permits for boats greater than 10 horsepower on Upper Mud River Lake.



# APPENDIX

## A





47 State Aid to Schools  
Fund 0317 - Org 0402

- Step 6 - Other Current Expenses	02200	170,216,073	170,216,073	0
- Step 7c - Advanced Placement	05300	734,729	734,729	0
- Step 1 - Professional Educators	15100	897,576,715	897,576,715	0
- Step 2 - Service Personnel	15200	301,789,240	301,789,240	0
- Step 3 - Fixed Charges	15300	106,219,537	106,219,537	0
- Step 4 - Transportation	15400	78,177,730	78,177,730	0
- Step 5 - Professional Student Support Personnel Services	65500	62,148,699	62,148,699	0
- Step 7a - Improved Instructional Programs	15600	51,851,736	51,956,792	105,056
- Step 7b - 21st Century Strategic Technology Learning Growth	93600	26,198,236	26,408,349	210,113
- Teacher and Leader Induction	93601	5,233,355	5,443,468	210,113
- <b>Basic Foundation Allowance</b>		<b>1,700,146,050</b>	<b>1,700,671,332</b>	<b>525,282</b>
- Less Local Share		(475,033,135)	(476,083,702)	(1,050,567)
- Adjustments		(2,716,826)	(2,716,826)	0
- <b>Total Basic State Aid</b>		<b>1,222,396,089</b>	<b>1,221,870,804</b>	<b>(525,285)</b>
- Public Employees' Insurance Matching	01200	222,461,499	222,461,499	0
- Teachers' Retirement System	01900	76,286,000	66,511,000	(9,775,000)
- School Building Authority	45300	24,000,000	24,000,000	0
- Retirement Systems- Unfunded Liability	77500	319,398,000	304,728,000	(14,670,000)
<b>Total</b>		<b>1,864,541,588</b>	<b>1,839,571,303</b>	<b>(24,970,285)</b>





# APPENDIX

## B







*Jim Justice*  
*Governor of West Virginia*

March 6, 2020

The Honorable Mitch Carmichael  
President of the Senate  
State Capitol, Building 1, Room 229-M  
Charleston, West Virginia 25305

The Honorable Roger Hanshaw  
Speaker of the House of Delegates  
State Capitol, Building 1, Room 228-M  
Charleston, West Virginia 25305

Dear President Carmichael and Speaker Hanshaw:

After submission of my recommended FY 2021 Executive Budget on January 8, 2020, there have been a few areas that require adjustments.

Therefore, pursuant to Section 51, Article VI of the Constitution of the State of West Virginia, I submit revisions to the FY 2021 Budget Bill for the TITLE II – APPROPRIATIONS as follows:

**Section 1. Appropriations from general revenue.**

**Department of Commerce**

*West Virginia Tourism Office, Fund 0246, Fiscal Year 2021, Org 0304*

(To correct drafting error.)

- Replace the phrase at the end of the first paragraph that reads "...are hereby reappropriated for expenditure during the fiscal year 20201." with "...are hereby reappropriated for expenditure during the fiscal year 2021."

**Department of Education**

*State Board of Education – State Department of Education, Fund 0313, Fiscal Year 2021, Org 0402*

(To adjust the Teachers' Retirement Savings Realized appropriation based on the actuarial requirement from the West Virginia Consolidated Public Retirement Board.)

- Decrease "Teachers' Retirement Savings Realized" Appropriation 09500 by \$9,115,000.

*State Board of Education – State Aid to Schools, Fund 0317, Fiscal Year 2021, Org 0402*

(To adjust School Aid Formula based on final local share numbers.) *(subject to revision)*

- Increase "Improved Instructional Programs" Appropriation 15600 by \$105,056.
- Increase "21<sup>st</sup> Century Strategic Technology Learning Growth" Appropriation 93600 by \$210,113.

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

OFFICE OF THE GOVERNOR

The Honorable Mitch Carmichael, President  
The Honorable Roger Hanshaw, Speaker  
March 6, 2020  
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- Increase "Teacher and Leader Induction" Appropriation 93601 by \$210,113
- Decrease "Less Local Share" line by (\$1,050,567) from (\$475,033,135) to (\$476,083,702).  
(To adjust the State Aid Formula Teachers' Retirement System appropriations based on the actuarial requirement from the West Virginia Consolidated Public Retirement Board.)
- Decrease "Teachers' Retirement System" Appropriation 01900 by \$9,775,000.
- Decrease "Retirement Systems – Unfunded Liability" Appropriation 77500 by \$14,670,000.
- 

**Department of Health and Human Resources**

*Division of Health – Central Office, Fund 0407, Fiscal Year 2021, Org 0506*

(To add reappropriation language.)

- Add an "(R)" to indicate reappropriation on the line item "Office of Medical Cannabis".
- Insert into the reappropriation language after Statewide EMS Program Support (fund 0407, appropriation 38300), "...Office of Medical Cannabis (fund 0407, appropriation 42001),..."

*Division of Human Services, Fund 0403, Fiscal Year 2021, Org 0511*

(To adjust Child Protective Services staffing improvement due to appropriation request error.)

- Decrease "Current Expenses" Appropriation 13000 by \$1,158,301.
- Increase "Personal Services and Employee Benefits" Appropriation 00100 by \$1,158,301.  
(To maintain for Adult Protective Services staffing levels.)
- Increase "Personal Services and Employee Benefits" Appropriation 00100 by \$268,592.

**Department of Military Affairs and Public Safety**

*Department of Military Affairs and Public Safety – Office of the Secretary, Fund 0430, Fiscal Year 2021, Org 0601*

(To provide funding for the Narcotics Intelligence Unit.)

- Increase "Fusion Center" Appropriation 46900 by \$1,900,000.

*Adjutant General – State Militia, Fund 0433, Fiscal Year 2021, Org 0603*

(To adjust transfer language.)

- Remove "and the secretary of Military Affairs and Public Safety" from the second paragraph under item number 63 to read, "From the above appropriations an amount approved by the Adjutant General may be transferred to the State Armory Board for operation and maintenance of National Guard Armories."

*West Virginia State Police, Fund 0453, Fiscal Year 2021, Org 0612*

(To adjust the Trooper Retirement Fund appropriation based on the actuarial requirement from the West Virginia Consolidated Public Retirement Board.)

- Decrease "Retirement Systems – Unfunded Liability" Appropriation 77500 by \$372,000.

*Division of Justice and Community Services, Fund 0546, Fiscal Year 2021, Org 0623*

(To separate the Justice Reinvestment Initiative program from the Community Corrections Appropriation.)

- Decrease "Community Corrections" Appropriation 56100 by \$2,332,101.
- Add "Justice Reinvestment Initiative" Appropriation 89501 for \$2,332,101.  
(To correct appropriation name in reappropriation language.)

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- Revise Law Enforcement Professional Standards – Surplus (fund 0546, appropriation 83899) to "...Law Enforcement Training – Surplus (fund 0546, appropriation 83899)..."

**Department of Transportation**

*Aeronautics Commission, Fund 0582, Fiscal Year 2021, Org 0807*  
(To fully fund the Aeronautics staff.)

- Increase "Personal Services and Employee Benefits" Appropriation 00100 by \$45,000.

**Section 3. Appropriations from other funds.**

**Executive**

*Treasurer's Office College Prepaid Tuition and Savings Program Administrative Account, Fund 1301, Fiscal Year 2021, Org 1300*

(To increase spending authority to meeting operating needs.)

- Increase "Current Expenses" Appropriation 13000 by \$278,000.

**Department of Administration**

*Department of Administration – Office of the Secretary – Employee Pension and Health Care Benefit Fund, Fund 2044, Fiscal Year 2021, Org 0201*

(To adjust spending authority to match the Teachers' Retirement Realized Savings.)

- Decrease "Current Expenses" Appropriation 13000 by \$9,115,000.

**Department of Commerce**

*West Virginia Development Office – Department of Commerce – Marketing and Communications Operating Fund, Fund 3002, Fiscal Year 2021, Org 0307*

(To reimburse general revenue for classified exempt positions.)

- Increase "Personal Services and Employee Benefits" Appropriation 00100 by \$131,682.
- Decrease "Current Expenses" Appropriation 13000 by \$131,682.

*Division of Labor – West Virginia Jobs Act Fund, Fund 3176, Fiscal Year 2021, Org 0308*

(Add spending authority for the Jobs Act created through HB 205, passed October 17, 2017, before fund 3186.)

*158a - Division of Labor –*

*West Virginia Jobs Act Fund*

*(WV Code Chapter 21)*

*Fund 3176 FY 2021 Org 0308*

1	Current Expenses .....	13000	\$	75,000
2	Equipment .....	07000		<u>25,000</u>
3	Total .....		\$	100,000

*Division of Labor – Weights and Measures Fund, Fund 3196, Fiscal Year 2021, Org 0308*

(To realign spending authority to more accurately reflect anticipated revenues.)

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The Honorable Mitch Carmichael, President

The Honorable Roger Hanshaw, Speaker

March 6, 2020

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- Decrease/eliminate "Personal Services and Employee Benefits" Appropriation 00100 by \$1,500,000.
- Decrease/eliminate "BRIM Premium" Appropriation 91300 by \$8,500.
- Decrease "Current Expenses" Appropriation 13000 by \$127,000.
- Decrease "Repairs and Alterations" Appropriation 06400 by \$18,000.
- Decrease "Equipment" Appropriation 07000 by \$5,000.
- Add "Unclassified" Appropriation 09900 for \$1,200.

*Division of Miners' Health, Safety and Training – Special Health, Safety and Training Fund, Fund 3355, Fiscal Year 2021, Org 0314*

(To increase spending authority to allow purchase of a building.)

- Increase "Buildings" Appropriation 25800 by \$2,000,000.

*Department of Commerce – Office of the Secretary – Broadband Enhancement Fund, Fund 3013, Fiscal Year 2021, Org 0327*

(To realign spending authority to add two new positions for Broadband work.)

- Add "Personal Services and Employee Benefits" Appropriation 00100 for \$131,682.
- Decrease "Current Expenses" Appropriation 13000 by \$131,682.

**Department of Education**

*State Board of Education – School Construction Fund, Fund 3952, Fiscal Year 2021, Org 0404*

(To clarify fund name.)

*State Board of Education –*

*School Building Authority –*

*School Construction Fund*

(WV Code Chapters 18 and 18a)

Fund 3952 FY 2021 Org 0404

**Department of Health and Human Resources**

*Division of Health – West Virginia Birth-to-Three Fund, Fund 5214, Fiscal Year 2021, Org 0506*

(To increase spending authority due to increased costs.)

- Increase "Current Expenses" Appropriation 13000 by \$2,080,851.

**Department of Military Affairs and Public Safety**

*State Armory Board – General Armory Fund, Fund 6057, Fiscal Year 2021, Org 0603*

(To adjust spending authority to meet anticipated expenditures.)

- Decrease "Buildings" Appropriation 25800 by \$250,000.
- Increase "Other Assets" Appropriation 69000 by \$250,000.

*Division of Administrative Services – Second Chance Driver's License Program Account, Fund 6810, Fiscal Year 2021, Org 0623*

(To increase spending authority to properly administer program.)

- Increase "Current Expenses" Appropriation 13000 by \$100,000.



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The Honorable Roger Hanshaw, Speaker  
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**Department of Transportation**

*Division of Highways – A. James Manchin Fund, Fund 8319, Fiscal Year 2021, Org 0803*

(To increase spending authority due to increased costs for waste tire removal.)

- Increase "Current Expenses" Appropriation 13000 by \$850,000.

*State Rail Authority – West Virginia Commuter Rail Access Fund, Fund 8402, Fiscal Year 2021, Org 0804*

(Add spending authority with fund and item of appropriation appearing before "Department of Veterans' Assistance" for transfer of General Revenue.)

*266a - State Rail Authority –*

*West Virginia Commuter Rail Access Fund*

(WV Code Chapter 29)

Fund 8402 FY 2021 Org 0804

1	Current Expenses .....	13000	\$	2,800,000
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**Miscellaneous Boards and Commissions**

*Board of Barbers and Cosmetologists – Barbers and Beauticians Special Fund, Fund 5425, Fiscal Year 2021, Org 0505*

(To adjust spending authority to meet anticipated expenditures.)

- Decrease "Current Expenses" Appropriation 13000 by \$5,000.
- Add "Repairs and Alterations" Appropriation 06400 for \$5,000.

*Public Service Commission – Consumer Advocate Fund, Fund 8627, Fiscal Year 2021, Org 0926*

(To adjust spending authority for increased expenses and a new position due to federal legislation.)

- Increase "Personal Services and Employee Benefits" Appropriation 00100 by \$104,000.
- Increase "Current Expenses" Appropriation 13000 by \$110,000.

**Section 4. Appropriations from lottery net profits.**

**Department of Education**

*State Department of Education – School Building Authority – Debt Service Fund, Fund 3963, Fiscal Year 2021, Org 0404*

(To bring School Building Authority Lottery bond debt service into compliance with bond indentures.)

- Add the following directive language below the items of appropriation as follows:  
"The above appropriation for Directed Transfer (fund 3963, appropriation 70000) may be transferred to the Department of Education, State Board of Education, School Building Authority, School Construction Fund, fund 3952, organization 0404 to be used for school construction and maintenance projects."

The Honorable Mitch Carmichael, President  
The Honorable Roger Hanshaw, Speaker  
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**Section 5. Appropriations from state excess lottery revenue.**

*State Department of Education – School Building Authority, Fund 3514, Fiscal Year 2021, Org 0404*  
(To bring School Building Authority Excess Lottery bond debt service into compliance with bond indentures.)

- Decrease "Debt Service - Total" Appropriation 31000 by \$100.
- Add "Direct Transfer" Appropriation 70000 for \$100.
- Add Total line for the fund.
- Add the following directive language below the items of appropriation as follows:  
"The School Building Authority shall have the authority to transfer between the above appropriations in accordance with W.Va. Code §29-22-18a.  
The above appropriation for Directed Transfer (fund 3514, appropriation 70000) may be transferred to the Department of Education, State Board of Education, School Building Authority, School Construction Fund, fund 3952, organization 0404 to be used for school construction and maintenance projects."

**Section 6. Appropriations of federal funds.**

**Department of Commerce**

*West Virginia Development Office, Fund 8705, Fiscal Year 2021, Org 0307*  
(To increase federal spending authority for the Apprenticeship Grant federal positions.)

- Increase "Personal Services and Employee Benefits" Appropriation 00100 by \$250,000.

*Division of Natural Resources, Fund 8707, Fiscal Year 2021, Org 0310*  
(To increase federal spending authority to enable expenditure of funds from federal grant and cooperative agreement programs.)

- Increase "Personal Services and Employee Benefits" Appropriation 00100 by \$1,826,933.

**Department of Education**

*State Board of Education – Vocational Division, Fund 8714, Fiscal Year 2021, Org 0402*  
(To increase federal spending authority due to gradually increasing federal appropriations.)

- Increase "Current Expenses" Appropriation 13000 by \$1,000,000.

*State Board of Education – Aid for Exceptional Children, Fund 8715, Fiscal Year 2021, Org 0402*  
(To increase federal spending authority due to gradually increasing federal appropriations.)

- Increase "Current Expenses" Appropriation 13000 by \$10,000,000.

**Department of Military Affairs and Public Safety**

*Adjutant General – State Militia, Fund 8726, Fiscal Year 2021, Org 0603*  
(To adjust federal spending authority to hire additional staff for Mountaineer Challenge Academy.)

- Decrease "Military Authority" Appropriation 74800 by \$2,221,320.
- Increase "Mountaineer Challenge Academy" Appropriation 70900 by \$2,221,320.



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The Honorable Mitch Carmichael, President  
 The Honorable Roger Hanshaw, Speaker  
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*Adjutant General – West Virginia National Guard Counterdrug Forfeiture Fund, Fund 8785, Fiscal Year 2021, Org 0603*

(To adjust federal spending authority to have flexibility to use federal funds.)

- Decrease "Current Expenses" Appropriation 13000 by \$150,000.
- Add "Repairs and Alterations" Appropriation 06400 for \$50,000.
- Decrease "Equipment" Appropriation 07000 by \$150,000.
- Add "Buildings" Appropriation 25800 for \$100,000.
- Add "Other Assets" Appropriation 69000 for \$100,000.
- Add "Land" Appropriation 73000 for \$50,000.

*Division of Administrative Services, Fund 8803, Fiscal Year 2021, Org 0623*

(To correct a drafting error.)

- Decrease "Unclassified" Appropriation 09900 by \$25,356,788.
- Increase "Current Expenses" Appropriation 13000 by \$25,380,223.
- Decrease "Repairs and Alterations" Appropriation 06400 by \$23,435.

**Department of Transportation**

*Division of Motor Vehicles, Fund 8787, Fiscal Year 2021, Org 0802*

(To adjust federal spending authority to allow the across-the-board increase provided in July 2019 to be charged to federal funding.)

- Increase "Personal Services and Employee Benefits" Appropriation 00100 by \$50,000.
- Decrease "Current Expenses" Appropriation 13000 by \$50,000.

*Aeronautics Commission, Fund 8831, Fiscal Year 2021, Org 0807*

(Add federal spending authority for an Aviation Impact Study awarded from Federal Aviation Administration with fund and items of appropriation appearing before "Department of Veterans' Assistance".)

364a – Aeronautics Commission–

(WV Code Chapter 29)

Fund 8831 FY 2021 Org 0807

1	Current Expenses .....	13000	\$	400,000
2	Other Assets .....	69000		100
3	Total .....		\$	400,100

**Miscellaneous Boards and Commissions**

*Public Service Commission – Motor Carrier Division, Fund 8743, Fiscal Year 2021, Org 0926*

(To increase federal spending authority for installation of Smart Roadside Inspection System and purchase of License Plate Readers through a grant.)

- Increase "Equipment" Appropriation 07000 by \$934,500.

**Section 7. Appropriations from federal block grants.**

OFFICE OF THE GOVERNOR

The Honorable Mitch Carmichael, President  
The Honorable Roger Hanshaw, Speaker  
March 6, 2020  
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**Department of Health and Human Resources**

*Division of Human Services – Energy Assistance, Fund 8755, Fiscal Year 2021, Org 0511*

(To increase spending authority for complete spending of federal grant.)

- Increase “Current Expenses” Appropriation 13000 by \$5,000,000.

**Section 9. Appropriations from lottery net profits surplus accrued.**

To correct drafting error in sequential fund item numbering, renumber budget bill items to include item number 382.

**Other Items for Consideration:**

Since introduction of the FY 2021 Budget Bill and subsequent passage of the Senate Committee Substitute and House Committee Substitute for the budget bill, please consider the following:

*Public Defender Services, Fund 0226, Fiscal Year 2021, Org 0221*

(To adjust funding for the hiring of two attorneys for the Habeas Corpus Division implemented through supplemental Senate Bill 571 which completed legislation.)

- Increase “Personal Services and Employee Benefits” Appropriation 13000 by \$188,402.
- Decrease “Appointed Counsel Fees” Appropriation 78800 by \$188,402.

*Department of Transportation, State Rail Authority, Fund 0506, Fiscal Year 2021, Org 0804*

As introduced, my budget included \$2.8 million in the General Revenue Fund, State Rail Authority to be transferred to the Commuter Rail Access Fund. I would ask that you reconsider your position and restore my requested recommendation by:

- Increasing “Current Expenses” Appropriation 13000 by \$1,800,000 to \$3,087,707 as per my original recommendation.
- Updating the directive language to indicate \$2,800,00 be transferred.

Another item for consideration, as Senate Bill 586 has completed Legislative action and in order to account for the changes resulting from the passage of the bill for inclusion in the FY 2021 Budget Bill, please consider the following:

(To more accurately account for the Adjutant General, General Revenue funds.)

- Add a “Miscellaneous Boards and Commissions” to Section 1, “Appropriations from General Revenue”, immediately following the item for West Virginia State University, Fund 0373, Fiscal Year 2021, Org 0490 and before the total of TITLE II, Section 1 – General Revenue.
- Following the addition of the section above, move in its entirety Adjutant General – State Militia, Fund 0433, Org 0603 and Adjutant General – Military Fund, Fund 0605, Org 0603 from under Military Affairs and Public Safety to Miscellaneous Board and Commissions.

(To more accurately account for the Adjutant General, Special Revenue funds.)

- In Section 3 “Appropriations from Other Funds”, “Miscellaneous Boards and Commissions”, immediately following the item for Hospital Finance Authority – Hospital Finance Authority Fund, Fund 5475, Fiscal Year 2021, Org 0509 move in its entirety State Armory Board –

OFFICE OF THE GOVERNOR

The Honorable Mitch Carmichael, President  
The Honorable Roger Hanshaw, Speaker  
March 6, 2020  
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General Amory Fund, Fund 6057, Org 0603 from under Military Affairs and Public Safety to Miscellaneous Boards and Commissions.

(To more accurately account for the Adjutant General, Federal Revenue funds.)

- In Section 6 "Appropriations of Federal Funds", "Miscellaneous Boards and Commissions", as the first item under Miscellaneous Boards and Commissions, move in its entirety Adjutant General – State Militia, Fund 8726, Org 0603 and Adjutant General – West Virginia National Guard Counterdrug Forfeiture Fund, Fund 8785, Org 0603 from under Military Affairs and Public Safety to Miscellaneous Boards and Commissions.

Thank you for your prompt attention of this matter. Your cooperation is always appreciated. Should you have any questions or require additional information, please call me at any time.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jim Justice", is written over the typed name and title.

Jim Justice  
Governor

cc: The Honorable Craig Blair, Chairman  
The Honorable Eric Householder, Chairman  
State Budget Office



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